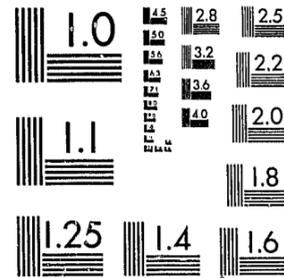


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1/24/83

NATIONAL ASSESSMENT OF  
COMPLIANCE MONITORING PRACTICES FOR THE  
JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

U.S. Department of Justice  
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March, 1981

NATIONAL ASSESSMENT OF COMPLIANCE MONITORING PRACTICES  
FOR THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

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February 16, 1981

Doyle Wood  
Office of Juvenile Justice  
and Delinquency Prevention  
633 Indiana Avenue NW  
Washington DC 20531

Dear Mr. Wood:

The Community Research Center of the University of Illinois is pleased to transmit the enclosed report which reflects the findings and recommendations of our assessment of compliance monitoring practices in 42 states and five selected federal agencies. The report includes a composite national report as well as individual state summaries.

We began this task with a strong belief that the development of clear, accurate information concerning the complex issues of children in custody could be a powerful tool in achieving the deinstitutionalization mandates of the Act. The advocacy posture taken by the Office of Juvenile Justice and Delinquency Prevention, with respect to the assessment and verification process, has greatly enhanced the validity of our examination. This posture has pervaded our selection and training of staff, the examination of facilities and data sources, and the definitions used to classify residential facilities as "juvenile detention and correctional facilities."

As we anticipated at the outset, the assessment of monitoring practices and verification of compliance data has been a complex and often difficult assignment. Few people, even the most competent professionals working in well-planned and operationally sound programs, enjoy having their work assessed and their findings verified by an outside agency. Such action is often seen as more than an assessment or verification and may be internalized as a reflection on their honesty. It is to the credit of the veteran juvenile justice professionals who conducted the over 700 on-site facility inspections that such antagonism was kept at a remarkably low level.

To further ease potential problems inherent in compliance assessment and verification, we have followed an uncompromising policy of formal protocol with respect to contact with federal and state agencies and on-site visits with officials at the federal, state, and local level. For instance, all state planning agency heads were notified in writing by the OJJDP Administrator and the CRC Director of the assessment and verification process prior to initial contact by the assessment staff. The head of each federal agency was notified in writing of the assessment and personally interviewed (or the designated representative) prior to any visits by the assessment staff to regional and local federal installations. With only a couple of notable exceptions, state officials involved in the assessment and verification found the on-site discussions and follow-up workshops to be not only fair and accurate, but helpful in refining their monitoring procedures and practices.

February 16, 1981  
Doyle Wood  
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It is our belief that the findings and recommendations transmitted herein provide a sound overview of state and federal progress toward the development of adequate systems for monitoring compliance with the Act as required by Section 223(a)14. At this five year juncture, there are hopeful indications that many state and federal agencies view monitoring as a valuable and necessary tool in not only the microcosm of the deinstitutionalization mandates of the Act, but on a larger scale geared to the enhancement of due process and overall improvement of the juvenile justice system. This trend should be encouraged and supported by the Office during the upcoming period of reauthorization.

We wish we could report that, due to the dedication and devotion of many people to the goals of deinstitutionalization, that the matter of verification no longer requires priority within the Office of Juvenile Justice and Delinquency Prevention. Unfortunately, this is not possible at this time. The complex nature of compliance regulations and definitions, the continuing turnover in state and federal monitoring personnel and the seemingly unending pressures at the local level to manufacture loopholes are only a few of the important reasons why independent verification must continue from the Office.

In closing, we would like to thank the Office for this unique and challenging opportunity to examine the status of monitoring compliance with the Act. We would like to extend our appreciation to you and your colleagues at OJJDP as well as to the many dedicated individuals with whom we worked at the state and local level for the time and support which was extended to our staff during the course of this assessment and verification. You are to be congratulated for the significant progress which has been made toward the deinstitutionalization mandates of the Act in the past five years.

Sincerely,

*James W. Brown*  
James W. Brown  
Director

JWB/ewd

enclosure

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## STATE REPORT

### INTRODUCTION

The Juvenile Justice and Delinquency Prevention Act mandates in Section 223 (a)(14) that all participating states and territories establish an "adequate system" for monitoring compliance with the deinstitutionalization mandates of the Act. The guidelines established by OJJDP for monitoring compliance have often been controversial and the subject of long-standing debate. This is not unusual in the history of federal/state efforts particularly where meaningful changes in the conventional wisdom have been sought by Congress.

Five years after the enactment of the legislation and at a point of implementation where most states have reported at least "substantial compliance" with the Act, OJJDP sought to verify the data which had been used to report compliance and to assess the "adequacy" of the monitoring systems established at the state level. An important notion in the entire process was the technical assistance perspective assumed by the Office in conducting the state-by-state examination. The purpose of the examination was not to "check up" on the states, but rather to identify problems in the current system of monitoring compliance and to make appropriate changes at the state and federal level during the period of reauthorization. Finally, it should be emphatically stated that the examination was not directed at determining progress toward compliance with Section 223(a)(12)(13) of the Act, rather an examination of the adequacy of the system for monitoring compliance.

The method employed in the examination involved on-site discussion with State Planning Agency and related monitoring officials in each of the 41 participating states and the District of Columbia. These discussions were supplemented by on-site visits to "juvenile detention and correctional facilities" in ten percent of

the counties in each state. The task of conducting visits to 731 "juvenile detention and correctional facilities" in over 300 counties was viewed as difficult at best but essential if a proper understanding of the monitoring system in each state was to be determined.

As expected our findings varied from state to state. Individual reports with findings and recommendations have been developed for each state. For the most part, however, the examination served to confirm the value and utility of monitoring the juvenile justice system at the state and local level and suggested several common problems related to monitoring progress toward compliance with the Act.

The objectives of this project were two-fold. First, it was intended to offer assistance to the Office of Juvenile Justice and Delinquency Prevention by providing a plan to independently examine the data sources utilized to monitor compliance with Section 223(a)(12)(13) and verify the information provided in the 1978 and 1979 state monitoring reports. Second, this effort sought to identify problematic areas of each state monitoring system and to provide technical assistance to state planning agencies and state advisory groups in the correction of these problems. Technical assistance was to be provided through individual assessments, identification of successful examples of monitoring practices, and face-to-face workshops with appropriate state and local officials.

Four underlying precepts served as the foundation of the project and were implied throughout.

1. The verification and technical assistance effort was conducted throughout with a direct and continued involvement by the Office of Juvenile Justice and Delinquency Prevention. While the project suggested a definite mechanism for conducting the verification, it was purposely worded in a flexible manner to allow latitude for

adjusting to the specific needs of OJJDP as determined during the initial review of the state monitoring reports. For instance, the project was budgeted for an on-site verification of monitoring data and data sources in each of the 43 contiguous continental states which were participating in the Act. However, the use of part-time field monitors with block assignments allowed considerable flexibility should OJJDP determine that a lesser or greater number of states and territories should be verified on-site.

The direct and continued involvement of OJJDP included all aspects of the verification and technical assistance effort. This included, but is not limited to, the determination of states to be monitored, the persons involved with the field monitoring in conducting the on-site examination, the method to be utilized, the communities to be examined, the information to be collected, the selection and training of field monitors, and the development of the final report. It was anticipated that the entire process would be overseen by the Administrator of OJJDP or his designee on a direct and continuing basis.

2. The entire verification effort was addressed from the posture of youth advocacy. This posture pervaded the selection and training of the verification coordinator and field monitors, the examination of facilities and data sources, the development of individual state reports, and the definitions utilized in classifying residential facilities as "juvenile detention and correctional facilities."
3. The verification process stressed an uncompromising uniformity in the examination of each state and territory in an effort to develop a sense of comparability among participants in the Act. This

comparability was not readily apparent in state monitoring reports due to the variations in monitoring report base periods and disparate interpretations of what residential facilities need to be monitored for compliance with the Act.

This aspect of verification is extremely important if the participating states and territories are to view compliance with the Act in a serious manner. For instance, those states and territories which have made only limited efforts to classify facilities and to verify the accuracy of their data may well show substantial compliance on the surface with only limited progress toward deinstitutionalization in reality. On the other hand, those states which have adopted an advocacy posture for youth in their monitoring efforts and considered seriously the extremely pervasive deinstitutionalization requirements of the Act may show an accurate picture with little, if any, progress toward compliance.

4. The project recognized the important role that clear, accurate information can play in the deinstitutionalization of young people caught up in the juvenile justice system. The myths which prevail in the conditions of juvenile institutions and the young people who are held in them are perpetrated by the lack of information on the subject. For too long the norm has been established by official rhetoric citing serious violent offenses which have been given broad media exposure. Not only does the verified information of the state monitoring reports provide a clear picture of deinstitutionalization in the country, but provides a powerful tool for citizen action to accomplish the needed change.

In this effort the Community Research Center of the University of Illinois (CRC) served as external monitor to verify the data and information submitted to the OJJDP by states and territories as required by the law. External verification of the data and information submitted by the states and territories to the OJJDP is essential to insure that the OJJDP Administrator has the verified, factual information necessary to carry out his responsibilities as outlined in the Act.

While paragraph (14) of Section 223 requires the states and territories to develop an adequate monitoring system and for reporting the results of such monitoring, this does not necessarily guarantee that the Administrator is receiving full and complete information. One might assume that state monitoring is sufficient to provide the required information. Unfortunately internal monitoring, like self evaluation, even when professionally pursued, does not always include the level of objectivity needed to provide completely factual data. It is not intended to imply that the reporting agencies are untruthful, but rather that human nature is such that it is difficult to be totally objective in assessing monitoring findings or verifying the data.

In addition to the state and District of Columbia monitoring assessment, the Community Research Center also looked at selected federal agencies to see how they had responded to the JJDP Act and how OJJDP functioned in regard to its responsibilities for monitoring. This portion of the report deals primarily with the states and District of Columbia assessment and the review of OJJDP's role.

The Applicable Portions of the JJDP Act

The JJDP Act of 1974 (Public Law 93-415) was amended three times through October 3, 1977. The Act was amended by the Fiscal Year Adjustment Act (Public Law 94-273), the Crime Control Act of 1976 (Public Law 94-503), and the Juvenile Justice Amendments of 1977 (Public Law 95-115). The Act as applied during the verification review includes these amendments.

The purpose of the JJDP Act is as follows:

Section 102.(a) It is the purpose of this Act--(1) to provide for the thorough and prompt evaluation of all federally assisted juvenile delinquency programs;

(2) to provide technical assistance to public and private agencies, institutions, and individuals in developing and implementing juvenile delinquency programs;

(3) to establish training programs for persons, including professionals, para-professionals, and volunteers, who work with delinquency or potential delinquents or whose work or activities relate to juvenile delinquency programs;

(4) to establish a centralized research effort on the problems of juvenile delinquency, including an information clearinghouse to disseminate the findings of such research and all data related to juvenile delinquency;

(5) to develop and encourage the implementation of national standards for the administration of juvenile justice, including recommendations for administrative, budgetary, and legislative action at the federal, state and local level to facilitate the adoption of such standards;

(6) to assist state and local communities with resources to develop and implement programs to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions; and

(7) to establish a federal assistance program to deal with the problems of runaway youth.

(b) It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination (1) to develop and implement effective methods of preventing and reducing juvenile delinquency; (2) to develop and conduct effective programs to prevent delinquency, to juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of state and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.

An Office of Juvenile Justice and Delinquency Prevention was created by the Act to administer the programs developed under the Act. The OJJDP was placed within the Law Enforcement Assistance Administration in the Department of Justice.

The monitoring assessment addresses paragraphs (12a), (13) and (14) of Section 223 of the Act. Section 223, entitled State Plans, covers a broad range of subjects.

The paragraphs cited above deal specifically with the deinstitutionalization of noncriminal-type offenders and nonoffenders held in juvenile detention or correctional facilities; the separation of juveniles alleged to be or found to be delinquent and noncriminal-type and nonoffenders from adult offenders in facilities where both juveniles and adults might be confined; the development of an adequate system for monitoring jails, detention facilities, correctional facilities, and nonsecure facilities to insure that the requirements of the law are met; and requires each participating governmental unit to report the results of such monitoring annually to the administrator of the OJJDP.

Every governmental unit that agreed to participate in this portion of the Act must comply with the following paragraphs of Section 223 of the Act:

(12a) provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, or such nonoffenders as dependent and neglected children, shall not be placed in juvenile detention or correctional facilities; and

(13) provide that juveniles alleged to be or found to be delinquent and youths within the purview of paragraph (12a) shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges;

(14) provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and nonsecure facilities to insure that the requirements of paragraph (12a) and paragraph (13) are met, and for annual reports of the results of such monitoring to the associate administrator.

These are the specific paragraphs of Section 223 of the JJDP Act of 1974, with which each participating governmental unit agreed to comply in return for funds to be used to meet the stated goals and for operating the monitoring system. This monitoring verification was undertaken to determine how the states and District of Columbia responded to these paragraphs of the Act. While nonsecure facilities are mentioned in Section 223 (14), the verification review only included secure facilities.

#### The OJJDP Regulations and Definitions

While the applicable paragraphs of Section 223 clearly state the intent of Congress, to insure a complete working understanding of the paragraphs and thus full implementation and compliance, the OJJDP drafted procedural and other regulations and defined certain words and terms. The regulations and the definitions used during this verification were printed in the Wednesday, August 16, 1978 Part III issue of the Federal Register which included the formula grants provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

The complete regulations and definitions can be found in the cited issue of the Federal Register. However, to establish a base for the monitoring assessment some of the regulations and definitions will be stated in this report. What follows is not a complete listing of all materials.

#### 51. REQUIREMENTS FOR STATE PLANNING AGENCIES PARTICIPATING IN THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

(1) Describe in detail its specific plan, procedure, and timetable for assuring that within three years of its initial submission of an approved plan, juveniles who are charged with or who have committed offenses that would not be crimes if committed by an adult or such nonoffenders as dependent or neglected children, shall not be placed in juvenile detention or correctional facilities.

(2) Describe the barriers, including financial, legislative, judicial, and administrative ones, the state faces in achieving full compliance with the provision of this paragraph. All accounts shall include a description of the technical assistance needed to overcome these barriers.

RE: Contact with incarcerated adults (1) pursuant to Section 223 (a) (13) of the JJDP Act the state planning agency shall:

(a) Describe in detail its specific plan and procedure for assuring that a juvenile alleged to be or found to be delinquent, status offenders, and nonoffenders will be removed from any institution in which they have regular contact with incarcerated adults, including inmate trustees. This prohibition seeks as absolute a separation as possible and permits no more than haphazard or accidental contact between juveniles and incarcerated adults. In addition, include a specific timetable for compliance and justify any deviation from a previously approved timetable.

(b) In those isolated instances where juvenile criminal-type offenders remain confined in adult facilities or facilities in which adults are confined, the state must set forth in detail the procedures for assuring no regular contact between such juveniles and adults in each jail, lockup, and detention or correctional facility.

(c) Describe the barriers, including physical, judicial, fiscal, and legislative ones, which may hinder the removal and separation of alleged and adjudicated juvenile delinquents, status offenders, and nonoffenders from incarcerated adults in any particular jail, lockup, detention, or correctional facility. All such accounts shall include a description of the technical assistance needed to overcome those barriers.

(d) Assure that offenders are not reclassified administratively and transferred to a correctional authority to avoid the intent of segregating adults and juveniles in correctional facilities. However, this does not prohibit or restrict waiver of juveniles to criminal court for prosecution, according to state law. It does, however, preclude a state from administratively transferring a juvenile offender to an adult correctional authority for placement with adult criminals either before or after a juvenile reaches the statutory age of majority. It also precludes a state from transferring adult offenders to a juvenile correctional authority for placement.

(2) Implementation. Each state shall immediately plan and implement the requirement of this provision.

(n) Monitoring of jails, detention facilities, and correctional facilities (1) pursuant to Section 223 (a) (14) of the JJDP Act, the state planning agency shall:

(a) indicate how it will annually identify and survey all public and private juvenile detention and correctional facilities usable for the detention and confinement of juvenile offenders and adult criminal offenders.

(b) Provide a plan for an annual on-site inspection of all such facilities identified in paragraph 52n(1)(a). Such plan shall include the procedure for reporting and investigating compliance complaints in accordance with Section 223 (a) (12) and (13).

(c) Include a description of the technical assistance needed to implement full the provisions of paragraph 52n.

(2) For the purpose of monitoring, a juvenile detention or correctional facility is:

(a) Any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders or nonoffenders; or

(b) Any public or private facility, secure or nonsecure, which is also used for the lawful custody of accused or convicted adult criminal offenders.

(3) Reporting requirement. The state shall report annually to the administrator of OJJDP on the results of monitoring for both Section 223 (1) (12) and (13) of the JJDP Act. Submit three copies of the report to the administrator of OJJDP no later than December 31 of each year.

(a) to demonstrate the extent of compliance with Section 223 (a) (12) (A) of the JJDP Act, the report must at least include the following information for both the baseline and current reporting periods.

1. Dates of baseline and current report period.
2. Total number of public and private juvenile detention and correctional facilities and the number inspected on-site.
3. Total number of accused status offenders and nonoffenders held in any juvenile detention or correctional facility as defined in paragraph 52n (2) for longer than 24 hours.
4. Total number of adjudicated status offenders and nonoffenders held in a juvenile detention or correctional facility as defined in paragraph 52n (2).

(4) Compliance. A state must demonstrate compliance with Section 223 (a) (12) (A) and (13) of the Act. Should a state fail to demonstrate compliance with Section 223 (a) (12) (A) by the end of the three year frame, eligibility for formula grant funding shall terminate.

O. (C) To demonstrate the progress and extent of compliance with Section 223 (a) (13) of the JJDP Act, the report must at least include the following information for both the baseline and current reporting periods.

1. Designated date for achieving full compliance.
2. The total number of facilities that can be used for the secure detention and confinement of both juvenile offenders and adult criminal offenders.
3. Both the total number of facilities used for the secure detention and confinement of both juvenile offenders and adult criminal offenders during the past 12 months and the number inspected on-site.
4. The total number of facilities used for the secure detention and confinement of both juvenile offenders and adult criminal offenders and which did not provide adequate separation.
5. The total number of juvenile offenders and nonoffenders not adequately separated in facilities used for secure detention and confinement of both juveniles and adults.

q. (1) In order to ensure timely compliance with Section 223 (a) (12), (13) and (14) of the JJDP Act, states should place special emphasis on projects which are designed to deinstitutionalize juveniles, separate juvenile and adult offenders, and monitor compliance.

In addition to the regulations, special definitions are important to proper implementation of the Act and to compliance. Appendix I, page 36407 of the cited Federal Register lists definitions applicable to paragraph 52. The following definitions relate to Section 223 (a) (12) (A), (13) and (14) of the Act.

(a) Juvenile offender--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.

(b) Criminal-type offender--A juvenile who has been charged with 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.

(c) Status offender--A juvenile who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(d) Nonoffender--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.

(e) Accused juvenile offender--A juvenile with respect to whom a petition has been filed in the juvenile court alleging that such juvenile is a criminal-type offender or is a status offender and no final adjudication has been made by the juvenile court.

(f) Adjudicated juvenile offender--A juvenile with respect to whom the juvenile court has determined that such juvenile is a criminal-type offender or is a status offender.

(g) Facility--A place, an institution, a building or part thereof, set of buildings or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public or private agencies.

(h) Facility, secure--One which is designed and operated so as to insure that all entrances and exits are under the exclusive control of staff of such facility, whether or not the person being detained has freedom of movement within the perimeters of the facility or which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents.

(k) Lawful custody--The exercise of care, supervision and control over a juvenile offender or nonoffender pursuant to the provisions of the law or of a judicial order or decree.

(m) Criminal offender--An individual, adult or juvenile, who has been charged with or convicted of a criminal offense in a court exercising criminal jurisdiction.

Because it is important in counting the number of accused status offenders and nonoffenders held in any juvenile detention or correctional facility, it should be especially noted that only accused status offenders and nonoffenders held over 24 hours are to be included in the count. In determining the period of time detained, non-judicial days such as Saturdays, Sundays and holidays are to be excluded for monitoring purposes. This means if an accused status offender

is admitted to a secure detention facility at 4:00 p.m. on a Friday and released at 10:00 a.m. on the following Monday, the child would not be reported as held over 24 hours in monitoring statistics. If the admission took place Tuesday and the release occurred on the following Thursday, the child would be included in the count.

The 24-hour delay permitted only applies to accused status offenders and nonoffenders. Adjudicated status offenders are counted upon admission to the facility. The 24-hour *gratis* period does not apply to the separation of juveniles and adults, even for accused status offenders and nonoffenders. Separation must be provided at the time a child enters a facility which houses both juveniles and adults.

#### Participating Government Units

At several points, reference has been made to participating states. All governmental units are not required to participate in the JJDP Act; each unit has the right to decide if it will or will not participate. Fifty-five governmental units including states, territories and the District of Columbia agreed to participate. Nebraska, Nevada, North Dakota, Oklahoma, South Dakota, and Wyoming chose not to participate.

This assessment deals only with 41 continental states and the District of Columbia. Originally, Ohio, the 42nd state was scheduled for inclusion but was removed, for the time being, from the assessment.

#### METHODOLOGY

Final plans for the monitoring assessment began in July, 1979. The Monitoring Policies and Practices Manual was updated. The JJDP Act and applicable regulations were reviewed. A procedure for notifying each governmental unit responsible for monitoring of the assessment was established, which included an introductory letter

from the Acting Administrator of OJJDP to the director of each participating justice planning agency which told about the project and identified the Community Research Forum as the agency making the assessment. A second letter over the signature of the Director of the Community Research Center followed. The second letter gave more information about the review, named the assigned field monitor, and included tentative dates for the on-site work. The two letters were followed later by a telephone call from the field monitor to the planning director, generally known as the state planning administrator or SPA, to set final plans for the on-site work. This plan was followed for every state and the District of Columbia.

Profiles were prepared for each monitoring unit. The profiles contained copies of annual monitoring reports, correspondence, and other applicable information which could provide background for the field monitors' review. A list of the information needed for the monitoring assessment was developed along with a facility data verification form which included the specific information required from each facility to be visited.

It was decided that visits would be made to facilities located in ten percent of each state's counties. In states where ten percent of the counties would be fewer than four counties, four counties would be visited. All three counties were visited in Delaware and all facilities were visited in the District of Columbia. Counties were selected to include the county in which the capital was located, a heavily populated county, and a rural county. Where more than four counties were included in the sample, the formula for selecting counties was applied in an effort to select counties that reflected state's population pattern.

Experienced juvenile justice specialists were recruited to serve as field monitors. Of the four field monitors who made the monitoring assessments in 35 states and the District of Columbia, three had recently retired after long careers

in the field. Seven additional field monitors were recruited during the final stages of the field work to assist in the timely completion of the assessment.

It was decided that the assessment process and the facility data verification form should be tested. Arizona was selected as the test state. The coordinator of the monitoring assessment served as field monitor for the test. Doyle Wood, OJJDP's Monitor, and Jim Brown, Director of the Community Research Center, participated in the test. The test confirmed the validity of the process and the workability of the facility form. The test visit also reassured staff that state and local persons involved in monitoring could and would help in the assessment process. With the test information available, a field monitor orientation session was planned for and held in early October, 1979.

The first four state visits were made during the week of October 15, 1979 and the last state visit began May 5, 1980. In each state the field monitors met with state planning agency staff, and with other state, regional and local persons involved in the monitoring process. Visits were made to jails, lockups, and juvenile detention centers in the selected counties to review the data and assess the adequacy of separation in facilities holding both juveniles and adults. The field monitors sought, and most often obtained, materials to document the answers to the assessment questions.

Each field monitor, after each field visit, prepared notes on all subjects covered and sent their reports, along with documentation materials and the facility data verification forms to the coordinator. The coordinator after reviewing the accumulated information and seeking clarification or more materials if necessary, prepared a draft of each state report. All state reports were reviewed by the CRF Director and the field monitor who worked the state to check for accuracy and completeness.

Twice during the period during which on-site visits were being made and at the conclusion of the on-site visits, the field monitors and other staff involved in the assessment process met to review the process being used, to clarify issues, and to share information. Doyle Wood, OJJDP Monitor, actively participated in the field monitor orientation sessions and in two of the three review meetings.

Copies of the state and District of Columbia reports have been submitted to OJJDP and the individual governmental units.

While the outlined process was followed in the monitoring assessment and data verification review, it must be stated that the best plan can only work if the people involved want it to work. The field monitors not only performed their assignments in a professionally competent manner, they also demonstrated real concern for the monitoring goals and the people responsible for monitoring. The vast majority of the planning agency staff members, others involved in the monitoring process, and most of the personnel of the facilities visited made the complex assessment task easier by their dedication and cooperation. Their assistance was appreciated.

#### COMPOSITE ASSESSMENT FINDINGS

In each state and in the District of Columbia, the field monitors sought information about a series of specific subjects related to the monitoring process. To the extent possible, they also obtained materials to document the information received. In the few instances where documentation materials were not available the source of materials that could document was cited. While information on the various subjects, when presented in composite form, only reflect trends it was felt that such information must be a part of this report.

During each on-site visit, the field monitor clearly identified the agency responsible for monitoring by agency name and address. This was not a difficult

task, but was essential for the record. The person or persons within the agency who were directly responsible for monitoring and/or annual report preparation were also identified by name and title. While the names of the agencies vary considerably, and seem to change frequently, in all but West Virginia the justice planning agency was responsible for monitoring.

The subjects for which assessment information was sought include the following:

- Agency's authority to monitor--Does the agency have legal authority to monitor? If not, is the legal authority of another agency or court used?
- Compatibility of definitions--Are definitions contained in the state code compatible with the OJJDP regulations? If not, were the OJJDP definitions used for monitoring?
- Selection of monitoring universe--What methods were used to identify facilities which potentially might be included in the monitoring universe?
- Classification of monitoring universe--Were compatible definitions and OJJDP regulations used to classify facilities as juvenile detention or correctional facilities? Were any facilities or group of facilities that should have been classified as juvenile detention or correctional facilities excluded? If yes, why?
- Monitoring report period--What period or periods of time were selected by the monitoring agency during which detention data would be tabulated and collected for monitoring?
- Data collection--What process, method, and personnel were used to collect and verify monitoring data?

-- Inspection of facilities--What process, methods, and personnel were used to inspect classified facilities to determine the adequacy of sight and sound separation in secure facilities housing both juvenile and adult offenders?

-- Method of reporting--How was detention monitoring information compiled? Who prepared the annual report? Was the report used for purposes other than to comply with the JJDP Act?

-- Violation procedures--Were established written violation policies and procedures available to deal with identified violations and to bring about the elimination of conditions found in violation of the regulations?

-- Assurances against reclassification--Does the code and/or policies, rules, and procedures adequately protect against the reclassification of children?

Other subjects were covered during the monitoring assessment, but the ten items presented here were the primary issues covered in each state and the District of Columbia.

The following is a composite of the monitoring assessment findings as they relate to each of the ten subjects:

Authority to monitor: Monitoring is not an end product, but rather is a means by which the desired goal might be achieved. In this instance, the goals are deinstitutionalization of status offenders from secure confinement and the complete separation, either by removal from the facility or by sight and sound, if in the facility, of incarcerated juveniles from adult offenders. If monitoring reveals that status offenders are still confined in secure facilities and/or children are inadequately separated from adult offenders, monitoring has performed

its function. Action must follow to remove the status offenders from secure custody and/or separate the children from the adult offenders. It is essential that the monitoring agency have legal authority to perform all monitoring functions or have access to such authority from another agency along with a mandate to meet the goals.

Four methods for establishing some level of legal authority to monitor were found during the assessment. Six states had specific legal authority to monitor granted either under the Act establishing the state justice planning agency or in another Act dealing with the various aspects of child care. For example, the Arkansas Juvenile in Need of Supervision Act of 1977 mandates a detention monitoring system. Eighteen governmental units assume monitoring authority under the Act creating the justice planning agency. These Acts generally authorize the agency to accept federal funds and to comply with the required regulations. Monitoring is not specifically mentioned. Thirteen governmental units use the authority of other state agencies such as the Department of Correction or its jail inspection unit. In some instances authority rests with a special unit which has or shares the monitoring function.

Five governmental units maintain that they do not have legal authority to monitor. They do not assume authority based on the general provisions of the Act which created the agency nor do they use the legal authority which may be vested with other state agencies. These units maintain that the absence of legal authority to monitor, however, has a direct affect on a number of monitoring issues, especially the handling of violations.

While the JJDP Act does deal effectively with the right to review confidential records for monitoring purposes, an issue which relates to authority, it was interesting to note that the Chief Justice of the Supreme Court in New Hampshire gave the planning agency special authority to review confidential records.

Thirty-seven planning agencies have, or had, access to some form of legal authority which permitted monitoring.

Compatibility of definitions: In classifying facilities as juvenile detention or correctional facilities and identifying the types of behavior of the children to be counted for monitoring purposes, governmental units need to operate under definitions that are compatible with those found in OJJDP regulations. Preferably compatible definitions will be included in the state codes, but the monitoring agencies may adopt and follow the OJJDP definitions for monitoring. A surprising number of states have new or amended juvenile codes and/or special juvenile acts. Most of the new laws seem to contain more child-centered provisions. No attempt was made to find the OJJDP definitions written verbatim in the codes. The intent was considered to determine compatibility. Often the compatible definitions related to "Children in Need of Supervision (CHINS)" and/or similar sections of the law.

The field monitors found compatible definitions in 34 states and the District of Columbia. While some codes had generally compatible definitions potential problems were observed in some. In two states a child referred for a second status offense can be charged with delinquency. In one state, court jurisdiction over status offenders is all but eliminated, but under the "Juvenile Crimes" section of the code a child who refuses to comply with a court order can be placed in a facility for delinquents. Criminal contempt in another state may alter the charge of a status offender. In one state where the definitions are compatible the law permits judges to place status offenders in the diagnostic center for observation for periods up to 60 days. Mislabeled offenses at intake was a problem noted in one state. This problem was found in another state where judges make their own decisions as

to the offense to be charged. Isolated courts were also found that mislabeled offenses.

Separation provisions generally are available in most state laws, although not always on a sight and sound basis. In Arizona separation is required under the state constitution and the constitutional provision has been clarified and interpreted by the Attorney General.

Six states which do not now have compatible definitions in their codes used the OJJDP definitions for monitoring. The seventh state without compatible definitions did not fully apply OJJDP definitions, but this state will be completely compatible when its newly enacted juvenile code becomes effective.

Selection of monitoring universe: This refers to the identification of all facilities which might hold children in secure confinement and thus should be evaluated to determine if each might be included for monitoring purposes among those classified as juvenile detention or correctional facilities. Little need be said about the selection of the monitoring universe. Most planning agencies, in cooperation with other state agencies and organizations developed full lists of facilities to be considered for possible inclusion in the monitoring universe.

Classification of the monitoring universe: The classification of all facilities to determine which should be considered juvenile detention or correctional facilities and should be monitored, requires an assessment of each facility based on the OJJDP regulations and definitions. Generally all jails, lockups, juvenile detention centers, and training schools should be so classified.

While it can be stated that most of the facilities that should have been classified as juvenile detention or correctional facilities were so classified and were monitored, only 29 governmental units had what we considered to be a fully classified list of facilities. One other unit probably had a fully classified list, but this could not be verified from available records. Twelve governmental units omitted or excluded facilities that should have been classified and monitored. In one other state, reliance for selecting the proper facilities was left to those who tabulated the data in the local community. Ten of the 12 units that did not have fully classified lists of facilities either excluded or omitted adult jails and/or lockups. The reasons for the omissions or exclusions varied. Some only included jails and lockups that held children in the previous year. Where the law prohibited placement of children either in jails or lockups, these facilities were excluded. In most instances the exclusions seemed reasonable until the records of some of the excluded facilities were reviewed during the data verification and the field monitoring found that children were held even when the law prohibited such detention. Regardless of the law controlling detention or prior facility detention practices, all jails and lockups should be classified as juvenile detention or correctional facilities and should be monitored.

It must be mentioned that several of the monitoring agencies that excluded jails or lockups from the classified facilities did monitor juvenile admissions to these facilities.

Two governmental units omitted juvenile training schools from their list of classified facilities.

Monitoring report period: Each monitoring agency was required to select a period of time during which they would collect detention monitoring data for each classified facility. The OJJDP regulations permit each

agency to set its own report period. While not suggested as ideal an agency may select a one-day report period. All agencies were in compliance with the report period regulation even though the shorter periods seem to work against compliance. Because of the quantity of information obtained and the quality which reflects seasonal variations in detention practices, a 12-month report period is best.

Seventeen monitoring agencies selected 12-month report periods for all classified facilities. Another five agencies with varying report periods selected 12-month report periods for some types of facilities. In all, 35 agencies had the same report period for all classified facilities. In addition to the 17 agencies with 12-month periods, one agency had a nine-month period, five had six-month periods, three had three-month periods, seven had one-month periods, and one had a six-week period. One other agency selected three specific days in the hope of obtaining a sample which would reflect seasonal detention admission practices. A three-day county makes compliance difficult to achieve.

Seven agencies selected a combination of report periods for different types of facilities. Three agencies selected 12-month report periods for some agencies and three-month periods for others. One agency used a three-month period and one used a one-month period for all facilities except training schools where both took one-day counts. One agency selected seven different report periods for various facilities. This plan, while acceptable under the regulations, made assessment rather difficult.

The last monitoring agency selected a 12-month report period for jails and lockups and 21 specific days during the year for detention centers and training schools. This also is acceptable under the regulations. Unfortunately, the days selected included seven non-judicial days, including Christmas which in most

communities is the lowest detention day of the year. Since the OJJDP regulations published in the August 16, 1978 issue of the Federal Register calls for the exclusion of non-judicial days from the count, one-third of the agency's 21-day count could be excluded. Such a report period seems to work against compliance.

One monitoring agency, following the passage of a new code, wanted to assess the Code's impact on detention admissions, so with the OJJDP's approval, the report period previously used was revised to cover the six weeks following the effective date of the Code. This count showed a dramatic reduction in detention.

The report period should cover sufficient time so that the data will reflect varying seasonal detention practices. This can best be accomplished if all monitoring agencies used a 12-month report period.

Data collection: In monitoring detention practices it is necessary to check each facility's admission/release records to obtain an accurate count of the children admitted and other required information. Data taken on-site from the primary source can be easily verified. Questions that arise relating to the data can be answered on the spot, and data tabulation problems can be identified and hopefully corrected. On-site data collection improves the degree of accuracy of the information. Obtaining data by questionnaire or report can provide the needed information but the data must be verified unless the report is a verified copy of the admission/release record.

The data collection methods used by the monitoring agencies varied by how the data was collected and who collected the information. In a number of the governmental units data was collected by staff employed by or attached to the justice planning agency, usually with the direct involvement of the juvenile justice specialist. Some had at least one full-time person for monitoring.

In other governmental units, the actual monitoring was done by another state agency, usually an agency with legal authority to license or inspect facilities. A few created special monitoring units. Pennsylvania's Community Advocate Unit in the Office of the Attorney General has a prominent role in monitoring. South Carolina's Juvenile Detention Standards Project, a unit of the Department of Correction and closely allied to the Department's jail inspectors, handles all data collection. A few governmental units contracted with public or private agencies to perform the data collection.

Nineteen monitoring agencies collected all data on-site at the facilities. Another nine agencies collected data on-site from some facilities and obtained data through the mail by questionnaires or reports from other facilities. Seven of these agencies verify all mailed data on-site. Thirteen monitoring agencies collect all data by mail, but only six of these agencies verify reported data on-site. In one governmental unit the data was collected by local juvenile justice staffs and collected from the local area by telephone by the monitoring contractor. The data collected by this method was not verified on-site.

Most monitoring agencies had adequate data collection systems. On-site data collection or verified mail reports or questionnaires seem to produce the most reliable information. Most of the data collection methods, with minor changes, will work, but the major problem with the data is the accuracy and completeness of the facility records. The quality of admission/release records in many facilities made accurate counts and verification difficult, and at times impossible. Many records were incomplete, many contained offense information that could not be interpreted without an extensive search of court records, and in some facilities records did not exist. The state of facility records was shocking since the data required for monitoring is also important to the facilities.

Quality admission/release records can be maintained by every facility. The field monitors found a few facilities in most states that maintained excellent data. These facilities ranged in size from the Baltimore Police Department to a rural sheriff's department. State training schools and detention centers shared the recordkeeping problems with jails and lockups. In some training schools where alphabetical filing systems which covered years without cross reference to offenses or admission dates, verification was difficult at best. The data presented in this report can only be assumed to be approximate for some facilities due to the poor records.

In all but one governmental unit, the data collected was based on a count of individual children by accused status offenders held over 24 hours by adjudicated status offenders held, and by juveniles held in inadequately separated facilities which also housed adult offenders during the report period. A count of the children admitted as entered on the admission/release records provided the information needed.

One monitoring agency based its count of the average daily population of each facility rather than an individual child count. While an average daily population figure, for some purposes, is necessary, it has limited value for this monitoring, and may reflect larger numbers of children detained than were actually held. For example the records for one facility showed 20 accused status offenders held over 24 hours. The review of the records revealed that two accused status offenders were held, one for just over 24 hours, and one for 19 days.

In one governmental unit, action approved by OJJDP relating to the count of accused status offenders held over 24 hours and exemptions established by a committee of juvenile court judges materially altered the collected data. By agreement, only accused status offenders held over 48 hours were counted for compliance.

In addition, status offenders were exempted from provisions of the act by mandate of the judicial committee, if (1) they refused to identify themselves, (2) have a venereal disease, (3) runaway, or (4) are disruptive in an open facility. These conditions tend to reduce the count of accused status offenders confined in secure facilities and allow many more children to be confined. Such variances should not be permitted.

The importance of the data collection method and the data is recognized by the monitoring agencies. Admission/release record maintenance at the facility level must be improved. Individual facilities have demonstrated that this is possible. The south Carolina Juvenile Detention Standards Project has demonstrated that uniform juvenile detention records can be maintained statewide. The development of a uniform juvenile detention admission/release record keeping system for all facilities which might hold juveniles in secure custody not only would provide quality monitoring information, but it would provide each facility with usable population control data.

Inspection of facilities: Inspection of classified facilities is required by OJJDP regulations to insure the adequate sight and sound separation of children housed in facilities which also confine adult offenders. Such inspections are necessary to provide the protections required by the Act.

Inspections of facilities, as they relate to the JJDP Act and the OJJDP regulations are made by a variety of agencies including state of the justice planning agencies, jail inspectors, licensing personnel, juvenile justice and welfare personnel and by special unit or contract monitors. In a number of states, more than one agency inspects some facilities. For example, in New Hampshire, staff of the Office of County Correctional Coordination inspect detention facilities quarterly. These inspections are in addition to the annual inspections made by planning agency monitors.

In thirty-seven governmental units, inspections are made or are required to be made annually. It is not always easy to verify that inspections were made by checking with the individual facilities. However, from the information obtained from various sources, it is assumed that inspections do occur. There are a few exceptions. In one state where annual inspections are required by law, the jail inspectors told the field monitor that they had not inspected any of the facilities visited during the assessment in over a year.

A number of states maintained good inspection records that reflected on the facility's compliance with OJJDP regulations and general standards. The jail inspection records maintained in Maine and the South Carolina Juvenile Detention Standards Project Records are just two of the examples of effective inspections.

Method of reporting: Regardless of who collects detention monitoring data or inspects the facilities, the data and information finds its way, in all but one governmental unit, to the justice planning agency, where it is analyzed, reviewed, and finally written up in the form of an annual monitoring report. Once in final form, the report is submitted to the OJJDP in West Virginia. The Youth Service Unit of the Department of Public Welfare is responsible for monitoring and prepares the annual report.

While monitoring reports are prepared for submission to the OJJDP as is required by the JJDP Act, some monitoring agencies have found a broader distribution helpful. Almost half of the Agencies make copies of their reports available to others. Five make copies available to their governor. Twelve states share copies with their juvenile advisory committee members either before preparation of the final draft or at the time the reports is forwarded to OJJDP. Copies are sent to justice planning agency boards, trial court administrators, the secretary of public safety, attorney general, state agency directors, sheriffs, regional planning advisory committees, regional planners, agencies that participated in the monitoring process, and to the public and media upon request.

The Idaho Monitoring Agency reported that it made copies of the monitoring report available to the administrators of the facilities that were monitored. This seemed to be an excellent use of the report.

Several states made other uses of the report information. Virginia summarized its report for general distribution. Arizona prepared a special report entitled "Juvenile Facility Monitoring Survey" for distribution. Massachusetts edited its extensive 1978 report into a publication entitled "Residential Programs for Court-Controlled Youth in Massachusetts" which was widely distributed in the state.

While only a portion of the agencies made use of their annual monitoring report other than to comply with the requirements of the JJDP Act, the sharing of information by a number of the agencies is commendable and should have a positive impact in meeting monitoring goals.

A number of states reported that the report information was used for planning and in-service training.

Violation procedures: Inspections which identify inadequate separation of juveniles from adult offenders or other deficiencies which may be dangerous to confined juveniles are only of value when some agency can act to correct or eliminate the identified problem. Authority to deal with violations is essential. Written violation policies and procedures should be available so all concerned may know what is expected of them and what action may be taken.

Twenty-three governmental units have written violation procedures either based on the authority of the justice planning agency or another agency. The procedures range from rather general statements to systematic, step-by-step procedures for dealing with violations. Delaware has such procedures. In a number of states, violations are dealt with directly by the state agencies with legal inspection authority, but planning agencies and special units developed to monitor also can act on violations.

Nineteen governmental units do not have written violation procedures. This fact does not in itself mean that no action is taken when violations are found. For example, there are no set violation procedures in Massachusetts since the planning agency staff feel that the statutes which prohibit jail detention and the court findings are sufficiently clear to prevent violations. Also, there are forty councils for children actively looking after the welfare of children in this state. New Mexico is another state without specific written violation procedures. However, here the children's code addresses the actions which may be taken if violations occur. Other states without specific violation procedures do have means for acting to correct violations.

Some of the violation procedures provide easy access to the people who can initiate action. The District of Columbia accepts complaints by telephone. Under this plan all complaints are initially reviewed by planning agency staff. If criminal conduct is suspected, the matter is referred to the police for investigation. Pennsylvania uses a state-wide hotline and established procedures. South Carolina's standards are enforced by jail inspectors and special inspectors hired by the Juvenile Detention Standards Project. A citation for inadequate separation can close a jail to children until adequate separation is provided. The criminal detention facilities inspection board in Arkansas vigorously enforces standards and deals with violations, and has moved to close jails not in compliance. Some states offer technical assistance to assist violating facilities to make the changes necessary to comply with the Act. Negotiation is also used effectively.

During onsite data verification visits, field monitors visited facilities charged with violations and observed the efforts undertaken to eliminate separation problems. One police department was completely remodeling its jail to provide complete sight and sound separation. Another police department was completing the remodeling of its jail to provide separation on the day the field monitor visited. A number of jails and lockups no longer house juveniles because they

cannot provide adequate separation. Some have converted offices to temporary holding units for children. One sheriff told the field monitor he expected his jail to be closed within thirty days because it could not meet state standards. After looking at the jail, the field monitor thought the expected closure was long overdue.

Established procedures for dealing with violations are critically needed if the states are to succeed in providing sight and sound separation of children from adult offenders where both are incarcerated in the same secure facility. While not specifically covered in the Act or regulations, those who deal with violations should also watch for the use of severe isolation to meet separation requirements.

Assurances against reclassification: OJJDP regulations require that each governmental unit provide assurance that children referred to court for status offenses will not be reclassified. This means that no child charged with a status offense should either legally or administratively be classified and processed as a delinquent or be subjected to dispositions only permitted for delinquents.

Thirty-seven governmental units provide a fair degree of protection against reclassification in their codes. Provisions in a few of the codes could, if used, allow a status offender to be reclassified. A thirty-eighth state, which does not now provide protection against reclassification, will have adequate protection when its newly passed code becomes effective.

The questionable code provisions that could permit reclassification are being eliminated in most states. One state code did permit a status offender who allegedly committed a second ungovernable act, a status offense, to be processed as a delinquent. This provision was deleted from the new code. Under the current act, status offenders are classified as dependent children. However, under the "Powers of Disposition" section of the Act, the disposing judge can commit a

child to the state agency which operates facilities for both dependent and delinquent children. The Act specifies, "An agency granted legal custody shall have the right to determine where and with whom the child shall live...." While there is no evidence of improper placement, this seems to permit the administrative placement of a status offender in a facility for delinquent children.

Two codes include provisions which may permit the court to place a status offender referred to court for a second status offense in a facility for delinquent children. Under another code, a status offender who commits a second status offense and thus violates probation can be charged as a delinquent. Such potential reclassification loopholes were found in several codes.

Some codes which provide adequate protection against reclassification need improved enforcement of the law and/or sanctions to guarantee protection. Field monitors heard of several places where status offenders were charged with delinquent acts. In one county, it was reported that status offenders were charged with delinquency and confined in jail. After several days, the delinquency charge was dismissed, a status offense petition was filed, and the children released from jail. Mistakes can be made, but apparently the above was not a one-time occurrence. Such situations were far from common, but they do occur. In all instances where such practices were noted, justice planning agency staff were working for their elimination. Full commitment of the judiciary to the monitoring goals would do much to improve their success.

#### FACILITY COMPLIANCE DATA VERIFICATION

None of the field monitors expected to find exact count matches when comparing state-collected data with the facility data obtained during the verification review. After facility records were reviewed in a number of facilities, the fervent hope was that usable verification data could be obtained. Many facility records were of fair or poor quality. Record entries were confusing or incomplete.

In some facilities admission records did not exist. There were a few notable exceptions where the facility records were very good or excellent.

In each governmental unit, raw facility data collected by the monitoring agency for each facility the field monitor planned to visit was obtained from the agency. This process was followed in all but two or three states where complete data was unavailable or not in usable form. The field monitors visited the selected facilities, checked the onsite records for the report period, and compared the verification and state data.

Differences in state and verification counts were found. This was expected due to the quality of the records. While the condition of facility records was a definite factor in observed differences, other count problems were noted. In a number of cases, the verification count showed fewer children detained than the number in the state count. Often the reason for the lower verification count was due to the inclusion of accused status offenders held during non-judicial days in the state count. In a number of facilities, it was not possible, from a review of the facility records, to tell whether a status offender was being held pending a hearing (accused) or as the result of a disposition (adjudicated). When this occurred, composite counts were made if sufficient information was available.

Not all records contained a specific offense. Listed in the offense column were general entries, such as "hold for court", "hold for judge", "bench warrant", or a similar term which did not identify the child as either a status offender, non-offender, or delinquent. Such vague entries were not the fault of the facility's staff. The offense information usually originated with the courts or court personnel. In a few instances, additional information helped to clarify the matter and identify the offense, but all too often, a full search of court records would be required to obtain the needed offense. In a few instances, even the court records did not provide the specific offense information. For the

safety of the facility staff, who must supervise the incarcerated children, and for the accuracy of facility records relating to detained children, no child should be admitted to a secure detention facility unless the most serious alleged offense is known.

Because of the quality of records and the cited count problems, the data in this verification cannot be presented as exact or complete. It does, however, reflect a substantial effort to check existing data.

There were a few surprises. The data collected by the monitoring agencies to show the numbers of accused status offenders held over 24 hours and adjudicated status offenders held during the report periods in the selected facilities visited for data verification totally matched the data collected by the field monitors in eight states and differed by less than twenty children in another nine states and the District of Columbia. Matching data counts were found in California, Delaware, Massachusetts, New York, Oregon, South Carolina, Vermont and Wisconsin. The monitoring agency and verification counts differed by fewer than twenty children in Arkansas, the District of Columbia, Georgia, Michigan, Mississippi, Montana, New Jersey, Utah, Washington, and West Virginia.

The fact that monitoring agency and verification figures matched in eight states and was close to the data collected by an additional ten states and the District of Columbia does not, in itself, mean to imply that all are deinstitutionalizing status offenders, but it does indicate that the data collection methods work and the data is accessible.

Where the state monitoring count and the verification count of accused and adjudicated status offenders varied by more than twenty children, the verification count was lower in thirteen states and higher in nine states. The previously reported count problems, especially the inclusion of accused status offenders held on non-judicial days, probably was the primary factor in the higher state counts.

It must be mentioned, and should be underlined for emphasis, that based on the verification count of status offenders detained during the various report periods for the facilities visited, six states did not detain a status offender and another seven states detained fewer than 20 status offenders. This finding would be remarkable if all the states had one-month report periods, but six actually had twelve-month report periods for some or all facilities and two had six-month report periods for all facilities. The states that did not detain status offenders were Arkansas, California, Delaware, Massachusetts, New York, and Vermont. The states that detained fewer than twenty status offenders were Arizona, Illinois, New Hampshire, New Jersey, South Carolina, Washington, and Wisconsin.

By contrast, it unfortunately must be reported, based on the verification count of status offenders held during the report periods in facilities visited, that seven states each detained over 575 status offenders. The state with the largest number of detained status offenders held 1636, the second held 1092, and the others held 738, 643, 612, and 598. The seventh state held 895 status offenders, but this count only includes accused status offenders held over 48 hours and adjudicated status offenders. If the number held over 24 hours were known, it would probably be considerably higher.

While differences in monitoring agency and verification counts were noted and count problems were encountered, it is felt that this first verification revealed that a fairly accurate body of data was being collected by the monitors. Improvement is needed in the maintenance of facility admissions and release records but considerable progress toward deinstitutionalizing status offenders has taken place.

CHILDREN IN ADULT JAILS

Progress toward the total separation of juveniles and adults incarcerated in the same facilities since the passage of the JJDP Act is amazing. During the monitoring assessment and data verification review, six states and the District of Columbia did not have an inadequately separated facility among those visited by the field monitors. Another twenty-six states had five or less inadequately separated facilities and six other states had less than ten inadequately separated facilities. This must be viewed in perspective to appreciate the progress that has been made.

The report of the Children's Defense Fund's early 1970's study shows that only 35.9 percent of the jails and lockups could provide substantial separation of children from adult offenders. Substantial separation was considered to exist

"where serious efforts are made by jail personnel to prevent any contact between children and adult inmates, either verbal or visual, except at the time of initial admission or during release." For thirty-eight states and the District of Columbia to have a combined total of 105 inadequately separated facilities demonstrates real improvement, even though the count only reflects the findings for facilities visited.

According to the assessment findings, twelve states and the District of Columbia did not hold a child in an inadequately separated facility during their report period. Another seven states each held fewer than ten children in inadequately separated facilities.

While the move towards the removal of children from confinement with adult offenders, either through prohibiting the placement of children in facilities which house adults or by sight and sound separation in such facilities, is well underway, there are still facilities that continue to hold large numbers of

children in regular contact with adult inmates. Eleven states each held 100 or more children unseparated from adult offenders during their report periods in the facilities visited. Most of the states had twelve-month report periods and most only had a few unseparated facilities, indicating rather heavy confinement in a few communities. The following state list shows the number of children inadequately separated, the number of unseparated facilities, and the report period:

STATE	UNSEPARATED CHILDREN	UNSEPARATED FACILITIES	REPORT PERIOD
A	2,065	5	12 months
B	1,062	3	12 months
C	790	4	12 months
D	485	2	12 months
E	372	8	6 months
F	333	2	12 months
G	310	14	3-12 months
H	271	6	6 months
I	113	4	12 months
J	105	13	3 months
K	100	1	12 months
TOTAL	6,006	62	

As can be seen, the number of facilities with inadequate separation is quite small except for three states, but the facility admission rates are high. This indicates that it may be possible, by improving detention admission screening and/or providing alternative services in the few communities, to reduce or eliminate inadequate separation.

MONITORING OBSTACLES

The OJJDP regulations require each monitoring agency to describe compliance barriers in its annual report. During the monitoring assessment, information was sought from the monitoring staffs and the field monitors on obstacles that hampered compliance. The term "obstacle", which means "an obstruction", varies

slightly from the term "barrier", which loosely means a "defense" or a "stop". The information obtained, however, was not limited by these narrow definitions and included a variety of problems that complicated the monitoring process and the attainment of goals.

The most universal obstacle was the poor quality of the facilities' admission/release records. Coupled with this problem was the absence of uniform records, even for one type or group of facilities such as jails or detention centers. Uniform admission and release records should be required for all facilities, including all jails, lockups, detention centers, and training schools that might hold children in secure custody. Record maintenance is further hampered when a specific offense is not known or listed for children admitted to locked facilities. Such general listings as "hold for court", "hold for judge", "probation violation", "contempt", "bench warrant", etc., do not provide the facility with sufficient information to permit it to properly plan for a child's care and can endanger facility personnel. Such entries also complicate the monitoring process. No child or, for that matter, no person, should be admitted to a secure facility unless the most serious alleged offense is known. This obstacle could be removed rather easily if all courts and/or persons placing children in confinement were required to provide specific offense information before a person could be admitted. To totally correct this deficiency, it may be necessary to establish special court rules or to pass legislation which requires that the placing agency or person provide specific offense information before a person can be admitted to the facility.

The absence of legal authority to monitor was not considered to be an obstacle by a few states. Most of the monitoring agencies without specific legal authority and the field monitors, however, did feel that without authority to act, efforts to meet the goals through correction or elimination of compliance violations would continue to be a problem.

Judicial and law enforcement agency resistance to the removal of all status offenders from secure custody and rejection of OJJDP requirements were cited by a few states as obstacles. Indirectly related to this issue is the turnover of staff in the justice system, especially in jails and lockups. Turnover at other levels was also noted. As one SPA reported, judicial and/or administrative change tend to, at least tentatively, change the focus of the court or agency's program, and this can alter, or even stop, deinstitutionalization efforts.

The OJJDP definitions and definitional changes were mentioned as obstacles by some states. One state saw OJJDP's changes of definitions and regulations as a critical problem. Other states alluded to this issue. Definitional and regulatory changes, while frequently necessary, can and do complicate monitoring. A few states also saw conflicts between state codes and OJJDP definitions and regulations as a special problem that needed to be addressed and resolved.

The absence of alternatives to secure custody was cited as an obstacle in a few states. This was especially related to the lack of funds with which to develop alternatives. Most of the states which mentioned this problem were among the states with small populations and rather large areas to serve.

Inadequate staff for monitoring was also mentioned as an obstacle along with a high rate of staff turnover. The field monitors observed that where the monitoring staff had been on the job for several years, the monitoring process seemed to work better.

The cost of monitoring was also cited as a problem. One state reported that the monitoring cost was cut considerably when the task was assigned to justice planning agency staff instead of continuing to purchase the services of contractors. Another state, by its use of advisory committee members as monitors, cut the monitoring cost to a minimum. Where monitoring was made a part of ongoing state agency services, the cost seemed to be lower. The cost of monitoring can be an obstacle and should be considered in any plans.

Monitoring report periods and the verification of data were also seen as problems. The variety of report periods used by one state, while in compliance with OJJDP regulations, presented a rather complex assortment of information. Report periods that consisted of a number of days, as used in three states, tend to have a negative impact on the states' ability to demonstrate compliance. Longer report periods not only provided better information, but, in most instances, they seemed to help the state show compliance.

The development of a plan for onsite verification of data would remove one obstacle in a number of states. This is especially true if the verification lead to the exclusion of children detained on non-judicial days. This point was made by the field monitors in a number of states during the assessment. Not only is data verification needed, the number of classified facilities must also be expanded to include all jails and lockups.

An obstacle reported by one state demonstrates the need for close cooperation, a need observed in several states, between state agencies. Child care facility licensing and jail inspection services have a long history in this state, but, to date, the sight and sound separation requirements of OJJDP regulations have not been made a part of the state licensing or jail inspection regulations. This is a problem in states such as South Carolina. Where juvenile detention standards are an integral part of the jail inspection standards, the monitoring process is materially improved.

Another obstacle, which may be unique to one state, relates to the system for financing jail detention. The jails are financed by state-paid dieting fees. Each jail receives a set amount of money for each inmate held each day. For the fee records, a person confined for periods of less than 24 hours is entered into the records as detained 24 hours. This practice tends to inflate the number of accused status offenders who are held over 24 hours.

One governmental unit saw the lack of computer tracking ability as an obstacle. Another saw the need for a systemwide automatic information retrieval program. There is little doubt that the present level of information tabulation and collection is an obstacle.

Two cited obstacles involved specific groups of status offenders. Runaways, primarily those from out of county or out of state, and how to deal with them, were seen as problems in many states. The problems seem to be acute in states where major north-south and east-west interregional highways converge, bringing a steady flow of people into and through the state. While status offenders may be detained for periods of up to 24 hours, few programs which are designed to initiate the child's home within this time period were observed. In many communities law enforcement agencies have two choices, both bad, in dealing with a runaway. They can detain the child for as long as is necessary to guarantee his return home, or they can, after unsuccessfully attempting to have the child's parents arrange for his return, release the child. The runaway obstacle requires further national study to determine, at least, how prompt returns can be arranged.

A few states mentioned the chronic status offender as a problem. Chronic status offenders are those children who continue to be referred to court for non-criminal type offenses. They include runaways, truants, and ungovernable children. Apparently, these children do not respond to available services and, without incarceration, continue to frustrate the efforts made to alter their behavior. Special consideration of the chronic status offender may be needed.

The obstacles listed are real. Some are national in scope, some are shared by a number of states, and a few are limited to individual states. All need to be addressed if status offenders are to be deinstitutionalized and children are to be adequately separated from adult offenders in secure custody. These obstacles are not unique to monitoring. Part of the overall solution is probably

contained in the statement of one SPA who saw the absence of an active state-wide juvenile justice system as an obstacle in meeting monitoring goals. It has been said that as long as every county continued to operate as an independent unit in attempting to deal with juvenile justice and delinquency issues, progress will continue to be slow. Maybe more attention should be given to the development of a working, state-wide system of juvenile justice.

To insure the development of services needed to remove all status offenders from secure custody and to provide for realistic separation of children from adult offenders in confinement, children need advocates both at the state and local levels. The voices of the children who are confined or who enter the juvenile justice system without confinement are silent. While advocacy was not stressed as an obstacle by the monitoring agencies, the need for active advocacy groups, at least, in every state is apparent.

#### TECHNICAL ASSISTANCE NEEDS

The OJJDP regulations require each monitoring agency to describe the types of technical assistance needed in their annual monitoring report. Information was sought from monitoring staffs and the field monitors on the types of technical assistance which might be needed to improve their monitoring. The responses to this question were limited. Most justice planning agencies did not express a need for technical assistance, although a few did cite problems with which they could use assistance. The field monitors also observed and noted several assistance needs.

One need, found in most states, was for the development of a uniform juvenile admission/release records system and uniform records to be used by all facilities that might provide secure confinement for children. The extent of this need may require a national document which would describe the needed data, demonstrate how it could be recorded, show how it might be obtained for monitoring, and how

the information could help the individual facilities. Several states have moved or are moving in this direction. In addition to a national "how to" manual or guide, the monitoring agencies may need additional individual technical assistance to implement such a record system. This is not a simple task, but the benefits of such a record system to the facilities and to monitoring would far exceed the time and talents used to develop the system.

Technical assistance may also be needed in upgrading the data collection and verification process, and in establishing a formal method for dealing with violations. This may need to take the form of staff training and information sharing in addition to technical assistance.

In many states, maybe most, efforts to develop a single intake source for screening all detention admissions is needed. As one juvenile Justice specialist said, "Too many people can place children in detention." Technical assistance should be directed at establishing state detention screening criteria and for developing a plan to provide one intake point in every jurisdiction which is available 24 hours a day. Pre-admission intake screening of all children considered to need to be detained is long overdue.

As was mentioned in the obstacles section, a plan to effectively deal with and promptly return runaways would benefit most states. Technical assistance in this area might include a national assessment of the problem, how it might be dealt with and might include a variety of assistance to the states where the problem is constant.

One state expressed the need for assistance in developing a truly operational monitoring system. Another wanted assistance to develop a state juvenile justice information system. Several other states indicated that assistance may be required to fully implement new codes.

These are the few technical assistance needs cited or observed. Our staff also felt that some states may need help in drafting juvenile detention standards and

in providing information to the public which may help generate support for needed services, but these subjects were not mentioned during the assessment.

#### SUPPORTIVE ACTIONS

During the on-site monitoring assessment, the field monitors attempted to identify programs, policies, methods, procedures and other efforts which supported the monitoring process and/or were helpful in approaching the monitoring goals. While innovative actions were recorded, the search was for workable solutions to the various problems.

A variety of programs were identified. The range of the approaches is interesting. A number of programs would be beneficial if duplicated in other states. Some seem to add permanence to the monitoring effort.

Ten states reported that the passage of new juvenile codes or amendments to the code were major achievements toward reaching monitoring goals. There is no question that the changes in the laws have had a significant impact on detention practices and rules. The Juvenile Justice Committee, one of four special committees of the Kentucky Crime Commission, played a major role in the passage of the state's new code. In South Carolina, the Office of Criminal Justice Programs and Committees of the Governor's Juvenile Justice Advisory Council worked long to establish a base for major changes in juvenile justice. Their work will be reflected in the proposed juvenile code. Pennsylvania is currently involved in a major assessment of the impact of its new code. This effort, which is unusual, can provide significant information which can lead to the development of a sound, workable law.

In an effort to provide prompt services to children and families and alternatives to secure detention, the SPA's developed a variety of programs. The following programs address the needs:

Foster Care	Six (6) states
Shelter Care	Seven (7) states
Group Homes	Four (4) states

Other Detention Alternates	Two (2) states
Runaway Programs	Two (2) states
Legal Services	Two (2) states
Diversion Programs	Three (3) states
Crisis Intervention	Four (4) states
Youth Service Bureaus and Centers	Four (4) states
Family Counseling	One (1) state
Day Treatment	Two (2) states
Crisis Residential Centers	One (1) state
Non-secure Detention	One (1) state

The Pima County, Arizona Crisis Intervention Unit included a central registry of children to assist in the delivery of prompt service. This unit also had a mobile diversion unit which provided on-site service at the time an alleged status offender was apprehended. The unit showed real promise in providing immediate counseling and in keeping status offenders out of detention. Unfortunately, the unit was desolved when a new judge took office.

Alabama's "Progress Place" project focuses on the needs of a group of children found in most every state. The project deals with the needs of hardcore status offenders who are a step-removed from institutional placement. This project seems to be working to redirect behavior and may have value to those states that reported the chronic status offender as a major problem.

Illinois created the Illinois Status Offender Services Office which operates statewide and provides a variety of services including 24-hour alternatives to detention. This program, begun with OJJDP funds, is now financed by the state.

The Nashua county, New Hampshire intake program, and two 24-hour intake programs in other states seem to be having success in diverting status offenders and preventing unnecessary confinement. The Nashua County program is considered to be a major factor in New Hampshire's effort to deinstitutionalize status offenders. In Arizona, special probation officers, who deal exclusively with status offenders, have been funded. This specialized service has also had an impact on the detention of status offenders. Two other states have supported

intake and probation services. In Kentucky, numerous rural counties obtained new officers. Two states provide diagnostic services for corrections and courts.

The Alameda County (California) Regional Criminal Justice Planning Board had an all-out, community-supported effort to deinstitutionalize status offenders. This effort, which began in January, 1976, led, within one year, to the removal of all status offenders from the Juvenile Hall, and to a 31.5 percent reduction of police referrals to the court. Idaho has a court conference committee composed of court and prosecutor staff and local officials to review cases of children with special needs to insure that needed services are provided. Georgia has a program which purchases educational, counseling, housing and transportation services for status offenders in the state. A special project in Utah provides transportation for out-of-state runaways to communities in the state with non-secure detention.

Alternative education programs are funded in two states and a learning disability screening project has been made available to one school system in another state. Tennessee has made funds available for law enforcement education programs in elementary schools. One of the most unusual and potentially beneficial programs in North Carolina is the North Carolina Roses Project. The name is derived from the project's full title, Reduction of Out-of-School Expulsions and Suspensions.

In Wisconsin, the Youth Policy and Law Center, Inc. prepared a Children's Code Revision and Training Manual, which is an excellent tool for helping those involved understand the new code. Kentucky moved from a county court system to a unified district court system. The new codes seem to focus more on the needs of children.

New York has developed non-secure facilities for the detention of juveniles and diversion programs. The law requires counties to provide adequate and accessible non-secure detention and the Family Court Act now prohibits the

detention of persons in need of supervision (PINS) in secure custody when mandated, non-secure facilities have been certified. Montana's newly developed Juvenile Probation Information System, used for the 1978 report, provided in-depth monitoring information with greater specificity than possibly could have been accomplished. Otherwise, the coded system provides a variety of needed data.

More directly related to monitoring are a group of special projects. New York's Juvenile Detention and Monitoring Unit inspects facilities, collects data, sets detention standards and provides technical assistance on detention. Pennsylvania's Youth Project in the Community Advocate Unit, a part of the Attorney General's Office, performs major monitoring functions with legal authority to act. The South Carolina Juvenile Detention Standards Project, in the Department of Corrections and closely allied with the Jail Inspection Unit, collects detention data, inspects facilities and has developed juvenile detention standards. Other developments that have helped improve monitoring include the passage of a jail certification law in Virginia, the training of jailers in Kentucky, and the development of the Offices of County Correctional Coordinators in New Hampshire, which has increased facility inspections.

It should be noted that several states have incorporated monitoring into existing state agencies, thus giving more potential permanency to this needed service. West Virginia's use of Juvenile Advisory Group members as monitors should also be mentioned. Not only did this effort reduce the cost of monitoring, it also gave the members first-hand information about detention issues in the state.

It was surprising to find that certain efforts were infrequently supported. For example, only three states mentioned support for child advocacy programs. It was assumed when the monitoring assessment was being planned that SPA's would

see child advocacy as a necessary effort in reaching the monitoring goals. Special training for monitors was specifically mentioned by two states and indirectly cited by four others. Training of monitors is basic. While a number of SPA's share their monitoring reports with others and while a few have, by various means, distributed special issues of their reports, only one state, Kentucky, reported on a public education program related to deinstitutionalization. The Juvenile Justice Advisory Group initiated an extensive "Kentucky Aware" campaign. The group developed a brochure, "It's a Long Road Alone", and held workshops in all areas of the state to discuss the problems of status offenders, alternatives to detention, and funding.

As can be seen, a variety of code changes, programs, policies, procedures, and methods have been developed to support the deinstitutionalization of status offenders and monitoring of juvenile detention. The development of supportive services is by no means uniform among the governmental units. Some have made giant strides towards meeting the goals. Others are on the verge of making major, significant changes, and, unfortunately, a few states have done little to support the goals.

#### ESSENTIAL COMPONENTS OF A STATEWIDE JUVENILE DETENTION MONITORING SYSTEM

Up to this point, the findings of the assessment relating to the monitoring process, detained status offenders, the separation of juvenile and adult inmates, monitoring obstacles, technical assistance needs, and efforts which support the monitoring goals have been presented. The findings are important, but only if they lead to improvements in the monitoring systems in such a way that status offenders are deinstitutionalized and juveniles are separated from adult inmates in facilities where both may be confined either by the total prohibition against confining children in such facilities or by complete sight and sound separation which does not isolate the children.

Much is said today about federal regulations. The trend seems to be to reduce the numbers of regulations or to eliminate them entirely. How national leadership can be effective without the inclusion of some guidelines is not known. The regulations applicable to Section 223(a)(12)(A), (13), and (14) of the JJDP Act seem to be reasonable and, in certain instances, too open to bring about the desired results. The OJJDP has complied with the regulations and obviously will continue to operate within their confines. However, to improve the monitoring effort, each juvenile detention monitoring system must include certain essential components if the system is to work. Discussion of these components follows.

The development of a state-wide juvenile detention monitoring system, if it is to be effective in achieving the monitoring goals, must be planned in such a way that the system can identify all secure facilities in which children, under the jurisdiction of the juvenile court, might be confined. The system must be able to watch, check on, and keep track of the children at each step in the confinement process; it must be capable of locating and recording the number of children confined in each facility; and to be able to cause to be corrected or eliminated any variances in the process or facilities which may endanger the children or cause unnecessary detention. To this end, all applicable laws, regulations, standards, guidelines, policies, etc. must be clearly defined in written form, and made available to all persons involved in the incarceration of children, on a need-to-know basis.

The agency responsible for the operation of a monitoring system should have legal authority to monitor. The authority should permit the agency to require facilities which might confine juveniles to record specific data and information on each child held, and to require compliance with guidelines which call for sight and sound separation of juveniles and adults confined in the same secure facility. The authority should permit inspections for compliance, the right to cite for violations and sanctions when violations are not promptly corrected.

This brief comment touches on one key element of a juvenile detention monitoring system. This and other elements will be discussed in more detail. There was a strong temptation to call the following a model, but a model should be the ideal. The following is not intended to cover all aspects of monitoring.

#### Authority to Monitor

The agency responsible for juvenile detention monitoring should have legal authority to monitor all secure facilities in which children under the jurisdiction of the juvenile court might be confined. The availability of such a facility alone should subject it to monitoring. The authority should be sufficiently broad to permit the monitoring agency to require each facility that could be classified as a juvenile detention or correctional facility to maintain specific juvenile admission and release records and information and should permit the designated monitors to review these records at selected intervals during the year. It would also be helpful if the agency could request photo copies of the records for monitoring purposes.

The basic authority should give the agency the right to set required sight and sound separation standards for all secure facilities that might hold children, to inspect the facilities for compliance, to cite the facilities for violations of the standards, and to enforce sanctions when violations are not corrected.

Such authority should permit monitors to review confidential records containing detention information for the purposes of monitoring, with the understanding that the monitors will respect the confidential nature of the information and will not knowingly record or divulge information which might identify a specific child except as may be required to protect the child.

While some agencies have been monitoring without authority, effective monitoring and enforcement of required standards can only be fully implemented when the agency's legal responsibility is defined in clear and understandable terms and is known to

all concerned parties. The mention of the enforcement of sanctions when cited violations are not corrected may sound more ominous than it is. The primary sanction would be prohibition against the facility admitting juveniles to the facility as long as the cited violations exist. An agency, other than the designated monitoring agency, may be given legal authority to monitor, but the agency should have sufficient authority for all listed functions and should be accountable for performing the monitoring tasks.

#### Data and Information

Data and information take on a variety of forms in the monitoring process. Certain data is required by the OJJD. Other data and information must be recorded and maintained by each facility. All data must be collected and verified. Finally, all detention data must be analyzed to determine the progress towards deinstitutionalization of status offenders and the adequacy of separation. Rather than consider each data issue at various points in this report, all will be presented here so their interrelation can be seen.

The JJDP Act of 1974 and the OJJD regulations establish the basic data which is required annually from the designated monitoring agency. The basic data required includes a count of the number of accused status offenders held in secure facilities over 24 hours, during the report period, excluding non-judicial days such as Saturdays, Sundays, and holidays. For example, if a child is admitted to a jail at 5 p.m. on a Friday and is released at 10 a.m. on the following Monday, this child, for monitoring purposes, would not be counted as held over 24 hours. However, if the child was admitted at 5 p.m. on Monday and released after 5 p.m. on the following Tuesday, the child would be counted as held over 24 hours.

A count of the number of adjudicated status offenders held in each secure facility during the report period is required. The 24-hour grace period permitted

for holding accused status offenders does not apply for adjudicated status offenders or other juveniles.

As has been mentioned at various points in this report previously, the regulations require that all children held in secure facilities which also house adult offenders must be separated by sight and sound from the adult inmates. Separation will be discussed in the inspection section which follows later. A count of the number of children held in each inadequately separated secure facility is required. This data should include every juvenile admitted to the locked portion of the facility regardless of the period of time the child is held. This count only includes children under the jurisdiction of the juvenile court. Children who are being held following legal waivers to the adult court and traffic offenders under the jurisdiction of other courts are not now included.

These three data counts are required to provide the necessary information under Section 223 (a)(12)(A), (13) of the JJDP Act and the OJJDP guidelines. While the data is eventually presented in congregate form, the original information should be compiled to show the number of children in each category held in each individual facility. This data and information should routinely be recorded by each and every secure facility as an integral part of its population control.

Every facility classified as a juvenile detention or correctional facility should record and maintain complete admission/release records for all juveniles admitted. Such records are essential for proper population control and the proper functioning of the facility. Included among the information recorded in the juvenile admission/release record should be the name of the child, the child's date of birth, the most serious alleged offense, the date and time of admission, the date and time of release, and the name and relationship of the person to whom the child was released. The admission/release record may and probably should

contain other information needed by the facility, but the information listed is needed by the facility and for monitoring.

The most serious problem relating to data found during the verification review was the inadequacy of facility admission/release information. In some facilities, the methods used for recording and storing the data were so archaic that the records were useless. In some facilities the records did not exist. For the protection of the people confined, if for no other reason, admission/release records should be required.

While it is possible for each individual secure facility to develop its own juvenile admission/release records, it would be more desirable for the monitoring agency, in cooperation with the facilities, to develop a uniform admission/release record to be used by all secure facilities that confine children. This can be done. South Carolina is using such a record. Iowa is in the process of developing uniform records. This is the reason this subject was covered under the agencies' authority to monitor.

One problem found during the verification review has a definite affect on the accuracy of monitoring information and can have an effect on the safety of the facility's staff. It was mentioned that the most serious alleged offense should be listed in the admission/release record. Often, specific offenses are not shown. Under the offense column are such notations as "hold for judge", "hold for court", "probation violation", "bench warrant", "contempt", and similar non-offense descriptive remarks. Such statements offer no useful protective information for the facility's staff nor do they permit accurate monitoring. In one facility over fifty percent of the offense entries were of the above types. No person should be admitted to a secure confinement facility without having a specific offense charged. For juveniles the offense might show if the child is an alleged or adjudicated delinquent, status offender, or a non-offender, a

specific named offense, preferably the most serious alleged, would be best. Each planning agency should attempt to obtain approval for limitation of facility admission of juveniles to secure facilities only when a specific offense is alleged. This may be accomplished through inter-agency agreement, appropriate administrative order, or by court rule. If none of these work, legislation may be required.

One other count problem relating to admission/release records should be noted. A child who leaves his home without the consent of his parents is a runaway. This is a status offense. A child who leaves a residential facility in which he was legally placed by court order is, in a number of states, also called a runaway. This child may be delinquent, a status offender, or a non-offender. The child may be an escapee from a training school or secure detention facility. This should be adequately noted in the admission/release record, either by use of different terms for each type of runaway or by codes which would show whether the child is a delinquent, status offender, or non-offender. While this information is needed for monitoring, it would also help facility staff to identify children who successfully escape from secure facilities.

Once the specific data required is fully identified and a uniform plan for maintaining the information and data at each secure facility is in operation, the monitoring task becomes manageable.

A method for collecting the data from each classified facility, probably the most thorough data collection method, is an on-site review of the admission/release records of each facility. This method requires a number of trained monitors who must travel to the facilities, but it offers several distinct monitoring advantages. The data is taken directly from the source and can be verified. Questions relating to the data, the records, and separation can be asked and answered directly by persons at the facility. Inspection can take place during the visit, and working relationships can develop with facility staff.

Earlier, monitoring was defined as checking, watching, and keeping track of, in this instance of juvenile detention practices. Direct, personal contact enhances the monitoring outcome.

Data collection can, of course, be done by mail, through the use of questionnaires or reports, but the process is involved and must include on-site verification. If uniform juvenile admission/release records are maintained by all classified secure facilities, a copy of this record for the report period could be submitted by each facility. This would supply the required data, providing each record was complete. The verification might then be based on a sample check of type of facility. The verification review has demonstrated the necessity for verification, especially when the data is collected by any method other than on-site review of records.

Other mail data collection methods now used by states seem to involve the facility staffs more than their routine maintenance of admission/release records. Some states send questionnaires to the facilities, some have special report forms, and some request copies of reports designed and prepared by the facilities. The use of these methods makes on-site verification increasingly important.

When properly planned, data collection and verification should not require an excessive amount of time. If at all possible, data should be collected through on-site review of admission/release records or through submission of copies of uniform admission/release records with planned verification. The initial data should be collected for each facility so that the information obtained may be used to assess local and facility detention practices.

The purpose of monitoring and data collection is to insure progress towards the removal of non-criminal-type offenders and non-offenders in secure facilities where both might be incarcerated. The data collected from each facility must be reviewed and analyzed to determine if status and non-offenders are being removed

from the facility and, if admitted, juveniles are separated from adult inmates by sight and sound. Questions which the data should answer should at least include the following: Is the number of accused status offenders held in this facility decreasing, increasing, or the same as the last report period? Are adjudicated status offenders being held in this facility? If applicable, does the facility provide adequate separation for children? If separation is not adequate, how many juveniles were not separated during the report period? Is the facility's admission/release record system producing the necessary information? If not, why not?

The annual report will combine the data. When this is done, the data should show if the number of accused adjudicated status offenders and non-offenders held in secure custody is decreasing or if these children no longer are held in secure facilities. The collective data should also identify the number of facilities holding juveniles in unseparated quarters and the total number of children inadequately separated during the report period.

Monitoring, to be useful in meeting detention goals, requires action beyond the simple collection of facts and the analysis of data. The data and its analysis should, however, identify facility and community problems which require correction or further study and examination and facilities and communities that have demonstrated pronounced progress towards the goals. In the latter instance, the actions taken should be studied to determine if they might assist other facilities and community programs.

The full analysis of data can offer important planning and advocacy resources information.

#### Compatibility of Definitions

The OJJDP drafted definitions relating to Section 223, (a)(12)(A), (13), and (14) of the JJDP Act of 1974, while the definitions were specifically for monitoring.

A surprising number of states have recently rewritten or amended their juvenile codes or are now in the process of rewriting or amending the codes. The OJJDP definitions, either directly or by intent, are incorporated in the new codes. The codes, for the most part, reflect a desire to remove from secure custody, status and non-offenders and to remove or separate children from facilities also holding adult offenders. The new codes seem to reflect a reinforced concern for children.

Some states adopted the OJJDP definitions for purposes of monitoring, even though they differed with provisions in the state code. For example, a state's code might permit the detention of a juvenile, including status offenders, for periods up to 48 or 72 hours before a detention hearing must be held. Even though the code permitted a detention period longer than the OJJDP 24 hours, the monitoring agency, in most states, counted all accused status offenders held over 24 hours as improperly detained.

Compatible federal-state definitions are essential for proper monitoring and for accurate data maintenance. Where the intent of the OJJDP definitions have been made a part of the state's code, continuity has been added to the efforts to decrease and/or eliminate excessive and unnecessary detention.

Compatible definitions seem to exist in some codes except for an isolated provision, which, under certain conditions, may permit either judicial or administrative reclassification of status offenders. While this subject will be touched on in the reclassification section later, it is mentioned here because such provisions exist in some codes and can alter compatibility.

#### Selection and Classification of the Monitoring Universe

The monitoring agency should compile a list of all facilities that potentially might hold juveniles, under the jurisdiction of the juvenile court, in secure

confinement. The list should include all jails, lockups, detention centers, juvenile correctional facilities, and any other secure public or private facilities in which the juvenile court might detain or place children. Depending on the scope of the jurisdiction of the juvenile court, the list may need to include public or private mental health facilities.

Selection of the potential monitoring universe facilities is a necessary step in identifying all facilities that might conceivably be classified as juvenile detention or correctional facilities based on OJJDP guidelines, regardless of the primary population served by the facility.

Once the monitoring universe list has been compiled, each facility should be evaluated, preferably during an on-site visit, to determine if, according to the OJJDP regulations and definitions, it is a juvenile detention or correctional facility and should be so classified for monitoring purposes. Our monitoring assessment experience has shown that laws which prohibit the incarceration of juveniles in certain types of facilities, such as jails or lockups, do not, unless the laws are strictly enforced and contain sanctions, guarantee the exclusion of juveniles from such facilities, and for this reason the mere existence of such laws should not automatically exclude such facilities from the classified list. Neither should the fact that the facility did not hold juveniles during an earlier report period exclude a facility.

All jails, lockups, detention centers, juvenile correctional facilities and other public or private secure facilities that might house children under juvenile court jurisdiction should be classified and monitored.

#### Monitoring Report Period

Each monitoring agency must select a monitoring report period. This is the period of time during which facility admission/release records will be recorded and later collected to determine progress toward meeting the monitoring goals.

Under present guidelines, the agency may select any report period. A one-day report period is permitted, even though such a period provides limited information about detention practices and seems to work against the state in demonstrating compliance. The most usable report period, and the one selected by sixteen states and the District of Columbia for all monitoring, is a full year. Such a report period provides full detention statistics which can be used in planning.

Unless the regulation is changed, report periods will continue to vary between one day and twelve months. It is believed that all monitoring agencies should be required to use twelve-month report periods for monitoring. If it is felt that this would place an undue burden on some states, consideration should be given to establishing a minimum report period of at least four months for all facilities, with the months selected representing a month in each quarter of the year. Such a plan would at least reflect seasonal variations in detention rates.

Under current regulations, non-judicial days are not to be counted when determining how many accused status offenders were held over 24 hours during the report period as long as the present guidelines are in effect. This fact should be considered in selecting the report period, and one or a series of days selected should not include holidays or center around weekends. Since the JJDP Act is attempting to remove status offenders from secure custody, it would be more realistic to amend the non-judicial days guideline by including all days in the count, including Saturdays, Sundays, and holidays. Such a move would count status offenders and thus not differ to the working habits of the judiciary.

#### Facility Inspection

Authority to set sight and sound separation standards for facilities that house both juvenile and adult inmates should be placed with the monitoring agency in addition to the authority to inspect all classified facilities. The authority should permit, if necessary or desirable, the agency to delegate the standard

and inspection function to an appropriate agency such as a jail inspection unit. The inspection process should include a method for reporting the separation status of each facility which holds both juveniles and adult offenders. Reports on each facility's compliance or non-compliance should be made available to the facility as a record of findings of the inspection.

While separation is intended to limit the influence and potential abuse of adult inmates on confined children except for chance contact, it is hoped that inspectors and facility administrators do not accept as solutions to separation the severe isolation of children through the use of punishment or psychiatric cells.

#### Violation Procedures

In addition to having authority to set separation standards and to inspect facilities, the monitoring agency must have authority to enforce its standards or to delegate this authority to another appropriate agency. Such authority should allow the agency to cite a facility for a specific violation or violations and to temporarily prohibit the admission of children to the facility while the conditions causing the violation citation exist. The established violation procedures should permit the facility a reasonable time to correct the problem. The authority should also allow for the imposition of a permanent prohibition against the facility holding juveniles if the facility cannot eliminate the cited violation, or refuses to act.

The established violation procedures, along with separation standards, should be made available to all classified facilities.

#### Assurances Against Reclassification

While juvenile codes are being re-written or amended as they relate to non-criminal types of behavior such as status offenses and delinquency, it is important to pay specific attention to provisions which may permit the reclassification of

children. Under some codes, the status offender who allegedly commits a second status offense or violates court ordered probation by committing another status offense can be charged with delinquency. This is a form of reclassification and should not be permitted.

The state, either through appropriate provisions in its code or by court rules, should prohibit the reclassification of children. If a child is referred for an alleged status offense, the child must be subjected only to actions and/or dispositions permitted for status offenders. No change in the orders should be permitted that would subject the child to dispositions not permitted for status offenders. Of course, if the status offender is referred for a criminal-type offense for which delinquency can be charged, this is a new action and not reclassification.

The protection against reclassification should extend, in addition to second or subsequent alleged status offenses, to violations of court orders stemming from the initial status referral. Because of the nature of status offenses, it would be best if new criminal-type offenses were treated as new offenses instead of being considered as violations of the original status offense. The best legal protection against reclassification found during verification review was found in Section 16.1-292 of the Virginia code which reads as follows: "...the court shall be united in actions it may take with respect to a child violating the terms and conditions of an order to those the court should have taken at the time of the court's original disposition..."

While most codes now contain adequate due process provisions to protect the delinquent child who may be waived to adult court jurisdiction, any provisions or rules that provide protection against reclassification of the status offender should also insure proper protection against reclassification through faulty waivers.

The essential components of a juvenile detention monitoring system must include authority for the monitoring agency to monitor and to require or do those things essential to successful monitoring; a uniform system for recording the required data and information relating to the admission/release of juveniles in every secure facility which might hold juveniles; either an on-site or verified admission/release reporting system for collecting the required data; the use of definitions, preferably those included in the state's code which are compatible to OJJDP's definitions; a complete list of classified facilities including all jails, lockups, detention centers, juvenile correctional facilities, and other public or private facilities that might hold children who are under the juvenile court jurisdiction; an adequate report period such as a full year that will truly reflect detention practices; authority to get separation standards for all secure facilities that hold juveniles and authority to make inspections for compliance with the standards; established procedures and the authority to act on violations of the standards; and guaranteed, adequate protection, either in the code or by rules of the court, against reclassification of children.

If each agency responsible for monitoring had these elements included in its monitoring system, the chances of meeting the monitoring goals would be enhanced and most problems observed during the verification review would soon be solved.

#### OJJDP'S ROLE IN MONITORING

The removal of status and non-effenders from secure custody and the separation of juveniles from adult offenders in secure facilities where both are confined, as ordered in Section 223, (a)(12)(A), (13), and (14) of the JJDP Act of 1974, is one of the responsibilities of the Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention. Responsibility for the work done in relation to the above portion of the Act is delegated to the Formula Grants

and Technical Assistance Division, directed by David D. West. The person responsible for monitoring is Doyle Wood, who works in the Program Development and Support Section of the Division.

Direct and ongoing contact between the OJJDP and the participating states, territories and District of Columbia is the responsibility of state representatives assigned to the Formula Grants Section. Six staff serve in this capacity, including a section chief and five juvenile justice specialists. Each of these people work directly with from six to twelve governmental units.

In keeping with its responsibility to implement the provisions of the JJDP Act, the OJJDP staff performs a wide variety of functions. The primary functions that relate to the portions of the Act covered by this report include the development of regulations and definitions to be followed in implementing the applicable portions of the Act; the distribution of financial grants; the approval of plans; the provision of technical assistance pertaining to the law, regulations, definitions, and monitoring; the critical review of annual monitoring reports, including commentary as to their adequacy, completeness and acceptance for compliance. Undoubtedly, the OJJDP staff does much more than is briefly stated here, but these duties are mentioned since they will be dealt with in this section.

Much is being said today about federal regulations. Many people seem to believe that they should be severely reduced or eliminated. Some people in the justice field share one or the other of these views. At the same time, there are increasing numbers of people who want national leadership to meet a variety of problems. Few knowledgeable on the subject would dispute the need for a constructive, consistent effort to reduce, control, and effectively deal with delinquency and the behavior problems inadequately labeled as status offenses. Delinquency continues to increase annually. To develop a national effort to deal effectively with these juvenile issues requires a planned effort to systematically deal with each problem.

Without question, all issues must eventually be addressed, but with the complexity of the task, time and funding limitations, and restrictions on staffing, all problems cannot be dealt with at the same time. Priorities must be set. Everyone does not agree that the status offender should be given priority. During the monitoring assessment, one planner said that it was hard to deal with status offenders when criminal-type offenders were the main problem. Whether this is true or not, a start must be made. The presence of large numbers of status offenders complicated and consumed the available time of juvenile justice staffs and often, because the limited services available did not always work, later added to their criminal-type offender caseloads.

National leadership is wasted when well conceived or even modest national program plans are cast into the winds to take root by chance or to die. Program regulations and guidelines fertilize plans and help them germinate. Whether regulations and guidelines are excessive or unnecessary for other fields now controlled by the federal government, must be decided by those informed on each field; but, juvenile justice needs the national leadership and planning that is established by regulations and guidelines which specifically support a uniform attack on a given problem such as the removal of status and non-offenders from secure custody.

Regulations and guidelines are essential, not solely for the purpose of insuring compliance by grantees, to test the workability and long term effectiveness of a given approach to a problem. Whether the removal of status offenders from secure custody will have an impact on the status offender problem can only be determined if the governmental units, wishing to reduce the number of status offenders, approach the problem in a similar manner. The knowledge gained from this process should help find some solutions for this and other juvenile justice issues.

A key factor in the selection of goals and the development of regulations and guidelines to achieve the goals must always be shared information and knowledge about the problems and cooperation between those that must plan for change, those that must implement the change, those that provide the services, and those that must evaluate the effect of the change. This is critical to the success of any program and is vital to the children who need help.

During the assessment, in addition to the wide variety of information received, the field monitors and assessment staff obtained comments on the role of OJJDP in relation to the efforts to remove status offenders and non-offenders from secure custody, the separation of juveniles from adult offenders, and the various aspects of monitoring. The field monitors and staff also drew conclusions and expressed opinions on the OJJDP role.

In general, most comments were favorable. This was somewhat surprising since there often seems to be a flexible wall between federal agencies and state and other governmental units. Hopefully, some day a determined wrecking crew will demolish the wall, so real goal-directed cooperation can occur. Not all planning agencies were complementary, and some, a very few, seemed to feel that they did not need the money.

The major issues that seemed to surface related to regulations, leadership, communication, staff availability on-site, unique state problems, and, to a limited extent, training. None of these issues were cited by more than nine or ten monitoring agencies. Some can be quickly stated for the records.

It was felt by a few that OJJDP staff should recognize the efforts of states to address and deal with issues covered in the JJDP Act before the passage of the Act. The historical efforts to remove children from jails and/or to bring about their separation when confined with adults are not new. This relates to a comment heard in states that not all states are alike. The rate for bringing about

change based on national guidelines will vary depending on each state. Here the request was for OJJDP staff to obtain more knowledge about the individual states in which the regulations must be applied.

Another request with which the assessment staff generally concurred was that more and better communication is needed between the OJJDP staff and the planning and monitoring staffs. Both written and on-site direct verbal communication was mentioned. While the quantity of communication is high at times, it is most often related to the annual monitoring reports and deals with compliance issues, incomplete information, and planning problems. No one was critical of this process. However, it was felt that other forms of communication were needed.

Each year the OJJDP prepares and presents a report to Congress which covers the various monitoring programs. One juvenile justice specialist said it would help monitoring staffs understand the national monitoring efforts if that portion of the report to Congress which deals with monitoring was shared with planning and monitoring agencies. This seemed to be a realistic request that might prove helpful in bringing about improvements in the monitoring systems. The preparation and distribution of selected "how to" information was also mentioned as a need, along with materials concerning programs developed in other states that are working to support monitoring goals.

Several states expressed a desire for more instate contact with OJJDP staff or persons knowledgeable about OJJDP operations to provide assistance with the various monitoring processes and procedures beyond annual monitoring report compliance. This contact should probably be with OJJDP's state representatives. Unfortunately, the number of governmental units now assigned to each state representative would probably not permit time for a regular visitation plan to be superimposed on current assignments. Since several visits would be required each year and each would need to be preceded by some planning and, later, by

meaningful follow-up, the time per state could run to three weeks or more. This is, however, very important. The field monitors feel that a number of the problems encountered during their assessment visits may have been avoided or corrected rather quickly had the OJJDP staff had regular, on-site contact with state monitoring staff. Additional state representatives may need to be added to the staff, or an alternate method for increasing on-site communication developed. It may be possible to fill this need by using consultants who are conversant or can be fully informed about the process and who can work closely with the state representatives and staffs of the monitoring agencies.

The need for assistance does not seem to be for technical assistance on one specific issue, but rather is for informed, general consultation on all aspects of the monitoring process and goals.

A number of states expressed the need for OJJDP to reach out and become closer to the private sector. This need was based on the fact that the private sector plays a rather large role in providing non-secure residential care to status and non-offenders.

One state suggested that OJJDP be humanized. While the field monitor felt the comment was made in jest, when clarification was sought it was learned that the reference was related to the enforcement of compliance regulations which often require what appears to be an abnormal focus on rules rather than children. Increased inter-agency communication at the face-to-face level might demonstrate that both state and federal staffs are concerned with the children.

Another comment by a state planner was more perplexing. This person, an experienced justice professional, said he could see no reason why a state should be required to monitor once it was in compliance. It was felt that by this statement the planner failed to recognize the purpose of monitoring and how rapidly significant progress can desolve when watchful concern ceases. While

monitoring may not need to be as intense once a sound pattern of practice has been firmly established, experience has shown that undesirable change can and does occur when programs are neglected.

The need for OJJDP to establish a policy and procedure for dealing with requested regulation variances is apparent. Such a policy may exist. If so, it is recommended that it be reviewed for it may need to be revised. A number of requests for report period extensions, changes, and regulation variances were noted during the assessment. Some were quite reasonable. However, the request of one state which was approved, to use 48 hours rather than 24 hours as the grace period before counting accused status offenders as detained, was questionable. This decision permitted a large number of children to spend twice as much time in secure custody. If 41 governmental units can comply with the 24-hour provision, it is reasonable to assume that the 42nd unit can also comply. When a variance is requested which alters the requirements of the Act or regulations, by policy the request should be reviewed by key OJJDP personnel, and, if the reasons for the variance are compelling, a set procedure should provide for the variance to be followed for a time-limited period but not indefinitely. The practices of the majority of the monitoring agencies should be considered in reviewing requests for variances.

Training for monitoring staff was mentioned during the assessment visits. While special training sessions have been held each year, the need expressed primarily related to one-state training rather than group training. The previous comments relating to in-state counseling by OJJDP staff, if implemented, would probably fill this need. However, if the on-going training program included a period of time for each monitoring agency's staff to meet with OJJDP staff to review the process, it would probably be beneficial to both the monitors and OJJDP staff.

It is recognized that regulation changes require time and that frequent changes cause problems for the monitoring agencies. Knowing this, it is still felt that two regulation changes and that two definition changes should be considered and two other definitions should be reviewed. Another item not now covered in the regulations should be strongly encouraged by OJJDP.

The suggested regulation changes which should be considered are as follows:

Report period: The OJJDP should recommend that all monitoring agencies use a 12-month report period for collecting data from all classified facilities to provide more complete detention practice information. Seventeen of the 42 monitoring agencies now use 12-month report periods for some facilities, and a few agencies with shorter report periods collect data for the full year.

Non-judicial days: The OJJDP should recommend that the count of accused status offenders held over 24 hours during the report period should include non-judicial days which are now excluded so that the data will actually reflect detention practices. Under the present plan over 30 percent of the days during which children can be and are detained are excluded from the count. The count should be passed on detention days, not on the working habits of the judiciary.

Two definitions should be amended or clarified. They are:

Accused juvenile offender: This definition now reads in part, "A juvenile with respect to whom a petition has been filed in the juvenile court alleging that such juvenile is a criminal-type offender or is a status offender and no final adjudication has been made by the juvenile court." This definition must be broadened to include the many confined juveniles now in detention and who are included in monitoring counts,

who may have a petition filed in their behalf, but the actual filing of the petition has not occurred.

Sight and sound separation: There seems to be confusion regarding what constitutes adequate sight and sound separation. Rather than permit the use of personal views on this subject, OJJDP staff and others should review the definition and, if possible, draft a clearer statement as to what constitutes adequate sight and sound separation.

At the present time no regulation concerning facility admission/release records exists. It is not recommended that this subject be included in the regulations. It is, however, recommended that the OJJDP strongly recommend that uniform juvenile admission/release record forms containing the required monitoring information be prepared and that the use of such records be required by all facilities which might securely confine children. The implementation of this recommendation could materially improve the accuracy and completeness of detention data.

The development of adequate monitoring systems accompanied by the removal of status offenders and non-offenders from secure custody and the removal or separation of juveniles from adult offenders in secure facilities is, in most governmental units, occurring at a rate that just five years ago seemed impossible. If this effort continues at the current rate and the monitoring and program changes suggested in this report are implemented, most governmental units should be totally in compliance by the end of 1981 or, at the latest, 1982. It is now conceivable that a considerable number of states will pass legislation prohibiting the confinement of children in adult jails, lockups and similar inappropriate facilities.

The OJJDP has played a significant role in the progress made towards meeting the intent of Section 223, (a)(12A), (13), and (14) of the JJDP Act of 1974.

More can be done. The following recommendations are presented as suggestions for further strengthening monitoring and improving practices which will reduce juvenile confinement.

#### RECOMMENDATIONS

The following recommendations, based on the findings of the national monitoring and data verification study, address methods for monitoring the juvenile justice system, particularly with respect to each governmental unit's responsibility to monitor progress toward the achievement of the status offender deinstitutionalization and separation mandates of the JJDP Act. These recommendations recognize the great utility of monitoring the juvenile justice system at the state and local levels rather than at the federal level; the significance of citizen involvement in monitoring; the inherent value of clear and accurate data in bringing about deinstitutionalization and improvement in the juvenile justice system; and the need for public awareness and support for deinstitutionalization. A pervasive notion throughout is the importance of establishing mechanisms capable of monitoring the entire system and not just compliance with the Act if significant long-range improvements are to be made in juvenile justice and if delinquency is to be reduced or controlled.

1. A RECORD-KEEPING PACKAGE SHOULD BE DEVELOPED TO ASSIST MONITORING AGENCIES IN OBTAINING COMPLETE AND ACCURATE DETENTION MONITORING DATA AT THE FACILITY LEVEL.

One of the most critical problems encountered during the monitoring assessment was inadequate and incomplete facility records. The primary objective of this recommendation should be the development of "how to" information dealing with detention monitoring data and facility records. A uniform juvenile admission/release record form which could be used by the monitoring agencies and all

facilities which might hold children in secure custody should be designed as a sample. The form should be adaptable to both detention and long-term care facilities. The form should provide for the entry of all necessary monitoring information and should allow additional space for information the facility may need.

The package should also include a plan or plans for retrieving copies of the admission/release records at regular intervals, probably monthly, for use in monitoring. The use of this information to provide full detention admission statistics would be a major benefit of such a plan.

2. MODEL LEGISLATION SHOULD BE DEVELOPED WHICH COULD BE USED BY GOVERNMENTAL UNITS AS A GUIDE IN EFFORTS TO OBTAIN ADEQUATE LEGAL AUTHORITY TO MONITOR.

Few governmental units have specific legal authority to monitor. Legal authority is essential to the development of an adequate monitoring system. In addition to the general authority to monitor, the legislation should grant authority to the agency to provide uniform juvenile admission/release record forms; to require all facilities that might hold children in secure custody to use and maintain such admission/release records and to submit duplicate copies to the monitoring agency at times designated by the agency; to permit inspections of all secure facilities to determine compliance with separation requirements; to cite facilities for noncompliance violations; and to enforce necessary sanctions, including closure of the facility to children when violations are not corrected or eliminated.

3. THE MONITORING REPORT PERIOD USED BY ALL PARTICIPATING GOVERNMENTAL UNITS SHOULD BE TWELVE MONTHS.

This should provide more complete data and information on detention practices and the numbers of children detained. Twelve-month data should also reflect

seasonal fluctuations in detention rates. Almost half of the monitoring agencies now use a full year report period for all or some facilities, and, some states that use shorter report periods already collect data for twelve months.

4. OJJDP SHOULD REVIEW MONITORING REGULATIONS AND DEFINITIONS TO MAKE CERTAIN THAT ALL ARE CLEARLY DESCRIBED AND PROVIDE SUFFICIENT INFORMATION TO PERMIT THEIR APPLICATION IN MONITORING.

Special attention should be given to separation and reclassification regulations since both seem to be subjected to more on-site interpretation than others. Where necessary, the regulations and/or definitions should be expanded or rewritten to insure clarity.

5. THE DEFINITION OF AN "ACCUSED JUVENILE OFFENDER" SHOULD BE REVIEWED AND REWRITTEN OR AMENDED.

The problem with this definition is found in the following sentence: "A juvenile with respect to whom a petition has been filed in the juvenile court alleging that such a juvenile is a criminal-type offender or is a status offender and no final adjudication has been made by the juvenile court." This definition is too limited. Many, if not most, children are detained prior to the filing of a petition. A petition may be filed or the child may be released from detention without further action. The correction may simply require the insertion of the words "may be" in lieu of the first "has been" in the sentence. This definition should be reviewed and amended since it does not now cover many children included in the monitoring counts.

6. THE PROVISION WHICH EXCLUDES NON-JUDICIAL DAYS WHEN DETERMINING HOW MANY ACCUSED STATUS OFFENDERS WERE HELD IN SECURE CUSTODY OVER 24 HOURS SHOULD BE ELIMINATED.

This provision now eliminates from the count children held during over 30 percent of the possible detention days during the year. Weekend detention is usually higher than weekday. The exclusion complicates the count. The key issue to be considered relates to the primary monitoring purpose--to determine if status offenders are being removed from secure confinement facilities. The focus should be on all status offenders held in secure custody and all detention days should be included in the count.

7. A PACKAGE DEALING WITH THE CONFIDENTIALITY OF JUVENILE RECORDS AS CONFIDENTIALITY RELATES TO DETENTION MONITORING SHOULD BE DEVELOPED FOR THE USE OF MONITORING AGENCIES.

Even though this subject is covered in the JJDP Act, it still creates some problems and could interfere with the development of a uniform juvenile admission/release record and reporting system. The package should include examples of how confidentiality has been handled by the various governmental units.

8. OJJDP'S STATE MONITORING REPORT FORM SHOULD BE REVIEWED BY OJJDP OFFICIALS, SPA'S AND MONITORING AGENCY PERSONNEL TO DETERMINE ITS ADEQUACY AND APPLICABILITY IN PRESENTING THE NECESSARY ANNUAL REPORT INFORMATION.

Periodic reviews are essential to insure that reports and other forms fulfill their intended functions and meet the required needs.

9. OJJDP SHOULD ESTABLISH A POLICY AND PROCEDURES FOR ACTING ON REQUESTS FOR REGULATION VARIANCES.

Requests for variances should always be considered, but the policy and procedures should require the involvement of various OJJDP staff in the decision. The decision should reflect the practices of the majority of other monitoring agencies in dealing with the subject of the variance request.

10. OJJDP SHOULD CONTINUE THE ANNUAL FACE-TO-FACE MONITORING WORKSHOPS AS ONE METHOD OF SHARING MONITORING INFORMATION AND IMPROVING THE MONITORING SYSTEMS.

11. OJJDP SHOULD PROVIDE FOR AND SUPPORT EFFORTS TO PROVIDE NATIONAL-SCOPE TECHNICAL ASSISTANCE REGARDING INSPECTION AND THE DEVELOPMENT OF WRITTEN VIOLATION PROCEDURES.

A package on these subjects which includes examples of operational inspection and violation programs would be helpful.

12. OJJDP SHOULD PROVIDE FOR AND SUPPORT A "VERIFICATION TEAM" FOR RANDOM, SPECIAL, ON-SITE ASSESSMENTS AT THE NATIONAL LEVEL.

Full-scale assessment and/or verification may not be essential as the state monitoring systems improve, but verification of problem area facilities could assist the monitoring agencies. Complaints dealing with a specific facility may require verification or fact finding. Special on-site assessment could be made by a national-scope "verification team" while preserving a positive state/local relationship conducive to technical assistance and resolution of problems.

13. OJJDP SHOULD INTENSIFY ITS EFFORTS TO COLLECT AND MAINTAIN SPECIFIC INFORMATION ON JUVENILE DETENTION AND CORRECTIONAL FACILITIES, INCLUDING ADULT JAILS AND LOCKUP DATA.

The National Jail Registry currently supported by OJJDP should be expanded to include the information recommended by the Children's Defense Fund in its 1976 report, Children in Adult Jails.

14. TO IMPROVE AND INCREASE COMMUNICATION BETWEEN OJJDP AND THE MONITORING AGENCIES, IT IS SUGGESTED THAT OJJDP'S CONGRESSIONAL REPORT ON MONITORING BE PROVIDED TO ALL MONITORING AGENCIES AND, TO THE EXTENT POSSIBLE, TO INTERESTED ORGANIZATIONS AND THE PUBLIC.

15. OJJDP SHOULD INCREASE STATE REPRESENTATIVE ON-SITE CONTACT WITH MONITORING AGENCIES IN AN EFFORT TO INSURE THAT BOTH ARE FULLY INFORMED ON ALL ASPECTS OF MONITORING AND TO REDUCE THE NUMBER OF POTENTIAL REPORTING PROBLEMS.

16. OJJDP SHOULD CONSIDER USING DISCRETIONARY FUNDING TO IMPLEMENT INNOVATIVE MONITORING TECHNIQUES AND STRATEGIES.

Model inspection methods, violation procedures, data tabulation and reporting techniques, and other specific monitoring strategies are sufficiently developed to justify major initiatives.

17. OJJDP SHOULD REQUIRE VERIFICATION BY ALL SPA'S WHO RELY ON SECONDARY SOURCES FOR COMPLIANCE REPORT DATA.

The monitoring assessment found that regular verification is essential. The verification need increases when data collection is done by persons not on the SPA's staff. The recommendation for developing and using uniform juvenile admission/release record forms and for monitoring from duplicate copies of these records will reduce, but will not eliminate, the need for verification.

18. OJJDP SHOULD INTENSIFY ITS EFFORTS TO PROVIDE DISCRETIONARY FUNDS FOR INDEPENDENT YOUTH ADVOCACY PROGRAMS.

Juvenile justice advocacy units should be available in every state. Advocacy programs may also be needed for certain metropolitan areas and for regions within some states.

19. MODEL LEGISLATION AND RESOURCE INFORMATION SHOULD BE DEVELOPED TO PROVIDE FOR THE REMOVAL OF ALL CHILDREN UNDER JUVENILE COURT JURISDICTION FROM ALL SECURE FACILITIES WHICH ALSO HOUSE ADULT OFFENDERS.

A number of states now have such provisions in their codes and other states are considering such legislation.

20. OJJDP SHOULD SUPPORT AN INDEPENDENT NATIONAL-SCOPE STUDY OF MENTAL HEALTH FACILITIES AND PRIVATE CHILDCARE INSTITUTIONS TO DETERMINE THE LEVEL OF THE USE OF SUCH FACILITIES BY JUVENILE COURTS FOR THE PLACEMENT OF CHILDREN UNDER THE COURTS' JURISDICTION.

21. OJJDP SHOULD ESTABLISH A CITIZEN AWARD PROGRAM TO MOTIVATE CITIZENS AND RECOGNIZE EXTRAORDINARY CITIZEN ACTION TO BRING ABOUT DEINSTITUTIONALIZATION IN THEIR HOME COMMUNITIES.

22. OJJDP SHOULD ASSESS THE RUNAWAY ISSUE AND ATTEMPT TO IDENTIFY AND/OR DEVELOP PROGRAMS WHICH MAY BE IMPLEMENTED BY STATES AND COMMUNITIES TO REDUCE THE IMPACT OF RUNAWAYS ON THE JUVENILE JUSTICE SYSTEMS AND TO REDUCE THE NEED FOR THEIR CONFINEMENT.

Runaways present special problems to many states. While the number of status offenders detained is decreasing, the number of out-of-state and out-of-county runaways continues to be a problem.

23. OJJDP SHOULD INTENSIFY ITS EFFORT TO ESTABLISH MECHANISMS AT THE STATE AND LOCAL LEVELS WHICH MONITOR ALL ASPECTS OF THE JUVENILE JUSTICE SYSTEM.

Despite OJJDP's encouragement and the national standard recommendations, most states have been reluctant to establish broad-based monitoring systems and most have opted to monitoring for compliance with the Act. Long-term improvements, in due process, deinstitutionalization of living conditions and quality of services can best be obtained by a system of monitoring which focuses on the entire juvenile justice process in addition to the critical "front door" of the system which includes detention.

24. OJJDP SHOULD DEVELOP OR HAVE DEVELOPED A PACKAGE WHICH WOULD DEAL WITH 24-HOUR INTAKE AND SINGLE-AGENCY DETENTION ADMISSION SCREENING.

Limiting the entry point to detention through a reduction in the number of persons who may make decisions regarding detention, the use of established criteria and how full-time intake might be implemented should be covered.

25. OJJDP SHOULD ENCOURAGE AND, TO THE EXTENT POSSIBLE, ASSIST MONITORING AGENCIES IN INCLUDING DATA AND INFORMATION CONCERNING JUVENILES HELD BY OR CONFINED IN FEDERAL, STATE, LOCAL OR PRIVATE FACILITIES BY FEDERAL AGENCIES IN MONITORING RECORDS.

Since the intent of Section 223 (a)(12A), and (13) of the JJDP Act is to deinstitutionalize the status offender and to separate juveniles from adult offenders in secure custody, either by the total removal of juveniles from adult facilities or by providing sight and sound separation within adult facilities, and no reference is made to the level of government placing the child or providing the facility, special attention should be extended to monitor children held by the U.S. marshalls, U.S. Bureau of Prisons, Bureau of Indiana Affairs and Immigration Service.

26. OJJDP SHOULD CONSIDER EXTENDING THE SCOPE OF STATE JUVENILE DETENTION MONITORING TO INCLUDE ALL CHILDREN HELD IN FACILITIES WHICH ALSO HOUSE ADULT OFFENDERS.

While the JJDP Act deals primarily with juveniles who are under the jurisdiction of the juvenile court, juveniles waived to adult criminal court jurisdiction and children placed or sentenced by other jurisdictions are held in adult detention facilities. In many, if not most, of the facilities holding these children, separation from adult offenders is not available to these people. The latter group includes uncharged juveniles held as material witnesses. For the purposes of such monitoring, the jurisdictional age of children under the juvenile court should be used to identify such juveniles held. The inclusion of all detained

or confined juveniles should provide a more complete and accurate count of children confined with adult inmates.

27. OJJDP SHOULD REQUEST THAT ALL MONITORING AGENCIES REGULARLY SUBMIT TO THE OJJDP, REPORTS ON LEGAL ACTIONS RELATING TO JUVENILE DETENTION AND/OR MONITORING WHICH HAVE BEEN FILED OR HAVE BEEN DECIDED BY THE COURTS.

OJJDP should share the collected information with all monitoring agencies on a regular basis. Legal actions dealing with all aspects of juvenile detention have both a positive and negative effect on the implementation of the provisions of the JJDP Act and state programs. The collection and sharing of such legal information is essential both to OJJDP and to the state monitoring agencies.

EXHIBIT I

UNITED STATES DEPARTMENT OF JUSTICE  
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION  
WASHINGTON, D.C. 20531



SAMPLE

Douglas R. Cunningham, Executive Director  
Office of Criminal Justice Planning  
7171 Bowling Drive  
Sacramento, CA 95823

Dear Mr. Cunningham:

A part of OJJDP's responsibility in implementing the JJDP Act of 1974, as amended, is to determine the level of state compliance with the deinstitutionalization and separation requirement of Section 223(a)(12)(A) and (13) of the Act. This determination is primarily based upon the monitoring report submitted annually by each participating state. So that the Office can fully meet its stewardship responsibilities, OJJDP is undertaking a verification and technical assistance effort in conjunction with the Community Research Forum (CRF) at the University of Illinois. CRF representatives will visit each state during the 6-month period of October 1979 through March 1980. The purpose of the visit is to meet with SPA officials, to review the system of monitoring compliance, and to verify the compliance data at selected juvenile detention and correctional facilities.

As a result of this activity, OJJDP will have a uniform, national verification of progress towards compliance with the Act. Additionally, it will allow California to take advantage of technical assistance in your effort to monitor progress toward compliance. A report will be developed on your state which will be used during an OJJDP/California monitoring meeting in the spring of 1980.

The Community Research Forum will be in contact with you to provide more details regarding the process prior to visiting your state. Those states included in the initial effort during October through December will be contacted to establish a suitable time for the on-site visit.

Your cooperation with OJJDP is appreciated and we look forward to working with you.

Sincerely,

Signed/David D. West

David D. West  
Acting Associate Administrator  
Office of Juvenile Justice  
and Delinquency Prevention

EXHIBIT 2

Community Research Forum

University of Illinois at Urbana-Champaign 505 East Green Street, Suite 210, Champaign, Illinois 61820 (217) 353-0443

September 7, 1979

Richard C. Wertz, Executive Director  
Arizona State Justice Planning Agency  
Professional Plaza, Suite 400  
4820 N. Block Canyon Freeway  
Phoenix, Arizona 85017

Dear Mr. Wertz:

Recently you received a letter from David D. West, Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention, which told of the verification and technical assistance effort being undertaken by our agency, under a grant from OJJDP.

We plan on-site visits to the forty-two participating states and the District of Columbia. We will also look at facilities in your state operated directly by selected federal agencies and agencies providing services under contract to these federal agencies.

Our Field Monitors will want to meet with you, your juvenile specialist, and the persons on your staff directly responsible for monitoring and for preparation of your last monitoring report. The Field Monitor will also want to meet with the appropriate staff of the agencies which provided monitoring data.

The Field Monitor will need to become familiar with the process you used in selecting and classifying the monitoring universe. If the materials or directories used are available it would be helpful to have copies. He will also need to look at the raw data sheets and become familiar with the data collection process.

In each state our person will visit at least ten percent of the counties. If ten percent is less than four counties, four will be visited. In each county, staff will be asked to visit the facilities which house children coming under provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, Section 223, (12A) and (13), as amended. To be able to verify the monitoring data they will need copies of the raw data sheets for facilities in the following counties:

Cochise  
Graham  
Maricopa  
Pima

Don Rademacher, our project coordinator, will be the Field Monitor for Arizona. Tentatively he plans to visit your state during the week of September 23rd. He will call you soon to request an appointment for Monday, September 24th, and to request appointments with your staff.

September 7, 1979  
Richard C. Wertz  
Page 2

We hope that the information obtained during the field monitor's visit to your state will be beneficial both to the OJJDP and to your agency and will provide a basis for meaningful discussion at the spring monitoring meeting. A copy of our report on your state will be sent to you when it is completed.

Sincerely,

*Jim Brown*

Jim Brown  
Director

JB/slb

cc: Frank Porpotage  
Don Rademacher  
Doyle Wood

SPA INTERVIEW OUTLINE

The following format should be used in preparing the State Verification Report following on-site consultation and examination.

1. System for Monitoring Compliance with the Act
  - A. Report Period
  - B. Compatibility of Definitions (obtain copy of juvenile legislation)
  - C. Authority to Monitor
  - D. Selection of Universe (obtain copy of Universe)
  - E. Classification of Universe
  - F. Data Collection
  - G. Inspection of Facilities
  - H. Method of Reporting
  - I. Violations Procedure
  - J. Assurances against Reclassification
  - K. Monitoring Obstacles and TA Needs
  - L. Successful Monitoring Practices and Programs
2. Successful Practices and Programs
  - A. Name and Address of Program
  - B. Contact Person and Phone Number
  - C. General Description of Practice or Approach
  - D. Impact

FACILITY INSPECTION FORM

A. Name and Address of Facility: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Name and Phone Number of Contact: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. Does the facility currently contract with the federal government for the detention of adult criminal offenders?  
\_\_\_\_\_yes \_\_\_\_\_no

D. How many juvenile suicides in the facility in the past three years?  
\_\_\_\_\_attempted \_\_\_\_\_committed

E. Classification of Facility

(NUMBERS IN PARENTHESES IN LEFT MARGIN CORRESPOND TO JUVENILE FACILITY MONITORING SURVEY FORM)

	<u>SMR</u>	<u>VER</u>
(3) Is the facility secure?	_____	_____
(4) Has the facility held adult criminal offenders in the past 12 months?	_____	_____
(10) Has the facility been used for the secure detention and confinement of juvenile offenders and adult criminal offenders in the last 12 months?	_____	_____

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

F. Deinstitutionalization of Status and Nonoffenders

	<u>SMR</u>	<u>VER</u>
(6) How many accused status offenders/nonoffenders were held longer than 24 hours during the report period?	_____	_____
(7) How many adjudicated status offenders/nonoffenders were held during the report period?	_____	_____
(15) When was your facility last inspected for compliance with the Act?	_____	_____

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

G. Separation of Juveniles and Adult Offenders

	<u>SMR</u>	<u>VER</u>
(11) Does the facility provide adequate separation? dining _____ sleeping _____ recreational _____ toilet and shower _____ educational _____ intake _____ contact with trustees _____	_____	_____

(12) How many juveniles inadequately separated during the report period?	_____	_____
(15) When was the facility last inspected for compliance with the Act?	_____	_____

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EXHIBIT 5

TYPE OF STATE AND LOCAL FACILITIES VISITED

State	Adult Jails, Workhouses, Lockups, etc.	Juvenile Detention Centers	Training Schools(1)	Other Facilities(2)
Alabama	46	2	4	2
Arizona	14	3	1	1
Arkansas	20	1	1	0
California	11	5	2	1
Colorado	5	2	1	0
Connecticut	13	3	1	0
Delaware	5	2	1	1
District Columbia	1	1	2	0
Florida	16	3	1	0
Georgia	38	5	1	0
Idaho	6	1	1	0
Illinois	29	4	1	1
Indiana	10	3	2	0
Iowa	17	1	1	0
Kansas	6	3	1	0
Kentucky	12	1	0	0
Louisiana	12	3	3	0
Maine	18	0	1	1
Maryland	5	1	2	1
Massachusetts	5	1	0	1
Michigan	12	4	1	0
Minnesota	13	1	0	0
Mississippi	16	7	1	0
Missouri	6	2	1	1
Montana	6	0	1	4
New Hampshire	28	0	1	1
New Jersey	18	4	1	0
New Mexico	4	2	1	0
New York	15	1	1	0
North Carolina	10	2	1	0
Oregon	2	2	1	0
Pennsylvania	7	4	1	0
Rhode Island	9	0	1	4
South Carolina	18	0	1	0
Tennessee	9	2	1	0
Texas	38	11	1	0
Utah	4	3	0	0
Vermont	4	0	1	1
Virginia	8	2	1	0
Washington	17	4	1	0
West Virginia	6	1	1	0
Wisconsin	10	2	0	0
	549	99	46	20

1) Some of the training schools selected at random for visits were closed.

(2) Includes private child care facilities, mental hospitals, court holding units, a private school and similar units.

Sally Beasley

Kentucky

Avis Birnstein - Phillip H. Scherrish

Illinois

H. Aubrey Elliott

Arkansas

Delaware

Kansas

Maryland

Missouri

New Mexico

Texas

Larry Hembree

Iowa

Frederick Howlett

Alabama

District of Columbia

Florida

Georgia

Louisiana

Mississippi

North Carolina

West Virginia

Jerry Klein

Wisconsin

Patricia Miller

Tennessee

Don Rademacher

Arizona

Indiana

South Carolina

Jim Schroeder, Jr.

Minnesota

Helen Sumner

California

Colorado

Idaho

Michigna

Montana

Oregon

Utah

Washington

Willis O. Thomas

Connecticut

Massachusetts

New Hampshire

New Jersey

New York

Pennsylvania

Rhode Island

Vermont

Virginia

**CONTINUED**

**1 OF 8**

EXHIBIT 6

COUNTIES VISITED BY STAFF

<u>Alabama</u> Bibb Chilton Coosa Jefferson Montgomery Talladega Tallaposa	<u>Arizona</u> Cochise Graham Maricopa Pima	<u>Arkansas</u> Arkansas Conway Jefferson Lonoke Monroe Pulaski Saline	<u>California</u> Alameda Amador Calaveras Sacramento San Francisco Sonoma	<u>Iowa</u> Blackhawk Boone Butler Clarke Johnson Mahaska Marshall Monroe Pock Wapello	<u>Kansas</u> Butler Clay Ellsworth Gove Lyon McPherson Republic Riley Saline Sedgwick Shawnee	<u>Kentucky</u> Anderson Boyle Bullitt Fayette Franklin Hardin Henry Jefferson Marion Nwlaon Shelby Spencer	<u>Louisiana</u> Assumption East Baton Rouge Jefferson Orleans St. James St. John the Baptist West Baton Rouge
<u>Colorado</u> Adams Crowley Denver Douglas El Paso Fremont Rio Blanco	<u>Connecticut</u> Hartford Middlesex New Haven Windham	<u>Delaware</u> Kent Newcastle Sussex	<u>Florida</u> Hillsborough Jefferson Leon Madison Manatee Pasco Pinellas	<u>Maine</u> Cumberland Kennebec Lincoln Oxford	<u>Maryland</u> Anne Arundel Baltimore Caroline Baltimore(City)	<u>Massachusetts</u> Dukes Middlesex Plymouth Suffolk	<u>Michigan</u> Gratiot Ingham Kent La Peer Livingston Montcalm Oakland Shiawassee Wayne
<u>Georgia</u> Baldwin Bibb Clayton Cobb Coweta DeKalb Douglas Fayette Fulton Houston Lamar Morgan Newton Rockdale Spalding Twiggs	<u>Idaho</u> Ada Canyon Clark Twin Falls Washington	<u>Illinois</u> Champaign Christian Coles Cook Douglas Lake Macon Piatt Sangamon Shelby Will	<u>Indiana</u> Bartholomew Brown Hendricks Johnson Madison Marion Monroe Owens Putnam Vigo	<u>Minnesota</u> Aitkin Anoka Chisago Hennepin Isanti Kanabec Meeker Ramsey Stearns	<u>Mississippi</u> Claiborne Hancock Harrison Hinds Jackson Lawrence Marion Pearl River Warren	<u>Missouri</u> Cole Gasconde Osage St. Charles St. Louis St. Louis(City)	<u>Montana</u> Broadwater Deer Lodge Gallatin Lewis and Clark Silver Bow Yellowstone
				<u>New Hampshire</u> Belknap Carroll Gillsborough Merrimack	<u>New Jersey</u> Essex Hunterdon Mercer Middlesex	<u>New York</u> Albany Genesee New York Saratoga Schenectady Sullivan Westchester	<u>North Carolina</u> Anson Cabarrus Chatham Gaston Harnett Lee Mecklenburg Moore Union Wake

Oregon

Benton  
Marion  
Multnomah  
Sherman

Tennessee

Bedford  
Cannon  
Coffee  
Davidson  
Franklin  
Grundy  
Hamilton  
Rutherford  
Warren  
Wilson

Pennsylvania

Adams  
Allegheny  
Dauphin  
Franklin  
Indiana  
Snyder  
Westmoreland

Texas

Bandera  
Bastrop  
Bell  
Bexar  
Bosque  
Cameron  
Comal  
Dallas  
Denton  
Ellis  
Falls  
Guadalupe  
Hays  
Hidalgo  
Hood  
Jim Wells  
Johnson  
Kaufman  
Kleberg  
Lampasas  
Navarro  
Nueces  
San Patricio  
Starr  
Travis  
Willacy

Rhode Island

Kent  
Newport  
Providence  
Washington

Utah

Duschene  
Lake  
Morgan  
Salt  
Tooeleh  
Vintah  
Weber

South Carolina

Kershaw  
Laurens  
Newberry  
Richland  
Spartanburg

Vermont

Caledonia  
Chittendon  
Rutland  
Washington

Virginia

Arlington  
Charles City  
Fairfax  
Gloucester  
Hanover  
Henrico  
Isle of Wight  
James City  
Nansemond  
Prince George  
Prince William  
Norfolk(City)  
Richmond(City)  
Virginia Beach(City)

Washington

Douglas  
King  
Snohomish  
Thurston

West Virginia

Clay  
Fayette  
Gilmer  
Harrison  
Kanawha  
Raleigh

Wisconsin

Adams  
Columbia  
Dane  
Fond-du-Lac  
Iowa  
Milwaukee  
Sauk  
Sheboygan

STATE MONITORING AGENCIES VISITED BY STAFF

Alabama Law Enforcement Planning Agency  
2863 Fairlane Drive  
Executive Park Building, Suite 49  
Montgomery, Alabama 36111

Arizona State Justice Planning Agency  
Professional Plaza, Suite 400  
4820 North Black Canyon  
Phoenix, Arizona 85017.

Arkansas Crime Commission  
1515 Building, Suite 700  
Little Rock, Arkansas 72202

California Office of Justice Planning  
7171 Bowling Drive  
Sacramento, California 95823

Colorado Division of Criminal Justice  
1313 Sherman Street  
Denver, Colorado 80203

Connecticut Justice Commission  
75 Elm Street  
Hartford, Connecticut 06115

Delaware Criminal Justice Commission  
State Office Building  
820 North French Street-fourth floor  
Wilmington, Delaware 19801

Office of Criminal Justice Plans and Analysis  
Munsey Building-suite 200  
1329 E Street, N.W.  
Washington, D.C. 20004

Bureau of Criminal Justice Assistance  
Division of State Planning  
Department of Administration  
530 Carlton Building-room 215  
Tallahassee, Florida 32304

Georgia State Crime Commission  
3400 Peachtree Road, N.E.-suite 625  
Atlanta, Georgia 30326

Law Enforcement Planning Commission  
700 West State Street  
Boise, Idaho 83720

Illinois Law Enforcement Commission  
120 South Riverside Plaza-10th floor  
Chicago, Illinois 60606

Indiana Criminal Justice Planning Agency  
215 North Senate-fourth floor  
Indianapolis, Indiana 46202

Iowa Crime Commission  
Lucas State Office Building  
Des Moines, Iowa 50319

Governor's Committee on Criminal Administration  
503 Kansas Avenue-second floor  
Topeka, Kansas 66603

Executive Office of Staff Services  
Kentucky Department of Justice  
State Office Building Annex  
Frankfort, Kentucky 40601

Louisiana Commission on Law Enforcement  
and the Administration of Criminal Justice  
1800 Wooddale Boulevard-room 615  
Baton Rouge, Louisiana 70806

Maine Criminal Justice Planning and  
Assistance Agency  
11 Parkwood Drive  
Augusta, Maine 04330

Governor's Commission on Law Enforcement  
and the Administration of Justice  
Suite 700-One Investment Place  
Towson, Maryland 21204

Committee on Criminal Justice  
110 Tremont Street  
Boston, Massachusetts 02108

Office of Criminal Justice  
Lewis Cass Building-second floor  
Lansing, Michigan 48909

Crime Control Planning Board  
444 Lafayette Road-sixth floor  
St. Paul, Minnesota 55101

Mississippi Criminal Justice Planning Commission  
723 North President Street-suite 400  
Jackson, Mississippi

Missouri Council on Criminal Justice  
P.O. Box 1041  
Jefferson City, Missouri 65101

Board of Crime Control  
402 Roberts  
Helena, Montana

New Hampshire Crime Commission  
169 Manchester Street  
Concord, New Hampshire 03301

State Law Enforcement Planning Agency  
3535 Quaker Bridge Road  
Trenton, New Jersey 08625

Administrative Services Division  
New Mexico Criminal Justice Department  
113 Washington Avenue  
Santa Fe, New Mexico 87501

New York Division of Criminal Justice Services  
80 Centre Street  
New York, New York, 10013

Division of Crime Control  
North Carolina Department of Crime Control and  
Public Safety  
P.O. Box 27687  
Raleigh, North Carolina 27611

Executive Department  
Law Enforcement Council  
2001 Front Street, N.E.  
Salem, Oregon 97310

Pennsylvania Commission on Crime and Delinquency  
P.O. Box 1167  
Federal Square Station  
Harrisburg, Pennsylvania 17108

Governor's Committee on Crime, Delinquency,  
and Criminal Administration  
110 Eddy  
Providence, Rhode Island 02903

Office of Criminal Justice Programs  
-fourth floor  
Edgar A. Brown Building  
1205 Pendleton Street  
Columbia, South Carolina 29201

Tennessee Law Enforcement Planning Agency  
4950 Linbar Drive  
Browning Scott Building  
Nashville, Tennessee 37211

Criminal Justice Division  
Office of the Governor  
413 W. 13th Street  
Austin, Texas 78701

Utah Council on Criminal Justice Administration  
255 South Third Street  
Salt Lake City, Utah 84111

Vermont Commission on the Administration  
of Justice  
149 State Street  
Montpelier, Vermont 05602

Division of Justice and Crime Prevention  
8501 Maryland Drive  
Parham Park  
Richmond, Virginia 23229

Office of Financial Management  
Division of Criminal Justice  
102 North Quince  
Olympia, Washington 98504

Youth Services Unit  
West Virginia Department of Welfare  
1900 Washington Street East Room 850B  
Charleston, West Virginia 25305

Wisconsin Council on Criminal Justice  
122 West Washington Avenue  
Madison, Wisconsin 53703

EXHIBIT 8

SELECTED MONITORING PROCESS SUBJECTS

STATE	Legal Authority to Monitor Placed with		Compatible Definitions		Completely Classified Universe	Report Period In Months	Data Collection Method	Inspections Made	Established Violation Procedures
	SPA	Other Agency	In Code	OJJDP					
ALABAMA	Yes	---	Yes (1)	---	Yes	3	On-Site	Yes	Yes
ARIZONA	Yes	---	No	Yes	Yes	1	On-Site	Yes	Yes
ARKANSAS	No	Yes	Yes	---	Yes	1	On-Site	Yes	Yes
CALIFORNIA	No	Yes	Yes	---	Yes	12	UV Mail	Yes	Yes
COLORADO	No	Yes	No	Yes	No	12	On-Site	Yes	No
CONNECTICUT	Yes	---	No (2)	Yes	No (3)	3-12	OS,UV M	No	No
DELAWARE	No	Yes	Yes	---	Yes	12	OS, V M	No	Yes
DISTRICT/COLUMBIA	Yes	---	Yes	---	Yes	12	OS, V M	Yes	Yes
FLORIDA	Yes	---	Yes (1)	---	No (3)	6	UV Mail	Yes (4)	No
GEORGIA	No	Yes	Yes	---	Yes	1	OS V Mail	Yes	Yes
IDAHO	No	Partial	Yes	---	Yes	12	On-Site	No	No
ILLINOIS	No	Yes	Yes	---	Yes	3-12	UV Mail	Yes	Yes
INDIANA	Yes	---	YES	---	No (3)	3 days(5)	V Mail	Yes	No
IOWA	Yes	---	Yes	---	Yes	12	UV Mail	Yes	Yes
KANSAS	No	Yes	Yes	---	Yes	1	On-Site	Yes	Yes
KENTUCKY	Yes	---	Yes	---	Yes	6	On-site	Yes	No
LOUISIANA	No	No	Yes	---	Yes	12M,21days	OS,V Mail	Yes	No
MAINE	Yes	---	Yes	---	No(3)	3-12	On-Site	Yes	Yes
MARYLAND	No	Yes	YES	---	Yes	12	On-Site	Yes	YES
MASSACHUSETTS	Yes	---	Yes	---	No(3)	12	On-Site	Yes	No
MICHIGAN	Yes	---	Yes	---	Yes	1	On-Site	Yes	Yes
MINNESOTA	Yes	---	No ( )	Yes	Yes	9	UV Mail	Yes	Yes
MISSISSIPPI	No	Yes	YES	---	Yes	3	On-Site	Yes	Yes
MISSOURI	No	No	No	Yes	No	12	UV Teleph	No	No
MONTANA	No	No	YES	---	Yes	12	V Mail	Yes	No
NEW HAMPSHIRE	Yes	---	Yes	---	Yes	6	OS,V,M,T	Yes	No
NEW JERSEY	Yes	---	Yes	---	Yes	12 & 0,(7)	On-Site	Yes	Yes
NEW MEXICO	Yes	---	Yes	---	Yes	1	On-Site	Yes	No
NEW YORK	Yes	---	Yes	---	No (3)	12	OS V	Yes	Yes
NORTH CAROLINA	No	Yes	Yes	---	No (8)	3 Month	V Mail	Yes	No
OREGON	Yes (8)	---	Yes	---	No (3)	12	On-Site	Yes	No
PENNSYLVANIA	Yes	---	Yes	---	No (9)	12	On-Site	Yes	Yes
RHODE ISLAND	Yes	---	No	Yes	Yes	12	OS Mail	Yes	No
SOUTH CAROLINA	Yes	---	No	Yes	Yes	1 M, 1 day	V Mail	Yes	Yes

SELECTED MONITORING PROCESS SUBJECTS

STATE	Legal Authority to Monitor Placed with		Compatible Definitions		Completely Classified Universe	Report Period In Months	Data Collection Method	Inspections Made	Established Violation Procedures
	SPA	Other Agency	In Code	OJJDP					
Texas	No	Yes	No	Yes (10)	No	12	UV Mail	No	No
Utah	Yes	---	Yes	---	Yes	3	OS,UV M	Yes	Yes
Vermont	No	Yes	Yes	---	Yes	1	On-Site	Yes	Yes
Virginia	Yes	---	Yes	---	No (3)	12	V Mail	Yes	Yes
Washington	Yes	---	Yes	---	Yes	6	On-Site	Yes	Yes
West Virginia	No	No	Yes	---	No (3)	12	On-Site	Yes	No
Wisconsin	Yes	---	Yes	---	Yes	6 weeks	Mail PV	Yes	No

UV = Unverified  
 OS = On-Site  
 V = Verified  
 PV = Partially Verified  
 M = Mail  
 T = Telephone

FOOTNOTES

- (1) Code includes provisions which may permit reclassification for second status offense, status offense probation violation, or through administrative placement.
- (2) Current Code is not compatible and permits reclassification. Recently passed new Code is compatible and prevents reclassification.
- (3) Jails and lockups, jails, lockups or some jails and/or lockups excluded from classified universe.
- (4) Department of Corrections responsible for inspections. Inspections not current in facilities listed.
- (5) Indiana selected three separate days for its report period. Louisiana selected 21 separate days for juvenile detention facilities and training schools.
- (6) Code provides adequate protection against reclassification. Children occasionally reclassified. Code needs to be enforced.
- (7) Six different report periods used: lockups-one year; state adult facility-5 days; state juvenile facilities-6 days; state youth facility-7 days; detention centers, county jails, and workhouses-4 months.
- (8) Training schools excluded from classified list
- (9) Lockups excluded from classified list, but now being monitored
- (10) Code is compatible, but count of accused status offenders based on judicial committee exemptions and offenders held over 48 hours.

STATE	in thousands		detained during R.P.		per 100,000		Report Period	Year of	
	Base	R.P.	Base	R.P.	Base	R.P.		Base	R.P.
ALABAMA	1,159	1,125	1,502	422	$\frac{129.6}{100,000}$	$\frac{37.5}{100,000}$	3 Mos. Jan-Mar	1976	1979
ALASKA	153	148	485	68	$\frac{317}{100,000}$	$\frac{45.9}{100,000}$	12 Mos. June-Dec	1976	1978
ARIZONA	735	753	453 (adjusted)	74	$\frac{61.6}{100,000}$	$\frac{9.8}{100,000}$	1 Mo. August	1975	1979
ARKANSAS	665	639	355	21	$\frac{53.4}{100,000}$	$\frac{3.3}{100,000}$	1 Mo. August	1975	1979
CALIFORNIA	6,323	6,259	34,216	5,124	$\frac{541}{100,000}$	$\frac{81.9}{100,000}$	12 Mos. July-June	FY 1975/ 76	FY 1977/ 78
COLORADO	807	799	6,123	2,362	$\frac{758.7}{100,000}$	$\frac{295.6}{100,000}$	12 Mos.	1975	1978
CONNECTICUT	910.5	833	699	166	$\frac{76.8}{100,000}$	$\frac{19.9}{100,000}$	12 Mos. (July-June) Projection	FY 1975/ 76	1978/ 79
DELAWARE	186.5	167.5	374	61	$\frac{200.5}{100,000}$	$\frac{36.4}{100,000}$	12 Mos. Aug-July	FY 1974/5	FY 1978/5
D. OF C.	199	168	178	139	$\frac{89.4}{100,000}$	$\frac{82.7}{100,000}$	12 Mos.	1975	1979
FLORIDA	2,311	2,226	4,594	208	$\frac{198.8}{100,000}$	$\frac{9.3}{100,000}$	6 Mos. Jan-June	1978	1979
GEORGIA	1,634	1,556	410	75	$\frac{25.1}{100,000}$	$\frac{4.8}{100,000}$	1 Mo. August	1975	1979

STATE	in thousands		detained during R.P.		per 100,000		Report Period	Year of	
	Base	R.P.	Base	R.P.	Base	R.P.		Base	R.P.
HAWAII	282.5	275	681	599	$\frac{241.1}{100,000}$	$\frac{217.8}{100,000}$	12 Mos. Jan-Dec	1975/6	1978/9
IDAHO	278	293	1,836	563	$\frac{660.4}{100,000}$	$\frac{192.2}{100,000}$	12 Mos. Jan-Dec	1976	1979
ILLINOIS	3,429	3,232	1,797.4	433	$\frac{52.4}{100,000}$	$\frac{13.4}{100,000}$	Varied 1-3 Mos.	1976	1979
INDIANA	1,709	1,594 (1979)	299	123 Jan. 15, 1980	$\frac{17.8}{100,000}$	$\frac{7.7}{100,000}$	3 days 1/15, 6/30 10/30	1975	1980
IOWA	848.5	832	301.5	42	$\frac{35.5}{100,000}$	$\frac{5.0}{100,000}$	12 Mos.	FY 1977/8	FY 1978/9
KANSAS	653	645	458 (Adjusted)	291	$\frac{70.1}{100,000}$	$\frac{45.1}{100,000}$	1 Mo. (March)	1978	1979
KENTUCKY	1,057	1,041	2,803	1,429	$\frac{265.2}{100,000}$	$\frac{137.3}{100,000}$	6 Mos.	1977	1979
LOUISIANA	1,324.5	1,300	122.6	5.97	$\frac{9.3}{100,000}$	$\frac{0.5}{100,000}$	Varied 21dys 12 Mos. Sept-Aug.	1975/6	1978/9
MAINE	331	321	37	27	$\frac{11.2}{100,000}$	$\frac{8.4}{100,000}$	12 Mos. July-June	1976/7	1978/9
MARYLAND	1,306.5	1,166.5	857	4 (Projection)	$\frac{69.6}{100,000}$	$\frac{0.3}{100,000}$	12 Mos. R.P. based on project.	FY 1976/7	FY 1978/9
MASSACHUSETTS	1,713	1,516	37	1	$\frac{2.2}{100,000}$	$\frac{0.1}{100,000}$	3 Mos. b 12 Mos. (Jan-Dec)	1975	1979

STATE	in thousands		detained during R.P.		per 100,000		Report Period	Year of	
	Base	R.P.	Base	R.P.	Base	R.P.		Base	R.P.
MICHIGAN	2,985	2,737	2,014 (adjusted)	411	$\frac{67.5}{100,000}$	$\frac{15}{100,000}$	1 Mo. June	1975	1979
MINNESOTA	1,265	1,168	6,309	1,314	$\frac{498.7}{100,000}$	$\frac{112.5}{100,000}$	12 Mos. Jan-Dec	1975	1979
MISSISSIPPI	809	804	325	112	$\frac{40.2}{100,000}$	$\frac{13.9}{100,000}$	3 Mos.	1978	1979
MISSOURI	1,444	1,369	4,786	2,419	$\frac{331.4}{100,000}$	$\frac{176.7}{100,000}$	12 Mos.	1975	1978
MONTANA	245	239	1,224 (N.O. not included.)	272	$\frac{499.6}{100,000}$	$\frac{113.8}{100,000}$	12 Mos.	1975	1978
NEW HAMPSHIRE	257	253	100	9	$\frac{38.9}{100,000}$	$\frac{3.6}{100,000}$	6 Mos.	1975	1979
NEW JERSEY	2,050	2,000	22	41	$\frac{1.1}{100,000}$	$\frac{2}{100,000}$	Varied 5-6 days 12 Mos.	1978	1979
NEW MEXICO	411	406	198	12	$\frac{48.2}{100,000}$	$\frac{3}{100,000}$	1 Mo.	1975	1979
NEW YORK	5,309	4,750	7,933	1,085	$\frac{149.4}{100,000}$	$\frac{22.8}{100,000}$	12 Mos.	1975	1979
NORTH CAROLINA	1,638	1,613	807	775	$\frac{49.3}{100,000}$	$\frac{48}{100,000}$	3 Mos.	1978	1979
OHIO	3,387	3,085	15,86	6,847	$\frac{468.5}{100,000}$	$\frac{221.9}{100,000}$	12 Mos.	1975	1979

STATE	in thousands		detained during R.P.		per 100,000		Report Period	Year of	
	Base	R.P.	Base	R.P.	Base	R.P.		Base	R.P.
OREGON	684.5	695.5	3,219	1,499	$\frac{470.3}{100,000}$	$\frac{215.5}{100,000}$	12 Mos.	1974/5	1978/9
PENNSYLVANIA	3,463	3,196	3,634	154	$\frac{104.9}{100,000}$	$\frac{4.8}{100,000}$	12 Mos.	1975	1978
RHODE ISLAND	254	246	1,572	170	$\frac{618.9}{100,000}$	$\frac{69.1}{100,000}$	12 Mos.	1978	1979
SOUTH CAROLINA	931	906	399	84	$\frac{42.9}{100,000}$	$\frac{9.3}{100,000}$	Varied 1 day 1 month	1976	1979
TENNESSEE	1,271	1,246	2,039	1,643	$\frac{160.4}{100,000}$	$\frac{131.9}{100,000}$	6 Mos.	1977	1979
TEXAS	4,040	4,090	7,368	3,261	$\frac{182.4}{100,000}$	$\frac{79.7}{100,000}$	12 Mos.	1975	1979
UTAH	458	505	612	356	$\frac{133.6}{100,000}$	$\frac{70.5}{100,000}$	3 Mos.	1976	1979
VERMONT	149	143	64	12	$\frac{43}{100,000}$	$\frac{8.4}{100,000}$	1 Mos.	1976	1979
VIRGINIA	1,532	1,456.5	6,558	313	$\frac{428.1}{100,000}$	$\frac{21.5}{100,000}$	12 Mos.	FY 1975/6	FY 1978/9
WASHINGTON	1,079	1,096	4,800	117	$\frac{444.9}{100,000}$	$\frac{10.7}{100,000}$	6 Mos.	1976	1979
WEST VIRGINIA	546	540	627	88	$\frac{114.8}{100,000}$	$\frac{16.3}{100,000}$	12 Mos.	1976	1978



SUMMARY REPORTS FOR FORTY-ONE STATES AND THE DISTRICT OF COLUMBIA

The formulation of composite findings and recommendations regarding the adequacy of the nationwide effort to monitor implementation of the Juvenile Justice and Delinquency Prevention Act was taken from the field interviews and on-site inspections of over 700 juvenile detention and correctional facilities in 41 states and the District of Columbia. This information was compiled for each state by the CRC assessment and verification worker. A state summary report was prepared by the State Assessment Coordinator. While each state exhibited unique monitoring problems, several weaknesses were nearly universal and in need of national scope technical assistance which would provide new insight as well as transfer existing technology between states.

The state reports which follow in this appendix are considered as working papers which can serve as a point of departure for continued discussions between state and federal officials. It should be noted that these reports have already stimulated a greater clarification of monitoring processes and mechanisms at the state and local level.

ALABAMA

This report deals with the process used to monitor juvenile detention and correctional facilities in Alabama and the data collected to demonstrate compliance with Section 223 a (12) (13) of the Juvenile Justice and Delinquency Prevention Act. The on-site assessment in Kansas was conducted by Fred Howlett.

COMPLIANCE MONITORING SYSTEM

The Alabama Law Enforcement Planning Agency, 2863 Fairlane Drive, Executive Park Building, Suite 49, Montgomery, Alabama is the State agency responsible for monitoring juvenile detention practices. Within the agency, monitoring responsibility is placed with Peggy Barnard, Chief Juvenile Planner.

Compatibility of Definitions: Alabama's working definition of status offender is the same as the Office of Juvenile Justice and Delinquency Prevention's guideline definition. The State, however has a Children in Need of Supervision classification in the law, which was passed in 1975. Article 5, Section 131 (f) contains in the disposition section a provision which permits the court to place a status offender or Child in Need of Supervision in facilities housing delinquents if the child is again alleged to be a Child in Need of Supervision. Second and subsequent referrals for status offenses may undo the protections against such placements that are available for first time status offenders.

Alabama has no formal definition for secure facility or juvenile detention or correctional facility. OJJDP's definitions are used by the monitors.

While the SPA is following OJJDP definitions, the CHINS law poses questions about the full compatibility of definitions and the protections for status offenders.

Selection and Classification of Monitoring Universe: In selecting the potential monitoring universe, the SPA undertook a systematic search of all facilities that might hold children. The SPA utilized resources of other state agencies, such as the Department of Youth Services and Department of Corrections in identifying facilities. Based on the information available, the selection of the monitoring universe appears to be based on complete coverage of the potential facilities.

Using OJJDP guideline definitions, each facility was inspected on-site by SPA staff. Based on these inspections, agreements on secure, non-secure and classification as a juvenile detention or correctional facility were made. This seems to be one of the best classification methods in that the decision is made after on-site inspection which should provide a firm basis for classification.

Data Collection: Alabama selected a three month report period. The months include January, February and March. The State is to be complimented for selecting a report period covering one-quarter of a year, especially since the months selected do not include the normally low detention summer months. Such a report period should reflect detention practice and a reduction in the real rate of detention.

For the purposes of our assessment data and information obtained during January, February and March, 1978 was reviewed.

Monitoring and data and information collection is done by the SPA staff. The Chief Juvenile Planner and two staff coordinators perform the monitoring and data collection functions. These SPA employees are supplemented as needed by seven Regional Coordinators. The SPA does not pay Regional Coordinators for this added service.

All facilities are visited by the SPA staff and/or regional coordinators. Data for the three month report period is reviewed. This usually consists of a check of entries during the period as recorded in Admission's Records or the Booking Log.

The SPA reported that 866 status offenders were held during the period of January, February and March, 1978. For the purpose of our study, the Field Monitor visited facilities in Bibb, Chilton, Coosa, Jefferson, Montgomery, Talladega and Tallapoosa Counties. Fifty-two facilities were visited in these seven counties. This does not include three Department of Youth Services facilities and one private facility that did not meet OJJDP definitions and one jail that burned down. Nor does it include one jail that was not operational during the report period. The fifty-two facilities represent a substantial sample of the facilities in these counties.

The State Monitoring Report stated that 161 accused status offenders were held in these facilities during the 1978 report period. Our examination of these figures showed that only 60 accused status offenders were held over 24 hours. The major difference was found in the count of the one child care facility where the facility's capacity, which is 22 children, was inadvertently entered instead of the two accused status offenders reported and in the differences in the monitoring figures for Jefferson County CHINS cottage. Other minor differences were found during our examination. Two less children were found in jails, two more were found in Department of Youth Services

facilities, and one more in a detention home. The net result is 19 fewer accused status offenders held during the report period in those facilities visited.

The State Monitoring Report showed 28 adjudicated status offenders held in these facilities during the report period. Of the total, five were in jails and 23 in youth facilities. Our check of the facility records verified that ten status offenders were held in youth facilities, but the Field Monitor did not find any adjudicated status offenders in jail.

A total of 45 adult detention facilities, eight county jails, and 37 city jails were visited in the seven counties. Forty-four were visited for the purpose of our study. One city jail had burned down so no visit was made because all records were destroyed. Twenty-nine jails did not hold juveniles during the year. While the Field Monitor checked a number of these jails to determine separation capabilities, neither the SPA staff nor our Field Monitor checked all of them.

Fifteen jails, six county and nine city, held juveniles during the report period. All but one jail held delinquents. Only eleven of these facilities were monitored by the State Planning Agency in 1978. The State found all eleven facilities to have inadequate separation by sight and sound. Our Field Monitor verified the findings for the eleven jails and upon visiting the four jails that were not monitored, found that they did not provide adequate sight and sound separation. The fifteen jails that housed children during the report period did not provide separation.

The State Monitoring Report stated that nine children were inadequately separated. Our inclusion of the additional four jails pushed the number up to twenty.

Inspection of Facilities: All facilities in the monitoring universe were inspected on-site by the SPA staff. Inspections are made annually.

Method of Reporting: All monitoring, data and information collection, and inspections made by the SPA staff with the assistance, as needed, of Regional Coordinators. The data collection and inspections occur on-site in the facilities. The materials collected, if done by other than SPA staff, are forwarded to Peggy Barnard, Chief Juvenile Planner, who, along with her staff, prepare the State Monitoring Report. The report is reviewed by Robert Davis, SPA Director and when in final form is submitted by him to the Office of Juvenile Justice and Delinquency Prevention.

Violation Procedures: The Alabama Law Enforcement Planning Agency has written violation procedures. Violations are investigated by the SPA and a report of the findings is submitted to the Department of Youth Services, the State Agency which has authority to approve or disapprove a facility for holding children.

During the last year, two violations were reported. Both violations involved the use of inmate trustees to feed children. Both were handled informally and were resolved satisfactorily.

The absence of sight and sound separation in jails which hold juveniles was not included among violations investigated.

Assurances Against Reclassification: The Alabama Juvenile Code prohibits administrative reclassification. Once a child is adjudicated as a delinquent, the child cannot be reclassified as an adult or sent to an adult institution. The child can be waived to criminal court for a new criminal-type offense, but the law requires protective procedures and due process.

The provision in the law which permits the court to place a status offender referred for a second-status offense in facilities for delinquent children seems to permit reclassification of status offenders; even though, they are not charged with a criminal-type offense. This is the one weakness in the Act.

Summary of Assessment: Alabama has developed a statewide monitoring system. The Alabama Law Enforcement Planning Agency has legal authority to monitor. Monitoring, data and information collection and inspection is done by SPA staff assisted as needed by Regional Coordinators. While verification is not specifically planned, this is not a critical issue since most tasks are performed by the persons who would also verify the data and information. Procedures for dealing with violations are available in writing. All of these factors are monitoring strengths.

The primary monitoring weakness is the quality of applicable local facility records. If a standardized juvenile detention data tabulation system could be developed and used by each facility that houses juvenile offenders, the monitoring system would be stronger.

The adequacy and organization of local facility records is a major monitoring obstacle. Most jails keep docket books, booking logs, admission logs or some similar record, but in the case of juvenile facilities, the monitoring data needed is almost impossible to obtain in some instances without an extensive and excessive search. SPA staff are aware of this problem. For example, data in the 1978 State Monitoring Report for the Jefferson County Detention Home was gathered from the 1978 Management Report, not from the files or records. In another case, a private child care facility had kept all all of its records since its opening in 1921, alphabetically, making it virtually impossible to retrieve the needed information in a realistic time period.

It would be most helpful if the SPA could require each facility that houses juvenile offenders to maintain uniform, planned information on each child on a monthly basis. This would help in monitoring and could provide information necessary for detention planning.

Other than the records issue mentioned, Alabama is in fairly good shape insofar as monitoring is concerned. Technical assistance may be needed to design a reporting system. Because of its manageable size, it would be relatively easy to design such a system. The difficulty, of course, would be in selling the standardized system to the local authorities.

While not directly a monitoring issue, the provision in the law which permits a second-offense status offender to be placed in juvenile detention and corrections facilities tends to reclassify. This provision also seems to be contrary to the Juvenile Justice and Delinquency Act of 1974, Section 223 a(12).

#### COMPLIANCE DATA VERIFICATION

Local facilities that house juvenile offenders were visited in Bibb, Chilton, Coosa, Jefferson, Montgomery, Talladega, and Tallapoosa Counties. Full or partial information was obtained from 57 facilities. One jail had burned down since the monitoring data was obtained and a second was not operational during the report period. Three facilities did not meet the definition for juvenile detention or correctional facility.

The facilities included eight county jails, 38 city jails, 4 units of the Department of Youth Services, 2 detention homes, one county CHINS cottage and one private childcare facility.

Only one jail housed accused status offenders over 24 hours during the report period. The State Monitoring Report showed five children, but the Field Monitor's review of the data revealed that only three were held. All of the other accused status offenders were held in juvenile facilities. The State Monitoring Report listed a total of accused status offenders held in these facilities as 156; our Field Monitor found only 139. While there were several slight variations in the data, the major difference resulted from the inadvertent entry of a childcare facility, capacity, 22, instead of the number of status offenders which was two.

According to the State Monitoring Report, 28 adjudicated status offenders were held in these facilities during the report period. Our examination review found only 23 held. Five children reported as held in a city jail were eliminated.

Fifteen jails held juveniles during the year. Both the State Monitoring Report and our Field Monitor found that none of these facilities provided adequate sight and sound separation. Four of the jails were not included in the 1978 monitoring process, although they were visited during our examination. The inclusion of the four jails showed that 20 children rather than nine counted in the State Monitoring Report, were inadequately separated in the facilities visited.

In summary, the Alabama Law Enforcement Planning Agency has legal authority to monitor and has developed a statewide monitoring system. The monitoring universe seems to be complete and the classification of the universe is based on definitions compatible with OJJDP guidelines.

SPA staff, assisted as needed by Regional Coordinators, perform the monitoring, data and information collection and inspection tasks. Written violation procedures are available.

In general, the law assures against reclassification, but one provision in the law relating to Children in Need of Supervision permits status offenders who are referred for a second-status offense to be placed in facilities that house delinquents. This provision tends to permit placement contrary to the JJDP Act of 1974 without reclassification.

Records kept by the local facilities hamper monitoring. A standardized system of status offender and delinquent detention records would strengthen the monitoring process.

While few adult facilities housed juveniles, the few that did, could not meet sight and sound separation.

The State Planning Agency is aware of the problems cited. Alabama has made progress, and while some changes are needed, the State does have an adequate monitoring system.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system the following recommendations are presented for consideration.

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by executive order. The authority should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have the authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation are provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children, to correct and eliminate violations.

2. Monitoring report period--The report period for all facilities should be twelve months.

3. Data collection--Uniform juvenile admission/release record forms should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under the plan, actual copies of admission/release records should be

available for monitoring, the need for on-site verification could be reduced to a sample on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

4. Offense data--Efforts should be made to obtain, either through legislation or the rules of court, a provision that prohibits the admission of a child to a secure facility unless a specific offense, preferably the most serious offense alleged, is known and entered on the admission/release record entries such as hold for judge, hold for court, contempt, bench warrant, probation violation, etc., should not be allowed unless the offense is also shown. This is necessary for the protection of the facility staff and is essential for monitoring.

5. Assurance against reclassification--Effort should be made to amend the legislation which permits the court to place a status offender referred for a second status offense in a facility for delinquent children.

STATE - <u>Alabama</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>CITY</u>				
<u>Bibb County</u> Bibb County Jail Centreville, AL	0	0	No	No
<u>Chilton County</u> Clanton City Jail Clanton, AL	10	3	No	No
Thorsby City Jail Thorsby, AL	0	0	NA	(No)
Chilton County Jail Clanton, AL	0	0	No	No
<u>Coosa County</u> Goodwater City Jail Goodwater, AL	0	0	NA	(No)
Coosa County Jail Rockford, AL	0	0	NA	(No)
<u>Jefferson County</u> Jefferson County CHINS Birmingham, AL	134	134	NA	
Brownsville City Jail Bessemer, AL	0	0	NA	
Brighton City Jail Brighton, AL	0	0	NA	
Roosevelt City Jail Roosevelt City, AL	0	0	NA	
Birmingham City Jail Birmingham, AL	0	0	Not monitored for separation	No
Fairfield City Jail Fairfield, AL	0	0	NA	(No)
Hoover City Jail Hoover, AL	0	0	NA	(No)
Vestaria Hills City Jail Vestaria Hills, AL	0	0	NA	(No)
Mountain Brook City Jail Mountain Brook, AL	0	0	NA	(No)

STATE - <u>Alabama, pg. 2</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
Homewood City Jail Homewood, AL	0	0	NA	(No)
Lipscomb City Jail Lipscomb, AL	0	0	NA	(No)
Hueytown City Jail Hueytown, AL	0	0	NA	(No)
Midfield City Jail Midfield, AL	0	0	NA	(No)
Pleasant Grove City Jail Pleasant Grove, AL	0	0	NA	(No)
Trafford City Jail Trafford, AL	0	Fire destroyed jail and records		
Trussville City Jail Trussville, AL	0	No verification information		
Warrior City Jail Warrior, AL	0	No verification information		
Jefferson County Jail Bessemer, AL	0	0	Not monitored	No
Gardendale City Jail Gardendale, AL	0	0	NA	(No)
Fultondale City Jail Fultondale, AL	0	0	NA	(No)
Tarrant City Jail Tarrant City, AL	0	0	NA	(No)
Morris City Jail Morris, AL	0	No verification information		
Leeds City Jail Leeds, AL	0	No verification information	NA	
Kimberly City Jail Kimberly, AL	0	No verification information	No	No verification information
Jefferson County Detention Center Birmingham, AL	8	8	NA(?)	

STATE - <u>Alabama, pg. 3</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
Irondale City Jail Irondale, AL	0	No verification information	NA	
Graysville City Jail Graysville, AL	0	No verification information	NA	
Brookside City Jail Brookside, AL	0	No verification information	NA	
Bessemer City Jail Bessemer, AL	0	No verification information	NA	
Adamsville City Jail Adamsville, AL	0	No verification information	NA	
DYS-Roebuck Campus	1	No verification information	NA(?)	
DYS-Chalkville Campus	4	No verification information	NA(?)	
Jefferson County Jail Birmingham, AL	0	0	No	No
Montgomery County Alabama CYS-Diagnostic & Evaluation Center Montgomery, AL	10	12	NA(?)	
Alabama DYS Mt. Meigs, AL	0	0	NA	
Montgomery County Jail Montgomery, AL	0	0	--	No
Montgomery County Youth Facility Montgomery, AL	0	1	NA(?)	
Brentwood Children's Home Montgomery, AL	22	2	NA(?)	
Montgomery City Jail Montgomery, AL	0	0	No	No
Talladega County Talladega County Jail Talladega, AL	0	0	No	No

Total Number of Status Offenders/Non-Offenders  
Held in Violation of 223(a)(12)Provide Adequate  
Separation

FACILITY	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
Childersburg City Jail Childersburg, AL	0	0	No	No
Talladega City Jail Talladega, AL	0	0	No	No
Sylacauga City Jail Sylacauga, AL	0	1(?)	No	No
<u>Tallapoosa County</u> Carrville City Jail East Tallassee, AL	Not operational in 1978			
Tallapoosa County Jail Dadeville, AL	0	0	No	No
Alexander City Jail Alexander City, AL	0	0(?)	(?)	No

## ARIZONA

INTRODUCTION

This report deals with the verification of Arizona's process for monitoring juvenile detention and correctional facilities and the data collected to demonstrate the compliance with Section 223(a)(12)(13) of the Juvenile Justice and Delinquency Prevention Act, and the guidelines relating to the Act. The field monitor for Arizona was Mr. Donald Rademacher.

The Arizona State Justice Planning Agency, Professional Plaza, Suite 400, 4820 North Black Canyon, Phoenix, Arizona 85017 is the state agency responsible for monitoring, data collection, and reporting its findings to the Office of Juvenile Justice and Delinquency Prevention annually. Within the planning agency responsibility for carrying out the above task is placed with the Juvenile Justice Specialist, Mr. Joe Higgins.

THE MONITORING SYSTEMAuthority to Monitor

The agency's authority to monitor is drawn from two legal sources. An Executive Order, written July 25, 1975 and signed by Governor Raul H. Castro, designates the Arizona State Justice Planning Agency as the sole state agency for supervising preparation and administration of the Juvenile Justice and Delinquency Prevention Act of 1974. The Executive Order is interpreted to place authority with the planning agency for meeting all requirements of the Act, including monitoring.

In 1978, during the Second Regular Session of the Thirty-Third Legislature, Senate Bill 1303 was passed and signed into law. This bill established the Arizona State Justice Planning Agency as a legal agency of the state and, among other issues,

defined its responsibilities. Chapter 18, Section B(10) places authority to monitor with the agency.

#### Compatibility of Definitions

The Arizona Juvenile Code does not include special provisions defining status offenses but its definition of an incorrigible child does include most status type offenses. This has no direct bearing on the compatibility of definitions since the planning agency adopted the OJJDP definitions for the purpose of facility classification and for identifying children whose offense would be a status offense if such provisions were in the code. As of July, 1980 the Arizona legal term of incorrigible is identical to status offender.

To determine the legal basis for separation of children and adults by sight and sound, the planning agency requested the opinion of the Attorney General on two specific questions. The questions asked were, "Are juveniles allowed to be detained in jails used primarily for incarcerated adults?" and "Are such juveniles permitted to have sight and sound contact with such adults?" The opinion, dated February 8, 1979 and signed by Attorney General Bob Corbin, reads as follows:

Arizona Constitution, Article 22, Section 16, provides that minors under the age of 18 may not be confined in the same section of a jail or prison where adult prisoners are confined 1/A.R.S., Section 8-226 provides that each county shall maintain a juvenile detention center separate and apart from a jail or 'lockup' in which adults are confined. In Anonymous Juvenile in Pima County v. Collins, 21 Ariz. App. 140, 143, 157 P.24.98, 101(1973), our Court of Appeals stated:

The mandate of our statute (A.R.S. Section 8-226) is crystal clear, i.e., exposure to, association with, or any type of contact with adults charged with or convicted of crimes is prohibited. In so holding, we do not mean to imply that maintenance of a separate juvenile detention center within an existing jail facility, provided that statutory mandate is observed, is impermissible.

It is therefore the opinion of this office that a juvenile may be detained within the same building in which adult prisoners are detained. It is not permissible, however, to have any sight or sound contact between juvenile and adult prisoners.

This opinion further confirms the compatibility of the definitions and the planning agency's intent to comply with OJJDP guidelines. The definitions followed by the planning agency are compatible with OJJDP definitions.

Currently there is a practice in Arizona which may have some bearing on the classification of status offenders and which may falsely increase the numbers of status offenders held in secure detention over 24 hours. Increased gang activity, involving numbers of children and often resulting in serious injury or deaths, has resulted in increased use of "curfew" as a holding charge. It is conceivable that some of the children held for curfew violations may be counted as status offenders, even though, after the law enforcement agencies have time for more complete investigation, a criminal-type charge is filed. In these cases the curfew charge will not be the true charge. This situation is known to the planning agency and has no direct bearing on the August, 1978 data verification. The practice is cited here to indicate how an expedient practice may and can alter a state's reported level of compliance.

#### Selection and Classification of the Monitoring Universe

Arizona uses two primary facility identification resources for selecting its monitoring universe. Each year the planning agency reviews and updates its list of operating jails, lockups and detention centers to determine which should be included in the universe and which should be classified. The detention facility list is one of the two primary resources.

The second list is compiled by the licensing unit of the Arizona Department of Economic Security. This unit has legal authority to inspect and license child care facilities in the state. A copy of the facility list is provided to the planning agency each year.

The planning agency also includes the juvenile training school operated by the Arizona Department for Corrections and the one state mental health facility.

Institutions for mentally retarded children are not included. These facilities are excluded since admission is voluntary or by civil commitment, not by juvenile court order.

Private mental health facilities have not been included in the universe in the past. However, these facilities may be included in 1979. The planning agency has learned that some juvenile courts have placed children in these private facilities, and the agency is now reviewing this practice.

As has previously been stated, the planning agency follows OJJDP definitions and guidelines to classify facilities in the monitoring universe. No facility is excluded if it meets the definition for a juvenile detention or correctional facility.

In 1978 nine private child care facilities were classified as juvenile detention or correctional facilities. The change in criteria will probably reduce the number of child care institutions to one in 1979.

Arizona's classification of its monitoring universe provides full coverage.

#### Date Collection

OJJDP guidelines permit each state to select its own monitoring report period. Arizona selected a one month report period in August of each year. While August is not considered to be one of the more active detention months, its selection complies with the guidelines. The data verified by this report was collected for August, 1978.

The Arizona State Justice Planning Agency has developed a statewide monitoring system. Under contract, responsibility for monitoring, data collection, and facility inspection is placed with the six regional Councils of Government. The actual monitoring tasks are performed by the criminal justice planners in each regional office. The following list includes the name, address, and abbreviated

designation of each Council of Government, the region number, the counties or county in the region, and name of the criminal justice planner:

- Region 1: Maricopa Association of Government (MAG)  
1820 West Washington Street  
Phoenix, Arizona 85007  
CJ Planner: Dennis Smith  
County: Maricopa
- Region 2: Pima Association of Governments (PAG)  
405 Transamerica Building  
Tucson, Arizona 85701  
CJ Planner: Mike Hanson  
County: Pima
- Region 3: Northern Arizona Council of Governments (NACOG)  
Box 47  
Flagstaff, Arizona 86001  
CJ Planner: Terry Slagle  
Counties: Apache, Coconino, Navajo, Yauapai
- Region 4: Western Arizona Council of Governments (WACOG)  
1010 4th Avenue, Suite 201  
Yuma, Arizona 85364  
CJ Planner: Jerry Hawkins  
Counties: Mohave, Yuma
- Region 5: Central Arizona Association of Governments (CAAG)  
1810 Main Street  
Florence, Arizona 85232  
CJ Planner: Joe Easton  
Counties: Gila, Pinal
- Region 6: South Eastern Arizona Governments Organization (SEAGO)  
Box 204  
Bisbee, Arizona 85603  
CJ Planner: Michael Johns  
Counties: Cochise, Graham, Greenlee, Santa Cruz

Training for the regional monitors was provided by the planning agency. The criminal justice planners then visited all facilities classified as juvenile detention or correctional facilities in their region. They collected data and information required from each facility for the report period. The process is repeated annually. In 1978 data was collected for August, 1978.

The regional criminal justice planners record the date and information on OJJDP's Juvenile Facility Monitoring Survey form. The juvenile justice specialist

prepares a state composite report using the same form. The use of this form facilitates the data review and permits more uniform verification.

The data is obtained from jail and lockup booking records and from detention admission records and other agency statistical and case records. The data needed is not uniformly or regularly maintained by all facilities.

Once all data and information is obtained for a region, it is forwarded by the regional office, along with supporting information to the juvenile justice specialist in the state planning agency. While the planning agency does not have a specific plan for verifying the data collected, the juvenile justice specialist did accompany the regional criminal justice planners on visits to some facilities and did observe the collection process.

The statewide monitoring system developed by the Arizona State Justice Planning Agency is capable of meeting the monitoring needs of the state.

#### Inspection of Facilities

As has been mentioned the regional criminal justice planners also inspect the facilities classified as juvenile detention or correctional facilities. Inspection information for the facilities in counties visited for verification shows that all were inspected in 1978. Inspection information is forwarded to the planning agency's juvenile justice specialist.

#### Method of Reporting

The state's annual monitoring report is prepared by the planning agency's Juvenile Justice Specialist based on the data and information obtained from the regions and information available to the planning agency. The report is reviewed by the Executive Director and when available in final form is submitted to the Office of Juvenile Justice and Delinquency Prevention.

#### Violation Procedures

When information about a violation is received or observed by the planning agency, the agency sends a letter to the facility administrator citing the violation, describing the resources and/or technical assistance that may be available to help eliminate the violation, and requesting a response as to the action taken and the results. Copies of the correspondence are sent to the regional criminal justice planner who also contacts the facility administrator and offers assistance.

An example of how this works may be found in Tempe, where it was found that the police department lockup did not provide separation of juveniles and adults. The department was notified that it was in violation. Technical assistance was offered and accepted. The need to provide sight and sound separation led to the design of plans to remodel the lockup. When a verification visit was made to the Tempe Police Department, contracts for the remodeling were ready and the actual renovation was scheduled in the near future. The lockup plans show that complete sight and sound separation will be available.

Arizona's plan for dealing with violations has merit and to date has brought about positive results. If a facility administrator refused to take the action necessary to bring his facility into compliance, the planning agency would then have to decide on another course of action, and while others seem to be readily available, but the current violation process seems to work.

#### Assurances Against Reclassification

Reclassification in Arizona can only occur when a child is remanded or waived to adult criminal court jurisdiction for an alleged criminal offense. The code requires that the juvenile court take a number of steps before a waiver can be ordered. The law protects the child from casual reclassification without due process protection.

### Summary of Findings

The Arizona compliance monitoring system is functioning adequately, however, there are some obstacles that should be addressed. The SPA juvenile justice specialist listed four specific problems. The four are: 1) change in focus of new judicial and/or administrative personnel, 2) the out-of-state runaway, 3) the "chronic status offender," and 4) insufficient funds to provide needed resources in every county.

Progress towards removal of status offenders from secure detention does not develop in a vacuum. Gains have been made and undoubtedly will continue in Arizona. However, policy changes have also caused setbacks. The effect of new judges and administrators entering the juvenile justice system, and the policies and procedures they endorse, can have both positive and negative impact on programs and services, including efforts to eliminate status offenders from secure detention. In Arizona, for example, the selection of the judge, and her subsequent assignment to the juvenile bench in Pima County, has reversed deinstitutionalization in that County.

Action by the new judge eliminated one program that was designed to respond promptly to the needs of status offenders and thus reduce or eliminate the need for secure custody. As a result of the judge's action based on the finding during the review the number of status offenders detained over 24 hours and the number of referrals by law enforcement agencies have increased. Since the judge has authority to establish policies relating to juveniles referred to court, the planning agency can do little to change the focus in Pima County other than to use whatever resources are available to encourage the judge to support deinstitutionalization of status offenders.

Arizona's location in the sunbelt and its close proximity to California brings many out-of-state runaways into the state. The number of runaways and the problems encountered in planning for their return is a definite obstacle. While runaways

may be held in detention up to 24 hours, a number of the officials contacted during the verification visits cited the lack of concern, and often total indifference of parents, as a major obstacle to the prompt return of runaways. One chief of police said that his department is often forced to release children when parents fail to plan for the child's return home.

A problem similar to the runaway issue involves the "chronic status offender." For many years, long before these children were collectively labeled status offenders, juvenile justice personnel have struggled with these children. The problem is more complex now. Arizona is experiencing an increasing number of chronic status offenders. How the available services can deal with these children and/or what other services are needed should be studied.

The fourth obstacle--the need for funds to develop sufficient resources to deal with status offenders in all regions of the state--is a block to deinstitutionalization and the removal of status offenders from secure custody. Alternative services are essential. The funds needed to implement workable services statewide should be a priority agenda item for future federal-state planning discussions.

Earlier in this report it was mentioned that the planning agency was looking at the placement of children, under juvenile court jurisdiction, in private mental health facilities. The agency may include the private mental health facilities as part of their continuing effort to assess the universe in order to provide full covering under the definitions.

Another issue mentioned by the juvenile justice specialist deals with the present policy for providing and paying for the care of children placed in residential facilities. When a juvenile court judge orders a child placed in an institution, the Department of Correction or the Department of Economic Security must provide or pay for the care. This policy tends to make placement easy since the cost does not have to be considered by the judge or county. A number of other

states, for various reasons, now require the county to pay a portion of the cost. In Michigan, for example, counties pay one-half of the cost for institutional care. The planning agency is reviewing this policy and its impact on placement. If the practice is found to encourage placement, legislation may be proposed that would require joint state-county funding for such care.

While reviewing the data maintained by local facilities, the need for a uniform reporting system became apparent. While each facility maintains some of the needed information, it would improve the monitoring process and data base if each facility was required to collect and record certain data and information of every child admitted to the facility.

Technical assistance might be used to seek potential solutions and/or alternatives to these obstacles and suggested needs. Methods for dealing with the out-of-state runaway and "chronic status offender" probably should be addressed nationally through focus on geographically diverse states. Potential solutions through re-designed or new programs might be tested through demonstration. The focus should in both instances include an assessment of the role of parents and should consider ways to encourage prompt parental involvement. It should be noted that the SPA staff has already provided technical assistance to deal with some of these issues.

Technical assistance may assist Arizona in reviewing juvenile court policies and procedures relating to detention, by encouraging and assisting in the drafting of written policies, and by reviewing and, when necessary, recommending changes in intake screening. If such technical assistance is requested, it should also look at the practice of using status offenses, especially curfew, as a holding offense pending further investigation which may lead to the filing of a criminal charge. Technical assistance may also be helpful in reviewing current funding policies for residential care. A method for collecting selected information and data about children admitted to secure custody facilities should be developed.

#### COMPLIANCE DATA VERIFICATION

Verification information was obtained on 19 of the 28 facilities classified as juvenile detention or correctional facilities in Cochise, Graham, Maricopa and Pima Counties. Time, distance and the number of facilities prevented full coverage. Of the nine facilities not visited, one is no longer in operation and four did not hold juveniles during the report period.

The facilities on which verification information was obtained included three juvenile detention homes, four county jails, one jail substation, nine police lockups, one training school, and one private child care facility.

The following adult jails and lockups do not confine juveniles:

- Bisbee Police Department
- Cochise County Jail
- Glendale Police Department
- Maricopa County Jail
- Pima County Jail
- South Tucson Police Department.

The following adult jails and lockups which may confine juveniles did not hold status offenders during the report period according to our verification:

- AJO Substation, Pima County
- Benson Police Department
- Graham County Jail
- Peoria Police Department
- Scottsdale Police Department

The data included in the state monitoring report for Patterdell, the Adobe Mountain School, Maricopa County Detention Center, Pima County Juvenile Center were correct as reported.

The data reported for four facilities and contained in the State Monitoring Report were found to differ from the data obtained through verification. In two instances, fewer status offenders were held and in two facilities more status offenders were held than reported.

--The monitoring report for Cochise County Juvenile Center showed 25 accused status offenders held over 24 hours. The state report showed 12 and the verification county was three. Based on this finding there were 22 or nine fewer children held than were reported.

--The monitoring report showed 14 accused and no adjudicated status offenders confined during the 1978 report period on the Wilcox municipal lockup. Verification of these data showed four accused and three adjudicated status offenders held. While the inclusion of adjudicated status offenders is discouraging, the total is only one-half of the number reported in the monitoring report, thus reflecting a higher rate of compliance.

--The monitoring data for the Tempe Police Department showed no accused or adjudicated status offenders held during the report period. The verification review showed that six accused status offenders were held during August, 1978. The monitoring report also showed 33 juveniles inadequately separated which is 11 less than were found during verification. This facility did not provide adequate separation in 1978 and is only now being remodeled to comply with the Act. Therefore, the 44 juveniles admitted were all held without proper separation.

--The El Mirage Police Department, according to the monitoring report, did not hold accused or adjudicated status offenders during the report period, but the records verified showed that two were held.

A composite of the data collected during the course of the verification examination indicates that 21 fewer status offenders were held over 24 hours than reported for the four counties visited. While this reflects a potentially higher level of compliance with Section 223(a)(12), it also indicates data collection practices which need to be refined for a more accurate count.

As is the case nationally, discrepancies exist in the interpretation of sight and sound separation. The verification examination found two facilities that reported sight and sound separation and two facilities on which separation information was not available did not meet the criteria established for compliance. All four of these facilities provided separate cells for children, but adult inmates could be seen and heard in each instance.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system the following recommendations are presented for consideration:

1. Use of Monitoring Authority - Since specific authority to monitor is available it should be used to require all facilities which might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the monitoring agency and to require each facility to submit a duplicate copy of each month's report form to the monitoring agency.
2. Monitoring Report Period - The report period for all facilities should be twelve months.
3. Data Collection - Uniform juvenile admission/release record forms should be developed which include all necessary monitoring data for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a simple on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

4. Offense Data - Efforts should be made to obtain, either through legislation or the rules of the court, a provision that prohibits the admission of a child to a secure facility unless a specific offense, preferably the most serious offense alleged, is known and entered on the admission/release record. Entries such as hold for judge, hold for court, contempt, bench warrant, probation violation, etc., should not be allowed unless the offense is also shown. This is necessary for the protection of the facility staff and is essential for monitoring.

STATE - <u>Arizona</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Cochise County</u> Cochise County Jail Bisbee, AR	0	0	NA	Yes
Cochise County Juvenile Center Bisbee, AR	25	3	NA	Yes
Bisbee Police Department Bisbee, AR	0	0	Yes	Yes
Wilcox Police Department Wilcox, AR	14	7	No	No
Benson Police Department Benson, AR	0	0	No	No
<u>Graham County</u> Graham County Jail Safford, AR	0	0	Yes	Yes
<u>Maricopa County</u> Maricopa County Jail Phoenix, AR	0	0	Yes	Yes
Maricopa County Detention Home Phoenix, AR	32	32	Yes	Yes
Adobe Mountain School Phoenix, AR	0	0	Yes	Yes
Patterdell Phoenix, AR	12	12	Yes	Yes
Scottsdale Police Department Scottsdale, AR	0	0	NA	No
Peoria Police Department Peoria, AR	0	0	NA	No
Glendale Police Department Glendale, AR	0	0	No	No
El Mirage Police Department El Mirage, AR	0	2	Yes	Yes
Tempe Police Department	Not Recorded	6	No	No

STATE - <u>Arizona, pg. 2</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Pima County</u> Pima County Jail Tucson, AR	0	0	Yes	Yes
Pima County Juvenile Court Center Tucson, AR	3	3	NA	Yes
South Tucson Police Department	0	0	Yes	Yes

ARKANSAS

This report deals with the process used to monitor juvenile detention and correctional facilities in Arkansas and the data collected to demonstrate compliance with Section 223 a(12)(13) of the Juvenile Justice and Delinquency Prevention Act. The on-site assessment in Arkansas was conducted by Aubrey Elliott.

COMPLIANCE MONITORING SYSTEM

The Arkansas Crime Commission, 1515 Building, Suite 700, Little Rock, Arkansas, is the state agency responsible for monitoring detention practices. Within the agency, monitoring responsibility is placed with Donald W. Hopper, Juvenile Detention Monitor. In 1978, Les Ablondi served as Juvenile Detention Monitor.

Authority to Monitor: The Commission does not have legal authority to monitor. However, the Juvenile in Need of Supervision Act of 1977 mandates a 'monitoring system' and the Commission operates under this authority.

The 1977 Act, which particularly prohibits the secure detention of status and non-offenders, specifically provides for an adequate system of monitoring jails, detention facilities, and correctional facilities to ensure the implementation and adherence to the legislation.

Compatibility of Definition: The Arkansas Juvenile Code of 1975 and its amending Act of 1979 are the 'law of the state'. The amending Act is of principal significance since it offers specific guidance in most of the critical areas affecting the holding and jurisdictional matters pertaining to children.

The Juvenile in Need of Supervision Act of 1977 also is relevant to definitions relating to status offenders and separation, although the latter does not specifically cover separation by sight and sound.

The Commission sees no particular conflict between the OJJDP guideline definitions and the Arkansas statutes. From the field monitor's experience in more than 20 of the state's secure holding facilities, there is evidently an excellent understanding on the part of most officials.

Selection and Classification of the Monitoring Universe: The Commission developed its own monitoring universe including every secure adult and juvenile detention facility. The only exception was the state prison system.

The Commission staff, assisted by eight regional planners, visited all facilities. The Commission staff made the classifications based on the data obtained during on-site

visits. The field monitor reported that the state monitoring staff and regional planner had useable knowledge about each facility. The classification of the monitoring univers seems to provide adequate coverage.

Data Collection: Arkansas selected a one-month report period. The month was August. While August is not known as one of the highest detention months, the selection is in compliance with the OJJDP guidelines. The monitoring data and information was collected in August, 1978. For the purpose of this study, data and information pertaining to detention in local facilities during August, 1978 was reviewed.

Monitoring, data and information collection, and inspection is done by the Juvenile Detention Monitor and regional planners. Since only one Commission staff member is available, most of the work is done by the regional planners. The verification that was done was centered on the more rural regions. It is possible that the data submitted by the regional planners is not always accurate or current. Out of 22 on-site visits, for purposes of this study, the following findings turned up:

1. At one jail, nobody could remember seeing a regional planner.
2. At one jail, one person remembered a telephone call.
3. In most jails where the regional planner was well known to the sheriff or chief, nobody could be sure just when he had actually looked at the records the last time.
4. In several jails, the data was misinterpreted. (In many jails, this would not be hard to do.)
5. One jail, supposedly one of the worst in the state, was found by the regional planner to be in compliance on separation.

The field monitor visited local facilities in Arkansas, Cleveland, Conway, Jefferson, Lonoke, Monroe, Pulaski and Saline Counties. Cleveland County had no secure facilities. For the purpose of this study, the records of seven county jails, 13 city jails, one detention home and one training school were checked.

The state monitoring report showed four accused status offenders held over 24 hours during the report period in the facilities visited. Our examination found no status offenders held over 24 hours. The monitoring report also showed four adjudicated status offenders held, but our review of the facility records revealed that no adjudicated status offenders were held. Based on our examination, no status offenders were held in these 22 facilities.

Only two of the jails held juveniles. One judge occasionally placed juveniles in jail. The Pulaski County Jail in Little Rock was the only jail with a large number of juveniles inappropriately separated. Approximately 49 juveniles were held in unseparated areas during the report period. This was determined through our examination since the monitoring report showed no juveniles inappropriately held in unseparated facilities.

Although 18 of the 20 jails visited did not hold juveniles during the report period, all were inspected for separation. The state monitoring report found 12 jails in compliance for separation and eight in non-compliance. Our inspection showed 11 in compliance and nine in non-compliance. It should be noted that the field monitor and regional planner agreed on separation status for 17 jails and disagreed on three. The field monitor found two jails that were reportedly providing adequate separation not in compliance and one that was reported to be in non-compliance providing adequate separation.

While the field monitor was writing his notes one evening, a television news program reported on the likely closing of the county jail in Hot Springs on the following day. There was apparently a deadline for compliance. One of the city jails visited will likely be closed within the month by the state jail inspector.

Inspection of Facilities: Inspections, as was reported earlier, are made by the juvenile detention monitor and regional planners at the time data and information is collected. The state monitoring report showed that most jails were inspected in September, 1979; but this could only be verified during the facility visits for about half of the jails. One jail said the inspection information was obtained by telephone.

It should be mentioned that the Criminal Detention Facilities Inspection Board also includes separation among the items checked when they inspect jails.

While the inspection dates for half of the jails visited cannot be confirmed, it is felt that the level of compliance and the fact that jails are being closed is proof of inspection practices.

Method of Reporting: Regional planners who do most of the monitoring, data and information collection and inspection, forward their materials to the juvenile detention monitor in the Commission office. The juvenile detention monitor prepares the annual monitoring report. After the report is reviewed by the Commission director and put in final form the state monitoring report is submitted by the Administrator to the Office of Juvenile Justice and Delinquency Prevention.

Violation Procedures: The Commission does not have an established violation procedure. The regional planners are the 'eyes and ears' of the Commission and, together with a rare report from a probation officer, their reports constitute the source of what few violations are reported.

The existence of what appears to be an active Criminal Detention Facilities Inspection Board reinforces the handling of violations.

Assurances Against Reclassification: The code seems to guard against reclassification. The Commission staff is not aware of instances of reclassification and constantly advises against any move to reclassify children. The code does contain a waiver provision which seems to be used often. The provision places responsibility with the

prosecutor. While no reference is made to special investigations or other steps that must be followed by the court, due process procedures apply.

While the Commission does not have legal authority to monitor, provision for monitoring is specifically provided in the juvenile code. Arkansas has developed a statewide system and the the Commission has one person assigned to monitoring. The monitoring universe seems to be complete and to be classified in compliance to OJJDP definitions and guidelines. Verification is done by the juvenile detention monitor. While the Commission does not have a written procedure for violations, this does not pose a major problem due to the existence of an active Criminal Detention Facilities Inspection Board. All of these items are strengths.

The inadequacy of the local facilities record systems is a definite weakness which hampers complete documentation of what appears to be a working system of deinstitutionalization.

The small size of the staff in the Commission monitoring staff limits what can be done to verify data, handle violations and provide assistance to local facilities.

According to the field monitor, the greatest obstacle is the local facility record-keeping system. A standardized system for recording data and information about status offenders and delinquents would do much to document what appears to be a good effort to keep children out of secure custody. It should be mentioned that the field monitor found the records of the Sherwood City Jail to be the best arranged and most complete jail books he has seen to date. His comment, "excellent records and jail", indicates that a model for a record system is available.

Related to the records issue is a practice that occurs at times, when a sheriff is defeated for re-election. Some sheriffs, when they leave office, take the records with them. This complicates monitoring, not to mention law enforcement services.

The Commission staff and others saw the lack of sufficient funds to develop needed services as an obstacle. Funds especially are needed, according to the Commission, to up-grade local facilities and to educate staff. The field monitor felt that it was clear that poor, underfinanced, local governments will never be able to finance the improvements needed without help. The field monitor did feel that a number of things, such as the improvement of the facility record systems, could be done without a large expenditure of funds.

The Commission obviously has excellent executive and legislative support. It has a close relationship with the Governor, Attorney General and Commissioner. The Governor's wife serves on the Commission Supervisory Board.

#### COMPLIANCE DATA VERIFICATION

Local facilities that house juvenile offenders were visited in Arkansas, Conway, Jefferson, Lonoke, Monroe, Pulaski and Saline Counties. Cleveland County was also scheduled to be visited, but this County did not have any facilities meeting the criteria. Monitoring information was obtained from 22 facilities. The facilities included seven county jails, 13 city jails, one training school and one detention home.

While the state monitoring report showed that four accused and four adjudicated status offenders were held in these facilities, our examination of the records revealed that no status offenders were held during the report period.

Only two of the adult jails held juveniles during the report period. All jails were inspected for separation, including those that did not house juveniles. Of the 20 jails, the field monitor found 11 provided sight and sound separation and nine could not provide separation. Our assessment shows one less jail in compliance with separation requirements than was recorded in the state monitoring report.

Eight children were reported to be held in inappropriately separated facilities. The field monitor found that separation was adequate in the facility which housed the eight children. Information on children inappropriately separated was not included in the state monitoring report for the Pulaski County Jail. The field monitor found that approximately 49 children were held in inappropriately separated facilities in this jail.

In summary, the Arkansas Crime Commission does not have legal authority to monitor. The juvenile code specifically requires monitoring and the Commission operates under this authority. Arkansas has a statewide monitoring system, and the Commission has assigned the monitoring task to a juvenile detention monitor. The monitoring universe seems to be complete and classification of the universe is based on definitions compatible with OJJDP guidelines.

The juvenile detention monitor, assisted by eight regional planners, performs the monitoring, data and information collection, and inspection tasks.

The above are strengths of the Arkansas system.

While verification is done by the juvenile detention monitor, no plan has been established to systematically cover a portion of each region. Written violation procedures are not available. This does not seem to pose a problem since the Active Criminal Detention Facilities Inspection Board also includes a separation among its inspection and enforcement criteria.

In general, the law assures against reclassification. While the waiver does not specifically require certain necessary court procedures, the courts do follow due process procedures. Arkansas does seem to have a large number of children waived to criminal courts.

Records of the local facilities hamper monitoring. A standardized system of detention records would strengthen the monitoring process.

The Commission is aware of the problems cited. Arkansas has made progress and, while some changes are needed, the state does have an adequate monitoring system.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Use of monitoring authority--Since specific authority to monitor is available in the Juvenile in Need of Supervision Act, it should be used to require all facilities which might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the monitoring agency and to require each facility to submit a duplicate copy of each month's report form to the monitoring agency.

2. Monitoring report period--The report period for all facilities should be twelve months.

3. Data collection--Uniform juvenile admission/release record forms should be developed which include all necessary monitoring data, for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

4. Offense data--Efforts should be made to obtain, either through legislation or the rules of court, a provision that prohibits the admission of a child to a secure facility unless a specific offense, preferably the most serious offense alleged, is known and entered on the admission/release record. Entries such as 'hold for judge', 'hold for court', 'contempt', 'bench warrant', 'probation violation', etc. should not be allowed unless the offense is also shown. This is necessary for the protection of the facility staff and is essential for monitoring.

5. Inspection records--Records which show the inspection date, the findings, and which identify the facility should be maintained by the monitoring agency.

STATE - ARKANSAS FACILITY	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Arkansas County</u> Arkansas County Jail DeWitt, AR	0	0	Yes	Yes
Stuttgard City Jail Stuttgard, AR	0	0	Yes	Yes
<u>Conway County</u> Conway County Jail Morrilton, AR	0	0	Yes	No
Morrilton City Jail Morrilton, AR	0	0	Yes	Yes
<u>Jefferson County</u> Jefferson County Jail Pine Bluff, AR	0	0	No	Yes
Alexander Youth Service Center Boys Training School Pine Bluff, AR	No report available	0	NA	
Pine Bluff City Jail Pine Bluff, AR	0	0	Yes	Yes
<u>Lonoke County</u> Lonoke County Jail Lonoke, AR	5	0	Yes	Yes
Cabot City Jail Cabot, AR	0	0	Yes	Yes
Carlisle City Jail Carlisle, AR	0	0	No	No
England City Jail England, AR	0	0	Yes	Yes
Lonoke City Jail Lonoke, AR	0	--	No	No
<u>Monroe County</u> Monroe County Jail Clarendon, AR	0	0	No	No
Brinkley City Jail Brinkley, AR	3	0	No	No
<u>Pulaski County</u> Pulaski County Jail Little Rock, AR	0	0	Yes	

-(cont.)-

STATE - ARKANSAS FACILITY	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
Jacksonville City Jail Jacksonville, AR	0	0	Yes	--
Little Rock City Jail Little Rock, AR	0	0	Yes	No
North Little Rock Municipal Jail North Little Rock, AR	0	0	Yes	Yes (only 2 of 3 cells adequate)
Juvenile Justice Center Little Rock AR	0	0	NA	
Sherwood City Jail Sherwood, AR	0	0	No	No
<u>Saline County</u> Saline County Jail Benton, AR	0	0	No	No
Benton City Jail Benton, AR	0	0	No	No

## CALIFORNIA

This report deals with the process used to monitor juvenile detention and correctional facilities in California and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act.

The Monitoring Agency: The Office of Criminal Justice Planning, 7171 Bowling Drive, Sacramento, California 95823, is the state agency responsible for monitoring. Within the agency, responsibility for monitoring is placed with Mr. George Howard, Juvenile Justice Specialist.

The OCJP's Authority to Monitor: The California Penal Code, Section 13800 (Et. Seq.) provides the legal base for the creation of the OCJP and for identifying what its basic functions shall be. However, there is neither legal requirement nor legal authority for OCJP's involvement in monitoring. In somewhat different terminology, authority instead is vested in the Department of Youth Authority. According to Section 209 of the Welfare and Institutions Code, the California Youth Authority must conduct an annual inspection of "each jail, juvenile hall, or lockup situated in the state which, during the preceding year, was used for confinement for more than 24 hours of a minor." Monitoring data relevant to Youth Authority institutions are supplied to OCJP, and OCJP's overall handling of the monitoring process is by agreement between the OCJP and the Youth Authority.

There is a close working relationship between the two agencies; OCJP staff do not work for CYA, but they are employees of CYA. Except through the CYA and its tie-in with regional planning units, OCJP would have no monitoring authority.

Compatibility of Definitions: To differentiate between non-offenders, status offenders, and criminal-type offenders, the Welfare and Institutions Code, California's juvenile code, speaks of them as 300's, 601's, and 602's, in that order. It specifically defines each group, and the definitions coincide with those of the OJJDP.

On the separation issue, the Welfare and Institutions Code, Section 208(C), states: "As used in the Section, 'contact' does not include participation in supervised group therapy or other supervised treatment activities, participation in work furlough programs, or participation in hospital recreational activities--so long as living arrangements are strictly segregated and all precautions are taken to prevent unauthorized associations."

Though the section does not specify sight and sound separation, its requirements are sufficiently rigorous to achieve that end. The OCJP does not agree with the OJJDP's definition of separation. The planning agency feels the OJJDP definition is too restrictive and is not realistic. The agency does abide by the OJJDP definitions for monitoring purposes, and so, of necessity, some data reflect non-compliance.

An additional and currently critical issue concerns commingling of younger and older youths. This happens when youths below 18 years of age are committed to a facility by the juvenile court, while at the same time those over 18 years of age are committed to the Youth Authority by a criminal court which, in turn, is followed by a placement in an institution meant only for the under-18 years age group. The end result is a mixing of minors and adults in a single secure facility with little or no possibility of separation between the two groups.

OCJP's reaction to this situation is that to meet the OJJDP separation requirements in a juvenile facility would require \$1,500,000.00 just to start working out necessary arrangements, and another \$500,000.00 each year to monitor whatever changes might be effected.

As for jail separation, the OCJP maintains that there is constant supervision of juveniles, and that any contact would be very brief and scarcely conducive to "criminal contamination."

Selection of the Monitoring Universe: California's monitoring universe included private placement facilities, juvenile halls, local jails, camps and ranches, and training schools. In some part, identifying and updating detention sources of all kinds is done by the local and regional planning units which are administratively independent of the OCJP but whose programs are often funded through the planning agency. However, the California Youth Authority is the main repository for detention resources and data regarding them.

The selection of jails to be included in the universe was based on jail-supplied information showing whether or not juveniles had been detained in jail. The inclusion of juvenile institutions and juvenile halls was a given since the Welfare and Institutions Code clearly defines these facilities as detention and/or correctional facilities.

Under the auspices of both court law and welfare structure, residential programs licensed to provide services for children were estimated by the OCJP to number between 5,000 and 6,000, too many to permit complete monitoring coverage. A portion of the licensed residential programs, however, was included in the universe and made part of the monitoring process.

Classification of the Monitoring Universe: The OCJP utilized the OJJDP juvenile detention and correctional facility definitions and guidelines to classify the facilities. As the state monitoring report points out, the OCJP feels that the classification is restrictive and makes for a lower degree of compliance than should be necessary. All agencies fitting the juvenile detention or correctional facility definition were included in the monitoring universe.

Monitoring Report Period: California selected a twelve-month report period for the purposes of verification. Data collected during the period July 1, 1977 and June 30, 1978 were reviewed.

Data Collection: All monitoring by the OCJP was done by questionnaire mailout and/or by telephone questionnaire. The California Youth Authority also sent out forms to be completed by numerous agencies and made on-site inspection visits. The OCJP made no on-site visits.

Assisting the OCJP both in monitoring and in coordinating efforts were the 21 California regional planning units. The regional offices were especially helpful in making telephone calls to help increase the rate of returns on questionnaires. The juvenile justice specialist said it would have been virtually impossible to implement the monitoring process without the aid of the regional offices.

To facilitate the data collection process for the private child placement agencies, the OCJP worked closely with the California Association of Children's Residential Centers, Inc., L Building, 1127 11th Street, Suite 512, Sacramento, California 95814. Through the Association, questionnaires were mailed to 176 agencies with 99 submitting useable responses.

For jails, two members of the CYA were responsible for sending out questionnaires. Initially, questionnaires were sent to every sheriff and every chief of police in California. Approximately 518 law enforcement agencies were included. The validity of questionnaire results depends almost entirely on how honestly the questions are answered, and on the completeness of reporting. The CYA staff members assigned this task were confident that honesty does prevail, first, because California "worked hard and mostly succeeded in keeping juveniles out of jail long before the JJDP Act of 1974 came into being," and also because jails do not hesitate to request an inspection for certification. Certification is a status matter, but getting it means full disclosure of how a given facility operates.

In the OCJP office, only jail data were on file for jails reporting that juvenile had been held in the facility. With this as a starting point, the OCJP telephone questionnaires went on to ask whether there was adequate separation. The CYA's interest in jails was in whether juveniles had been detained more than 24

hours, while the OCJP was interested in children held less than 24 hours and longer than 24 hours. The OCJP verified by telephone 45 percent of the jails reporting less-than-24-hour holds.

The extensive use of monitoring questionnaires and telephone verification rather than on-site data collection and review of admission records for the purpose of monitoring tends to make California's system suspect. The size of the state and number of facilities definitely increases the complexity of the monitoring task, but verification experience to date has indicated that on-site monitoring is necessary to insure compliance.

Inspection of Facilities: All jails and juvenile detention facilities are inspected annually by the California Youth Authority. This legal requirement long pre-dates the JJDP Act of 1974, and is entirely independent of the Act's requirements.

A general finding of our field monitor was that, although the state report shows a total of 184 on-site inspections, many of the persons interviewed in the field for data verification were uncertain whether or not they had been inspected or, if so, when, and whether or not inspection was related to compliance with the OJJDP Act.

Method of Reporting: All data and information on monitoring are submitted to the OCJP. The annual monitoring report is prepared by the juvenile justice specialist. Informational copies of the report are sent to the governor's office, the California Youth Authority, and the state advisory group of Juvenile Justice and Delinquency Prevention. As required, the state monitoring report is submitted to the OJJDP.

Violation Procedures: As has been stated, the CYA has legal responsibility for the inspection of jails and juvenile halls. Under this program, some jails have been decertified by CYA for overlong detention of juveniles. In both public and private agencies, the status offender requirement is considered to be in de minimus compliance, and so, by inference, does not call for special violation procedure.

According to the OCJP, the separation requirement is the only area of non-compliance. The CYA inspection program deals with this issue.

It should be mentioned that commingling of juveniles and young adults is also an issue.

Obstacles-Technical Assistance Needs: Other than the items previously noted, no specific obstacles or technical assistance needs were cited.

It is our opinion that the use of mailed questionnaires and telephone interviews for monitoring and verification is a definite obstacle to the development of a reliable monitoring system.

Successful Policies and Programs: OCJP staff viewed their telephone interviews with jail personnel as a good way to establish good working relationships with law enforcement officials and to increase local community knowledge about monitoring aims and purpose. The fact that this is included in this report should in no way be interpreted that we believe this is the best, or even effective, monitoring.

OCJP's efforts through technical assistance to help counties help each other in their efforts towards deinstitutionalization should be noted. OCJP also helps by funding and supporting private, non-profit programs such as the Coalition of Child Advocacy.

Larger, more ambitious programs are pending. For example, \$24 million has been set aside by the legislature for short-term, non-secure, residential care for status offenders. On January 1, 1977, AB 213 went into effect and mandated that juvenile halls could no longer receive status offenders.

California's subsidy program for keeping juveniles out of institutions and detention is widely known and has been in operation for a number of years. The program did result in substantially reducing the rate of detention, but it has not been without repercussions. Since only the most serious, and often most aggressive of the youthful offenders found their way into institutions, they now comprise an alarming proportion of facility populations in several facilities throughout the state. This requires different rehabilitation efforts and makes for serious management problems.

Starting in January, 1976, the Alameda Regional Criminal Justice Planning Board began a broadside program toward the deinstitutionalization of status offenders. Toward this end, the cooperation and endorsement of all aspects of the justice continuum was sought. Today, police departments, correctional agencies, and private agencies are involved. Within one year after the program began, no status offenders were placed in juvenile halls, and police referrals to the probation department dropped by 31.8 percent. Currently, there is a financial problem which causes staffing concerns regarding the family crisis intervention units, and, possibly, of the youth service centers, as well, but the community is vitally interested in the program, and the consensus is that the county will somehow see to its continued funding. (See attached information.)

Monitoring Strengths and Weaknesses: While the OCJP does not have specific authority to monitor, the legal authority to inspect, which rests with the California

Youth Authority, makes this omission unimportant. Selection of the monitoring universe and classification of facilities based on definitions compatible with those of the OJJDP provides full coverage. The selection of a twelve-month report period, while complicating the data collection, provides useable information and sound planning data. Inspection by CYA seems adequate. The above are monitoring strengths.

The data collection method used for monitoring is a definite weakness. The use of mailed questionnaires and telephone calls to obtain and/or verify data falls short of true monitoring. On-site review of admission records and inspection of facilities is essential if the monitoring system is to be effective.

Verification Problems: The field monitor received excellent cooperation from the OCJP staff and others involved in the monitoring process.

Facility Data Verification: Visits to facilities in Alameda, Amador, Calaveras, Sacramento, San Francisco and Sonoma Counties were made for the purposes of data verification and inspection. Visits were made to eleven county and city jails, five juvenile halls, one receiving home and two training schools. One police department did not have a jail or lockup.

According to the state monitoring report, ten of the eleven jails visited were secure and ten housed both juveniles and adults during the past twelve months. Our verification review found nine facilities secure and eight that held juveniles during the last twelve months.

No accused or adjudicated status offenders were held over 24 hours during the report period. This was verified.

Both the state report and our review found that the separation question was not applicable to four facilities. According to the state report, four facilities provided adequate separation and two did not. No information was given for one facility. Our review showed six facilities provided adequate separation. While a number of juveniles were held in these facilities, or at least booked at these facilities, we could only identify three as inadequately separated.

All five juvenile halls were secure and one held both juveniles and adults during the last twelve months. No accused or adjudicated status offenders were held over 24 hours in these facilities. The one facility that held both children and adults provided total separation for girls, but not for boys.

Perry Place is a non-secure receiving home that only houses juveniles. No accused or adjudicated status offenders were held over 24 hours during the report period.

The O. H. Close Training School is a secure facility for juveniles. No accused or adjudicated status offenders were held over 24 hours during the report period.

The Preston School, which provides a drug treatment program, is a secure facility housing both juveniles and adults during the past twelve months. Approximately 66 percent of its residents came from adult courts. No accused or adjudicated status offenders were held during the report period. According to our field monitor, this facility does not provide adequate separation.

California, based on our verification review, has removed status offenders from secure custody. Even though a considerable number of juveniles may be held in jails, separation appears to be adequate.

Field Monitor: Mrs. Helen Sumner served as Field Monitor for the California verification. The on-site work took place October 29 through November 2, 1979.

Verification Summary: While the OCJP does not have specific authority to monitor, the legal responsibility for inspection, which is placed with the California Youth Authority, seems to provide an adequate base. The selection of the monitoring universe and its classification provides full coverage. The selection of a twelve-month report period provides an excellent data base. Inspection seems to be adequately covered by the CYA.

Data collection, monitoring and verification by mailed questionnaire and/or telephone interview is a weak point in the monitoring system. On-site review of admissions records and facilities would materially strengthen the monitoring process.

California seems to have an adequate monitoring system. With on-site monitoring and data collection, it would be a good system.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Data collection--Uniform juvenile admission/release record forms should be developed, which include all necessary monitoring data, for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample, on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

FACILITY	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Alameda County</u>				
Alameda County Probation Department San Leandro, CA	--	0	NA	NA
Alameda County Juvenile Hall San Leandro, CA	0	0	NA	NA
Haywood City Jail Haywood, CA	NA		Yes	Yes
Oakland City Jail--Youth Services Division Oakland, CA	NA		Not reported	Yes
Perry Place Oakland, CA	-- (not a secure facility)	--	NA	
San Leandro City Jail San Leandro, CA	--	0	Yes	Yes
<u>Amador County</u>				
Amador County Jail Jackson, CA	--	--	No	Yes
Amador County Probation Department Jackson, CA	NA (no facility)		NA	NA
Ione Police Department Ione, CA	NA (no detention facility)		NA	NA
Preston School Ione, CA	NA		--	No
<u>Calaveras County</u>				
Calaveras County Probation Department San Andreas, CA	--	--	Not reported	No for boys Yes for girls
<u>Sacramento County</u>				
Sacramento Juvenile Hall Sacramento, CA	--	--	NA	NA
Sacramento Police Department Sacramento, CA	NA (no detention facility)		NA	NA
Sacramento City Jail Sacramento, CA	--	--	NA	

FACILITY	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
San Francisco County San Francisco City and County Jails (six facilities) San Francisco, CA	--	--	--	--
San Francisco Juvenile Hall San Francisco, CA	--	0	NA	NA
San Joaquin County O.H. Close Stockton, CA	0	--	NA	NA
Sonoma County Sonoma County Jail Santa Rosa, CA	NA		Yes	No
Sonoma County Juvenile Hall Santa Rosa, CA	0	0	NA	NA
Cloverdale City Jail	--	--	Yes	Yes
Petaluma City Jail Petaluma, CA	NA		No	Yes
Santa Rosa City Jail Santa Rosa, CA	NA		NA	NA

## COLORADO

This report deals with the process used to monitor juvenile detention and correctional facilities in Colorado and the data collected to demonstrate compliance with Section 223 a (12)(13) of the Juvenile Justice and Delinquency Prevention Act.

The Monitoring Agency

The Division of Criminal Justice, 1313 Sherman Street, Denver, Colorado, 80203, is the state agency responsible for monitoring. Within the Division, staff responsibility for monitoring is placed with Ms. Nancy Jewell, Juvenile Justice Specialist. Staff of the research unit is responsible for processing the data used in the state's annual report.

The Division's Authority to Monitor

The Division of Criminal Justice was first created by Executive Order and later by statute. (See copy of Act attached.) However, according to the Division staff, the agency had no legal authority to monitor. In the early stages of the monitoring process, especially in jails but elsewhere too, the lack of any real power to enter facilities and inspect records made the job a difficult one. In one instance, where a detention facility feared that there would be a breach of confidentiality, a court order was necessary. The Division now reports that voluntary cooperation occurs all along the line, and its Field Monitors can now collect needed information in all facilities throughout the state.

It is our opinion that the Division probably does have legal authority to monitor. In Section 24-32-503 of the attached Act which created the Division, entitled "duties of the Division," under (e) it is stated that the Division shall have the duty "To do all things necessary to apply for, qualify for, accept, and

distribute any state, federal or other funds made available or allotted under said Public Law 93-83 and under any other law, or program designed to improve the administration of criminal justice, court systems, law enforcement, prosecution, corrections, probation and parole, juvenile delinquency programs, and related fields."

While Section 24-32-503 does not specifically mention monitoring as a duty, the stated duties appear to be broad enough to cover monitoring as a condition for qualifying for and obtaining federal funds.

#### Compatibility of Definitions

According to the Division's monitoring staff there is a difference between state and federal definitions, as they relate to classes of juveniles. The Colorado Children's Code does not use terms such as "criminal-type offender," "non-offender," and "status offender." The Code instead adheres to the more traditional terms: delinquent, dependent and neglected, and Children in Need of Supervision. CHINS include those offenders currently categorized as status offenders with the exception of drinking under age and curfew violations. Since 1978, the CHINS provisions in the Code has been replaced by CHINOS, which means Children in Need of Oversight. Included in this new category are children whose behavior suggests that they may be a danger to themselves or to others. CHINOS provisions are intended to encompass all behavior not deemed delinquent or criminal-type.

The Children's Code definition of dependent and neglected corresponds with the OJJDP definitions for non-offenders.

While Colorado's definitions and laws do not appear to be compatible with the OJJDP's definitions and guidelines, Colorado used the OJJDP definitions and guidelines for the purposes of monitoring.

#### Selection of the Monitoring Universe

The universe selected for the monitoring process included every county jail, every public juvenile institution, every juvenile detention center, and some city

jails. Since the Department of Social Services states that private agencies may not provide secure custody, these agencies were excluded from the 1978 universe. (See attached copy of the Department of Law opinion, dated August 31, 1978.) The Division took the following steps to determine what agencies should be included in the universe:

1. Regional Planners from the local councils of government were asked to contact all jails in their respective areas to determine which jails were detaining juveniles.
2. All jails found by the Regional Planners to be detaining juveniles were included in the monitoring process, and the Administrator of every jail involved was so advised.
3. Detention centers and juvenile institutions were assumed to be holding juveniles either temporarily or in longer term residence and were added to the universe. DCJ staff contacted these facilities.

#### Classification of the Monitoring Universe

Following the basic universe selection process those facilities that were considered secure such as jails, detention centers and juvenile correctional institutions were classified as juvenile detention and correctional facilities. (See attached list of facilities.)

#### Monitoring Report Period

Colorado selected two report periods. The period for jails and detention covers the full twelve months in the calendar year. The report period for institutions also includes twelve months but runs from July 1st of one year to June 30th of the second year. For purposes of verification January 1 to December 31, 1978, was checked for jails and detention homes. For institutions the period covered July 1, 1978, through June 30, 1979.

#### Data Collection

As has been stated, the Division directs the detention monitoring in Colorado. The actual on-site monitoring of city and county jails is done by the Regional Planners who work for the nine active councils of government in the state. The

Planners' specific task in 1978 was to collect all jail data. They identified the jails that detained juveniles by letter or telephone. On-site visits were made to the 54 jails found to detain children, and a sampling was made of the kinds of offenses and number of juveniles held in 1978.

All monitoring work and data collection was guided and supervised by Division staff who also designed the data forms and provided clear and complete procedural instructions.

Division staff also obtained detention and institutional data. All data, except for the institution information which came from the research unit, was collected on-site by DCJ staff.

Our Field Monitor felt the data collection system was well-designed.

#### Inspection of Facilities

Inspection to determine the level of separation compliance is done at the same time the monitoring data is collected. The major responsibility for inspection falls to the Regional Planners since they monitor the largest number of the classification facilities, especially the jails. However, the Jail Standards Commission has recently been allocated LEAA funding which will allow for checking on OJJDP standards for separation and the periods of juvenile confinement at the same time annual jail inspections are conducted.

#### Method of Reporting

All information pertaining to juvenile detention monitoring, including individual facility population data, is submitted to the Division staff who prepare the annual monitoring report.

#### Violation Procedures

While all classified facilities are inspected, there are no channels for handling violations, and no violation procedures. While the Children's Code

requires separation of children and adults in facilities where both may be held, there are no sanctions for violations.

Legal action seems to be the only recourse to eliminate violations.

#### Assurances Against Reclassification

There is little chance that inappropriate reclassification can occur in Colorado. Any child under Juvenile Court jurisdiction discovered to be in need of mental health services will be removed from court jurisdiction and placed with the Department of Social Services. Conversely, if a juvenile receiving any kind of psychological assistance commits an offense, s/he may be heard as an offender, but if s/he continues to have a need for mental health services, his/her case then remains with Social Services.

Adequate protection against reclassification seems to be available in the Code.

#### Obstacles - Technical Assistance Needs

The Division monitoring staff listed six obstacles as follows:

1. Lack of legal authority to monitor.
2. Failure of Deinstitutionalization Bill to meet Juvenile Justice and Delinquency Prevention Act requirements.
3. The high cost of monitoring
4. The lack of uniformity of data.
5. Inconsistent definitions.
6. Sparseness of data in many facilities.

No technical assistance needs were mentioned.

#### Successful Policies and Programs

There are several programs aimed at deinstitutionalization which came into being too late to have an impact on 1978 findings or to influence detention rates. These include several diversion and shelter care programs, one legal defense support system, and one program which provides a separate holding facility for juveniles.

Probably the most promising program, though it too is quite new, is the Denver

Adolescent Crisis Intervention Project. The aim here is to reach whole families and to help resolve their problems through varying levels of the counseling process. The services of many agencies in Denver are utilized in order to involve a wide spectrum of the community, and a member of the crisis team is stationed at the Delinquency Control Division as an immediate resource to receiving officers, probation officers, youth coming to the Division, and their families. Criteria for service includes:

1. A willingness to engage in family counseling.
2. Youth with few prior status offenses.
3. Youth not exhibiting violent behavior.
4. Other comparable criteria.

The program is definitely treatment-oriented, but does not involve itself in any of the long-term deep-seated therapies. According to the project description, the Crisis Intervention Project appears to have experienced considerable success in its work with young people and their families. (See copy of attached project description.)

#### Monitoring Strengths and Weaknesses

The basic plan for selecting the monitoring universe and classifying the facilities, with one exception, is adequate. The plan for collecting data and for inspection is sound. The twelve month report periods are good, but would be improved if the same twelve months were used for all facilities. Protection against reclassification exists. These are strengths of the system.

The absence of legal authority to monitor and incompatible definitions are the major weaknesses in the system and these cause other problems, especially the prevention of real violation enforcement. All jails and lockups should be included in the classified universe. The exclusion of some city jails is a weakness.

As in many states the absence of a uniform plan for recording data concerning juveniles held in secure facilities limits the quality of monitoring data.

#### Verification Problems

The Division monitoring staff were cooperative in carrying out the verification review and no problems were encountered. It should be mentioned that an external factor, the weather, did require some alterations in plans.

#### Facility Data Verification

Original plans called for visits to facilities in Adams, Crowley, Denver, Douglas, El Paso, Fremont, and Rio Blanco Counties. But snow storms just prior to the Field Monitor's arrival, followed by flooding, made for insurmountable transportation problems and necessitated several schedule changes. The counties finally selected for visitation included Adams, Arapahoe, Clear Creek, Denver, Douglas, El Paso, and Pueblo. Even with this group, the road to Pueblo was closed off by snow at the last moment, and the records of Douglas County had been destroyed in 1978 when the courthouse and jail burned. Overall, the weather in the state severely limited our verification capabilities.

Five jails, two detention centers, and the Mountain View Training School were visited. Visits to three jails and two detention centers had to be cancelled due to weather conditions and data for one county jail could not be verified due to destruction of records by fire.

According to the state report all eight jails are secure and all held both children and adults during the report period. This was verified for five jails. The state showed 252 accused status offenders held over 24 hours during the report period in three jails. We were only able to verify the data for two jails, but in these facilities we found eight more accused status offenders held than were reported.

The State showed inadequate separation in four of the eight jails. Our verification only found three jails inadequately separated, but our Field Monitor was unable to visit three jails. The State reported 993 children inadequately separated in four jails. This was verified for the three jails visited.

The State reported that all four detention centers were secure and all only held juveniles. This was verified for the two detention centers our Field Monitor was able to visit. According to the state report the four detention centers held 1651 accused status offenders over 24 hour during the report period. Of the total, 1351 were held in the detention centers visited by our Field Monitor and this data was verified.

The Mountain View School is a secure training facility which houses both juveniles and adults. Juveniles between the ages of 18 and 19 can be committed to this facility. According to the state, 11 adjudicated juveniles were held during the report period. Our verification, based on the Division of Youth Service figures, showed 25 juveniles held during the period. Because persons over 18 years of age are held in this facility, all juveniles held were inadequately separated during the report period.

#### Field Monitor

Mrs. Helen Sumner served as Field Monitor for the Colorado verification review. The on-site work was conducted February 10th through February 15th, 1980.

#### Verification Summary

Colorado has developed a state-wide monitoring system. While it has no legal authority to monitor, state definitions seem to be incompatible, and the state has a considerable number of status offenders incarcerated in secure facilities and large numbers of juveniles inadequately separated from adults in these facilities, the monitoring system is adequate. The state does use OJJDP definitions for monitoring purposes.

Advocacy is needed now to reduce the number of juveniles, both status offenders and delinquents, held.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by executive order. The authority should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children, to correct and eliminate violations.

2. Compatible definitions--The Juvenile Code should be amended in such a way that it defines and/or groups offenses in such a way to identify juvenile offenders, status offenders, and non-offenders. The use of these specific terms is not essential to show compatibility with OJJDP definitions if the law clearly shows what offense would fall within the "status" and "non-offender" classes.

3. Classification of facilities--All facilities which might hold children in secure custody should be classified as juvenile detention or correctional facilities and should be monitored. All jails, lockups, detention facilities, and training schools should be so classified and monitored regardless of policies or announced practices regarding the holding of children or existing laws which prohibit the admission of children to the facilities.

3. Data collection--Uniform juvenile admission/release record forms should be developed, which include all necessary monitoring data, for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

4. Offense data--Efforts should be made to obtain, either through legislation or the rules of the court, a provision that prohibits the admission of a child to a secure facility unless a specific offense, preferably the most serious offense alleged, is known and entered on the admission/release record; entries such as hold for judge, hold for court, contempt, bench warrant, probation violation, etc., should not be allowed unless the offense is also shown. This is necessary for the protection of the facility staff and is essential for monitoring.

5. Violation procedures--Violation procedures should be established which include a clear description of the sight and sound separation required and the actions which may be taken if inadequate separation is found. The procedures should be made available in printed form to all facilities which might hold children in secure custody.

STATE - Colorado FACILITY	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a) (12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Adams County</u> Adams County Jail Brighton, CO	0	0	No	No
Adams County Detention Center Brighton, CO	551	551	NA	
<u>Arapahoe County</u> Aurora Criminal Justice Center Aurora, CO	132	133	Currently Yes (but not for 1978)	Currently Yes
<u>Clear Creek County</u> Clear Creek County Jail Georgetown, CO	0	7	No	Yes
<u>Denver County</u> Denver County Jail Denver, CO	0	0	No	No
Denver City Jail Denver, CO	0	0	No	No
Gilliam Youth Center Denver, CO	800	800	NA	
Mountainview School Denver, CO	11	25	NA	No
<u>El Paso County</u> Behulor Pike Detention Center Colorado Springs, CO	219	Not Visited		
El Paso County Jail Colorado Springs, CO	--	Refused entry to jail	Yes	?
<u>Pueblo County</u> Pueblo Detention Center Pueblo, CO	21	Not visited	--	--
Pueblo County Jail Pueblo, CO	32	Not visited	No	Not visited
<u>Weld County</u> Weld County Jail Greeley, CO	88	Not visited	Yes	Not visited

CONNECTICUT

This report deals with the process used to monitor juvenile detention and correctional facilities in Connecticut and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act.

The Monitoring Agency: The Connecticut Justice Commission, 75 Elm Street, Hartford, Connecticut 06115, is the state agency responsible for monitoring. Within the Commission, responsibility for monitoring is placed with Mr. Edward F. Ahnemen III.

The Commission's Authority to Monitor: After first being established by executive order, the Commission was legislatively established by Chapter 537, Section 29 of Connecticut's laws. Section 29-181 sets forth the powers and duties of the Commission, among which is one (P) "to provide for such funds, accounting, audit, monitoring, evaluation and administration procedures as may be necessary to assure fiscal control, proper management, and disbursement of federal, state, and private funds received for the purposes of this chapter." (See attached copy of Section 29.)

The above is the Commission's authority for monitoring.

Compatibility of Definitions: Under existing law, Title 46b, Sections 120 through 148, definitions are not compatible. This law is what stands as the current juvenile code. It defines delinquency in such a way that all status offenders are included. Further, it allows for violations of court orders to be treated as delinquency, regardless of the initial charge on which the court order was issued. (See copy of law, attached.)

Fortunately, a revision to this law has been passed and is to become effective in July, 1980. It specifically eliminates status offenses from the definition of delinquency and also eliminates the possibility of treating a violation of court order as a delinquency if it is issued on a status offense charge originally. (See copy of revised code, attached.)

In Title 17 of Social and Human Services and Resources, Chapter 310, on the Department of Children and Youth Services, provision is made for the transfer of a delinquent from the Department of Children and Youth to an adult correctional facility. (See attached Title 17, Chapter 310, Section 17-420, page 377.)

Selection of the Monitoring Universe: The Department of Children and Youth Services has licensing authority in the state, and the universe of facilities that could possibly be within the guidelines of the OJJD consisted of all the facilities known to that department, together with the state correctional institutions and police lockups.

Classification of the Monitoring Universe: With the help of the University of Connecticut, on-site visits were made to the known facilities and the OJJDP guidelines were applied to classify those meeting the definition of juvenile detention or correctional facilities.

For the 1979 monitoring report, the five juvenile detention and correctional facilities reported were identified as the juvenile detention centers at Hartford, Bridgeport, and Montville, the detention center (reception only) at New Haven, and the Long Lane School.

The Commission has not considered the adult correctional facilities to be in the universe, nor have they so considered the local police lockups. However, they have monitored these facilities after a fashion in connection with the separation of juveniles from adults.

Monitoring Report Period: For the detention of accused status offenders, the report period was three months--April, May, and June, 1979. The three-month count was then used to estimate the 144 reported for the full year, July 1, 1978 through June 30, 1979. (See attached letter dated October 2, 1979.)

All other items were monitored for the full year July 1, 1978 through June 30, 1979.

In the verification reported here, the field monitor made an actual count for the full year at the detention home in Bridgeport. There was no way to measure our verification of an individual detention home against the state's report since the Commission did not record which facility had how many of the estimated 144 detention violations.

For all other items, our verification covered the same report period as the state's report.

Data Collection: The Commission staff is involved in data collection only with regard to police lockups. Juvenile detention data is gathered by the Juvenile Probation Services, Family Relations Division, Superior Court. This is a statewide operation based in Hartford and was begun through a grant from the Commission. One staff person heads the activity, and, with his assistants, it is claimed that weekly visits are made to each detention home.

Data concerning status offenders committed to secure facilities as a disposition is gathered by the Department of Children and Youth Services. This department licenses and operates facilities for the residential care of children, and, in this regard, they make on-site visits to determine which institutions fit the designation of juvenile detention and correctional facilities and to determine the number of status offender placements.

With regard to juveniles in adult correctional institutions, this data is reported by the Department of Children and Youth Services when they secure the transfer of the juvenile. The Department of Corrections also reports this data from their statistical records.

The Commission staff sends questionnaires to police lockups. (See attached copy of memorandum dated December 1, 1978, which was sent to chiefs of police, and copy of the form the chiefs were asked to complete and return.)

No verification is made by the Commission staff on any of the data gathered by others, nor on the data the Commission gathers by mail from lockups.

Inspection of Facilities: Juvenile detention centers are said to receive inspections weekly by the Juvenile Probation Services. The DCYS inspects its institutions frequently, but, on a monitoring basis, only once a year. Our field monitor found no planned inspections being made by any authority, for any reason, of local police lockups.

Method of Reporting: All data is submitted to the Commission. The juvenile justice planner prepares the annual report, and, when in final approved form, it is sent to the OJJDP. No other distribution is made of this report.

Violation Procedures: The monitoring staff of the Probation Services and the Department of Children and Youth Services, perhaps with Commission staff, endeavor to review the circumstances of violations and make recommendations for change. The role of Commission staff in this is not very specific, but, then, neither is the procedure itself.

Assurances Against Reclassification: Connecticut law is specific in terms of trying a juvenile in adult court. Due process applies. However, the way is open for a juvenile who has been committed to a training school to be transferred to an adult institution at the request of the Director of the Department of Children and Youth Services and on approval of the court. While this may not constitute a reclassification, it has the same effect.

Present juvenile court law provides no assurance against reclassification of a status offender to a delinquent--current law lumps status offenses into the definition of delinquent. The pending new law specifically guards against treating a status offender as a delinquent.

Obstacles-Technical Assistance Needs: Concern was voiced over the lack of computer tracking capability, and over the inadequate information received as to the charges against children brought to detention facilities.

The field monitor felt there was a lack of guidance from the Commission staff over the monitoring being done by the operating departments. There is a need to

spotcheck some of the facilities, and, especially, there is a need to verify the mail survey reports for local lockups. Where two sources of records are available, differences should be reconciled. For example, the Bridgeport Detention Center maintains a ledger of admissions. In addition, a standard form for juvenile detention admissions is completed. The state used only the latter. The field monitor used both and found them to be at variance. Some standardized procedure should be initiated and the Commission should have individual figures for each facility covered in their composite figure report for the year.

Technical assistance would seem to be needed to get police lockup monitoring understood and effective statewide. Some assistance might also be needed in sessions with judges and detention staff in connection with the new juvenile law which will go into effect soon.

Successful Policies and Programs: The Commission made grants to the Department of Children and Youth Services and to the Juvenile Probation Services to initiate the monitoring these agencies now do as part of their regular operations and budget.

The one program cited by Commission staff was the statewide Deinstitutionalization of Status Offenders Program of 1978. This program was designed to investigate alternatives to the detention and institutionalization of juveniles accused of status offenses. (See attached abstract of Deinstitutionalization of Status Offenders Program.)

Monitoring Strengths and Weaknesses: The Commission has both responsibility and authority to monitor. The available resources for selecting the monitoring universe seem complete. Facilities were classified based on OJJDP guidelines and definitions. A realistic data collection plan for obtaining information from the classified facilities is used. Other state agencies collect the data. Inspection of juvenile facilities is adequate, as is the handling of violation for these units. These are strengths.

The current juvenile code is not compatible with the OJJDP definitions. A revised code has been passed and will take effect in July, 1980. The revised code, when enacted, will make Connecticut law compatible with the OJJDP.

In selecting and classifying the monitoring universe, state adult correctional institutions and local police lockups were excluded from the potential and classified universe. While the Commission does monitor local lockups for separation, the unverified mail inquiries are a definite weakness. Data collected by other agencies is not verified. Inspections apparently are not made of police lockups, and no violation procedure for dealing with these facilities exists, even if there were inspected.

As has been stated, the current law, and especially the new law, will provide protection against reclassification. Unfortunately, both permit the transfer of a committed juvenile from a juvenile facility to an adult correctional facility.

This program could be materially strengthened by enlarging the classified universe to include adult correctional institutions and local lockups, by collecting data and making inspections on-site, by collecting data by facility instead of classes of facilities, and by establishing written violation procedures for all classified facilities.

Verification Problems: Other than the usual problems encountered with facility records, this was a problem-free verification review.

Facility Data Verification: Visits were scheduled to facilities in Hartford, New Haven, Middlesex, and Windham Counties. The facilities included ten jails, three community correctional centers, three detention centers, and the Long Lane School at Middlesex, Connecticut.

All of the jails, according to the state report, are secure and none held juveniles during the past twelve months. Security was verified, but the field monitor found that three jails did hold children during the past year. The very poor quality of facility admission records made verification nearly impossible. No status offenders, according to the state, were held in these facilities during the report period. The absence of data makes this hard to verify, but we doubt that they held status offenders. Of the three jails that held children, the state reported that all had inadequate separation. Our field monitor found only two with inadequate separation. While the state reported no children inadequately separated in these jails during the report period, our review found 28 inadequately separated.

The three community correctional centers were all secure, according to the state report, and none held children during the past twelve months. Security was verified. The records would not permit verification of the fact that juveniles were or were not held during the past year. A computer run showed no juveniles held in two centers and one juvenile held in the third. Based on this information, we must report one juvenile was held in an inadequately separated facility.

The three detention centers were all secure and only housed juveniles, as reported by the state and verified. One of the units was not a true detention center, but rather a reception center from which children were transferred to one of three detention centers. The records of these facilities made verification difficult or impossible. A more intense search of the records of the Bridgeport Detention Center showed 79 accused status offenders held over 24 hours during the

report period. We do not know how many of the state congregate accused status offenders held over 24 hours were supposedly held in Bridgeport. Our review also showed 136 admissions without a specific charge which could be classified as either a status offense or delinquency.

The Long Lane School is a secure facility for juveniles. According to the state report, 22 adjudicated status offenders were held in this facility during the report period. With records available, our verification count only showed 16 adjudicated status offenders, all girls, held during the report period. No accused status offenders were held in this facility.

Field Monitor: Willis O. Thomas served as Field Monitor for the Connecticut verification review. The on-site work was conducted April 7 through 11, 1980.

Verification Summary: Connecticut has established a statewide monitoring system which covers facilities for juveniles, but does not totally include adult facilities and lockups in which children may be held. Inclusion of all potential adult detention facilities plus full, on-site data collection and inspection would strengthen the system.

Connecticut has an adequate monitoring system.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by executive order. The authority should be broad enough to allow the agency to require the maintenance of required records; to collect data; to require reports; to inspect for separation compliance; and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities

not in compliance and use realistic sanctions, including closing the facility to children, to correct and eliminate violations.

2. Compatible definitions--A recommendation on this subject is omitted since the new Act should provide compatible definitions.

3. Classification of facilities--All facilities which might hold children in secure custody should be classified as a juvenile detention or correctional facility and should be monitored. All jails, lockups, detention facilities, and training schools should be so classified and monitored regardless of policies or announced practices regarding the holding of children or existing laws which prohibit the admission of children to the facilities.

4. Monitoring report period--The report period for all facilities should be twelve months.

5. Data collection--Uniform juvenile admission/release record forms should be developed which include all necessary monitoring data for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample, on-site check to insure that the records submitted are complete and factual. Such verification should take place during the inspection.

6. Child count--The count should be based on individual children, not on an average population.

7. Facility count--The data collected for monitoring purposes should be by facility. While aggregate counts by types of facilities have value, they are not adequate for monitoring purposes.

8. Inspection of facilities--All classified facilities which might hold

children in secure custody should be inspected annually primarily to insure adequate sight and sound separation of children and adult inmates, but also to determine the adequacy of the facility for housing children. Records which show the date of the inspection, the findings, and the identity of the facility should be maintained by the monitoring agency.

9. Violation procedures--Violation procedures should be established which include a clear description of the sight and sound separation required and the actions which may be taken if inadequate separation is found. The procedures should be made available in printed form to all facilities which might hold children in secure custody.

10. Assurance against reclassification--The present law does not provide adequate protection against reclassification. The new law will assure against reclassification.

STATE - <u>CONNECTICUT</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Fairfield County</u> Bridgeport Detention Center Bridgeport, CT	?	79(?)	NA	
<u>Hartford County</u> Hartford Detention Center Hartford, CT	Unknown	--	NA	
Hartford Police Department Lockup Hartford, CT	0	--	No	Currently Yes
Manchester Police Dept. Hartford, CT	0	--	Yes	Yes
Glastonburg Police Dept. Hartford, CT	0	--	No	No
<u>Middlesex County</u> East Hampton Police Dept. East Hampton, CT	0	--	No	No
Middletown Police Dept. Middletown, CT	0	--	No	No
Long Lane School Middletown, CT	22	16	NA	
<u>New Haven County</u> Juvenile Reception Center New Haven, CT	0	0	NA	
Milford Police Dept. Milford, CT	0	--	No	No
New Haven Community Correctional Center New Haven, CT	0	--	No	No
Meridan Police Dept. Meridan, CT.	0	0	No	No
New Haven Police Dept. New Haven, CT	0	--	No	No
<u>Windham County</u> Brooklyn Correctional Center Brooklyn, CT	0	--	No	No

STATE - <u>CONNECTICUT</u> (page 2) FACILITY	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
Willimantiz Police Dept. Willimantiz, CT	0	0	No	No
Putnam Police Dept. Putnam, CT	0	--	No	No

DELAWARE

This report deals with the process used to monitor juvenile detention and correctional facilities in Delaware and the data collected to demonstrate compliance with Section 223 a (12)(13) of the Juvenile Justice and Delinquency Prevention Act.

The Monitoring Agency

The Delaware Criminal Justice Commission, State Office Building, Fourth Floor, 820 North French Street, Wilmington, Delaware, is the state agency responsible for monitoring. Responsibility for monitoring within the agency rests with Mr. Joe Duffy, Juvenile Planner.

The Commission's Authority to Monitor

Technically, the Commission has no legal authority to monitor. This has caused no problem to date. Delaware House Bill No. 303, effective September 21, 1978, amended the Delaware Code and classified truants, runaways, and uncontrolled youth as dependent or neglected children. The effect of this legislation transferred jurisdiction from the Family Court to the Division of Social Services, and therefore the status offender cannot be detained in Department of Corrections facilities and Delaware states that these are the only juvenile detention or correctional facilities which hold youth for 24 hours or more.

With respect to alleged delinquent children, the Code provides that no child shall be detained in a jail or adult correctional institution pending trial, but can only be held in a juvenile correctional facility. An adjudicated delinquent can be committed to the Department of Corrections if his/her conduct would have constituted a crime if committed by an adult. There is no specific separation provision for adjudicated offenders.



**CONTINUED**

**2 OF 8**

The Commission monitors for compliance with Hosue Bill No. 303. (See attached sections and notes on Code.)

#### Compatibility of Definitions

Delaware definitions are compatible with OJJDP definitions.

#### Selection of the Monitoring Universe

The task of selecting the potential monitoring universe was shared by the Division of Social Services of the State Department of Health and Social Services and the Commission. The Former agency, familiar with all the private agencies, provided universe data for all except lockups, detention centers, and training schools. Data on the latter facilities was obtained by the commission. These two agencies continue to work closely together.

The selection of the monitoring universe appears to be complete.

#### Classification of the Monitoring Universe

Classification of the monitoring universe was based on OJJDP definitions and guidelines. The classified universe includes two juvenile correctional facilities, two juvenile detention facilities, one Family Court lockup and fifteen police lockups. No private agencies were classified as juvenile detention or correctional facilities. A number of local police units exist, but none of them have holding facilities. No status offenders were in mental institutions.

The classification is complete.

#### Monitoring Report Period

The report period includes twelve months. The verification period was August 1, 1977, to July 31, 1978. Based on data from this report period, Delaware was seriously out of compliance. However, with the passage of House Bill No. 303 in June, 1978, the state at long last had the handle it never had before to keep magistrates from sending children to jail indiscriminately. On October 10, 1979, based

on data gathered following passage and enactment of the new legislation, the OJJDP notified the SPA that they had "demonstrated a 100 per cent reduction." (See copy of letter from David West dated October 10, 1979.)

Knowing that verification of data obtained prior to the new Act would do nothing but confirm Delaware's shortcomings, we, the verification staff, proposed a new report period of six months from October 1, 1978, to March 31, 1979. We proceeded on the basis of the revised period and verification is based on the above dates and data.

Since removal of status offenders from secure custody is a goal, and since Delaware has demonstrated a desire to accomplish this goal, the above-stated action is fair.

#### Data Collection

The Commission is wholly responsible for data collection and monitoring, which is a staff function. The two juvenile institutions send monthly reports to the Commission and current data is always available. The Commission staff collects data from all other facilities during on-site visits. The limited number of facilities and the small size of the state makes data collection rather easy.

One Commission staff member verifies reports on an irregular basis. The Commission feels that their system is fully adequate and we generally agree. The only real problem lies in getting improved record keeping in lockups where the policy of "No Children" had led officials to either discontinue juvenile records, or fail to keep them at all. Lockup records simply do not show age, as a rule.

#### Inspection of Facilities

Since there are no jails in Delaware and the relatively few lockups do not hold status offenders or accused delinquents, inspection takes on a lesser significance than it would in some other states. Lockups are small, usually one, two, or three cells, with no or very rare separation, actual or planned. Delinquents are transferred immediately to detention centers and only those charged as adults

spend any time in a lockup cell. Very few waived children are held.

#### Methods of Reporting

One Commission specialist spends full time on data collection, sorting, evaluating and verifying monitoring information and data. The Juvenile Planner further reviews the materials and writes the state report which is submitted annually to OJJDP. The Juvenile Planner is in charge of distributing the monitoring report to state agencies.

#### Violation Procedures

According to our Field Monitor, Delaware's procedure is best understood by reviewing the attached material, dated November 6, 1979, on this subject. The Field Monitor reported that this is the first example he found of a genuine, systematic approach to violations. It is clear and effective, from initial advice to the facility thought to be at fault, to final actions. (See report materials entitled "Possible Violations of H.B. 303" dated November 6, 1979.)

#### Assurances Against Reclassification

The Delaware Code seems to provide protection against reclassification by clear definitions and by classifying status offenders as dependent or neglected children.

#### Obstacles--Technical Assistance Needs

No specific obstacles or technical assistance needs were cited by Commission staff. The Commission is currently making a study of the response to House Bill No. 303 by concerned state agencies. This may identify obstacles and/or technical assistance needs. The report is due in February, 1980.

Even though lockups are not to hold children, for monitoring purposes it is essential that all facilities maintain separate juvenile admission and release records which would document compliance with House Bill 303 and reflect any emergency admissions.

#### Successful Policies and Programs

In Delaware the passage of House Bill No. 303 is the major success. In the years prior to passage of the juvenile Justice and Delinquency Prevention Act of 1974, efforts to bring Delaware into line had been totally unsuccessful. Magistrates and, to some extent, law enforcement agencies, had fought change. The Commission reported that the recommended position was hopeless until the JJDP Act of 1974 was passed. With the federal Act in hand, they went to work and in time put House Bill 303 together and it was passed.

For Delaware, passage of the Act was the major accomplishment. Everything fell into place. The last barrier to compliance was eliminated. The state is now nearing 100 per cent compliance.

According to the Field Monitor, the Commission offered no other innovative examples for the record.

#### Monitoring Strengths and Weaknesses

Monitoring strengths in Delaware include the use of a twelve month report period which provides full and useful information, the assignment of Commission staff to all monitoring tasks including data collection and verification, on-site collection of needed information and specific procedures for handling violations. The passage of House Bill No. 303 is a major accomplishment and should do much to remove status offenders from secure custody and to separate children from adult offenders.

Inspection might be considered a weakness, but if so it is not a serious defect.

The absence of complete juvenile records in lockups must be cited as a weakness. While the law prohibits placement of children in these facilities, this alone does not guarantee that children will not be admitted. Records of juvenile admissions, if any under any conditions, should be required and should be monitored.

### Verification Problems

The Delaware Commission staff provided excellent assistance to our Field Monitor and no verification problems were encountered, other than the previously mentioned absence of juvenile records in the lockups.

The report period was revised to cover experience following passage of House Bill No. 303.

### Facility Data Verification

Facilities in Kent, New Castle, and Sussex Counties were visited. These are the only counties in Delaware. The facilities included five police lockups, two detention homes, one Family Court holding room, and the Ferris School, a state training facility.

According to the state monitoring report, all five lockups are secure, but the Field Monitor felt that one was not secure. The state monitoring report showed that one lockup held juveniles during the last twelve months. Our verification showed that two lockups of the five held children. In one lockup, one child was held for 33 minutes while two children were held in the second lockup for periods under two hours. No accused or adjudicated status offenders were held in these lockups over 24 hours.

Sight and sound separation, while not applicable to two lockups, was found by the state to be adequate in the other three lockups. This was verified.

The two detention homes and Family Court holding room, which only house juveniles, are all secure. No accused to adjudicated status offenders were held in these facilities over 24 hours during the report period. This was verified. House Bill No. 303 went into effect September, 1978. One child was brought to the detention center in error in November, 1978, by a magistrate. The child was released to his parents in less than twelve hours.

The Family Court Holding Room, which is used to house children pending Court Hearing should probably be removed from the facilities classified as juvenile detention or correctional facilities since it does not provide care beyond normal court hours.

The Ferris School provides secure care for children only. No accused or adjudicated status offenders were held in this facility during the report period. This fact was verified. (See attached facility worksheets.)

Based on the facilities verified, Delaware is in complete compliance.

### Field Monitor

H. Aubrey Elliott served as the Field Monitor in Delaware. The on-site verification took place December 17, 18, and 19, 1979.

### Verification Summary

While Delaware was not in compliance during the 1978 report period, a second report period, which followed passage of House Bill No. 303, was used to verify detention data. Based on this verification, Delaware is in total compliance.

The Criminal Justice Commission, the state agency responsible for monitoring, does not have legal authority to monitor, but this does not present a problem. The monitoring universe and classification is complete, state definitions are compatible with OJJDP definitions, a twelve month report period provides full coverage, monitoring, including all data collection, is done by full-time Commission staff.

The violation procedures are good, assurances against reclassification seem adequate. No obstacles or technical assistance needs were cited and the only success mentioned was passage of House Bill No. 303. The Field Monitor agrees that the Bill is a major improvement.

One weakness, based on our verification work, is the absence of complete juvenile admissions records in the lockups. While children are not to be admitted

to these facilities, this does not guarantee that a child will not be admitted. Complete juvenile records should be required.

The Family Court Holding Room in New Castle County should be removed from the classified universe.

Delaware has an adequate monitoring system.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Data collection--Uniform juvenile admission/release record forms should be developed, which include all necessary monitoring data, for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

2. Inspection of facilities--All classified facilities which might hold children in secure custody should be inspected annually primarily to insure adequate sight and sound separation of the facility for housing children. Records which show the date of inspection, the findings, and which identify the facility should be maintained by the monitoring agency.

STATE - Delaware	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Kent County</u> Milford Police Department Milford, DE	0	0	Yes	Yes
Smyrna Police Department Smyrna, DE	0	0	NA	
Stevenson House Milford, DE	0	1	NA	
<u>New Castle County</u> Ferris School Wilmington, DE	0	0	NA	
Family Court Holding Room Wilmington, DE	0	0	--	--
Bridge House	0	0	NA	
Wilmington Police Department Wilmington, DE	0	0	Yes	Yes
Newark Police Department Newark, DE	0	0	NA	
<u>Sussex County</u> Seaford Police Department Seaford, DE	0	0	Yes	Yes

WASHINGTON D.C.

This report deals with the process used to monitor juvenile detention and correctional facilities in Washington D.C. and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act.

The Monitoring Agency: The Office of Criminal Justice Plans and Analysis, Munsey Building, Suite 200, 1329 E. Street, N.W., Washington D.C. 20004, is the District's agency responsible for monitoring. Ms. Shirley A. Wilson, Juvenile Service Coordinator, is the staff person responsible for monitoring and preparation of the District's annual monitoring report.

The OCJPA's Authority to Monitor: In response to P.L. 93-415, dated September 7, 1974, as amended, Mayor Marion Barry, Jr. of the District of Columbia designated the Office of Criminal Justice Plans and Analysis as the sole agency responsible for carrying out the provisions of P.L. 93-415, Juvenile Justice and Delinquency Prevention Act of 1974, as amended, in the District of Columbia. (See Mayor's Order 79-40, dated February 22, 1979.)

Part II of the above-cited Order, Section 2, entitled Functions, lists the nine functions of the juvenile justice advisory group. Function (d) specifically states that the group shall assume a role in the monitoring of all juvenile detention correction facilities and community-based programs to insure compliance with the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

The OCJPA has authority to monitor.

Compatibility of Definitions: Insofar as status offenders are concerned, the definitions of the District are compatible with those of the OJJDP. District Law (Chapter 23, "Family Division Proceedings") 16-2301(8) defines the "child in need of supervision" as follows:

- (8) The term "child in need of supervision" means a child who
  - (A) (i) is subject to compulsory school attendance and is habitually truant from school without justification;
  - (ii) has committed an offense committable only by children;
  - (iii) is habitually disobediant of the reasonable and lawful commands of his parent, guardian, or other custodian and is ungovernable; and
  - (B) is in need of care or rehabilitation.

Selection of the Monitoring Universe: The universe of potential facilities for monitoring was identified as follows:

Meetings were held with Department of Human Resources officials who develop administrative policies and procedures for institutional, residential, outreach and aftercare programs. Lists were obtained which included names, addresses, operating capacity, and classification type of all such facilities.

Meetings were held with court intake, diagnostic and supervision probation officers; Department of Human Resources intake and screening personnel; and the Assistant Corporation Counsel (prosecutor) who supervises the Juvenile Division to identify and determine the various detention and commitment alternatives they utilize and the salient factors for making a decision.

Meetings were held with administrators of grant-funded youth service community outreach and/or treatment programs to gather input on the nature of their projects and their knowledge about neighborhood programs.

During site visits to government-operated group homes, program operators were queried about the availability and adequacy of privately operated facilities.

Program operators of the two privately operated residential facilities identified were queried regarding the existence of other privately operated facilities.

The above process led to the creation of a list of potential facilities for inclusion in the monitoring universe. The process provided complete coverage.

Classification of the Monitoring Universe: The facilities were classified based on guideline definitions with secure/non-secure issues being stressed. Four facilities were classified as detention or correctional facilities.

Monitoring Report Period: The District selected a twelve-month report period. Selection of a full-year report period must be commended for it provides full information on which sound monitoring and planning decisions can be made. Data and information collected for the period January 1 through December 31, 1978 was verified.

Data Collection: All monitoring information and data was collected by the staff of the Office of Criminal Justice Plans and Analysis using two methods. On-site visits to the facilities were made during which admission log entries were reviewed. In the case of the receiving home, weekly reports were sent to the SPA. The reports were verified by later, on-site visits.

The weekly report is in an easy-to-understand format. (See Receiving Home Screening format, attached.)

Inspection of Facilities: All facilities in the monitoring universe were inspected even though four were classified as detention or correctional facilities. Inspections were made at 17 group homes and four institutions for juveniles. In addition, the Washington, D.C. Jail was inspected for sight and sound separation, though only children waived to criminal court jurisdiction are held in this facility.

Method of Reporting: The planning agency staff personally collected all required information and data or verified by on-site visit reports submitted to the SPA. This information was used by the Juvenile Service Coordinator to prepare the District's annual monitoring report.

Violation Procedures: Rules have been proposed relative to violations. The rules were published in the District of Columbia Register on December 7, 1979 and were to become effective 30 days later. The rules apply to all classified facilities.

Under the proposed rules, complaints will be accepted by telephone or in writing. An initial review will be made by the Office of Criminal Justice Plans and Analysis to determine whether or not the complaint is an emergency. If it is, an expedited review will be made.

Since the procedure covers all types of complaints exclusive of criminal, a variety of sources and types of complaints are anticipated. Those that evidence or allege criminal misconduct will be immediately referred to the Chief of the Metropolitan Police Department for investigation. Other complaints will be investigated by OCJPA. Where complaints are found to be valid, and where suggested remedies involve administrative or other actions by District of Columbia agencies, OCJPA will monitor the implementation of such action and will report regularly to the City Administrator.

The proposed procedure also states:

Until such time as programmatic standards have been legislatively or administratively adopted by the District of Columbia government for community-based, residential facilities for court-involved persons, OCJPA shall use as guides in its investigations nationally promulgated standards for community-based, residential facilities including (but not limited to) the standards of the American Correctional Association, American Bar Association, National Juvenile Justice Standards Project, and National Advisory Commission on Criminal Justice Standards and Goals. (See attached District of Columbia, OCJPA Notice of Proposed Rulemaking.)

Assurances Against Reclassification: Any change which is made in a child's placement requires a court order, except in emergencies. In emergencies, notice must be given to the court no later than 24 hours after the change, exclusive of Saturdays, Sundays and legal holidays. (See 16-2320 (G) of Chapter 23, Family Division Proceedings.)

Waiver to adult criminal court jurisdiction requires several due process steps which are designed to protect the child. (See 16-2307 (d), (e), (f), and (8) of Chapter 23, Family Division Proceedings.)

Obstacles-Technical Assistance Needs: The District of Columbia monitoring system is fairly well-developed. Local records, kept by the facilities, are easily accessible. On-site monitoring and inspections are operational. Violation procedures should be available.

The Juvenile Services Coordinator indicated that their primary need is for an automated information system which cuts across agency lines. She said such a system is currently under development through a discretionary grant.

Successful Policies and Programs: Only one program, the Youth Arbitration Center, operated under an LEAA grant by the Washington Urban League, was mentioned as a successful project by the SPA. This project was originally a crisis intervention center, but the program was expanded in response to community needs to provide a community-based resource, offering a range of crisis-conflict resolution and problem-solving services to referred youths and their families. During the project's first two years of operation, approximately 66 percent of its clients came from the juvenile court. When our field monitor discussed the problem of runaways with the Executive Director of the Washington Urban League, he learned that this project, under current funds, could provide services to out-of-District runaways. (See attached evaluation of project.)

Monitoring Strengths and Weaknesses: The strengths of the District's monitoring system include a clear authority to monitor; compatible definitions; a full, twelve-month report period; data collection on-site by Office of Criminal Justice Plans and Analysis and on-site verification of information submitted by written report; inspection of all childcare facilities; and written rules for handling and investigating violation complaints.

While no major weaknesses was observed, the failure to exclude Saturdays, Sundays and holidays when data was collected may be responsible for a lower compliance level in the reported data. While the monitoring agency is not responsible for direct services provided, the failure to find suitable care outside of the detention

and correctional facilities prevented compliance at a high level. According to the field monitor, alternative care for runaways is available.

Verification Problems: The Office of Criminal Justice Plans and Analysis provided considerable assistance to the field monitor. No verification problems were encountered.

Facility Data Verification: Only four facilities in the District of Columbia were classified as detention or correctional facilities. The facilities include the Washington, D.C. Jail, the Receiving Home for Children, Oak Hill, and Cedar Knoll.

The Jail, which is secure, only holds children waived to criminal court jurisdiction and did not house status offenders during the report period. While this facility was found to provide adequate separation during the monitoring inspection, our field monitor, at the time of the verification inspection, found inadequate sight separation.

The three juvenile facilities, which only house children, are all secure, even though Cedar Knoll is rated as medium secure. Status offenders were held in the Receiving Home and Oak Hill during the report period. According to the monitoring report, 108 accused and 15 adjudicated status offenders were held over 24 hours during 1978. Our verification showed 112 accused and 15 adjudicated status offenders held.

It must be pointed out that Saturdays, Sundays and holidays were not excluded in making the count and that this fact probably reflects a greater number of status offenders held than is required under OJJDP guidelines.

The field monitor felt that alternate care for runaways could be provided in the District. If this occurred, the number of status offenders held would be drastically reduced. Of the accused status offenders held, 75 percent were runaways.

Field Monitor: Frederick Howlett, Jr. served as Field Monitor for the District of Columbia verification. The on-site work took place on November 27 through November 30, 1979.

Verification Summary: The District of Columbia has a functional monitoring system. Elimination of Saturdays, Sundays and holidays during collection of the data would improve reporting and would probably reflect a higher level of compliance. If runaways could be removed from the detention and correctional facilities, the District, for the purposes of compliance with Section 223 (12a), (13), and (14) of the Juvenile Justice and Delinquency Prevention Act of 1974, would be in excellent shape.

The District of Columbia has an adequate monitoring system.

## RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by executive order. The authority should be broad enough to allow the agency to require the maintenance or required records; to collect data; to require reports; to inspect for separation compliance; and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children to correct and eliminate violations.

2. Data collection--Uniform juvenile admission/release record forms should be developed which include all necessary monitoring data for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample, on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

STATE - <u>District of Columbia</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation		
	FACILITY	SMR	VER	SMR	VER
	Cedar Knoll Laurel, MD	39	14	NA	
	Receiving Home for Children District of Columbia	115	113	NA	
	Washington DC Jail District of Columbia	0	0	Yes	No
	Oak Hill (Children's Center) Laurel, MD	0	0	NA	

FLORIDA

This report deals with the process used to monitor juvenile detention and correctional facilities in Florida and the data collected to demonstrate compliance with Section 223 a(12)(13) of the Juvenile Justice and Delinquency Prevention Act. The on-site assessment in Kansas was conducted by Fred Howlett.

COMPLIANCE MONITORING SYSTEM

The Bureau of Criminal Justice Assistance, Division of State Planning, Department of Administration, 530 Carlton Building, Room 215, Tallahassee, Florida is the state agency for monitoring in Florida. Within the agency, responsibility for monitoring is placed with Bill Bentley.

Authority to Monitor: Authority for the Bureau to monitor is derived from an Executive Order of the Governor.

Compatibility of Definitions: The staff of the Bureau indicated that the definitions used for classifying the universe and monitoring were the same as those set by the OJJDP. The definitions used by Florida are compatible with the OJJDP definitions.

Selection and Classification of the Monitoring Universe: No plan for selecting the monitoring universe was or is specified. In a letter to the Administrator of OJJDP dated August 16, 1979, the Acting Bureau Chief states, "Due to the fact that Florida law explicitly prohibits the placement of non-offenders in jail (i.e. runaways), we will confine our monitoring efforts relative to Section 223 a (12), (of the JJDP Act of 1974), to DHRS facilities." (Department of Health and Rehabilitative Services). Further, in the State Monitoring Report covering the period January through June, 1978, no public juvenile detention and correctional facilities are specified. Data relative to private facilities, as stated, was "not available". This was footnoted as follows: "No detention/correctional facilities are operated by private agencies." (This is based on the revised definitions.) Then, the following footnote is offered relative to the 50 public facilities identified: "The DHRS-YSPD monitors all of its detention/correctional facilities at least once per year. Statistics provided are based on their data." It appears that the monitoring universe is defined by the Florida Bureau as consisting of what the Department of Health and Rehabilitative Services says it should be.

It must also be noted that jails, and police lockups, were excluded from the monitoring universe for purposes "based on the fact that Florida statutes explicitly prohibit the placement of non-offenders or status offenders in any type of adult jail." The only exception to this provision is that a runaway youth may be detained up to 24 hours while travel arrangements or shelter placement are being made. The exclusion of jails and police lockups from the monitoring universe for the reason that the law prohibits the placement of non-offenders in any type of adult jail is based on a faulty premise. Runaways may be placed in adult jails. The court may order a delinquent held in jail. The fact that a given law is in force does not, by itself, insure compliance. Jails and police lockups should not be routinely excluded from the monitoring universe.

The classification of the universe based on definitions which are compatible to those of the OJJDP is not considered to be comprehensive due to the exclusion of adult jails and lockups.

Data Collection: Florida selected a six month report period which is adequate, if all facilities that detain children are covered, to provide a picture of detention practices in the State. For the purpose of our assessment data collected from January 1 through June 30, 1978 was reviewed.

The data collection effort includes review of Department of Health and Rehabilitative Services intake cards, detention screening forms, detention audits and daily reports from detention facilities. None of these tasks are performed by Bureau staff, nor is there any indication that the data is verified by Bureau staff. The data collection is undertaken by regional and metropolitan planners. The monitoring of jails for separation is performed by the Department of Corrections Jail Inspectors, funded by the Bureau.

When a child is referred to the Department of Health and Rehabilitative Services intake unit, information is set forth on an "intake data card". This information card provides a count of the number of juveniles handled, the reason for referral, and the disposition.

All children admitted to detention are screened in an interview by the Intake Counselor, and a "Detention Screening Card" is filled out. If the child is continued in detention, the card serves as authorization to detain. The detention screening card was developed to meet the monitoring needs. If the child is not continued in detention, the card is sent to the DHRS and provides statistical information on children admitted. Florida apparently makes a distinction between an admission to detention and a detention.

In each district the Intake Coordinator also serves as the Detention Auditor. As such, the coordinator reviews all detention admission decisions and submits a monthly report to the Program Manager/Coordinator with a copy to the Youth Services Program supervisor in the district. The Auditor's Report includes identifying data, inappropriate detention decisions, a list of runaways and truants, ungovernables, and a list of all children 12 years of age or under.

The Department of Health and Rehabilitative Services sends this detention information in the aggregate to the Bureau which uses it for their monitoring report. The same procedure, presumably, is used in the case of jails through the Jail Inspectors for inspection of separation.

Each of the 22 DHRS detention facilities also keep daily logs on admissions. No standard procedure for keeping logs is apparent. Since the data collected by DHRS is not available to the Bureau on an individual facility basis, verification as such could not be undertaken. The Field Monitor, in his assessment effort did check the detention facilities daily admissions logs.

The data collection process which is based on congregate data, not individual facility information, collected by State Service Delivery Agency and apparently not verified by the Bureau, makes internal or external review extremely difficult. The fact the data on children detained in adult jails and lockups is routinely excluded makes the findings suspect and indicates the need for improving the process.

Inspection of Facilities: As has been mentioned the Department of Corrections is responsible for jail inspection. It should be noted that none of the jails in the counties visited during our review, according to information furnished by the Jail Inspection Unit of the Department of Corrections, had been monitored by the Unit for at least one year, even though such monitoring is required every 90 days.

Regional and metropolitan planners, the people who generally do on-site work, if any is required, inspect detention centers if the data forwarded to DHRS is questioned.

Inspection in Florida seems to be irregular at best.

Method of Reporting: In the case of the Department of Health and Rehabilitative Services, each facility reports to the Department, the Department's data is lumped with other facility data and forwarded to the Bureau. In the case of private facilities, none of which are considered secure at this time, questionnaires were mailed to about 99 by the Bureau. Of this number, 78 responded. The Bureau then determined that 19 of these respondents could be classified as a juvenile detention or correctional facility. Information for these 19 facilities were then sent to the regional or metro-

politan planners so that they might monitor for compliance. The findings were forwarded to the Bureau.

There are 87 facilities operated under the authority of the Department of Corrections that are capable of holding both adults and juveniles. For the 1977 State Monitoring Report, questionnaires were sent to these facilities by the Department of Corrections with the cooperation of the Bureau. For 1977, a total of 35 facilities reported. The 1978 State Monitoring Report represents an update of the data gathered in 1977. These facilities were apparently monitored for separation. Most of the children found in these facilities, 260 of 265, had been remanded to criminal court jurisdiction. The Department of Corrections information is not reported in a consistent manner, according to the 1978 State Monitoring Report.

Most of the adult facilities in the State were excluded from the monitoring universe so a void in the data exists. In order to remedy this void, the Bureau of Criminal Justice Assistance funded a "Children in Jails" study conducted by the Florida Center for Children and Youth. The Bureau considers this study to be the State's response to the JJDP Act of 1974, Section 223 a (14).

The various data, information, and reports mentioned in this section are used to prepare the State Monitoring Report.

The extent of Florida's compliance with the JJDP Act of 1974 cannot be determined from the reported materials and data, since assessment on a facility by facility basis is not possible.

Violation Procedures: The Bureau of Criminal Justice Assistance does not believe it has a role in dealing with violations. Only general procedures are available. The procedures are set forth in an undated, untitled writing found in the file.

Assurances Against Reclassification: The Florida Act, since repealed provided for a child who allegedly committed a second-time ungovernable act to be processed as a delinquent. This provision was removed from the new Act. Under the current Act, status offenders are classified under dependency. Section 39.41 of the Act, entitled "Powers of Disposition", allows the disposing judge to commit the child to the Department of Health and Rehabilitative Services, the same department which is responsible for administration of facilities for delinquent children. Section 39.41 (2) of the Act specified, "An agency granted legal custody shall have the right to determine where and with whom the child shall live..."

The wording cited above does not seem to provide adequate protection against administrative reclassification for children.

Summary of Assessment: From our observations, the Florida Bureau on Criminal Justice Assistance is preparing annual State Monitoring Reports for the OJJDP, and is funding projects designed to provide monitoring, but no monitoring that can be verified is being done. Information available relative to the deinstitutionalization of status offenders is gathered and analyzed by other agencies at their own behest, not the Bureau's.

The Bureau cited several constraints on compliance with Section 223 a (12) of the JJDP Act of 1974, among them being judicial resistance to not institutionalize status offenders, use of "secure shelter", and a lack of clearly defining the term, and the recently repealed law that allowed for treatment of a second time ungovernable child as a delinquent. There is no question that these are issues which must be addressed. The new law seems to permit administrative reclassification.

In terms of the monitoring system's needs, little can be added to what has been said other than it appears that no monitoring system exists. Monitoring seems to be seen as a shared function within the Bureau, and is ill-defined from both operational and accountability perspectives. In most states visited for examination, a close working relationship has existed between the planning agency and the operating agencies, with planning staff providing an entry to the operational agencies for the Field Monitor. In Florida, it did not appear that the Bureau had a working relationship with other State agencies.

In our opinion, technical assistance in Florida, if sought, should be directed towards the development of an adequate statewide monitoring system within the Bureau itself, since this is the only agency in the State in a position to undertake such a task in an objective manner.

The Bureau has authority to monitor and their definitions are compatible with those of the OJJDP. The selection of a six month report period provides sufficient coverage for monitoring. Unfortunately these seem to be the only strengths.

The selection of the monitoring universe and classification of the universe excluded jails and lockups. The data collection process consists primarily of a review of information and data submitted by some of the same agencies that record the data. The information is presented in a congregate form, not by the individual facilities. Jail and lockup data is not collected. There does not seem to be a plan for data verification.

Inspection of facilities, especially jails and lockups, is a responsibility of the Department of Corrections. However, this Department by its own report, had not monitored any of the jails in the counties visited during our examination for at least one year, even though monitoring is required every 90 days. Without established violation procedures and regular inspections, one cannot expect problems, if they exist, to be corrected.

While the Code does provide legal due process protections against reclassification, a potential loop hole can permit administrative reclassification of children once they are committed to DHRS.

Verification of data relating to Section 223 a (12A) of the JJDP Act of 1974 cannot be done with any degree of reliability under the present monitoring effort.

#### COMPLIANCE DATA VERIFICATION

Facilities in Hillsborough, Jefferson, Leon, Madison, Manatee, Pasco, and Pinellas Counties were scheduled for visits during our verification review in Florida. The exclusion of jails and lockups from the classified universe and the absence of state monitoring data for individual facilities limited the value of our examination. Data on jails obtained by the Florida Center for Children and Youth was used to obtain some picture of juvenile detention in the State.

Some data was obtained for 16 jails, lockups and county stockades, three detention homes, and the Arthur G. Dozier School for Boys.

Probably the only information of value obtained from the 16 secure jails is that eight held children during the last 12 months, and that seven of the eight could not provide adequate separation. While the number of children inadequately separated during the Report period was unknown for one jail, and one jail did not hold juveniles during the period, the remaining six held 64 children in inadequately separated facilities. Of these children, 53 were classified as "non-sentences." It is obvious that jails, lockups, and county stockades should be included in the classified monitoring universe.

The three secure detention homes visited only held juveniles. State monitoring data was not available for these facilities. The review of facility admission logs showed 12 accused status offenders held over 24-hours during the report period, but the records were not sufficiently clear to say that there were not more status offenders. In one facility during four of the six months, 48 children were admitted under the caption "Administrative Hold". According to people interviewed, these were probation violators. It is not known if the offense was a delinquent act or a status act. Our Field Monitor was told that numerous status offenders are held for "contempt". This cannot be verified.

The Arthur G. Dozier School for Boys is a secure facility for male juveniles. While state monitoring data for this facility was not available, we found fairly good records. During the report period eleven adjudicated status offenders were held in this facility.

The visits to facilities and the data reviewed, further reinforced our belief that monitoring in Florida is inadequate.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system the following recommendations are presented for consideration.

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by executive order. The authority should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required

to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children, to correct and eliminate violations.

2. Classification of facilities--All facilities which might hold children in secure custody should be classified as a juvenile detention or correctional facility and should be monitored. All jails, lockups, detention facilities, and training schools should be so classified and monitored regardless of policies or announced practices regarding the holding of children or existing laws which prohibit the admission of children to the facilities.

3. Monitoring report period--The report period for all facilities should be twelve months.

4. Data collection--Uniform juvenile admission/release record forms should be developed, which include all necessary monitoring data, for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

5. Offense data--Efforts should be made to obtain, either through legislation or the rules of court, a provision that prohibits the admission of a child to a secure

facility unless a specific offense, preferably the most serious offense alleged, is known and entered on the admission/release record entries such as hold for judge, hold for court, contempt, bench warrant, probation violation, etc., should not be allowed unless the offense is also shown. This is necessary for the protection of the facility staff and is essential for monitoring.

6. Facility count--The data collected for monitoring purposes should be by facility. While aggregate counts by types of facilities have value they are not adequate for monitoring purposes.

7. Inspection of facilities--All classified facilities which might hold children in secure custody should be inspected annually. Primarily to insure adequate sight and sound separation of children and adult inmates, but also to determine the adequacy of the facility for housing children. Records which show the date of the inspection, the findings, and which identify the facility should be maintained by the monitoring agency.

8. Violation procedures--Violation procedures should be established which include a clear description of the sight and sound separation required and the actions which may be taken if inadequate separation is found. The procedures should be made available in printed form to all facilities which might hold children in secure custody.

9. Assurance against reclassification--Section 39.41 of the Act, entitled "Powers of Disposition" should be amended to limit the Department of Health and Rehabilitative Services Placement Authority for status and nonoffenders to facilities that do not also hold delinquent children.

STATE - Florida	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Hillsborough County</u> Hillsborough County Stockade Tampa, Florida	Information not available (INA)	INA	INA	No
Hillsborough County Jail Tampa, Florida	INA	INA	INA	No
Hillsborough Reg. Juvenile Detention Center Tampa, FL	--	2	NA	
Tampa City Jail Tampa, FL	Jail closed			
<u>Jackson County</u> Arthur G. Dozier School for Boys Marianna, FL	--	11	NA	
<u>Jefferson County</u> Jefferson County Jail Monticello, FL	INA	INA	--	No
<u>Leon County</u> Leon County Jail Tallahassee, FL	--	0	--	No
Leon County Detention Center Tallahassee, FL	NA(?)	58(?)	NA	
<u>Madison County</u> Madison County Jail Madison, FL	Unknown	Unknown	--	No
<u>Manatee County</u> Manatee County Jail Bradenton, FL	--	0	--	Yes
Bradenton City Jail Bradenton, FL	Closed			
Palmetto Police Department and City Jail Palmetto, FL	Closed			
Pasco County Jail Dade City, FL	--	0	--	No
Dade City Jail Dade City, FL	NA(0)	NA	Unknown	

STATE - Florida, pg. 2	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>FACILITY</u> Zephyrhills City Jail Zephyrhills, FL	--	0	--	No
<u>Pineellas County</u> Gulfport City Jail Gulfport, FL	--	0	--	No
Clearwater City Jail Clearwater, FL	--	0	--	No
St. Petersburg Beach City Jail St. Petersburg Beach, FL	--	0	--	No
St. Petersburg City Jail and Stockade St. Petersburg, FL	--	0	--	No
Medeira Beach City Jail Medeira Beach, FL	--	0	--	No
Treasure Island City Jail Treasure Island, FL	--	0	--	No
Pinellas County Jail Clearwater, FL	INA	INA	--	No
Largo City Jail Largo, FL	Closed			
Pinellas Reg. Juvenile Detention Center Clearwater, FL	INA	INA	NA	

## GEORGIA

This report deals with the process used to monitor juvenile detention and correctional facilities in Georgia and the data collected to demonstrate compliance with Section 223 a (12)(13) of the Juvenile Justice and Delinquency Prevention Act.

### The Monitoring Agency

The Georgia State Crime Commission, 3400 Peachtree Road, N.E., Atlanta, Georgia, is the state agency responsible for monitoring. Within the agency, responsibility for monitoring is assigned to Mr. Frank Fowler, Planner. Ms. Bette Rosenweig, Planner, performs the Commission monitoring tasks.

### The Commission's Authority to Monitor

The Commission only has authority to monitor those facilities to which it has made a grant. The Georgia Department of Human Resources has legislative authority to monitor or inspect all facilities that detain juveniles. (See attached Code, 24A-1403 (8).) This authority is sufficient. The Commission has funded a Juvenile Jail Inspector whose responsibility is monitoring. (See attached Jail Monitor's Job description and Jail Monitoring Job description.)

### Compatibility of Definitions

The OJJDP definitions were used for monitoring purposes, thus insuring compatibility.

Under the Code, certain acts are considered status offenses. Certain acts can be seen as unruly if the child is seen as In Need of Supervision. (See attached Juvenile Court Code, Chapter 24A-4, (e)(2), (8)(1-9), (k)(1).)

### Selection of the Monitoring Universe

All child care facilities are required to be licensed by the Georgia Department of Human Resources, thus obtaining a list of such facilities from the DHR was relatively straightforward. The number of jails in the universe was compiled from a 1975 list obtained from the Georgia Sheriff's Association, and was subsequently updated by the sheriffs and the chiefs of police throughout the state. Jails are still being discovered in this state.

The monitoring universe, along with efforts to update the lists, provide for full coverage.

### Classification of the Monitoring Universe

Regulations promulgated by the OJJDP were used in classifying facilities as juvenile detention or correctional facilities. (See attached lists of classified facilities.)

### Monitoring Report Period

Georgia selected different report periods. Data for jails, county juvenile detention facilities was verified for the month of August, 1978. Data for state training schools was verified for the last day of August, 1978.

### Data Collection

Department of Human Resources staff are stationed within the courts throughout the state. These "Court Service Workers" report on a monthly basis whether children are held in jails in their particular region. Monthly reports are submitted to the Commission. For monitoring purposes, only those jails that were reported as having detained children were monitored on-site by DHR staff. In some instances the person conducting the on-site review did not look at records, but took the jailer's work for it that no status offenders were being held. This practice has probably been eliminated since the field work on this verification review was

completed. The Jail Monitor accompanied our Field Monitor to 44 of the facilities in the counties selected for verification. The Jail Monitor found out that the jailer's verbal report on such matters was not always accurate.

DHR Youth Services staff making placements to a particular training facility report to the central office which children were sent to which facility. The DHR central office then reported to the Commission. This was the weakest part of the Georgia monitoring system. When the Field Monitor went to the Milledgeville Youth Development Center, staff at the facility could not tell him what children were detained on the last day of August, 1978 (the verification date). They insisted that such information was available in the central office. In some jurisdictions where regional youth development centers (state operated detention centers) are located, local courts report to DHR which, in turn, reports to the Commission. This latter occurrence is an exception to the rule. (See attached RYDC reporting system.)

The county detention facilities, of which there are three in the state, were visited by Commission staff in two instances, and monitoring data for one facility was based on reports. Where on-site visits were conducted, statistical records were used as original data sources.

Thus, in almost all instances, monitoring per the OJJDP guidelines was conducted by DHR rather than the Commission.

### Inspection of Facilities

With reference to jails, specific attention is directed to the attached documents labeled Jail Monitors' Job Description, and Jail Reporting System. When it is reported that a child is held in a jail, an on-site inspection is scheduled promptly. The monitor routinely schedules on-site inspections of the jails that did not report holding children during the period.

#### Method of Reporting

With the exception of county-operated detention facilities, all data was first reported or gathered by the Department of Human Resources and forwarded to the Commission. In the case of local county-operated detention facilities, Commission staff collected the necessary data and information. The annual State Monitoring report is prepared by Commission staff and is submitted by the Commission to the OJJDP.

#### Violation Procedure

When an on-site visit reveals a violation, resolution has thus far been accomplished through negotiation. (See attached letters labeled "Sample of Violation Procedure.") Where negotiation has failed, the following procedure is anticipated:

1. Make 2-3 attempts to negotiate.
2. Notify Commissioner of DHR.
3. Take matter to Attorney General and attempt to obtain an injunction through the local court per Juvenile Code, chapter 24A-1403,(4), (A-C).

Fortunately, all violations discovered thus far have been negotiated to everyone's satisfaction.

#### Assurances Against Reclassification

The Code seems to provide adequate protection against reclassification under due process procedures. As in other states the court can waive a child to adult criminal court jurisdiction under established legal procedure. Obviously children are waived and sentenced. A DHR official told our Field Monitor that the state prison is currently holding 105 children who were under 17 years of age at the time of their admission.

#### Obstacles--Technical Assistance Needs

Commission staff believe more verification is needed. In Georgia, there is excellent communication between the Commission and agencies. The Commission staff

does not feel they have enough people to monitor. The Commission sees its role in monitoring as one of verifying monitoring rather than doing the actual monitoring. They believe the Commission should promulgate monitoring guidelines; coordinate, but not direct, monitoring, and let the operating agencies do the actual monitoring. This is a reasonable approach provided the Commission makes certain that an adequate monitoring system exists and that monitoring procedures, information, and data are verified.

They believe the Commission should provide funding to cause monitoring to be accomplished.

No technical assistance needs were stated.

#### Successful Policies and Programs.

The Field Monitor felt that the Georgia monitoring system was better than those of the states he had already visited. His reasons for this belief are based on the facts that Georgia has caused the monitoring to be accomplished by agents within the existing system, the system's professionals expect the programs to be monitored, and the Commission itself has accepted the responsibility for verifying reported findings. The Commission seems to be moving towards a more intense verification role.

The current mode of Court Service Workers reporting to the DHR on a monthly basis the number of children held in jails throughout the state is the key to this monitoring system. This method is an interim measure. A full-time independent monitor will be hired. Full monitoring of all jails, not only those that held children in the previous year, should strengthen the system. Verification of Court Service Workers' reports is also needed.

The Commission has funded several successful deinstitutionalization programs. They include the following:

The Status Offender Pilot Project, Department of Human Resources, Division of Youth Services, 618 Ponce de Leon Avenue N.E., Atlanta, Georgia, 30308, has several components which, when taken together, have a goal of deinstitutionalizing 100 per cent of Georgia's status offenders.

Crisis Counseling and Detention Alternatives are components of the Status Offender Pilot Project. (See attached copy of project evaluation.)

Project Daybreak, Suite 202, 1250 Winchester Parkway, Smyrna, Georgia, is designed to recruit 150 people or couples to provide temporary emergency shelter homes for status offenders. (See attached copy of project evaluation.)

Council of Juvenile Court Judges, Purchase of Services for Juvenile Offenders, 84 Peachtree Street, Atlanta, Georgia, 30303, provides money to purchase educational, counseling, housing and transportation services for status offenders in Georgia's 159 counties.

#### Monitoring Strengths and Weaknesses

While the Commission only has limited authority to monitor, its close working relationship with the Department of Human Resources (which does have legal authority to inspect and monitor both juvenile detention facilities and adult facilities which detain children) make the authority issue moot. The selection of the monitoring universe is complete and classification based on OJJDP definitions and guidelines is compatible with the Act. The one (1) month report period is in compliance with the OJJDP guidelines. Data collection is adequate but could be improved through inclusion of all jails. Inspection and violation procedures are sufficient. The code seems to offer protection against reclassification. The Commission has supported several successful programs to assist in the deinstitutionalization process. These are strengths of the system.

The only observable weaknesses are the need to monitor all jails and lockups annually, regardless of whether they held or did not hold children the previous year. The employment of a full-time monitor to replace the interim plan will correct this problem.

#### Verification Problems

The Commission and other agency staff provided full cooperation to the Field Monitor. No verification problems were encountered.

#### Facility Data Verification

Visits to facilities in Baldwin, Bibb, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Fulton, Houston, Lamar, Morgan, Newton, Rockdale, Spalding and Twiggs Counties were scheduled. In these counties 38 county and city jails, two county juvenile detention centers, three state juvenile detention centers, and one state training school were visited.

All 38 jails and lockups were secure. According to the state monitoring report, three facilities held children and adults during the past twelve months. Some of these facilities were not monitored. Our verification showed that children were held in eight of these adult jails and lockups. This was verified but the records were incomplete or not available in a few facilities, making an accurate count difficult to obtain. Of the facilities that held juveniles, the state reported one provided adequate separation of children and adults and two did not have adequate separation. In these facilities the state reported one child was inadequately separated. Of the eight jails our Field Monitor found that held children, only one provided adequate separation. While incomplete records prevented a full count of the children inadequately separated, it was learned that two jails held nine children without separation.

Both of the county detention homes and all three of the state detention homes were secure and only children were held in these facilities. The state reported that 104 accused status offenders were held over 24 hours and 40 adjudicated status offenders were held in these facilities during the report period. The accused count may include some adjudicated children children due to unclear records in one facility. We verified the 40 count for adjudicated children, but only found 92 accused children, 12 less than the state reported.

The Youth Development Center at Milledgeville, a state training school, is a secure facility for children. The state reported no status offenders held in this facility on August 31, 1978. This was verified.

Field Monitor

Mr. Frederick Howlett served as Field Monitor for the Georgia verification review. The on-site verification review was conducted January 29 through February 2, 1980.

Verification Summary

While what appears to be a national problem of inadequate facility admission and release records plagues Georgia (the system needs to extend monitoring annually to all jails), the state has developed an adequate statewide monitoring system.

## RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system the following recommendations are presented for consideration.

1. Use of monitoring authority--Since specific authority to monitor is available to the Department of Human Resources, it should be used to require all facilities which might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the monitoring agency and to require each facility to submit a duplicate copy of each month's report form to the monitoring agency.

2. Monitoring report period--The report period for all facilities should be twelve months.

3. Data collection--Uniform juvenile admission/release record forms should be developed, which include all necessary monitoring data, for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample on-site check to insure that the records submitted are complete and factual. Such verification could take place during inspection.

STATE - Georgia FACILITY	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
Baldwin County Baldwin County Jail Milledgeville, GA	--	0	--	No
Milledgeville City Jail Milledgeville, GA	Unknown		--	No
Youth Development Center (State)	0	0	NA	NA
Bibb County Bibb County Jail Macon, GA	0	0	NA	NA
Macon Reg. Youth Develop- ment Center Macon, GA	21	16	NA	NA
Clayton County Clayton County Jail Jonesboro, GA	0	0	--	No
Clayton Reg. Youth Develop- ment Center Jonesboro, GA	35 (24 exclusive of non- judicial days)	35 (24)	NA	NA
Forest Park City Jail Forest Park, GA	0	0	NA	No
Riverdale City Jail Riverdale, GA	0	0	NA	No
Cobb County Cobb County Jail Marietta, GA	0	0	NA	Not visited
Austel City Jail Austel, GA	0	0	NA	Not visited
Acworth City Jail Acworth, GA	0	0	NA	No
Kennesaw City Jail Kennesaw, GA	0	0	NA	Not visited
Marietta City Jail Marietta, GA	0		No	No
Marietta Reg. Youth Develop- ment Center Marietta, GA	40	40	NA	NA

STATE - Georgia, pg. 2 FACILITY	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
Powder Springs City Jail Powder Springs, GA	Temporary Holding Facility		--	Not visited
Smyrna City Jail Smyrna, GA	0	0	NA	No
Coweta County Coweta County Jail Newnan, GA	0	0	Yes	Yes
Newman City Jail Newman, GA	0	0	--	Currently closed
DeKalb County DeKalb County Jail Decatur, GA	0	0	NA	No
DeKalb County Juvenile Detention Decatur, GA	27	25	NA	NA
Lithonia City Jail Lithonia, GA	0		No	Not visited
Stone Mountain City Jail Stone Mountain, GA	0	0	NA	No
Douglas County Douglas County Jail Douglasville, GA	0	0	No	No
Fayette County Fayette County Jail Fayetteville, GA	0	0	No	No
Fulton County Fulton County Jail Atlanta, GA	0	0	NA	No
College Park City Jail College Park, GA	0	0	NA	No
Atlanta City Jail Atlanta, GA	0	0	NA	No
East Point City Jail East Point, GA	0	0	NA	No

STATE - <u>Georgia</u> , pg. 3	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
Fairburn City Jail Fairburn, GA	0	0	NA	No
Hapeville City Jail Hapeville, GA	0	--	No	No
Palmetta City Jail Palmetta, GA	0	--	No	No
Fulton County Child Treatment Center Atlanta, GA	32	27	NA	NA
Union City City Jail Union City, GA	0	0	NA	No
Houston County Houston County Jail Perry, GA	0	0	NA	No
Houston County Jail Holding Facility Warner Robins, GA	0	0	NA	Yes
Warner Robins City Jail Warner Robins, GA	0	0	NA	Yes
Perry City Jail Perry, GA	0		NA	No
Lamar County Lamar County Jail Barnesville, GA	0	0	NA	No
Morgan County Morgan County Jail Madison, GA	0	0	NA	No
Madison City Jail Madison, GA	0	0	NA	No
Newton County Newton County Jail Covington, GA	0	0	No	No
City of Covington Jail Covington, GA	0	0	Yes	No

STATE - <u>Georgia</u> , pg. 4	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
Rockdale County Rockdale County Jail Conyers, GA	0	0	Yes	No
Spalding County Spalding County Jail Griffin, GA	0	Unable to verify due to late arrival at jail	No	No
Griffin City Jail Griffin, GA	0	0	No	Not visited
Griffin Reg. Youth Development Center Griffin, GA	Not opened until 2/79		NA	NA
Twiggs County Twiggs County Jail Jeffersonville, GA	0	0	NA	No

IDAHO

This report deals with the process used to monitor juvenile detention and correctional facilities in Idaho and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act.

The Monitoring Agency: The Law Enforcement Planning Commission, 700 West State Street, Boise, Idaho 83720, is the state agency responsible for monitoring in Idaho. Ms. Pam Roylance, Juvenile Justice Specialist, is the agency staff person responsible for monitoring. She is assisted by Ms. Alma Adams, Juvenile Planning Evaluator.

The Commission's Authority to Monitor: The Law Enforcement Planning Commission was established by legislation in 1969 and by Executive Order of the Governor who serves as chairman of the Commission. While Section 19-5109 of the law creating the Commission outlines its powers and duties in such a way that one might conclude that the Commission has authority to do whatever is necessary to comply with the JJDP Act of 1974, including authority to monitor, the Commission does not have legal authority to monitor. (See attached law, especially Section 19-5109(a) and (e).)

Jails are inspected by the State Department of Labor for compliance with safety regulations, and as of July 1, 1979, Idaho law requires the sight and sound separation of juveniles and adults. These conditions apparently do not constitute authority for Commission monitoring. (See attached Youth Rehabilitation Act, Sections 16-1812 and 16-1812(a).)

The juvenile justice specialist thought that authority might be forthcoming as a result of 1979 legislative activity, or that the Department of Health and Welfare may be designated to take over the monitoring task.

Compatibility of Definitions: According to Idaho's Youth Rehabilitation Act, as amended, state and federal definitions pertinent to the monitoring process are congruent. (See attached copy of the Youth Rehabilitation Act, Sections 16-1803 and 16-1812(a).)

Selection of the Monitoring Universe: The 41 jails/detention facilities in the state, the Ada County Detention Center, and St. Anthony, a training school, were included in the monitoring universe. The Ada County Detention Center and St. Anthony are the only facilities of this type in the state. The understanding at the Commission has been that the non-secure facilities could not be included in the monitoring process because they could not be classified as juvenile detention or

correctional facilities according to the OJJDP definitions. As a result, private group homes, of which there are about six in Idaho, were omitted from the universe.

The universe appears to be fairly complete.

Classification of the Monitoring Universe: Since jails, by definition, were considered secure detention facilities, on-site visits were made to all those that held juveniles. The Ada County Detention Center in Boise, also a secure facility, was included in the on-site visits. The Youth Rehabilitation Services at St. Anthony Institution was included in the universe but was not visited for several reasons:

- 1) Although the school only has minimum security, only adjudicated, criminal-type offenders can be admitted. As of July 1, 1979, the law prohibits the admission of status offenders, and prior to that time, intake policy dictated against the admission of status offenders.
- 2) The on-site program abides strictly by the law.
- 3) The Department of Health and Welfare controls all admissions and intake policies at the school.
- 4) All information regarding the school can be verified through the Department of Health and Welfare which administers the program.

The classification of facilities as juvenile detention or correctional facilities is in compliance with the guidelines and is complete.

Monitoring Report Period: Idaho selected a twelve-month report period for the purpose of monitoring verification data, and information collected for the period January 1, 1978 through December 31, 1978 was reviewed.

Data Collection: The Commission contracted to have the monitoring done in 32 counties by an outside resource. Unfortunately, no differentiation was made by the contractor between judicial and non-judicial days in determining the length of time a child was detained, so this whole section of the monitoring had to be redone.

The Department of Health and Welfare also provided monitoring data and information and Commission staff covered eight counties, made on-site visits, and collected all other necessary data.

The data in most facilities was drawn from admission dockets.

Four counties in Idaho are reported not to hold juveniles.

While data was collected, the process does not seem to be consistent. One monitoring source could offer more consistent collection.

Inspection of Facilities: Because of the earlier mentioned state legislation requiring sight and sound separation, the Commission has not attempted to enforce separation, nor is it empowered to do so. Neither is any other agency so designated. The juvenile justice specialist believed the Attorney General would be the

proper enforcing agent. A request for an opinion from the Attorney General regarding inspection of facilities and enforcement of the separation issue could clarify the Commission's role.

In 1978, eight facilities in Idaho were considered to be in compliance with the OJJDP requirements, but the showing in 1977 was better with 15 secure facilities in the state detaining children completely out of sight and sound of adult prisoners. When the 1979 monitoring process is completed, the figures should be substantially altered as a result of the 1979 legislation.

At the time of the on-site verification review, a bill passed by the Senate was pending in the House which would prohibit the detention of status offenders in jail or secure detention. Whether the bill provides for enforcement is unknown.

Method of Reporting: All monitoring data and information is submitted to the Commission's juvenile justice specialist who prepares a draft of the state's monitoring report. When available in final form, the report is submitted to the OJJDP. Copies of the state monitoring report are also sent to all trial court administrators, all members of the Law Enforcement Planning Commission, and to the administrator of each facility monitored. This is the first state in which monitoring reports have been shared with facility staffs.

Violation Procedures: With no clear-cut authority for monitoring, and thus no channel for enforcing compliance, there can be no procedures for handling compliance violations. The Commission could withhold or threaten to withhold funds as a way to induce compliance, but the idea is unwelcome in all quarters, including the Commission. Not all facilities receive funds. A more positive approach has been the provision of technical assistance on a contractual basis. Often corrective steps are too costly (construction cost to permit separation, for an example) for a given community, but often the Commission can help the community move closer to compliance through changed intake policies, closer community cooperation in the handling of juvenile cases, and other specific suggestions for goal realization. Without legal authority to act on violations, the Commission, also without an established violation procedure, must use available services and persuasion to bring about needed changes.

Assurances Against Reclassification: Idaho's Youth Rehabilitation Act provides adequate protection against reclassification of the status offender.

Obstacles and Technical Assistance Needs: As has been found in most other states, the absence of full and complete admission and release records at the facilities which detain children makes monitoring difficult and, at times, exclusively time-consuming. A uniform, planned juvenile record system which would include all data necessary for monitoring would materially improve the process.

According to Commission staff, too many community agencies have authority to request that children be temporarily held. This makes for a lack of consistency in referral policies and results in many juveniles being detained who do not need secure confinement and who should not be detained. Detention admission screening when placed solely with the court intake unit could effectively address this problem.

Monitoring is very expensive and very time-consuming according to staff. Its cost may outweigh the benefits received. Monitoring would be more meaningful and easier to do if the Commission or another state agency had legal authority for the assignment. The cost and time consumed in monitoring would probably be reduced under such authority.

To deal with obstacles and improve the monitoring system, the Commission has obtained and provided the communities with a considerable amount of outside technical assistance. The technical assistance focuses on deinstitutionalization and alternative programs to keep children in the community.

Successful Policies and Programs: Recent changes in the Youth Rehabilitation Act must be cited for their impact on deinstitutionalization.

In addition to the legal changes, the Foster Care Program, located at the Ada County Detention Center, can be highlighted as a diversionary effort which is working well. It requires the coordination and cooperation of local agencies and is resulting in a significant decrease in the number of status offenders held more than 24 hours.

Another diversionary project at this center involves counseling with children and their parents. The end result of this program is to eliminate the need for detention.

A third program, the Court Conference Committee, resembles an effort that was followed successfully in some communities in the 1950's. The Committee is composed of the prosecutor, court officials, and local officials. The Committee reviews the cases of children to determine what might be best for the children. As part of the review, an effort is made to keep the children out of detention whenever possible. The Committee represents the community in dealing with delinquency.

There are three combination foster home/counseling projects in process. To date, the Commission is finding that these projects are accounting for a decrease in detention.

Monitoring Strengths and Weaknesses: The completeness of the monitoring universe and its classification based on definitions compatible with those of the OJJDP are strengths of this monitoring system. The selection of a twelve-month

report period provides a sound base for monitoring and planning. The data collection process is adequate but would be improved if one agency accepted responsibility for the task. The Youth Rehabilitation Act seems to provide adequate protection against reclassification. The Commission's willingness to share its annual monitoring report with others, especially the facilities that detain children, is a positive move.

The absence of authority for the Commission or another state agency to monitor, inspect facilities, and act on violations is a definite weakness in this state's monitoring system. The lack of uniformity and voids in the admission and release records of the facilities that detain children hampers monitoring and increases the cost of the process.

The Commission's efforts to provide needed technical assistance and to develop programs that will reduce or make detention unnecessary should continue to strengthen the effort to deinstitutionalize and provide meaningful services to children.

The Commission's monitoring staff seems to know the obstacles that hamper the development of a successful monitoring system which is designed to provide professional standards.

Verification Problems: The Commission's monitoring staff were quite helpful to our field monitor. As in most states, the major verification problem was the absence of adequate admission and release records in the facilities that detain children.

Facility Data Verification: In Idaho, visits to facilities in Ada, Canyon, Clark, Twin Falls, and Washington Counties were scheduled. One change was made during the on-site visits. Clark County, originally included as shown above, was changed. DuBois, the Clark County seat, is over 300 miles from Boise. The one facility in Clark County, the county jail, the smallest in Idaho, held five juveniles in 1978. Rather than have the field monitor make a very long trip to visit one small facility, Payette County was selected as a suitable substitute. This decision was made after consulting the juvenile justice specialist and the coordinator of the State Health and Welfare Department.

Visits were made to six jails, and one juvenile detention center in these five counties. A training school was also visited.

The inadequacy of facility admission records presented problems in verifying jail data. Five of the six jails, all secure, held both juveniles and adults during the past 12 months. The sixth jail has a juvenile section under construction. According to the state monitoring report, 174 accused and 91 adjudicated status offenders were held over 24 hours in these jails during 1978. Our verification

showed 74 accused and 161 adjudicated status offenders held over 24 hours in these facilities during the report period. It should be noted that the field monitor could not tie down a count for one jail for which the state reported 107 accused and 13 adjudicated status offenders held. The computer data for this jail showed 135 status offenders held in 1978, most for over 48 hours, but this could not be verified. From the material checked, it might be assumed that more status offenders were held than were reported, but this, except as previously shown, is an assumption. Our review does show 115 more adjudicated status offenders held than was shown in the Commission's raw data.

The Commission report showed one jail with adequate separation and five providing inadequate separation. Our field monitor felt that two jails provided adequate separation and four did not. According to the state data, 788 children were held in these inadequately separated facilities during the report period. Our count shows 790 children were inadequately separated. Regardless of the two-child difference in the two checks, the number of children held with adults in four jails is large.

The Ada County Detention Center, a secure facility which only houses juveniles, is the only juvenile detention facility in Idaho. According to the state monitoring report, 568 accused and 181 adjudicated status offenders were held over 24 hours during the report period. The records again caused verification problems, but our check indicated that 377 status offenders were held. A breakdown by accused/adjudicated was not possible. We cannot verify the detention home figures, but can say from a sample check that about 75 percent of those detained are held over 24 hours.

The Idaho Youth Services Center at St. Anthony is a medium-security facility exclusively for children. This facility has been closed to status offenders since 1977. This is the only state training school in Idaho.

Field Monitor: Mrs. Helen Sumner served as Field Monitor for the Idaho verification review. The on-site work was done December 17 through 21, 1979.

Verification Summary: While the Law Enforcement Planning Commission was established by legislation very early, the Act, by interpretation, does not give the Commission authority to monitor. Similar legislation in other states has been used as the authority base for complying with the provisions of the JJDP Act of 1974 and its guidelines. The absence of authority to monitor seems to have an adverse effect on various phases of the monitoring process.

The monitoring universe selected is complete. The classification of the universe based on definitions which are compatible with those of the OJDP provides adequate coverage of facilities.

The selection of a twelve-month report period offers the best monitoring base and provides full planning information. The data collection process is sufficient to obtain the needed information, but monitoring by one source would probably be more consistent. While inspections are made, they are of limited value for the state does not have an established violation procedure and without authority to act can only encourage compliance.

The admission and release records on juveniles at the facilities are limited and make monitoring difficult. It would seem that an improved juvenile admission system, while aiding monitoring, would also help the facilities in various ways, especially in planning.

The Youth Rehabilitation Act provides adequate protection against reclassification and demands separation. Unfortunately, enforcement of the latter provision was not included in the law.

The Commission has compensated for its lack of authority to act by providing technical assistance to solve problems. Foster care programs and other diversionary projects have been implemented to reduce the need for detention. These have helped.

A paradox exists in Idaho. A review of detention data which reflects a high rate of detention would suggest that the state has an inadequate monitoring system. This is not true. The statewide monitoring system, while needing improvement like most, especially authority to act, is adequate. However, the impact of monitoring is not reflected in greatly reduced detention rates.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by executive order. The authority should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the

monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children to correct and eliminate violations.

2. Data collection--Uniform juvenile admission/release record forms should be developed which include all necessary monitoring data for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample, on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

3. Inspection of facilities--All classified facilities which might hold children in secure custody should be inspected annually primarily to insure adequate sight and sound separation of children and adult inmates, but also to determine the adequacy of the facility for housing children. Records which show the date of the inspection, the findings, and which identify the facility should be maintained by the monitoring agency.

4. Violation procedures--Violation procedures should be established which include a clear description of the sight and sound separation required and the actions which may be taken if inadequate separation is found. The procedures should be made available in printed form to all facilities which might hold children in secure custody.

STATE - <u>Idaho</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Ada County</u> Ada County Sheriff's Department Boise, ID		Unknown	No	No
Ada County Detention Center Boise, ID	749	Difficult to verify	NA	
Idaho Youth Services Center Boise, ID	0	0	NA	
<u>Canyon County</u> Canyon County Sheriff's Office Calwell, ID	120	135	No	No
<u>Payette County</u> Payette County Jail Payette, ID	34	34	No	No
<u>Twin Falls County</u> Twin Falls County Jail Twin Falls, ID	44	45	No	No
<u>Washington County</u> Washington County Courthouse Weiser, ID	1	1	No	Yes

ILLINOIS

This report deals with the process used to monitor juvenile detention and correctional facilities in Illinois and the data collected to demonstrate compliance with Section 223a (12)(13) of the Juvenile Justice and Delinquency Protection Act. The on-site assessment in Illinois was conducted by Phillip Schervisch and Avis Bernstein.

COMPLIANCE MONITORING SYSTEM

In Illinois the monitoring is done by the Illinois Law Enforcement Commission, 120 Riverside Plaza, Chicago, Illinois. The SPA is headed by Mr. William Holland, who has delegated the monitoring responsibility to Ms. Paula Litt, Chief of Policy Analysis and Planning, Juvenile Justice Division. Anne Gallagher assisted CRF Field Monitors during the verification visit.

Authority to Monitor: The SPA has no legal authority or official sanction to monitor. The legal mandate for monitoring and sanctions are given to the Illinois Department of Corrections by the Illinois Revised Statutes, Chapter 38, Criminal Law and Procedure, Section 1003-15-1 and S.B. 346. The actual monitoring and inspection of detention facilities is done by the Bureau of Detention Standards and Services with the DOC. Determination of a county detention facility is made by the county commissioners and must comply with standards established by the Bureau. The Bureau is thus responsible for setting standards for and annual inspection of all county jails, municipal lockups and detention facilities. Licensing of child care facilities is done by the Department of Children and Family Services.

Compatibility of Definitions: S.B. 346 sets out the definitions related to the Act. These definitions are compatible with the Act. In fact, S.B. 346 takes the deinstitutionalization of non-offenders one step further than the Act in that it prohibits the detention of non-offenders for any length of time. Illinois has

chosen to use a category of Minors Otherwise In Need of Supervision (MINS) to refer to non-offenders. No reference is made to status offenders per se. The definition used for Delinquent Minor "Those who are delinquent include any minor who prior to his 17th birthday has violated or attempted to violate, regardless of where the act occurred, any federal or state law or municipal ordinance; and (b) prior to January 1, 1974, any minor who has violated a lawful court order made under this Act."

Status offenders such as truants or curfew violators, if in violation of municipal ordinances, can be construed as delinquent. From the verification this Field Monitor performed, it was noted for the most part that the people in charge of facilities chose to view status offenders as MINS, however.

Selection and Classification of the Monitoring Universe: The reports of the Bureau of Detention Standards and Services and DCFS were used to compile the universe for monitoring purposes. Since both agencies are involved in the licensing and inspection of these facilities, it would appear that this list is as complete as possible for all jails, lockups and detention facilities in the State of Illinois.

All county jails, municipal lockups and local detention facilities are included in the SPA monitoring universe. From the 1979 report, this universe consisted of 357 facilities, 356 public and one private facility. The juvenile facilities operated by the DOC are not monitored by the SPA. According to Paula Litt, during a follow-up telephone conversation on May 20, 1980, these state facilities have reported not holding status offenders or MINS for over four years. The only juveniles they are permitted to place in their facilities are those adjudicated as delinquents. No on-site verification of these facilities is done by the SPA.

Data Collection: Illinois has selected three different report periods. For county jails and municipal lockups, the period is three months: January, February, and March of 1979. For juvenile detention homes, the period of January, 1979 and 1980, and for private agencies, January 15 through February 16, 1980. No reason was given for the differences in report periods for the three classifications. However,

the year differential for juvenile homes was attributed to the desire to monitor the implementation of S.B. 346. These report periods apply to the removal of status offenders and non-offenders. With regard to separation, fiscal year 1979 (July 1, 1978-June 30, 1979) was used as the report period for all facilities. Our verification reviewed data for these periods.

Data pertaining to deinstitutionalization for the 1979 Illinois monitoring report was collected by a staff of four operating out of the DOC in Springfield under contract with the SPA. Monthly reports were sent to this four-person staff by the jails, lockups and detention facilities. If reports were not received from a particular facility, a blank form would be hand-delivered to that facility and filled out at that time. From the information obtained by this Field Monitor, the validity of these findings rested solely on the facilities, no verification of records was done by the staff for the data sent.

Data on confinement of status offenders and separation of juveniles from adults was also collected by the Bureau of Detention Standards and Services by the use of monthly reports completed by the individual facilities. Annual inspections of these facilities are carried out and it is assumed that the information on these forms is verified at those times.

No distinction was made between adjudicated and accused MINS and status offenders. Also, no mention of duration of detention occurred in any reports. Therefore, these areas were non-verifiable at present.

Inspection of Facilities: All facilities are inspected by the Bureau of Detention Standards and Services. As noted earlier, state facilities do not appear on the SPA monitoring report to OJJDP, but are inspected by the Bureau. On-site inspections are performed by the Bureau annually to check for compliance with State standards and include a verification of compliance with the OJJDP guidelines relating to sight and sound separation. Inspection of facility records to verify detention practices and to check for compliance with deinstitutionalization of status

offenders, is also done by the Bureau. This verification, however, was not done for all facilities for the report period. The reason for the Bureau's inspection is to check on current detention practices and to clarify statements made on the monthly reports to DOC. If a facility has a policy of not detaining status or non-status offenders or if no questions arise relating to the monthly reports, records are not checked. As such only a partial verification of records was done for the 1979 report.

Method of Reporting: All data is submitted by the DOC and the individual facilities to the SPA which is responsible for the state's annual monitoring report. Quarterly reports on facilities' compliance for DSO are also sent to the Supreme Court Committee on Criminal Justice Programs, Commission on Children, the Illinois Youth Service Bureau, and the Commission on Delinquency Prevention which forwards it to the Illinois Status Offenders Services (ISOS).

Violation Procedures: For violations involving separation and detention of status offenders, the Bureau of Detention Standards and Services, it is assumed, takes necessary measures to correct the situation or, if need be, close the facility in question. The Bureau has the authority and responsibility to do so.

Assurances Against Reclassification: The Illinois Juvenile Code does not adequately provide against reclassification. Although in the Juvenile Code it states that a MINS as of January 1, 1974, is "any minor who violates a lawful court order, made under this Act." This evidently is not clear enough to prevent reclassification from occurring. In fact it was found that in at least one of the facilities visited that status offenders, one runaway, one truant, brought up on contempt of court charges were held in detention during the report period. Several cases involving reclassification are currently in litigation in the State of Illinois. Illinois Senate Bill 346 amended the Juvenile Court Act to prohibit detention of non-delinquents.

Summary of Assessment: The ILEC is currently revamping their Juvenile Monitoring Information System (JMIS) and will reportedly provide the information needed to check for compliance with the Act.

From the facilities visited by this Field Monitor, one definite obstacle to any accurate monitoring effort is the lack of standardization of facility records. If uniformity could be established throughout the individual facilities, the monitoring process could be handled with much greater efficiency. On-site verification of these records and facilities is another definite need in assuring accurate information. Also use of such a form as the Juvenile Facility Monitoring Survey by the SPA may aid in providing a clearer picture of the state's progress in reaching and maintaining compliance.

The Illinois legislature in attempting to deinstitutionalize status offenders set up the Illinois Status Offenders Services (ISOS) originally funded through a grant by OJJDP in 1975 and currently funded through the state under the auspices of the Illinois Commission on Delinquency Prevention. In the local facilities visited by this Field Monitor the ISOS appeared to be accomplishing its goals. ISOS has the ability to provide status and non-offenders with an alternative to detention on a 24 hour basis which allows the program to work well and be used when most needed. The ISOS appeared to be very well organized. In attempting to gain deinstitutionalization for status offenders, it encourages participation of social service agencies and individual citizens.

ISOS plays a role in monitoring compliance in that when it first became operational in order for a county to participate in the services provided, facilities' records were checked to see if status offenders were being detained, such a situation would warrant ISOS intervention. ISOS currently receives quarterly reports which are reviewed and used as a basis to visit facilities which detain status offenders.

The strengths of Illinois' monitoring system rest on the completeness of the universe used, all local jails, lockups and detention facilities are included. The

only facilities excluded are the state institutions which reportedly haven't held MINS since 1976 and legally can hold only those adjudicated as delinquent. The authority of the Bureau of Detention Standards and Services to monitor provides an annual on-site inspection of some of the facilities. Monthly reports to both the Bureau and the ILEC provide some check on compliance. (Although it was found by one Field Monitor that two facilities had not sent in reports for the last six months and felt no ramifications for failing to do so.) The length of the report period for jails and lockups (three months) is adequate in providing a picture of compliance. However a period of one to two months for the detention facilities does not seem adequate.

Weaknesses lie in the ILEC's lack of authority to monitor, non-standardization of facility records and incomplete verification of these records, incompleteness of information received on the monthly reports, lack of distinction between alleged and adjudicated status offenders, no information on duration of detention (which led to overcounts) and no adequate assurances against reclassification.

Visits were scheduled to facilities in Champaign, Christian, Coles, Cook, Douglas, Lake, Macon, Piatt, Sangamon, Shelby and Will Counties. Because of the supposedly large number of lockups in Cook, Lake and Will Counties, it was agreed to take a ten percent sample of these facilities. The girls Training School located at Geneva was scheduled for a visit, but the facility closed since the report period. Records for this school were inaccessible. In the counties listed, 28 jails, four detention centers and one private child care facility were visited.

All of the jails are secure. According to the state, 21 jails held both adults and juveniles during the past twelve months. Our review only showed that nine jails held juveniles and adults during the past year. The state reported 124 accused and adjudicated status offenders held over 24 hours during the report period in these jails. Our verification count showed one accused status offender held over 24 hours during the report period. No adjudicated status offenders were held. According to

the state report, five of the jails that held children could not provide sight and sound separation and one child was inadequately separated during the report period. Our review found only one of the jails that held children could not provide separation, but this facility held 24 children inadequately separated during the report period.

All four detention homes are secure or have secure sections. Three only held children during the past twelve months and the fourth, according to the state, held both juveniles and adults. Our check on this facility showed only juveniles held. The state report showed no status offenders held in these facilities during the report period. Our verification showed five held in one facility over 36 hours.

The one private child care facility visited, Drexel Place in Cook County, would not allow access to their records.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Use of monitoring authority--Since specific authority to monitor is available to the Department of Corrections, it should be used to require all facilities which might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the monitoring agency and to require each facility to submit a duplicate copy of each month's report form to the monitoring agency.

2. Classification of facilities--All facilities which might hold children in secure custody should be classified as a juvenile detention or correctional facility and should be monitored. All jails, lockups, detention facilities, and training schools should be so classified and monitored regardless of policies or announced practices regarding the holding of children or existing laws which prohibit the admission of children to the facilities.

3. Data collection--Uniform juvenile admission/release record forms should be developed which include all necessary monitoring data for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

4. Assurance against reclassification--The code should be reviewed and as necessary be amended in such a way to prevent the classification or inappropriate placement of status offenders (MINS).

STATE - <u>Illinois</u> FACILITY	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Champaign County</u> Champaign County Jail Urbana, IL	0	0 (verbal report)	NA	
Champaign County Youth Home Urbana, IL	0	2 (reclassified)	NA	
Champaign City Jail Champaign, IL	0	0	Yes	No
Rantoul City Jail Rantoul, IL	0	0	Yes	Yes
Urbana City Jail Urbana, IL	0	Non-verifiable	Not re- ported	NA
<u>Christian County</u> Christian County Jail Taylorville, IL	0	0	Yes	Yes
Taylorville City Jail Taylorville, IL	0	0	Not re- ported	?
<u>Coles County</u> Coles County Jail Charleston, IL	0	0	Yes	Yes (ver- bal des- criptio not allo- ed in
Mattoon City Jail Mattoon, IL	0	0	Not re- ported	No
<u>Cook County</u> Elk Grove Village Police Elk Grove Village, IL	6	0	Yes	Yes
Streamwood Police Department Streamwood, IL	10	0	Yes	Yes
Norridge Police Department Norridge, IL	8	0	Yes	Yes
River Grove Police Department River Grove, IL	4	0	Yes	Yes
Cicero Police Department Cicero, IL	25	0	Yes	Yes
Cook County Detention Chicago, IL	Not reported	5	Not re- ported	Yes

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FACILITY	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
Alsip Police Department Alsip, IL	4	0	Yes	Yes
Markham Police Department Markham, IL	14	0	Yes	Yes
Westchester Police Department Westchester, IL	4	0	Yes	Yes
Hazel Crest Police Department Hazel Crest, IL	1	0	Yes	Yes
Harvey Police Department Harvey, IL	23	0	Yes	Yes
Chicago Heights Police Department Chicago Heights, IL	14	0	Yes	Yes
Dresel Place Chicago, IL	Not reported	Not allowed to look at records	--	--
<u>Douglas County</u> Douglas County Jail Tuscola, IL	3	1	Yes	No
<u>Lake County</u> Waukegan Police Department Waukegan, IL	0	0	Yes	Yes
Hulse Detention Center Waukegan, IL	0	0	Yes	Yes
Mundelein Police Department Mundelein, IL	6	0	Yes	Yes
<u>Macon County</u> Macon County Jail Decatur, IL	0	Not allowed to look at records or jail	Yes	Not verified
Decatur City Jail Decatur, IL	0	0 (verbal verification)	Not re-	Not verified Not allowed into jail
<u>Piatt County</u> Piatt County Jail Monticello, IL	0	1	Yes	Yes

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FACILITY	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Sangamon County</u> Sangamon County Jail Springfield, IL	0	0	Not re- ported	Yes
Sangamon County Detention Center Springfield, IL	0	0	NA	NA
Springfield City Jail Springfield, IL	0	0	NA	
<u>Shelby County</u> Shelby County Jail Shelbyville, IL	0	0	Yes	Yes
<u>Will County</u> Joliet Police Department Joliet, IL	6	0	Yes	Yes
Will County Jail Joliet, IL	Not reported	0 (verbal)	Not re- ported	Yes

## INDIANA

This report deals with the process used to monitor juvenile detention and correctional facilities in Indiana and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act. The on-site assessment in Indiana was conducted by Don Rademacher.

### COMPLIANCE MONITORING SYSTEM

The Indiana Criminal Justice Planning Agency, 215 North Senate Street, Indianapolis, Indiana is the state agency responsible for monitoring compliance with the Act. Mr. John Ransburg, Program Director, Juvenile Justice Study, is the staff person responsible for the monitoring process.

Authority to Monitor: The ICJPA was created by Executive Order on November 22, 1968. Among other duties the Order directs that the Agency enter into agreements with the federal government which may be required as a condition of obtaining federal funds. This should provide sufficient authority to monitor. In 1969, the Indiana Criminal Justice Planning Commission and Agency was created by Legislation. The Act requires the same provision as cited in the Executive Order. The Agency has authority to monitor.

Compatibility of Definitions: The definitions found the Code and used by the SPA are compatible with the definitions of the OJJDP.

Selection and Classification of the Monitoring Universe: The Department of Corrections staff visited and listed all facilities which they felt might be classified as juvenile detention or correctional facilities. This list was supplemented by information on facilities supplied by the Department of Public Welfare. The Agency reviewed and further expanded the facility list. Selection of the monitoring universe in Indiana appears to be complete. The facilities on the monitoring universe list were classified according to OJJDP definitions and guidelines.

Data Collection: Indiana selected three separate days as its report period. The days are January 15, June 30, and October 30. The time periods were selected to provide information which might reflect seasonal detention rates. While selection

of such single day report periods is acceptable under the OJJDP guidelines, it makes compliance extremely difficult to prove and thus works against the state.

Questionnaires are sent by Agency staff to all classified facilities requesting various information and data including compliance data. The information received is verified by the SPA. Reported data for January 15, 1980 had not been verified at the time of our review.

Inspection of Facilities: Jails and lockups are inspected by Department of Correction jail inspectors who have legal authority and are required to inspect. Detention homes and training schools are inspected by SPA staff.

Method of Reporting: Monitoring information and compliance data is submitted annually to the Office of Juvenile Justice and Delinquency Prevention.

Violation Procedures: The SPA does not have set violation procedures. Violations found in jails and lockups are the responsibility of the Department of Correction Jail Inspection Unit.

Assurances Against Reclassification: The new Juvenile Code seems to provide ample protection against the reclassification of children. This comprehensive Code became effective October 1, 1979.

Summary of Assessment: The legislation which created the Indiana Criminal Justice Planning Agency seems to provide adequate authority to monitor. The selection of the monitoring universe and its classification based on the OJJDP definitions is basically complete. The collection of monitoring data and information by questionnaire could pose a problem, but verification by the SPA staff makes the process workable. Detention homes and training schools are inspected by SPA staff. Jails and lockups are inspected by the Department of Correction Jail Inspection Unit which has legal authority to perform this function. The Department of Correction Unit also deals with violations even though the SPA has no formal procedure for handling violations. The Code appears to provide adequate assurance against reclassification. These are the strengths of the monitoring system.

The major weakness in the system is the three individual days selected for the report period. While the report period technically meets the OJJDP requirements, it works against Indiana's efforts to comply with the JJDP Act. It is extremely difficult to show a substantial reduction in the number of accused or adjudicated status offenders held during three days. Chance apprehensions can actually drastically increase the number confined. While it would be difficult to establish a new base, Indiana might consider expanding the report period to one month or more.

Only five lockups are classified as juvenile detention or correctional facilities. While the reason for classification are realistic, it would strengthen the monitoring system if all lockups were so classified and were monitored to insure that children were not detained in these facilities.

The SPA noted several monitoring problems encountered due to changes in administration and the lack of understanding of the program at the facility level. The monitoring staff felt there are insufficient funds to meet the needs of all counties and that cooperation with deinstitutionalization and separation is often difficult at the local level. Further, the staff felt it is important that OJJDP consider progress made in these areas prior to the 1975 baseline year. Significant progress prior to the implementation of the Act was viewed as compounding the difficulty in achieving "substantial progress" in the required three-year period.

No technical assistance needs were cited by the SPA monitoring staff.

#### COMPLIANCE DATA VERIFICATION

Visits were planned to detention facilities in Bartholomew, Brown, Hendricks, Johnson, Madison, Marion, Monroe, Owens, Putnam, and Vigo Counties. The facilities visited included ten jails, three detention homes and two training schools. All the jails were county facilities.

All of the county jails are secure and nine of the ten held both juveniles and adults during the past 12 months. The Madison County Jail in Anderson, Indiana stopped detaining juveniles on October 1, 1979 when the new Juvenile Code became effective. The SPA reported that one jail held two accused status offenders over 24 hours on January 15, 1980. Our verification showed that both juveniles, who were held for runaway, were released within a few hours.

According to the State Monitoring Report, the nine jails that held children within the past 12 months provided sight and sound separation. Our verification of this finding revealed that officials at one jail admitted that separation was not possible. A second jail provided adequate sight and sound separation, but the

use of unsupervised inmate trustees to staff the juvenile unit changed the status of this jail. No children were inadequately separated on the report day, but four were inadequately separated in the latter jail on the day of the verification visit.

Indiana now has ten juvenile detention homes. Three detention homes were visited during the verification review. All of these detention homes are secure and all detain children only. According to the State Monitoring Report, two facilities held accused status offenders over 24 hours on January 15, 1980. Our verification showed that one home held one child as reported, but the second home, which reported holding 12 accused status offenders, only held 11 children. This minor variation is to be expected because of the inadequacy of the information available at the facility.

Visits were made to the Indiana Girls School at Clermont, Indiana and to the Indiana Boys School at Plainfield, Indiana. Both are, at best, minimum security facilities housing only juveniles. According to the State Monitoring Report, these facilities held 93 adjudicated status offenders on January 15, 1980. Interviews with the superintendents indicated that the numbers reflect carry-over commitments made prior to the effect date of the new Code on October 1, 1979. The current number of status offenders held at the Girls School is 69. The experienced superintendent of this facility said that while the committing offense was "status," few of these 69 girls could be considered "pure" status offenders.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or

by Executive Order. The authority should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admissions/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children to correct and eliminate violations.

2. Classification of facilities--All facilities which might hold children in secure custody should be classified as a juvenile detention or correctional facility and should be monitored. All jails, lockups, detention facilities, and training schools should be so classified and monitored regardless of policies or announced practices regarding the holding of children or existing laws which prohibit the admission of children to the facilities.

3. Monitoring report period--The report period for all facilities should be 12 months.

4. Data collection--Uniform juvenile admission/release record forms should be developed which include all necessary monitoring data for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

5. Offense data--Efforts should be made to obtain, either through legislation or the rules of court, a provision that prohibits the admission of a child to a secure facility unless a specific offense, preferably the most serious offense alleged, is known and entered on the admission/release record entries, such as hold for judge, hold for court, contempt, bench warrant, probation violation, etc., should not be allowed unless the offense is also shown. This is necessary for the protection of the facility staff and is essential for monitoring.

6. Violation procedures--Violation procedures should be established which include a clear description of the sight and sound separation required and the actions which may be taken if inadequate separation is found. The procedures should be made available in printed form to all facilities which might hold children in secure custody.

STATE - <u>Indiana</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Bartholomew County</u> Bartholomew County Jail Columbus, IN	0	0	Yes	No
<u>Brown County</u> Brown County Jail Nashville, IN	0	0	Yes	Yes
<u>Hendricks County</u> Hendricks County Jail Danville, IN	2	0	Yes	Yes
Indiana Boys School Plainfield, IN	24	24	NA	
<u>Johnson County</u> Johnson County Law Enforcement Facility Franklin, IN	0	0	Yes	Yes
<u>Madison County</u> Madison County Jail Anderson, IN	0	0 (verbal)	NA	
Madison County Juvenile Home Anderson, IN	1	1	NA	
<u>Marion County</u> Marion County Jail Indianapolis, IN	0	0	Yes	Yes
Marion County Superior Court Juvenile Div. Detention Center Indianapolis, IN	11	10	NA	
Indiana Girls School Clermont, IN	69	69	NA	
<u>Monroe County</u> Monroe County Jail Bloomington, IN	0	0	Yes	Yes
<u>Owen County</u> Owen County Jail Spencer, IN	0	0	Yes	No
<u>Putnam County</u> Putnam County Jail Greencastle, IN	0	0	Yes	Yes

STATE - <u>Indiana, pg. 2</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Vigo County</u> Vigo County Jail Terre Haute, IN	0	0	Yes	Yes
Vigo County Juvenile Center Terre Haute, IN	0	0	NA	

IOWA

This report deals with the process used to monitor juvenile detention and correctional facilities in Iowa and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act. The on-site assessment in Iowa was conducted by Lawrence Hembree.

COMPLIANCE MONITORING SYSTEM

The Iowa Crime Commission, Lucas State Office Building, Des Moines, Iowa, is the state agency responsible for monitoring. Within the Commission, the staff person responsible for monitoring is Carmen L. Janssen, Juvenile Program Specialist.

Authority to Monitor: Iowa Chapter 80C mandates the Iowa Crime Commission to "conduct inquiries, investigations, analyses and study of all state, county, and city departments and agencies...in association with federal agencies and officials." This is the basis for the Commission's authority to monitor.

The Jail Inspection Unit of the Department of Social Services is specifically responsible for annual on-site inspection of all jails and lockups in the state. "The purpose of the Jail Inspection Unit is to inspect all jails and lockups in the state relative to security, safety, segregation, sanitation, supervision, the condition of the plant and equipment and the care and treatment of prisoners." The Code of Iowa, Chapter 38, confirms this responsibility and states: "The State Department of Social Services shall have general charge and supervision of the provision of Sections 356.37 to 356.44." These Sections deal with the physical nature of the jail or lockup and do not require nor authorize the DSS to obtain data on instances of detention or demographic characteristics of inmates. However, 356 does require that data be collected and maintained. In Chapter 356-6-Jail Calendar, the sheriff is required to keep, "...an accurate calendar of each prisoner committed to his care which shall contain his name, place of abode, the day and hour of commitment and discharge, the cause and term of commitment, the authority that committed him, and a description of his person, a statement of his occupation, education and general habits.

The DSS in Chapter 232.33 and 232.34 is responsible to collect and monitor the remaining institutions that hold juveniles.

Compatibility of Definitions: On July 1, 1979 the State of Iowa promulgated and placed into effect a totally revised Juvenile Code. The Code contains language that is compatible with the OJJDP definitions. Iowa also has created a category entitled "Children in Need of Assistance" (CHINA).

Selection and Classification of the Monitoring Universe: In essence, the Crime Commission, in cooperation with the Department of Social Services and its Office of the State Jail Inspector, selected the universe. The Jail Inspector works directly with all of the district courts tabulating the various detention and holding facilities throughout the state. It should be noted that Iowa had earlier passed a statute described as the Community Corrections Act, which initiated the process of tabulating adult facilities prior to the JJDP Act of 1974. The Executive Director of the Crime Commission indicated that the federal regulations pertaining to juveniles enabled the state to refine its identification process.

The universe is subject to change through mandated semi-annual site visits by the Jail Inspector.

Iowa classified secure facilities according to definitions compatible with those of the OJJDP and OJJDP guidelines. The secure facilities include county jails, city jails, juvenile detention facilities, juvenile training institutions, and correctional institutions. All other child care facilities are scrutinized and monitored by the Department of Social Services.

Data Collection: Iowa selected a 12 month fiscal year report period. The fiscal year runs from July 1 to June 30. The data collected for July 1, 1978 through June 30, 1979 was checked for this verification.

Each law enforcement and county jail facility is required to submit monthly reports to the Jail Inspection Unit. The juvenile institutions are also required to submit reports to the DSS. The form used by DSS does not include specific information relating to status offenders or the length of time detained.

The jail calendar, which is required by law to be maintained for each facility, includes much more usable information.

In general, it appears that the number of children held seems to have increased, but it is expected that the numbers will change radically with the full implementation of the new Code. An example of this is reflected in the tabulation of the first quarter data of FY 1980.

The data is verified by the Jail Inspector, DSS or the Juvenile Justice Specialist of the State Planning Agency.

Inspection of Facilities: The State Jail Inspector is required to make on-site visits and to monitor each jail twice each year. The DSS routinely inspects all child care facilities. The Commission's Juvenile Justice Specialist personally inspects and monitors the juvenile detention facilities annually.

Method of Reporting: All classified facilities are required to report their detention and jail calendars to the Jail Inspector or another unit of the Department of Social Services. For example, the Eldora Training School submits its information to the Division of Community Services of DSS. The data is then submitted to the Juvenile Program Specialist of the Crime Commission. The Juvenile Justice Specialist is responsible for the preparation of the annual monitoring report. When in final form, the report is submitted to the OJJDP. Prior to preparation of the final draft of the report, it is reviewed by the Juvenile Justice Advisory Council and the Crime Commission. The report sent to OJJDP is sent to the Governor and the heads of the various state agencies to whom the report would be meaningful.

Violation Procedures: Iowa Chapter 356.43 states, "...and the Jail Inspector is to notify the County Board of Supervisors in writing to comply fully with the provision of Sections 356.37 to 356.44." The Department of Social Services may order the governing body of a political subdivision to either correct any violations found in the inspection of a jail within a designated period of time, or may prohibit the confinement of prisoners in the jail. If the governing body fails to comply with the order within the period designated, the DSS may schedule a hearing on the alleged violation. If the political subdivision does not comply with the order within the designated period of time, the Department may petition the Attorney General to institute proceedings to enjoin the political subdivision from confining prisoners in the jail and require the transfer of prisoners to a jail declared by the Director to be suitable for confinement. The political subdivision found to be at fault shall be liable for transfer costs and subsequent costs for confinement of said prisoners in the jail to which they were transferred. This statute pertains to minors and states that minors shall be separately confined.

Chapter 356A of this Act speaks about county juvenile detention facilities and the procedures they are to follow.

Assurances Against Reclassification: The recently passed Juvenile Code of Iowa seems to be very explicit as to the assurances against reclassification and details the procedures for waiver of a juvenile's case to adult criminal court jurisdiction.

Summary of Assessment: The primary monitoring obstacle, as in a number of states, related to the completeness and accuracy of facility admission/release records. The Commission is currently in the process of developing a more complete jail calendar or registration procedure. The accuracy of facility data is essential to sound monitoring.

The state is also having some minor problems in defining sight and sound separation. As a result, Iowa seems to lean toward total separation.

Another problem relates to the definition of secure facility. This problem occurs where the Commission believes a given facility is secure, but other agencies perceive the said facility to be nonsecure. The Crime Commission has ultimate authority to make this decision, but seems to have some difficulty in articulating this judgement to other agencies.

The Commission has authority to monitor and its close working with the DSS Jail Inspector who has legal authority to inspect and act on violations is positive. The selection of the monitoring universe appears to be complete, as is the classification of facilities which was based on definitions compatible with those of OJJDP.

The 12-month monitoring report period gives full coverage. While the data is collected by mailed report, it is verified. Inspections are made of all facilities and violation procedures are specified. The new Juvenile Code protects against potential reclassification. These are strengths.

#### COMPLIANCE DATA VERIFICATION

Visits were scheduled to facilities in Blackhawk, Boone, Butler, Clarke, Johnson, Mahaska, Marshall, Monroe, Polk and Wapello Counties and to the Iowa Training School for Boys. In these Counties, 17 jails and one detention center were visited. One shelter home was visited, but since it was a nonsecure facility it is not included in the following.

According to the state, all jails were secure and 14 held both juveniles and adults during the past 12 months. This was verified. The state report showed 556 accused status offenders held over 24 hours in two jails during the report period. Our review of the data showed 598 accused status offenders held over 24 hours in two jails during the period. Both the state report and our verification showed 545 accused status offenders held over 24 hours in the Des Moines City Jail. No adjudicated status offenders were held. According to the state, seven jails did not have adequate sight and sound separation, and 2,096 children were inadequately separated in two of these jails. Our review only found five jails with inadequate separation and 2,065 children inadequately separated in the two jails.

Only one of the two detention centers is secure and both only house juveniles. Myer Hall, the secure facility does not detain status offenders. Juvenile Home, a shelter and nonsecure facility, is used to house both delinquents and status offenders. Both facilities are in Polk County.

The Eldora Training School for Boys is a secure facility which housed both children and adults during the past 12 months. The state reported no status offenders detained during the report period. This was verified.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by Executive Order. The authority should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided, and require the agency to cite those facilities not in compliance, and use realistic sanctions including closing the facility to children, to correct and eliminate violations.

2. Data collection--Uniform juvenile admission/release record forms should be developed, which include all necessary monitoring data, for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

STATE - <u>Iowa</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Allison County</u> Allison County Jail Allison, IA	?	?	No	Yes
<u>Blackhawk County</u> Blackhawk County Jail Waterloo, IA	0	0	No	No
Cedar Falls Police Department Cedar Falls, IA	0	0	Yes	Yes
Waterloo Police Department Waterloo, IA	?	?	No	Yes
<u>Boone County</u> Boone City Police Department Boone, IA	0	0	Yes	Yes
Madrid Police Department Madrid, IA	0	0	No	No
<u>Butler County</u> Greene Police Department Greene, IA	0	0	NA	No
<u>Clarke County</u> Clarke County Jail Osceola, IA	?	?	--	Yes
<u>Hardin County</u> Eldora Training School for Boys Eldora, IA	0	0	?	?
<u>Johnson County</u> Johnson County Jail Iowa City, IA	--	--	No	No
Iowa City Police Department Iowa City, IA	0	0	Yes	Yes
<u>Mahaska County</u> Mahaska County Jail Oskaloosa, IA	0	0	Yes	Yes
<u>Monroe County</u> Monroe County Jail Albra, IA	0	0	Yes	Yes

STATE - Iowa, pg. 2

Total Number of Status Offenders/Non-Offenders  
Held in Violation of 223(a)(12)

Provide Adequate  
Separation

FACILITY	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
Polk County Polk County Jail Des Moines, IA	?	(over 53) Non-verifiable	No	No
Polk County Juvenile Home Des Moines, IA	NA(?)	NA(?)	--	Yes
Juvenile Hall Des Moines, IA	--	--	--	Yes
Des Moines City Jail Des Moines, IA	(over 545)	(over 545)	No	No
Urbandale Police Department Urbandale, IA	?	?	Yes	Yes
West Des Moines Police Department West Des Moines, IA	0	1	No	Yes
Wapello County Wapello County Jail Ottumwa, IA	?	?	No	No

KANSAS

This report deals with the process used to monitor juvenile detention and correctional facilities in Kansas and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act. The on-site assessment in Kansas was conducted by Aubrey Elliot.

COMPLIANCE MONITORING SYSTEM

The Kansas Governor's Committee on Criminal Administration, 503 Kansas Avenue, Topeka, Kansas, is the state agency responsible for monitoring. Within the Committee, Mr. Richard Bleam, Program Analyst and Juvenile Justice Specialist, is the staff person responsible for monitoring. Ms. Kathy Barke, Research Analyst, is responsible for preparation of the Annual Report.

Authority to Monitor: The SPA was created less than three years ago by Executive Order and has no legal authority to monitor. It relies on the Jail Inspection Division of the Kansas Department of Corrections for jail monitoring and the Department of Social and Rehabilitative Services for further assistance, when required.

Compatibility of Definitions: There are no basic differences between the OJJDP and Kansas definitions. However, this state does not use the term "status offender." While there is general understanding of the term, it would make interpretation of records easier if "status offender" or some other collective terms were in general use.

Selection and Classification of Monitoring Universe: The SPA possesses the most concise, easy to use universe the Field Monitor has seen during the assessment review. Whether or not it is 100 percent accurate may be subject to debate, but otherwise it is excellent. It was put together by the Midwest Research Institute and their 1978 Report sets forth clearly and precisely how it was accomplished.

The single most questionable point in the selection of the universe is found on page 5 of the Report, allowing a facility which responded to a mail survey by indicating they did not hold juveniles more than 24 hours to be excluded from the universe. While this may be acceptable under the circumstances, it leaves a number

of facilities, which may hold children, out of the monitoring process and does not address the separation issue for these facilities.

The SPA staff has used the survey data to good advantage in preparing detailed listings of facilities, simplifying examination of the universe.

Previously cited reference to pages 4 and 5 of the MRI 1978 Report include insight into how the universe was classified. Examination of the attached universe material shows clearly how the breakdowns were arranged, a cooperative effort between the researchers and the two major state agencies--the Department of Corrections and the Department of Social and Rehabilitative Services.

No other agencies or elements of the SPA organization took part in the classification process. From studying the Report, one must conclude that the OJJDP definitions and guidelines were carefully followed by the MRI.

Data Collection: Kansas selected a one-month report period. The baseline period, as well as successive reporting periods are in order, although Kansas intends to change the report period month from March to September in 1980. March, 1978 was the baseline period and March, 1979 was the most recent report period. The latter period was used as the reference for this verification.

In 1978, the Midwest Research Institute contracted to monitor and collect data. The following year, the SPA decided to forego the "luxury" of a contractor and SPA staff collected the data for 1979. In so doing, they used more or less the same steps as had MRI a year earlier. Mail questionnaires and telephone follow-ups by the SPA Program Office were the basis for 1979 data, with some on-site visits, where necessary. In this connection and since Kansas has compliance trouble, the Program Analyst and Juvenile Justice Specialist selected the 11 most heavily populated jails, citing them as "target jails." On-site visits were made to the "target jails" in the hope of encouraging compliance. It was felt that if non-compliance was eliminated in these 11 facilities the state would be in compliance.

With the staff limitations inherent in the SPA, the Field Monitor could see no way to materially improve the data collection. He felt that to return to the contractor might have slight advantage, but to bring guidance and technical assistance to the counties regarding detention policy as well as improved recordkeeping, would strain the SPA's resources.

There has been no attempt at verification of data except in a few instances within the "target group" and then only incidentally. However, the Program Chief

admitted to a feeling that some of their data was inaccurate, a supposition borne out by our verification.

The SPA is staffing a plan to bring the states' juvenile officers into the data gathering picture, beginning in 1980. Nothing is final in this regard.

Inspection of Facilities: The SPA does not inspect facilities, but relies on the Jail Inspection Division of the Department of Corrections to inspect jails and lockups. It appears that Kansas has a good Jail Inspections System and that the SPA has a good working relationship with them. The Department of Social and Rehabilitative Services inspects juvenile facilities.

Inspections are generally made annually, and inspection reports are automatically made available to the SPA.

Method of Reporting: There have been two State Monitoring Reports since the Act was initiated in Kansas. The first was prepared by the Midwest Research Institute. The second, prepared by the SPA staff in 1979, produced less in detail than the MRI Report and consisted of statistical responses to the OJJDP requirements. Each report was submitted to the Office of Juvenile Justice and Delinquency Prevention.

Violation Procedures: The SPA has no violation procedures. Violations are handled by the Department of Corrections and the Department of Social and Rehabilitative Services.

Assurances Against Reclassification: The SPA has no knowledge of any reclassifications, but has not given the subject much thought, if any. The SPA staff believes the built-in protection of the Juvenile Code would provide assurance against reclassification. The Code is not totally clear on this subject, but Section 38-841 entitled, "Restrictions on Placement and Commitment of Status Offenders" which became effective January 1, 1980, probably provides the required protection.

Summary of Assessment: Kansas has done some good work in establishing its monitoring system, especially in selecting the monitoring universe and classifying the facilities based on compatible definitions. Unfortunately, the lack of authority to monitor, the absence of a clear definition of "status offender" in the Code, and the collection of data by mail without verification plus the absence of violation procedures have hampered effective operation.

## COMPLIANCE DATA VERIFICATION

Visits to facilities in Butler, Clay, Ellsworth, Gove, Lyon, McPherson, Republic, Riley, Saline, Sedgwick and Shawnee Counties were scheduled. Nine counties were visited, but the weather, which affected travel, caused some substitutions of counties. Gove County was dropped, but since its jail was closed, matters were simplified. Clay and Ellsworth Counties were also dropped and Geary County was added. The facilities visited include six county jails, three juvenile detention homes, and the Youth Center at Topeka, formerly known as the Boys Industrial School.

According to the State Monitoring Report, all six jails were secure and all held juveniles and adults during the past 12 months. This was verified. The SPA reported that 48 accused status offenders were held over 24 hours and eight adjudicated status offenders were held in three of these jails during the Report Period. Our verification review only recorded nine accused status offenders held over 24 hours in these three facilities. Five of the jails on which the state reported separation data provided adequate sight and sound separation. This was verified. We further found that the sixth jail did not provide adequate separation and seven children were inadequately separated in this facility during the report period.

The three detention homes were all secure and held juveniles only. According to the State Monitoring Report, 41 accused status offenders were held over 24 hours and 32 adjudicated status offenders were held during the report period. Our Field Monitor was only able to verify the figures for one facility. The records of two of these facilities were in no condition to permit reasonable review in any realistic period or time. We believe, after further checking, that the state figures are probably accurate.

The Youth Center at Topeka is a secure training school which only holds juveniles. By policy, status offenders are not admitted to this facility and none were held during the report period.

## RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by Executive Order. The authority should be broad enough to all the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have the authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admissions/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children, to correct and eliminate violations.

2. Monitoring report period--The report period for all facilities should be twelve months.

3. Data collection--Uniform juvenile admission/release record forms should be developed, which include all necessary monitoring data, for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under the plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

4. Inspection records--Records which show the inspection date, the findings, and which identify the facility should be maintained by the monitoring agency.

5. Violation procedures--Violation procedures should be established which include a clear description of the sight and sound separation required and the actions which may be taken in inadequate separation is found. The procedures should be made available in printed form to all facilities which might hold children in secure custody.

STATE - Kansas

FACILITY	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Butler County</u> Butler County Jail El Dorado, Kansas	15	4	Yes	Yes
<u>Geary County</u> Geary County Jail Junction City, Kansas	0	5	Not reported	No
<u>Lyon County</u> Lyon County Youth Center Emporia, KS	14	Non-verifiable	NA	
<u>McPherson County</u> McPherson County Jail McPherson, KS	4	0	Yes	Yes
<u>Reno County</u> Reno County Jail Hutchinson, KS	0	Non-verifiable	Yes	Yes
<u>Riley County</u> Riley County Jail Manhattan, KS	0	0	Yes	Yes
<u>Salina County</u> Salina County Jail Salina, KS	37	10	Yes	Yes
<u>Sedgewick County</u> Youth Residence House Wichita, KS	47	Non-verifiable	NA	
<u>Shawnee County</u> Shawnee County Youth Center Topeka, KS	12	12	NA	
Youth Center at Topeka Topeka, KS	0	0	NA	

KENTUCKY

This report deals with the process used to monitor juvenile detention and correctional facilities in Kentucky and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act.

The Monitoring Agency: The Executive Office of Staff Services, Kentucky Department of Justice, State Office Building Annex, Frankfort, Kentucky, is the state agency responsible for monitoring. Within the Office, staff responsibility for monitoring is placed with Ms. Terry Lee Andrews, Juvenile Specialist/Planner.

The Executive Office's Authority to Monitor: Authority to monitor comes from a loosely drawn Executive Order. (See attached copy.)

Compatibility of Definitions: The Kentucky Unified Code definitions are compatible with those of the OJJDP. (See attached Section 3 of the Code passed March 28, 1980.)

Selection of Monitoring Universe: A list of all facilities was obtained from the Department of Human Resources and the Bureau of Corrections, Office of Jail Consultants. The DHR has authority to license child care facilities, both public and private, juvenile detention facilities, and training schools. Lists from this resource included the juvenile facilities. The Office of Jail Consultants has responsibility for compliance with jail construction and maintenance standards for county and city jails. The Office list included jails. The lists of facilities, provided by these two state agencies and supplemented as needed, made up the complete monitoring universe.

Classification of Monitoring Universe: The Executive Office staff used the OJJDP definitions and guidelines to classify all facilities as juvenile detention or correctional facilities. An initial compliance survey screening form, developed in 1978, was used in 1979. (See attached copy of form.) A pre-screening telephone survey was completed to potentially classify facilities.

If the contacted facility was considered to be secure, it was classified for monitoring. No jails or detention centers were pre-screened, since they were all considered to be secure and, thus, were included in the classified list.

A master list of classified facilities was compiled for each county.

Monitoring Report Period: Kentucky selected a six-month report period. Data collected for the period January 1 through June 30, 1979 was reviewed during this verification.

Data Collection: The juvenile justice staff of the Executive Office conducted the on-site monitoring and data collection.

While not a subject of this verification review, it should be noted that the cost for monitoring in 1979, when the work was done by Executive Office staff, was one-tenth the cost of the contracted monitoring in 1977 and 1978.

Data collected for 1977, 1978, and 1979 has been computerized for ease of access and greater utilization for planning and the administration of grant funds.

Inspection of Facilities: Inspections for separation compliance are also made by the staff of the Executive Office even though other offices have responsibility for inspections. Actually, general inspection, especially for jails and lockups, is limited in Kentucky. The Bureau of Corrections, Office of Jail Consultants, only has three jail inspectors for the state's 120 counties. Their primary function is to oversee jail construction and maintenance standards. The state Fire Marshall's Office is probably more effective in requiring safety standards and in closing old jails. The Department of Human Resources licenses and inspects juvenile detention centers, state training schools, and group homes for adjudicated status offenders.

The Juvenile Code specifically requires that children who are held in adult jails be separated from adult inmates by sight and sound. (See attached Section 28 of Code.)

Method of Reporting: The annual state monitoring report is written by Executive Office staff. Since the same staff monitors, collects the needed data, and inspects the facilities, the information is readily available. The final monitoring report is sent to the OJJDP and the Kentucky Crime Commission. The report is also made available to the public.

Violation Procedures: The Executive Office has no established procedures for handling violations.

Assurances Against Reclassification: According to the juvenile justice planners, reclassification does not occur. The Kentucky Unified Juvenile Code seems to provide adequate protection against reclassification. (See attached Section 4 of the Code.)

Obstacles and Technical Assistance Needs: As in many states, facility admission/release logs were the major monitoring obstacle. A uniform jail record format does exist, but it does not include information which will show if a child's case is pending (accused), or if the case has been adjudicated. The juvenile court record itself, in one county visited by the field monitor, did not include a record of detention, let alone adjudication. When the monitoring agency was asked how it obtained adjudication data, it acknowledged that it was guess work.

Kentucky figures may also be inflated because a juvenile held for one hour is counted as detained for one day. Jails are paid dieting fees. The one-day detention is counted so the fee may be collected. Non-judicial days were not excluded, thus increasing the count.

The need for funds to renovate jails was frequently mentioned as an obstacle.

Successful Policies and Programs: The establishment of the Juvenile Justice Committee as one of the four committees of the Kentucky Crime Commission appointed by the Governor, has been a major factor in the progress made. The Committee and the Task Force on Juvenile Delinquency, appointed by the Governor in 1978, were instrumental in the passage of the Kentucky Unified Juvenile Code in 1980. The Code seems to include many safeguards for juveniles.

Significant too, is the training of Kentucky jailers by the Department of Justice under a judicial order. County jailers are elected in Kentucky. Jail personnel are well aware of sight and sound separation requirements.

In January, 1978, Kentucky changed from a county court system to a unified or district court system. The original training for judges had given slight attention to juvenile justice, so a February, 1979 session focusing on juvenile justice was set.

The deinstitutionalization of status offenders was most significant in closing of all but one state training schools--the Northern Kentucky Treatment Center, where there were a small group of mildly disturbed status offenders.

Kentucky, as a state, supports group homes.

An extensive public relations campaign, "Kentucky Aware", was initiated by the Juvenile Justice Advisory Group. The Group developed a brochure, "It's a Long Road Alone", and held workshops around the state to discuss problems of status offenders, alternatives, and funding. A media presentation is now being prepared.

Monitoring Strengths and Weaknesses: The Executive Office of Staff Services has authority to monitor, and carefully selected and classified the monitoring universe by using definitions and guidelines compatible to those of the OJJDP. The report period is sufficient to provide useable information. Facilities were monitored and data was collected on-site by Executive Office staff. Inspections were made by the same staff. The 1980 Unified Juvenile Code seems to provide adequate protection against reclassification. These are all strengths.

It should also be noted that the juvenile justice planners and specialists in the Executive Office seem to be youth advocates--a positive for any program of this nature.

The major weaknesses of the system is the inadequacy of facilities, and to an extent, court records. The Kentucky compliance figures may be high due to the

overcount of time for the purposes of obtaining "dieting fees" and the inclusion of non-judicial days. The lack of set policies and procedures for handling violations also reduces the effect of monitoring.

Verification Problems: The field monitor received fine cooperation from the Executive Office staff and other departments of the state government, namely the Department of Human Resources and the County Fees Office, the three juvenile courts, and all but one jailer. No unusual or new problems were encountered.

Facility Data Verification: Visits were scheduled to facilities in Anderson, Boyle, Bullitt, Fayette, Franklin, Hardin, Henry, Jefferson, Marion, Nelson, Shelby, and Spencer Counties. Jewel Manor Girls Center, a state training school originally randomly selected for a visit, was closed. In these counties, twelve jails and one detention center were visited. One jail was closed in September, 1979.

All eleven jails were secure according to the state. Nine jails held both juveniles and adults during the past twelve months. This was verified. The confusion as to whether status offenders held were accused or adjudicated caused problems. The state reported 48 accused status offenders held over 24 hours and 291 adjudicated status offenders held during the report period. Our verification count was hampered by the records, but showed 160 accused status offenders held over 24 hours and one adjudicated status offender held during the period. We believe the state count, which includes non-judicial days, is high. According to the state, six jails provided adequate separation and 65 children were inadequately separated during the report period. We found that nine jails provided adequate separation and 55 children were inadequately separated during the period. Fifty-five of the children inadequately separated, in both counts, were held in the Jefferson County Jail in Louisville.

The one detention center was secure and held only juveniles according to state information for this facility. Our field monitor was only able to obtain data for three of the six months in the report period. Our review showed 150 accused status offenders held over 24 hours during March, April, and May, 1979. The information was provided by the Juvenile Court Research Department.

Field Monitor: Mrs. Sally Beasley served as Field Monitor for the Kentucky verification review. The on-site work was conducted April 8 through April 12, 1980.

Verification Summary: Kentucky has developed a statewide monitoring system. While the system should be strengthened through the development of improved facility records and the establishment of violation procedures, the system is adequate.

## RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system the following recommendations are presented for consideration.

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by executive order. The authority should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children, to correct and eliminate violations.

2. Monitoring report period--The report period for all facilities should be twelve months.

3. Data collection--Uniform juvenile admission/release record forms should be developed, which include all necessary monitoring data, for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a

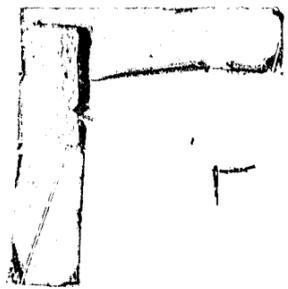
sample on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

4. Non-judicial days--Under current OJJDP guidelines, accused status offenders held on non-judicial days are not to be included when determining which children were held over 24 hours. Saturdays, Sundays and state holidays should not be counted when collecting data on the number of accused status offenders held.

5. Inspection of facilities--All classified facilities which might hold children in secure custody should be inspected annually, primarily to insure adequate sight and sound separation of children and adult inmates, but also to determine the adequacy of the facility for housing children. Records which show the date of the inspection, the findings, and which identify the facility should be maintained by the monitoring agency.

6. Violation procedures--Violation procedures should be established which include a clear description of the sight and sound separation required and the actions which may be taken if inadequate separation is found. The procedures should be made available in printed form to all facilities which might hold children in secure custody.

STATE - <u>Kentucky</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a) (12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Anderson County</u> Anderson County Jail Lawrenceburg, KY	0	0	No	Yes
<u>Boyle County</u> Boyle County Jail Danville, KY	12	16	Yes	Yes
<u>Bullitt County</u> Bullitt County Jail Sheperdsville, KY	16	19	Yes	Yes
<u>Fayette County</u> Fayette County Jail Lexington, KY	198	47	Yes	Yes
<u>Franklin County</u> Franklin County Jail Detention Facility Frankfort, KY	22	5 No records	Yes	Yes
<u>Hardin County</u> Hardin County Jail Elizabethtown, KY	45	60	Yes	Yes
<u>Henry County</u> Henry County Jail New Castle, KY	0	0	NA	
<u>Jefferson County</u> Jefferson County Jail Louisville, KY	0	0	No	No
Juvenile Diagnostic and Detention Center Louisville, KY	150	Facility not visited	NA	
<u>Marion County</u> Marion County Jail Lebanon, KY	1	2	No	Yes
<u>Nelson County</u> Nelson County Jail Bardstown, KY	0	0	Yes	Yes
<u>Shelby County</u> Shelby County Jail Shelbyville, KY	12	17	Yes	Yes
<u>Spencer County</u> Spencer County Jail Taylorsville, KY	0	0	NA	



**CONTINUED**

**3 OF 8**

LOUISIANA

This report deals with the process used to monitor juvenile detention and correctional facilities in Louisiana and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act.

The Monitoring Agency: The Louisiana Commission on Law Enforcement and the Administration of Criminal Justice is the state agency responsible for monitoring. Within the Commission, responsibility for monitoring is placed with Ms. Delores Kozloski, Juvenile Planning Specialist.

The Commission's Authority to Monitor: The Commission has no legal or other formal authority to monitor. Commission personnel described their authority as "informal inter-agency agreement", though such is not set forth in writing. The staff expressed the belief that the informal method was desirable and felt that legislative authority to monitor might well create problems.

Compatibility of Definitions: For purposes of monitoring, Louisiana's status offender definition is the same as the Office of Juvenile Justice and Delinquency Prevention's guideline definition. Louisiana law makes a distinction between a delinquent child, a child in need of supervision, and a child in need of care, with the latter two categories considered to be applicable only to children.

The definition of secure facility used for purposes of monitoring is the same as was published in the Federal Register.

Louisiana's definitions are compatible with the OJJDP guideline definitions.

Selection of the Monitoring Universe: The monitoring universe was selected by the SPA's staff based on the Act and published definitions. The Commission staff, assisted by regional staff, made a systematic on-site search for facilities. This process seems to have identified all potential facilities. (See list, attached.)

Classification of Monitoring Universe: Facilities in the monitoring universe were classified with regard to the degree of control, restrictions, and locked doors. All facilities were secure.

The classification of facilities seems to be adequate.

Monitoring Report Period: Two baseline and report periods were used in Louisiana, one for jails and one for detention homes and juvenile correctional

facilities. For jails, the annual jail census is used. The report period for the jail census runs from September 1 through August 31 the following year. For Louisiana's monitoring report, all children admitted to jails from September 1, 1977 through August 31, 1978 were counted.

The report period for detention homes and correctional facilities, according to the monitoring staff, is twelve months; however, detention data was collected for a randomly selected 21-day sample of days between September 1, 1977 and August 31, 1978. While the selection of such a sample complies with OJJDP guidelines, it includes some obvious limitations. The sample included all days of the year rather than just judicial days. Of the 21 days selected in the sample, three were Saturdays and three were Sundays. No Mondays were included. The remainder of the days were judicial days with one additional exception. Christmas Day, a low detention day, was also in the sample, but since Christmas fell on a Sunday, the court was closed the following Monday. The inclusion of a large number of non-judicial days which could be excluded based on the OJJDP regulations seems to have had an impact on Louisiana's compliance level placing it lower than what would be reflected through a judicial days sample.

Data Collection: The method of monitoring used by the Commission precludes assessment of the total number of accused and/or adjudicated status offenders held over 24 hours. Data presented is based on the "average daily population" instead of on the individual children held over 24 hours. The total average daily population of accused and adjudicated status offenders is 15.3. This information is of limited value and may reflect a low or very high detention rate depending on unknown information as to the number of children detained, their length of stay, etc.

Monitoring and data and information collection was done by Commission staff and regional planners. The collection methods included on-site review of records, on-site visits and mail surveys. The Commission sent forms to the parish jails which were filled out by parish officials from the juvenile log book, which, under law, is kept separate and apart (and under lock and key) from adult records. On-site visits were made, but the parish jail data on these jails was taken from the forms submitted by the parishes. Parish jail data was verified on-site by the jail monitor.

Regional planning staff collected all data and information for the city jails. Commission staff collected data and information from training schools. The process required a search of files maintained for the past three decades.

For purpose of verification, facilities were visited and records were reviewed in Assumption, East Baton Rouge, Jefferson, Orleans, St. James, St. John the Baptist, and West Baton Rouge Parishes. Eighteen facilities were visited, including seven parish jails, five city jails, three detention homes, and three training schools.

To illustrate the potential problems encountered in the use of an "average daily population" figure for monitoring, one example must be presented. The state monitoring report stated that 20 adjudicated status offenders were held during the report days at the LTI Scotlandville facility. Our verification review found two adjudicated status offenders confined during the report period. The twenty county included one child held for one day and one child held for nineteen days.

The 12 jails, according to the state monitoring report data, held 28 accused status offenders over 24 hours. Our verification, based on a review of booking logs, found only 11. Based on information obtained from these facilities, Louisiana must have a higher rate of compliance than reported.

The state monitoring report showed to adjudicated status offenders held in these jails and our verification confirmed this data. Of the eight jails operated by the parishes, only four held juveniles during the report period. One of these jails provided total separation, and three only provided sight separation. According to our review of the jail records, 11 children were inadequately separated during the report period. Eight of these children were held in the St. John's Parish Jail.

The majority of accused status offenders held over 24 hours were held in detention homes. The state report data showed 142 held in detention homes while our verification review found only 122.

Likewise, the majority of adjudicated status offenders were held in state training schools. The state report data showed 37 held, while our review only identified six.

Our verification review for the facilities visited show 133 accused status offenders held over 24 hours during the report period or 37 fewer than reported by the state. Our verification review only found six adjudicated status offender held, a figure lower by 31 than the state count. Louisiana appears to be at a higher level of compliance than reported. The average daily population count may serve to penalize the state.

Inspection of Facilities: All facilities were inspected by either Commission staff or regional planners. All inspections were on-site for the 153 facilities

in the state. Inspection dates in 1979 were verified for all but two facilities visited.

Method of Reporting: With the exception of city jails, all monitoring, data and information collection, and inspection was done by Commission staff. On-site visits were made to juvenile facilities and city and parish jails. Data for city jails was collected on-site by regional planners and reports were forwarded to the Commission.

The Commission verified data only if it appeared inconsistent with other statistical reports. In 1978, between 50-60 percent of the facilities' reports were verified. The method of verification was generally by telephone, and if the information obtained was still not satisfactory, an on-site check was made. All data was later verified on-site by the jail monitor.

The monitoring report was prepared by the SPA monitoring staff. After review by the Commission Director and after it is put in final form by staff, the report is submitted to the OJJDP.

Violation Procedures: The Commission has no legal authority to monitor, investigate, or enforce needed changes when violations are found. The Commission can only inform the director of the facility that the facility is in violation and then report the violation to the Attorney General's office. The Attorney General has his own established investigative procedures.

Assurances Against Reclassification: The Louisiana law provides that reclassification cannot occur except by court action. The law does permit waiver of jurisdiction to the criminal court under due process provisions. The law seems to protect against reclassification.

Obstacles and Technical Assistance Needs: Numerous obstacles affect the monitoring in Louisiana. Most of these were defined by Commission staff during the field monitor's on-site visit, and most, with one notable exception, are beyond the control of the Commission to change.

Commission staff do not believe the Commission's lack of authority to monitor is an obstacle. However, if the agency had legal authority to monitor it would logically also have authority to require minimal standardized reporting by the facilities. A standardized juvenile detention statistical tabulation system is needed. Data sources are inconsistent, and in some instances incomprehensible. When it is necessary to review years of records to find data for 21 days, monitoring suffers.

The 21-day sample, because of the time frame, is of limited value, but does comply with OJJDP guidelines. The inclusion of non-judicial days does technically reduce the sample.

The use of "average daily population" data for monitoring creates difficulty in monitoring and probably works against Louisiana in reporting a realistic level of compliance. If individuals were counted, Louisiana would probably have shown a higher level of compliance.

While no specific technical assistance needs were cited through our verification, we feel that the monitoring process could be strengthened if technical assistance was provided to help devise and operationalize an easy-to-complete standardized reporting format for all facilities housing status offenders and delinquents.

If the above cannot be accomplished under the Commission's present role, the Commission might work with local and state sources (e.g., police, juries, legislature) in an attempt to persuade them to require certain minimum reporting information.

Successful Policies and Programs: Five successful projects were identified by Commission staff. The projects are:

Johnny Gray Jones Youth Home  
P.O. Box 6407  
Bossier City, Louisiana 71111

"This is a youth shelter designed as a placement facility for status offenders to be used in lieu of detention in secure facilities. In 1977, the project served 200 children. In 1978, the project served 179 children."

Samaritan House Foster Home  
Samaritan House, Inc.  
P.O. Box 395  
Franklin, Louisiana 70538

"This is a foster care program for status offenders designed to provide care for children of both sexes between the ages of 12 and 17 years. It recruits foster parents, and places approximately eight children per month in foster homes on a short term basis."

Deinstitutionalization of Status Offenders Family Court Center  
"A" Street  
Ryan Airport  
Baton Rouge, Louisiana 70801

"This project focuses upon avoiding the use of detention in the case of status offenders through counseling and other services. An evaluation report concluded that the family court should continue its special unit offering immediate, short-term crisis counseling to status offenders and their families and short term care used as an alternative to detention."

Emergency Foster Family Home Program, Youth Alternatives, Inc.  
700 Frenchman Street  
New Orleans, Louisiana 70116

"This program utilizes foster families for emergency placement of status offenders who otherwise might be detained in secure facilities. No impact information is available at this time."

Emergency Shelter Homes, Tangipahoa Parish Sheriff's Department  
P.O. Box 727  
Amite, Louisiana 70422

"This is an expansion of a project wherein a youth service bureau operated a small shelter care home for status offenders, thereby reducing the number of such offenders being held in the city jail from ten to one."

Monitoring Strengths and Weaknesses: The Louisiana Commission on Law Enforcement and Administration of Justice has developed a statewide monitoring system. Monitoring, data and information collection, and inspection is done by Commission staff assisted by regional planners. The monitoring universe seems to be complete and the classification of the universe provides adequate coverage. The definitions used by the Commission are compatible with OJJDP guideline definitions. The use of a full year recording period for jails, along with the above, are strengths.

The fact that the Commission does not have legal authority to monitor and does not work with and through other state agencies that might have such authority is a weakness in both monitoring inspection and violations procedures. The use of a 21-day sample, which includes non-judicial days, may work against the state in reflecting a lower level of compliance. The questionable quality of facility records makes accurate monitoring difficult.

While the field monitor felt that Louisiana has made progress, changes could help document the movement.

Verification Problems: The Commission staff were most helpful in our verification efforts. The major problem related to the adequacy of facility records, especially in detention homes and training schools.

Facility Data Verification: Facilities were visited in Assumption, East Baton Rouge, Jefferson, Orleans, St. James, John the Baptist, and West Baton Rouge Parishes. A total of 18 facilities were visited. The facilities included seven parish jails, five city jails, three detention homes, and three training schools.

Our verification review for the facilities visited showed 133 accused status offenders held over 24 hours during the report period. This number is 37 fewer children than was reported in the monitoring report. The majority of these children, over 91 percent, were held in training schools.

Our verification of adjudicated status offenders showed six children held during the report period. All six of the children were held in training schools.

Based on our verification, fewer accused and adjudicated status offenders were held than was reported by the state.

Few of the jails visited held children. All but one were inspected by the field monitor to determine the level of separation. During the report period, eleven juveniles were held in inadequately separated facilities.

Field Monitor: Frederick Howlett served as Field Monitor for the Louisiana verification. The on-site verification took place October 29 through November 2, 1979.

Verification Summary: Louisiana has developed a statewide monitoring system. The definitions applicable to monitoring are compatible with the OJJDP guidelines. The monitoring universe selected seems to be complete and classification of the universe is adequate. The code provides assurances against reclassification.

The monitoring report period for jails covers a 12-month period, which is excellent. The report period for juvenile facilities, according to the SPA, also is for 12 months, but the count covers 21 randomly selected days. This report period, while in compliance with OJJDP guidelines, is limited by its brevity and the inclusion of a large number of non-judicial days, including Christmas. This report period probably works against the state's level of compliance.

The use of average daily population data instead of an individual child count does not provide quality information and data and reduces Louisiana's reported level of compliance. The data base plus the poor facility records, especially in juvenile facilities, hampers monitoring unnecessarily.

Since the Commission on Law Enforcement and Administration of Justice does not have legal authority to monitor, nor does it have working agreements with other state agencies who may have such authority or who have inspection and/or licensing authority, its power to act to improve the juvenile detention reporting system or to deal with violations is restricted.

We are reluctant to say that the Louisiana monitoring system is inadequate for considerable progress has been noted. For example, no status offenders were found in jails visited during the report period. For the above reason we will say that the Louisiana monitoring system is adequate, but needs to be strengthened by obtaining legal authority to monitor, changing from an average daily population count to an individual child count system, and, to the extent possible, upgrading the status offender and delinquent records for all facilities that house these children.

## RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by executive order. The authority should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children to correct and eliminate violations.

2. Monitoring report period--The report period for all facilities should be twelve months.

3. Data collection--Uniform juvenile admission/release record forms should be developed which include all necessary monitoring data for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

4. Child count--The count should be based on individual children, not on an average population.

5. Non-judicial days--Under current OJJDP guidelines, accused status offenders held on non-judicial days are not to be included when determining which children were held over 24 hours. Saturdays, Sundays, and state holidays should not be counted when collecting data on the number of accused status offenders held.

6. Violation procedures--Violation procedures should be established which include a clear description of the sight and sound separation required and the actions which may be taken if inadequate separation is found. The procedures should be made available in printed form to all facilities which might hold children in secure custody.

STATE - <u>Louisiana</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Assumption Parish</u> Assumption Parish Jail Napoleonville, LA	2	0	--	No
<u>East Baton Rouge Parish</u> East Baton Rouge Parish Jail (Receiving) Baton Rouge, LA	0	0	No	No
East Baton Rouge Parish Jail Baton Rouge, LA	0	0	No	No
Baker Police Dept. Baker, LA	0	0	NA	No
Louisiana Training Institute (LTI) Juvenile Reception and Diagnostic Center Baker, LA	6	3	NA	NA
Easton Baton Rouge Family Center Baton Rouge, LA	34	19	NA	NA
LIT-Scotlandville Baton Rouge, LA	20	2	NA	
<u>Jefferson Parish</u> Jefferson Parish Jail Gretna, LA	0	0	--	No
Robt. Rivarde Detention Center Gretna, LA	75	71	NA	NA
City of Kenner Jail Kenner, LA	0	0	NA	No
<u>Orleans Parish</u> Orleans Parish Jail New Orleans, LA	0	0	No	Yes
New Orleans Central Lockup New Orleans, LA	0	0	--	No
New Orleans House of Detention New Orleans, LA	0	0	NA	
Youth Study Center New Orleans, LA	33	32	NA	NA
LTI-New Orleans Bridge City, LA	11	1	NA	
<u>St. James Parish</u> St. James Parish Jail Convent, LA	6	0	Yes	Yes
<u>St. John Parish</u> St. John Parish Jail Edgard, LA	12	3-8	--	No
<u>West Baton Rouge Parish</u> West Baton Rouge Parish Jail Port Allen, LA	8	8	--	No

MAINE

This report deals with the process used to monitor juvenile detention and correctional facilities in Maine and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act.

The Monitoring Agency: The Maine Criminal Justice Planning and Assistance Agency, 11 Parkwood Drive, Augusta, Maine 04330, is the state agency responsible for monitoring. At the time of the monitoring assessment, Mr. Dave Els, Director of Program Development, was the staff person responsible for monitoring. At this time, Mary O'Connell, Juvenile Justice Specialist, is responsible for monitoring.

The Agency's Authority to Monitor: Part 9, Chapter 315, beginning with Section 3350 of the Laws of Maine, established the Criminal Justice Planning and Assistance Agency to administer the planning and allocation of funds under the Omnibus Crime Control and Safe Streets Act of 1968 and the Juvenile Justice and Delinquency Prevention Act of 1974.

In Section 3350, it is stated, "The Agency is to have those powers necessary to be designated as the 'State Planning Agency' with the meaning of U.S. PL 90-351, Title 1, the 'Omnibus Crime Control and Safe Streets Act of 1968', as amended, and U.S. PL 93-415, the 'Juvenile Justice and Delinquency Prevention Act of 1974', as amended." Authority to monitor is drawn from this source. (See attached copy of law.)

Compatibility of Definitions: Court jurisdiction over status offenders has virtually been eliminated from the Maine Juvenile Code. Two offenses, however, have been incorporated as 'juvenile crime' which would not be crimes if committed by an adult. They are possession of a useable amount of marijuana and offenses involving intoxicating liquor. Juvenile adjudicated for these two offenses may not be committed to the Maine Youth Center or other detention unless the child willfully refuses to pay a resulting fine or willfully violates the terms of a resulting probation. (See Section 3103, 1 and 2, of attached Code.)

All of the above considered, the Maine agency utilized OJJDP definitions for the purposes of monitoring for compliance and considered any incarceration for marijuana or liquor offenses as incarceration of a status offender.

Non-offenders appear to be covered in Chapter 511, Sections 350 through 3508. These provide for "interim care" which is limited as to time and place. Police may take a runaway into interim care, for example, but cannot hold "involuntarily

for more than six hours." Care may be provided only in a shelter care facility, and the juvenile may "not be placed in a jail or other secure correctional facility intended for or used to detain adults convicted or accused of crimes or juveniles accused or adjudicated of juvenile crimes. (See Section 3501, 5C and 7A, of attached Code.)

The Juvenile Code appears to be a bit vague as to the commitment of mentally ill juveniles. The vagueness seems to stem from the fact that the district court judge has a dual role. The judge sits as district court judge and juvenile court judge. The Code indicates that the juvenile court may not commit on mental illness, but the district court has this authority. Some feeling of uncertainty was expressed as to whether or not full mental illness-type hearings were being accorded juveniles originating in the juvenile court. (See Sections 3310 and 3318 of attached Code.)

As to the detention of juveniles in facilities "intended or used for the detention of adults", this is permitted "only when the receiving facility contains a separate section for juveniles." Juveniles adjudicated for juvenile crimes may not be committed to an adult institution. The Code does not spell it out this way, but by omitting any reference to an adult institution as an approved disposition open to the Court, it prohibits such placement. (See Section 3203.7 and Section 3314 of the attached Code.)

Juvenile traffic offenders are not dealt with by the juvenile court, but are under the jurisdiction of the district court. There appears to be no prohibition to detaining such juveniles or sentencing them to adult institutions. Again, this is not specifically covered in the Code except by omission.

Maine's definitions are compatible with the OJJDP definitions.

Selection of the Monitoring Universe: Initially the seven regional coordinators, the Department of Mental Health and Corrections, and the Department of Human Services were contacted by the planning agency and asked to submit the names and addresses of facilities and programs that might fall under the OJJDP definitions. Allegedly, this produced a potential universe of 88 agencies in all, including 52 lockups, 14 county jails, and private group homes.

Classification of the Monitoring Universe: Planning agency staff, together with regional coordinators and staff of the Department of Mental Health and Corrections, made on-site visits to facilities in the monitoring universe. Using OJJDP definitions and guidelines, these facilities were classified. The 1978 monitoring report lists 39 as the number of current facilities classified as juvenile detention or correctional facilities. All classified facilities are public.

Since the 1978 list was compiled, one private agency, Elan One, has been reclassified as a juvenile detention or correctional facility. Elan One is secure.

There is some question as to whether or not all municipal lockups should be classified as juvenile detention or correctional facilities. Obviously, they are not all so classified now, nor are they all being monitored for compliance.

Insofar as status offenders are concerned, it is not likely that they would be locked up at all in most of the municipal lockups, and if so, the law limits holding to six hours. Most lockups viewed during the field monitoring had no feeding arrangements and no bedding, thus holding for 24 hours or longer is highly unlikely. However, in terms of separation from adults, most of the lockups visited had inadequate provision for separation and thus should be monitored for compliance with the separation requirement.

During the 1978 reporting period there were a total of 12 county jails and 40 municipal lockups in operation. Since then, one new county jail has been opened and one that was closed has re-opened.

The classification of all jails and lockups as juvenile detention or correctional facilities for purposes of the JJDP Act is essential.

Monitoring Report Period: Two different report periods were utilized for the 1978 monitoring report. For deinstitutionalization of status offenders, the first three months following the effective date of the new Juvenile Code was used. This period covered July 1, 1978 through September 30, 1978.

For separation of juveniles in adult institutions the report period varied by groups of facilities. For county jails the fiscal year July 1, 1978 through September 30, 1978 was used. Prior to July 1, 1978, local lockups were not inspected by the state.

Insofar as possible, the data reviewed for verification was for the above report periods.

Data Collection: In general, data is collected by the State Jail Inspector, the Planner for the Department of Mental Health and Corrections, and the seven Regional Coordinators. Data and information is extracted from the records and files of the facilities classified as juvenile detention or correctional facilities during on-site visits.

Data collected in the above manner is not specifically verified, but Planning Agency or Department of Mental Health and Corrections staff attempt to accompany the regional coordinators on a few of their visits and encourages questions where there are doubts or problems. Collected data is submitted to the Department of Mental Health and Corrections and to the Planning Agency.

The data collection process appears to be overly laborious. Efforts are underway to systematize the maintenance of records at the various facilities to provide more readily available information concerning compliance with the OJJDP requirements. However, progress in this regard may be hampered by the inclusion of additional information sought by the Department of Mental Health and Corrections for purposes other than OJJDP compliance provisions. Hopefully the cooperation of the municipal lockups and county jails will be secured and plans for computerizing information will be successful. (See copy of initial data collection plan attached.)

Inspection of Facilities: According to our field monitor it was at times difficult to keep separated the "inspections" performed by the jail inspector for meeting state standards, and "inspections" for the purpose of monitoring compliance with the JJDP Act of 1974.

The Department of Mental Health and Corrections has promulgated standards which apply to county jails and municipal lockups. In Part I of the Standards for County Jails, the matter of separation of juveniles from adult inmates is covered quite satisfactorily. (See attached page 15 from Standards.) Likewise, coverage is given this matter for municipal lockups in Part II of the Standards. (See attached page 6 - 5 and 6 from the Standards.)

The jail inspector makes routine inspections twice a year and prepares a report of the findings annually.

Inspections for compliance with the OJJDP requirements are made once a year at the time the annual monitoring report is prepared. Since the jail inspector visits the institutions twice yearly, it would be helpful if additional information could be gathered regarding the detention of status offenders and separation. This is not now done, and without a more adequate system of record-keeping at the jail level, it would be quite difficult. One municipal lockup visited by our field monitor maintained a good separate log for their "cell block." (See attached copies of Brunswick Police Department log.)

Since the jail inspector and the person primarily responsible for compliance data collection are both on the staff of the Department of Mental Health and Corrections, the facility information that is now or may later be collected is immediately available to the monitoring endeavor.

Private facilities that are not classified as mental health facilities are licensed and inspected by the Department of Human Services and inspected by the Department of Mental Health and Corrections. (See copy of attached licensing regulations.)

Method of Reporting: Data obtained by the regional coordinators and other staff involved in data collection is submitted to Mr. Jamie Morral of the Department of Mental Health and Corrections who prepares a draft report which is submitted to the planning agency. The staff of Criminal Justice Planning and Assistance Agency prepares the final state monitoring report which is submitted to the OJJDP. The report is shared with the Department of Mental Health and Corrections and the Juvenile Advisory Committee.

Unfortunately, the material gathered in the field which serves as the basis of the final report is not preserved for any great period of time. For example, the 1978 report as submitted to the OJJDP indicated that 160 children were held in facilities where separation from adults was inadequate. This occurred in eight facilities, three county jails and five municipal lockups. However, there was no written material to identify how many of the 160 children were in what institutions.

The "Juvenile Facility Monitoring Survey" form provided by the OJJDP as a technical assistance tool is not used in Maine, nor is any substitute form used that would identify the institutions which inadequately separate juveniles and the number of children so held.

Violation Procedures: Staff of the planning agency see no real problem with regard to violations of the status offender regulations since the passage of the new Juvenile Code. The Code does appear to provide adequate protection. Most lockups in the state are not equipped to keep prisoners overnight, and the 24-hour provision on the detention of status offenders makes violations in this area quite limited.

The establishment of jail standards and the regular jail inspections are felt to adequately handle violations of improper or inadequate separation of juveniles from adults. In fact, two county jails were closed in 1978 after efforts were made to help the counties remedy their problems.

The 1978 County Jail Inspecting Report rated one county jail as inadequate for females or juveniles. In that reporting period, July 1, 1977 through June 30, 1978, 30 male and 4 female juveniles were detained less than 24 hours in the facility, and 30 male and 2 female juveniles reportedly served sentences there. Apparently there is no juvenile or female section in the jail. The report recommended that a plan with a timetable attached be devised to either build a new facility or renovate the present facility and that the plan be implemented "as soon as possible." (See copy of Somerset County Jail Inspection Report attached.)

When it comes to detecting and taking steps to correct violations that might occur in municipal lockups, it is not quite clear how the jail inspector or state planning agency might handle this. Few lockups keep a record of persons who are placed in the cell, and most cannot tell which juveniles might have been held there for a few minutes or hours except by memory.

Assurances Against Reclassification: The new juvenile justice code is specific and detailed as to the definition of juvenile, a juvenile crime, and as to the waiver of a juvenile to adult court jurisdiction. There appears to be no opportunity for reclassification except by the process set forth in the Code.

Obstacles and Technical Assistance Needs: The monitoring system functions adequately for the most part but requires a great deal of effort. Insofar as local lockups are concerned, there is practically no way to determine the numbers of juveniles held for some portion of time except by the memory of those in charge. A "cell-block log", as is used by the Brunswick Police Department would be most helpful. The same problem exists to a certain extent in county jails. Not all lockups are included in the classified facilities, nor are they monitored. All jails and lockups should be classified as juvenile detention or correctional facilities and all should be monitored. As to records, without a chronological record of juveniles incarcerated, it is virtually impossible to go through the entire log book of juvenile and adult admissions and then look up the individual's record to determine the monitoring information needed.

The planning agency would like technical assistance in developing an overall statewide information system that would include the OJJDP monitoring information.

Successful Policies and Programs: The new Juvenile Code is held up as the major item for the success in reducing the incarceration of status offenders and lessening the numbers of juveniles held in inadequately separated institutions. For the most part, the new Code is compatible with the OJJDP definitions. Non-offenders cannot be held for any length of time in a secure facility. Runaways, truants and ungovernable children are not subjected to police or court intervention. Detention must be in the least restrictive setting. Detention in adult facilities is permissible only when complete separation is provided.

The shortcomings of the new Code are inclusion of two offenses, marijuana possession and alcohol offenses, as juvenile crimes when these acts do not constitute a crime for an adult; the inclusion of provisions for incarceration of children charged with the two juvenile crimes when there is willful failure to pay a fine or probation is violated; and the failure of the Code to include traffic offenses committed by children, thus leaving them to be prosecuted in the same fashion as an adult, allowing fines and sentences to jail as dispositions.

Monitoring Strengths and Weaknesses: Maine has developed a statewide monitoring system. The planning agency seems to have sufficient authority to monitor. The monitoring universe provided full coverage of facilities. Data collection and inspection is done on-site at the facilities. Violation procedures are adequate and are based on existing laws and standards. The new Juvenile Code strengthens the protections sought by monitoring and assures against reclassification. These are all strengths.

The absence of a complete uniform facility juvenile record maintenance system hampers monitoring. The exclusion of some municipal lockups from the facilities classified as juvenile detention or correctional facilities and thus from monitoring is a weakness.

Verification Problems: The field monitor received excellent assistance from the planning agency staff and others involved in the monitoring process. The only verification problem was the absence of information and records relating to juveniles held in lockups.

Facility Data Verification: Verification visits were made to facilities in Cumberland, Kennebec, Lincoln, and Oxford Counties, the Maine State Youth Center, and Elan One. The facilities visited included four county jails, 14 municipal lockups and two child care facilities. One police department did not have a lockup and another's lockup was closed.

Of the sixteen jails and lockups visited, all were secure. According to state monitoring data, seven held both children and adults during the past 12 months, seven held only adults and there was no information for two. Our verification showed that eight held both children and adults. One chief of police said no children were held by his department in the lockup, but indicated that another jurisdiction may have held in his facility. This could not be verified.

Accused status offenders were held over 24 hours in only one of the jails. According to the monitoring report, five accused juveniles were held, but this could not be verified. During the report period, 22 accused status offenders were processed, but how many were detained for how long could not be determined from the records.

Only four of these facilities provided adequate separation of children and adults according to the monitoring report. This was verified. The state monitor's data listed one facility which inadequately separated children from adults. This facility reportedly held 99 children during the report period. Our field monitor could not verify the number, but felt it was high. The field monitor did find five facilities in which juveniles were inadequately separated from adults in addition to the facility listed by the planning agency. These five facilities

held 310 children during the report period. Four of these jails and lockups held from one to fifteen children, but the fifth held 281 children.

The one jail that held accused status offenders over 24 hours did not have adequate separation.

The Maine State Youth Center, a secure facility which only houses children according to the monitoring report, did not hold accused or adjudicated status offenders over 24 hours. This was verified.

Opportunity Farms, a child care facility for boys six through eighteen years of age is non-secure. No status offenders were in this facility during the report period. This facility may not meet classification definitions.

Elan One Corporation, a private residential psychiatric center for adolescents originally was not classified as secure by the planning agency; now it is. The facility appears to receive mostly delinquent juveniles or children with serious behavior problems. Most of their children are from outside Maine. The state monitoring report showed 22 adjudicated status offenders held during the report period. The only status offender in residence was from Minnesota. (See attached letter from Debra R. Houle on Elan One stationary.) This letter should substantially increase Maine's level of compliance for adjudicated status offenders.

Field Monitor: Willis O. Thomas was Field Monitor for the Maine verification. The on-site work was conducted November 26 through November 30, 1979.

Verification Summary: While all lockups should be classified as juvenile detention or correctional facilities and should be monitored and complete uniform juvenile records should be maintained by all jails and lockups, these facts do not materially detract from the work accomplished. Maine has an adequate monitoring system.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by executive order. The authority should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children to correct and eliminate violations.

2. Classification of facilities--All facilities which might hold children in secure custody should be classified as a juvenile detention or correctional facility and should be monitored. All jails, lockups, detention facilities, and training schools should be so classified and monitored regardless of policies or announced practices regarding the holding of children or existing laws which prohibit the admission of children to the facilities.

3. Monitoring report period--The report period for all facilities should be twelve months.

4. Data collection--Uniform juvenile admission/release record forms should be developed which include all necessary monitoring data for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample, on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

5. Offense data--Efforts should be made to obtain, either through legislation or the rules of court, a provision that prohibits the admission of a child to a

secure facility unless a specific offense, preferably the most serious offense alleged, is known and entered on the admission/release record. Entries such as "hold for judge", "hold for court", "contempt", "bench warrant", "probation violation", etc., should not be allowed unless the offense is also shown. This is necessary for the protection of the facility staff and is essential for monitoring.

STATE - <u>Maine</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation		
	FACILITY	SMR	VER	SMR	VER
	<u>Cumberland County</u> Cumberland County Jail Portland, ME	5	22	Yes	No
	Bridgeton Police Dept. Bridgeton, ME	0	0	No	No
	Brunswick Police Dept. Brunswick, ME	0	0	Yes	No
	Cape Elizabeth Police Dept. Cape Elizabeth, ME	0	0	Yes	Yes
	Port City Police Dept. Portland City, ME	Closed-no records			
	South Portland Police Dept. South Portland, ME	0	0	Yes	Yes
	Scarborough Police Dept. Scarborough, ME	0	0	No	No
	Westbrook Police Dept. Westbrook, ME	0	0	No	No
	Yarmouth Police Dept. Yarmouth, ME	0	0	No	No
	Maine State Youth Center South Portland, ME	0	0	NA	
	Opportunity Farm New Gloucester, ME	Not secure facility			
	Elan One Poland Springs, ME	22	0-1	NA	
	<u>Kennebec County</u> Kennebec County Jail Augusta, ME	0	0	No	No
	Augusta Police Department Augusta, ME	0	0	No	Yes
	Gardiner Police Dept. Gardiner, ME	0	0	No	No
	Waterville Police Dept. Waterville, ME	0	0	Yes	Yes
	Winthrop Police Dept. Winthrop, ME	0	0	No	No

STATE - <u>Maine(Pg. 2)</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Lincoln County</u> Lincoln County Jail Wiscasset, ME	0	0	Yes	Yes
Boothbay Harbor Police Dept. Boothbay Harbor, ME	No secure facility			
<u>Oxford County</u> Oxford County Jail South Paris, ME	0	0	No	No
Rumford Police Dept. Rumford, ME	0	0	No	No

MARYLAND

This report deals with the process used to monitor juvenile detention and correctional facilities in Maryland, and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act.

Monitoring Agency

The Governor's Commission on Law Enforcement and the Administration of Justice, Suite 700, One Investment Place, Towson, Maryland 21204, is the state agency responsible for monitoring. Monitoring responsibility is placed with Mr. Robert Harrington, Chief, Reception and Diagnostic Services, Juvenile Services Administration, Department of Health and Mental Hygiene. Within the Commission, Mr. Kenneth Hines, Chief, Juvenile Justice Services, with the assistance of three members of his staff, has monitoring responsibility and prepares the state's annual monitoring report.

The Commission's Authority to Monitor

The Governor's Commission on Law Enforcement and the Administration of Justice has no legal authority to monitor jails and lock-ups. As do other such agencies in similar situations, it relies on friendly persuasion. As for other secure facilities, it counts on the Juvenile Services Administration of the Department of Health and Mental Hygiene, the agency which actually runs and administers all public juvenile facilities in the state, and which has legal authority to monitor those facilities, but not jails and lock-ups. This agency is directed by law to monitor itself, and in so doing, monitors much of the Commission's universe.

Compatibility of Definitions

Aside from the fact that Maryland law provides for the separation of alleged and adjudicated delinquent offenders, Maryland officials see no lack of compatibility

between state definitions and directives and the OJJDP definitions.

A review of Title 3, Sub-title 8 of the Code confirms the compatibility of definitions. (See Section 3-801 (f)(1-4) and Section 3-815 (c)(d) and (e) of the attached copy of the Code.)

#### Selection of the Monitoring Universe

The Juvenile Services Administration of the Department of Health and Mental Hygiene is totally responsible for the selection of the universe, except jails and lock-ups. Numerically, the latter facilities constitute the bulk of the list and were included by the Commission staff. The universe appears to be complete, except for two mental health facilities. Whether they should be included is an issue that is currently under discussion between state and federal officials.

The state hospital, which held four status offenders at the time of the review, did so by virtue of the order of one judge. The Sheppard Pratt Psychiatric Hospital, described as the best in the state, held two status offenders at the time of the review.

#### Classification of the Monitoring Universe

The OJJDP definitions appear to have been used in classification of all facilities, and we see no problem with the classification, unless the presence or absence of the two mental institutions noted above constitutes one.

The Maryland Children's Center, which was classified as a juvenile detention or correctional facility, has been closed. This eliminated Maryland's most serious deterrent to compliance.

#### Monitoring Report Period

Maryland selected a twelve month report period. While the current period is for the year 1978, recent dealings between Maryland and the OJJDP led to selection of April, May and June, 1979, for additional review to upgrade Maryland's position

in reference to compliance. It was agreed to change the report period to include only April, May, June, and July, 1979, for this verification. (See attached letters to Richard Wertz 7-10-79, to David West 8-17-79, to Terry Donahue, 9-18-79, and to John O'Donnel, 10-10-79.)

#### Data Collection

Bob Harrington, for the Juvenile Services Administration, Department of Health and Mental Hygiene, was the chief gatherer of monitoring data for juvenile facilities, assisted by Robert Bendler, Chief Planner for the Commission and, at the time of the verification review, Acting Executive Director of the Commission.

It is assumed that data was collected, but our Field Monitor never reviewed the raw data during his stay in Maryland.

While record keeping in Maryland is flawed by the absence of intake logs, Maryland monitoring staff accepted verbal reports substantiated by spotchecks from almost all of its facilities. While our Field Monitor expects that very few status offenders are being held, the absence of easily verified data makes it difficult to support such an assumption with hard evidence, collectable only through a time consuming manual search of existing files.

It should be mentioned that the Baltimore City Jail, with a computerized record system, in excellent shape, is an exception to the less than adequate records found.

While the following may be more applicable to selection of the monitoring universe and classification, it is covered here because it relates directly to data collection. While many lock-ups were listed in the state's report, they actually were not seriously considered as part of the classified monitoring universe. Information from many lock-ups apparently was verbal, without a review of admission records.

The data collection process reveals a verification gap in Maryland's monitoring process. Substantial effort has been made to educate law enforcement and facility

heads to the JJDP Act of 1974, the guidelines, monitoring and the data and information needed. The lack of a legal mandate to a specific agency for enforcement has limited the results of this effort.

#### Inspection of Facilities

Since the Juvenile Services Administration operates, administers, and monitors all public juvenile facilities, inspection automatically becomes a part of the agency's responsibility. The State Jail Inspector is responsible for inspecting the 24 jails and innumerable lock-ups. Since keeping children in jail in Maryland is forbidden, except for those children remanded to adult criminal jurisdiction, the matter of sight and sound separation is of relative unimportance.

#### Method of Reporting

In Maryland, the Juvenile Services Administration gathers its data for regular and special report purposes and submits the information to the Governor's Commission on Law Enforcement and the Administration of Justice. The information and data relative to the law enforcement agencies is added. The Commission's Chief Planner then compiles a draft of the state monitoring report, which is reviewed by the Commission. The final report is then prepared and submitted to the OJJDP.

#### Violation Procedures

The Juvenile Services Administration maintains that its wide range of responsibilities gives it a built-in violations procedure. The JSA regional staff, resident throughout the state, report regularly on conditions in all of its agencies. In the event of a violation, the agency takes whatever action is required. The need for such action is infrequent, but is generally effective.

Our verification review identified two potential violations involving placement of status offenders in mental institutions which the state has not been able to resolve.

#### Assurances Against Reclassification

The state law generally provides protection against inappropriate reclassification. The law, however, must be enforced. Prince Georges County officials have on several occasions waived juveniles to the adult system for 48 hours or so, put them in jail, then waived them back to juvenile court and approved release. The JSA has been unable to cope with this at the local level. It is our understanding that the OJJDP is aware of this problem.

#### Obstacles-Technical Assistance Needs

In the early hours of this verification visit, no obstacles of note were visible to the Field Monitor. However, as the process developed, it became obvious that obstacles of a technical nature existed. The absence of recorded verifiable data heads the list. The need for an updated and effective record keeping system in each facility throughout the juvenile justice system is urgent. The need for on-site review and verification of admission data is essential for effective monitoring.

Solutions to the above problems are readily apparent, though technical assistance may be needed to improve compliance.

#### Successful Policies and Programs

Juvenile justice officials point to the new, but growing, regional shelter care program as their most promising development. One shelter is operational, a second will open soon, and bids are now being received for a third.

While not new, the provisions of the Code which prohibit the detention of an alleged delinquent in a jail or other facility for the detention of adults, or in a facility in which children who have been adjudicated delinquent are detained, establishes a positive base for reducing the use of jails to detain children.

(See Section 3-815(d) of the attached Code.)

In similar fashion, the legal provisions which prohibit the detention of children in need of supervision or in need of assistance is important. (See Section 3-815(e) of the attached Code.)

#### Monitoring Strengths and Weaknesses

This is not an easy subject to deal with. Our Field Monitor felt that Maryland probably was doing a good job of removing status offenders from secure custody, but the monitoring system provided no easily verifiable documentation for such an assumption. Basically the provisions in the law relating to the incarceration of status offenders (CINS in Maryland) and alleged delinquents are positive and should be enforceable.

A vigorous monitoring process is not operational. The classified monitoring universe was determined based on definitions compatible with those of the OJJDP, but the collection of monitoring data from the total classified universe through on-site review of admissions records does not seem to occur or at least cannot be documented through a review of written reports. The acceptance of verbal assurances that children were not held seems insufficient.

While a state-wide monitoring system is in place, the verification gap mentioned above leaves it subject to criticism.

#### Verification Problems

While a number of verification problems were encountered the most critical was the absence of easily verifiable recorded monitoring raw data on each classified facility. Without such information it is difficult to verify the state's findings. Maryland is probably doing an excellent job of meeting the requirements of Section 223 (12A) and (13) of the Juvenile Justice and Delinquency Prevention Act of 1974, but the lack of easily verifiable data and the time constraints of the Field Monitor prohibit full verification.

#### Facility Data Verification

Visits were made to facilities in Anne Arundel, Baltimore, and Caroline Counties and Baltimore City. The absence of easily verifiable monitoring raw data prevented verification. However, the Field Monitor did visit five jails and lock-ups, two training schools, and one detention facility. A visit to the Maryland Children's Center was planned, but this facility was closed on March 15, 1979. (See attached Department of Health and Mental Hygiene memorandum dated January 22, 1979.)

The records of the facilities visited and/or the absence of easily verifiable records, except for the Baltimore City Jail, made it impossible, without an unwarranted expenditure of time, to obtain and verify monitoring data.

#### Field Monitor

Aubrey Elliott served as Field Monitor for the Maryland verification. The on-site work took place December 12 through 14, 1979.

#### Verification Summary

While the Commission does not have specific legal authority to monitor, its close working relationship with the Juvenile Services Administration of the Department of Health and Mental Hygiene, which does have legal inspection authority for public juvenile facilities, makes it possible to carry out the intent of the JJDP Act of 1974. Maryland definitions are compatible with those of the OJJDP. The Code includes specific prohibitions relating to the jailing of alleged delinquents and the detention of status offenders (CINS).

Selection of the monitoring universe and classification of the facilities is adequate. The selection of a twelve month report period could provide full and useable information. The inspection procedure, while not totally formalized, appears to work.

While the law provides assurances against reclassification, reclassification has occurred.

The major problem encountered in this verification review, and one that made verification impossible without an excessive expenditure of time, was the absence of easily verifiable monitoring raw data on the facilities, and the acceptance of unchecked verbal reports from facility staff.

While Maryland is doing a creditable job of removing status offenders from secure custody and separating juveniles from adults in jails and lock-ups, we cannot verify this without major changes in juvenile record maintenance by all facilities and on-site review of these records.

At the present time we must, regretfully, report that Maryland has some inadequacies in its state-wide monitoring verification system. (See attached Juvenile Services Administration memorandum dated December 20, 1979.)

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system the following recommendations are presented for consideration.

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by executive order. The authority should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children, to correct and eliminate violations.

2. Data collection--Uniform juvenile admission/release record forms should be developed, which include all necessary monitoring data, for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

3. Offense data--Efforts should be made to obtain, either through legislation or the rules of the court, a provision that prohibits the admission of a child to a secure facility unless a specific offense, preferably the most serious offense alleged, is known and entered on the admission/release record. Entries such as hold for judge, hold for court, contempt, bench warrant, probation violation, etc., should not be allowed unless the offense is also shown. This is necessary for the protection of the facility staff and is essential for monitoring.

4. Classification of facilities--All facilities which might hold children in secure custody should be classified as a juvenile detention or correctional facility and should be monitored. All jails, lock-ups, detention facilities, and training schools should be so classified and monitored regardless of policies or announced practices regarding the holding of children or existing laws which prohibit the admission of children to the facilities.

5. Monitoring report period--The report period for all facilities should be twelve months.

6. Assurance against reclassification--The law provides adequate protection against reclassification, but the law requires vigorous enforcement.

STATE - Maryland FACILITY	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a) (12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Anne Arundel County</u> Anne Arundel County Detention Center Annapolis, MD	0		NA	
Millersville Police Lockup Millersville, MD	0		--	--
<u>Baltimore City</u> Baltimore City Jail Baltimore, MD	0	0	NA	
<u>Baltimore County</u> Baltimore County Jail Baltimore, MD	0	0	NA	
Baltimore County Youth Services Division	0		--	--
Montrose School Baltimore, MD			NA	--
Maryland Training School for Boys	0		NA	
Maryland's Children Center Baltimore, MD	Closed			
Parkville Police Station Baltimore, MD	0		--	No
Shepherd Pratt Psychiatric Hospital Towson, MD	4	Not visited	NA	
<u>Caroline County</u> Caroline County Sheriff's Department Denton, MD	--		NA	

## MASSACHUSETTS

This report deals with the process used to monitor juvenile detention and correctional facilities in Massachusetts and the data collected to demonstrate compliance with Section 223 a (12)(13) of the Juvenile Justice and Delinquency Prevention Act.

### The Monitoring Agency

The Committee on Criminal Justice, 110 Tremont, Boston, Massachusetts, is the state agency responsible for monitoring. Within the agency, the person responsible for monitoring and report preparation is Juliette E. Fay, Juvenile Justice Planning Specialist.

### The Committee's Authority to Monitor

By Executive Order No. 166A, dated August 28, 1979, the Governor designated the Committee on Criminal Justice as the agency for "...supervising the preparation, administration, and implementation of the Massachusetts Juvenile Justice Plan." This Order cites Massachusetts General Legislative Act, Chapter 6, Section 156 as the authority establishing the Committee on Criminal Justice. Monitoring is carried out under the authority drawn from the Order. (See attached copy of Executive Order.)

### Compatibility of Definitions

Chapter 119 of the Massachusetts statutes constitutes the "Juvenile Code," and sets forth definitions of juvenile delinquency, children in need of supervision (CHINS), and neglect/dependency. With the deletion in 1973 of "wayward" child from the delinquency definition and the grouping of other non-criminal type acts of children into the CHINS category, the definitions are compatible with the OJJDP

definitions. (See attached copy of Chapter 119 and the supplement that sets forth the most recent changes. Note especially pages 107 and 121 of the supplement.)

#### Selection of the Monitoring Universe

The first real effort to develop a monitoring universe took place in 1978. Upon request of the Committee, the Office of Administration and Finance provided a list of 3000 agencies that could possibly be residential. A mail survey of these agencies produced a 50 per cent return. Student interns followed up on the returned surveys to determine which ones actually dealt with juveniles. Telephone calls were also made to those not returning the mail survey. Additional lists were obtained from the Department of Youth Services, Department of Mental Health, Department of Public Welfare, and the Office of Children.

A second mail survey was sent to those agencies having residential programs, asking if they had plans to open other programs or if they knew of any other residential programs for juveniles.

Following this, researchers were hired to visit programs, using the attached twelve page "Juvenile Facility Identification" schedule. This extensive effort produced more than a universe of agencies for monitoring. It was also used to develop and distribute a directory of residential programs, and needs assessment. (See attached "Residential Programs for Court-Involved Youth in Massachusetts, March, 1979.")

The monitoring universe selection in Massachusetts, with the exception of adult detention facilities, seems to be very complete.

#### Classification of the Monitoring Universe

The above description of the survey and research visitation followed in developing the monitoring universe constitutes the major steps taken to classify the facilities. The actual classification was done by the Juvenile Justice Planning Specialist based upon the research findings and application of the definitions promulgated by the OJJDP.

It is noted that the revised 1978 monitoring report listed a total of 16 juvenile detention and correctional facilities. While the 1979 report did not set forth the information in the same format, it indicated that there were 15 facilities so classified. In addition, there are three secure treatment facilities operated by the Department of Mental Health which receive only mental health commitments and cannot receive a CHINS or delinquent commitment.

While the 1979 report deals with 35 state and county adult correctional facilities in terms of separation of adults and juveniles, these facilities are not included in the count of juvenile detention and correctional facilities. State adult correctional facilities are not logical inclusions in this classification, but county jails and houses of correction should be included.

Another group of facilities which are not included in the monitoring report at all, and are not mentioned in any context, are the police lockups around the state. By statute, Chapter 119, section 67, children between 14 and 17 years of age may be detained in these lockups provided they have been approved by the Department of Youth Services as having adequate separation from the adult population. Although none of the lockups were monitored by the state in its 1979 report, our Field Monitor did visit and review the facilities and records of two approved lockups and found that a large number of children, some even below the age of 14, were detained for short periods of time, including some CHINS-type cases. Both lockups were found to have adequate separation. (See attached copies of the Juvenile Detention and Correctional Facilities list, the list of County and State Correctional Institutions Monitored for Separation, the Standards for Approving the Use of Lockups for juveniles, and a list of approved facilities.)

The fact that county jails, houses of corrections, and lockups were not classified as juvenile detention or correctional facilities and were not subjected to full monitoring makes the universe classification process questionable.

Monitoring Report Period

Massachusetts selected a twelve month report period for the purposes of verification. Data collected for the period January 1 through December 31, 1979, was reviewed.

Data Collection

All data for the 1979 report was collected by the Juvenile Justice Planning Specialist. This was done during on-site visits to 14 of the 15 juvenile detention and correctional facilities. A telephone call was made to the fifteenth facility, which had been in operation only a short time. On-site visits were also made to two of the three secure Department of Mental Health facilities, and the third was verified by telephone.

Data for separation of juveniles was obtained by a mail survey to the county and state adult correctional facilities. Those not responding were contacted by telephone and then sent an additional mail survey.

No effort was made to collect data on police lockups.

The data collection process for the 15 juvenile detention and correctional facilities is adequate, but more is indicated for monitoring the county jails and houses of correction. One problem the Field Monitor noted was that the jails were asked by mail survey or telephone for any juveniles admitted to the facility "from juvenile court." "From the juvenile court" is emphasized because the attached materials setting forth the 1974 opinion of Chief Justice Flaschner and the Order of Appeals Court No. 76-0008 CR. Kpsej1 A/Souza vs. Sheriff of Middlesex County, indicate that no person under age 17 may be detained in a county jail. Further, section 67 of Chapter 119 allows children to be detained in an approved police lockup, but adds that "nothing in this section shall permit a child between fourteen and seventeen years of age being detained in a jail or house of correction."

The Field Monitor's verification effort in Suffolk County Jail found the jail's records to reflect the admission of eight juveniles under age 17. It should be noted that in checking these juveniles through with the Commissioner of Probation, it was found that the courts placing the juveniles in jail had records showing them to be over age 17. Either way, this should be detected in the monitoring process.

Since data was not collected from county jails, houses of correction, and police lockups, the submitted data does not reflect detention practices in the state and the true level of compliance is not known.

Inspection of facilities

The Juvenile Justice Planning Specialist makes on-site inspections of the 15 juvenile detention and correctional facilities once a year at the time of data gathering for the monitoring report. This is not done with county and state adult correctional institutions nor with local police lockups.

There is a state jail inspection made by the Department of corrections, but this is not the purpose of monitoring for compliance with the JJDP Act of 1974 or the OJJDP requirements.

The State Department of Youth Services inspects local police lockups for approval as places of detention for juveniles.

While the Department of Youth Services inspection does deal directly with separation, the findings apparently are not used or included in the Committee on Criminal Justice's monitoring report.

Method of Reporting

The data is collected directly by Committee staff and the monitoring report is prepared by the Juvenile Justice Planning Specialist. The 1978 monitoring report was extensive and contained a needs assessment and other material. The report was edited into a small report entitled "Residential Programs for Court-Involved

Youth in Massachusetts, March, 1979." This report was given wide distribution among agencies and groups within the state. (See copy attached.)

The 1979 monitoring report was quite brief and went only to the OJDDP, the Advisory Committee, and the Governor's Office.

#### Violation Procedures

There is no set procedure in effect to deal with violations since it is felt by the Committee on Criminal Justice staff that the statutes and court findings are sufficiently clear as to prevent violations. However, there are throughout the state 40 Councils for Children established by the Office for Children, and these Councils are said to be in close touch with what is going on in their locality and may take action to correct a violation if one is found. The local Councils are made up of social service personnel, lay citizens, etc.

#### Assurances Against Reclassification

The Statute appears to reasonably assure that no child will find its way into adult court or an adult correctional treatment facility without due process.

#### Obstacles--Technical Assistance Needs

The Committee staff could identify no particular obstacles to the monitoring process except perhaps the identification of offenses on the detention log at the Judge John Connelly Detention Center. Because it is said that this Center cannot and will not accept anyone other than a child charged with delinquency, the log merely notes the type of detention under six distinct classifications; while our Field Monitor saw no particular obstacles to monitoring, he did agree it would be better if the official charges were listed on the Detention Center's admission log.

No technical assistance needs were cited.

#### Successful Policies and Programs

The Massachusetts system for dealing with juveniles from the juvenile court relies heavily upon the private sector as service providers. To improve the quality of service rendered by these providers, the Committee on Criminal Justice has funded one agency, The Massachusetts Half-Way House Incorporated, to conduct a "Juvenile Justice Management Training Program." (See attached copy of this program.)

#### Monitoring Strengths and Weaknesses

The Committee on Criminal Justice has authority to monitor. Definitions in the Massachusetts law are compatible with the OJDDP definitions. An extensive process was followed in identifying the potential monitoring universe. The selection of a twelve month report period not only provides more complete detention information, but also offers a sound base for planning. Monitoring, data collection, and inspections are done by Committee staff. Efforts to share the information obtained with those involved in work with children is positive. The law seems to provide adequate protection against reclassification. The above are strengths of this system.

It is unfortunate that some of the weaknesses cast shadows on the system. County jails, houses of correction, and police lockups were not classified as juvenile detention or correctional facilities. While county jails and houses of correction are monitored relative to separation, data on juveniles held is not obtained. While the law prohibits the holding of children in these facilities, our Field Monitor found that children were held in the one county jail he visited. Police lockups, if approved, can serve as detention facilities for children. The exclusion of county jails, houses of correction and police lockups from the classified universe and full-monitoring makes the data incomplete for determining compliance.

The absence of set violation procedures is also a weakness. While the law is specific regarding the detention of children in adult facilities, the mere existence

of prohibitions does not guarantee that they are rigidly adhered to by all facilities. The purpose of a monitoring system is to insure that laws and standards are followed. The use of mail surveys in monitoring county and state adult correctional facilities and the absence of violation procedures makes this part of the system suspect. All facilities may be in complete compliance, but this cannot be documented by self-reported data.

#### Verification Problems

The Field Monitor experienced no verification problems in Massachusetts other than the exclusion of adult facilities from the classified universe. This did not create a problem other than that it eliminated facilities that hold children.

#### Facility Data Verification

Visits to facilities in Dukes, Middlesex, Plymouth, and Suffolk Counties were scheduled. Seven facilities in these four counties were visited. The facilities included two county jails, one house of corrections, two combined county jails/houses of correction, the John J. Connelly Youth Center and the Basic Secure Treatment Unit. The latter is now in interim status as the Roslindale Unit of the Boston YMCA.

All of the county jails and houses of correction were secure. According to the monitoring report, none of these facilities held children during the last twelve months, but our verification review found that two of the five facilities did hold children. No accused or adjudicated status offenders were held. This was verified. The state reported that one facility had adequate separation of juveniles and adults, and four did not have adequate separation. This was verified. While the state reported that no children were inadequately separated during the report period, our Field Monitor found eight in one jail.

The John J. Connelly Youth Center, a secure detention home for children, did not detain accused or adjudicated status offenders during the report period according to Committee monitoring staff. This was verified.

The Basic Secure Treatment Unit, a privately operated secure facility, held no accused or adjudicated status offenders during the report period. This facility is now a unit of the Boston YMCA.

#### Field Monitor

Willis O. Thomas served as Field Monitor for the Massachusetts verification review. On-site visits were conducted January 28 through February 1, 1980.

#### Verification Summary

Massachusetts has established a state-wide monitoring system. The Committee on Criminal Justice serves as monitor under authority granted by legislation. An extensive effort was made to select the potential monitoring universe and the facilities were classified based on the OJJDP definitions and guidelines. Unfortunately, county jails, houses of corrections, and police lockups were not classified as juvenile detention or correctional facilities. The law prohibits the detention of juveniles in county jails or houses of correction, but children were held in two of the five facilities visited. Approved police lockups can detain children.

Monitoring, data collection, and inspection is done by Committee staff. The process is adequate but exclusion of the adult facilities and the use of mail surveys to check on separation is of limited value. This, coupled with the absence of violation procedures, are major weaknesses of the system.

The law provides protection against reclassification.

Massachusetts has an adequate monitoring system. Having stated this, it must be added that for this system to remain adequate, it must reclassify all county jails, houses of corrections, and police lockups, and include those which have

detained children within the past twelve months in the monitoring universe. These facilities should be fully monitored either by on-site inspections and admission data review or by the present mail survey followed by on-site verification of the submitted data in a workable percentage of these facilities.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system the following recommendations are presented for consideration.

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by executive order. The authority should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children, to correct and eliminate violations.

2. Classification of facilities--All facilities which might hold children in secure custody should be classified as a juvenile detention or correctional facility and should be monitored. All jails, lockups, detention facilities, and training schools should be so classified and monitored regardless of policies or announced practices regarding the holding of children or existing laws which prohibit the admission of children to the facilities.

3. Data collection--uniform juvenile admission/release record forms should be developed, which include all necessary monitoring data, for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

4. Inspection of facilities--All classified facilities which might hold children in secure custody should be inspected annually, primarily to insure adequate sight and sound separation of children and adult inmates, but also to determine the adequacy of the facility for housing children. Records which show the date of the inspection, the findings, and which identify the facility should be maintained by the monitoring agency.

5. Violation procedures--Violation procedures should be established which include a clear description of the sight and sound separation required and the actions which may be taken if inadequate separation is found. The procedures should be made available in printed form to all facilities which might hold children in secure custody.

STATE - <u>Massachusetts</u> FACILITY	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Dukes County</u> Dukes County Jail Edgartown, MA	0	0	Yes	Yes
<u>Middlesex County</u> Middlesex County House of Corrections and Jail Billerica, MA	0	0	No	No
<u>Plymouth County</u> Plymouth County House of Correction and Jail Plymouth, MA	0	0	No	No
<u>Suffolk County</u> Suffolk County Jail Boston, MA	0	0	No	No
Suffolk County House of Correction Winthrop, MA	0	0	No	No
Judge John T. Connelly Youth Center Roslindale, MA	0	0	NA	NA
Basic Secure Treatment Unit Roslindale, MA	0	0	NA	NA

MICHIGAN

This report deals with the process used to monitor juvenile detention and correctional facilities in Michigan and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act. The on-site assessment was conducted by Helen Sumner.

COMPLIANCE MONITORING SYSTEM

The Office of Criminal Justice, Lewis Cass Building, Second Floor, Lansing, Michigan, is the state agency responsible for monitoring. Within the Office, Mr. Ralph Monsma, Juvenile Justice Specialist, is the staff person responsible for monitoring and preparation of the monitoring report.

Authority to Monitor: The Office of Criminal Justice was created by the Legislature in 1978, through the passage of enrolled House Bill No. 6664. In Section 3 of this Act, it states:

The Director shall be the official authorized to enter in a contractual agreement with a federal agency and state, local, and private parties pursuant to the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701 to 3796c, and the Juvenile Justice and Delinquency Prevention Act, 42, U.S.C., 3801 to 3891, and related federal laws. From this and the nature of the duties spelled out by the Act, the Office has assumed it has authority for monitoring. State and local agencies have given their full cooperation in this manner, and no one has challenged the Office's authority.

Compatibility of Definitions: There are no real differences in the definitions of terms between Michigan and the OJJDP. However, in Michigan, the age of the juvenile court's jurisdiction is 17, one year less than is found in the majority of states. The Probate Code-Juveniles gives original jurisdiction to the juvenile court, a division of the probate court in Michigan, for children under 17 years of age. The same chapter also gives the court jurisdiction over children under 18 years of age in those cases where another court has waived its own jurisdiction, and placed concurrent jurisdiction over children between 17 and 18 years whose offenses are those normally characterizing the juvenile offender.

Selection and Classification of Monitoring Universe: All jails and lockups were included in the monitoring universe whether they held juveniles or not. All

secure facilities listed in the Child Welfare Licensing Manual were also included. The child welfare list includes all county institutions, private institutions with more than 12 beds, and all state institutions. The list, including 206 facilities, seems to be complete.

The Michigan Office of Facility Services has a listing of jails and lockups which it must monitor annually by law. The Office used the guidelines definitions employed by the Office of Facility Services in determining the degrees of jail and lockup security.

For those services licensed by Child Welfare, the secure/nonsecure rulings are diverse and sometimes complicated. The Office thus may not attempt to change or reword the classification system, and instead simply chose to include all licensed agencies, both public and private, in the classified universe. The Office included 206 agencies in its classified universe.

Data Collection: Michigan selected a one-month report period. For the purposes of verification, review data for June, 1979 was checked.

The SPA contracted with the Children's Charter of the Courts of Michigan to conduct a survey of all juveniles in custody during the report period, June, 1979. Together the Office and Children's Charter staff drew up the forms and questionnaires needed for the survey and monitoring process. The Children's Charter staff then made on-site visits to all facilities in the classified universe, filled out the required forms, and ultimately presented its monitoring findings to the Office. Next, in line with the OJJDP requirements, the Office verified a ten percent sample of the contractors findings. The data collection method is sound. The verification effort found a high level of accuracy.

Inspection of Facilities: Michigan facilities are subject to annual inspections from several sources. The SPA examines classified agencies specifically for compliance with the OJJDP separation requirements. In addition, the Child Welfare Licensing annually checks detention homes, and institutions and the Office of Facility Services inspects jails and lockups.

Method of Reporting: As has been mentioned, the contract monitor supplies its findings to the Office. The annual monitoring report is prepared by the juvenile justice specialist, and when in final, approved form is submitted to the OJJDP. Copies of the monitoring report are submitted to the advisory committee members, to department heads, and to anyone else who requests a copy. While the

report, because of the nature of the composite data, is not used in planning, the backup data is used for study and planning.

Violation Procedures--If the Office of Facility Services finds, for example, a lack of adequate adult/juvenile separation, it will cite the agency in fault and followup on the citation.

It should also be noted that the Office monitors the number of facility admissions. Whenever any agency appears to be detaining a disproportionate number of status offenders, Office staff call asking that improvement be made.

Assurances Against Reclassification: The Michigan Juvenile Code and the Michigan Juvenile Court rules seem to provide adequate protection against reclassification.

Summary of Assessment: The primary problem cited refers to the statutory responsibility for facility inspection and monitoring of the Child Welfare Licensing, a unit of the Department of Social Services, the Office of Facility Services, and the Department of Corrections. While these agencies carry out their inspection duties, they do not monitor for compliance with separation of juveniles and adult offenders. If these agencies would include separation compliance among their inspection issues, it would materially improve the monitoring process.

There may be a need for a longer report period even though the Michigan month period meets the OJJDP requirements. A longer period would reduce the number of variables that can affect the one-month findings and would provide a more comprehensive view of detention practices in Michigan. This is only a suggestion which we feel would benefit Michigan.

The Office of Criminal Justice has been careful to allocate funds to counties with particular problems so that funding has been targeted, not across the board. This has proved very helpful in problem solution. Michigan has 83 counties so it makes sense to concentrate funds where they are most needed.

Also, where antipathy to the program has been encountered, the Office has worked to break down resistance through educational means, maintenance of good working relationships, and willingness to give help where needed. These efforts have been productive as has the Office's practice of giving money to peripheral agencies primarily because they too are involved in providing services to children, not because they are or are not in compliance.

There is an open channel of communication between the Office and the Michigan Association of Chiefs of Police, and with the judges and the sheriff's association.

The Office funded a youth program operated by the Michigan State Police as part of their diversion program.

The Office of Criminal Justice has authority to monitor a complete monitoring universe and a complete classified juvenile detention and correctional universe based on definitions that are compatible with those of the OJJDP. Data is collected under contracts, inspections are made by Office staff and violations are handled by the Office of Facility Services, a state agency with legal inspection authority. The juvenile and juvenile court rules seem to offer sufficient protection against reclassification. These are all strengths.

While not necessarily a weakness, it would probably strengthen the system if the state agencies with licensing and inspection authority would assume responsibility for separation inspection as a part of their regular duties.

#### COMPLIANCE DATA VERIFICATION

Visits were scheduled to facilities in Gratiot, Ingham, Kent, La Peer, Livingston, Montcalm, Oakland, Shiawassee and Wayne Counties. Included among the facilities were 12 jails, four detention centers and the W. J. Maxey campus of the State Training School at Whitmore Lake, Michigan.

According to the state report, all 12 jails were secure, and eight held both juveniles and adults during the past 12 months. This was verified. The state reported that no status offenders were held in these facilities during the report period. This was verified. The state also reported that the eight jails that held children during the past year provided adequate separation. Our verification confirmed the level of separation in seven jails, but found one that did not provide adequate separation.

The four detention homes were all secure and only held juveniles according to the state report. This was verified. The state report showed 22 accused status offenders held over 24 hours and 71 adjudicated status offenders held in these facilities during the one-month report period. Our verification review showed

25 accused status offenders held over 24 hours and 54 adjudicated status offenders held. Our count showed an increase of three accused and a decrease of 17 adjudicated status offenders held during the period.

The W. J. Maxey Campus of the State Training School is a secure facility housing only children. According to this state report, no status offenders were held in this facility during the report period. This was verified.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by Executive Order. The authority should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children, to correct and eliminate violations.

2. Monitoring report period--The report period for all facilities should be 12 months.

3. Data collection--Uniform juvenile admission/release record forms should be developed, which include all necessary monitoring data, for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

STATE - <u>Michigan</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Gratiot County</u> Gratiot County Jail Ithaca, MI	0	0	Yes	Yes
Alma Police Department Alma, MI	0	0	NA	
<u>Ingham County</u> Ingham County Jail Macon, MI	0	0	Yes	Yes
Ingham County Youth Home Lansing, MI	1	2	NA	
<u>Kent County</u> Kent County Juvenile Court Center Grant Rapids, MI	15	10	NA	
Grand Rapids Police Department Grand Rapids, MI	0	0	NA	NA
<u>Lapeer County</u> Lapeer County Jail Lapeer, MI	0	0	NA	NA
<u>Livingston County</u> Livingston County Jail Howell, MI	0	0	Yes	Yes
State Training School-O.J. Maxey Camput Whitmore Lake, MI	0	0	NA	NA
<u>Montcalm County</u> Montcalm County Jail Stanton, MI	0	0	Yes	No
<u>Oakland County</u> Oakland County Children's Village Pontiac, MI	16	16	NA	NA
Southfield Police Department Southfield, MI	0	0	Yes	
<u>Shiawassee County</u> Shiawassee County Jail Corunna, MI	0	0	Yes	Yes

STATE - <u>Michigan</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Wayne County</u> Wayne County Youth Home Detroit, MI	61	51	NA	NA
Dearborn Police Department Dearborn, MI	0	0	Yes	Yes
Livonia Police Department Livonia, MI	0	0	Yes	NA
Wyandotte Police Department Wyandotte, MI	0	0	Yes	Yes

MINNESOTA

This report deals with the process used to monitor juvenile detention and correctional facilities in Minnesota and the data collected to demonstrate compliance with Section 223 a (12)(13) of the Juvenile Justice and Delinquency Prevention Act. The on-site assessment in Minnesota was conducted by James Schroeder.

COMPLIANCE MONITORING SYSTEM

The Minnesota Crime Control Planning Agency, 444 Lafayette Road, St. Paul, Minnesota, is the state agency responsible for monitoring compliance with the Act. Ms. Ann Jaede, Juvenile Justice Specialist, is the staff person responsible for the monitoring process. Mr. Steve Gustafson, Research Analyst, is responsible for preparation of the annual state monitoring report.

Authority to Monitor: The SPA was created by Legislative Act 1077 in 1977. Among other duties, the Act directs that the SPA enter into agreements with the federal government which may be required as a condition for obtaining federal funds. Authority to monitor comes from this provision.

Compatibility of Definitions: This seems to be an area of confusion in Minnesota. The SPA adopted the OJJDP definitions for the purposes of monitoring and thus have compatible definitions. The confusion seems to stem from those responsible for sending data to the SPA. This problem undoubtedly relates more to data collection, but must be stated here. At many of the facilities, those responsible for submitting data seemed unclear as to the differences between a status offender and a delinquent or criminal-type offender. This may be due in part to the Juvenile Code. Under Section 260.015, the definition of "delinquent child" includes both status and criminal-type offenses.

Also, there is litigation currently pending in Hennepin County as to whether a status offender can be held for contempt. The Juvenile Justice Specialist felt

that the court decision may affect the way that status offenders are defined and handled in the future.

While there is an obvious need for clarification of the definition of status offender, the remainder of the state definitions are compatible with those of OJJDP.

Selection and Classification of the Monitoring Universe: The Department of Corrections supplied a list of all facilities which they felt might be classified as juvenile detention or correctional facilities. The SPA then sent questionnaires to these facilities. The information gathered from these questionnaires was reviewed by the SPA staff and the universe was selected. No private facilities were included in the universe. Private operators refused to be labeled as correctional facilities and therefore refused to cooperate in the monitoring.

The selection methods seems to have provided a complete universe.

Data Collection: Minnesota selected a nine-month report period, extending from January 1 through September 30 of each year. This report period is standard for all classified facilities. Data obtained from January 1 to September 30, 1979, was verified during the on-site assessment.

The SPA monitoring staff sends questionnaires to all classified facilities requesting information in four areas. If a facility does not return the completed questionnaire, a phone call is made by the staff to gather the requested information.

There seems to be some inconsistencies here, as some facilities indicated that they never received the questionnaire. Verification of this data is limited to comparison with the Department of Corrections data for determination of large discrepancies. The Juvenile Justice Specialist indicated that she felt the data was inaccurate. This was found to be true during on-site visits to the facilities. Most facilities reported a higher incidence of holding accused status offenders over 24 hours than was shown on their admission log.

Inspection of Facilities: Facilities are inspected annually by the Department of Corrections which has legal authority to inspect. The DOC inspects jails,

detention centers, and training schools. A couple of facilities visited could not remember the last time they were inspected. One facility indicated that they had not been inspected in a couple of years. The accuracy of this information could not be determined in that it was unclear whether or not the facility staff member making the statement would know about inspections.

All secure facilities in Minnesota are classified in relation to adult detention. Under existent state law municipal facilities are inspected by the sheriff and local health officer. The Department of Corrections does not have a direct responsibility for such facilities, but participates in an indirect manner by monitoring the sheriffs' and local health officers' inspection of facilities. Recognizing the weakness in the inspection process as it relates to municipal facilities, the DOC will be revising the process to include the area field supervisors in the inspection starting July 1, 1981.

Method of Reporting: As has been stated, SPA monitoring staff send out questionnaires, and make follow-up telephone calls to facilities when needed information is not supplied. This is the basic monitoring resource. The Department of Corrections also shares its findings with the SPA staff. Once a final report is written, it is sent to OJJDP and is shared with the Juvenile Justice Advisory Committee and other SPA staff.

Violation Procedures: The Crime Control Planning Board does not have established violation procedures. Violations found in the facilities are the responsibility of the Department of Corrections, as this agency has responsibility for licensing and accreditation of all facilities.

Assurances Against Reclassification: The Juvenile Code seems to provide adequate protection against reclassification. There is currently some concern over the outcome of a case in litigation which may determine whether a status offender can be reclassified because of a contempt charge. The issue has not yet been determined.

Summary of Assessment: The Crime Control Planning Board has authority to monitor. While the Code definitions for the most part are compatible with the OJJDP definitions, the SPA uses OJJDP definitions for monitoring, thus making for full compatibility. The selection of the monitoring universe and classification of facilities provided comprehensive coverage. The selection of one nine-month report period for all facilities simplified the reporting. Inspections are made and violations are handled by the Department of Corrections, and the Code seems to provide adequate protection against reclassification. These are all strengths.

The data collection system which uses a facility self-reporting system for monitoring is a definite weakness. The inadequacy of this method is further compounded by the absence of a verification plan. Problems in understanding definitions on behalf of the involved facility staff further complicated the process. This is one part of the Minnesota system which should be improved. A facility self-reporting system might work if each facility was required to use a uniform admission/release log. Training in the preparation and maintenance of the log along with clear instructions and definitions would be essential.

#### COMPLIANCE DATA VERIFICATION

Visits were scheduled to facilities in Aitkin, Anoka, Chisago, Hennepin, Isanti, Kanabec, Meeker, Ramsey, and Stearns Counties. When it was learned that the Chisago County lockup did not hold juveniles, this County was excluded. The facilities visited included 13 jails and one juvenile detention center.

All of the 13 jails visited were secure and, according to the state report, 12 held both adults and children during the past 12 months. This was verified. The state reported 70 accused status offenders held over 24 hours and 33 adjudicated status offenders held in these facilities during the report period. Our verification of the records found ten accused status offenders held over 24 hours and five adjudicated status offenders held during the report period. Many of the children reported as status offenders were criminal-type offenders. State report information

on separation in these facilities was not available. The Field Monitor found 12 of these 13 jails could not provide adequate sight and sound separation.

The one detention home was secure and held children only. The state reported that 24 accused status offenders were held over 24 hours and eight adjudicated status offenders were held in this facility during the report period. This could not be verified. The records were so incomplete or vague that it was virtually impossible to determine the accused or adjudicated status, who were status offenders, or the length of time they were held.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by Executive Order. The authority should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated time to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children, to correct and eliminate violations.

2. Compatibility of definitions--the definitions seem compatible, but our monitors found that facility staff were not clear on the definitions. This could alter

the data. Clear descriptions of the definitions should be made available to all facilities that might hold children in secure custody.

3. Monitoring report period--The report period for all facilities should be 12 months.

4. Data collection--Uniform juvenile admission/release record forms should be developed, which include all necessary monitoring data, for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

Starting January 1, 1981, the Crime Control Planning Board will receive a monthly printout from the DOC Computerized Detention Information System that will list all transactions in secure facilities that involve status or non-offenders. The printout will provide date of birth, sex, offense, reason held and released, and total time held to the minute. This should fulfill the need for a uniform admission/release record for status offenders. If similar information was obtained for delinquents held, Minnesota's detention data would be in good shape.

The DOC has also been working with the Crime Control Planning Board to clarify definitions for reporting that will ensure compatibility of definitions. As of September, 1980, 172 operators from 99 facilities have been trained on the Detention Information System. Training for the remaining 37 facilities was completed in October, 1980.

5. Inspection records--Records which show the inspection date, the findings, and which identify the facility should be maintained by the monitoring agency.

6. Violation procedures--Violation procedures should be established which include a clear description of the sight and sound separation required and the actions which may be taken in inadequate separation is found. The procedures should be made available in printed form to all facilities which might hold children in secure custody.

STATE - <u>Minnesota</u>	Total Number of Status Offenders/Non-Offenders held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Aitken County</u> Aitken County Jail Aitken, MN	14	0	No	No
<u>Anoka County</u> Columbia Heights Lockup Columbia Heights, MN	7		--	No
<u>Hennepin County</u> Brooklyn Center City Jail Brooklyn Center, MN	0	0	NA	NA
Golden Valley City Jail Golden Valley, MN	0	0	NA	NA
Robbinsdale City Jail Robbinsdale, MN	0	0	NA	NA
St. Louis Park City Jail St. Louis Park, MN	0	0	NA	NA
<u>Isanti County</u> Isanti County Jail Cambridge, MN	1	2	--	No
<u>Kanabec County</u> Kanabec County Lockup Mora, MN	2	0	--	No
<u>Meeker County</u> Meeker County Jail Litchfield, MN	34	8	--	No
<u>Ramsey County</u> Moundsview Lockup St. Paul, MN	4	0	--	No
Juvenile Detention Center St. Paul, MN	32		NA	NA
<u>Stearns County</u> Stearns County Jail St. Cloud, MN	30	4	--	No
St. Cloud Lockup St. Cloud, MN	10	0	--	Yes
Sauk Center Lockup Sauk Center, MN	1	1	--	No

MISSISSIPPI

This report deals with the process used to monitor juvenile detention and correctional facilities in Mississippi and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act.

The Monitoring Agency: The Mississippi Criminal Justice Planning Commission, 723 North President Street, Suite 400, Jackson, Mississippi, is the state agency responsible for monitoring. Within the Commission, staff responsibility for monitoring rests with Mr. Herbert Terry, Juvenile Justice Specialist. Ms. Karen Skadden, Research Analyst, is responsible for the preparation of the annual monitoring report.

The Commission's Authority to Monitor: The Commission has no legal authority to monitor except for those agencies to whom they make grants. Local youth courts, however, are required by law to collect certain statistics to be forwarded to the Department of Youth Services. This authority is used to collect the data reflected in the monitoring report.

Compatibility of Definitions: For purposes of monitoring, the definitions are the same as those provided by the OJJDP. Definitions used are included on the data collection instruments. Some problems in this area as concerns the definitions of status offender may exist. As indicated in the 1979 monitoring report sent to the OJJDP, the 1979 session of the Mississippi legislature passed the Mississippi Youth Court Act. The Act provides separate definitions for delinquent and status-type offenders. A delinquent act is defined as, "Any act which, if committed by an adult, is designated as a crime under state or federal law or municipal or county ordinance other than offenses punishable by life imprisonment or death." Status offenders are defined as, "Children in need of supervision," which means, "...a child who has reached his seventh birthday and is in need of treatment or rehabilitation because the child: (i) is habitually disobedient of reasonable and lawful commands of his parent, guardian, custodian and is ungovernable; or (ii) while being required to attend school, willfully and habitually violates the rules thereof or willfully and habitually absents himself therefrom; or (iii) runs away from home without good cause; or (iv) has committed a delinquent act."

While (iv) may have been added to this section to permit delinquent children to be handled as status offenders, the definition is confusing. The extent to which this has created monitoring problems can only be guessed at.

Selection of the Monitoring Universe: The Commission originally defined the monitoring universe from available information (in 1977-78 the Commission conducted a jail survey to determine the number of jails in the state). This information was then provided to the Department of Youth Services which did the actual monitoring and data collection. DYS, at the time, was requested to add any additional facilities they might find to the universe. None were found. In this manner, all facilities in the universe were monitored, and no one on the Commission staff could explain why they were excluded. Our field monitor felt it was simply a mistake or oversight.

Classification of the Monitoring Universe: In line with the OJJDP definition, a facility was considered secure if it met the following definition: "One which is designed and operated so as to insure that all entrances and exits from such facility are under the exclusive control of the staff of such facility, whether or not the person being detained has freedom of movement within the perimeters of the facility; or which relies on locked rooms and buildings, fences or physical restraint in order to control behavior of residents." All secure facilities were classified as juvenile detention or correctional facilities.

Monitoring Report Period: Mississippi selected a three-month report period for collecting data on juveniles detained. The data obtained during September, October, and November, 1979 was reviewed for this verification report.

Data Collection: Data was collected by Department of Youth Services counselors through the use of data collection instruments designed by the Commission's monitoring staff. Youth Services' counselors were trained by Commission staff as to the purpose of the effort, use of the data collection form, etc. Statistical data originated on the individual facility admission logs. The data was obtained on-site by the counselors and then forwarded to the Commission. As with some other states in the verification review, nonjudicial days were not eliminated during the process of recording admission log information.

The individual juvenile detainee report was used to determine the number of (1) accused and adjudicated status and non-offenders held in secure detention and correctional facilities; (2) juveniles held in adult facilities and not adequately separated from adults; (3) juveniles held in facilities near their home; (4) juveniles held in facilities which were not the least restrictive alternatives; and (5) juveniles held in facilities which were not community-based. Data was collected on either a daily or weekly basis, depending on the individual counselor, and was given to the Mississippi Statistical Analysis Center (a unit of the Commission) for tabulation and analysis at the end of each month in the report period.

Inspection of Facilities: Facilities were inspected on-site by DYS personnel during the month of September, 1979. The attached facility inspection form was used during the physical inspection of facilities to determine which were: (1) detention and/or correctional facilities; (2) detaining juveniles and adults; (3) capable of providing complete separation of juvenile and adult offenders; and (4) actually providing complete separation. Each counselor was provided with a list of facilities in his/her district and each conducted on-site inspections in each facility.

Method of Reporting: As was previously noted, the Commission staff designed the data collection forms, which were provided to DYS personnel, filled out by them and returned to the Commission staff. The primary data collection instrument was based upon one designed originally by the Community Research Forum. The data was tabulated and analyzed and the annual monitoring report was prepared by Commission staff.

Violation Procedures: Though Mississippi law prohibits placing a child in a jail or any facility which houses adults, no violation procedure is apparent. (See Section 39(2) of Mississippi Youth Court Act.) There is no written procedure for either reporting or investigating violations.

Assurances Against Reclassification: The Mississippi Youth Court Act seems to provide adequate protection against reclassification. (See Section 15 of the Act.)

Obstacles and Technical Assistance Needs: According to our field monitor, the monitoring system in Mississippi is the most accurate of the states he visited during this verification review. Even though, however, the Commission still needed authority to monitor the facilities. The Commission also needs to develop a means of verifying data provided, if only on a sample basis. A written, legally based violation procedure is needed so that non-compliance with separation guidelines can be remedied.

Consideration should be given to clarifying the definitions which place a delinquency act under the category of "children in need of supervision."

The method used in selecting the monitoring universe is probably accurate, yet for some reason it failed to include the state training school. Our field monitor felt that there was some indication that there are more facilities throughout the state, not including 60 group homes. In its monitoring report, the Commission listed 128 facilities. In eliminating all facilities that were either specified as closed, ravaged by Hurricane Frederick, or proposed, or simply labeled, "No Juveniles Detained--Use County Jail," the field monitor's count was somewhat over 140 facilities. The need for a recheck of classified facilities may be indicated.

Successful Policies and Programs: The most successful or promising aspect of Mississippi's monitoring program is that it used staff from existing agencies within the jurisdictions to be monitored. This, coupled with the leadership offered by Commission staff, made the system work. It has developed excellent monitoring and separation report forms that were not utilized until all DYS personnel in the state that were to use them had been trained in their use, thereby achieving a high degree of continuity from one area of the state to another.

Only two programs were identified by the Commission staff as successful or potentially successful. These were the Youth Services Bureau, 216 W. Front Street, Hattiesburg, Mississippi, directed by Jan Lewis, and Family Counseling Services, Jackson County Youth Court, Pascagoula, Mississippi, directed by Tom Landrum. The first program appears to be a standard YSB program. The second program was established to provide counseling services to status offenders to reduce both the number of referrals to the justice system and the number of status offenders institutionalized.

Monitoring Strengths and Weaknesses: While the Mississippi Criminal Justice Planning Commission does not have legal authority to monitor, the Commission makes use of the law that requires local youth courts to collect certain statistics and forward them to the Department of Youth Services. The selection of the monitoring universe and the classification of facilities based on definitions compatible to those of the OJJDP seems adequate. The three-month monitoring report period meets OJJDP guidelines. The data collection and inspection methods are well planned and executed. The use of DYS counselors for data collection is good. The Youth Court Act seems to provide adequate protection against reclassification. These are strengths of the system.

The lack of Commission authority to monitor and the absence of set procedures along with authority to demand changes when violations are noted are weaknesses. There are indications that some facilities were excluded from the monitoring universe and classification process. This should be checked; if facilities are excluded even by accident, effective monitoring cannot take place. The state training schools should be monitored.

Verification Problems: The Commission staff assisted in the verification process and no unusual problems were encountered.

Facility Data Verification: Visits were scheduled to facilities in Claiborne, Hancock, Harrison, Hinds, Jackson, Lawrence, Marion, Pearl River and Warren Counties and to the Columbia Training School. In these counties, 16 jails, seven detention centers and the Columbia Training School were visited. One jail that was scheduled to be visited was destroyed by Hurricane Frederick.

All of the jails were secure. According to the state, 14 held both juveniles and adults during the past 12 months. Our verification showed 15 jails held juveniles and adults. The state report showed 11 accused status offenders held over 24 hours in three jails during the report period. The verification count showed 12 accused status offenders held. According to the state, nine of the jails did not have adequate separation, and 35 children were inadequately separated during the report period. We found that 13 jails did not provide adequate separation and 105 children were inadequately separated during the period. It should be noted that 54 of these children were held in one jail that the state showed as providing adequate separation. We found this jail only provided partial sight separation.

All of the detention homes were secure and held only juveniles. According to the state report, 38 accused status offenders were held over 24 hours during the report period in these facilities, with 32 held in one detention center. Our verification count showed accused status offenders held.

The Columbia Training School is a non-secure facility which only houses juveniles. The facility was not included in the state's monitoring. Our check of the records showed one adjudicated status offender held during the report period. The child was held on a violation of probation. He ran away while out on appeal. This may be an example of reclassification.

Field Monitor: Frederick Howlett served as Field Monitor for the Mississippi verification review. The on-site work was conducted April 7-11, 1980.

Verification Summary: Mississippi has developed a statewide monitoring system. The state has made good use of available resources and services. While the Commission needs to develop and implement violation procedures, the state does have an adequate system.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by executive order. The authority should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might

hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children to correct and eliminate violations.

2. Monitoring report period--The report period for all facilities should be twelve months.

3. Data collection--Uniform juvenile admission/release record forms should be developed, which include all necessary monitoring data, for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample, on-site check to ensure that the records submitted are complete and factual. Such verification could take place during the inspection.

4. Violation procedures--Violation procedures should be established which include a clear description of the sight and sound separation required and the actions which may be taken if inadequate separation is found. The procedures should be made available in printed form to all facilities which might hold children in secure custody.

STATE - <u>Mississippi</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Claiborne County</u> Claiborne County Jail Port Gibson, MS	0	0	No	No
Port Gibson City Jail Port Gibson, MS	0	0	--	Yes (NA)
<u>Hancock County</u> Hancock County Jail Louis, MS	0	0	No	No
Hancock County Juvenile Detention Center Louis, MS	0	0	NA	NA
<u>Harrison County</u> Harrison County Jail Biloxi, MS	Not monitored by SPA		0	Not monitored by SPA
Harrison County Jail Gulfport, MS	0	0	Yes	No
Harrison County Juvenile Detention Facility Gulfport, MS	4	4	NA	NA
<u>Hinds County</u> Hinds County Jail Jackson, MS	3	5	Yes	Yes
Hinds County Youth Detention Center Jackson, MS	32	31	NA	NA
Jackson City Jail Jackson, MS	6	5	No	No
<u>Jackson County</u> Jackson County Adult Detention Center Pascagoula, MS	0	0	No	No
Jackson County Youth Center Pascagoula, MS	2	1	NA	NA
Mass Point City Jail Mass Point, MS	0	0	No	No
Ocean Springs City Jail Ocean Springs, MS	0	0	No	No

STATE - <u>Mississippi</u> , pg. 2	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
Pascagoula City Jail Pascagoula, MS	0	0	No	No
<u>Lawrence County</u> Lawrence County Jail Monticello, MS	Not reported	0	Not reported	No
<u>Marian County</u> Marian County Jail Columbia, MS	0	0	Yes	No
Columbia Training School Columbia, MS	Not monitored	1	NA	
<u>Pearl River County</u> Pearl River County Jail Poplarville, MS	0	0	No	No
Picayune City Jail Picayune, MS	0	0	Yes	No
Poplarville City Jail Poplarville, MS	0	0	No	No
<u>Warren County</u> Warren County Jail Vicksburg, MS	2	2	No	No

MISSOURI

This report deals with the process used to monitor juvenile detention and correctional facilities in Missouri and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act. The on-site assessment in Missouri was conducted by Aubrey Elliot.

COMPLIANCE MONITORING SYSTEM

The Missouri Council on Criminal Justice, Jefferson City, Missouri, is the state agency responsible for monitoring compliance with the Act. Mr. Jerry Wolfskill, Juvenile Justice Specialist and Program Chief is the staff person responsible for the monitoring process.

Authority to Monitor: The SPA was established by Executive Order on August 19, 1968. Later, the SPA became part of the Missouri Department of Public Safety.

The SPA has no legal authority to monitor and the 1978 annual report to the Governor makes no reference to monitoring as a responsibility. Monitoring responsibility is accepted, however, and performed under contract. Monitoring was originally done by Northern Missouri University and in recent years was done by Wesconmo Inc. of Sedalia, Missouri.

Compatibility of Definitions: Missouri uses the OJJDP definitions as far as monitoring is concerned. SPA staff advise that Missouri law does not define status offenders and the Juvenile Code is not regarded as ideal by any means, especially in other than Class I and II counties. Moreover, the Field Monitor was informed that juvenile court judges frequently use their own interpretations of the statutes and feel little compunction to adhere to the specific requirements or the Code. The SPA feels generally helpless to move into such matters. However, the Field Monitor found law enforcement personnel, and others familiar with the status offender definitions, generally making efforts to comply with the JJDP Act.

Selection and Classification of the Monitoring Universe: In Missouri there is no such thing as a listing of facilities except that which appears in annual reports, and which requires considerable research to separate county figures from judicial districts and to locate facilities within counties. The Juvenile Officers

Association members were instrumental in listing secure facilities in their jurisdictions, thus providing the base for a listing. The monitoring contractor leaves the listing to the juvenile officer for each district and has no way of knowing if the list is complete.

In some instances, one facility will be named, but on-site inspection reveals another. In general, the concept of developing a comprehensive universe consisting of all potential facilities for which the SPA may have monitoring responsibility has not been followed and such a list does not exist.

Data Collection: Missouri selected a calendar year for its report period. Data collected during 1978 was reviewed during the on-site assessment.

Data collection in Missouri is simple and from the SPA standpoint, is about as elementary as possible. Last year the SPA contracted with Wescenmo, Inc., whose job it is to organize the gathering process and prepare the report. The SPA sees no problem with this arrangement. In turn, Missouri's Juvenile Officers Association is enlisted to provide the actual data and receives a fee for their services. The precedent goes back to the preparation of the first annual State Monitoring Report in 1976, prepared by Northeastern Missouri University.

The process is technically efficient, but provides no means of verification or rechecking of data. Review of the St. Louis City Detention Center facility verification form will demonstrate one of the hazards. The state reported 96 accused status offenders held over 24 hours during the report period. Our verification review found 351.

This process fails to provide a means of upgrading the collection at any level without direct request, an event not likely to happen frequently enough to hasten improvement in services or reporting. The juvenile officers reportedly vary in their interpretations of the status offender definition, with the result that one cannot be sure of the reliability of the data.

As for Wescenmo's process, it uses the mail questionnaire and telephone calls to collect data. During this verification trip, both St. Louis County and St. Louis City chief probation officers reported recent calls from the contractor asking for 1979 data. The Field Monitor is not aware of any verification on the data obtained by this method.

Inspection of Facilities: Missouri has no statutory minimum jail standards and no jail inspection system. Class I and II counties have taken it upon themselves,

in some instances, to upgrade and have made improvements. There is no certification of jails in Missouri for juvenile use, except that a judge may designate one or another facility. In some cases judges have arranged with neighboring counties in their district when their own jail was unacceptable. The St. Charles County Jail, neighbor to St. Louis, is under federal suit and will probably be closed.

In summary, Missouri has no inspection system. A Bill presently before this session of the Legislature to create minimum standards and inspection of jails is expected to fail.

Method of Reporting: Previous paragraphs have described the reporting system to the point of preparing, collecting, writing and final preparation. Here, the contractor carries full responsibility until draft preparation. At that point the contractor and the SPA review the materials together. Mr. Jerry Wolfskill, Juvenile Specialist and Program Chief, represents the SPA. Following clearance by the SPA, the contractor makes a final draft and prints the State Monitoring Report. The process takes about six months. The SPA plays a supportive role in the data gathering and reporting process with the contractor responsible for the mechanics of monitoring compliance with Section 223a(12)(13) of the Act.

Violation Procedures: In reality there are no violation procedures. Judicial districts and the counties that comprise them operate with considerable independence. The Field Monitor got the impression that the SPA refrained from any negative relationships in the field and since juvenile officers would be the only existing source of violation discovery, except offenders and their families, not much can be expected. However, the SPA takes the position that it will provide technical assistance to help upgrade facilities and services, if asked.

Assurance Against Reclassification: Due process is required and the Field Monitors visit turned up no concern about reclassification.

The SPA reports a historical inability of the Legislature to deal with rural Legislators on any issue involving intrusion into county affairs by state or federal governments. This does not make Missouri different than most states, but Missouri may carry it a step further than most. For example, it was only last year that the Legislature passed a minimum standards act for police training and, as yet, no such standards for jails or legal definitions of status offenders.

Absence of a good reporting system at field level must be included as an obstacle. Small jails and lockups are the primary problem, frequently lacking

any usable admission record system. Unless a record maintenance plan and training programs are instituted, the statistics will not be any more accurate five years from now. In this respect, Missouri shares a common problem with a number of other states.

Summary of Assessment: A number of problems exist with respect to the compliance monitoring system in Missouri. The SPA has no authority to monitor, no monitoring universe, no set listing of juvenile detention or correctional facilities, no inspection system or procedures for dealing with violations. The data collection process does not include on-site review of records by the agency contracted to monitor and there is no verification of data obtained by mail.

Monitoring strengths include the use of a 12-month reporting period and OJJDP definitions.

The SPA reports a historical inability of the Legislature to deal with rural Legislators on any issue involving intrusion into county affairs by state or federal governments. This does not make Missouri different than most states, but Missouri may carry it a step further than most. For example, it was only last year that the Legislature passed a minimum standards act for police training and, as yet, no such standards for jails or legal definitions of status offenders.

Absence of a good reporting system at field level must be included as an obstacle. Small jails and lockups are the primary problem, frequently lacking any usable admission record system. Unless a record maintenance plan and training programs are instituted, the statistics will not be any more accurate five years from now. In this respect, Missouri shares a common problem with a number of other states.

#### COMPLIANCE DATA VERIFICATION

Visits were scheduled to facilities in Cole, Gasconde, Osage, St. Charles and St. Louis Counties and St. Louis City. Originally visits were to be scheduled to ten percent of the counties and independent cities, but an error reduced the number in Missouri to less than ten percent. The facilities visited included six jails, one of which was not in the 1978 Report, two detention homes, an attention center and one training school.

All five of the jails included in the 1978 Monitoring Report were secure and four of the five held juveniles during the past 12 months. This was verified. According to the State Report, 29 accused status offenders were held over 24 hours in these facilities during the report period. Our verification review showed 51 accused status offenders held over 24 hours. The state reported no adjudicated status offenders held and this was verified. The state reported that only one of these facilities provided adequate sight and sound separation, but our Field Monitor rated three as having adequate separation. The state did not report any children inadequately separated in these facilities. Our verification found 100 children inadequately separated in one jail.

The two detention homes are secure. The Attention Center was not secure in 1978, but is now. All three facilities only hold children. The state reported that the two detention homes held 667 accused status offenders over 24 hours during the report period. Our verification review showed 922 accused status offenders held over 24 hours during the report period. It was verified that no adjudicated status offenders were held.

There were 89 accused status offenders held over 24 hours during the report period. This was verified, but it must be noted that this facility was not secure during 1978.

The Training School for Boys at Boonville is secure and only houses juvenile boys. There is no state monitoring data for this facility. A Diagnostic Unit is also located at the Boys School. Status offenders are committed for diagnosis. According to our Field Monitor, 19 accused status offenders were in this facility over 24 hours during the report period. Of these two were held for treatment, averaging about nine months each.

## RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by Executive Order. The authority should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children, to correct and eliminate violations.

2. Compatible definitions--The Juvenile Code should be amended in such a way that it defines and/or groups offenses to identify juvenile offenders, status offenders, and nonoffenders. The use of these specific terms is not essential to show compatibility with OJJDP definitions if the law clearly shows what offense would fall within the "status" and "nonoffender" classes.

3. Classification of facilities--All facilities which might hold children in secure custody should be classified as a juvenile detention or correctional facility and should be monitored. All jails, lockups, detention facilities, and training schools should be so classified and monitored regardless of policies

or announced practices regarding the holding of children of existing laws which prohibit the admission of children to the facilities.

4. Data collection--uniform juvenile admission/release record forms should be developed, which include all necessary monitoring data, for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

5. Inspection of facilities--All classified facilities which might hold children in secure custody should be inspected annually primarily to insure adequate sight and sound separation of children and adult inmates, but also to determine the adequacy of the facility for housing children. Records which show the date of the inspection, the findings, and which identify the facility should be maintained by the monitoring agency.

6. Violation procedures--Violation procedures should be established which include a clear description of the sight and sound separation required and the actions which may be taken if inadequate separation is found. The procedures should be made available in printed form to all facilities which might hold children in secure custody.

STATE - Missouri	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Cole County</u> Cole County Jail Jefferson City, MO	--	7-21	Yes	Yes
Cole County Juvenile Attention Center Jefferson City, MO	89	89	NA	NA
<u>Cooper County</u> Training School for Boys Boonville, MO	Not reported	19	NA	NA
<u>Gasconade County</u> Gasconade County Jail Herman, MO	1	0	No	No
Herman City Jail Herman, MO	Not reported	Non-verifiable	Not reported	Non-verifiable
Owensville City Jail Owensville, MO	1	0	No	Yes
<u>Osage County</u> Osage County Jail Linn, MO	1	0-2	No	Yes
<u>St. Charles County</u> St. Charles County Jail St. Charles, MO	27	42	No	No
<u>St. Louis County</u> St. Louis County Juvenile Detention Center Clayton, MO	571	571	NA	NA
St. Louis City Detention Center St. Louis, MO	96	351	NA	NA

MONTANA

This report deals with the process used to monitor juvenile detention and correctional facilities in Montana and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act.

The Monitoring Agency: The Board of Crime Control, 402 Roberts, Helena, Montana, is the state agency responsible for monitoring in Montana. Within the agency, responsibility for monitoring is placed with Mr. Michael Lavin, Director. Report preparation is assigned to Mr. Steve Nelsen, Juvenile Specialist.

The Board's Authority to Monitor: The Board of Crime Control was created in 1968 by Executive Order. At that time it's purpose was "to promote public safety by strengthening the coordination and performance of both the criminal and juvenile justice systems and by increasing citizen and public official support and involvement in criminal justice."

Statutory authority for the Board came in 1974. The specific function was to implement the Omnibus Crime Control and Safe Streets Act. This was broadened to encompass crime data collection and dissemination, technical assistance, planning, and allocation of LEAA funds. (See attached copy of Law 2-15-2006.)

In 1975 the Governor issued an Executive Order establishing the Montana Youth Justice Council to implement the Juvenile Justice and Delinquency Prevention Act of 1974. With the Board of Crime Control already in existence and with the advent of the Youth Justice Council, it was natural to assume that monitoring was an inherent part of the Executive Order and that the Order empowered the Board to perform monitoring. (See attached copy of the Executive Order.)

However, there is really no clear-cut authority for monitoring in Montana. In no place does any law or order specify either that monitoring shall be done or by whom. Few, if any, agencies have seriously challenged the Board's right to monitor, but effort made at the 1979 legislature to obtain statutory authority failed. The Board's staff responsible for monitoring feel they could do a more thorough job with statutory backing.

Compatibility of Definitions: Montana's Youth Court Act's definitions are congruent with those of the OJJDP with the exception of how the Youth Court Act defines probation violence. Under the Montana Act, a probation violator, regardless of the nature of the act resulting in a violation, automatically becomes a delin-

quent and the juvenile may be incarcerated for what the OJJDP would clearly define as a status offense. However, the Board of Crime Control did not count the status kind of probation violation as a criminal-type offense in its monitoring data. If the probationer was truant or charged with another status offense, the OJJDP guidelines were followed. (See attached Youth Court Act, especially Section 41-5-103 (12)(b).)

Selection of the Monitoring Universe: In 1973, the Board of Crime Control conducted a study of every jail in Montana. The dual purpose of the study was to learn whether and where juveniles were being detained in jails, and whether or not there was separation from adults essentially in the same categories under the OJJDP examination.

In 1975, in response to a legislative request, a detention and shelter care study was undertaken to determine (1) the population breakdown among juveniles in jails as to age, offense, total number of youths detained in jail, and length of stay in detention; (2) what kind and how much shelter care was available; and (3) whether the existence of shelter care facilities had any effect on lowering the juvenile population in jails.

These two studies were used as a base for the selection of the universe. They resulted in the inclusion of all 56 county jails and in the exclusion of city jails as not fitting required definitions and classifications for monitoring purposes. It should be noted that the Board of Crime Control's field representatives did inquire at the city jails as to whether they held juveniles longer than 24 hours. They did not inquire about any period less than 24 hours, but plan to do this at the next monitoring period even though it is known that juveniles are almost never held in city jails. Since juveniles are almost never held in city jails, it is proper that they be included in the monitoring universe.

The Pine Hill School for Boys, Mountain View School for Girls, and Swan River Youth Forest Camp and non-secure child care facilities with capacities of over 20 children were also included in the universe. The latter group included 21 group homes and seven shelter care facilities.

Classification of the Monitoring Universe: The OJJDP definitions were used to classify facilities. The decision as to which facilities were secure and which were non-secure was relatively simple in Montana since jails constitute the majority of facilities. However, the final decision was based on on-site visits.

The classification of facilities appears to provide full coverage.

Monitoring Report Period: Montana selected a 12-month report period. For purposes of verification, the period from January 1, 1978 to December 31, 1978 was reviewed.

Data Collection: The monitoring and data collection consists of monthly report forms submitted to the Board of Crime Control by all facilities. This process is followed by on-site visits made by Board staff. In addition, forms designated by Board staff are filled out by the juvenile courts in conjunction with probation personnel and the Juvenile Probation Information System (JPIS) which collects and codifies data on jail populations. (See attached copy of form and coding sheet.)

Inspection of Facilities: The region representatives of the Board of Crime Control are primarily responsible for inspecting facilities for compliance, but during the report period, inspections were not made in all districts. The juvenile justice specialist said that the importance of the inspection needs to be more heavily emphasized, and that both the district representatives and facility administrators should be given a fuller understanding of why inspection is necessary. (See section on violation procedures.)

Method of Reporting: All information and data is collected by the staff of the Board of Crime Control. The monitoring report is drafted by the juvenile justice specialist and, when in final form, is submitted to the OJJDP, the Juvenile Justice Advisory Committee, and the Supervisory Board.

Violation Procedures: There is no formal, written procedure for handling violations relating to compliance nor is there a violation policy of any kind. Since the Board does not have executive or statutory power to monitor and has not inspected all facilities, it could probably do little about violations.

A written violation procedure backed by law is essential to the removal of status offenders from secure custody and the separation of juveniles from adult inmates in detention.

Assurances Against Reclassification: The due process procedures found in the Youth Court Act seem to provide adequate protection against reclassification, except for the provision relating to probation violations by status offenders. (See Section 41-51-103 (12)(b) of the Youth Court Act.) A status offender who is charged with a probation violation, even if the offense is another pure status offense, is charged as a delinquent. Even though the Board of Crime Control, has, for the purpose of reporting on compliance, dealt with this issue, children are reclassified by this provision.

Obstacles and Technical Assistance Needs: The lack of statutory authority to monitor and to legally deal with potential violations are obstacles and hamper the achievement of the monitoring goals.

The exclusion of city jails from the monitoring universe limits the effectiveness of monitoring even though these facilities hold few children and probably do

not hold children over 24 hours. The city jails should be monitored and inspected for adequate sight and sound separation.

Successful Policies and Programs: The outstanding tool used for the 1978 monitoring report was the newly developed Juvenile Probation Information System which provided in-depth monitoring information with greater specificity than possibly could have been accomplished otherwise. The nature of the offense, where it took place, classification of the offender, numbers detained, length of time detained-- these and other kinds of data can be easily determined from the coding manual for the JPIS. Mr. Steve Nelsen, the juvenile justice specialist, was the principal designer of the new data collection system.

The shelter care program was cited as having a greater impact on detention practices than any one other program. Youths between 10 and 17 years are legally eligible for shelter care services, but most youngsters are 12 years or older when they enter the program. The capacity for the facilities range between eight and ten children. The shelter homes are non-secure. The three shelters visited during the verification review, located in Butte, Anaconda, and Billings, were roomy, in comfortable surroundings, and staffed by trained personnel.

In a recent comparison between 1978-1979, the shelter care program was credited in a large part for a 37.9 percent reduction in detention and for a 45 percent reduction in the amount of time spent in detention in 1979.

The budget for the shelter care program is \$180,000 annually, two-thirds of which the state now allocates toward continuance of the program.

Monitoring Strengths and Weaknesses: This is not a simple subject to address. Montana seems to have made progress in removing status offenders from secure custody, but the program's strengths are few. The method used to identify the initial monitoring universe seems to have provided complete coverage. The state's use of OJJDP criteria in classification of facilities makes definitions compatible. The development of the Juvenile Probation Information System should improve the quantity and quality of data. The creation of the shelter care program is a plus. The field monitor also felt the dedication of some of the Board's staff was a strength.

Unfortunately, weaknesses hamper the system. The absence of statutory authority to monitor, the lack of inspections of all facilities and the necessary violation procedures must be considered as major weaknesses. Coupled with the above, the partial exclusion of city jails from the classified universe, even though they reportedly rarely house children, leaves a gap in the monitoring process. The provision in the Youth Court Act which allows status offenders who violate probation, even if the alleged offense is another status offense, to be processed as delinquents, permits reclassification. Data collection is not complete.

Verification Problems: The staff of the Board of Crime Control were quite helpful in the verification review. The major verification problem was the absence of data at the facilities.

Facility Data Verification: Visits were made to facilities in Broadwater, Deer Lodge, Gallatin, Lewis and Clark, Silver Bow, and Yellowstone Counties. Eleven facilities were visited including six county jails, a training school, three group homes, and a child care facility. The group homes and child care facility were non-secure units not covered by Section 223(12a) or (13) of the JJDP Act of 1974 under current guidelines.

The data obtained for the six jails and training schools is severely limited in value.

All six secure county jails held both juveniles and adults during the past twelve months and report period. State monitoring data on status offenders detained was available for only one jail. The state reported that the one jail held 39 status offenders over 24 hours during the report period. Our field monitor only found 31 status offenders held over 24 hours in this jail. A breakdown of accused/adjudicated children was not available.

While the state only had status offender data for two of the other five jails, our field monitor did obtain information for three jails. The state reported that one jail did not hold status offenders over 24 hours during the report period. This was verified. The state report showed six accused status offenders held in another jail, but our verification review showed that 12 were held. Our field monitor found five accused and 48 adjudicated status offenders held in yet another jail where state monitoring information was not available. Based on our findings in these few jails, more accused and adjudicated status offenders were held over 24 hours than were included in the state report.

Over 646 status offenders were handled by the probation departments in two counties where jail data was not available. Based on practices in the state, one might assume that some of these children were detained in jail over 24 hours during the twelve-month report period.

What appears to be a major difference regarding the separation of juveniles and adults in these jails is actually a technical judgment issue. The state reported that all six jails provided inadequate separation. Our field monitor found all provided adequate separation. The issue in all instances was the degree of separation at intake or booking. Of all separation issues, this is the least critical since staff are always present at this point. The state Board staff and our field monitor were in general agreement on separation.

The Mountain View School is a minimum-security facility primarily serving children. During the report period one adult was housed in this facility. Information on status offenders held was unavailable. It is understood that Mountain View does not normally accept status offenders. However, the School does accept children for 45-day evaluations and some accused status offenders were among the children being evaluated. The number is unknown.

While our field monitor did not visit Swan River Youth Forest Camp, she learned that this facility, which received both adults and juveniles, ages 16-25 years, held two juveniles during the time of her visit. These children will soon be released and no more children will be admitted to the Camp due to legislative action taken July 1, 1979.

Field Monitor: Mrs. Helen Sumner served as Field Monitor for the Montana verification review. The on-site work took place November 26-30, 1979.

Verification Summary: The Board of Crime Control is the state agency responsible for monitoring in Montana. The fact that the Board does not have legal authority to monitor has not prevented the establishment of a statewide monitoring system, but seems to have limited its effectiveness.

The monitoring universe includes most facilities which detain children. The use of OJJDP definitions and criteria for classification insures compatibility. The partial exclusion of city jails, which occasionally hold juveniles, leaves a void in the process. This is recognized by Board staff and will be corrected.

While inspections are made, not every facility was inspected during the last year. Since the Board has not established a violation procedure, follow-up on violations found during inspection does not occur. Without legal authority to monitor, inspect, and act on violations, potential defects encountered cannot routinely be corrected.

The data collection process is not obtaining full information. This should improve through the development and use of the Juvenile Probation Information System. Once again, authority is missing and the facilities do not all maintain adequate juvenile admission and release records.

The provision in the Youth Court Act which defines status offender probation violators as delinquent, even if the violation was a pure status offense, reclassifies children.

The creation of the shelter care program seems to have had a positive influence in reducing both the number of children detained and the length of their detention.

We believe that progress toward the removal of status offenders from secure custody and the separation of children from adults in custody has been made in Montana in spite of the shortcomings of the monitoring system.

Improvements in the monitoring system are necessary. While we can, because of the limited definition of the word, say that Montana has an adequate monitoring system, the comment must be qualified with the additional word--barely. Whether the Board continues to monitor detention practices or another state agency is assigned the task, authority to perform the task, inspect facilities and act on violations is essential. City jails should be included in the monitoring universe. All facilities detaining children should be required to maintain admission/release records that contain the essential monitoring data.

The provision in the Youth Court Act which permits reclassification of status offenders who violate probation should be deleted.

The Board's monitoring staff are aware of these problems and have been working to correct a number of them.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by executive order. The authority should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children, to correct and eliminate violations.

2. Data collection--Uniform juvenile admission/release record forms should be developed, which include all necessary monitoring data, for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample, on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

3. Inspection of facilities--All classified facilities which might hold children in secure custody should be inspected annually primarily to insure adequate sight and sound separation of children and adult inmates, but also to determine the adequacy of the facility for housing children. Records which show the date of inspection, the findings, and which identify the facility should be maintained by the monitoring agency.

4. Violation procedures--Violation procedures should be established which include a clear description of the sight and sound separation required and the actions which may be taken if inadequate separation is found. The procedures should be made available in printed form to all facilities which might hold children in secure custody.

5. Assurances against reclassification--Section 41-5-103 (12)(b) of the Youth Court Act should be amended to prevent a status offender, who is on probation and is charged with a violation due to the commission of another status offense, from being charged as a delinquent.

STATE - <u>Montana</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Broadwater County</u> Broadwater County Jail Townsend, MT	0	0	No	Yes
<u>Deer Lodge County</u> Deer Lodge County Jail Anaconda, MT	Not reported	53	No	Yes
<u>Gallatin County</u> Gallatin County Jail Bozeman, MT	Not reported		No	Yes
<u>Lewis and Clark County</u> Lewis and Clark County Jail Helena, MT	6	12	No	Yes
Mountain View School Helena, MT	Not reported		NA	NA
<u>Silver Bow County</u> Silver Bow County Jail Butte, MT	39	31	No	Yes
<u>Yellowstone County</u> Yellowstone County Jail Billings, MT	Not reported		No	Yes

## NEW HAMPSHIRE

This report deals with the process used to monitor juvenile detention and correctional facilities in New Hampshire and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act.

The Monitoring Agency: The New Hampshire Crime Commission, 169 Manchester Street, Concord, New Hampshire 03301, is the state agency responsible for monitoring. Within the agency, monitoring responsibility is placed with Mr. John Mason, Juvenile Justice Planner. Ms. Joan Bishop is the full time Compliance Monitor.

The Commission's Authority to Monitor: Originally established by Executive Order as the Governor's Commission on Crime and Delinquency, this agency became the New Hampshire Crime Commission by Act of the Legislature, Chapter 7-B. The law establishing the Crime Commission designates it as the agency to receive and disburse funds under the Act, and thereby places responsibility for complying with the requirements of the Act with the Commission. In addition, authority by the Chief Justice of the Supreme Court of New Hampshire to see the confidential records of juveniles has helped with the monitoring process. (See attached Executive Orders, Act establishing the Crime Commission, and letter from William A. Grimes, Chief Justice of the Supreme Court dated November 28, 1979.)

Compatibility of Definitions: The New Hampshire Juvenile Code appears to be completely compatible with the Juvenile Justice and Delinquency Prevention Act of 1974 and its guidelines. Chapter 169-B:2, Section II includes only adult crimes under the definition of delinquency. Chapter 169-C addresses the definition and handling of neglected and abused children, and under Chapter 169-D the status offender is described as "children in need of services." Here the law sets forth those acts which would bring a child before the court on other than a delinquency charge or as a neglected/abused child. This section also sets forth those places where a child in need of services might be held pre- or post-adjudication. The only place where it appears a status offender might become a delinquent is if he or she fails to follow the order of the court and is adjudicated in criminal contempt. (See copy of attached Code, especially pages 508, 535, and 541.)

Selection of the Monitoring Universe: In selecting the potential monitoring universe the Commission used the following process. Police departments were identified from Uniform Crime Reports and a telephone canvas was conducted to ascertain

what departments had a lockup. A questionnaire was sent to each department with a lockup which inquired as to juveniles held. The Department of Education was asked to supply a list of all residential schools, and these were canvassed by telephone to ascertain the size. Group homes were identified through the Department of Health and Welfare, the Social Welfare Council and Referral Service, the Association of Group Homes, the New Hampshire Commission on Children and Youth, and through telephone calls to known group homes. A list of county houses of correction and jails was also collected. Together these constitute the monitoring universe. (See copy of universe list attached.)

The method for selecting the monitoring universe was comprehensive and complete.

Classification of the Monitoring Universe: Following the initial inquiry to all facilities, an on-site visit was made to those appearing to fit the OJJDP definitions and criteria for juvenile detention or correctional facilities. On-site visits to police lockups were made only to those reporting that they did hold juveniles during the report period. All county jails, houses of correction, the state hospital, and the Youth Development Center were also visited.

Based on the findings, the facilities were classified as juvenile detention or correctional facilities or removed from the universe.

Monitoring Report Period: New Hampshire selected a six-month report period. The 1978 report period was May 1 through October 31, 1978. Data collected for this period was used by the field monitor for verification. The report period covers all admissions whether for detention or on commitment.

Data Collection: All monitoring and data collection is done by Commission staff. Since the 1978 report, a full time compliance monitor position has been filled and this person will do the data gathering.

Data for the 1978 report was gathered by telephone calls, questionnaires, and on-site visits. Attached is the letter and questionnaire in use for police lockups. Note that this communication gives the impression that they do not need to report the holding of juveniles unless they were held 24 hours or longer. During the verification visit, our field monitor learned that Commission staff had the understanding that the 24-hour criteria used for status offenders also applied to the separation of juveniles from adults. The field monitor told them that it was his understanding that the length of the detention period had no bearing on separation. If a child was admitted to an adult facility, sight and sound separation should be available. He suggested they seek clarification from Jim Brown, Director, Community Research Forum, University of Illinois.

The field monitor also recommended that all police lockups be monitored whether or not they report holding juveniles during the report period.

For on-site visits the procedure reportedly is to review the daily population report for admissions and, where the offense does not show up, refer to the case records. Where case records are not clear as to offense, the court records are checked. Judging from the verification visits, the field monitor felt that the monitors had done a thorough job.

As in other states, the verification visit revealed a need for all facilities to maintain an admission log of all persons placed regardless of the length of placement.

Admission records of youth committed to the Youth Development Center are computerized, and with little effort this information can be obtained for any period of time. Records of detained youth are not on the computer now, but will soon be put into the system.

Inspection of Facilities: Up to the present time inspection of facilities for compliance has been done only once a year at annual monitoring report time. Now, with a full time compliance monitor, it is planned that facilities will be inspected quarterly.

Early in 1979, an agency known as the Office of County Correctional Coordination was established. This office is a creation of county government and works closely with county jails and houses of correction. The attached report form is completed quarterly on each jail and house of correction and should greatly assist in compliance monitoring and inspection. It was reported that the same procedure will be implemented for local police lockups, which would be quite beneficial.

There is no state Department of Corrections to inspect and/or oversee jails, houses of correction, detention facilities, etc. This is one of the reasons the Commission has had to carry full responsibility for data collection and inspection.

Method of Reporting: Data gathering and report writing is now done by the compliance monitor under the supervision and direction of the juvenile justice planner. The report is submitted to the OJJDP as required by law, and copies are forwarded to the Governor, the Commission Director, the Attorney General, and the Juvenile Justice Advisory Committee.

Violation Procedures: The Commission has no specific procedures for handling violations. The Commission has requested an opinion of the Attorney General on this matter but received no response to date. Without a legal base on which to act or an opinion outlining the Commission's role, it is at a loss to deal with violations.

Assurances Against Reclassification: The law appears to provide sufficient protection against reclassification. There is an unconfirmed belief that some

status offenders are being charged as delinquents. Staff is aware of this potential problem.

Obstacles and Technical Assistance Needs: Access to records for monitoring has been a problem, but this is improving. The letter from the Chief Justice of the Supreme Court has helped.

One of the biggest obstacles stems from judges failing to properly identify the type of case when they place a child. This is especially true when detention is ordered. Allegedly, when courts have been asked by the Youth Development Center personnel for the charge for which the child was ordered detained, they have been rebuffed. Our field monitor found 38 detention admissions to the YDC which were listed as "no charge." To determine the offense, someone must go to the court. This is one of a number of court-based actions which hamper monitoring in the states.

Successful Policies and Programs: The Commission is proud of the support for the diversion program provided by the Nashua Probation Department through the Nashua Court Intake Program. It is felt that this Program has been greatly responsible for a decrease in the detention of all juveniles, both status offenders and delinquents. The Program is designed to divert juveniles arriving before court from adjudication in appropriate cases and toward community-based services. Primarily, intake screens all cases scheduled for court disposition to determine whether certain juveniles can be better served by participating in a counselling and referral process than by "traditional" juvenile court adjudication. Intake also handles self-referrals and a small number of referrals from agencies outside the criminal juvenile process. As well as augmenting the services made available by the court and probation officer, intake has as an objective the reduction of the size of the court's juvenile calendar. (See attached project evaluation.)

Much confidence and support has been placed in the Office of County Correctional Coordinator. This program began with a grant from the Commission and there is good cooperation between the Office and Commission in the monitoring process.

The new Juvenile Code which became law subsequent to the 1978 monitoring report appears to have eliminated several problems and is viewed as an innovative tool for keeping juveniles out of needless detention. The Code removes authority to commit a child for mental illness from the juvenile court. Commitment procedures are now the same for children and adults. The possibility of declaring a child delinquent for failure to refrain from a second or subsequent status offense was also removed from the Code.

Monitoring Strengths and Weaknesses: New Hampshire has a good statewide monitoring system. The Commission seems to have authority to monitor, uses definitions and guidelines that are compatible with the OJJDP definitions and guidelines, took

great care in selecting and classifying the monitoring universe; selected an ample report period; uses Commission staff to monitor, collect data, and inspect facilities; has a Code which seems to assure against reclassification; and has supported programs which support the removal of status offenders from secure custody and the separation of juveniles from adults in facilities housing both. These are all strengths.

There are a few problems that are known to Commission staff. The quality of juvenile facility admission records needs to be improved. Courts must be required to notify the receiving facility of the specific alleged or adjudicated offense of all children placed and efforts to prevent reclassification should be stressed. It would also strengthen the system if the Commission was given authority to deal with violations either through legislative act or executive authority. While these items must be considered as weaknesses, it is our opinion that they will be solved and do not materially detract from the general high quality of this monitoring system.

Verification Problems: The Commission staff and others involved in the monitoring process offered excellent cooperation to our field monitor. While the lack of facility records was a problem, it did not prevent verification.

Facility Data Verification: Visits to facilities in Belknap, Carroll, Hillsborough, and Merrimack Counties were scheduled for verification visits. Included in the facilities visited were four houses of correction, 24 jails and lockups, one state mental hospital, and the New Hampshire Youth Development Center. In Belknap, Carroll, and Merrimack Counties, the house of correction and jail were in one facility, so data was consolidated for the two units in these three counties.

All of the adult facilities visited were secure. One police department visited did not have a lockup. One chief refused to allow the field monitor to review the records, so the responses to all questions do not tally.

According to the state monitoring report, 16 adult facilities housed juveniles during the past 12 months. Our verification showed that 15 held juveniles; the records in one lockup made it impossible to tell.

None of these adult facilities housed accused or adjudicated status offenders over 24 hours according to the state report. This fact was verified.

Both the state report and our verification found five facilities which had adequate sight and sound separation. The state report showed seven children inadequately separated in three facilities; our count showed six in two facilities.

Status offenders, based on our verification, are not held over 24 hours in New Hampshire jails and lockups.

The New Hampshire Youth Development Center is a secure facility for alleged and adjudicated children. According to the state monitoring report, 24 accused and



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three adjudicated status offenders were held over 24 hours in this facility during the report period. Our verification counted eight accused and four adjudicated status offenders held over 24 hours. One of the adjudicated children had a drug/alcohol charge and may not have been a status offender. Only a check of the court record would show the actual offense, but no check was made. The number of accused status offenders held in this facility, according to our review, is 16 fewer than reported by the Commission. With the few children held, this should show a higher level of compliance.

The state mental hospital is a secure facility housing only children. The state report showed two accused status offenders held over 24 hours in this facility. Our field monitor was not permitted to look at the records, but was provided the necessary information from a computer printout. It is our opinion that no status offenders were held under juvenile court order. (See New Hampshire Hospital letter from Mark J. Bennett, dated January 6, 1980, and Section 169:17 of the Code.)

Field Monitor: Willis O. Thomas served as Field Monitor for the New Hampshire verification review. On-site verification took place December 10 through 14, 1979.

Verification Summary: The New Hampshire Crime Commission has sufficient authority to monitor. Its definitions and guidelines are compatible with those of the OJJDP. The process used for selecting the monitoring universe and classifying facilities provided full coverage. The six-month report period provides ample coverage. Monitoring, data collection, and inspections are made by Commission staff. The law supports removal of status offenders from secure custody, provides for separation, and seems to provide adequate protection against reclassification.

New Hampshire has an adequate statewide monitoring system. Our use of the word "adequate" here is for compliance purposes. We believe the Commission has a good monitoring system.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislations or by executive order. The authority should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children to correct and eliminate violations.

2. Classification of facilities--All facilities which might hold children in secure custody should be classified as a juvenile detention or correctional facility and should be monitored. All jails, lockups, detention facilities, and training schools should be so classified and monitored regardless of policies or announced practices regarding the holding of children or existing laws which prohibit the admission of children to the facilities.

3. Monitoring report period--The report period for all facilities should be twelve months.

4. Data collection--Uniform juvenile admission/release record forms should be developed which include all necessary monitoring data for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample, on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

5. Inspection of facilities--All classified facilities which might hold children in secure custody should be inspected annually primarily to insure adequate

sight and sound separation of children and adult inmates, but also to determine the adequacy of the facility for housing children. Records which show the date of the inspection, the findings, and which identify the facility should be maintained by the monitoring agency.

STATE - <u>New Hampshire</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Belknap County</u> Belknap County Jail and House of Correction Laconia, NH	0	0	Yes	Yes
<u>Carroll County</u> Carroll County Jail and House of Correction Ossipee, NH	0	0	Yes	Yes
Conway Police Department North Conway, NH	--	0	Yes	No
Wolfeboro Police Department Wolfeboro, NH	0	0	No	No
<u>Hillsborough County</u> Hillsborough County Jail Manchester, NH	0	0	No	No
Hillsborough County House of Correction Goffstown, NH	0	0	No	No
Hillsboro Police Department Hillsboro, NH	0	0	No	No
Hudson Police Department Hudson, NH	0	0	No	No
Manchester Police Department Manchester, NH	0	0	--	Yes
Merrimack Police Department Merrimack, NH				
Milford Police Department Milford, NH	0	0	No	No
Nashua Police Department Nashua, NH	0	0	Yes	Yes
Pelham Police Department Pelham, NH	0	0	No	No
Peterborough Police Department Peterborough, NH	0	0	No	No

STATE - <u>New Hampshire</u> , pg. 2	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
Wilton Police Department Wilton, NH	0	0	No	No
New Hampshire Youth Dev. Center Manchester, NH	27	12	NA	NA
<u>Merrimack County</u> Merrimack County House of Coorection and Jail Pennacook, NH	0	0	No	No
Allenstown Police Department Allenstown, NH	0	0	No	No
Concord Police Department Concord, NH	0	0	Yes	Yes
Franklin Police Department Franklin, NH	0	0	No	No
Hennicker Police Department Hennicker, NH	0	0	No	No
Hookset Police Department Hookset, NH	0	0	--	No
New London Police Department New London, NH	0	0	No	No
Pembroke Police Department Suncook, NH	--	0	No	No
Pittsfield Police Department Pittsfield, NH	--		--	No
Warner Police Department Warner, NH	No useable secure facility			
New Hampshire State Hospital Concord, NH	2		NA	NA

NEW MEXICO

This report deals with the process used to monitor juvenile detention and correctional facilities in New Mexico and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act.

The Monitoring Agency: The Administrative Services Division of the New Mexico Criminal Justice Department, 113 Washington Avenue, Santa Fe, New Mexico 87501, is the state agency responsible for monitoring, data collection, and reporting its findings to the Office of Juvenile Justice and Delinquency Prevention annually. Within the Division, responsibility for carrying out monitoring assignments is placed with the Chief of the Bureau of Program Planning, Mr. Richard Lyndahl. Mr. Jamie Katz, Chief of the Bureau of Standards and Inspection, is responsible for preparing the monitoring report.

Agency's Authority to Monitor: Under New Mexico's Reorganization Plan, responsibility for criminal and juvenile justice planning was placed with the Criminal Justice Department's Administrative Services Division. Legislative authority was placed with the Administrative Services Division's NMSA 9-3-8c which establishes the Division's authority to monitor:

"In addition to its other powers and duties, the (Administrative Services) Division is designated the 'Criminal Justice State Planning Agency' and in such capacity shall perform planning, budgeting, evaluation, monitoring, and grants administration functions for federal grants, including, but not limited to, the Federal Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Juvenile Justice and Delinquency Prevention Act of 1974, as amended." NMSA 1978 (See attached copy.)

In addition, the New Mexico Children's Code, Chapter 32, Section 32-1-6, entitled, "Detention Facilities; Standards; Reports", in paragraphs E and F, authorizes the Bureau of Standards and Inspections to inspect facilities in which juveniles are detained and to report its findings and recommendations. The law authorizes revocation or refusal for renewal of certification if a facility is failing to meet the required standards.

The Administrative Services Division of the Criminal Justice Department has sufficient legal authority to monitor and to enforce compliance with the JJDP Act of 1974. (See attached copy of Section 32-1-6.)

Compatibility of Definitions: The New Mexico Children's Code parallels, for all intents and purposes, the JJDP Act of 1974 with one major exception. Under the Children's Code, status offenders may be and are sent to the Youth Diagnostic Center for up to 60 days for observation. District judges issue such orders with some regularity and efforts to eliminate the practice have not been productive. The

Advisory Council of the Criminal Justice Department is working on this issue and a legislative task force will have a corrective proposal for the next session of the legislature. Passage of corrective legislation is not guaranteed.

While security definitions are compatible, the provision for diagnosis of status offenders is a block to otherwise compatible definitions.

Selection of the Monitoring Universe: The original universe was selected by the Bureau of Standards and Inspections while it was under the Department of Corrections. Later, the Department of Corrections was incorporated in the Criminal Justice Department and the Bureau of Standards and Inspections was moved over as a bureau in the Administrative Services Division where it retained its monitoring functions.

The potential monitoring universe included all jails, lockups, detention facilities, juvenile training schools, and appropriate child care facilities. The universe is complete. (See attached list.)

Classification of the Monitoring Universe: The classification of the monitoring universe included only two criteria, and bed capacity was not a factor. By July 1, 1978, one month before the monitoring report period, New Mexico, by statute, forbade the holding of status offenders under 'child in need of supervision' provisions and of delinquents in secure adult facilities. The focus of the Act made separation a moot issue. (See attached Code, Section 32-1-25, "Place of Detention.")

Classification of the monitoring universe was made following site visits and is in compliance with OJJDP guidelines.

Monitoring Report Period: New Mexico selected a one-month report period. The month is August. While August is not considered to be one of the more active detention months, its selection complies with the guidelines.

The original baseline data was collected and prepared by the old Bureau of Standards and Inspections of the Department of Corrections. Time led to the conclusion that some of the data was either not accurate or improperly gathered so the reorganized Criminal Justice Department allowed the Personal Services to contract with Francis and Sobel of Santa Fe to gather baseline data and to review the universe classification. Starting from scratch, they apparently did a good job re-doing the data gathering. All data were gathered on-site and Francis and Sobel's impressive report serves as the 'bible' for baseline data.

The data verified for this report was collected for August, 1978.

Data Collection: The Administrative Services Division of the New Mexico Criminal Justice Department has developed a statewide monitoring system. The Bureau of Standards and Inspections with the Administrative Services Division collects data on all classified juvenile detention and correctional facilities. This is done through a review

of booking and admission records and when necessary other available records. Since the state agency does the actual monitoring, no specific verification effort is made.

The raw data sheets for the 1978 state monitoring report recorded four accused and no adjudicated status offenders held over 24 hours in the seven facilities visited in Bernalillo, Rio Arriba, Santa Fe and San Miguel Counties. No data was available for the girls' training school. In our verification of the state's data for compliance with Section 223(12a) of the Act which consisted of a review of the facility records, we found the data on accused status offenders to be accurate.

A review of the records of the New Mexico Girls' School and Youth Diagnostic Center indicated that 22 adjudicated status offenders were held during the August, 1978 report period. These 22 children were not included in the state monitoring report.

Four adult jails, two detention homes, and one training school/diagnostic center were visited in the four counties. Two of the jails did not hold juveniles during the last 12 months and two reported holding juveniles. The state reported adequate separation for one of the jails that held children. Our verification found that neither of these facilities, including the new Espanola City Jail, provided sight and sound separation during the report period, but do now. The up-graded Rio Arriba County Jail will not meet separation requirements. The 'drunk tank' sits squarely between the two juvenile cells.

No juveniles were held in non-separated facilities during the report period.

While the New Mexico Girls' School and Youth Diagnostic Center did not admit adults prior to August, 1979, female prisoners from the women's prison ran the school kitchen. While the women prisoners' contact with children was limited, it technically existed. Adult prisoners no longer work in the school.

Since the Children's Code prohibits the placement of children in need of supervision in jails as has been previously cited, and prohibits placement of a child in need of supervision in an institution established for the care and rehabilitation of delinquent children (see attached Section 32-134 D), a base is established for the removal of status offenders from secure facilities.

The statewide monitoring system developed by the Administrative Services Division of the New Mexico Criminal Justice Department is capable of meeting the detention monitoring needs of the state.

Inspection of Facilities: The Bureau of Standards and Inspections, Administrative Services Division of the Criminal Justice Department, in addition to its role as juvenile detention monitor, also is responsible for inspection of detention facilities. The Children's Code clearly defines the Bureau's role, calls for reports on the conditions found, and provides for revocation or certification renewal/refusal based on a finding that a facility does not meet the required standards.

The Department of Corrections assists the Bureau in making inspections. In January of 1978, the Department of Corrections conducted inspections of the 43 county and municipal jails. Most of these facilities have detained children at one time or other. Eleven facilities were found to be in such deteriorated condition that they could no longer be certified for juvenile detention. Another 25 had deficiencies serious enough that only provisional certification could be granted. Some of the jails are in the process of being remodeled to provide separation.

All facilities were inspected in 1979. (See attached 1979 inspection reports for Bernalillo County Detention Home, Santa Fe County Detention Home, Rio Arriba County Jail and San Miguel County Jail.)

Our verification visits indicate the use of considerable assumption in accepting figures and statistics from small town jails. The frequent absence of accurate records, failure to record actual time in and time out at admission and release, makes a certain amount of assumption necessary to come up with any kind of "count" on status offenders. Such counts can often be done by deduction and it is clear that assumptions and deductions were the basis for some figures in the state's monitoring report.

The director and top staff are aware of this situation and are making obvious efforts to correct it. The field monitor actually observed one small town jail in the process of revising its whole record-keeping system under the supervision of an Administrative Services Division staff person.

The field monitor could not find a licensing law nor did the Division know of one.

Method of Reporting: All monitoring and inspection reports are sent to the Bureau of Standards and Inspections. These reports are bi-monthly, written reports prepared by the jails and detention facilities. These reports form the basis for the state's monitoring report. The report is written by the Bureau Chief and is reviewed by the Secretary of the Criminal Justice Department. When the monitoring report is in final form it is forwarded to the OJJDP by the Secretary.

Violations Procedures: The Bureau does not have a specific violation procedure. Violations are discovered largely by staff action or during inspections. The Children's Code addresses the action which may be taken. Facilities are notified of violations and technical assistance is offered. There have been court actions against a facility, the most recent being in Santa Fe, resulting in the merger of the county and city jail systems.

Assurances Against Reclassification: The Administrative Services Division takes the position that reclassification is impossible without circumventing the due process procedures mandated by the Children's Code. A review of the Code reinforces this position. No instance of manipulation is known.

Obstacles--Technical Assistance Needs: The Administrative Services Division sees no serious obstacles to the removal of status offenders from secure facilities and the separation of juveniles and adults in confinement with the possible exception being unpredictable legislative action. The present governor is supportive of the program and will be in office three more years. The governor's wife is active in the program and is currently serving as Chairperson of the Advisory Committee.

Attitudes of small town peace officers, the frequent turnover in law enforcement staff (two years for sheriffs), oversights and forgetfulness, other factors that lead to improper reporting, missed deadlines, and plain indifference are all obstacles to accurate reporting.

The provision in the Children's Code which permits judges to place status offenders in the Diagnostic Center for up to 60 days observation is an obstacle which is being addressed by the staff and Advisory Committee.

The absence of a uniform data tabulation system for use by all facilities that confine children is an obstacle to monitoring and the collection of accurate planning information.

The Division staff sees no real technical assistance needs. Its own official position is that the New Mexico Children's Code is as good or better than the JJDP Act of 1974, with the exception of the provision permitting placement of status offenders for observation. Since the staff feels this is true and the state Act is enforceable, verification is something of an imposition. The Children's Code is good and will be better when the status offender placement provision is removed. It is also enforceable. This does not remove the need for verification which can document quality programs, procedures, and laws.

While the staff does not feel the need for technical assistance and may be able to provide the guidance needed to meet all needs, it should be noted that improved facility data relating to all juveniles detained, especially status offenders, is needed. New Mexico has not sufficiently revised the reporting and record-keeping system to be able to distinguish between accused and adjudicated status offenders. This is an acknowledged "failure to comply" and has been a source of embarrassment to the Division and a matter of discussion and correspondence between it and the OJJDP. This issue is presently receiving special attention in the Division and will be corrected within the year.

Monitoring Strengths and Weaknesses: The fact that the Division has specific legal authority to monitor, backed up by a good Children's Code which reinforces the Division's position in regards to quality detention care, is a very positive strength. If the Code is amended to remove judicial authority to place status offenders for observation, the Division will have a sound legal base from which to operate.

Monitoring, data collection, and facility inspections are done by staff of the Criminal Justice Department. This plan provides assurances that the task will be completed and defines how it will be done.

The one weakness in New Mexico's monitoring relates directly to the adequacy of the data tabulation by the involved facilities. All facilities should be required to maintain, on a monthly basis, complete information on all juveniles held. The system should provide all required data on status offenders.

Verification Problems: The staff of New Mexico's Criminal Justice Department, especially those assigned to the Administrative Services Division and its Bureau of Standards and Inspection, were very helpful in the verification process.

The only verification problem, which has been stated several times in this report, was the inadequacy of the facility data tabulations and records.

Facility Data Verification: Verification information was obtained on seven facilities classified as juvenile detention or correctional facilities in Bernalillo, Rio Arriba, San Miguel, and Santa Fe Counties. The facilities on which verification information was obtained include two juvenile detention homes, three county jails, one municipal jail, and one training school/diagnostic center. (See attached individual reports.)

None of the county jails held juveniles during the last twelve months. The Rio Arriba County Jail was decertified to hold juveniles during the report period. Verification found that none of these jails could have provided separation.

The Espanola City Jail did hold juveniles during the last twelve months, but did not hold children during the report period. This jail could not have provided adequate separation during the report period, but the new jail facility, opened after the report period, will provide sight and sound separation.

Only one of the two detention homes held status offenders over 24 hours during the August, 1978 report period. Four accused status offenders were held in the Santa Fe Detention Home. This fact was verified.

Information on status offenders held in the New Mexico Girls' School and Youth Diagnostic Center was not available from the state, but our verification showed 22 adjudicated status offenders were held during the report period.

While adults are not held in the above state facility, a separation problem was noted during the report period. Prior to August, 1979, female prisoners from the women's prison operated the school kitchen. While their contact with the children was limited, contact technically existed. The adult offenders were removed from the school in August, 1979.

Field Monitor: H. Aubrey Elliott served as Field Monitor for New Mexico. The on-site verification took place October 15 through October 19, 1979.

Verification Summary: The Administrative Services Division of the New Mexico Criminal Justice Department has legislative authority to monitor. The state has developed statewide monitoring under the Bureau of Standards and Inspection with the Administrative Services Division.

The state monitoring universe provides full coverage of facilities. Classification of the universe is based on definitions compatible with OJJDP guideline definitions. One provision in the Children's Code is at variance with the OJJDP guidelines. The Code permits juvenile court judges to place status offenders in the Youth Diagnostic Center for observation for periods of up to 60 days. The Criminal Justice Department hopes to eliminate this provision when the legislature convenes.

Monitoring, data collection, and inspection of facilities are made by the staff of the Bureau of Standards and Inspection with the assistance of the Corrections Division. The monitoring report data on accused status offenders was found to be accurate. In the information relating to adjudicated status offenders, however, it was found that 22 children held in the training school/diagnostic center were not included in the state report. New Mexico is holding very few status offenders.

The monitoring system has an effective inspection system. While there is no specific verification plan or violations procedure, the use of Bureau staff for monitoring and the authority vested in the Department for inspection seems to provide sufficient coverage.

The development of a uniform information and data tabulation method for all facilities that house status offenders and delinquents would strengthen the monitoring process.

New Mexico has an adequate monitoring system.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Use of monitoring authority--Since specific authority to monitor is available in the Children's Code, it should be used to require all facilities which might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the monitoring agency and to require each facility to submit a duplicate copy of each month's report form to the monitoring agency.

2. Compatibility of definitions--The Code is compatible with OJJDP definitions. It does, however, permit courts to send status offenders to the Youth Diagnostic Center, which also houses delinquents for periods of up to 60 days. This could be dealt with under assurances against reclassification. This section of the law should be repealed.

3. Classification of the facilities--All facilities which might hold children in secure custody should be classified as a juvenile detention or correctional facility and should be monitored. All jails, lockups, detention facilities, and training schools should be so classified and monitored regardless of policies or announced practices regarding the holding of children or existing laws which prohibit the admission of children to the facilities.

4. Monitoring report period--The report period for all facilities should be twelve months.

5. Data collection--Uniform juvenile admission/release record forms should be developed, which include all necessary monitoring data, for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency of the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample, on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

6. Violation procedures--Violation procedures should be established which include a clear description of the sight and sound separation required and the actions which may be taken if inadequate separation is found. The procedures should be made available in printed form to all facilities which might hold children in secure custody.

STATE - <u>New Mexico</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Bernalillo County</u> Bernalillo County Detention Home Albuquerque, NM	0	0	NA	NA
New Mexico Girls Center and Youth Diagnostic Center Albuquerque, NM	INA	22	NA	NA
<u>Rio Arriba County</u> Rio Arriba County Jail Tierra Amarilla, NM	0	0	Yes	No
Espanola City Jail Espanola, NM	0	0		
<u>San Miguel County</u> San Miguel County Jail Las Vegas, NM	0	0	No	No
<u>Santa Fe County</u> Santa Fe County Jail Santa Fe, NM	--	0	NA	NA
Santa Fe County Detention Home Santa Fe, NM	4	4	NA	NA

NEW JERSEY

This report deals with the process used to monitor juvenile detention and correctional facilities in New Jersey and the data collected to demonstrate compliance with Section 223 a (12) (13) of the Juvenile Justice and Delinquency Prevention Act.

The Monitoring Agency

The State Law Enforcement Planning Agency, 3535 Quaker Bridge Road, Trenton, New Jersey, 08625 is the state agency responsible for monitoring. The Agency is commonly known as SLEPA. Ms. Wilma Soloman, Planning Supervisor and Juvenile Justice Specialist is the specific person on the SLEPA staff, responsible for monitoring.

The actual monitoring is done outside SLEPA by two different offices within the Department of Corrections. One is a special unit established for the purpose of monitoring the JJDP Act provisions, and is known as the Juvenile Detention and Monitoring Unit. The other is the Bureau of County Services, referred to as BCS. The BCS monitors all jails and lockups.

SLEPA's Authority to Monitor

SLEPA's authority to monitor is contained in Chapter 176, Laws of New Jersey, 1978, which was enacted from Senate Bill No. 1416. (See copy of SB No. 1416 attached.)

The Department of Corrections is empowered by statute to inspect local and private institutions. This authority is found in Section 30:1-15, entitled "Institutions and Agencies." (See copy attached.) This statute was enacted before there was a separate Department of Corrections, but the provisions of this law remain in

effect and apply, where appropriate, to the current Department of Corrections. Hence, this is the authority for the two Units of the DOC to carry out their monitoring responsibilities, i.e., juvenile detention and correctional facilities.

The Juvenile Detention and Monitoring Unit of the DOC was established under a grant by SLEPA, and a copy of the grant application, which is quite informative as the scope and methods of monitoring by this Unit, is attached.

#### Compatibility of Definitions

The New Jersey Juvenile Code as amended and applicable court rules show that New Jersey definitions are completely compatible with the OJJDP definitions. Status offenders are described as "Juvenile in Need of Supervision" - (JINS). The statute prohibits the placement of JINS in a facility established for the care of delinquents or any facility that is physically restricting. (See copy of New Jersey Juvenile Code, amendments and applicable court rules. Note Section 2A: 4-62.)

#### Selection of the Monitoring Universe

For many years in New Jersey one state agency existed that had the full gamut of responsibilities governing juvenile and adult corrections, child welfare, public welfare, health, and mental health. This agency was known as the Department of Institutions and Agencies. It was, therefore, a simple matter to obtain a full and complete listing of public and private agencies that conceivably could be used as juvenile detention or correctional facilities.

#### Classification of the Monitoring Universe

From the Beginning SLEPA considered all county jails, houses of correction, juvenile detention homes, and all state correctional facilities and local police lockups as juvenile detention or correctional facilities and included them in their classified monitoring universe. In addition, they followed the guidelines of the

OJJDP and classified other public and private facilities meeting the guideline definitions.

From the 1979 report, the classified monitoring universe consisted of 411 facilities--35 state correctional institutions, both adult and juvenile, 20 county juvenile detention centers, 25 county jails, penitentiaries and work houses, and 331 local police lockups.

#### Monitoring Report Period

The 1979 report submitted by New Jersey shows a range of monitoring periods ranging from 5-6 days to 12 months. (See copy of figure 3, page 8 of State Report attached.)

Because of the wide range of report periods monitored, our verification process utilized the following which was stated to have been used in the state monitoring endeavor:

Local lockups--12 months preceeding the date of inspection by Bureau of County Services, DOC Admissions

Jamesburg Training School, Girls Cottage--Actual in-residence population on April 6 and November 26, 1979.

Essex County Youth House and Adult Correctional Center--Admissions from January 1, through October 24, 1979.

Mercer County Jail, Work House and Youth Houses--January 1 through November 21, 1979.

Middlesex County Jail, Work House and Youth Center (Detention), and Essex County Jail--Months of January, April, July and September 16 through October 15, 1979.

Hunterdon County Jail and Youth House--January 1 through September 7, 1979.

More uniform report periods will be used in 1980. An estimated 10-11 months of admissions will be monitored for each facility.

#### Data Collection

SLEPA monitoring staff is not involved in this data collection. The Juvenile

Detention and Monitoring Unit, and the Bureau of County Services of the Department of Corrections, are the organizations that monitor and collect the data. The BCS gathers data on local lockups, while the monitoring units gather data on all other facilities including juvenile detention homes, state juvenile and adult correctional facilities, county jails, penitentiaries, and work houses. All data is gathered during on-site visits, with some facilities visited three times during the report year. Records kept by local police lockups are far from uniform, and some fail to lend themselves to the monitoring process, especially where there is no log book showing age and/or offense.

All county juvenile detention homes, adult jails and workhouses visited during this verification were found to have adequate records for monitoring except one, the Essex County Adult Correctional Center.

The system for data collection is quite adequate. However, the system might be more effective if some uniformity of record keeping could be instituted, especially among the lockups, so that age and offense could readily be checked in all instances.

#### Inspection of Facilities

All facilities are inspected. Juvenile detention homes, adult jails, and houses of correction are inspected for compliance three times each year, the two juvenile training schools are inspected twice each year, the two youth facilities, where juveniles and young adults are incarcerated, are inspected four times each year, and adult correctional facilities are inspected annually. These inspections are made during data gathering visits by the Juvenile Detention and Monitoring Unit staff. Local police lockups are inspected once each year by the Bureau of County Services staff. These inspections have a dual purpose, one of which is to check compliance with the OJJDP guidelines relating to sight and sound separation.

The frequency of inspections is commendable, and in all likelihood has played a major role in the reduction of violations.

#### Method of Reporting

All monitoring data is submitted to the Juvenile Detention and Monitoring Unit which is responsible for preparing the state's annual monitoring report. Once drafted, a summary is sent to the Advisory Committee for approval, and then the finalized report is sent to the OJJDP and copies are sent to New Jersey State Department Heads.

#### Violations Procedures

As violations are discovered and/or reported to the Monitoring Unit, they are followed up quickly and efforts are made to eliminate the violation. It is illegal for status offenders to be placed in secure facilities. It is also illegal for juveniles to be confined in adult county jails or houses of correction. Since these facilities are inspected frequently, one inspection unit or the other has the opportunity to discover violations and take the necessary action. It does not appear to be illegal for juvenile delinquents to be confined in state correctional institutions where adults are also confined. Therefore, violations in respect to separation of juveniles from adults is not so easily corrected. However, "separation units" have been established in some of these institutions to accomplish compliance. Unfortunately, none of these institutions were included in the scope of this verification.

#### Assurances Against Reclassification

The Juvenile Code appears to adequately provide against reclassification of status offenders to delinquency offenders and of delinquents to adult court jurisdiction. Procedures established for the waiver of juveniles to adult criminal court provide adequate protection.

There is, however, a reported problem with the practice in some counties involving transfer of delinquents who turn 18 while in detention in the county jail. Further, it is reported that a person on probation or parole as a delinquent, and who is over

18 years of age when declared a violator, goes to county jail rather than to the detention home. No such transfers came to light in the counties where this verification was concerned.

It is unclear as to whether or not some status offenders get "reclassified" to delinquent status when picked up and detained as a probation violator, or on a bench warrant. The Juvenile Code does not seem to address this issue, and the absence of any specific charge noted on the detention home record for the violators leaves this matter one for further consideration and clarification.

On page 38 of the 1979 monitoring report, reference is made to the "Reclassification" of 55 juvenile commitments to adult status in reference to assigning them to adult facilities in the state system. These are said to be persons who were originally committed from juvenile court, later paroled and while on parole, arrested on new charges after passing their 18th birthday. While awaiting hearing on the new charges, they were declared parole violators and held as though there was no juvenile commitment in the first place. The explanation seems logical as to whether or not these constitute a separation or reclassification violation. However, there is a question of rights if the parole violation is based solely on a new charge that occurred after the age of 18 and which was not verified by a court through due process.

#### Obstacles-Technical Assistance Needs

The monitoring staff identified a major obstacle which the Field Monitor also found during the verification review. The obstacle has to do with the lack of specific charges being made known to the detention homes on juveniles referred for detention on such matters as "bench warrant," etc. Without specific charges supporting these matters, it is impossible to tell from the records whether the juvenile was/is a status offender or a delinquent. In two of the detention homes covered in this verification, a total of 179 such admissions were noted. The Monitoring Unit is actively concerned with this problems and is working to correct it. (See attached

letter dated March 5, 1980 to Mercer County judge and memo dated March 26, 1978 to detention home directors.)

Another obstacle to complete reporting on violations concerns out-of-state runaways. While New Jersey, for monitoring purposes, is primarily responsible for resident children this problem should be noted. This type of juvenile was found to be detained in juvenile detention facilities, but not reported as violations. In verifying for the actual report period, five out-of-state runaways were found, three in Mercer County and two in Middlesex County, which were not reported in the state's report. Another three were found in Middlesex County, but outside the report period.

As in many other states, the inadequacy of facility records at some of the facilities, such as police lockups, county jails, and work houses, impeded the monitoring process. Since jails and lockups are not required to submit statistical reports on a regular basis, there is no uniformity of records. The absence of age and offense data on admission logs is the greatest deficiency where monitoring is concerned.

Earlier in this verification report, the reporting periods were presented, and this shows the difficulty in comparing one set of figures with previous years. As difficult as it is, it does show the strong desire on the part of the state to fully measure the results of their efforts to deinstitutionalize status offenders and separate juveniles from adults. The fact that they keep increasing the period of time monitored cannot help but show up those violations which were not detected in previous years. The following table was constructed from information the Field Monitor found in the 1978 and 1979 reports of the state:

COMPARISON OF SEVERAL MONITORING  
VARIABLES, 1977, 1978 AND 1979

		1977	1978	1979
Number of Days Monitored	State Facilities	4	5	5--8
	Local Facilities	4	35	120+
Number of Facilities Monitored		?	396	411
Status Offender Violations	Pre-Disposition (Accused)	9	15	41
	Post-Disposition (Adjudicated)	12	7	0
Number of Admissions Monitored		?	1006	8912
Inadequate Separation Violations	Pre-Disposition (Accused)	?	8	12
	Post-Disposition (Adjudicated)	385	327	152

While the above is listed under obstacles, it is presented to show what can occur as a state intensifies its monitoring efforts.

Successful Policies and Programs

The establishment of a Juvenile Detention and Monitoring Unit has turned out to be a most noteworthy move on the part of SLEPA. This Unit not only makes frequent inspections and data gathering trips to local facilities, but it has a standard setting and technical assistance function as well. Their efforts are to strengthen programs and work toward achieving the highest possible level of compliance in both local and state operated facilities. The Unit's reports are thorough, understandable, and should prove most valuable to SLEPA in allocating resources on a planned basis.

Monitoring Strengths and Weaknesses

New Jersey's monitoring agency has authority to monitor. The monitoring universe list is complete as is the list of classified juvenile detention and correctional facilities which was selected on the basis of definitions which were compatible with those of the OJJDP. Regular inspections are made and data is collected on sight

persons assigned full-time to monitoring. The Code provides assurances against reclassification. Potential reclassification issues are known to the staff as are data collection problems and the Unit is working to reduce the problems. These are all strengths.

The major weaknesses are the numerous and varied report periods and a problem noted in many states, the inadequate admission records of the facilities.

Verification Problems

The Juvenile Detention and Monitoring Unit staff and others involved in monitoring offered excellent cooperation to our Field Monitor and no major verification problems were encountered.

Facility Data Verification

Visits were scheduled to facilities in Essex, Hunterdon, Mercer and Middlesex Counties. The facilities included 18 jails, work houses, county correctional centers, and lockups, four detention centers, and Jamesburg Training School, Cottage Nine in Jamesburg, New Jersey.

Seventeen of the eighteen jails, work houses, county correctional centers, and lockups were reported to be secure. This was verified. This information was unknown for one facility in the state report and in our verification review. According to the state two of these facilities held both juveniles and adults during the past twelve months. The state reported no status offenders held in these facilities during the report period, but our review showed that two accused status offenders were held over 24 hours in one facility. Three of the facilities that reportedly held children did not provide adequate separation according to the state. This was verified. The state reported four children inadequately separated during the report period. Our verification review found 12 children inadequately separated during the period.

All four detention homes were secure and only held juveniles. According to the state report, eleven accused status offenders were held over 24 hours in these facilities during the report period. Our verification review found 17 accused status offenders held over 24 hours. Most of this difference can be attributed to the out-of-state runaway count.

The Jamesburg Training School, Cottage Nine is secure and only holds juvenile girls. According to the state report, no status offenders were held in this facility during the report period. This was verified.

#### Field Monitor

Willis O. Thomas served as Field Monitor for the New Jersey verification review. The on-site work was conducted March 10th through 14th, 1980, and on March 17th, 1980.

#### Verification Summary

While New Jersey has several monitoring issues which they are working on, which should improve the system, the state currently has a very adequate state-wide monitoring system.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system the following recommendations are presented for consideration.

1. Use of monitoring authority--Since specific authority to monitor is available it should be used to require all facilities which might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the monitoring agency and to require each facility to submit a duplicate copy of each month's report form to the monitoring agency.

2. Monitoring report period--The report period for all facilities should be twelve months.

STATE - <u>New Jersey</u> FACILITY	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Essex County</u> Essex County Jail Neward, NJ	0	0	No	No
Essex County Correctional Center Caldwell, NJ	0	0	--	No
Essex County Youth House Newark, NJ	1	3	NA	NA
Caldwell Police Department Lockup Caldwell, NJ	0	0	No	No
Maplewood Township Police Department Maplewood, NJ	0	0	No	No
Montclair Police Department Montclair, NJ	0	0	No	No
Newark Police Department Lockup Newark, NJ	0	0	No	No
<u>Hunterdon County</u> Hunterdon County Jail Flemington, NJ	0	0	No	No
Hunterdon County Juvenile Detention Center Flemington, NJ	0	3	NA	NA
<u>Mercer County</u> Mercer County Correctional Center Lambertville, NJ	0	0	No	No
Mercer County Detention Center (Adult)	0	0	No	No
Mercer County Youth Home Trenton, NJ	10	9	NA	NA
Hamilton Township Police Department Trenton, NJ	0	0	No	No

STATE--New Jersey FACILITY	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
Princeton Borough Police Department Princeton, NJ	0	Not allowed in to see	No	Not allowed in to see
Trenton Police Department Lockup Trenton, NJ	0	0	No	No
Middlesex County Middlesex County Jail New Brunswick, NJ	0	0	No	No
Middlesex County Workhouse New Brunswick, NJ	0	0	No	No
Middlesex County Youth House New Brunswick, NJ	0	2	NA	NA
Carteret Police Department Carteret, NJ	0	0	No	No
Edison Township Police Department Edison, NJ	0	0	No	No
Metuchen Police Department Metuchen, NJ	0	0	--	Yes
Jamesburg Training School Jamesburg, NJ	0	0	NA	NA

NEW YORK

This report deals with the process used to monitor juvenile detention and correctional facilities in New York and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act.

COMPLIANCE MONITORING SYSTEM

Basic responsibility for monitoring rests with the New York Division of Criminal Justice Services, 80 Center Street, New York, New York 10013. Within the Division, the Office of Planning and Program Assistance (OPPA) carries responsibility for monitoring the state's compliance with the JJDP Act of 1974. Mr. William T. Bonacum is administrator of the OPPA. Within the OPPA, the monitoring responsibility centers on Deputy Administrator Morris Silver. Under his direction, Ms. Marilyn Seide, Supervisor of Compliance Monitoring, carries out the coordination of monitoring and oversees the Grants Program for Diversion and Deinstitutionalization.

Authority to Monitor: The Office of Planning and Program Assistance derives its authority for the monitoring process from Article 35 of the New York State Executive Law. This statute grants the agency the power and duty to plan and disburse federal funds. This implies the responsibility and power to assure compliance with federal regulations concerning such funds. (See attached New York State Executive Law, Section 837, Paragraph 3, Page 416.)

In New York, the actual monitoring is done by an agency other than staff of the OPPA. Monitoring adult correctional institutions and local lockups is the responsibility of the Commission on Corrections (COC). Attached, under a cover letter dated January 16, 1980, are excerpts of the correction law establishing the Commission of Correction and setting forth its authority and responsibility to monitor and inspect adult correctional facilities.

Juvenile correctional and detention facilities are monitored by the State Division for Youth. Juvenile correctional facilities are operated by the Division for Youth (DFY) and are inspected and monitored by the "Program Review Unit" within the Department of Rehabilitative Services headed by a deputy director. (See attached document entitled PROGRAM REVIEW UNIT which describes the unit and sets forth its functions.)

Section 510-a of the Executive Law, attached, sets forth the authorization for the DFY to certify, regulate, and inspect juvenile detention facilities or to operate them.

Other residential facilities utilized for Persons in Need of Supervision (PINS) and juvenile delinquents are operated by or under the regulation and supervision of the New York State Department of Social Services (DSS). (Attached is a letter from DSS dated February 5, 1980 which, with its attachment of various sections of the Social Services Law, sets forth its authority and responsibility for such institutions. Note that Section 562-a of the Social Services Law gives the DFY joint responsibility with the DSS for facilities which care for a significant number of juvenile delinquents, or PINS.)

Compatibility of Definitions: In its 1979 monitoring report, New York utilized the OJJDP definitions, plus the inclusion of a classification of juvenile that, in truth, is tried as an adult under the state Juvenile Offender Law. New York Family Court Law, Section 712, attached, defines both the juvenile delinquent and the status offender as does the OJJDP. Status offenders are called PINS in New York. This same section also defines "secure" facilities the same as the OJJDP.

Also attached is an excerpt from Section 10, New York Penal Law, which defines a "juvenile offender." For certain juveniles, this law states their case mandatorily begins in the adult criminal court and will be disposed of therein unless the matter is waived to family court. Regardless of the charge or label, any child under sixteen accused or adjudicated for an act that would be a crime for an adult must be housed in juvenile detention or correctional facilities rather than in adult institutions. Because of this, New York considers juvenile offenders in the same light as juvenile delinquents for purposes of monitoring.

Selection of the Monitoring Universe: By the time the JJDP Act of 1974 came into being, New York had long established agencies dealing with juvenile offenders-- The Division for Youth and the Department of Social Services. Also, the Commission on Corrections had a long record of overseeing the quality of care in adult correctional institutions. All of these agencies were called upon to identify those facilities and programs that come under the heading of "residential care for children."

Classification of the Monitoring Universe: All adult jails, penitentiaries, police lockups, and state correctional facilities were, and still are, considered as facilities that "could possibly" hold both juvenile and adult offenders. Initially, state laws permitted certain juveniles to be detained in or sentenced to adult institutions. Also initially, it was permitted by law to confine PINS in secure facilities and with delinquents. Current laws prohibit these practices, but all of the above

institutions, together with all secure juvenile detention and correctional facilities, are considered to be and are classified juvenile detention or correctional facilities.

In this verification effort concerning New York's 1979 monitoring report, our field monitor compiled what is the best available information concerning the classified universe actually monitored by the state. The list consists of a two-page, typed list, together with two letters from the state Commission on Corrections dated January 2 and January 11, 1980 (see attached). Omitted from the classified universe are all jails or lockups that were not site-visited by the COC, as evidenced by the notations on the letters from COC.

The OPPA does not maintain the suggested OJJDP form listing all facilities in the universe and setting forth the numbers of juveniles falling into the various classifications and facilities. For those facilities visited in this verification, information concerning the confinement of juveniles in adult institutions was taken from the letters from COC, mainly the one dated January 11, 1980.

Monitoring Report Period: New York selected a twelve-month report period. When this verification began on February 11, 1980, it was learned that the 1979 monitoring report had been completed but had not yet been mailed to OJJDP. With the assurance that the report would be mailed, this verification then covered the 1979 report. The report period verified was January 1 through December 31, 1979.

Data Collection: All data collection is done by the COC, DFY and DSS and submitted to the OPPA for compilation of the monitoring report. The DFY collects data on juvenile correctional institutions and detention facilities. Weekly reports are received from correctional institutions of the DFY and are computerized. The computer printout is reviewed by the Program Assistance and Review Unit, and any irregularity is followed up and corrected if necessary. Additional data is gathered through periodic, on-site visits by the PAR Unit throughout the year. (See attached memorandum dated May 4, 1978 concerning such review unit, together with a weekly printout for the week of January 4, 1980.)

Data on juvenile detention is also gathered by DFY staff in three different ways. First, reports are required from each facility and received in the DFY Detention Services Office. Secondly, a cooperative arrangement has been made with the COC concerning juveniles placed in adult jails, lockups, etc. This involves, first, the approval of DFY for a juvenile to be placed in such a facility. A copy of the approval form (copy attached) is sent to the COC for follow-up and verification later on. The COC has modified its routine jail inspection form to include a "Part II--Juvenile Detention Information" (see attached copy). The third method for gathering detention information is for DFY staff to make on-site visits to juvenile detention facilities.

The COC routinely inspects county jails and penitentiaries on a quarterly basis, and has agreed to check for adequate separation of children if they are found in these facilities.

The DSS, jointly with DFY, regulates and inspects non-secure, residential facilities which may, by law, house PINS as well as delinquents.

All of the above data gathered by the three agencies outside the OPPA is accepted without verification by the OPPA and utilized in the state monitoring report. Laws prohibiting certain practices plus the financial aspects of state aid to local detention programs have been relied upon as assurances that the reports received were essentially correct and adequate.

Inspection of Facilities: The OPPA does not inspect facilities for compliance, nor does it spot check to verify compliance as reported by the state agencies mentioned above which do inspect facilities.

Both the DFY and the DSS have regular and frequent inspections of the institutions and facilities under their responsibility.

The COC has regular quarterly inspections of state and county adult correctional facilities, but not of police lockups. In fact, it is said to be virtually impossible, with their staffing pattern, to make annual inspections of each and every lockup in the state. (See more on this under Obstacles Section.)

Method of Reporting: Under the direction of a deputy administrator of the OPPA, the Supervisor of Compliance Monitoring receives the data from the three state agencies and drafts the monitoring report. The deputy administrator then reviews, approves, and forwards the report to the Commissioner of the Division of Criminal Justice Services. When the final report is approved, it is forwarded to the OJJDP, with copies going to all Board and Advisory Committee members, local planners, appropriate state agency heads, and to some advocacy groups.

Violation Procedures: Considerable attention has been paid to procedures for handling violations. Attached is a letter dated January 25, 1980 from the DFY and a memorandum dated May 19, 1978 which sets forth in detail the violation procedures. Also attached for guidance in this area is another memorandum dated November 24, 1978 which addresses the detention of juvenile offenders, together with a copy of DFY juvenile detention facilities regulations.

New York has written violation procedures.

Assurances Against Reclassification: There appears to be no way for a juvenile to be reclassified and housed in a facility for adult criminals. Even those juveniles now coming under the Juvenile Offender Law and processed through the adult criminal justice system may not be sent to an adult facility until after their sixteenth birthday.

Obstacles-Technical Assistance Needs: There appears to be only one major obstacle to the gathering of complete data for monitoring. This is in the area of local lockups where the staff resources of the COC is said to prevent full and sustained monitoring of these facilities. In the Bureau of Manhattan alone, there are said to be 272 cells in the combined capacity of ]7 precincts. These do not include the holding rooms at the Manhattan Central Booking Facility. None of these facilities were monitored for the ]979 report, nor were the unknown number of holding facilities in the other four bureaus of New York City.

Another obstacle to full monitoring is the difficulty of reviewing the many different records maintained at the Manhattan Court Detention Facility. This facility was said to have been visited for the ]979 monitoring report, but no juveniles were noted in the report to have been inadequately separated. In the verification effort, however, a minimum of 4] juveniles were found to have been in this facility under inadequate separation.

There is no apparent lack of technical knowledge or ability to carry out the monitoring effort. In fact, the overall procedure is quite satisfactory. There is need to initiate some verification effort on the part of the OPPA to assure the adequacy of the data being gathered and reported by other agencies.

Successful Policies and Programs: It would, according to our field monitor, be difficult to select from among the many fine accomplishments and programs of New York those which are most significant. Certainly, the several grants and programs of OPPA which has brought about the development of non-secure facilities for detention of juveniles and a variety of diversion programs are worthy of note. Perhaps the most significant development is in the area of law. Attached are excerpts from Section 218 of County Law which requires counties to provide adequate and accessible non-secure detention facilities. Also Section 720 of the Family Court Act, which is attached, furthers this point by not permitting PINS to be detained in secure custody where the mandated non-secure facilities have been certified. This virtually assures the removal of status offenders from secure detention.

Monitoring Strengths and Weaknesses: It may be said that, with only two exceptions, New York's juvenile detention monitoring system is strong and well organized. While we can understand the OPPA's reasons for not attempting to verify the findings of the DFY, CDC, and DSS, we believe even the best system can be improved through employment of a series of checks and balances. Information and data obtained from a percentage of each type and group of facilities should be verified annually by OPPA staff.

The only other weakness observed deals with the lack of monitoring coverage of local lockups. Undoubtedly, the number of facilities and the available monitoring

staff present a real problem. However, even a plan which would permit sampling monitoring of a percentage of these facilities each year would provide some needed documentation that children do not occasionally find their way into these facilities.

Verification Problems: The field monitor received excellent cooperation from the OPPA staff and no verification problems were encountered.

Facility Data Verification: Visits were planned to facilities in Albany, Genesee, New York, Saratoga, Schenectady, Sullivan and Westchester Counties. The facilities included 15 jails and county correctional facilities, one detention center and one training school.

Our field monitor was unable to obtain information from the Westchester County Department of Corrections Penitentiary Division (he visited the facility on a holiday) or the Sullivan County Jail (he was at this facility at 3:45 p.m. on a non-holiday). With these facilities, we now have only found three local facilities in all the states in the national verification review that refused to provide requested information. While we regret not getting full information, we believe the level of local facility staff cooperation has been remarkable.

All of the 13 local jails and correctional facilities were secure and all primarily housed adults. According to the state report, only four of these facilities also housed juveniles during the past twelve months. This was verified. Our field monitor also visited a fifth facility, the Manhattan Central Booking Facility, which held juveniles, but this facility was not included in the 1979 monitoring. None of these facilities held accused status offenders over 24 hours or adjudicated status offenders during the report period. According to the state report, the four facilities that held children provided adequate separation. Our verification review showed only one of the five facilities that held children provided adequate sight and sound separation. While our monitor did not obtain complete information on all juveniles held in the Manhattan Central Booking Facility, we must report that a minimum of 113 children, probably twice this number, were inadequately separated in these facilities during 1979.

The Detention Cottage is a secure facility that houses only juveniles. No accused status offenders were held over 24 hours nor were adjudicated status offenders held during the report period.

The Tyron School is a secure unit which only houses juvenile girls. No status offenders, accused or adjudicated, were held in this facility during 1979.

Field Monitor: Willis Thomas served as Field Monitor for the New York verification review. The on-site work was conducted February 11 through 15, and February 19 through 21, 1980.

Verification Summary: While the inclusion of data verification and some monitoring of local lockups would further improve this program, New York has an adequate statewide monitoring system.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Use of monitoring authority--Since specific authority to monitor is available, it should be used to require all facilities which might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the monitoring agency and to require each facility to submit a duplicate copy of each month's report form to the monitoring agency.

2. Classification of facilities--All facilities which might hold children in secure custody should be classified as a juvenile detention or correctional facility and should be monitored. All jails, lockups, detention facilities, and training schools should be so classified and monitored regardless of policies or announced practices regarding the holding of children or existing laws which prohibit the admission of children to the facilities.

3. Data collection--Uniform juvenile admission/release record forms should be developed, which include all necessary monitoring data, for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample, on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

4. Inspection records--Records which show the inspection date, the findings, and which identify the facility should be maintained by the monitoring agency.

STATE - <u>NEW YORK</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Albany County</u> Albany County Jail and Penitentiary Albany, NY	--	0	Yes	No
Albany City Police Dept. Albany, NY	--	0	Yes	No
<u>Fulton County</u> Tryon School Unit for Girls Johnstown, NY	0	0	NA	NA
<u>Genesee County</u> Genesee County Jail Batavia, NY	0	0 (verbal verification)	NA	NA
<u>New York City (County)</u> Manhattan Court Detention Facility Manhattan, NY	0	0	NA	NA
Manhattan Central Booking Facility Manhattan, NY	--	--	not monitored	No
<u>Saratoga County</u> Saratoga County Correctional Facility Ballston Spa, NY	0	0	Yes	No
Saratoga Springs Police Dept. Saratoga Springs, NY	0	0	Yes	Yes
<u>Schenectady County</u> Schenectady County Jail Schenectady, NY	0	0	NA	NA
Schenectady Police Dept. Schenectady, NY	0	0	NA	NA
Scotia Police Department Scotia, NY	0	0	NA	NA
<u>Sullivan County</u> Sullivan County Jail Monticello, NY	--	not allowed to see records	--	not allowed to see facility

STATE - <u>NEW YORK</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Westchester County</u> Westchester County Jail Valhalla, NY	0	0	NA	NA
Westchester County Penitentiary	--	not allowed to see records	--	NA
Westchester County Dept. of Corrections, Women's Division Valhalla, NY	0	0	NA	NA
Mt. Vernon Police Dept. Mt. Vernon, NY	0	0	Yes	No
Woodfield Detention Cottage Valhalla, NY	0	0	NA	NA

## NORTH CAROLINA

This report deals with the process used to monitor juvenile detention and correctional facilities in North Carolina and the data collected to demonstrate compliance with Section 223 a (12)(13) of the Juvenile Justice and Delinquency Prevention Act.

### The Monitoring Agency

The North Carolina Department of Crime Control and Public Safety, Governor's Crime Commission, is the state agency responsible for monitoring. Within the Division, staff responsibility for monitoring rests with Mr. Robert U. Hinkle, Jr., Juvenile Justice Specialist.

### The Division's Authority to Monitor

The Division does not have the authority to monitor. However, authority to inspect jail and detention facilities is vested by law in the North Carolina Department of Human Resources. Its authority to inspect twice annually is found in the Code. (See copy of law attached.) This inspection authority is used by the Department for the authority to collect monitoring data as required by the OJJDP.

### Compatibility of Definitions

North Carolina definitions are compatible with those of the OJJDP. Article 41, Section 7A-517 of North Carolina Criminal Law and Procedure, in paragraph (1) abused, (21) neglected, (13) dependent, (12) delinquent juvenile and (28) undisciplined juvenile set forth the appropriate definitions, with the latter taking precedence insofar as truancy, incorrigibility and runaway children are concerned. (See copy of Article 41, Section 7A-517 attached.)

### Selection of the Monitoring Universe

The selection of the monitoring universe was made by the Department of Human Resources since they have the authority to license and inspect the facilities. Apparently all facilities are subject to DHR's licensing authority, and were included as part of the universe of facilities.

### Classification of the Monitoring Universe

Selection of the universe and classification of facilities may be the weakest point in the monitoring system. The Division staff could not respond with any written material other than a letter dated February 26, 1979, from Gordon Smith, the Division Administrator, to David West relative to the selection and classification of facilities. Since the letter dealt with the classification of private non-secure facilities, it is not relevant to this assessment of secure facilities. City jails were excluded from the list of classified facilities. The reason for the exclusion of these facilities rests on the information provided by Department of Human Resources personnel that the city jails are not authorized to detain juveniles. While the absence of a list of classified facilities is not critical, such a list would help insure complete monitoring.

### Monitoring Report Period

For all facilities except state training schools, the report period is three months. The date reported for the three months, August, September, and October, 1978, was verified for these facilities. The report period for state training schools was a single day, August 1, 1978. Data for the training schools was verified based on the one day count.

### Data Collection

Each facility collects its own data which is reported to the Department of Human Resources. The Departments records verification twice annually. (This is not considered to be monitoring verification.) Data provided by the DHR to the

Division is not verified by the Division. All counties are reporting, but error is high if our Field Monitor's verification efforts and findings are accurate. There was an abundance of over reporting, (failure to eliminate non-judicial days), and probably a failure to clearly understand on the part of the local agencies the definition of status offender.

The Field Monitor found many children reported that stayed less than 24 hours. Insofar as the Stonewall Jackson Training School is concerned, data from that facility could not be verified in the absence of a prolonged period of time to examine the records. As a result, the Field Monitor looked at admissions only to that facility during the three month report period, finding over 50 children admitted as runaways. Committed delinquents who leave the training school grounds and unauthorized departures are classified as runaways by the training schools, which explains the number of 50. The Division informed our monitor that the Stonewall Jackson Training School did not admit any status offenders during the report period since to do so would have been contrary to the law. Thus, we can only conclude that the method of data collection are also weaknesses in this monitoring system.

### Inspection of Facilities

Statutes require twice annual inspection of each facility licensed to hold or detain individuals. These inspections are for physical standards, but also include, according to Division staff, checks for sight and sound separation compliance. Inspections are made at the same time facility records are verified. The Division could not provide inspection dates for any of the facilities visited.

### Method of Reporting

Each facility reports the required monitoring data to the Department of Human Resources. This information is then provided to the Division staff who compile the annual monitoring report for submission to the OJJDP.

### Violation Procedures

Staff were unable to provide written procedure relative to detaining a juvenile in the same secure facility with adults without separation. The Field Monitor was informed that on-site inspections were for purposes of licensing, and that if a violation were found, the facility would probably not be licensed, and that DHR would probably report the same to the county commissioners in the county in which the facility was located. The law, which was cited earlier as the authority for the DHR to monitor or, more specifically, to license and inspect, does contain specific procedures for dealing with violations. It is assumed that sight and sound separation violations would be dealt with as any other violation.

### Assurances Against Reclassification

The law seems to provide adequate protection against reclassification. (See Article 52-Dispositions, Sections 7A-646 through 7A-658 attached.)

### Obstacles and technical Assistance Needs

The primary obstacles in the monitoring system is in self-reporting of compliance data, the lack of verification of reported data, and the understanding of definitional terms by those reporting. Training could be utilized by local and state personnel, remonitoring methodology, terms, guidelines, etc. The Division also needs to develop a systematic means of verifying the self-reported data. It would be better still if the data was collected on-site by assigned monitors. A method for sharing common definitions of appropriate terms needs to be developed.

Other improvements which would strengthen the system might include the development of standard admission/release logs to be used by all facilities which hold juveniles. Likewise, it is desirable for the Department of Human Resources to monitor for juveniles detained along with separation. Completeness of records should be another item checked. Our Field Monitor found many booking or admissions records were not only inconsistent, but incomplete.

### Successful Policies and Programs

Two programs were cited by the Division. The Chowan County "Alternative Education" project is designed for dropouts. It encourages the child's return to school, provides testing, and Vocational Guidance Division staff say it is promising, but no evaluation has been completed as yet.

The Cumberland County Project ROSES is designed to keep children at junior high school level, who would ordinarily be suspended, in school. ROSES stands for "Reduction of Out-of-School Expulsions and Suspension." In this program, children are suspended, but continue to receive academic work. A group-work approach is used with the goal being to teach children how to cope in the regular school.

### Monitoring Strengths and Weaknesses

While the Division does not have legal authority to monitor, this creates no problem. The licensing and inspection authority of the Department of Human Resources is used for monitoring. The definitions in the North Carolina law are compatible with those of the OJJDP. The report period for all facilities, except training schools, is adequate. The one-day report period for training schools is acceptable under OJJDP guidelines, but it provides limited useful monitoring information and can work against the state in complying with the Act. Inspections are required to be made twice annually by DHR and the law covering licensing and inspections contains specific violation procedures. These are strengths of this system.

The process for selecting the potential monitoring universe and for classifying facilities is not clear. The exclusion of city jails from the classified universe is a definite weakness. The data collection process, especially since the data is not verified on site, is questionable. On-site collection of data by persons not affiliated with the facilities would provide more reliable information and probably, due to removal of non-judicial data, would show a higher level of compliance.

The system used in North Carolina requires considerable staff training, instruction in tabulating and reporting data, and verification. These items are missing now.

#### Verification Problems

There were no unusual verification problems.

#### Facility Data Verification

Visits were scheduled to facilities in Anson, Cabarrus, Chatham, Gaston, Harnett, Lee, Mecklenburg, Moore, Union, and Wake Counties. Visits were made to ten jails, two detention centers, and the Stonewall Jackson Training School.

All of the ten jails visited were secure. The state reported that seven of these jails held both children and adults during the past twelve months, but our verification found that nine jails held children. According to the state report, four jails held ten accused status offenders over 24 hours and one adjudicated status offender. Our verification of the records found three accused status offenders held over 24 hours and no adjudicated status offenders held in two jails during the report period. The state reported that nine jails provided adequate separation and that no children were inadequately separated.

We could only rate seven jails as having adequate separation and the review of the records showed six children inadequately separated during the report period.

Both detention centers are secure and only hold juveniles. The state reported 80 accused status offenders held over 24 hours in these two facilities during the report period. Our review of the records only showed 55 accused status offenders held. The difference comes from the inclusion of children held during non-judicial days. If children held on non-judicial days are included throughout the state, the error can have a pronounced effect on North Carolina compliance data.

The Stonewall Jackson Training School, listed as a secure facility by the state, but rated as non-secure by our Field Monitor, only holds children.

Records and data collection in North Carolina need to be improved.

#### Field Monitor

Mr. Frederick Howlett served as Field Monitor for the North Carolina verification. The on-site work took place March 24th through 28th, 1980.

#### Verification Summary

North Carolina has developed a state-wide juvenile detention monitoring system. While the system can be called adequate, it needs considerable improvement to be effective. The major problems relate to the classification of facilities, data collection, and verification. This state probably has over-reported the number of status offenders held over 24 hours in secure custody.

RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system the following recommendations are presented for consideration.

1. Classification of facilities--All facilities which might hold children in secure custody should be classified as a juvenile detention or correctional facility and should be monitored. All jails, lockups, detention facilities, and training schools should be so classified and monitored regardless of policies or announced practices regarding the holding of children or existing laws which prohibit the admission of children to the facilities.

2. Monitoring report period--The report period for all facilities should be twelve months.

3. Data collection--Uniform juvenile admission/release record forms should be developed which include all necessary monitoring data, for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

4. Non-judicial days--Under current OJJDP guidelines, accused status offenders held on non-judicial days are not to be included when determining which children were held over 24 hours. Saturdays, Sundays and state holidays should not be counted when collecting data on the number of accused status offenders held.

5. Inspection records--Records which show the inspection date, the findings, and which identify the facility should be maintained by the monitoring agency.

STATE-North Carolina FACILITY	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a) (12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Anson County</u> Anson County Jail Wadesboro, NC	0	0	--	No
<u>Cabarrus County</u> Cabarrus County Jail Concord, NC	3	0	Yes	Yes
Stonewall Jackson Training School Concord, NC	0	54 (Not status offenders. Delinquent runaways.)	NA	NA
<u>Chatham County</u> Chatham County Jail Pittsboro, NC	0	0	Yes	Yes
<u>Gaston County</u> Gaston County Jail Gastonia, NC	0	0	Yes	Yes
<u>Harnett County</u> Harnett County Jail Lillington, NC	0	0	Yes	No
<u>Lee County</u> Lee County Jail Sanford, NC	3	0	Yes	No
<u>Mecklenburg County</u> Mecklenburg County Jail Charlotte, NC	0	0	Yes	Yes
Mecklenburg County Diag- nostic Center Huntersville, NC	36	34	NA	
<u>Moore County</u> Moore County Jail Carthage, NC	2	1	Yes	Yes
<u>Union County</u> Union County Jail	3	2	Yes	Yes
<u>Wake County</u> Wake County Jail Raleigh, NC	0	0	Yes	Yes
Wake County Juvenile Detention Center Raleigh, NC	44	21	NA	NA

OREGON

This report deals with the process used to monitor juvenile detention and correctional facilities in Oregon and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act.

The Monitoring Agency: The Executive Department, Law Enforcement Council, 2001 Front Street, N.E., Salem, Oregon 97310, is the state agency responsible for monitoring. Within the agency, Mr. Keith Stubblefield, Administrator, is the staff person responsible for monitoring. Mr. Robert Lockridge, Juvenile Justice Specialist, is responsible for preparation of the state's annual monitoring report.

The Council's Authority to Monitor: The Law Enforcement Council was established by statute in 1967. The duties of the Council are to assist the Governor in crime and delinquency prevention programs under the direction of the Law Enforcement Coordinator. The Council's duties and those of the Law Enforcement Coordinator are rather general and do not address monitoring. However, the Coordinator has responsibility to "collect and compile statistics relative to crime control and prevention which he may deem important or of value to such a program" and to "make surveys, investigations and inquiries into the causes of crime and its control and prevention." Under these requirements, the Council may have authority to monitor. The Council does the monitoring job because it is the logical agency to perform the task. (See the attached copy of the law which established the Law Enforcement Council.)

Compatibility of Definitions: There is no basic disagreement between OJJDP definitions and those of Oregon's Juvenile Court Proceedings. However, according to Mr. Howard Child, Juvenile Justice Specialist for the Council, there has been a serious problem in mislabeling of offenses at the point of intake. Sizeable numbers of children counted as runaways (status offenders) had in fact committed a criminal-type offense.

As a step in determining the extent to which mislabeling may have occurred after all facilities had been visited in connection with monitoring for 1979, the Council staff went back to four counties where a sampling was taken of status offenders' cases where the child was held over 24 hours. The counties were Lane, Clackamas, Multnomah, and Columbia. In three counties 25 percent of the 1979 cases were sampled, and in the fourth county all cases were reviewed. This review showed that 40 percent of the cases labeled status in these four counties were in fact criminal-type cases.

Whether this information can lead to any change in Oregon's compliance level will not be known until the Council takes the next step of applying this same kind of review to the 1975 base year data.

Selection of the Monitoring Universe: Facilities were included for review if they had received juveniles who had been referred by the juvenile courts or by the Children's Services Division, and if the size and security of the facility matched OJJDP's definitions and guidelines. Jail inspection information also helped in the selection by identifying all jails in operation, discovering which jails held juveniles, and in making initial contacts to pave the path for the Council's later, on-site visits.

The selection of the potential monitoring universe seems to have provided full coverage of facilities.

Classification of the Monitoring Universe: The Law Enforcement Council used three sources as aids in its classification of facilities. The sources were OJJDP definitions and guidelines, information provided by the Children's Services Division, the State Licensing Agency, and technical assistance provided by Jim Brown, Community Research Forum of the University of Illinois. The facilities classified as juvenile detention or correctional facilities included six juvenile detention homes, three camps, 41 jails, and two training schools. Another 47 jails were not classified as juvenile detention or correctional facilities, leaving a potential void in the universe to be monitored.

Monitoring Report Period: Oregon selected a twelve-month report period. The period for which data was verified was July 1, 1977 through June 30, 1978.

Data Collection: On-site visits were made to all secure facilities including the 47 jails not classified. Non-secure facilities were not visited. Forms devised by the Council were used for interview purposes and were filled out on-site. In accordance with the agreement drawn up between the Corrections Division and Council, the latter maintained close working relationships with the Jail Inspection Unit of the Corrections Division throughout the 1978 monitoring process. The Council had free access to the files of the Jail Inspection Unit and, in turn, explained all OJJDP rules and regulations to the Unit. With this cooperation, it was an easy matter for the Unit to advise all law enforcement agencies what to expect in terms of monitoring.

To assist in this endeavor, the Council hired additional temporary staff. The Jail Inspection Unit participated in the screening and hiring of this staff, provided supervision, and conducted the jail monitoring part of the program. The Council, of course, also maintained close contact with the temporary staff.

While training schools were included, the classified facility data was not obtained from the schools because they are legally prohibited to hold status offenders in secure custody. (See attached citation.) This reason is not valid since it is the purpose of monitoring to insure that all facilities comply with the laws and policies.

Inspection of Facilities: The Council considers its monitoring duties to include a close check of adult/juvenile separation in jails, and does so check. However, 1978 marked the first formal accounting of the separation issue. The Jail Inspection Unit of the Corrections Division also has an interest in whether or not separation is in effect when it makes its own annual jail inspection, and inspection information is shared with the Council.

All facilities are inspected for separation.

Method of Reporting: All materials and data essential to report on the status and results of monitoring are collected by Council staff. The annual state monitoring report is prepared by the juvenile justice specialist and, when available in final form, is forwarded to the OJJDP. Copies of the report are submitted to the Governor; Supervisory Board; State Advisory Committee; state and local agencies involved in juvenile matters; some citizens; and sheriffs across the state. Copies are also provided to the media upon request.

Violation Procedures: The Council does not have a set procedure for handling violations. Funds have been withheld as an inducement to improve juvenile services, not as punishment for failing to comply with OJJDP regulations. Both the Council and the OJJDP have given technical assistance as an aid towards increased compliance, but staff feels such help must be seen in the context of the degree of willingness to use the help.

Assurances Against Reclassification: Since the Oregon law does not differentiate delinquents and status offenders and does permit the Children's Service Division to place a child given to its custody either in a juvenile training school or in an institution operated as a training school, it appears that the law does not protect the child from legal or administrative reclassification. (See portions of Code, attached.)

Obstacles--Technical Assistance Needs: The absence of a standard system for maintaining and reporting data was said to be the main monitoring problem. That record maintenance is a problem was verified during on-site visits.

While inadequate statistical data is a real problem, a more critical block to obtaining deinstitutionalization of status offenders from secure custody and the separation of juveniles from adults in detention exists. Justice and law enforce-

ment practitioners seem to oppose the whole idea of participation in the OJJDP program. This has been made clear to the Council. This has, at best, hampered the development of a smooth monitoring program and enforcement of compliance provisions. A satisfactory monitoring process based on acceptance of the concepts and programs being monitored requires a much greater singleness of purpose than presently exists in Oregon.

No technical assistance needs were stated.

Successful Policies and Programs: There are volunteer shelter programs in four counties and several family group homes in Oregon which appear to have some impact on detention practices. The main push, however, comes from decision-making bodies--i.e., judges and juvenile authorities who determine where a youth shall be placed and what kind of treatment he/she shall be given. Where the decision maker favors keeping the status offender out of jail and out of secure custody, detention rates noticeably declined between 1975 and 1978.

The juvenile justice specialist did not make mention of a program in Benton County (Corvallis, Oregon) which appears to be working very well. In addition to the Benton County Correctional Facility, formerly the Benton County Jail, there is a Law Enforcement Center where the screening of probably the majority of apprehended youths takes place. Depending on the severity and nature of the offense, a police officer may take a juvenile directly to the correctional facility if he/she sees detention is essential, or, as in most cases, he/she can bring the juvenile directly to the Law Enforcement Center. The Center is neither a jail nor a holding facility. The officer stays with the juvenile long enough for the Center staff to contact his family or take whatever action is indicated other than incarceration.

The above arrangement is frequently encountered between jails and probation departments. The difference here is that the arrangement is law enforcement-initiated, law enforcement-endorsed on two fronts, and law enforcement-operated. Such a program is not often encountered in the law enforcement milieu.

It should be noted that Benton County in 1977 also prepared a juvenile reference handbook spelling out the disposition of a child in custody and laying down ground rules agreed to and signed by the Chief of Police and the Sheriff.

Monitoring Strengths and Weaknesses: While the Council does not have specific authority to monitor, the law seems to permit monitoring under the duties outlined. The definitions used in Oregon are compatible with those of the OJJDP. Selection of the potential monitoring universe seems to be complete. The twelve-month report period provides for full monitoring information and should assist in detention planning. The data collection process, with the work done by the Council staff

and the Jail Inspection Unit of the Corrections Division, is adequate but should be extended to all jails and training schools. Inspections are made annually. These are strengths.

Forty-seven jails were not classified as juvenile detention or correctional facilities, thus leaving a potential void in the monitoring process. Data was not obtained from the training schools because they cannot legally hold status offenders. This, we have found, is not sufficient reason to exclude a facility from monitoring. No set violation procedures are established. Assurance against reclassification cannot be guaranteed under the Oregon code. The absence of a standard system for maintaining and reporting facility admission data limits the information needed. These are weaknesses.

Verification Problems: The only verification problem centered around the availability of facility admission data and the collection of all necessary data.

Facility Data Verification: Visits to facilities in Benton, Marion, Multnomah and Sherman Counties were made. Due to weather conditions which prevented travel to Sherman County, Hood River County was selected as a substitute. Five facilities were visited including two jails, two detention homes, and the Mac Laren School for Boys.

Both jails visited were secure and both held adults and juveniles during the past twelve months. According to the state monitoring report, these two jails held 14 accused status offender over 24 hours during the report period. This was verified. The state monitoring report indicated that one facility provided adequate separation of juveniles and adults and one did not provide adequate separation. Our field monitor felt that neither jail provided adequate separation, due to the use of inmate trustees in the jail rated as separated by the Council. Oregon does not maintain data on children inadequately separated in jails. Based on the data obtained, 333 children were inadequately separated during the report period.

The two juvenile detention homes, both of which are secure, only held juveniles. During the report period, 629 accused status offenders were held over 24 hours in these two facilities, with 622 being held in one detention home. No adjudicated status offenders were held. Separation is not an issue in these facilities.

The Mac Laren School for Boys, a secure facility, basically serves juveniles. However, it is possible that a juvenile remanded to criminal court, tried, and sentenced may be placed in this school. Since this possibility exists, it is noted. The Mac Laren School did not house accused or adjudicated status offenders during the report period.

Field Monitor: Mrs. Helen Sumner served as Filed Monitor for the Oregon verification review. The on-site work took place January 28 through 31, 1980.

Verification Summary: While Oregon has developed a statewide detention monitoring system, its adequacy must be questioned since 47 jails were not included among the classified facilities; data was not routinely obtained from the training schools; status offenders still are held over 24 hours, a least in fairly large numbers in one detention home. Children are held in inadequately separated jails and procedures for acting on violations do not exist.

Since the JJDP Act of 1974 only requires that each state provide for an adequate system of monitoring, and since adequate, in one of its definitions, means reasonably sufficient, it can be said that Oregon has an adequate monitoring system. Improvements seem to be needed if the system is to be effective, however.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children, to correct and eliminate violations.

2. Classification of facilities--All facilities which might hold children in secure custody should be classified as a juvenile detention or correctional facility and should be monitored. All jails, lockups, detention facilities, and training

schools should be so classified and monitored regardless of policies or announced practices regarding the holding of children or existing laws which prohibit the admission of children to the facilities.

3. Data collection--Uniform juvenile admission/release record forms should be developed which include all necessary monitoring data for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample, on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

4. Violation procedures--Violation procedures should be established which include a clear description of the sight and sound separation required and the actions which may be taken if inadequate separation is found. The procedures should be made available in printed form to all facilities which might hold children in secure custody.

5. Assurance against reclassification--Since the Oregon law does not differentiate between delinquents and status offenders and does permit the Children's Service Division to place a child given to its custody in a training school, protection against reclassification is not available. Consideration should be given to amending the law to provide the required assurances against reclassification.

STATE - <u>Oregon</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Benton County</u> Benton County Jail Corvallis, OR	9	9	Yes	No
<u>Hood River County</u> Hood River County Jail Hood River, OR	5	5	No	For report period, no. Currently, yes.
<u>Marion County</u> Marion County Juvenile Detention Home Salem, OR	7	7	NA	NA
MacLaren School for Boys Woodburn, OR	0	0	NA	NA
<u>Multnomah County</u> Multnomah County Juvenile Detention Home Portland, OR	622	622	NA	NA

PENNSYLVANIA

This report deals with the process used to monitor juvenile detention and correctional facilities in Pennsylvania and the data collected to demonstrate compliance with Section 223 a (12)(13) of the Juvenile Justice and Delinquency Prevention Act.

The Monitoring Agency

The Pennsylvania Commission on Crime and Delinquency, PO Box 1167, Federal Square Station, Harrisburg, PA, 17108, is the state agency responsible for monitoring. Within the Commission, staff responsibility for monitoring rests with Mr. Richard Allen, Chief of the Juvenile Planning Section. Mr. James Strater, Planner, is responsible for the preparation of the state's annual monitoring report.

The Commission's Authority to Monitor

Act Number 274, which established the Commission, also provides the authority for the Commission to monitor. (See attached copy of Act 274-Section 3, item 6, page 4 and Section 4, item 6, page 5.)

The actual monitoring is done by three different units of state government. Juvenile institutions and programs are monitored by the Department of Public Welfare, which has the licensing authority and also provides financial assistance to local programs. DPW also operates the State Youth Development Centers for committed juvenile delinquents. (See attached DPW memo transmitting new detention center regulations and copy of Article IX of the Public Welfare Code, which gives the DPW authority to inspect and supervise all children's institutions.)

County jails are inspected annually by the Special Services Division of the Bureau of Correction.

Within the Department of Justice, there has been established the Community Advocate Unit-Youth Project. This project, funded by the Commission, has enforcement

powers concerning state juvenile laws and the requirements of OJJDP. While monitoring has been taking place with detention homes, state institutions, and county jails, no one has been monitoring local lockups. The Community Advocate Unit has begun to monitor local lockups. (See attached dated October 10, 1979, and signed by Attorney General Thomas F. Halloran.)

In addition to the Department of Public Welfare, Bureau of Corrections, and Community Advocate Unit, there is an organization located in the Justice Department called the "Juvenile Court Judges' Commission." It is not entirely clear whether or not this Commission is directly involved in monitoring, but it does have a regulatory and statistical gathering function, and is to be considered a part of the overall monitoring function. The Field Monitor reported that there is some effort underway to unify the statistical gathering and publication now being carried on by the several units of government.

#### Compatibility of Definitions

It is clear that the Pennsylvania Juvenile Code's definitions of delinquent offender and status offender are compatible with the OJJDP definitions. (See attached Code, Title 42, chapter 63, pages 1 and 2.)

In Pennsylvania a status offender is included in the overall label of dependent child. One cannot be treated as a delinquent child unless s/he shall have allegedly committed an act that would be a crime if committed by an adult, or having failed to pay a fine levied under an adjudication for a summary offense.

The only offense initially excluded from the definition of delinquency is murder. For this offense to be handled in juvenile court it must first be transferred from an adult criminal court.

The Code does not define "detention" nor "secure custody." It does, however, define "shelter care" as being physically non-restrictive. It does spell out where dependent children may be held, and prohibits their being held in facilities designed

or operated for delinquent children. (See attached Code, Section 6327 and 6351 (iii)(b).)

#### Selection of the Monitoring Universe

Readily available from the Department of Welfare was a complete listing of all public and private institutions and programs serving children and youth. The DPW has a licensing and grant-in-aid function which enabled them have such a list. In addition, the Bureau of Correction, with its jail inspection responsibility, had information on all jails. These two lists formed the potential monitoring universe. Unfortunately, local lockups were excluded from the universe.

#### Classification of the Monitoring Universe.

In concert with the appropriate officials of the Department of Public Welfare and the Bureau of Correction, the Commission applied the criteria of the OJJDP in classifying juvenile detention and correctional facilities. For the 1979 monitoring report, Pennsylvania listed only 42 such facilities. These consisted of 19 juvenile institutions and 23 detention centers. Despite the failure to include in the reported "classified universe" the county jails, numbering 67, all of the jails were monitored and 29 reported to be holding juveniles under inadequate separation from adults.

Also not included in the classified monitoring universe were the 326 local lockups known to exist in the state. It is commendable that the Community Advocate Unit has begun to monitor these facilities by mail. (Letters sent to the lockups are attached, along with the tabulation of responses from 191 facilities.)

#### Monitoring Report Period

The general report period selected by Pennsylvania is 12 months. However, in reporting on separation of juveniles in adults institutions, the report period covered the first nine months of 1979. In the verification process the 1979 report

period, from January 1 through December 31, 1978, was used. The first nine month period of 1979 was used exclusively for county jails included in the verification scope.

#### Data Collection

All data collection is performed by the Department of Public Welfare, Bureau of Correction, and the Community Advocate Unit. The Commission does not collect data.

The DPW licenses and monitors all placement facilities for juveniles in the state. Annual inspections are made, and on-site monitoring is said to take place at this time. Also, each facility is said to make an annual report to the DPW on admissions during the year and the population in residence at the end of the year. There is no clear pattern of monitoring among the various regions of the DPW.

The Bureau of Correction makes on-site visits to all county jails and reviews records for admission of juveniles. There is no regular, required reporting of county jails to the Bureau. Lockups are not included in the Bureau's responsibility for monitoring or inspections.

The Community Advocate Unit initially made on-site visits to each county jail to gather monitoring data. Since then they rely mainly on letter follow-up and on reports coming in either directly to them or through the "hot line" to the DPW concerning juveniles. It is said wardens are quick to report such violations because in Pennsylvania it is illegal, and further, they do not want juveniles in their facilities.

The Juvenile Court Judges' Commission gathers a wide variety of statistical data for varied purposes. These reports assist in the monitoring process. (See attached copy of 1978 Juvenile Court Analytical Report.)

#### Inspection of Facilities

The above pretty much shows how inspections are made. All inspections are made by the DPW, Bureau of Correction, and Community Advocate Unit. The Commission staff does not inspect.

#### Method of Reporting

Data received from the operating agencies having inspections and monitoring responsibilities is fashioned into a monitoring report by the Juvenile Justice Planning Section of the Commission. The report is processed through the organization, including the Advisory Committee, then it is finalized and forwarded to the OJJDP and state department heads. Copies are also made available to the Regional Planning Advisory Committees.

#### Violations Procedures

A major part of the violations procedures is a "hot line" to the DPW on which violations known or believed to have occurred may be reported. On receipt of a hot line report, the DPW can follow up on its own or refer the matter to the Community Advocate Unit or both. Usually the DPW ascertains the details of the violation, checks it with the facility, and then refers it to the Community Advocate Unit if further enforcement of law or policy is needed.

The licensing and grant-in-aid function of the DPW places it in good position to handle violations. Through inspection, as well as reports received, the DPW may lift the license or terminate financial assistance if violations are not corrected after detection.

The Community Advocate Unit has law enforcement powers and can, if necessary, initiate appropriate court action to correct a violation. The very presence of such power, however, is felt to be a deterrent to violations, especially now that it is illegal in Pennsylvania to house a juvenile in a jail. (This becomes effective December 31, 1979.)

### Assurances Against Reclassification

The Juvenile Code stipulates the circumstances under which a juvenile can be handled as an adult, and sets forth the procedure which must be followed.

When it comes to reclassifying a status offender to a delinquency status, the Juvenile Code also says this cannot be done unless the status offender is also adjudicated a delinquent according to the statutory definition of delinquency.

The Juvenile Court Judge's Commission has been active in seeing that status offenders are not reclassified. On pages 26-29 of the attached 1978 Juvenile Court Analytical Report, this matter is examined on the basis of statistics. Further, there is a court case in progress now involving the alleged practice in one juvenile court treating a status offender as delinquent when he fails to obey a court order issued in connection with the status offender proceeding.

Attached is a report entitled "The Transfer of Juveniles to Adult Court" covering the years 1974-1977. This is further evidence of the state's concern over reclassification.

### Obstacles--Technical Assistance Needs

As noted in other states, one major difficulty in monitoring the deinstitutionalization of status offenders is in the records kept by detention homes--lack of information as to the original offense when the reason for detention is given as probation violation, violation of court order, hold for court, bench warrant, etc. This, of course, is seldom the fault of the detention home. The court is at fault for not supplying the needed information. This obstacle is being worked on by the DPW and more strenuously the Community Advocate Unit. Depending on the settlement of the court case which addresses the issue of a delinquency charge resulting from violation of a court order issued on a status offender adjudication, a better tool may be available to enforce record keeping that will permit monitoring.

The lack of information on local lockups is an obstacle. This, too, is being addressed by the Community Advocate Unit through a mail monitoring approach. Whether or not on-site visits will become a regular routine is not certain. The large number of lockups spread across this large state might dictate some form of verification sampling method in concert with the letter system and the hot line reporting system.

Efforts are underway now to clear up another obstacles--that of coordinating and reconciling the data gathering and analysis now taking place among several different sources participating in the monitoring effort. In the material attached on the Community Advocate Unit, there is a legal size table which attempts to display the different counts of juvenile jail detentions in 1978 by county and by reporting agency. (See youth project compiled list of jail detentions.)

Despite the above obstacles, it was the Field Monitor's opinion that the monitoring process in Pennsylvania is accurate and reliable. Certainly the state laws are clearly opposed to practices which would be contrary to the OJJDP guidelines and requirements. The law against confining juveniles in adult jails, which became effective December 31, 1979, should virtually eliminate the past practice of transferring juveniles from detention to jail to take care of problems at the detention home.

### Successful Policies and Programs

The institution of the Youth Project in the Community Advocate Unit was, in the Field Monitor's opinion, a most successful step forward in accomplishing the objectives of state law and the JJDP Act of 1974. (See attached quarterly reports on the Youth Project.)

The Commission has funded a variety of programs designed to divert and/or deinstitutionalize status offenders and to eliminate the mixing of juveniles and adult offenders. The results shown on the monitoring report speaks to the success of these

programs. (See attached list of programs taken from "Report of Three Years of Priorities," June, 1979, pages 7-18.)

Underway now is a large study to measure the impact of the new Juvenile Code enacted as Act 41, 1977.

#### Monitoring Strengths and Weaknesses

The Commission has authority to monitor. The potential monitoring universe provided full coverage. The facilities were classified according to definitions compatible with those of the OJJDP. While county jails were not included among the facilities classified as juvenile detention or correctional facilities, they were monitored and inspected. Cooperation with three state units of government provided good monitoring, data collection, inspection, and violation procedures. The new Code offers adequate protection against reclassification. These are all strengths.

The exclusion of the local lockups from the classified universe is a weakness that is being corrected by the Community Advocate Unit.

The incomplete detention records which fail to show the alleged offense presents a monitoring block which hopefully will also be eliminated through Community Advocate Unit efforts.

Few weaknesses were noted.

#### Verification Problems

Commission staff and the involved agencies' staffs were helpful to our Field Monitor in this verification review, and no problems were encountered.

#### Facility Data Verification

Visits were scheduled to facilities in Adams, Allegheny, Dauphin, Franklin, Indiana, Snyder and Westmoreland Counties. The facilities visited in these counties included seven county jails, four juvenile detention centers, and the State Youth Development Center at Newcastle, Pennsylvania.

All of the county jails were secure. According to the state report, three of the seven jails held both juveniles and adults during the past 12 months. Our verification review indicated that four held both juveniles and adults during the year. No status offenders were held in these jails during the report period. This was verified. The state reported that two of the three jails that held juveniles did not provide adequate separation, and 14 juveniles were inadequately separated during the report period. This was verified. The fourth jail which our Field Monitor identified as holding juveniles provided totally adequate sight and sound separation.

The four juvenile detention centers were all secure and only held children. The state reported 26 accused status offenders held over 24 hours and no adjudicated status offenders were in these facilities. We verified the fact that no adjudicated status offenders were held, but our count shows that there may have been 166 accused status offenders held over 24 hours during the report period. The discrepancy comes from the Shuman Center, Allegheny County, where the state reported no accused status offenders held over 24 hours during the report period. Our review showed 141 accused status offenders held, but the length of time they were held could not be determined. As has been stated earlier in this report, the absence of specific offense information and time in/time out data in detention records severely limits monitoring review; in one center, 146 admissions did not include a specific offense. In another center, 130 admissions did not include a specific offense. This problem should be eliminated.

The Youth Development Center is a secure training school facility for juveniles. According to the state report, no status offenders were held in this facility during the report period. Our review identified 11 potential adjudicated status offenders held, but a review of the case records confirmed that only one was an adjudicated status offender.

Field Monitor

Willis O. Thomas served as Field Monitor for the Pennsylvania verification review. The on-site work was conducted March 24-27, 1980.

Verification Summary

While the omission of local lockups from monitoring left a sizable potential void in the monitoring process, this is being corrected by the Community Advocate Unit. Pennsylvania has made considerable progress in establishing a functional statewide monitoring system. The system is more than adequate and should help to totally deinstitutionalize status offenders and remove all juveniles from jails and lockups.

RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Offense data--Efforts should be made to obtain either through legislation or the rules of court a provision that prohibits the admission of a child to a secure facility unless a specific offense, preferably the most serious offense alleged, is known and entered on the admission/release record. Entries such as hold for judge, hold for court, contempt, bench warrant, probation violation, etc., should not be allowed unless the offense is also shown. This is necessary for the protection of the facility staff and is essential for monitoring. Detention regulations are now being revised by the Department of Public Welfare and will include provisions consistent with this recommendation.

STATE - Pennsylvania	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Adams County</u> Adams County Jail Gettysburg, PA	-	-	No	No
<u>Allegheny County</u> Allegheny County Jail Pittsburgh, PA	0	0	No	No
Shuman Center Juvenile Detention Pittsburgh, PA	0	141	NA	NA
<u>Dauphin County</u> Dauphin County Jail Harrisburg, PA	0	0	No	No
Dauphin County Detention Center Harrisburg, PA	0	0	NA	NA
<u>Franklin County</u> Franklin County Jail Chambersburg, PA	0	0	No	No
Franklin County Detention Center Chambersburg, PA	15	24	NA	NA
<u>Indiana County</u> Indiana County Jail Indiana, PA	0	0	Yes	Yes
<u>Lawrence County</u> Youth Development Center New Castle, PA	0	1	NA	NA
<u>Snyder County</u> Snyder County Jail Middleburg, PA	closed for renovation	-	No	Not verifiable
<u>Westmoreland County</u> Westmoreland County Jail Greensburg, PA	0	0	No	Yes
Westmoreland County Juve- nile Detention Center Greensburg, PA	11	1	NA	NA

#### RHODE ISLAND

This report deals with the process used to monitor juvenile detention and correctional facilities in Rhode Island and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act.

The Monitoring Agency: The Governor's Justice Commission on Crime, Delinquency, and Criminal Administration, 110 Eddy, Providence, Rhode Island 02903, is the state agency responsible for monitoring. Within the agency, Mr. W. Bradley Crowther, Supervisor of Research and Planning, is responsible for monitoring. Mr. Daniel Donnelly, Juvenile Justice Specialist, is responsible for preparing the state's monitoring report which must be sent annually to the Office of Juvenile Justice and Delinquency Prevention.

Following the monitoring assessment, the Governor's Justice Commission was dramatically reorganized. W. Bradley Crowther, Executive Director, is assisted by two planners. The three share all planning and monitoring responsibilities. The office is now located in Suite 508, 86 Weybosset Street, Providence, Rhode Island 02901.

The Committee's Authority to Monitor: State Law 78-H 8034, as amended, created the Rhode Island Governor's Commission in 1978. Under 42-26-4 of the Law in the Section entitled "Powers and Duties", specific authority is given to the Commission to monitor. In the above-cited section which establishes powers and duties, Paragraph (7) reads as follows: "Monitor and evaluate programs and projects funded in whole or in part by the state government, aimed at reducing crime and delinquency and improving the administration of justice"; Paragraph (10) gives authority to collect information and data. This is a general provision to monitor project performance. While it can be interpreted to include monitoring of institutions for OJJDP compliance, it is much less than a strong and definite mandate to perform that function.

While the Commission seems to have authority to monitor, specific legal authority is needed.

Compatibility of Definitions: Rhode Island statutes do not refer to or define status offenders or offenses. The law does include an offender category known as

"wayward minor." All non-criminal-type juvenile offenses are included under this category. Unfortunately, the category also includes misdemeanor offenses thus making it difficult to identify a "status offender" merely by the "wayward" label. To further complicate matters is that upon the commission of a second, non-criminal-type offense or status offense, the act then becomes a delinquent act. Rhode Island's law is not compatible as it relates to status offenses.

Dependent and neglected definitions are compatible.

The Rhode Island law is compatible as regards separation. The law specifically prohibits confinement in any prison, jail, lockup, or reformatory. The law reads as follows: "14-1-26. Separation from adult offenders.--In case a delinquent or wayward child is taken into custody or detained before or after the filing of a petition, or pending a hearing thereon, such child shall not be confined in any prison, jail, lockup, or reformatory, or be transported with, or compelled or permitted to associate or mingle with, criminal, vicious, or dissolute persons, but such child shall be kept under the care of the person arresting such child, or of a police matron as herein provided, until by order of the court other disposition is made of the child as provided in this chapter; and if such child is ordered to be detained or confined in any of the institutions mentioned in this chapter, such child shall not be conveyed to or form such institution with adult offenders." (See attached Law.)

Due to the size of Rhode Island, any juvenile in need of confinement pending adjudication can be and is quickly transported to one of the state's facilities.

Selection of the Monitoring Universe: The planning agency used a variety of resources to identify facilities that might come within the juvenile detention correctional facility classification. Once the list was compiled, letters were sent to each facility asking for information about the facility and its operation. Based on the information received, the potential monitoring universe was established.

Classification of the Monitoring Universe: The state planning agency, utilizing the information obtained through its letter survey, evaluated each facility in terms of OJJDP guidelines and made each classification accordingly. (See attached list of monitoring universe.)

On the attached list of police department, "no" appears besides the listing for nine departments. These departments do not have jails and were not included in the monitoring universe.

Monitoring Report Period: Rhode Island selected a twelve-month report period, the most complete period, which for verification purposes was December 1, 1977 through November 30, 1978. Data collected for all facilities except the McCabe

Diagnostic Center was taken for the above-stated twelve months. Data for the McCabe Diagnostic Center covered the period November 1, 1977 through October 31, 1978.

Data Collection: The actual monitoring is performed by the state planning agency staff through on-site visits.

Inspection of Facilities: The staff of the state planning agency claim that annual inspections of facilities are made at the time data is gathered for the annual report. Verification did not reveal a record of inspection or inspections, but all facility staff seemed to remember being inspected, or at least visited.

Inspection practices cannot be verified. Since letter surveys were also used to collect data, one may assume that some facilities were not inspected. It is suggested that data be collected on-site for each facility and that all facilities be inspected during this period. The data of inspection along with findings should be recorded to document that inspections were made.

Method of Reporting: The planning agency uses two basic forms to collect detention data. One form is used for institutions and the other for law enforcement agencies. While both forms do include some of the needed information, neither breaks down the data by time or status of case, whether pre-hearing or adjudicated.

The data and information obtained by planning agency staff is used by the agency's juvenile justice specialist to prepare the state's annual monitoring report. (See attached copies of cover letters and forms.)

Violation Procedures: Rhode Island does not have a structure for detecting violations between report periods nor does it have a procedure for dealing with violations.

Assurances Against Reclassification: The planning agency staff does not see reclassification as a problem. There is no specific plan to assure that reclassification will not occur. The provision in the law which permits a child referred for a "wayward" offense to be charged with a delinquent act might be considered reclassification.

Obstacles and Technical Assistance Needs: The only obstacle mentioned by the planning agency staff was their limited staff, which they said was due to financial difficulties. Based on the verification work, several obstacles are apparent. The facility records are inadequate to permit thorough monitoring. The use of letter surveys instead of on-site monitoring inspections limits the use of the data and provides no documented inspection records. The absence of a procedure for identifying violations and acting to correct violations, when and if they do

occur, must be considered an obstacle. The law, especially the provision which permits a second wayward offense to result in a delinquency charge, defeats the efforts to provide separate services for status offenders.

Most of the above should be altered to improve monitoring in Rhode Island. Technical assistance, while not requested by staff or noted, could offer assistance in up-grading the program.

Successful Policies and Programs: No specific monitoring policies or programs were cited as successful. However, one program was mentioned as particularly successful. It is the Ocean Tides Program at Narragansett, Rhode Island. This program is designed to meet the multiple needs of youths through dealing with education, group-living, and family. It operates through a community-based residence and behavioral treatment facility designed primarily for minority boys. (See copy of evaluation attached.)

Monitoring Strengths and Weaknesses: The fact that Rhode Island selected a full twelve-month report period must be considered a monitoring strength for inclusion of the full year offers an opportunity to fully understand the subject being monitored, in this case, juvenile detention practice.

Falling in the middleground is the agency's general and implied authority to act, and in this case, monitor, which is drawn from the statute creating the Governor's Commission on Crime, Delinquency, and Criminal Administration.

Weaknesses include the absence of planned facility records, a maintenance system (which would make needed data readily available), an on-site monitoring and inspection system, documentation of inspection dates and findings, an established procedure for identifying and acting on violations, and provisions in the law which permit status offenders to be charged with delinquency for a second wayward child offense.

Verification Problems: The planning agency staff was quite cooperative in the verification and, while problems within the system have not been noted, the primary verification problem involved the inadequate facility records. This problem has been noted in a number of states.

Facility Data Verification: Verification information was obtained on fourteen of the facilities classified as detention or correctional facilities in Kent, Newport, Providence and Washington Counties.

The facilities on which verification information was obtained included two jails, seven police lockups, one training school, one diagnostic facility, two mental health facilities, and one residential child care facility. (See attached individual reports.)

The nine jails and lockups were all secure. Six of the police lockups, including the Providence Police Department, reported that they held juveniles, but no child was held during the report period. This may not be accurate for it was not possible to review the Providence Police Department records. This Department does not maintain an admission log. To obtain any data would have required a review of over 3,000 records.

The state monitoring report showed that six of the jails and lockups had adequate separation, but the field monitor only found four that could separate children and adults. Two other lockups could separate, but only if no woman prisoner was being held.

The McCabe Diagnostic Center, a secure facility which only holds children according to the state monitoring report, held 52 accused and 26 adjudicated status offenders during the report period. The records were far from clear on the accused-adjudicated issue. Our verification shows 57 accused and one adjudicated child in the facility during the report period. Based on this finding, it may be assumed that the state has a higher level of compliance for adjudicated status offenders.

The Dr. Patrick O'Rourke Children's Center, a non-secure facility which closed June 1, 1979, held a large number of children during the report period for November 1, 1977 through October 31, 1978. The state monitoring report showed 242 accused and 2 adjudicated status offenders held. These figures were verified by the field monitor. Of the 242 children, 68 were status offenders and 174 were non-offenders. This figure may increase the compliance level for accused status offenders since a large number of non-offenders were erroneously included.

Two mental health programs were visited. One was an institution and the other an out-of-state placement service. The institution is a secure facility housing both juveniles and adults. The state monitoring report showed 36 accused and 66 adjudicated status offenders held during the report period, but this could not be verified due to the absence of the director, Mr. Steven de Rosa. The information was to be forwarded, but has not been received. The facility does not provide adequate separation.

The out-of-state placement unit records were not included in the state monitoring report, but the field monitor found four adjudicated status offenders had been placed in Elan in Maine. Since information on the Maine facility is not available, this information is presented only to show that status offenders are placed in states other than their legal residence.

The Rhode Island Training School is a secure facility which only houses children. The state monitoring report showed 57 accused and six adjudicated

status offenders held during the report period. This data was not verified. The field monitor, after investing two days attempting to obtain the required data from the records, was instructed to pass on this task. (See Rhode Island Training School for Youth work sheet for report on verification problem.)

Field Monitor: Mr. Willis Thomas served as Field Monitor for the Rhode Island verification. The on-site visit to the state was conducted October 29, 1979 through November 2, 1979.

Verification Summary: There is little doubt that progress has been made in removing status offenders from secure custody and in separating children and adults confined in the same facility. Unfortunately, the monitoring procedures are limited. The twelve-month report period offers excellent coverage, but the absence of complete facility records, the use of letter surveys for monitoring, the inability to document inspections and the findings, and the lack of an established process for identifying and dealing with violations severely limits the value of monitoring. Improvement in each of these areas and in the Code, which permits wayward children to be handled as delinquents for a second referral, are needed before this system can be considered adequate.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Use of monitoring authority--Since specific authority to monitor is available it should be used to require all facilities which might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the monitoring agency and to require each facility to submit a duplicate copy of each month's report form to the monitoring agency.

2. Compatible definitions--The juvenile code should be amended in such a way that it defines and/or groups offenses to identify juvenile offenders, status offenders, and non-offenders. The use of these specific terms is not essential to show compatibility with OJJDP definitions if the law clearly shows what offense would fall within the "status" and "non-offender" classes.

3. Data collection--Uniform juvenile admission/release record forms should be developed which include all necessary monitoring data for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample, on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

4. Inspection of facilities--All classified facilities which might hold children in secure custody should be inspected annually primarily to insure adequate sight and sound separation of children and adult inmates, but also to determine the adequacy of the facility for housing children. Records which show the date of the inspection, the findings, and which identify the facility should be maintained by the monitoring agency.

5. Violation procedures--Violation procedures should be established which include a clear description of the sight and sound separation required and the actions which may be taken if inadequate separation is found. The procedures should be made available in printed form to all facilities which might hold children in secure custody.

6. Assurance against reclassification--The provisions in the law which permits a child referred for a "wayward" offense to be charged with a delinquent act should be reviewed and, if necessary to assure against reclassification, should be amended.

STATE - <u>Rhode Island</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Newport County</u> Newport Police Dept. Newport, RI	0	0	Yes	No
Portsmouth Police Dept. Portsmouth, RI	0	0	Yes	Yes
Rhode Island State Police Portsmouth Barracks Portsmouth, RI	0	0	No	No
<u>Providence County</u> Cranston Police Dept. Cranston, RI	0	0	Yes	Yes
East Providence Police Dept. East Providence, RI	0	0	Yes	Yes
Providence Police Dept. Providence, RI	0	0	Yes	No
Scitvase Police Dept. Hope, RI	0	0	No	No
Woonsocket Police Dept. Woonsocket, RI	0	0	--	Yes
RI State Police Lincoln Woods Barracks Lincoln, RI	0	0	Yes	No
McCabe Diagnostic Center Cranston, RI	78	58	NA	NA
RI Training School for Youth Cranston, RI	63		NA	
Dr. Patrick O'Rourke Children's Center Providence, RI (currently closed)	244	244	NA	
Mental Health Services for Children & Youth	INA no secure facility (referral only)	(referred to Elan One in Maine)	NA	NA
Adolescent Unit Institution for Mental Health	102	unable to verify (director not present)	No	No

SOUTH CAROLINA

This report deals with the process used to monitor juvenile detention and correctional facilities in South Carolina and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act.

The Monitoring Agency: The Office of Criminal Justice Programs, 4th Floor, Edgar A. Brown Building, 1205 Pendleton Street, Columbia, South Carolina 29201, is the state agency responsible for monitoring. Within the agency, monitoring responsibility is placed with Ms. Sheila Blackwelder, Juvenile Justice Specialist. Mr. Bill Hamm, Statistical Analysis Section, prepares the monitoring data.

Office's Authority to Monitor: The legislation which established the Office of Criminal Justice Programs is general in nature and does not give the Office authority to monitor. This has not presented problems. The Department of Corrections, through its Jail Inspection Unit, does have legal authority to inspect facilities, and all is done under this authority.

Compatibility of Definitions: The South Carolina Juvenile Code does not define status offenders or offenses as a special class. The Code does state that, "...No child shall, at any time, be placed in a jail or other place of detention for adults, but shall be placed in a room or ward entirely separate from adults." (See copy of attached Family Court Act-14-21-590(c).) This provision is liberally interpreted in South Carolina, and children are detained in jails and lockups.

The Office, for the purpose of monitoring detention practices, uses the OJJDP definitions and guidelines, thus insuring compatible actions.

Selection of the Monitoring Universe: In selecting the monitoring universe, the Office obtained a complete list of jails and lockups from the Department of Corrections Jail Inspection Unit; a list of all state juvenile facilities from the Department of Youth Services; and lists of other facilities, including detention homes from Juvenile Placement and Aftercare. Originally, facilities licensed by the Department of Social Services were also included in the monitoring universe.

The monitoring universe selection is complete.

Classification of the Monitoring Universe: The classification process involved a number of steps. Monitoring staff evaluated each facility in terms of applicable OJJDP definitions and guidelines to determine which were juvenile detention or correctional facilities. The classified list was then reviewed and

approved by the Governor's Committee on Criminal Justice, Crime and Delinquency and the Juvenile Justice Advisory Council.

The classification of facilities provides full coverage of places where children may be or are detained.

Monitoring Report Period: South Carolina selected two different report periods. A one-month period was selected for jails and lockups, and a one-day period was selected for juvenile institutions. For the purposes of verification, jail and lockup records for the month of October, 1979, and juvenile institution records for January 15, 1979 were reviewed.

Data Collection: The data collection system and process followed by the Office is quite important for it is the only program found to date which has dealt with the critical issue of facility admission/release records and data recording.

The Office of Criminal Justice Programs, through a grant, funded the Juvenile Detention Standards Project in the Department of Corrections. The Project was designed to assist in the overall state plan to prevent status offenders from being placed in secure detention and insure sight and sound separation of juveniles from adult inmates when placed in secure detention facilities. (See attached Juvenile Detention Standards Project, Final Report.)

The Project is closely aligned with the Department of Correction's Jail Inspection Unit and employs two inspectors to check on facilities which house juveniles.

The Juvenile Detention Standards Project monitors, collects data and inspects all detention facilities. Each facility prepares and submits to the Project a report on all juveniles held. (See attached Juvenile Detention Statistics form.) This is actually used as an admission/release record by the facilities. The Project inspectors verify the data submitted during their routine visits to the facilities. If questionable information is found, this is checked by telephone call.

Offenses are coded to permit identification of status offenses. While the current code does permit certain criminal-type offenses to be included under the status label, the result of such action only tends to reflect a lower level of compliance. These inclusions, of course, should be eliminated.

The data for the monitoring report periods is submitted to the Office, is coded and placed on punch cards, and is tabulated by the Office's Statistical Analysis Section.

In verifying the data at the facilities, it was encouraging to find useable data readily available in the majority of facilities.

The data collection system used statewide in South Carolina is the best found to date during the verification process.

Inspection of Facilities: Jail inspectors regularly inspect all facilities where children or adults are detained. At the present time only adult detention standards are available and enforced, but separation provisions are included in the adult standards. (See attached Minimum Standards for Local Detention Facilities in South Carolina: Type 2 Facility--city or county jail. There are three other standards.)

Juvenile detention standards are in the process of being developed and should be in force soon. While these standards will include and cover removal of the status offender from secure custody and the separation of children from adult inmates, they will go beyond this point and will cover other issues relating to the care of juveniles.

South Carolina has done considerable work beyond the general inspection level. (See copy of facility inspection checklist attached. Note 1041, 1050, 1095, and 1096.)

Method of Reporting: The annual state monitoring report is prepared by the Office's juvenile justice specialist. Once available in final form it is forwarded to the OJJDP and copies are submitted to the Governor's Committee on Criminal Justice, Crime and Delinquency and the Juvenile Justice Advisory Council.

Violation Procedures: The Jail Inspection Unit of the Department of Corrections, in keeping with its legal inspection responsibility, deals with violation. The Department reports violations directly to the facility alleged to be in violation. The facility is given 90 days to do whatever is necessary to correct whatever resulted in the violation. If changes are not made, the inspectors try to work out a plan for accomplishing the corrections required or the facility is told that it can no longer hold certain prisoners. This may include, as it relates to juveniles, one sex or all juveniles. (See attached Jail Inspection Report showing violations for the Columbia City Jail. Number 1095 deals with separation.)

Assurances Against Reclassification: Since the present law does not include a special category of status offenses, there is no way to assure against reclassification.

Obstacles-Technical Assistance Needs: Obstacles that hamper the removal of status offenders from secure custody and the separation of juveniles from adult inmates for the most part relate to issues that are broader in scope than the two mentioned here. The law does not recognize status offenses as different from delinquency. While the law states that children should not be placed in detention facilities with adults, the law is circumvented. Detention admission control is not centralized in the county. Law enforcement guidelines for dealing with juveniles are not available. The absence of alternatives to detention are limited.

The Office staff believes that enforceable provisions prohibiting the use of jails and lockups for the detention of children are needed now.

It must be noted that the Office has been working on these and related issues. Two special committees of the Governor's Juvenile Justice Advisory Council have completed rather comprehensive reports dealing with children in jail and handling of status offenders. Just a few of the recommendations will demonstrate the focus of their work. The reports, in addition to other recommendations, call for the development of standardized intake criteria, 24-hour per day intake, granting juvenile placement and aftercare, intake authority to make detention decisions, prohibit placement of all status offenders in secure detention, prohibit detention of children ten years of age and under, define status offenses in the Act and delete provisions which permit commitment of a child to jail for up to 30 days.

The reports include other important recommendations. The plan calls for obtaining study and review of these and other recommendations during 1980 and submission of a revised Juvenile Code to the legislature in 1981.

Five special committees of the Governor's Juvenile Justice Advisory Council continue assessing the state's needs and role in relation to prevention, diversion, courts, treatment alternatives, and systems. The Office has requested major technical assistance for each committee. The plan calls for the assignment of a consultant to each committee.

Technical assistance needs cited by Office staff include the development of specific detention alternatives, model guidelines, resource sheets, and state guidelines for alternative education through the Department of Education.

Successful Policies and Programs: There can be no doubt that the Juvenile Detention Standards Project has had a significant impact on monitoring and the removal of status offenders from secure custody. This program, in cooperation with the Jail Inspection Unit of the Department of Corrections, is also bringing about the separation of children from adult inmates.

The work of the Office of Criminal Justice Programs and the committees of the Governor's Juvenile Justice Advisory Council is establishing a base for major change in juvenile justice in South Carolina.

Monitoring Strengths and Weaknesses: The selection of the monitoring universe and its classification based on the OJJDP definitions and guidelines provided full coverage. The actual monitoring, data collection, inspection and violation procedures performed by the Juvenile Detention Standards Project staff and Department of Correction's jail inspector is the best seen to date. The report period meets OJJDP requirements and could easily be extended to a full twelve months.

Obstacles are known by monitoring staff and work towards their solution is well underway.

While the Office does not have legal authority to monitor, its close working relationship with the Jail Inspection Unit of the Department of Corrections which does have authority to inspect, at this time overcomes this deficiency. Much is needed in South Carolina, but the work now underway can produce potentially amazing results if followed to completion.

Verification Problems: Excellent cooperation was provided by the Office of Criminal Justice Programs and Juvenile Detention Standards Project staff. There were no verification problems.

Facility Data Verification: Visits to facilities in Kershaw, Laurens, Newberry, Richland and Spartanburg Counties were made. Nineteen facilities in these five counties were classified as juvenile detention or correctional facilities for the purposes of verification review. The facilities included 18 jails and lockups and one juvenile training school. While information is presented for three lockups in Chesnee, Cowpens and Landrum, these facilities were not visited. None had held children for well over a year according to state raw data and the jail inspector accepted this information.

All of the jails and lockups are secure. According to the state report, twelve of these facilities held both children and adults during the past twelve months. The verification review showed that only eleven facilities held both juveniles and adults during the period.

Both the state report and our verification review showed that six accused status offenders were held over 24 hours during the October, 1979 report period. No adjudicated status offenders were held. Of the facilities that held juveniles during the report period, the state reported that only one could not provide adequate separation, while the verification review showed two that could not provide separation. The one jail reported by the state and verified is the Columbia City Jail, mentioned earlier under violations. Work which would provide separation was scheduled for completion on February 15, the day following the field monitor's visit to this jail.

The second, non-separated jail involved a juvenile cell in a women's wing. Obviously once inside the cell, a child was separated by sight and sound through the use of heavy solid steel. However, when the cell was opened or the child was taken in or out, it was through an adult unit. This county has just received funds to build four, special, separate, single-room juvenile units.

The John G. Richards School is a minimum security training school for boys. No adults are held and separation is not an issue here. On the report day,

January 15, 1979, one adjudicated status offender was in residence. This was confirmed. On February 11, 1980, the day of the field monitor's visit, there were no status offenders in this school.

Field Monitor: Don Rademacher served as Field Monitor for the South Carolina verification review. The on-site work took place February 11 through 15, 1980.

Verification Summary: Selection of the monitoring universe and its classification based on OJJDP definitions and guidelines provided full and compatible coverage. The monitoring, data collection, inspections and handling of violations were among the best found to date. The 30-day and one-day report periods are in compliance in OJJDP requirements. While the Office of Criminal Justice Programs does not have legal authority to monitor, it has a close, cooperative relationship with the Department of Corrections which has inspection authority.

Under present law there is no reassurance against reclassification of status offenders. All are charged with delinquency.

South Carolina has an adequate state monitoring system.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by executive order. The authority should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children, to correct and eliminate violations.

2. Compatible definitions--The Juvenile Code should be amended in such a way that it defines and/or groups offenses to identify juvenile offenders, status offenders, and non-offenders. The use of these specific terms is not essential to show compatibility with OJJDP definitions if the law clearly shows what offenses would fall within the "status" and non-offender" classes. The proposed code may correct this problem.

3. Monitoring report period--The report period for all facilities should be twelve months.

4. Data collection--Uniform juvenile admission/release record forms should be developed, which include all necessary monitoring data for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample, on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

This recommendation is not essential for South Carolina, but is made in connection with the authority recommendation to establish a legal base.

5. Assurance against reclassification--The present law does not provide protection against reclassification. The proposed code should include such provisions.

STATE - <u>South Carolina</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Kershaw County</u> Kershaw County Law Enforcement Center Camden, SC	0	0	Yes	Yes
Camden Police Dept. Camden, SC	0	0	Yes	Yes
<u>Laurens County</u> Laurens County Law Enforcement Center Laurens, SC	0	0	Yes	Yes
Clinton Police Dept. Clinton, SC	0	0	Yes	Yes
Gray Court Overnight Lockup Police Dept. Gray Court, SC	0	0	N.A.	N.A.
Laurens Police Dept. Laurens, SC	0	0	Yes	Yes
<u>Newberry County</u> Newberry County Jail Newberry, SC	0	0	Yes	No
Prosperity Police Dept. Prosperity, SC	0	0	N.A.	N.A.
Whitmore Police Dept. Whitmore, SC	0	0	N.A.	N.A.
<u>Richland County</u> Richland County Jail Columbia, SC	3	3	Yes	Yes
Columbia City Jail Columbia, SC	1	1	No	No
John G. Richards School Columbia, SC	1	1	N.A.	N.A.
<u>Spartanburg County</u> Spartanburg County Jail Spartanburg, SC	2	1	Yes	Yes

STATE - <u>South Carolina</u> con't.	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Spartanburg County</u> Chesnee Police Department Chesnee, SC	0	0	N.A.	N.A.
Cowpens Police Dept. Cowpens, SC	0	0	N.A.	N.A.
Duncan Police Dept. Duncan, SC	0	0	N.A.	N.A.
Inman Police Dept. Inman, SC	0	0	N.A.	N.A.
Landrum Police Dept. Landrum, SC	0	0	N.A.	N.A.
Woodruff Police Dept. Woodruff, SC	0	0	N.A.	N.A.

TENNESSEE

This report deals with the process used to monitor juvenile detention and correctional facilities in Tennessee and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act.

The Monitoring Agency: The Tennessee Law Enforcement Planning Agency, 4950 Linbar Drive, Nashville, Tennessee, is the state agency responsible for monitoring. Within the Agency, staff responsibility for monitoring is placed with Ms. Linda O'Neal, Juvenile Specialist. Ms. Sherry Johnson, Research Analyst, is responsible for preparation of the annual monitoring report.

The Agency's Authority to Monitor: The Agency has no legal authority to monitor. The Agency has had no problem with and does not feel there are obstacles caused by the absence of authority. The Division of Jail Inspectors within the Tennessee Department of Corrections has legal authority for monitoring Section 223 (13) of the JJDP Act of 1974. There is no written agreement for this arrangement, but there has been no difficulty with cooperation.

Compatible Definitions: The Agency feels that definitions used for monitoring purposes are compatible. They use the OJJDP definitions which are similar to the state legislation in categories monitored. The Agency encourages utilizing OJJDP definitions in reporting, but have met with some resistance in the field.

Selection of Monitoring Universe: The Agency used survey forms for identifying and classifying both private and public facilities. These forms included the OJJDP definitions. The Agency has responsibility for monitoring all secure facilities, jails, lockups, detention centers, and training schools. The authority to monitor other children's facilities lies with the Department of Human Services. The selection of facilities seems to be complete.

Classification of Monitoring Universe: As was previously mentioned, classification was a part of the universe selection survey. All secure facilities were classified according to the OJJDP guidelines and definitions.

Monitoring Report Period: Tennessee selected a six-month monitoring report period. For purposes of verification, data collected for the period January 1 through June 30, 1979 was reviewed.

Data Collection: Although there is no written description of the process used for data collection, the Agency uses the following method. Questionnaires are

mailed to and received from the four metropolitan counties: Davidson, Hamilton, Knox, and Shelby. For the other counties, nine regional planners of the Agency make personal contact (not necessarily on-site) with the facilities in their respective areas. The facility reports are sent to the regional planners and then forwarded to the agency for verification and compilation.

The staff has noted that, in reporting, some admissions are not categorized by definitions used in the state legislation. In these few cases the actual charge for which the child was detained is not listed. "Hold for court", "probation violation", etc., are recorded. This problem has been noted in a number of states. The problem rests with the courts.

Inspection of Facilities: All jails, lockups, and detention centers are inspected for separation requirements of "sight and sound" by the Jail Inspectors Division of the Tennessee Department of Corrections. This agency has legislative legal authority for this activity. The inspections are, of course, made on-site and the Division reports to the Law Enforcement Planning Agency. (See page 6b of the 1979 monitoring report for legislation authorizing the monitoring by the Division of Jail Inspectors.)

State training schools are inspected by Agency monitoring personnel.

Method of Reporting: Reports are received directly by the Agency from the regional planners, jail inspectors and metropolitan counties. The annual monitoring report, based on this information, is prepared by Agency staff and, when in final form, is sent to the OJJDP. The report is shared with the Planning Agency Advisory Group and the Governor's office. The Agency was planning to prepare a monograph for wider distribution, but, because of the insecurity of funding, is uncertain at this time whether or not they will be able to do so.

Violation Procedures: The Agency does not have authority to monitor for separation requirements so consequently they do not have violation procedures. The jail inspectors' violation procedure is to certify, non-certify, or conditionally certify. Certification only requires 70 percent compliance. The Agency attempts, through cooperation and technical assistance, to assist facilities in reaching compliance. If a facility is not in compliance, there is a monetary reduction in state reimbursement from eight to six dollars per day. (It is assumed this is per inmate.)

Assurances Against Reclassification: The Law Enforcement Planning Agency does not see any problems with reclassification. We did not observe any of the potential problems found in some other states.

Obstacles and Technical Assistance Needs: One key obstacle, according to the Agency staff, is the lack of a real juvenile justice system in Tennessee. County governments are autonomous. There are no legislative standards for juvenile court judges, and thus they do not have to be attorneys.

In addition, the lack of understanding for the necessity of accurate reporting in individual facilities presents a problem. The staff does not feel that there are insurmountable difficulties in obtaining data except with one urban area detention center that has been resistant to reporting the necessary information. This center has, however, recently agreed to accept a technical assistance grant to study the court and center, and it is hoped that a by-product of this study will provide the needed monitoring records.

The director stated that he felt that their agency had enough technical assistance within the agency to handle monitoring problems, but that without a system change, they could not progress at the rate they would like to. They see the potential withdrawal of funding as one of the biggest threats.

Successful Policies and Programs: The largest share of funding has gone to the Department of Corrections to develop ten group homes around the state. In the area of prevention, funds have been granted to law enforcement agencies for educational programs in grade schools. Staff reported that too few personnel have been involved and not enough supplies have been given to workers. The Agency has backed programs for alternative education that incorporated in-house detention and extensive counseling. Several alternative education programs have been installed in medium-size rural areas. (None in counties visited by our field monitor.) The Agency has funded training for judges and meetings for juvenile support staff. Funds have been provided for diagnostic services for the Department of Corrections and juvenile courts. Funds have also been provided for staffing intake, probation, and general staff for juvenile courts in thirty rural counties. Staffing of these efforts has ranged from excellent to poor. Funds have also been provided for community resource development for non-residential staff in areas of counseling, remedial education, mental health, alcohol, drugs, and other service resources. They have used funds to set up honor schools, using counselors including volunteers, providing individual counseling, and requiring parent participation. (See attached descriptive materials about some of these programs.)

Monitoring Strengths and Weaknesses: Tennessee uses the OJJDP definitions for monitoring purposes. Selection of the monitoring universe and its classification based on the OJJDP definitions and guidelines seems complete. An established method for monitoring and data collection is available. Inspections are made by the Jail

Inspectors Division of the Department of Corrections and directly involve sight and sound separation. The Division also has authority to act on violations. The monitoring report period is uniform for all facilities and is adequate in length. There seems to be adequate protections against reclassification. These, to a varying degree, are strengths.

Although the Agency feels that it does not have any serious problems as far as authority to monitor is concerned, it would strengthen the Agency's position if monitoring was delegated to it by the legislature--or by executive order as the Agency has met with a certain degree of resistance. While the Division of Jail Inspectors legally can act on violations, the sanctions are minimal. Violation procedures should be established that will guarantee compliance by all secure facilities housing children.

In addition to the above, one other weakness in the monitoring process appears to be a lack of understanding in some local facilities as to the necessity for uniformity in record keeping. Technical assistance might improve this situation and the Agency is aware of and working on this problem.

Verification Problems: The field monitor received complete cooperation from the Agency staff for the monitoring process. However, problems were encountered in local facilities because of the incompleteness of records and confusion over charges. Also, one detention center visited does not keep records of adjudicated status offenders' dispositions as they pertain to detention. The field monitor did not feel that it was possible to accurately measure the degree of compliance in view of these problems.

Facility Data Verification: Visits were scheduled to facilities in Bedford, Cannon, Coffee, Davidson, Franklin, Grundy, Hamilton, Rutherford, Warren and Wilson Counties and to the Tennessee Youth Center at Joelton. In these counties, nine jails and two detention centers were visited in addition to the Tennessee Youth Center.

All nine of the jails visited were secure and all held both juveniles and adults during the past twelve months according to the state. This was verified. The state reported 61 accused status offenders held over 24 hours in these jails during the report period. Our review showed 49 accused status offenders held over 24 hours and five adjudicated status offenders held during the period. In one facility where the state reported 15 accused status offenders held, our monitor was unable to verify due to poor and incomplete records. We assume that more than the 54 status offenders we found were held.

The state reported that eight of the nine jails could not provide adequate sight and sound separation. This was verified. The state showed 328 children inadequately separated in these jails during the report period. Our review showed 372 children inadequately separated during the period.

Both detention centers were secure and both only held juveniles. According to the state report, 666 accused status offenders and non-offenders were held over 24 hours in these two detention homes. From the facility records we could not verify the state count. Since the counties individually supplied the data to the Agency, it is assumed that at least 666 status and non-offenders were held over 24 hours. It should be noted that of the 268 children (status and non-offenders) held in the Hamilton County Juvenile Court Detention Unit, 65 were non-offenders.

The Tennessee Youth Center is secure and only houses juveniles. The state report did not show data for this facility. Our review found 18 adjudicated status offenders held during the report period. This facility has held no status offenders since August 15, 1979. Following the 1979 report period, the intake policy change was made so that 1980 data should show the reduction.

Field Monitor: Mrs. Patricia Miller served as field monitor for the Tennessee verification review. The on-site work was conducted April 7 through April 11, 1980.

Verification Summary: Tennessee has a statewide monitoring system. While improvements are needed in the monitoring system, we must say it is adequate. It must be noted, however, that the impact of the monitoring system on deinstitutionalizing status offenders and separating children from adults in secure facilities is questionable.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Authority to monitor-- Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by executive order. The authority should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release

records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children, to correct and eliminate violations.

2. Monitoring report period--The report period for all facilities should be twelve months.

3. Data collection--Uniform juvenile admission/release record forms should be developed, which include all necessary monitoring data, for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample, on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

4. Non-judicial days--Under current OJJDP guidelines, accused status offenders held on non-judicial days are not to be included when determining which children were held over 24 hours. Saturdays, Sundays, and state holidays should not be counted when collecting data on the number of accused status offenders held.

5. Offense data--Efforts should be made to obtain, either through legislation or the rules of court, a provision that prohibits the admission of a child to a secure facility unless a specific offense, preferably the most serious alleged offense, is known and entered on the admission/release records. Entries such as "hold for judge", "hold for court", "bench warrant", "contempt", "probation

violation", etc., should not be allowed unless the offense is also shown. This is necessary for the protection of the facility staff and is essential for monitoring.

6. Violation procedures--Violation procedures should be established which include a clear description of the sight and sound separation required and the actions which may be taken if inadequate separation is found. The procedures should be made available in printed form to all facilities which might hold children in secure custody.

STATE - Tennessee	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Bedford County</u> Shelbyville Police Dept. Shelbyville, TN	6	6	No	No
<u>Cannon County</u> Cannon County Jail Woodbury, TN	0	1	No	No
<u>Coffee County</u> Tullahoma Police Dept. Tullahoma, TN	9	9	Yes	Yes
<u>Davidson County</u> Davidson County Juvenile Court Detention Home Nashville, TN	398		N.A.	N.A.
Tennessee Youth Center Toelton, TN	-	18	N.A.	N.A.
<u>Franklin County</u> Franklin County Sheriff's Dept. Winchester, TN	0	5	No	No
<u>Grundy County</u> Grundy County Jail Altamont, TN	1	1	No	No
<u>Hamilton County</u> Hamilton County Juvenile Court Detention Unit Chattanooga, TN	268		N.A.	N.A.
<u>Rutherford County</u> Rutherford County Sheriff's Dept. Murfreesboro, TN	29	30	No	No
<u>Warren County</u> Warren County Sheriff's Dept. McMinnville, TN	1	1	No	No
<u>Wilson County</u> Wilson County Jail Lebanon, TN	0	1	No	No
Lebanon City Jail Lebanon, TN	15		No	No

TEXAS

This report deals with the process used to monitor juvenile detention and correctional facilities in Texas and the data collected to demonstrate compliance with Section 223 (a) (12A) and (13) of the Juvenile Justice and Delinquency Prevention Act of 1974.

The Monitoring Agency

The Criminal Justice Division, Office of the Governor, 413 W. 13th Street, Austin, Texas, 78701, is the state agency responsible for monitoring. Within the agency, staff responsibility for monitoring and reporting rests with Mr. James Kester, Juvenile Specialist.

The Division's Authority to Monitor

The Division does not have legal authority to monitor nor does any one state agency have such authority. The Division has assumed authority to monitor based on an executive order defining its functions. The Juvenile Court and several state agencies have legal responsibility for performing certain functions that relate to monitoring and the Division, in cooperation with the above, uses their authority. The Juvenile Court Judge in each county has responsibility for certifying which secure facilities may hold juveniles. The certification is to be based on established national standards. Only certified facilities may detain children. (See Texas Family Code, Section 51.2.)

The Texas Judicial Council has responsibility for collecting judicial statistics and data related to court operations. (See Vernon's Civil Statutes, Article 2328A, Section 5.) The Texas Jail Commission has responsibility for inspecting county jails based on state standards. Plans are being considered to extend the Commission's inspection authority to include city jails and lockups.

Since the Texas Judicial Council is authorized by law to gather data from the Texas court system, the Division contracted with the Council to collect monitoring data from the juvenile probation departments. This is possible under the law since the probation departments are part of the court system. The departments collect detention data in each county.

While agencies and the juvenile courts have authority to perform certain functions relating to monitoring, no one agency has authority to perform the total monitoring task. Legal authority, sufficiently broad in scope to cover all monitoring functions, should be granted to the Division or to an appropriate state agency.

#### Compatibility of Definitions

The definitions in the Texas Family Code are compatible with the definitions found in the OJJDP regulations.

#### Selection of the Monitoring Universe

The monitoring universe was derived from two basic facility lists. One list included all 254 counties in the state, indicating in most instances, but not all, the name of the county's certified detention facility and related information. This list does not include all secure detention facilities in the county. In each county the juvenile court judge or the juvenile board certifies one facility as the juvenile detention facility. For this reason it is assumed that non-certified jails and/or lockups do not hold children. This list is the public/local universe.

The Texas Youth Council has statutory responsibility for the conduct and management of juvenile correctional facilities within the state and the Council's official list of facilities constitutes the public/state universe.

#### Classification of the Monitoring Universe

Facilities were classified as juvenile detention or correctional facilities by the Division based on OJJDP definitions. The classified list used by the Texas Judicial Council did not include jails and lockups not certified as the county's juvenile detention facility. According to the Code, placement of a child in an uncertified facility violates the law. Enforcement, according to the Criminal Justice Division, is the responsibility of the juvenile court judge.

Since city jails and lockups are not now inspected by the Jail Commission and since it is possible for a juvenile to be detained in a non-certified facility, all secure detention facilities should be classified as juvenile detention or correctional facilities and should be monitored, at least on a sample basis.

#### Monitoring Report Period

Texas selected a calendar year for its report period. Because of reporting deadlines, data is collected for nine months and projected for three months. For 1978, data collected between January 1 and September 30, 1978, was reviewed and verified.

#### Data Collection

As was mentioned earlier, the Texas Judicial Council collects detention monitoring data, through the probation departments, as part of its responsibility for collecting court statistics. The departments submit monthly reports to the Council on forms prepared by the Council and Division.

The Division, in collecting data on accused status offenders, only counts children held over 48 hours. Texas is the only state which does not use the 24 hour grace period. This decision, according to Division staff, was based on information contained on page 10 of OJJDP's Monitoring Policies and Practices Manual, which read as follows:

**CONTINUED**

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It is OJJDP's posture to never hold status offenders or non-offenders in juvenile detention or correctional facilities. However, there may be rare situations where short-term secure custody of accused status offenders or non-offenders is necessary. For example, detention for a brief period of time prior to formal juvenile court action for investigative purposes, for identification purposes, to allow return or proper custody to juvenile's parents or guardian, or detention for a brief period of time under juvenile court authority in order to arrange for appropriate shelter case placement may be necessary. Thus, for the purpose of monitoring compliance with 223(a)(12)(A), the number of accused status offenders and non-offenders held in juvenile detention or correctional facilities should not include (1) those held less than 24 hours following initial police contact, and (2) those held less than 24 hours following court contact. The 24-hour period should not include non-judicial days. This provision is meant to accommodate weekends and holidays only.

The Monitoring Policies and Procedures Manual information is based on OJJDP regulations found in the Federal Register, Wednesday, August 16, 1978, Part III. The second paragraph (No. 3) in the third column on page 36406 of the noted Federal Register, which deals with report data, states, "total number of accused status offenders and non-offenders held in any juvenile detention or correctional facility as defined in paragraph 52n(2) for longer than 24 hours."

The Division staff maintains that the manual provision permits accused status offenders to be held for two 24 hour periods or 48 hours. The use of the 48 hour rule by Texas was approved by OJJDP. The 48 hour rule is mentioned here since it was used in collecting detention data in 1978.

For the 1978 monitoring report, the Texas Judicial Council prepared and carried out a special mail survey. The Criminal Justice Division was concerned that the regular annual report material would be inadequate since the agreement on the "48 hour rule" had been reached. The regular Council questionnaire requested statistics for children detained "one day or less" and "three days or more," thus offering no data on detention over 48 hours. The Council questionnaire has now been modified to include the time issue.

For reasons previously stated, the probation departments only collect detention from those secure facilities that are certified to hold children.

The Texas Youth Council provides statistical information on adjudicated status offenders committed to its facilities.

It should be noted that jail admission/release records, while generally available, were not always complete and often failed to show the time children spent in detention. While it may safely be assumed that there are relatively few violations, complete data verification in some facilities would require a search of other records, a procedure which was restricted by time limitations. As was found in many states, facility admission/release records need to be improved for facility controls and for monitoring.

#### Inspection of Facilities

Inspection in Texas basically rests with the juvenile courts and the Jail Commission. The juvenile court judge in each county must annually certify the secure facilities which may hold juveniles. The facilities may be jails, lockups, or detention centers. The judge's decision must be based on established criteria, including national detention standards.

The Texas Jail Commission is responsible for inspecting county jails. Expansion of the Commission's authority to include city jails and lockups will be considered during the next session of the legislature. Inclusion of all adult secure detention facilities is a realistic step.

While the present certification and inspection systems provide adequate coverage for major jails and those certified to hold juveniles, a sample check of non-certified facilities should be made to ensure full compliance.

#### Method of Reporting

Monitoring and probation reports are forwarded to the Criminal Justice Division by the Texas Judicial Council, the Texas Youth Council, and other involved

agencies. The Juvenile Specialist prepares the Division's annual monitoring report. The juvenile specialist is assisted by a research intern and/or by the Research and Planning Section of the Division.

#### Violation Procedures

In a state like Texas, with its size and 254 counties, violations could be and probably are difficult to detect and deal with. Twenty-one counties did not have a certified facility during the 1978 report period. Of the 21 counties, four were in the 26 county sample selected for review.

Three of the counties without a certified facility had secure detention units, but all were out of compliance with some standard. Each of these counties were offered technical assistance and all were advised that funds would be shut off if no effort was made to correct the problems which prevented certification. Some counties made arrangements to use detention facilities in neighboring counties.

The Juvenile Specialist stated that while he feels Texas has a workable system for dealing with violations, the combination of the state's size, number of jurisdictions, and distance prevents better solutions to violation problems. All are real factors. The Criminal Justice Division is dependent on the courts, probation departments, and other agencies for learning of violations. The Field Monitor's contact with a fair sample of juvenile probation officers lead him to doubt the likelihood of much help from this source, although they have the capability, unless guidance and direction along with encouragement to act is provided by the Division staff.

#### Assurances Against Reclassification

The Texas Family Code is very tough on the subject of reclassification. The Code provides the required protections.

There is a classification issue which may work against a higher level of compliance. Texas judges may accept a status offense petition and after adjudication may place the child on probation. If, while on probation this now-status offender commits and is charged with a delinquent act, it may be processed as a probation violation rather than as a new charge of delinquency. If the child is committed to the Texas Youth Council, he is under the original status offense probation violation. (Texas Family Code, Section 51.03.) This, it is stated, saves time and money for the court. However, the result is that the Texas Youth Council holds a number of children in its facilities who are classified as status offenders but who were committed for delinquent acts. It is estimated that 50 per cent or more of the "status offenders" in TYC facilities are serious delinquents. While it may only be a technical point, it seems that when a status offender is charged with a delinquent act, a petition alleging this more serious offense should be filed to show the changing nature of the child's behavior regardless of whether long term residential care is considered. The clear and proper identification of the child's act is important.

#### Obstacles--Technical Assistance Needs

The Juvenile Specialist noted two primary obstacles. He saw the constant changes in definitions and guidelines by the OJJDP, and the absence of legal authority to monitor as key obstacles. Changing definitions and guidelines, even when necessary, do create problems. Without legal authority to monitor the monitoring agency is handicapped.

The length of time accused status offenders, especially runaways, may be held is an obstacle to compliance. Most officials showed no willingness to address this problem or to reduce the length of time runaways may be held. Since runaways represent the largest number of status offenders held, reductions in the number of confined status offenders may depend on a solution to this issue.

To illustrate the impact of this problem, the Dallas County Detention Center held over 350 status offenders over 48 hours during the 1978 report period. This number would make it difficult for most states to reach compliance.

One other obstacle, a problem found in most states, was inadequate admission/release records at the facilities. If the records do not include complete information, especially a specific offense and dates and times of admission and release, it is difficult to obtain useable monitoring data.

While not an obstacle we felt that Division staff had much to offer to the program and that staff leadership should be more assertive in directing the monitoring of the system. While certain parts of the system can operate independently, leadership by Division staff is vital to full and effective participation.

Special technical assistance needs were not cited.

#### Successful Policies and Programs

The Division supports community-based non-secure detention facilities, expanded county juvenile probation services, special programs for status offenders, and related programs.

#### Monitoring Strengths and Weaknesses

The absence of legal authority to monitor, either placed with the Criminal Justice Division or another appropriate state agency, limits the Division's ability to act to strengthen the program. The exclusion of secure facilities that are not certified to hold juveniles creates a knowledge void in the monitoring data. The fact that a facility may not legally hold children does not in itself prevent children from being held.

The twelve month report period is good. The use of a monthly statistical questionnaire to collect data through the county probation departments can, depending on the thoroughness of the departments' search, provide the necessary detention

data. Inspections of facilities, which are performed by other state agencies, are presumably sufficient, but they should be monitored or verified at least on a sample basis. Violations are also handled by other state agencies. Violations procedures should also be monitored. The Family Code provides adequate protection against reclassification.

#### Verification Problems

Our Field Monitor received excellent cooperation from the Division staff, state and local agency staff, and the personnel at the facilities. The application of the "48 hour rule" caused some problem but this was minor compared with difficulties encountered due to the poor quality of and incompleteness of facility admission records. The size of the state and the large number of counties that had to be visited required considerable on-site time, but this was anticipated.

#### Facility Data Verification

Visits were made to detention facilities in 26 counties. The counties were Bandera, Bastrop, Bell, Bexar, Bosque, Cameron, Comal, Dallas, Denton, Ellis, Falls, Guadalupe, Hays, Hidalgo, Hood, Jim Wells, Johnson, Kleberg, Kaufman, Lampasas, Navarro, Nueces, San Patricio, Starr, Travis and Willacy. The facilities visited included 38 jails and lockups, 11 detention homes, and the Giddings State Home and School. Starr County contracts with Hidalgo and Willacy counties for detention services. The county jail in Bosque County was not certified in 1978.

All of the jails and lockups visited, except one, were secure. Twenty-three held both adults and juveniles during the past twelve months prior to the visit. According to the state report, 53 accused status offenders were held over 48 hours in six of these facilities during the report period. Our review only found 50 accused status offenders, but the Field Monitor could not verify the data for one facility from its admission records. This county reportedly held three children.

The Monitor was refused information or admission to the Falls County Jail, which reportedly held two children.

According to the state report, 22 of the jails provided adequate separation, including five of the six that actually held status offenders during the report period. The sixth jail, the one closed to us, probably also had adequate separation. Our verification-inspection of the facilities generally agreed with the state findings. The only separation problem noted by our Field Monitor was at Booking, and since officers were also present during this process, we considered this to be a minor issue. Where the absence of separation at Booking was noted, this was discussed with the jail staff.

Ten of the eleven detention centers were secure according to the state. This was verified. While two of the facilities were operated by the sheriffs, both were completely separated from the jails. Only children were housed in the detention centers. Information which could identify accused and/or adjudicated status offenders was not available so composite data was obtained. We assumed that most of the status offenders held were accused. The state reported 802 status and non-offenders held over 48 hours during the report period in these facilities. We found 825 status and non-offenders detained over 48 hours during the report period. The difference could be the result of a number of factors and is not significant. Both totals showed 362 status offenders held over 48 hours in the Dallas County Detention Home and 87 held in the Denton County Juvenile Service Center. Our review showed 102 status offenders held in the Hidalgo County Detention Center. This count was 10 more than the state's figure.

The Giddings State Home and School, a minimum security training school for boys, reportedly held 12 status offenders during the report period. Our review placed the number held at twenty.

The data verified in most instances compared closely with the data obtained by the state. The quality of admission records at the facilities considered, this was surprising.

#### Field Monitor

H. Aubrey Elliott served as Field Monitor for the Texas verification. The on-site work was conducted between January 16th and February 8th, 1980. Mr. Elliott was not in Texas during the week of January 25th.

#### Verification Summary

Progress has been made in removing status offenders from secure custody in Texas and in separating children from adult inmates where both are confined in the same secure facility. Several counties still hold a considerable number of status offenders beyond the 48 hour period. Changes in three of the counties visited would bring a significant reduction in the status offenders held and a higher rate of compliance.

## RECOMMENDATIONS

In an effort to further improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Authority to monitor--Statutory authority to inspect county jails and certify secure detention facilities exists in Texas. These are positive provisions. However, no one agency has overall responsibility to monitor. It is felt that such legal authority would further strengthen the program.

Specific legal authority for the Criminal Justice Division or another appropriate state agency to monitor should be established through legislation. The authority should be broad enough to allow the agency to require the maintenance of state designed records, to collect data, to require reports, to inspect facilities for separation compliance, and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for the inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children, to correct and eliminate violations.

2. Classification of facilities--All facilities which may legally hold children in secure custody are classified as juvenile detention and/or correctional facilities and are monitored. An exception has been those municipal jails not certified by the juvenile judge or juvenile board as juvenile detention facilities. Legislation has been introduced to extent the inspection authority of the Texas

Commission on Jail Standards to these facilities. Meanwhile, the Texas Municipal League is researching the problem and the state's 24 COG planners are to be trained to monitor these facilities until the legislature decides the questions. It is a violation of state law to detain juveniles in uncertified facilities.

In keeping with the above, all facilities which might hold children in secure custody should be classified as juvenile detention or correctional facilities and should be monitored. All jails, lockups, detention centers, and training schools should be so classified and monitored regardless of policies and announced practices regarding the holding of child, certification or existing laws which prohibit the admission of children to the facility.

3. Data collection--Uniform juvenile detention admission/release record forms should be developed which include all necessary monitoring data, for use by all facilities, both certified and uncertified, which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release record should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample on-site check to ensure that the submitted records are complete and factual. Such verification could be done during the annual inspection.

Texas now uses a good county juvenile probation department to obtain detention information. (See attached copy.) When completed, this form can provide detention information for children legally held on order of the court. The use of the suggested admission/release record would permit full monitoring of all secure facilities, both certified and uncertified.

4. Regulation variance--The 48 hour rule as it applies to accused status offenders and non-offenders detained and counted for monitoring should be reviewed to determine if the rule should still be used or altered. For more information, see the attached copy of "Texas Plan for the Deinstitutionalization of Status Offenders and Non-Offenders, and Separation of Juveniles from Adults, Including Adult Trustees, when Detained in the Same Facility."

STATE - <u>Texas</u> FACILITY	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Aransas County</u> John D. Wendell Juvenile Detention Shelter Rockport, TX	5	5	NA	NA
<u>Bandera County</u> Bandera County Jail Bandera, TX	0	0 (verbal verification)	NA	NA (verbal verification)
<u>Bastrop County</u> Bastrop County Jail Bastrop, TX	0	0	Yes	Yes
Elgin City Jail Elgin, TX	0	0	No	No
Smithville City Jail Smithville, TX	0	0 (verbal verification)	No	No
<u>Bell County</u> Bell County Jail Belton, TX	6	6	Yes	Yes
Killeen City Jail Killeen, TX	0	0	Yes	Yes
Temple City Jail Temple, TX	0	0	NA	NA
<u>Bexar County</u> Bexar County Detention Home San Antonio, TX	47	47	NA	NA
<u>Bosque County</u> Bosque County Probation Department Meridian, TX	0	0 (verbal verification)	No	Not visited
<u>Cameron County</u> Cameron County Juvenile Dept. and Detention House Brownsville, TX	21		NA	NA
Harlingen Police Dept. Jail Harlingen, TX	0	0	Yes	Yes

STATE - Texas (con't)	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
FACILITY				
Padre Island Police Dept. Padre Island, TX	(No secure facility)		NA	NA
Port Isabel Police Lockup Port Isabel, TX	0	0 (verbal verification)	No	No
San Benito Police Lockup San Benito, TX	0	0 (verbal verification)	No	No
Comal County Comal County Jail New Braunfels, TX	-	0	No	No
Bew Braunfels Police Dept. New Braunfels, TX	-	-	--	No
Dallas County Dallas County Jail Dallas City Jail Suburban City Jails (20 jails in all)	(verbal verification of number of status offenders/non-offenders held)			
Dallas County Probation Dept. and Detention Home Dallas, TX	362	362	NA	NA
Denton County Denton County Jail Denton, TX	-	No juvenile records	NA	NA
Denton County Juvenile Service Center Denton, TX	87	87	NA	NA
Denton City Jail Denton, TX	0	0	NA	NA
Lewisville City Jail Lewisville, TX	0	0	Yes	Yes
Ellis County Ellis County Jail Waxahachie, TX	34		--	--
Falls County Falls County Jail Marlin, TX	2	Not allowed into jail	Yes	Not allowed into jail
Marlin City Jail Marlin, TX	0	0	NA	NA

STATE - Texas (con't)	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
FACILITY				
Guadalupe County Guadalupe County Jail Sequin, TX	0	0	Yes	Yes
Sequin City Jail Sequin, TX	-	0	NA	NA
Hays County Hays County Jail San Marcos, TX	0	0	Yes	presently closed
San Marcos City Jail San Marcos, TX	0	0	No	No
Hidalgo County Hidalgo County Detention Center Edinburg, TX	92	102	NA	NA
Donna Police Dept. Jail Donna, TX	0	0	Yes	Yes
Edinburg Police Dept. Jail Edinburg, TX	0	0	Yes	Yes
La Joya Police Lockup La Joya, TX	0	0	No	Yes
McAllen Police Dept. McAllen, TX	0	0	Yes	No
Mercedes Police Dept. Lockup Mercedes, TX	0	0	Yes	Yes
Mission Police Dept. Mission, TX	0	0	No	No
Pharr Police Dept. Jail Pharr, TX	0	0	Yes	Yes
San Juan Police Lockup San Juan, TX	0	0	No	No
Weslaco Police Dept. Jail Weslaco, TX	0	0	Yes	Yes

STATE - Texas (con't)	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Hood County</u> Branbury Hood County Juvenile Office Granbury, TX	-	0	NA	Yes
<u>Jim Wells County</u> Jim Wells County Jail Alice, TX	0	0	Yes	Yes
<u>Johnson County</u> Johnson County Detention Center and Probation Dept. Cleburne, TX	5	12	Yes	Yes
<u>Kaufman County</u> Kaufman County Juvenile Detention Home	3	37	Yes	Yes
<u>Terrell Police Dept.</u> Lockup Terrell, TX	0	0	Yes	Yes
<u>Kleberg County</u> Kleberg County Jail Kleberg, TX	6	6	Yes	Yes
<u>Lampasas County</u> Lampasas County Jail Lampasas, TX	0	0	Yes	Yes
<u>Lee County</u> Giddings State Home and School Giddings, TX	12	20	NA	NA
<u>Navarro County</u> Navarro County Jail Corsicana, TX	0	2	Yes	Yes
<u>Nueces County</u> Nueces County Jail Precinct 5 Robstown, TX	0	0	Yes	No
<u>Bishop City Jail</u> Bishop, TX	0	0	No	No
<u>Corpus Christi Police Dept. Jail</u> Corpus Christi, TX	0	6	Yes	Yes

STATE - Texas (con't)	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Martineau Hall (Detention Center)</u> Corpus Christi, TX	16	32	NA	NA
<u>Robstown Police Dept. Jail</u> Robstown, TX	0	0	Yes	Yes
<u>San Patricio County</u> San Patricio County Jail Sinton, TX	3	unknown	Yes	Yes
<u>Starr County</u> Starr County Jail Rio Grande City, TX	0	0 (verbal verification)	NA	NA (verbal verification)
<u>Travis County</u> Travis County Jail Austin, TX	0	0	NA	NA
<u>Travis County Probation Dept. and Gordiner Hall</u> Austin, TX	47		NA	NA
<u>Austin City Jail</u> Austin, TX	0	0	NA	NA
<u>Willacy County</u> Willacy County Jail Raymondville, TX	0	0 (verbal verification)	--	closed

UTAH

This report deals with the process used to monitor juvenile detention and correctional facilities in Utah and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act.

The Monitoring Agency: The Utah Council on Criminal Justice Administration, 255 South Third Street, Salt Lake City, Utah 84111, is the state agency responsible for monitoring. Within the Council, staff responsibility for monitoring rests with Mr. Dave Attridge, Juvenile Justice Specialist.

Authority to Monitor: The Council originally was created by Executive Order in the late 1960's and was established by statute in 1977. In 1978, the Council received executive approval for monitoring agencies in line with the legal opinion given by the state's Attorney General. The Council's position is that it does have authority to monitor and to prepare monitoring reports with the cooperation of sheriffs' departments and other agencies involved in juvenile detention.

Compatibility of Definitions: There are no significant problems of definitions of terms between state and federal usage. The Utah Juvenile Code speaks of dependent and neglected children rather than of non-offenders, but the two terms cover the same classification of children.

Selection of the Monitoring Universe: The Council began its selection with a telephone check of all 29 jails to determine which ones do detain juveniles. Four were found to do so. This was exactly in line with anticipated results; i.e., the facts were already in hand in many instances. The jails were included in the universe. The three detention homes were all included because they do detain, they are secure, and they do house some status offenders. The three holdover facilities, largely located in distant counties, were excluded because they are used only long enough to secure transportation to areas with regular detention services. The Youth Development Center, a state institution known in the past as the Utah Industrial School, was not included because it does not accept status offenders.

Classification of the Monitoring Universe: Actually, the above universe selection process describes how facilities were classified as juvenile detention or correctional facilities. The size of the potential monitoring universe simplified the process.

The Council may include the Youth Development Center in the classified universe next year.

Monitoring Report Period: The Council selected a three-month report period. They selected August, September and October because Utah's experience indicates that detention rates tend to increase in the fall when youngsters get back in school. Data collected for August, September, and October, 1979 were verified.

Data Collection: The initial plan was for both the Department of Social Services and two regional planners from the Northern Utah Associations of Government to assist in monitoring. To follow up on the earlier mentioned jail telephone survey, the regional planners made on-site visits to jails in rural districts to verify whether the jails did in fact detain or not detain juveniles during the report period. The next step was for the Department of Social Services to monitor those jails identified as detaining youth and to collect on-site information regarding the children. The Department did not carry through on its part of the agreement. This has resulted in a delay in completing the jail portion of the 1979 report. The Council has necessarily taken over the delayed task, and it is anticipated that the data collection will be completed as of March, 1980.

Forms for collecting monitoring data were designed by Council staff. They appear to be satisfactory, as do the methods for data collection.

For detention home data, the Council went to the state Computer System Center after receiving the consent of detention home directors to do so. Each detention center pays the Computer System Center for needed computer runs. The one on-site detention home visit made by the Council staff specifically for monitoring purposes was necessitated by the fact that the facility had not engaged in the computer program. Without the on-site visit, no data for this facility would have been available.

Except for the problem encountered with the Department of Social Services, the data collection seems adequate.

Inspection of Facilities: The Council staff inspected each jail at least once during 1979. Some of the jails were visited several times during the year. Credit for the more frequent visits must be given to Dave Attridge, the juvenile justice specialist. In large part, it was this regularity of contact that made it possible for the Council to predict in advance some of the later monitoring results pertaining to jails, especially the fact that very few detain juveniles.

In Utah, it is against the law to detain juveniles in jail, so the four jails which do hold children are in direct violation of the law. (See Section 78-3a-31 of Utah Juvenile Court Act.) There is a counterpart requirement that where youth must be held in jail they shall be separated from adult inmates. Council staff check thoroughly on both jail detention and separation.

The question of jail detention and adequate separation becomes moot in Utah because the number one priority of the Council is to permanently discontinue the jail detention of children. This goal will probably be reached within a few months.

Method of Reporting: The Council staff receive all monitoring data and information and prepare the annual monitoring report. In addition to sending copies of the report to the OJJDP, the Council makes the report available to the Advisory Council; Division of Youth Corrections; and the Utah State Juvenile Court. Later, when wider monitoring coverage is achieved, the Council plans to share copies of the report with all participating agencies.

Violation Procedures: In line with the plan to close jails to juveniles, the Council has made it known that 1981 is the absolute deadline for removing all juveniles from jails. All segments of the justice system are working toward this end, with the Council taking a strong leadership role to bring about the desired goal.

A policy is in force which provides that if a child is found in jail, personnel from the Department of Social Services are to investigate to see whether his/her presence in the facility constitutes child abuse. If it does, then a legal suit may well occur. According to the juvenile justice specialist, this kind of threat has done more than perhaps any other thing to convince county commissioners whose cooperation is needed that the professionals are serious in their endeavors to close jails to children.

Wherever legal action seems to be indicated, the Juvenile Justice Legal Advisory Operation, based in San Francisco, or the American Civil Liberties Union, would be called on for assistance.

Assurances Against Reclassification: The Utah Juvenile Court Act offers adequate protection against reclassification, even though it does not include terms such as status offense, status offenders, and non-offenders. The Act does, however, deal with these issues in a realistic way.

Obstacles and Technical Assistance Needs: One obstacle relating to the primary need in Utah is for refinement of data--a more precise breakdown of categories of information needed, to the end that later monitoring efforts will produce more meaningful data. Knowing what data is needed, what is collected, and the accuracy and completeness of the tabulation is vital to effective monitoring.

It would also strengthen the process if on-site visits were made to all classified facilities for the purpose of reviewing admission/release log data and lifting the information required for monitoring.

A deficiency in Utah's monitoring plan, which will be corrected in future monitoring, was the assumption that status offenders held in detention centers remain in detention over twenty-four hours. This would rarely be true in Utah jails, and it is not a reliable blanket assumption for detention homes. It can limit the effect of the collected data.

Successful Policies and Programs: In view of the fact that the 1979 report marks Utah's first attempt at monitoring, the degree of cooperation received from not only classified facilities, but also from related community services as well, has proved both satisfying and productive. The good cooperation was seen as mostly due to the several years experience the juvenile justice specialist has had in working with his many colleagues on projects of many different kinds. What seems to have happened has been a continuous building of trust and confidence.

While not a successful policy or program, there is a corollary here that must be noted. Even though other agency staff have come and gone in the five years the juvenile justice specialist has worked for the Council, his name has remained a constant both at the Council and in the community. This has been noted in few other states. It would seem then that time and continuity also serve as a plus in successful monitoring.

Utah has several alternatives to detention programs, either on-going or in process of development. One which seems to be working very well is a program which involves legal action. For example, in May, 1979, Utah state law made it mandatory for the Division of Family Services to provide primary services to runaways and unmanageable youth. The main task is one of demonstrating that detention is really the only recourse now open to a given juvenile. It is expected that where such juveniles must be held, detention will not be secure. There are ten youth service centers in operation across the state to assist the Division in bringing about this kind of deinstitutionalization. Later, it is hoped that truant and curfew cases can be added to the program.

Obviously, the legislation and the resultant program are too new to permit discrete determination of the success rate, but detention reduction is almost a foregone conclusion since the two most prevalent status categories have been removed from court jurisdiction. When truancy and curfew are added, most status offenses in Utah will be handled entirely outside the juvenile court and justice system.

There is also a new transportation program in operation which permits bringing out-of-state runaways to more populous areas where non-secure facilities are available. This is proving helpful in reducing the amount of time juvenile runaways must be held in secure detention in certain of the outlying districts.

Monitoring Strengths and Weaknesses: The Utah Council on Criminal Justice Administration has legal authority to monitor. The method for selecting and classifying the monitoring universe seems to be complete even though some jails were excluded. Definitions used by the state are compatible with those of the OJJDP. The three-month report period meets OJJDP guidelines. While problems were encountered in data collection, the method employed was sound. Inspections are made annually and the Council has a plan for dealing with violations. The Code seems to provide adequate protection against reclassification. These are all strengths.

Even though only a few jails reported holding children and were included in the classified universe, it would strengthen the system if at least a sample of the other jails were monitored each year to check on full compliance with the law. The data required should also be refined to provide a more precise breakdown of categories of information needed.

Verification Problems: The Council monitoring staff offered excellent cooperation to our field monitor and no problems were encountered.

Facility Data Verification: Visits to facilities in Duchene, Lake, Morgan, Salt, Tooele, Uintah, and Weber Counties were scheduled. Utah County, which was to be visited, was dropped when it was learned that the director who controls the data would not be available. Four jails and three detention centers were visited.

All of the jails are secure and two of the four held juveniles in the past twelve months according to the state report. This was verified. The state reported two accused status offenders held over 24 hours and seven adjudicated status offenders held in one jail. This was verified. Both jails that held juveniles provided adequate separation according to the state and our verification. No juveniles were inadequately separated in Utah jails during the report period.

The three detention centers are all secure and only house juveniles. According to the state report, 262 accused status offenders were held over 24 hours in two facilities. This was verified.

The Utah Industrial School, now called the Youth Development Center, was omitted from the monitoring this time. It is our understanding that status offenders are not admitted to this facility.

Field Monitor: Mrs. Helen Sumner served as Field Monitor for the Utah verification review. The on-site work was conducted February 25 through 29, 1980.

Verification Summary: Utah's first monitoring year was 1979. It is our opinion that the Council has made a good start towards accomplishing the deinstitution-

tionalization of status offenders and the separation of juveniles held in secure facilities which also house adults. Utah has an adequate statewide monitoring system.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Use of monitoring authority--Since specific authority to monitor is available, it should be used to require all facilities which might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the monitoring agency and to require each facility to submit a duplicate copy of each monitoring report to the monitoring agency.

2. Classification of facilities--All facilities which might hold children in secure custody should be classified as a juvenile detention or correctional facility and should be monitored. All jails, lockups, detention facilities, and training schools should be so classified and monitored regardless of policies or announced practices regarding the holding of children or existing laws which prohibit the admission of children to the facilities.

3. Monitoring report period--The report period for all facilities should be twelve months.

4. Data collection--Uniform juvenile admission/release record forms should be developed, which include all necessary monitoring data for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample, on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

STATE - <u>Utah</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Duchesne County</u> Duchesne County Jail Duchesne, UT	0	2	Yes	Yes
<u>Morgan County</u> Morgan County Sheriff's Dept. Morgan, UT	0	0	N.A.	N.A.
<u>Salt Lake County</u> Youth Corrections Salt Lake City, UT	0	0	N.A.	N.A.
Salt Lake County Detention Center Salt Lake City, UT	161	161	N.A.	N.A.
<u>Tooele County</u> Tooele County Jail Toole, UT	0	0	N.A.	N.A.
<u>Uintah County</u> Unitah County Jail Vernal, UT	2	2-9	Yes	Yes
<u>Weber County</u> Howeda-Morgan, Weaver and Davis Roy, UT	101	101	N.A.	N.A.
Youth Detention Center Ogden, UT	0	0	N.A.	N.A.

VERMONT

This report deals with the process used to monitor juvenile detention and correctional facilities in Vermont and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act.

The Monitoring Agency: The Vermont Commission on the Administration of Justice, 149 State Street, Montpelier, Vermont 05602, is the state agency responsible for monitoring, data collection, and reporting its findings to the Office of Juvenile Justice and Delinquency Prevention annually. Within the Commission, responsibility for carrying out the above tasks is placed with Juvenile Justice Specialist Jack Pransky.

Commission's Authority to Monitor: The Commission does not have statutory or administrative authority to monitor. The staff reports that this has caused no problems and they have been able to carry out the monitoring tasks.

Compatibility of Definitions: Vermont's definitions are compatible with the Act and OJJDP guidelines. Vermont's Juvenile Code, which includes both status offenders and non-offenders under the category, "children in need of care or supervision", while different from the guidelines, still carries out the intent of the Act. The variance does not make the Vermont definitions incompatible. (See attached copy of the Code, Department of Corrections memo dated July 11, 1979 and Department of Social and Rehabilitative Services memo dated July 30, 1979.)

The Juvenile Code does not address sight and sound separation since it prohibits the confinement of children in facilities used to house adult offenders except when a child alleged to have committed a crime punishable by death or life imprisonment is found by the court to reasonably require such detention for public safety and protection. (See Section 639(6)(c) and (D) of the attached Code.)

Selection of the Monitoring Universe: The primary resources used by the Commission in selecting the monitoring universe were the Department of Social and Rehabilitative Services list of institutions to which children may be sent on a purchase of services basis, a similar list maintained by the Department of Corrections of its facilities and a list of the lockups which the Department inspects. The selection of the universe provides full coverage. (See list of facilities attached.)

Classification of the Monitoring Universe: The Commission followed OJJDP definitions and guidelines in classifying all facilities to be included in the monitoring universe. No facility was excluded if it met the definition for a detention or

correctional facility.

In December, 1978, two private child care facilities were classified as detention or correctional facilities. In 1979, one of these facilities was reclassified when it no longer was within the limits of the definition.

Monitoring Report Period: Vermont initially selected a one-month report period. However, different months were selected for monitoring Section 223(12a) and (13). February was selected for (12a) and OJJDP granted the request. The verification is based on data obtained for July, 1978 for subsection (13) and data obtained for February, 1979 for subsection (12a).

Data Collection: The Vermont Commission on the Administration of Justice data is collected, information obtained and inspections made by two state agencies: the Department of Corrections and the Department of Social and Rehabilitative Services. These two agencies have legal responsibility for facility inspection and thus have the necessary authority to monitor.

The Commission does not have a plan for verifying data submitted and did not check or verify any of the data submitted for this report period to determine its accuracy.

The raw data for the February, 1979 report period showed that zero accused and 12 adjudicated status offenders were held over 24 hours in secure custody in the facilities visited. OJJDP approved the use of February, 1979 data for updating the 1978 report. All 12 adjudicated status offenders were held in the Weeks School, which is now closed. In our verification of the state's data for compliance with Section 223 (12a) of the Act which consisted of a review of each facility's records, we found the state data to be accurate.

For the record, in February, 1978, there were seven accused and 48 adjudicated status offenders held over 24 hours in the Weeks School.

Four adult facilities were visited in the four counties during the on-site verification process. According to the state monitoring report, children were not placed in adult facilities. This was verified by our field monitor. Vermont is in compliance with Section 223 (13) of the Act.

The monitoring and data collection plan is adequate and provides the information required by the Commission. The inclusion of some type of verification, however, would strengthen the system.

Inspection of Facilities: As was previously mentioned, the two state agencies that monitor and collect the necessary data have legal authority to inspect the facilities included in the universe. They also perform inspections for the Commission. The agencies added additional components to their regular inspection

formats and procedures to cover all issues relating to compliance with the Act. (See attached copy of the Code, Chapter 15, Section 1101, and Chapter 11, Section 855.)

All but one facility in the counties visited was inspected in 1978 and 1979. The Lyndon Institute, the omitted facility, is a private high school that serves as a regional high school in the absence of other public schools. The school does have non-secure housing. Students are not placed by nor do they come under the jurisdiction of the juvenile court. This Institute probably should be removed from the monitoring universe.

The training school scheduled for inclusion in our verification, the Weeks School, is no longer in operation. The school facility is now leased to the Job Corps. (See attached copy of lease.)

The information and data that the Department of Social and Rehabilitative Services and the Department of Corrections collect, including inspection reports and related resource materials, is forwarded to the Commission. This information is accepted as received. The state's annual monitoring report is prepared by the Commission's juvenile justice specialist. After the report is reviewed by the director and when it is available in final form, it is submitted by the director to the OJJDP. Copies of the monitoring report are also submitted to the Juvenile Advisory Committee and the two state agencies that participate in the monitoring process.

Violation Procedures: Considerable authority for inspection and the enforcement of institutional standards rest with the Department of Social and Rehabilitative Services and the Department of Corrections. These two agencies have assumed a positive stance in assuring compliance with the provisions of the JJDP Act and violations, if such occur, would be handled by the appropriate agency. (Attached memorandums illustrate steps taken by these agencies to prevent violations.)

Assurances Against Reclassification: Staff of the Commission on the Administration of Justice assured the field monitor that reclassification is not a problem. While the Code does not address reclassification, the absence of waiver provisions and the wording of the Act is supportive of the child.

Obstacles and Technical Assistance Needs: The only monitoring obstacle cited by Commission staff is related to the need for clarification on out-of-state placements. Since a state is only held accountable for its own children, this is not a critical problem. The subject, however, should be on the agenda for clarification during the federal-state meetings.

No specific technical assistance needs were cited by Commission staff or the field monitor.

Successful Policies and Programs: The efforts of the two primary state agencies to assure compliance with the Act by facilities has been mentioned. These agencies have assumed responsibility for the added functions and have made them a part of their ongoing operations. This is a positive action.

Commission staff also mentioned two other efforts which they thought were successful. One is the DSRS policy statement on case planning for the entire system within the Department of Social and Rehabilitative Services. Basically, the statement addresses the end result to be achieved in dealing with children committed to their care and stresses the goal of helping children become "adequate citizens." This policy should help caseworkers jointly cooperate on meaningful goal-oriented programs. (See attached copy of policy statement.)

The second program, which is designed for the more difficult child, also has merit. This is essentially a survival program. It is called the Wilderness Camp. The Camp is located at Benson, Vermont. It is not a secure setting, and children placed in the program are only admitted if after an interview they agree that they would like to try it. The children build their own quarters, perform various tasks in camp, and twice a week must plan and prepare meals for their group. The program is designed to help each child build confidence in his/her ability to perform and to work towards a self-supporting and satisfying life. This is a new program in Vermont, but it has counterparts elsewhere operated by the Jack and Ruth Eckerd Foundation.

Monitoring Strengths and Weaknesses: The Commission's monitoring universe, universe classification method and monitoring, data collection and inspection systems are positive strengths. While the Commission does not have legal authority to monitor or to deal with violations, its involvement in the monitoring process of the two state agencies that do have such authority makes the plan workable. The direction provided by the juvenile justice specialist is an important factor in the progress made in Vermont.

If there is a weakness, it is the state's lack of a verification plan. A plan should be established to insure that data and information obtained from facilities is accurate. With the small number of facilities in Vermont, this is not a critical need, but such a plan would strengthen the monitoring system.

Verification Problems: The field monitor received a high level of cooperation from the Commission staff and from the local facilities' staffs. No verification problems were experienced in Vermont.

Facility Data Verification: Verification information and data was obtained for the six facilities classified as detention or correctional facilities in

Caledonia, Chittendon, Rutland, and Washington Counties. A seventh facility scheduled for a visit, the Weeks School, was closed and the facility is now leased by the Job Corps.

The facilities on which verification information was obtained included three community correctional centers, one lockup, the Wilderness Camp, and a private high school. The high school, Lyndon Institute at Lyndon Center, Vermont, does have residential facilities, but the students are not placed nor are they under juvenile court jurisdiction. The school is probably incorrectly included in the universe.

As of February, 1979, the Wilderness Camp has not been classified as a detention or correctional facility.

While four of the six facilities do house adult offenders, they do not hold juveniles. It was verified that no accused or adjudicated status offenders were held during the report periods. Separation, of course, is not an issue.

Field Monitor: Willis Thomas was Field Monitor for Vermont. The on-site verification took place October 15, 16, and 17, 1979.

Verification Summary: The Commission on the Administration of Justice does not have statutory or administrative authority to monitor. This has caused no problems due to the involvement of the Department of Corrections and the Department of Social and Rehabilitative Services in the statewide monitoring system. Both of these agencies have legal responsibility for facility inspection and thus have the necessary authority to monitor.

Vermont has few residential facilities. The monitoring universe is complete. The universe classification was based on OJJDP definitions. In an effort to provide complete coverage and full classification, the Commission may have reached too far in classifying one private high school as a juvenile detention or correctional facility.

Monitoring, data collection, and inspections are made by the Department of Corrections and the Department of Social and Rehabilitative Services. The monitoring report data was found to be accurate through verification.

While the Commission does not verify the data collected, the system employed seems to be adequate to insure accuracy. Violations are handled by the two state agencies under their inspection authority. The Code seems to adequately prevent reclassification.

The development of a uniform information and data tabulation method for all facilities that house status offenders and delinquents would strengthen the monitoring process.

Vermont has an adequate monitoring system.

## RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by executive order. The authority should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children to correct and eliminate the violations.

2. Monitoring report period--The report period for all facilities should be twelve months.

3. Data collection--Uniform juvenile admission/release record forms should be developed which include all necessary monitoring data for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample, on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

STATE - <u>Vermont</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Addison County</u> Weeks School Verginnes, VT	12	no longer a juvenile institution		
<u>Caledonia County</u> St. Johnsbury Community Correctional Center St. Johnsbury, VT	0	0	No	No
<u>Chittesden County</u> Burlington Community Correctional Center Burlington, VT	0	0	No	No
<u>Rutland County</u> Rutland Community Correctional Center Rutland, VT	0	0	No	No
<u>Wilderness Camp</u> Benson, VT	0 no secure facility	0	NA	
<u>Washington County</u> Barre City Jail Barre City, VT	--	0	--	No

## VIRGINIA

This report deals with the process used to monitor juvenile detention and correctional facilities in Virginia and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act.

The Monitoring Agency: The Division of Justice and Crime Prevention, 8501 Maryland Drive, Parham Park, Richmond, Virginia 23229, is the state agency responsible for monitoring. Within the Division, responsibility for monitoring is placed with Mr. William G. Sewell, Coordinator of Adult and Juvenile Corrections. Assisting Mr. Sewell in this effort, are Mr. Ron Collier and Mr. John Stafford.

The Division's Authority to Monitor: The Division's authority to monitor stems from the statute establishing the Division and giving it responsibility "... for the implementation and administration of the Omnibus Crime Control and Safe Streets Act of 1968--as well as other federal programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control..." (See Chapter 7.3, Section 2.1-64.24 of attached statute.)

Compatibility of Definitions: All definitions in the Virginia Code are compatible with those of the OJJDP. Delinquency is limited to acts which would be a crime if committed by an adult. The category known as "children in need of supervision" contains those acts which the OJJDP construes as status offenses--truancy, incorrigible, ungovernable, etc. The abused or neglected child category makes up the non-offender group. All are defined in Section 16.1-228 of the Code of Virginia. (See selected section of the Code, attached.)

It is apparent from Section 16.1-292 that a status offender cannot be handled as a delinquent when he violates probation or a court order. This section states "...the court shall be limited in the actions it may take with respect to a child violating the terms and conditions of an order to those the court could have taken at the time of the court's original disposition..." This provision is cited because it provides a simple and direct solution to the problem of reclassification of status offenders through court orders in instances of probation violation. A number of states could use such legislation.

Selection of the Monitoring Universe: A list of all sorts of programs, including residential care, was developed by enlisting the assistance of the Department of Corrections, Department of Welfare, Department of Health, and other agencies. The Division staff continually works to keep this potential monitoring universe

list current. The list contains secure and non-secure residential programs as well as educational, health, etc., and non-residential programs. Jails and lockups are not included in the attached list.

Selection of the potential monitoring universe appears to be complete.

Classification of the Monitoring Universe: The Division, working together with other state departments and making site visits, selected the facilities to be classified as juvenile detention or correctional facilities based on definitions and guidelines established by the OJJDP. As guidelines changed, the classified universe was revised. Currently, and for the 1979 report, the classified universe is said to consist of six state treatment facilities known as "learning centers", and one reception and diagnostic center--all for juveniles; 14 local detention homes (a 15th detention home was opened in Prince William County after the 1979 reporting period); and 94 county and city jails. (See attached list.)

Not included in the classified universe are the reported 33 police lockups in the state. Originally these were looked at, but the decision was reached that they need not be monitored.

Monitoring Report Period: Virginia selected a twelve-month report period. The verification review addressed the period from July 1, 1978 through June 30, 1979.

Data Collection: County and independent city jails are required to report monthly to the Department of Corrections on a form known as "J6." (See copy of form J6, attached.) Some jails make out a separate J6 for juveniles admitted to their facility, while others include juveniles with adults on one form. There is no column for "age", but Column 6 is uniformly used for this purpose. All offenses are given a code number (copy of code attached) and these codes are used for juveniles as well as adults. The Department of Corrections forwards the jail reports to the Division.

Local detention homes also are required to report monthly to the Department of Corrections, but on a different form known as "DC3059." (See copy of DC3059, attached.) There is a totally different coding system for the offenses recorded on these forms. (See copy of code, attached.) The Department of Corrections forwards detention reports to the Division.

The learning centers also submit a monthly report to the Department of Corrections. This report is quite different from the jail and detention reports and provides little significant data for monitoring purposes. (See copy of form, attached to facility verification form for the Hanover Learning Center.)

The above reports provide the main information for monitoring and reporting. However, the Division staff does gather data directly from the detention homes and the regional offices of the Department of Corrections has ongoing monitoring requirements.

All-in-all, the field monitor felt that Virginia has a thorough system for gathering data with adequate checks to assure reasonable accuracy of reporting. However, since lockups may hold for periods up to 24 hours, only a sample of these facilities have been monitored on-site.

Inspection of Facilities: Division staff report that they inspect each juvenile detention home twice each year and each jail at least once annually. The Division inspections are in addition to the Department of Corrections' inspection.

Method of Reporting: All monitoring information and data are submitted to the Division by the Department of Corrections. After the data is analyzed and drafted into report form by Ron Collier and John Stafford, it passes on to William Sewell, Coordinator of Adult and Juvenile Corrections, and then to the Division Director for approval. When finalized, it is submitted to OJJDP. The monitoring report is then summarized and copies of the summary are distributed to the Advisory Council, Department of Corrections, Secretary of Public Safety, etc. The material in the summary report is also used for planning, in-service training, etc.

Violation Procedures: As data is fed into the Department of Corrections from jails and detention homes careful check is made to identify any suspicious data before it is placed in the computer. On finding data with questions, contact is made with the reporting facility by the DOC for clarification. Any violation so verified is reported and appropriate action taken to correct the problem. Division staff also review the periodic reports coming to it from DOC, makes their own investigation of questionable data, determines what action may have already been taken, and follows up with any action indicated at the time. Further, the periodic on-site visits of both DOC and Division staff serve to identify violations that may or may not have appeared in the facility reports.

Assurances Against Reclassification: The Juvenile Code is quite specific and detailed in the matter of transferring and trying a juvenile as an adult. There appears to be no way for a juvenile to be administratively reclassified from a status offender to a juvenile delinquent. Virginia's protection of status offenders who violate their probation is probably the best noted to date.

It is possible for a juvenile over 15 years of age who has been charged with certain offenses to be (1) tried and adjudicated in a juvenile court and committed to an adult institution, or (2) be transferred to adult criminal court jurisdiction where he may be tried and sentenced to an adult facility. The criminal court may, if it so chooses, sentence the juvenile as a juvenile just as though he/she were tried and adjudicated in juvenile court.

Obstacles and Technical Assistance Needs: The field monitor noted several areas in which there appears to be some obstacle to full monitoring and compliance with the spirit of the JJDP Act.

It appears that the number of children jailed is increasing since the certification program has been in operation. This conclusion is drawn from the figures reported for the periods July, 1976--March, 1977 and July, 1977--March, 1978. (See Pages, Impacts, the First Year, Virginia's Juvenile Code Revision.) The field monitor extrapolated these figures to reflect a full 12 months, then compared them with the 12-month period July, 1978--June, 1979 as follows:

<u>TIME PERIOD</u>	<u>TOTAL NUMBER OF JUVENILES JAILED</u>
July, 1976--June, 1977	4,855
July, 1977--June, 1978	3,543
July, 1978--June, 1979	4,153

While the number of children held in lockups may be low, all lockups should be monitored to insure separation.

The 72-hour law appears to be confusing when it comes to complying with the requirement that status offenders be held 24 hours or less. The Division staff person who visits and monitors juvenile detention homes has compiled a list of admissions to each detention home excluding those definitely classified as delinquent and has indicated the code number of the status offense, the dates of admission and release, and the number of days detained. (A list for the Northern Virginia Detention home is attached. Another list is attached to the Norfolk Facility Verification Form.) On the attached lists, the check mark to the right of the entry is the Division designation of those found to be in violation of the 24-hour requirement, exclusive of non-court days. The field monitor went over the list with a calendar and computed the days of detention and found 14 more children held over 24 hours. These are marked by a check mark to the left of the entry.

The last obstacle involves the status offender who violates probation and is admitted back to the detention home as a probation violator (Code Number 987).

In the detention home records reviewed by the field monitor, there were quite a few of these. It is the field monitor's understanding that the Division is not considering these as status offenders when it comes to calculating the over-24-hour detentions. For example, the list for the Norfolk Detention Home does not contain a single 987, yet the field monitor counted at least 22.

Successful Policies and Programs: The 1977 Juvenile Code Revision and the subsequent Jail Certification Program are felt by Virginia to be their most important accomplishments toward compliance with JJDP Act. There is a thorough reporting program of the Department of Corrections which gives much data on jails and detention homes and provides for checks and follow-ups to take care of mistakes or violations. The attached booklet "Impacts" tends to show the progress being made as a result of the 1977 Juvenile Code.

Monitoring Strengths and Weaknesses: The Virginia Division of Justice and Crime Prevention has legal authority to monitor. The selection of the potential monitoring universe, with one omission, is complete. The universe was classified according to the OJJDP definitions and guidelines. The twelve-month report period provides full coverage. The data collection and inspection systems are workable. The method of reporting and the use of the reported information is good. There is a method for handling violations and the Code provides adequate assurances against reclassification. These are the strengths in Virginia's monitoring system.

The exclusion of 33 police lockups from the classified monitoring universe is a major weakness which should be corrected. Separation standards may need to be strengthened along with the criteria relating to counting status offenders held over 24 hours and status offenders who violate their probation.

Verification Problems: The field monitor received good cooperation from the Division staff and encountered no serious problems.

Facility Data Verification: Visits were planned to facilities in Arlington, Charles City, Fairfax, Gloucester, Hanover, Henrico, Isle of Wight, James City, Nansemond, Prince George and Prince William Counties and the independent cities of Norfolk, Richmond, and Virginia Beach. Eight county and city jails, two detention homes and the Hanover Learning Center were visited.

All of the jails are secure and all held both children and adults during the past twelve months. According to the state report, no status offenders were held in these facilities during the report period. This was verified. The state reported that four of these jails provided adequate separation and four did not. There were 323 children held in the jails that did not provide adequate separation

according to the Division. Our field monitor found that six jails did not provide adequate separation and that 271 children were inadequately separated during the report period.

As was mentioned in the "Obstacles" section of this report, separation criteria for certification and for compliance with the OJJDP guidelines must be strengthened.

Both detention homes visited are secure and only hold juveniles. According to the state, 41 accused status offenders were detained over 24 hours during the report period. No adjudicated status offenders were held. Our verification count showed that 97 accused status offenders were held over 24 hours during the report period. This figure includes 41 status offenders who were charged with probation violations. These children were not included in the state count.

The Hanover Learning Center, a state training school for boys, is a secure facility which only holds juveniles. The state reported that no status offenders were held in this facility during the report period. Our verification indicated that "at least" 18 adjudicated status offenders were held during the report period.

Field Monitor: Willis Thomas served as Field Monitor for the Virginia verification review. The on-site work was conducted February 25 through 29, 1980.

Verification Summary: Considerable progress has been made in Virginia. The new Juvenile Code and the Jail Certification Program have helped. All city lockups should be included in the classified monitoring universe. Status offenders who violate probation should be included in the monitoring count. Even with these problems to be corrected, we can report Virginia to have an adequate state-wide monitoring system.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Authority to monitor--While Virginia has not had monitoring problems due to the absence of authority, specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by executive order. The authority should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children to correct and eliminate violations.

2. Classification of facilities--All facilities which might hold children in secure custody should be classified as a juvenile detention or correctional facility and should be monitored. All jails, lockups, detention facilities, and training schools should be so classified and monitored regardless of policies or announced practices regarding the holding of children or existing laws which prohibit the admission of children to the facilities.

3. Data collection--Uniform juvenile admission/release record forms should be developed which include all necessary monitoring data for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be relevant for monitoring, the need for on-site verification could be reduced to a sample, on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

STATE - <u>Virginia</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Arlington County</u> Arlington County Jail Arlington, VA	0	1	No	No
<u>Fairfax County</u> Fairfax County Adult Detention Center Fairfax, VA	0	0	Yes	Yes
<u>Hanover County</u> Hanover County Jail Hanover, VA	0	0	Yes	Yes
Hanover Learning Center Hanover, VA	0	18	NA	NA
<u>Henrico County</u> Henrico County Jail Richmond, VA	0	--	No	closed
<u>James City County</u> Williamsburg City Jail Williamsburg, VA	0	0	No	No
<u>Prince William County</u> Prince William County Jail Manassas, VA	0	0	No	No
<u>Norfolk City</u> Norfolk Jail Norfolk, VA	0	0	Yes	No
Norfolk Detention Home Norfolk, VA	36	51	NA	NA
<u>Richmond City</u> Richmond Detention Center Richmond, VA	5	5 (41 reclassified)	NA	NA
<u>Virginia Beach City</u> Virginia Beach Jail Virginia Beach, VA	0	0	Yes	Yes

WASHINGTON

This report deals with the process used to monitor juvenile detention and correctional facilities in Washington and the data collected to demonstrate compliance with Section 223 a (12)(13) of the Juvenile Justice and Delinquency Prevention Act.

The Monitoring Agency

The Office of Financial Management, Division of Criminal Justice, 102 N. Quince, Olympia, Washington, is the state agency responsible for monitoring. Responsibility for monitoring within the agency is placed with Mr. Dan Greening, Juvenile Justice Specialist. Ms. Kathy Sullivan, Juvenile Justice Evaluation Specialist, is responsible for the preparation of the state's annual monitoring report.

The Division's Authority to Monitor

The Division does not have specific authority to monitor. However, the second substitute House Bill No. 204, passed March 8, 1979, legally establishes the Governor's Council on Criminal Justice and sets its duties. In Section 4 (8), responsibility to analyze specific criminal justice issues, conduct special studies, and evaluate criminal justice programs implemented within the state, is set forth. While this does not mention monitoring, it is assumed that authority for it can be found in the duties to analyze criminal justice issues and evaluate implemented criminal justice programs.

The Act also states, "The Division shall act as the State Planning Agency pursuant to the Omnibus Crime Control and Safe Streets Act of 1968 and the Juvenile Justice and Delinquency Prevention Act of 1974." The Division seems to have adequate authority to monitor.

### Compatibility of Definitions

A new, complex Juvenile Code became law July 1, 1978. The Code was amended in 1979. The amended Code was reviewed extensively prior to the preparation of this report. The Code is complex because it covers numerous issues, is not indexed and is printed in grayish black ink on gray paper. The omission of an index and the printing process used made review difficult. After numerous readings, it was concluded that the Code, which makes no reference to status offenders, CHINS, PINS, wayward youth, unruly children or any other category of non-criminal types of offenders, is in essence if not in words, compatible with the intent of the OJJDP status offender definition.

The new Washington Code, as amended, includes provisions for dealing with "families in conflict," establishes crisis residential centers, and specifies conditions for placement. The crisis residential centers and Crisis Intervention Services are placed under the Department of Social and Health Services. Under the provisions of Washington's Juvenile Code, a youth may be held in the custody of a law enforcement officer for six hours, and may then be held in a secure detention facility for 24 hours.

As stated in Washington's monitoring report, the state, since 1961, has operated under legislation which requires the complete separation of juveniles from adult offenders. The legal citation is RCW 13.04.115.

The new Washington Code has a number of interesting features that should be beneficial to children, and some that may not, but its organization makes it difficult to work with. (See copy of attached amended Code.)

### Selection of the Monitoring Universe

A list of all the institutions which might meet the OJJDP definition for juvenile detention or correctional facility was compiled by Division staff. On-site monitoring visits were made to all of these facilities, even if no juvenile had been

held there during the report period. This was done to determine if the facility should be included in the monitoring universe.

### Classification of the Monitoring Universe

Using OJJDP definitions as a guide, the Division evaluated each facility in the potential monitoring universe to determine if the facility should be classified as a juvenile detention or correctional facility. The Jail Commission monitored all jails in the state.

The monitoring universe as classified includes 115 police agency jails, lock-ups and holding facilities, 21 juvenile detention centers, and 13 rehabilitation facilities.

The method for selecting the monitoring universe and the classification process employed seems to provide full coverage of facilities.

### Monitoring Report Period

Washington selected a six month report period for purposes of verification data for the report period July 1, 1978, through December 31, 1978, was reviewed. The six month period beginning July 1, 1978, followed the effective date of the state's new Juvenile Code.

### Data Collection

Monitoring and data collection was done by Division staff for all juvenile facilities and twelve jails. The remaining 103 jails were monitored by the Washington State Jail Commission under contract with the Division. (See attached copy of Jail Monitoring Form.)

The Division uses monitoring forms for the report period and on-site visit day interviews with agency administrators and facility observations or inspections in all monitoring.

All information and data was collected on-site.

### Inspection of Facilities

The Division is required to conduct its own annual inspection of all jail facilities. This is done during the monitoring visits as part of the routine observation. The twelve jails monitored by Division staff were considered not to have adequate separation and this is why they were assigned to Division Monitors.

### Method of Reporting

Reports obtained by the Jail Commission are submitted to the Division. Once all collected data and information is available, the monitoring report is sent by the S.P.A. to the Juvenile Justice Advisory Committee for its review and approval. Following this step the report is submitted to the OJJDP.

### Violation Procedures

Division staff time limitations prevented coverage of this subject during interviews. A supplemental paper covering this subject will be submitted.

### Assurances Against Reclassification

According to our Field Monitor, the laws provide protection from reclassification through requiring due process procedures including judicial hearings. Juveniles can be remanded to adult court jurisdiction but only after a court hearing.

### Obstacles-Technical Assistance Needs

The Juvenile Justice Specialist cited three primary monitoring obstacles. The obstacles, which seem important to note, are as follows:

1. The people in Washington are not adequately knowledgeable about OJJDP or the JJDP Act and resent what they feel is outside intrusion in their affairs. They do not like to have rules superimposed on them. With better education and more knowledge as to why the JJDP Act came about and what the OJJDP is really trying to do, law enforcement, the judiciary, and corrections might all three be more accepting of federal intervention.

2. Another monitoring obstacle related to the Division's efforts to mesh gears with OJJDP, especially in the area of defining terms. The Division sees it as unfair and an imposition for the federal government to decide at the national level what shall apply at the local level, when there is and can be no real federal understanding of how the individual local unit functions.

3. To continue monitoring after compliance has been reached is both costly and unnecessary.

While not so directly expressed by other states visited to date, the first two points have been noted. The constant change that occurs in juvenile justice seems to make point three moot. Monitoring is the only way to insure compliance.

No technical assistance needs were mentioned.

### Successful Policies and Programs

The Juvenile Justice Specialist works closely with the juvenile court administrator on a continuing basis so that when he must make monitoring demands on them, they will know what to expect and be prepared. This may sound so basic that one may wonder why it was reported. While basic, it is an important feature in a meaningful working relationship and is essential to sound planning.

The one Washington program considered to be outstanding is called Crisis Intervention Services. Established in 1978, under the new Code, the salient intent is to provide a system whereby youth or their parents may voluntarily seek help in strengthening family ties or ask for placement away from home for the youth for the occasions when this would be the best temporary solution. While this program does not exclude children who have committed a criminal-type offense, the majority of youth who become involved in the program were formerly referred to as status offenders.

A number of crisis residential centers and foster homes are available for placements. The Department of Social and Health Services operates this program.

### Monitoring Strengths and Weaknesses

Washington has developed a state-wide monitoring system with an adequate reporting period. Responsibility for monitoring and data collection rests with Division staff and, through contract, with the Jail Commission. Inspections are made by Division staff during on-site data collection visits. The law provides adequate protection against reclassification. All of these practices are monitoring strengths.

While the Division's authority to monitor is not specifically established in the law, the Act, in its general provisions and requirements, does provide for the necessary functions.

### Verification Problems

The only verification problem was our selection of the dates for the on-site visit. The first day of the scheduled week, auditors were in the Division. This caused a one-day delay and limited the time Division staff was available for interviews.

The absence of specific facility records concerning juveniles also caused some problem.

### Facility Data Verification

Originally visits were planned to facilities in Douglas, King, Snohomish, and Thurston Counties. Weather conditions made it impossible to reach Douglas County, so Lewis County was substituted. The facilities visited in the four counties included 17 county and city jails, four detention homes and one training school.

All of the facilities were secure. According to the state monitoring information, six of the jails held children and adults during the report period. Our verification showed that eight of these adult facilities reported holding children. During the year the stays are brief, usually under two hours, and status offenders were not admitted. Only two facilities held children in inadequately separated

facilities. Kent City Jail held 150 children in inadequately separated units during the report period and the Department of Rehabilitative Services held 335. It should be noted that the state found the latter facility providing adequate separation, and our monitor did not agree.

The four detention homes only held children. One did not hold accused or adjudicated status offenders over 24 hours during the report period. One reportedly held one accused status offender over 24 hours, but our review did not show this. Data was unavailable at one detention home because the administrator, the only person who can release information, was not available.

The Charles Denny Youth Center, in Snohomish County, held 19 accused status offenders over 24 hours, according to the monitoring report. This could not be verified from the available data. The raw data showed 118 accused status offenders held during 1978, but the report period covers only the last six months. Our monitor could not tell from the data how many were held over 24 hours. Based on practice in Washington, we assume that the 19 figure is correct, but cannot confirm this as fact.

The Green Hill School normally only holds juveniles, but by legal definition housed both juveniles and adults during the report period. A 14-year-old boy who had been remanded to adult court jurisdiction, who was also adjudicated as an adult, was placed in Green Hill. Although this technically, by the criteria used in this verification, makes the child an adult, few would question the placement. The charge was suicide-attempted we presume! This diabetic child 'overdosed' on sugar. No accused or adjudicated status-type offenders were held in this school over 24 hours during the report period.

### Field Monitor

Mrs. Helen Sumner was Field Monitor for the Washington verification. Her on-site work took place October 15 through October 20, 1979.

Verification Summary

The selection and classification of Washington's monitoring universe provides full coverage. While Code definitions purposely make no reference to status offenders or status-type offenses, the use of OJJDP definitions for classification and monitoring is adequate. A state-wide monitoring and inspection system has been developed using Division staff and contract staff from the Jail Commission. The selected six month report period provides sufficient information. Data is collected on-site.

While the Division does not have specific legal authority to monitor, the law, which establishes its general authorities, is sufficient to cover monitoring.

The law seems to provide adequate protection against reclassification.

The one successful program cited, Crisis Intervention Services, seems to be a major factor in providing needed services to status-type offenders. Its potential as a preventive service could be considerable.

Washington has an adequate state monitoring system.

RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system the following recommendations are presented for consideration.

1. Authority to monitor--While the state has authority to monitor, specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by executive order. The authority should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children, to correct and eliminate violations.

2. Monitoring report period--The report period for all facilities should be twelve months.

3. Data Collection--Uniform juvenile admission/release forms should be developed, which include all necessary monitoring data, for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a

sample on-site check to insure that the records are complete and factual. Such verification could take place during the inspection.

4. Violation procedures--Violation procedures should be established which include a clear description of the sight and sound separation required and the actions which may be taken if inadequate separation is found. The procedures should be made available in printed form to all facilities which might hold children in secure custody.

STATE - <u>Washington</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a) (12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>King County</u> King County Juvenile Court and Youth Service Center Seattle, WA	1	0	NA	NA
Bothell Police Dept. (Holding Facility) Bothell, WA	NA	NA	NA	NA
Department of Rehabilitation Services Seattle, WA	NA	NA	Yes	No
Kent City Jail Kent, WA	NA	NA	No	No
Kirkland Holding Facility Kirkland, WA	NA	NA	NA	NA
City of Redmond Police Dept. Redmond, WA	NA	NA	NA	NA
Seattle Police Dept. Seattle, WA	NA	NA	NA	NA
Seattle-Tacoma International Airport Seattle, WA	NA	NA	NA	NA
Skykomish Holding Facility Skykomish, WA	NA	NA	NA	NA
Tukwila Holding Facility Tukwila, WA	NA	NA	NA	Yes
<u>Lewis County</u> Lewis County Juvenile Court	-	Non-Verifiable	-	Non-Verifiable
Green Hill School Chahalis, WA	0	0	NA	NA
<u>Snohomish County</u> Snohomish County Jail	NA	NA	Yes	Yes
Edmonds Police Department Edmonds, WA	NA	NA	NA	NA
Lynnwood City Jail Lynnwood, WA	NA	NA	Yes	Yes

STATE - <u>Washington</u> FACILITY	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
Marysville City Jail Marysville, WA	NA	NA	NA	NA
Snohomish City Jail Snohomish, WA	NA	NA	No	Yes
Chas. Denny Youth Center Everett, WA	19	118	NA	NA
<u>Thurston County</u> Thurston County Cheriff's Dept. Olympia, WA	0	0	Yes	Yes
Juvenile Court Probation Dept. Youth Service Center Olympia, WA	0	0	Yes	Yes
Olympia City Jail/Holding Facility Olympia, WA	NA	NA	NA	Yes
Yelm Holding Facility Yelm, WA	NA	NA	NA	NA

WEST VIRGINIA

This report deals with the process used to monitor juvenile detention and correctional facilities in West Virginia and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act.

\* The Monitoring Agency: The Youth Services Unit, West Virginia Department of Welfare, Room 850B, 1900 Washington Street East, Charleston, West Virginia 25305, is the state agency responsible for monitoring. Within the Department, Ms. Karen S. Hill, Program and Planning Supervisor, is responsible for monitoring. Ms. Karen B. Maimon, Juvenile Justice Consultant, is responsible for preparation of the annual monitoring report.

The Department's Authority to Monitor: There is no formal authority to monitor juvenile facilities.

The state planning agency in West Virginia, the Governor's Office of Economic and Community Development, Criminal Justice and Highway Safety Division, through a mini-block procedure, passed the JJDP formula grant and all responsibilities under participation in that program went to the Department of Welfare. Among these responsibilities, of course, are included monitoring of juvenile detention and correctional facilities.

When the monitoring was to begin, the Welfare Department sent a letter to all sheriffs and heads of juvenile detention facilities requesting their cooperation in the monitoring. (See attached copy of letter.) The letter was signed by both the SPA director and the Commissioner of Welfare. There were apparently no problems, though one county (Marlan County) refused to allow the monitor in the facility.

Compatibility of Definitions: Pertinent West Virginia definitions are compatible with the OJJDP definitions. The Juvenile Facility Monitoring Survey Form and accompanying definitions on the backside thereof were used as the primary data collection instrument.

Selection of the Monitoring Universe: No formal procedures were utilized in selecting the universe, nor was the selection verified.

All county jails (54 of 55 counties, with Mason County having no jail), three forestry camps, two industrial schools and four detention centers define the universe. It should be noted that city jails were excluded from the universe since in 1978

the Welfare Department was told that no children were held in city jails. Welfare staff estimate that 10-12 city jails were thus not monitored. City jails will be included in the monitoring universe in the future.

Classification of the Monitoring Universe: No clear method of classifying the universe is apparent. When this topic came up, the field monitor was told, "...we are in a small state; no sophisticated methods are used here." Thus, all jails were considered to be secure, as were all other institutions that held juveniles against their will. (See attached House Bill 1484 for definitions.)

Monitoring Report Period: West Virginia selected a twelve-month report period. The verification review was for the calendar year 1978, which represented the first full year of participation by West Virginia. The stated baseline period is 1976. West Virginia's three-year compliance date is December 31, 1981.

It is suggested that the baseline period be changed to calendar year 1978, since that is the first year that data has been gathered firsthand, on-site. The 1976 baseline data was self-reported.

Data Collection: Data collection is under the general direction of the Youth Services Unit of the Department of Welfare. The State Advisory Group was asked to assist in the monitoring. In October, 1978, a training session was held for members of the State Advisory Group, in which the monitoring form was explained in detail. A letter was then sent to all juvenile detention and correctional facilities explaining the purpose of the monitoring, the information to be obtained, and the affiliation of the individual to collect the data on-site. The letter was signed by the Welfare Commissioner and the director of the SPA. Members of the State Advisory Group worked in teams, made appointments to visit the facilities and completed most on-site work during the months of November and December, 1978. The SAG members visited all but one jail, while staff of the Welfare Department visited the juvenile correctional and detention facilities. All data was reported on the Juvenile Facility Monitoring Survey form. (See attached copies of a letter to the Community Research Forum explaining the above method, letter to the sheriffs requesting cooperation, a list by name of monitors and assignments, and a list of all facilities in the classified universe.)

The data was not verified.

Inspection of Facilities: Inspection of the facilities for sight and sound separation was undertaken along with the monitoring and data collection during the last two months of 1978.

Method of Reporting: Data was not reported to the SPA, but was compiled in a report by the Youth Services Unit, which was then forwarded to the OJJDP, and a copy sent to the SPA.

Violation Procedures: There is no formal or informal violation procedure. When a violation is found, the Welfare Department notifies the State Supreme Court of Appeals. No procedure is further spelled out. The Code specifies certain rights that a child should have when detained, and copies of these rights are sent to all facilities that may detain children. The Code, however, is void of penalties or procedures that should be followed in the event these rights are violated. (See attached Public Welfare Law of West Virginia, 1978 Supplement, Section 49-5-16a, Rules and Regulations Governing Juvenile Facilities, pages 28-29.)

Assurances Against Reclassification: The Code is the only assurance that a child will not be reclassified. Public Welfare Law of West Virginia, 1978 Supplement, Section 49-5-16, specifies: "(a) A child under eighteen years of age shall not be committed to a jail or police station except that any child over fourteen years of age who has been committed to an industrial home or correctional institution may be held in the juvenile department of a jail while awaiting transportation to the institution for a period not to exceed ninety-six hours; and a child over fourteen years of age who is charged with a crime which would be a felony if committed by an adult, may, upon an Order of the Circuit Court, be housed in a juvenile detention portion of a county facility, but not within sight of adult prisoners. A child charged with or found to be delinquent solely under subdivision (3), (4), or (5), Section 4, Article 1, of this Chapter, shall not be housed in a detention or other facility wherein persons are detained for criminal offenses or for delinquency involving offenses which would be crimes if committed by an adult, provided that a child who is adjudicated delinquent under subsection (5), Section 4, Article 1, of this Chapter, and who has violated an Order of Probation or a Contempt Order arising out of a proceeding wherein the child was adjudicated delinquent for an offense which would be crimes if committed by an adult may not be housed in a detention or other facility wherein persons are detained who have not been adjudicated delinquent for such offenses."

"(b) No child who has been convicted of an offense under the adult jurisdiction of the Circuit Court shall be held in custody in a penitentiary of this state, provided, however, that such child may be transferred from a secure juvenile facility to a penitentiary after he shall attain the age of eighteen years, if in the judgment of the Commissioner of the Department of Corrections and the court which committed such child, such transfer is appropriate."

The Code seems to be insufficient in and of itself to preclude the administrative transfer of a juvenile. In the absence of specific legal provisions prohibiting reclassification, Department policies on reclassification are needed.

Obstacles and Technical Assistance Needs: Few actual obstacles to monitoring exist in West Virginia save for the lack of staff within either the Welfare Department or the Criminal Justice and Highway Safety Division. Three individuals within the Welfare Department are concerned with administration of the OJJDP grant, and only one is employed full time. Within the Division, there is apparently only one individual considered as a juvenile planner, and she has nothing to do with the OJJDP program except to approve the grant to the Welfare Department to enable the Department to carry out the administrative and programmatic tasks associated with the program. These "obstacles" notwithstanding, the present monitoring system seems to be adequate. The primary problem with the present system vis-a-vis monitoring is that it has not been formalized, e.g., placed on paper.

The exclusion of city jails from monitoring and inspection is an obstacle which will be corrected.

Welfare personnel cited two common problems as the major obstacles to deinstitutionalization: lack of community resources and attitudinal problems of both judges and law enforcement officials. Both problems are amenable to technical assistance. In the former case, a search for hidden resources and more effective utilization of existing resources would in all probability reduce and maybe even resolve the problem. Mini-training sessions with community resource personnel and citizen leaders would probably go a long way towards meeting this problem. Mini-training sessions may also have an impact on attitudes and the realities of juvenile incarceration.

Successful Policies and Programs: The unique aspect of West Virginia's monitoring system is its utilization of members of the State Advisory Group in the required monitoring. This is a good idea. It is economical insofar as the cost of monitoring is concerned (the cost of the 1978 monitoring method over and above the cost of maintaining the full time staff person was estimated at \$1,000); it is educational insofar as the intent of the SAG is concerned (e.g., it stimulates personal involvement and interest, such that the group takes its work seriously and is not simply a rubber stamp for approving staff actions.)

Staff of the Welfare Department maintain that the day-treatment programs are the most successful in terms of providing alternatives to or precluding the possibility of institutionalization. Five such programs were funded during fiscal year 1978. These projects and their effectiveness are assessed in the Annual Report: Programs and Services for Children and Youth. (See pages 9 and 10, attached.)

Monitoring Strengths and Weaknesses: In some states the absence of authority to monitor, the absence of a specific list of potential monitoring universe facilities,

and a process for classifying juvenile detention and correctional facilities would be definite weaknesses, but this does not seem to be the case in West Virginia. The actions taken by the staff along with the use of compatible definitions and sound monitoring, data collection and inspection methods, seem to make monitoring work.

The exclusion of city jails from the classified universe and the absence of specific violation procedures are weaknesses which should be corrected.

In our opinion, the system works for West Virginia.

Verification Problems: The Youth Services Unit staff cooperated with our field monitor and we did not encounter any specific problems in verification of this system.

Facility Data Verification: Visits were scheduled to facilities in Clay, Fayette, Gilmer, Harrison, Kanawha and Raleigh Counties. Six county jails and one detention home were visited in these six counties. The West Virginia Industrial School for Girls at Salem, West Virginia was also visited.

All six jails were secure and, according to the state report, all held adults and juveniles during the past twelve months. Our verification review showed only four of these jails held children during the past twelve months. The state reported 48 accused status offenders held over 24 hours during the report period. According to the state, only three of the jails provided adequate sight and sound separation and 24 children were inadequately separated during the report period. Our field monitor found that only one jail providing adequate separation and three of the jails no providing adequate separation held 98 children during the report period.

The one detention home is secure. This facility only holds juveniles. The state reported that this facility held 10 accused status offenders over 24 hours during the report period and no adjudicated status offenders. Our verification review found no status offenders were held.

The West Virginia Industrial Home for Girls is a minimum-security facility for female juveniles. No status offenders were held during the report period. It is interesting to note that this facility had an average daily population ranging between 70 and 80 girls before the commitment of status offenders was prohibited. Now the average daily population is around 18.

Field Monitor: Mr. Frederick Howlett served as Field Monitor for the West Virginia verification review. The on-site work was conducted March 10 through 13, 1980.

Verification Summary: While a number of necessary monitoring system ingredients, such as authority to monitor, selection of a potential universe, planned classifica-

tion of facilities, and set violation procedures are missing in West Virginia, the steps taken in this state's first report year seem to be sufficient to establish an adequate statewide monitoring system.

The absence of authority to monitor was handled by an effort, which was effective, to seek and obtain cooperation. The facilities monitored seem to include, with the exception of ten or twelve city jails, all facilities that should have been covered. The city jails will be added. Data was collected and facilities inspected with the assistance of State Advisory Group members. These and other steps taken in West Virginia serve as the foundation for an adequate statewide monitoring system.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration:

1. Authority to monitor--Specific legal authority for the SPA or another appropriate state agency to monitor should be established through legislation or by executive order. The authority should be broad enough to allow the agency to require the maintenance of required records, to collect data, to require reports, to inspect for separation compliance, and to order violations to be corrected.

The monitoring agency should have authority to require all facilities that might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the agency. The facilities should also be required to submit duplicate copies of the records at designated times to the monitoring agency.

The authority should also provide for inspection of facilities to determine if sight and sound separation is provided and require the agency to cite those facilities not in compliance and use realistic sanctions, including closing the facility to children to correct and eliminate violations.

2. Classification of facilities--All facilities which might hold children in secure custody should be classified as a juvenile detention or correctional facility and should be monitored. All jails, lockups, detention facilities, and training

schools should be so classified and monitored regardless of policies or announced practices regarding the holding of children or existing laws which prohibit the admission of children to the facilities.

3. Data collection--Uniform juvenile admission/release report forms should be developed which include all necessary monitoring data for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by each facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample, on-site check to insure that the records are complete and factual. Such verification could take place during the inspection.

4. Offense data--Efforts should be made to obtain either through legislation or the rules of court, a provision that prohibits the admission of a child to a secure facility unless a specific offense, preferably the most serious offense alleged, is known and entered on the admission/release record. Entries such as "hold for judge", "hold for court", "contempt", "bench warrant", "probation violation", etc., should not be allowed unless the offense is also shown. This is necessary for the protection of the facility staff and is essential for monitoring.

5. Violation procedures--Violation procedures should be established which include a clear description of the sight and sound separation required and the actions which may be taken if inadequate separation is found. The procedures should be made available in printed form to all facilities which might hold children in secure custody.

6. Assurance against reclassification--The code should be reviewed and, as necessary, amended to provide adequate protection against reclassification. The required protection might be provided by established policy of the Department of Public Welfare.

STATE - <u>West Virginia</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Clay County</u> Clay County Jail Clay, WV	0	0	No	No
<u>Fayette County</u> Fayette County Jail Fayetteville, WV	2	0	No	No
<u>Gilmer County</u> Gilmer County Jail Glennville, WV	0	1	Yes	No
<u>Harrison County</u> Harrison County Jail Clarksburg, WV	28	9	Yes	Yes
West Virginia Industrial Home for Girls Salem, WV	0	0	N.A.	N.A.
<u>Kanawha County</u> Kanawha County Jail Charleston, WV	0	0	No	No
Kanawha Home for Children Dunbar, WV	10	0	N.A.	N.A.
<u>Raleigh County</u> Raleigh County Jail Beckley, WV	0	0	Yes	N.A.

WISCONSIN

This report deals with the process used to monitor juvenile detention and correctional facilities in Wisconsin and the data collected to demonstrate compliance with Section 223a(12)(13) of the Juvenile Justice and Delinquency Prevention Act. The on-site assessment in Wisconsin was conducted by Jerry Klein.

COMPLIANCE MONITORING SYSTEM

The Wisconsin Council on Criminal Justice, 122 West Washington Avenue, Madison, Wisconsin, is the state agency for monitoring. Within the agency, monitoring responsibility rests with Ms. Barbara Franks., Compliance Monitor.

Authority to Monitor: The SPA was established by Executive Order No. 5 in January, 1968. Subsequently, the agency was legislatively established by S.14.27 of the Wisconsin Statutes, laws of 1977. Under Wisconsin laws 46.03(6)(a) and 46.16(6), the Department of Health and Social Services Division of Corrections is mandated under its jail inspection program to monitor compliance with the separation requirement. Responsibility of the Division of Corrections to monitor juvenile detention is set forth under the Administrative Code of the Department of Public Welfare--Department of Corrections, 1.19.

Compatibility of Definitions: The revised Wisconsin Children's Code seems to be compatible with the JJDP Act of 1974 and the OJJDP guidelines. Section 48.12 of the Code includes only violations of federal and state criminal laws in the definition of delinquency. Section 48.13 describes the status offenders as children in need of protection or services. Section 48.208 makes it clear that status offenders would not be held in secure detention except for reasons of protective custody and/or unless they have run away from placement in a non-secure setting. There does not seem to be clear agreement about secure confinement of status offenders. While in most cases secure detention is unlikely, by law it is possible only if a status offender has run away from a non-secure setting or if the juvenile allegedly commits a delinquent act while under the non-secure order. In the latter instance, the child would no longer be a status offender.

Section 48.345 prohibits status offenders from being transferred to the Department of Corrections. The separation of adults and juveniles when both are held in the same secure facility is dealt with in Section 48.209 and complies completely with the OJJDP guidelines.

Selection and Classification of the Monitoring Universe: Jails and lockups were easily identified through a Division of Corrections booklet listing all facilities. Every county jail was visited. Twelve lockups were selected for on-site visits. These twelve lockups housed 75 percent of the children held in lockups.

Private institutions and group homes were identified through the Association of Wisconsin Child Care Institutions and Clini Care. None of these facilities were visited but questionnaires were sent. None of the facilities fell within the Act because of size, non-secure status or community-based status. One hospital did have a secure unit.

Given the thoroughness of the selection process, it is reasonable to believe the selection was complete.

The SPA used the OJJDP definitions and guidelines to classify all facilities. With the exception of private institutions, on-site visits were made to all facilities. Based on the staff findings, the facilities were either classified as juvenile detention and correctional facilities, or were removed from the universe.

Data Collection: Originally, Wisconsin's report period was one full year. However, on November 18, 1978, a revised Children's Code became effective, which included provisions for the removal of status offenders from secure detention. The report period was changed to six weeks, running from November 18 through December 31 in order to reflect the impact of the revised Code. Data collected for this six-week period in 1978 was used by our field monitor for this verification. Data for 1979 was being collected at the time the field monitor was conducting the on-site verification of 1978 data.

Monitoring and data collection are done by the Department of Health and Social Services, Division of Corrections through grants provided by the SPA. Questionnaires are sent to the facilities. With the exception of police lockups, all facilities are visited on-site to verify the data submitted.

The above data collection method was applicable for 1978. The methodology as been modified to use the data collection services of a contract consultant.

Inspection of Facilities: Jails, detention centers and lockups are inspected annually by the Division of Corrections. The state is divided into regions with a jail inspector for each region. Our field monitor was impressed with the frequency of both formal and informal inspections, and the thorough inspection reports. The jail inspectors assume an important role in monitoring

for compliance with Section 223(a)(13) of the JJDP Act. Separation data is collected and recorded by all jail inspectors for submission to the SPA.

Method of Reporting: The data and information collected by on-site visits is submitted to the SPA where the results are placed in the computer. It is not known if the jail inspectors forward information to the SPA. The annual monitoring report is prepared by SPA staff and submitted to the OJJDP. There does not seem to be a wide distribution of the annual report within the state.

Violation Procedures: At the present time there are no established violation procedures nor are there sactions or a legal base on which the SPA may act to eliminate violations.

Assurances Against Reclassification: The new Children's Code seems to provide sufficient protection against reclassification. The Code requires the least restrictive alternatives for all juvenile offenders.

Summary of Assessment: In some locales there have been problems in obtaining access to the facility records or to facilities. This problem continues to date.

From the facility records it is not always possible to determine what the real charge is. This is especially true when running away is the alleged offense.

The SPA must seek funds on a year-to-year basis to monitor for compliance. The lack of a permanent data retrieval system causes delays and leaves in doubt the earnestness of the state in determining compliance.

Compliance with the separation requirements of the JJDP Act is extremely difficult in smaller jails. The cost of placing juveniles in the facilities of neighboring counties is prohibitive. Of course, renovation of existing facilities is also expensive. Our field monitor was surprised at the efforts made by many to renovate in order to comply with the Act. Alternatives to jail incarceration should be studied.

The most dramatic impact has resulted from the passage of the new Children's Code in November, 1978. For example, in 1979 the Milwaukee County Detention Center averaged less than 40 youths per day. Two to three years ago this facility averaged 140 to 150 children per day. The new Code also has had considerable impact in the area of separation. Many counties with inadequate facilities are either building new facilities, renovating present facilities, or placing juveniles in adequate neighboring facilities.

The jail inspection program seems to be consistent and thorough. While it does not seem to have needed enforcement sactions, its recommendations are taken seriously. Extremely expensive renovations and other improvements such as the

installation of a television monitoring system are being made in the Milwaukee County Jail to comply with standards.

The Children's Code Revision and Training Manual prepared by the Youth Policy and Law Center, Inc. is considered an excellent tool in educating at all levels in the use of the Code.

Authority to monitor is adequate. The classified universe seems fairly complete. The monitoring grants and jail inspection program insure fair compliance with the Act. On-site verification of data takes place for most facilities. Compatible definitions are used and the Code seems to provide adequate protection against reclassification. These are strengths.

There seems to be two major weaknesses. The lack of funding for a permanent monitoring system under the Division of Corrections seems to hamper the full development of the monitoring system. The absence of written violation procedures and legal authority to impose sanctions when violations occur weakens the monitoring results.

#### COMPLIANCE DATA VERIFICATION

Visits were scheduled to facilities in Adams, Columbia, Dane, Fond-du-Lac, Iowa, Milwaukee, Sauk and Sheboygan Counties. The Kettle Moraine Institution, originally scheduled to be visited, was excluded since it does not hold juveniles now. In these counties eight jails, two lockups, and two detention centers were visited.

All jails and lockups are secure. According to the state monitoring report, seven of these facilities held both juveniles and adults during the past twelve months. Our verification showed that nine of the ten held juveniles and adults. Four accused status offenders were held over 24 hours in two of these facilities during the report period. This was verified. The state found that the seven facilities that held juveniles provided adequate separation. Our review found that seven of the nine facilities that also held children provided adequate separation. No children were inadequately separated during the report period.

The two detention homes visited were secure and both only held juveniles. According to the state monitoring report, seven accused status offenders were

held over 24 hours in one of these facilities during the report period. This was verified.

It should be noted that the Milwaukee County Detention Center did not house status offenders during the report period.

Wisconsin has developed a statewide monitoring system. In almost all counties great effort was made to avoid locking these youths in secure areas. Shelter care facilities are now available in several of the counties.

Separation of juveniles and adults in secure facilities, while mandated by law, is more difficult to achieve because of the physical limitations of the facilities. Still there was a general awareness of the law and most facilities were taking the steps necessary to insure separation or minimize contact.

The dramatic decrease in the Milwaukee County Detention Unit population and the near absence of youths in the facilities visited suggests that the new Code has had an impact and its emphasis on the least restrictive alternatives seems to be working. Approximately 40 of Wisconsin's 72 counties have developed shelter care facilities as a non-secure alternative for placement of juvenile status offenders.

#### RECOMMENDATIONS

In an effort to improve the juvenile detention monitoring system, the following recommendations are presented for consideration.

1. Use of monitoring authority--Since specific authority to monitor is available, it should be used to require all facilities which might hold children in secure custody to maintain uniform juvenile admission/release records on forms prepared and supplied by the monitoring agency and to require each facility to submit a duplicate copy of each month's report form to the monitoring agency.

2. Monitoring report period--The report period for all facilities should be twelve months.

3. Data collection--Uniform juvenile admission/release record forms should be developed which include all necessary monitoring data for use by all facilities which might hold children in secure custody.

Duplicate copies of each facility's monthly admission/release records should be submitted to the monitoring agency by the facility within a set number of days following the end of each month.

Since, under this plan, actual copies of admission/release records would be available for monitoring, the need for on-site verification could be reduced to a sample, on-site check to insure that the records submitted are complete and factual. Such verification could take place during the inspection.

4. Violation procedures--Violation procedures should be established which include a clear description of the sight and sound separation required and the actions which may be taken if inadequate separation is found. The procedures should be made available in printed form to all facilities which might hold children in secure custody.

STATE - <u>WISCONSIN</u>	Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)		Provide Adequate Separation	
	SMR	VER	SMR	VER
<u>Adams County</u> Adams County Jail Friendship, WI	1	1	Yes	Yes
<u>Columbia County</u> Columbia County Jail Portage, WI	0	0	Yes	Yes
<u>Dane County</u> Dane County Jail Madison, WI	0	0	NA	NA
Dane County Detention Madison, WI	7	7	NA	NA
<u>Ford du Lac County</u> Ford du Lac Jail Ford du Lac, WI	3	3	Yes	Yes
Iowa County Jail Dodgeville, WI	0	0	Yes	Yes
<u>Milwaukee County</u> Milwaukee County Jail Milwaukee, WI	0	0	NA	Yes
Milwaukee County Detention Milwaukee, WI	0	0	NA	NA
Milwaukee Mid-City Lockup District #1 Milwaukee, WI	NA	NA	NA	NA
West Allis Police Dept. West Allis, WI	0	0	Yes	Yes
<u>Sauk County</u> Sauk County Jail Baraboo, WI	0	Records Not Available	Yes	Yes
<u>Sheboygan County</u> Sheboygan County Jail Sheboygan, WI	0	0	Yes	--

#### STATE AGENCY RESPONSES TO PRELIMINARY REPORTS

An important aspect of this assessment and verification effort was a review by state monitoring officials of a preliminary draft report following the completion of on-site inspection and survey activities. This review was important both to ensure the accuracy and completeness of the assessment and maximize the provision of technical assistance to refine the compliance monitoring process used in each state.

A preliminary report was presented to each state at a series of regional workshops held in August and September of 1980. The preliminary reports were discussed and analyzed in individual review sessions by SPA and SAG officials and the appropriate OJJDP State Representative. Following this informal review, a copy of the preliminary report was formally submitted to the Executive Director of each State Planning Agency, and written comments were requested if any changes in the report were deemed necessary. Eight states requested clarification and revisions in their reports. Copies of these letters are attached. Where appropriate, revisions were made to the state summary reports as they appear in the appendix.

AGENDA AND PARTICIPANT ROSTER  
OJJDP STATE MONITORING WORKSHOPS

August 18-20, 1980 Chicago, Illinois  
August 25-27, 1980 Baltimore, Maryland  
September 15-17, 1980 Nashville, Tennessee  
September 22-24, 1980 San Francisco, California

Monday

1:00-5:00 p.m.

General Session

This session involved State Planning Agency and State Advisory Group representatives in a general session with OJJDP officials. Information was presented on the 1980 Reauthorization and Amendments, administrative regulations, and compliance monitoring policy and procedures. Questions and answers were fielded by OJJDP staff.

Tuesday

8:00 a.m.-5:00 p.m.

Workshop Sessions

- I. Monitoring Guidelines--Doyle Wood, OJJDP
- II. Monitoring Practices--Jim Brown, CRC
- III. Review of Preliminary Assessment and Verification Report--State Representative, OJJDP
- IV. Removal of Juveniles from Adult Jails and Lockups: The Pennsylvania Experience: Thomas Halloran, Community Advocate Unit-Youth Project, Office of the Attorney General
- V. Deinstitutionalization and the Liability of Public Officials--Mark Soler, Youth Law Center, San Francisco, California

Wednesday

8:00 a.m.-12:00 p.m.

Workshop Sessions

The Tuesday workshop sessions were continued through noon to allow each participant to attend each of the sessions.

1:00-2:00 p.m.

General Session

This session involved a wrapup and general discussion of issues and outstanding problems which need to be addressed by OJJDP and/or state officials.

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November 18, 1980

Mr. Don Rademacher  
Monitoring Project Coordinator  
Community Research Center  
University of Illinois  
505 E. Green St., Suite 210  
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Dear Don:

We have reviewed the draft report prepared by Willis Thomas on our State's monitoring practices. Although we have no revisions to the report, we do have some information that relates to the issue of out-of-State runaways and to the reporting periods used.

The Monitoring Unit has surveyed all juvenile court intake units on the runaway problem and will be offering its assistance to the Chief Justice to develop guidelines on the holding of out-of-State runaways. Regarding reporting periods, during 1980 these have become more uniform. An estimated 10-11 months of admissions were monitored for each facility.

Please let me know if you would like more information or clarification. Thank you for the opportunity to review and comment on the findings.

Sincerely,

*Wilma Solomon*  
Wilma Solomon  
Planning Supervisor - JJDP

WS:dt

cc: Terry Donahue  
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COMMUN  
RE

TELEPHONE 612/296-3133

October 30, 1980

Doyle Wood  
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Dear Mr. Wood:

This letter is in response to the report that we received from James Schroeder and Community Research Forum regarding Minnesota's practices in monitoring secure facilities to demonstrate compliance with Juvenile Justice Delinquency Prevention Act (Section 223A (12)(13)). I would like to inform your office of changes in those procedures and clarify some points addressed in Mr. Schroeder's report.

Time and attention have been devoted this year to clarifying definitions used and improving our verification procedures on site. Verification will be conducted in all facilities that report holding juvenile status or non-offenders over 24 hours and in facilities that request our assistance in compiling the data. These measures will provide us with a more accurate report for 1980.

Starting January 1, 1981, our agency will be receiving a monthly printout from the Department of Corrections Computerized Detention Information System that will list all transactions in secure facilities that involve status or non-offenders. Additionally, the printout will give us date of birth, sex, offense, reason held and released, total time to the minute. This standard format will address the issue of uniform admission/release records raised by Mr. Schroeder.

The Department of Corrections has been working together with our agency to clarify definition for reporting that will ensure compatibility of definitions. As of September, 172 operators from 99 facilities have been trained on the Detention Information System. Training for the remaining 37 facilities will be completed in October.

Mr. Schroeder reported "12 of 13 jails could not provide adequate separation in 5 of these jails." We are not sure what he meant but I will explain how separation is classified and enforced.

All secure facilities in Minnesota are classified in relation to adult

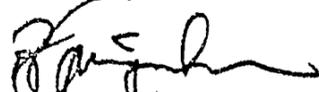
AN EQUAL OPPORTUNITY EMPLOYER

detention. Under existent state law municipal facilities are inspected by the sheriff and local health officer. The Department of Corrections does not have direct responsibility for such facilities, but participates in an indirect manner by the monitoring of the sheriff's and local health officer's inspection of facility. Recognizing the weakness in the inspection process as it relates to municipal facilities the Department of Corrections will be revising the process to include the area field supervisors in the inspection starting July 1, 1981. A high number of facilities handle juveniles separately and distinctly from adults; when adults are held juveniles are not and when juveniles are held adults are not. Consequently, approval to detain juveniles in these facilities is based on more than the actual physical construction of the facility. The Department of Corrections has also developed criteria for the detention of all juveniles and classifies all county facilities with respect to that criteria. A number of counties have no approval to detain juveniles and other counties have approval to detain juveniles within very specific limited periods of time.

The Department of Corrections has responsibility for licensing and accreditation of all facilities in Minnesota. The Inspection and Enforcement Unit has been advised that although the Department of Corrections has inspection responsibility of such facilities the Department's responsibility with respect to the detention of juveniles for specific periods of time is limited to advising local officials of statutory violations and admonishing them for violation. The State Attorney General's office has indicated to the Inspection and Enforcement Unit that the Department's responsibilities stop at that point.

Although our agency also does not have enforcement authority, we continue to work with our County Task Forces, State Jail Coalition, and Youth Legal Advocacy Projects. Later this winter we will be disseminating to all public officials information outlining their liability regarding the jailing of status and non-offenders.

Sincerely,

  
Robert J. Griesgraber  
Executive Director

RJG:dac

cc: James Brown, Community Research Forum  
Richard Sutton, OJJDP  
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OFFICE OF THE GOVERNOR

## State Crime Commission

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November 19, 1980

**Received**

NOV 26 1980

**COMMUNITY  
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FORUM**

Mr. Don Rademacher  
Monitoring Project Coordinator  
Community Research Center  
505 East Green Street, Suite 210  
Champaign, Illinois 61820

Re: OJJDP Report on Georgia's  
1978 Compliance Data

Dear Mr. Rademacher:

We appreciate the opportunity to provide clarification and correction to the above draft report. While we recognize the difficulty one has coming into a system and understanding how it functions, it is difficult to understand how the report could contain so much incorrect information. You should be aware that no conclusions should be drawn from this report, as there are major errors that need to be corrected.

The following items need to be clarified and corrected in the draft report:

1. The time period selected for the monitoring was one during which we were still developing our internal system of monitoring adult correctional facilities. Due to delays in the Division of Youth Services receiving grant funds and then in hiring, Georgia did not have an independent adult correctional facility monitor (he was employed September 1978). To fill the gap, the Division of Youth Services instituted an interim system to monitor adult correctional facilities. A Youth Services staff member in each county made an on-site visit to each adult correctional facility to determine if it could meet the JJDP separation requirements (results were included in the 1978 Monitoring Report). This information was meshed with monthly data on youth held which these same workers were responsible for collecting. The task of the "Jail Monitor" was to act as a catalyst in resolving problems where youth were held in jails, and to verify the Youth Services data collection system. This has been done, and the "Jail Monitor" now continues

to review and verify the quality of the data that is collected. While problems have been found, data that is now collected is of high quality.

2. The JJDP Auditor contradicts himself on page 3 by stating data on youth held at the Milledgeville YDC was not available. Then he states he got the data from the Central Office.

Data was available at the Milledgeville YDC. The auditor just did not feel that the time it would have taken to verify the Central Office list was warranted. To do this, he would have had to match names against the case files at the Milledgeville YDC. The list the auditor requested was given to him, and there were ways available to him to verify the data. It should also be noted that no status offenders were even held at the facility during the report period.

3. On page 3, the auditor noted that escapees from the Milledgeville YDC would be shown on the monitoring data we would supply to OJJDP. This is incorrect. All status offender data is verified by follow-up prior to submission to OJJDP. If a status offender were held at a YDC and escaped (and was not at the facility in the report period) his name would have been deleted.
4. On page 4, the inspection of facilities section needs to be clarified. The jail monitoring system in Georgia is based on a priority verification basis. As the first priority the "Jail Monitor" follows up as soon as possible on monthly reports that indicate youth are held in violation of state law (state law prohibits status offenders from being held in a jail, state law restricts holding of delinquents to less than 18 hours, and state law requires youth held in jails must be held separately from adult offenders). As a second priority, the "Jail Monitor" has been making on-site visits to all other jails that had not reported detaining youth. It is our belief that this approach was the most cost effective way to institute an adult facility monitoring capability.
5. On page 6 it needs to be clarified that the system used to gather data for the 1978 Monitoring Report was an interim measure. A plan had already been developed (and since then implemented) that provided for the employment of an independent "Jail Monitor" to verify the data collection system, and to act as a catalyst to resolve violations of state law. This was discussed with the JJDP Auditor.
6. On page 6, we disagree that there is any need to modify how we

collect, tabulate, or keep information on "children in state training schools". A computerized system is available at the central office, and such data (if necessary) could be verified through case files at the YDC.

7. On page 7, clarification needs to be given on why Georgia monitored its adult correctional facilities for the August 1978 report in the manner it did. Again, this was an interim measure. A plan was already developed (and has since been implemented) on how the data collection would be improved. This was done by employing an independent "Jail Monitor" who made on-site visits to all adult correctional facilities to verify data. Again, this was discussed with the JJDP Auditor.
8. On page 7, we disagree that there is a need for "recording training school information". The system that was in place provided all data requested by the JJDP Auditor, and could have been verified through case files at the YDC.
9. On page 7 (under the section of Facility Data Verification), this section is completely incorrect. The data sheets included in the JJDP Auditor's report do not support the claims he made that youth were held in jails with inadequate separation. Also, we maintain that data at the Milledgeville YDC was verifiable - the auditor just did not take the time to do the verification.
10. Under the recommendations section on page 9, we wish to make the following comments:
  - a) use of monitoring authority - DHR does not have the authority to require all facilities to submit uniform reports. State law mandates basic data be kept on any youth who is detained and that DHR can inspect those records.
  - b) report period - on what basis does the auditor make his statement that the report period for all facilities should be twelve months? Why is this even an issue in his audit?
  - c) data collection - we disagree with recommendation that all admission and release data forms be uniform for all facilities. The type of data needed to manage a detention program and a commitment level program are quite different. Also the state does not have the legal authority to require all systems to use the same reporting format.

Also, we are totally satisfied with our current verification

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Page four

system, which has been fully operational beginning September 1978.

- d) inspection of facilities - the plan for doing this (the plan was in place prior to August 1978) has been implemented. The exception is that facilities not reporting holding juveniles are monitored every 3 years. The recommendation should have been worded to support what we had planned to implement.
- e) violation procedures - again, a plan was in place prior to August 1978 to take care of this. Since that time it has been fully implemented. This recommendation should have been worded so as to state support for the plan.

11. The backup data sheets reflect incorrect data:

- a) The "Jail Monitor" took a full week to go with the JJDP Auditor to visit all facilities that he stated he wanted to see. According to the Georgia "Jail Monitor", he and the auditor never went to seven (7) of the jails listed in the data sheets:

- Austell City Jail, Austell, Georgia
- Acworth City Jail, Acworth, Georgia
- Kennesaw City Jail, Kennesaw, Georgia
- Powder Springs City Jail, Powder Springs, Georgia
- \*Lithonia City Jail, Lithonia, Georgia (auditor noted he did not visit)
- \*Palmetta City Jail, Palmetta, Georgia (auditor noted he did not visit)
- Griffin City Jail, Griffin, Georgia

However, on five (5) of the above jails the auditor has listed data that indicates he visited the jails. We feel that an explanation is due to us on this.

- b) The auditor noted that data at the Spalding County Jail was not verifiable. It should be noted that the Georgia "Jail Monitor" stated that he and the JJDP Auditor got to the jail after 5:00, and consequently the jailer would not let them in to inspect the records. However, the records could have been viewed during normal working hours the next day as provided by law.
- c) It is worth restating that the data in the report does not indicate any youth were found as held inadequately separated in an adult correctional facility. In all cases the auditor's verification validated the data Georgia had reported! We feel

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Page five

the report should be rewritten to correct errors and point out what we feel are strengths in Georgia's monitoring system.

Again, we appreciate the opportunity to review the draft report to provide comments for clarification and correction. Please let us know if we can be of any additional assistance.

Sincerely,

*Bert Edwards*

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Bette Rosenzweig, Juvenile Planner  
State Crime Commission

*Bette Rosenzweig*

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William D. Kelley, Jr.  
Doyle Wood



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November 19, 1980

NOV 24 1980

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Mr. Don Rademacher,  
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Community Research Center  
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Dear Mr. Rademacher:

Thank you for the opportunity to comment on the draft copy of your assessment of Rhode Island's monitoring practices. In general I believe the report paints an accurate picture of Rhode Island's monitoring procedures as they relate to compliance with deinstitutionalization mandates of the JJDP Act. However, I will offer a few corrections and other comments.

1. The Monitoring Agency: Since Willis Thomas visited us, our organizational structure has changed dramatically. As a result of the termination of the LEAA program, the staff has been reduced from twenty to ten. Among those who have departed are Patrick Fingliss, formerly Executive Director, and Daniel Donnelly, formerly Juvenile Justice Specialist. I am now Executive Director and I have only two planners: Mr. Steven Zienowicz and Mr. Jack Eliason. We no longer make a clear distinction between Juvenile Justice and other planning and the three of us share all planning and monitoring responsibilities including those related to the JJDP Act. In addition, our office has been moved to:

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2. The Committee's Authority to Monitor: The section of State Law quoted is accurate but somewhat misleading. It was written to give the GJC authority to monitor the performance of projects in the traditional LEAA sense of monitoring. (performance, effectiveness,

Mr. Don Rademacher  
11/19/80

2. (CONT'D)

compliance with guidelines). Although it can be interpreted to include monitoring of institutions for JJDP purposes, it is much less than a strong and definite mandate to perform that function.

3. Monitoring of Jails and Lockups: Several points need to be made about this issue. First, your report makes reference to use of letter surveys by SPA staff as a monitoring device and questions that practice. You should know that the surveys were only used in the past to obtain information from police departments on a quarterly basis and they have been discontinued.

Page 2 of your report quotes the Rhode Island statute which prohibits confinement of juveniles in jails and lockups with adults. In fact, Rhode Island does not have a jail system as jails are generally defined throughout the rest of the country. Because of Rhode Island's small geographical area - no place in the state is more than about one hour's drive from any other point - there is no need to confine juveniles in local lockups for long periods of time. Any juvenile determined by a judge to be in need of confinement prior to adjudication can be, and is, quickly transported to one of the state facilities which do receive on-site monitoring by GJC staff.

As you know, OJJDP's monitoring guidelines require that the annual report include information about status and non-offenders held in detention or correctional facilities for longer than 24 hours. This appears to afford SPA's the flexibility to select out and not monitor facilities which it does not believe confines youths for more than 24 hours. It is our contention, based on surveys returned by police departments and assurances of other persons working in the Juvenile Justice system, that local jails and lockups do not detain juveniles for more than 24 hours and thus do not need to be monitored.

Your report contains information from several police agencies but does not make clear whether the verification considered the 24 hour exemption when determining compliance. If it did not then we submit it is misleading.

Mr. Don Rademacher  
11/19/80

Finally, we note the reference in your report to the difficulties encountered in verifying Police Department data. Your report correctly notes that in many cases an on-site monitoring visit would require a complete review of individual records. The likelihood of detention of youths for more than 24 hours does not seem sufficiently high to justify the time that would be necessary to perform this task.

4. General Observations: I found your report to be of much benefit and am already initiating action to remedy some of our deficiencies.

However, I recommend that you consider suggesting that OJJDP provide considerable flexibility in mandates it might issue to states with respect to correcting monitoring deficiencies. The phase out of the LEAA program during the next year will mean a time of considerable turbulence for most state planning agencies, characterized by staff reductions, low morale, organizational change, and general confusion and uncertainty. In some states, and Rhode Island may be one, the administration of the JJDP Act may shift from the SPA to another department or agency.

OJJDP will have to recognize and accept this situation. It will not be a good time for the office to place new and unrealistic pressures and demands on states. Additional stresses and requirements could cause some states, particularly the smaller ones which receive minimal allocations, to elect to withdraw from the Act. It will be important for OJJDP to carefully negotiate improvements in monitoring procedures.

Sincerely,

*Brad Crowther*  
W. Bradley Crowther,  
Executive Director

WBC/eds

CC: Mr. Timothy Johnson, OJJDP



Department of Local Affairs  
Colorado Division of Criminal Justice

Richard D. Lamm, Governor

November 18, 1980

Mr. Don Rademacher  
Monitoring Project Coordinator  
Community Research Center  
505 East Green Street, Suite 210  
Champaign, Illinois 61820

Dear Mr. Rademacher:

I have enclosed the draft of your assessment of Colorado's monitoring practices. I have made notes and changes directly on the draft. If I have been too cryptic in my comments, please give me a call, and I can explain further. (303) 839-3332.

In a couple of places, statements were made that I didn't understand, either by themselves or in the context of the paragraph. If possible, I would like further clarification on these statements.

Sincerely,

*Nancy A. Jewell*  
Nancy A. Jewell  
Juvenile Justice Specialist

NAJ:ms  
Enclosure

COF  
NOV 24 1980  
cei



JUVENILE SERVICES ADMINISTRATION  
DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
201 WEST PRESTON STREET • BALTIMORE, MARYLAND 21201 • Area Code 301-383-7255

Charles R. Buck, Jr., Sc.D.  
Secretary

November 18, 1980

COF  
Rex C. Smith  
Director

NOV 24 1980

COF  
RE

Mr. Don Rademacher  
Monitoring Project Coordinator  
University of Illinois at Urbana - Champaign  
Community Research Center  
505 East Green Street, Suite 210  
Champaign, Illinois 61820

Dear Mr. Rademacher:

In reference to your letter of October 29, 1980, please find attached a draft copy of your assessment of Monitoring Practices in Maryland with my comments and recommendations. Please be advised that recommended additions to the report are typed in CAPITAL LETTERS and recommended deletions are put in parentheses with a line through the word/words (-----).

It should be noted that the raw data mentioned in the report by Mr. Elliott in juvenile facilities was available but Mr. Elliott indicated that he did not have the time to go through the raw data and that logs were necessary in all facilities so that the data would be quick and easy to review.

Please be advised that at this point logs have been initiated in all juvenile facilities by Juvenile Services but neither the Juvenile Services Administration nor the State Planning Agency presently have legal authority to mandate logs in jails and police lock-ups. It is my understanding that the Governor of Maryland may issue an Executive Order in the near future giving this legal authority to the State Planning Agency, which is the Governor's Commission on Law Enforcement and the Administration of Justice.

I trust the attached is the information desired, and if you have any questions regarding any of the additions or deletions, please contact me. It should be noted that the review of this draft copy with recommendations and deletions was made jointly by Mr. Ken Hines of the Governor's Commission and myself.

Sincerely yours,

*Robert J. Harrington*  
Robert J. Harrington  
Chief, Reception and Diagnostic Services

RJH:rar  
Attachment

cc: Rex C. Smith-Jesse E. Williams, Jr.-Ronald J. Blake-William C. Litsinger, Jr.  
Ken Hines



GOVERNOR'S OFFICE OF GENERAL COUNSEL  
AND CRIMINAL JUSTICE

WILLIAM P. CLEMENTS, JR.  
GOVERNOR

December 12, 1980

Mr. Jim Brown, Director  
Community Research Center  
505 East Green St.  
Champaign, Illinois 61820

RE: Draft Report entitled "Texas," regarding  
Texas' Statewide System for Monitoring  
Compliance with the Juvenile Justice and  
Delinquency Prevention Act, Prepared by  
Mr. Don Rademacher, Monitoring Project  
Coordinator for the Community Research  
Center

Received  
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COMMUNITY  
COM REC

Dear Jim:

On November 17 we requested an opportunity to meet with Don Rademacher of your staff to discuss his draft report entitled "Texas" regarding the state's procedures for monitoring compliance with the Juvenile Justice and Delinquency Prevention Act. We met with Mr. Rademacher in San Marcos, Texas on December 11. We discussed the following Comments on his draft report.

Re: Page 2 of Draft Report under "Compatibility of Definitions." The draft report contains a brief discussion of the "24 hour rule" and the "48 hour rule" regarding a "grace period" in which to accomplish deinstitutionalization of status offenders. The draft report states that OJJDP allowed the "48 hour rule" for Texas but "the Texas definitions cannot be considered compatible with those of the OJJDP."

Texas' Response: The "48 hour rule" is taken directly from page 10 of OJJDP's "Monitoring Policies and Practices Manual." A copy is attached. The policy allows detention of status offenders for 24 hours following initial police contact and 24 hours following transfer to juvenile court. However, the Texas Family Code allows no detention by law enforcement. All detention is under the jurisdiction of the juvenile court. Therefore, Texas contends that the state is entitled to a single 48 hour grace period instead of the two consecutive 24 hour grace periods allowed other states. OJJDP has reviewed and approved this provision of the Texas plan for the past four fiscal years.

RE: Page 2 of Draft Report. The draft report states that there are four "special situations" in Texas which may result in the detention of status offenders in excess of 48 hours:

- a) a child who refuses to identify himself
- b) a child with venereal disease



**CONTINUED**

**6 OF 8**

- c) a runaway child
- d) a child who is disruptive in an open facility

The draft report further states that these special situations are not based on the Texas Family Code but are "a result of trade-offs between the Juvenile Court Judges Committee (of the State Bar of Texas) and the (Criminal Justice) Division."

Texas Response: The comment about "trade-offs" between Juvenile Judges Committee of the State Bar of Texas and the Criminal Justice Division is not accurate. In 1975, CJD requested that the Chairman of the Juvenile Judges Committee of the State Bar appoint a subcommittee of juvenile judges to review both the newly enacted JJDP Act and the Texas Family Code. The purpose of this review was to ensure development of a state plan which complied with both the JJDP Act and the Texas Family Code.

The end product of the Committee's work was a position paper entitled "Concerns and Suggestions about Deinstitutionalization of Status Offenders." A copy is attached. The position paper includes the rationale for potentially detaining four categories of status offenders longer than 48 hours. The great majority of the state's juvenile judges signed written agreements consistent with the position paper.

For the past seven fiscal years, the Texas Plan to deinstitutionalize status offenders has been based on the juvenile judges' position paper. Specifically, the Texas Plan provides that:

In accordance with the requirements specified in Section 223(c) of the Juvenile Justice and Delinquency Prevention Act, as amended, Texas is unequivocally committed to achieving full compliance with Section 223(a)(12)(A) of the Act. Accordingly, it will be the state's goal to deinstitutionalize all alleged or adjudicated status offenders and non-offenders from secure detention and correctional facilities within 48 hours after being taken into custody by law enforcement officials, excluding non-judicial days. In all cases the presumption will be to release the child at the earliest possible time. Failure to comply with the required goal will result in termination or suspension of grant funds until the grantee achieves compliance or submits a plan and timetable for achieving full compliance with the goal. Technical assistance will be made available to any county upon request.

In order to comply with the Texas Family Code, status offenders may be detained longer than 48 hours in the following instances:

1. A runaway juvenile will be detained at the request of parents, guardian, or another juvenile court jurisdiction until transportation can be arranged.
2. A juvenile has clinically diagnosed venereal disease.

In these cases, detention beyond 48 hours is necessary to comply with the Section 54.01(e), Title 3, Texas Family Code which requires safe and suitable supervision and care of the child as a condition of release. It is noted that when a juvenile is held at the request of parent(s), guardian, or another juvenile court jurisdiction, the reason for continued detention is not the status offense originally committed. Detention is at the request of the adult(s) who have managing conservatorship of the child, or the child is the ward of the court requesting temporary detention until transportation can be arranged-e.g., through Interstate Compact on Juveniles or another arrangement. Again, it is emphasized that in all such cases the presumption is to release at the earliest possible time. It is Texas' position that juveniles in these categories will constitute de minimis exceptions to full compliance with section 223(a)(12)(A) of the JJDP Act.

Juveniles in the following additional categories may be detained longer than 48 hours:

3. A juvenile refuses to identify himself or herself.
4. A juvenile responds to placement in an open, shelter-type facility with combative, assaultive, or escapist behavior. He will be detained only until the above-described behavior is reduced to an acceptable level of risk before being returned to an open, non-secure setting.

In these two additional cases, detention beyond 48 hours is not related to the status offense for which the child was originally detained. It is related to present, observed behavior only. In all such cases the presumption is to release at the earliest possible time. It is Texas' position that these juveniles will also constitute de minimis exceptions to full compliance with Section 223(a)(12)(A) of the JJDP Act.

Re: Page 3 of Draft Report. The draft report states that "the Texas definitions cannot be considered compatible with those of the OJJDP."

Texas Response: Two of the four exceptional categories of status offenders named in the Texas plan are identical to those named on Page 10 of OJJDP's "Monitoring Policies and Practices Manual":

- detention for identification purposes
- detention to allow return or proper custody to juvenile's parents or guardian

The "Monitoring Policies and Practices Manual" names two additional examples of situations as a result of which status offenders may be detained:

- detention for investigative purposes
- detention until shelter care placement can be arranged

The remaining two exceptional categories in the Texas plan are not different in kind from the exceptions allowed by OJJDP policy.

Re: Page 3 of Draft Report. Under "Selection of Monitoring Universe," the draft report states that "The universe selection is confusing, to say the least." The draft report then provides a partial list of types of facilities subject to monitoring in Texas and concludes that the universe is incomplete.

Texas Response: The state's 1978 monitoring report, dated June 29, 1979, includes a description of the universe of facilities subject to monitoring, as well as the source of compliance data reported for each type of facility contained in the universe. This information is reported in Note B.2 of the 1978 report. Each type of facility subject to monitoring is specified. Each type of facility subject to monitoring was selected on the basis of whether or not it potentially met the definition of "detention or correctional facility" contained in M4100.1F, change 3.

The Texas Judicial Council's list of public/local detention facilities referred to in the draft report appears to be the source of confusion. The list was based on county responses to TJC's 1978 annual survey. One item on the survey had to do with the designated place(s) of juvenile detention, if any, in each county and whether or not that facility was certified by the juvenile judge or juvenile board as required by Section 51.12, Title 3, Texas Family Code.

The TJC list did not include jails and lock-ups not designated by the juvenile judge or juvenile board as places of detention. Detention of juveniles in non-designated facilities is a violation of state law. Therefore, CJD did not monitor jails and lock-ups which were not places of juvenile detention designated by the juvenile judge or juvenile board. CJD relied upon the state's juvenile judges and juvenile boards to enforce the existing state law.

RE: Page 4 of the Draft Report: In the draft report it is stated that "Classification (of facilities to be monitored) was not based on definitions and guidelines of OJJDP."

Texas Response: Texas' classification of facilities to be monitored was based entirely on the definition of "detention and correctional facilities" contained in existing OJJDP guideline M4100.1F, Change 3, as required by OJJDP.

RE: Page 4 of Draft Report: In the draft report regarding the "Monitoring Report Period," it is stated that "It was assumed that our Field Monitor would review 1978 data for purposes of verification. However, this was not the case. The Field Monitor found that all the report forms submitted by the juvenile probation departments to the division were for nine months, from January 1 through September 30, 1978. Our verification of necessity was based on the nine months data."

Texas Response: The JJDP Act requires that annual monitoring reports must be submitted to OJJDP on December 31 of each calendar year. Twelve months of complete data were not available on December 31. Therefore, CJD submitted

nine months of complete data and added a straight-line statistical projection of 25% to the nine months of data to account for the remaining three calendar months of October, November, and December.

The state has routinely done this each year, as have other states. The methodology has been described in detail in each annual report to OJJDP, including the one for calendar year 1978.

Re: Page 5 of Draft Report: The draft report states that "Field Monitors (presumably of the Criminal Justice Division) play no role in data gathering. To this point what is occurring bears little resemblance to monitoring."

Texas Response: CJD takes exception to this statement. Wherever possible, The Criminal Justice Division has used the capabilities of existing statutory agencies to accomplish the purposes of the JJDP Act.

Accordingly, in 1978 CJD relied upon the Texas Judicial Council for compliance data, since that agency already had a statutory mandate to collect data regarding accused status offenders in local detention facilities. CJD has participated both in the original design and annual revision of TJC's statistical reporting system. CJD has funded the TJC system. Therefore, CJD has played a direct and major role both in establishing the monitoring system and in determining the kinds of data to be collected.

CJD has also relied upon the Texas Department of Human Resources for monitoring of placement of status offenders and non-offenders in private facilities, which potentially meet the M4100 definition of "Correctional facility," since that agency already has a statutory mandate to license and inspect all child care facilities in the state, certifying as part of that process that no children are being locked in secure facilities or with adults accused or convicted of criminal type offenses when placed in private facilities.

Further, CJD has relied upon the state's juvenile judges and juvenile boards to verify separation of juveniles from adults in jails. By state law, the judges must personally inspect and certify, in writing, that there is sight-and-sound separation of juveniles from adults when detained in the same facility.

It can be seen that wherever possible Texas has based its monitoring system upon state law and upon existing statutory agencies. CJD has regular input to each of these agencies regarding the kinds of data needed to document the state's compliance--or non-compliance--with the JJDP Act. For these reasons, we do not agree with the draft report conclusion that "what is occurring bears little resemblance to monitoring."

In addition to all of the above, CJD does directly monitor and verify data reported by a sample of counties to the Texas Judicial Council and does monitor a sample of county jails. The Texas Commission on Jail Standards also inspects all County Jails to insure adequate separation of adults from juveniles, as required by state law.

Re: Page 5 of Draft Report: In the draft report it is stated that "we must assume that the monitoring report submitted by the (Criminal Justice) Division to OJJDP did not include the data on status offenders in the state juvenile correctional facilities."

Texas Response: The data in question is reported in section B(5)(a) of the state's 1978 Annual Report. The data reported is taken directly from Attachment A to the 1978 Annual Report, which is a letter from the Texas Youth Council to the Criminal Justice Division, reporting the data in question.

Re: Page 5 of the Draft Report: It is stated that regarding jail logs, "one can safely assume relatively few violations, but, true verification cannot be done in the time allotted."

Texas Response: It is unclear whether the authors of the draft report are saying detention log data could not be verified or that they did not have sufficient time in their contract to verify it. In fact, the Community Research Center's Field Monitor reportedly made such a statement to persons at one county facility, saying that he did not have enough time to review all the data in order to verify what had been reported to the Texas Judicial Council.

If time was the problem, then that is quite different from saying that the data could not be verified. CJD's own monitor visited the same facility at which the Field Monitor reportedly made the above-referenced remark and found the data to be verifiable-time consuming, perhaps, but certainly verifiable.

Accordingly, CJD raises a question about the accuracy of the notation, "non-verifiable," as it is used in Column 3 of the 26-county data verification table appended to the draft report.

RE: Page 7 of the Draft Report: It is stated that, in reference to reporting violations of the JJDP Act, that "there is no evidence of guidance from top to bottom which would encourage violation reporting. It is a long way from the power base of district judge in a county 300 miles from Austin to an administrative office managed by capital city bureaucrats, particularly when many of the judicial fraternity do not like the "terms of the contract" with the OJJDP anyhow."

Texas Response: At the time the Texas deinstitutionalization plan was developed, with few exceptions every juvenile judge in the state signed a statement agreeing to the "terms of the contract" with OJJDP. In fact, the "terms of the contract" with OJJDP were developed by a committee of juvenile judges under the auspices of the State Bar of Texas.

In view of this, it is difficult to understand how the authors of the draft report reached the conclusions quoted above. Were any judges interviewed by the authors?

Re: Page 8 of the Draft Report: It is stated under "Obstacles-Technical Assistance Needs" that there does not appear to be real agreement between CJD and OJJDP on the time runaways may be held.

Texas Response: Attention is called to Attachment C to the state's 1978 annual report, which spells out the rationale regarding the time runaways may be held. OJJDP agreed to it and has issued three annual grant awards to Texas based on it.

Re: Page 8 of the Draft Report: It is stated that "Inadequate reporting is another obstacle, not mentioned by the Division, but immediately obvious to the Field Monitor."

Texas Response: How was this conclusion reached? Upon what specific facts was it based? Three anecdotal incidents are cited in support of the conclusion. Otherwise, there is no description of the verification methodology used, including persons interviewed; questions asked; specific records examined; specific offenses counted; whether runaway probationers were counted as status offenders; whether non-offenders were lumped together and counted with status offenders; whether non-judicial detention days were counted; and whether juveniles detained for part of a day were counted as detained for a whole day.

A detailed description of the verification methodology is requested.

RE: Page 9 of the Draft Report: It is stated that, "Last, and perhaps most important, is the nature of the total program. Without any intention of trying to do a critical analysis of the state's system as it relates to the specific issues at hand, one cannot help but question the effectiveness of any governmental apparatus which provides for little or no communication between the administrative and operational entities."

Texas Response: The statement is not accurate, and it is not supported by facts in the draft report. It appears to be editorial in nature. CJD does have direct communication with its "operational entities--" i.e., projects funded by CJD.

Not all detention and correctional facilities are "operational entities" of CJD, because they do not all receive CJD grants. In the case of these facilities, CJD communicates by annual survey, and through annual reports to the Texas Probation Association and to the Juvenile Judges Committee of the State Bar of Texas.

More importantly, CJD communicates with counties which operate detention facilities through the state's 24 regional planning councils, or "COGs," each of which develops a specific annual action plan and funding priorities for Juvenile Justice Act funds in its respective geographic region. These are the "operational entities" of CJD, and they reach every juvenile probation department, sheriff's office, and criminal justice agency in the state on a regular and continuing basis. All correspondence contacts with the COGs, for the past five years, including regular detailed instructions regarding deinstitutionalization and separation, are on file at the Criminal Justice Division. In addition, for years, CJD staff has made a verbal presentation to at least two meetings a year of the 24 Criminal Justice Planners at regularly scheduled meetings in Austin. Agendas are on file with CJD's Division of Research and Planning.

Finally, there have been literally hundreds of telephone contacts with COGs, with juvenile probation departments, with juvenile judges, with private child care agencies, and with the Texas Youth Council regarding the Texas plan for implementing the Juvenile Justice Act.

RE: Page 9 of the Draft Report: It is stated that "Other than the use of grant funds to support community-based non-secure detention facilities and some source help to enhance county juvenile probation services, no special successes were noted."

Texas Response: In the single conference held between the Community Research Center's Field Monitor and CJD staff, CJD was advised that the sole purpose of the Field Monitor's visit to Texas was verification of Calendar Year 1978 compliance data reported by Texas to the Office of Juvenile Justice and Delinquency Prevention. No mention was made of an assessment of the state's successful programs.

RE: Page 9 of the Draft Report: The summary entitled "Monitoring Strengths and Weaknesses" is a set of broad editorial generalizations without supporting documentation in the draft report. The statement that "In our opinion the Division (CJD) has done little to insure that monitoring works to bring about the desired goals" is contrary to the facts cited in this letter, which are well-documented in the CJD files. It is pointed out that in 1978, the year for which compliance data was examined by the CRC Field Monitor, CJD was in compliance and was actually meeting the goals of the JJDP Act. Therefore, it is difficult to understand the basis for the statement in the draft report that CJD "has done little to insure that monitoring works to bring about the desired goals."

RE: Recommendation #1 on Page 13 of the Draft Report: Legal authority to monitor already exists as cited in the earlier discussion of CJD's reliance upon the statutory authority of the state's juvenile judges, the Texas Judicial Council/Office of Court Administration, the Texas Department of Human Resources, and the Texas Commission on Jail Standards. In addition, CJD has found almost all agencies to be cooperative when CJD staff have conducted on-site visits under the agency's existing mandate.

Re: Recommendation #2 on Page 13 of the Draft Report: "All facilities which might hold children in secure custody should be classified as a juvenile detention or correctional facility and should be monitored."

Texas Response: All such facilities are classified as detention and correctional facilities and are monitored by one or more statutory agencies. An exception is municipal jails and lock-ups, where it is against state law to detain juveniles unless the facility is designated and certified by the juvenile judge or juvenile board.

Re: Recommendation #3 in the Draft Report: "Form juvenile admission/release forms should be developed..."

Texas Response: This has been done since January 1, 1976. (See Attachment 4.)

Re: Recommendation #4 in the Draft Report: As discussed earlier, the "48-hour rule" for detention of status offenders is not a variance from OJJDP guidelines. It is based upon those guidelines and has been reviewed and approved for the past four fiscal years by OJJDP.

Re: Recommendation #5 in the Draft Report: "All classified facilities which might hold children in secure custody should be inspected annually to insure adequate sight-and-sound separation..."

Texas Response: By state law, both the juvenile judges in each jurisdiction and the Texas Commission on Jail Standards already inspect the designated place of juvenile detention annually and, again by law certify adequate sight-and-sound separation of juveniles from adults. Records already exist showing the date of the inspection, the findings, and identification of the facility. While municipal jails are not included in the above monitoring, juveniles cannot be held in them, again by law, unless they are inspected and certified by the juvenile judge or juvenile board. CJD relies upon the juvenile judge or juvenile board in each jurisdiction to enforce the law. In addition, the Texas Municipal League has agreed to research effective ways to monitor jails and will submit recommendations to CJD.

RE: Recommendation #6 in the Draft Report: "Violation procedures should be established which include a clear description of the sight-and-sound separation required and the actions which may be taken if inadequate separation is found."

The Texas Family Code already contains the clear description recommended: there must be total separation of juveniles from adults. Violation procedures are also stated in the Code: a juvenile detained in an uncertified facility-which in order to be certified must have separation of juveniles from adults-is entitled to immediate release from the facility. If sanctions are being recommended in the draft report, that should be stated.

Re: Table appended to Draft Report entitled "Total Number of Status Offenders/Non-Offenders Held in Violation of 223(a)(12)":

Texas Response: According to the data verification table appended to the draft report, the Community Research Center Field Monitor visited 60 detention and correctional facilities in 28 of Texas' 254 counties. The table reflects the following:

1. In 20 of the 28 counties visited, there was no difference between the numbers reported by Texas and the numbers verified by the Community Research Center's Field Monitor.
2. In 8 of the 28 counties visited, there were reportedly 39 more juveniles detained than the number reported by Texas.
3. Data was reported to be "non-verifiable" in one or more of the facilities visited in 8 of the 28 counties. (NOTE: For reasons stated earlier in this letter, Texas questions the accuracy of the term, "non-verifiable.")

Regarding #2 above, for reasons stated earlier in this letter, CJD requests a description of the verification methodology used to arrive at the number of violations stated in the table.

Mr. Jim Brown  
December 12, 1980  
Page 10

Regarding #3 above, for reasons stated on page 6 of this letter CJD questions the accuracy of the term, "non-verifiable." CJD staff have found the data examined by this agency's staff to be verifiable.

SUMMARY OF TEXAS RESPONSE

Considering the draft report as a whole, CJD is extremely concerned about both its accuracy and the manner and timeliness in which it was presented to CJD for review and comment.

Comments regarding accuracy are contained in the body of this letter. Regarding the manner in which the draft report was presented to CJD for review and comment, it is noted that on February 21, 1980 CJD requested an exit conference with Mr. Elliott to discuss his report. A copy of our request is attached. Copies were sent to Jim Brown, Director of the Community Research Forum and to OJJDP. We received no response. Almost seven months passed before a copy of the draft report was handed to us at a monitoring workshop in Nashville in September.

CJD staff inquired about what would be done with the report. OJJDP staff advised that the report would be made available to Congress, the news media, or anyone else requesting a copy.

CJD staff expressed immediate concern to OJJDP that the draft report should not be distributed until CJD had an opportunity to review it thoroughly and respond to it. Concern was again expressed that CJD's request for an exit conference to discuss the report had apparently been ignored.

It is further noted that the draft report was not given to CJD until Congress was well into debate about reauthorization of the JJDP Act. There was no time to prepare an adequate response had Congress decided to review Texas' participation in the JJDP Act.

CJD must express strong concern about the fact that no attempt was made by the Community Research Center or its sub-contractors to verify any of the broad, judgmental statements made in the draft report. The customary manner of handling a professional report is to provide a timely opportunity to concerned parties to respond. At least an opportunity should have been given to CJD to confirm its accuracy, especially in light of very damaging and unsupported statements made in the draft report.

For all these reasons, CJD requests a second draft of the report which addresses each of the state's responses to the first draft of the report contained in this letter.

Mr. Jim Brown  
December 12, 1980  
Page 11

If we may be of assistance in any way, please let us know. We look forward to a final report which is both accurate and helpful to the state in its efforts to provide alternatives for juveniles who do not require secure detention.

Sincerely,

*Robert C. Flowers*

Robert C. Flowers,  
Deputy Director

RCF:mmk

cc: Ira Schwartz, OJJDP  
David West, OJJDP  
Doyle Wood, OJJDP  
Sheldon Lehner, OJJDP  
Don Rademacher  
Aubrey Elliott

North Carolina Department of  
**Crime Control  
& Public Safety**   
P.O. Box 27687 430 N. Salisbury Street Raleigh 27611

James B. Hunt, Jr., Governor  
Burley B. Mitchell, Jr., Secretary

Governor's Crime Commission  
(919) 733-4000

November 20, 1980

TEI  
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COR  
RE

Mr. Don Rademacher  
Monitoring Project Coordinator  
505 East Green Street, Suite 210  
Champaign, Illinois 61820

Dear Mr. Rademacher:

I appreciate the opportunity to review and comment on the assessment of the monitoring practices report for North Carolina. I have penciled in some comments on the copy that I am returning and I will also make other comments in the body of this letter. However, I cannot say that my comments are complete because my draft copy of the report did not contain page 4.

I would like to begin by making a suggestion for future endeavors of this nature. It would have been helpful if we had been better informed, prior to his arrival, of Mr. Howlett's work schedule. Without the good relations that have been built between the Division and the sheriffs of North Carolina, we would have been unable to arrange appointments in a timely manner. This would have severely hampered Mr. Howlett's work.

I will address my comments by page number and major paragraph category.

Page 1: The Monitoring Agency

Please note that I have corrected the agency name and the middle initial of my name.

Page 2: Classification of the Monitoring Universe

The example at the bottom of the page is not accurate. In working with the personnel of the Department of Human Resources, Jail and Detention Branch, we were informed that city jails or lock-ups were not licensed for the detention of juveniles. Regular reports are submitted by city jails and the same type of inspection is conducted on these jails as on the county operated jails.

November 20, 1980

Page 3: Data Collection

In Paragraph 2, there is mention of over 50 admissions for the reporting period of August, September, and October 1978, for runaways. Committed delinquents who leave the training school grounds (unauthorized departures) are classified as runaways when returned to the training school. This explains the reason for the admission of classified status offenders to Jackson Training School.

Page 7: Facility Data Verification

It is stated in the report "that no status offenders were held in this facility (Stonewall Jackson Training School), but our review found 54 adjudicated status offenders admitted during the report period." This is not at all accurate. Our records and the 1978 Monitoring Report indicate that there were 53 status offenders being held in this training school on August 1, 1978.

Training school admissions have dropped from over 1,200 in 1977 to under 900 in 1979. The absence of status offenders accounts for this drop.

Page 8: RECOMMENDATIONS

Philosophically, I agree with most of the recommendations made in the report. The difficulty in dealing with county jails is the independence of the locally elected sheriff and the fact that the State does not provide any monetary support for jail operation to the counties. It must also be remembered that laws are enacted by legislators who are elected by the voters of these counties.

Authority to inspect for separation compliance, to require reports, and to order violations to be corrected is already vested with the Department of Human Resources. Submission of duplicated copies of admission/release records is unnecessary. You only generate more paper and you run the risk of a security privacy problem if you don't provide rather stringent security safeguards.

I look forward to getting a copy of the final report when it is completed. This report should be of tremendous value to both the Office of Juvenile Justice and the states. It should provide a clearer picture of the strength, weakness, and problems facing all of us.

Again, I would like to thank you for the opportunity to comment on the report prior to final publication.

Sincerely,

*Robert U. Hinkle, Jr.*  
Robert U. Hinkle, Jr.  
Juvenile Justice Specialist

Enclosure



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DELAWARE CRIMINAL JUSTICE PLANNING COMMISSION  
STATE OFFICE BUILDING - FOURTH FLOOR  
820 FRENCH STREET  
WILMINGTON, DELAWARE 19801

TELEPHONE: (302) 571 - 3430

November 18, 1980

Don Rademacher  
University of Illinois at Urbana-Champaign  
506 East Green Street, Suite 210  
Champaign, Illinois 61820

Dear Mr. Rademacher:

I am writing this letter to inform you that your monitoring report on Delaware's compliance with the OJJD Act is fair and accurate. Because of the accuracy of the report, my comments will be relegated to the recommendation section of your report.

The first recommendation indicates that we should establish specific legal authority for the SPA to monitor the status offender legislation. Although our agency doesn't have specific legal authority to monitor the status offender bill, our state statute gives us the authority to collect any information that is relevant to our overview of the criminal justice system. I am attaching a copy of our general legislation for your review. We would prefer not going to the legislature on this issue because of the excellent rapport we have with the correctional facilities and the many people waiting in the wings for a chance to reverse the status offender bill.

The second recommendation pertains to uniform juvenile admission/release records. We basically agree with this recommendation. However, it might not be feasible to get all the police lock-ups and the juvenile correctional facilities to use the same form. We are discussing this problem with outside agencies now. We may develop a uniform form and ask the appropriate people to send us copies of their forms and then we will transcribe the information on one uniform form. On-site verification is not a big problem in Delaware because it is a small state. Recommendation one and recommendation two both discuss duplicate copies of records to

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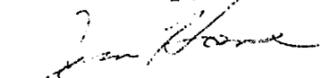
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submitted to the monitoring agency. We do receive duplicate copies from correctional institutions but we don't from the police departments. We will discuss this with the appropriate agencies to determine if this is a logical way to go.

The third recommendation discusses inspection records. We fully agree with this recommendation.

I hope that my comments have assisted you and I enjoyed working with Aubrey when he visited our state. Please contact me if you have any questions.

Sincerely,



Jim Kane  
Management Analyst  
Juvenile Area

JK:bf

cc: Chris Harker  
Tom Quinn  
Andy Hauty  
Sybil Wiggins



State of Wisconsin \ OFFICE OF THE GOVERNOR

WISCONSIN COUNCIL ON CRIMINAL JUSTICE  
122 WEST WASHINGTON AVENUE  
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James E. Baugh, Ph.D.  
EXECUTIVE DIRECTOR

Lee Sherman Dreyfus  
Governor

Received  
DEC 01 1980  
COMMUNITY  
RESEARCH

November 25, 1980

Mr. Don Rademacher  
Monitoring Project Coordinator  
Community Research Center  
University of Illinois at Urbana-Champaign  
505 East Green St., Suite 210  
Champaign, IL 61820

Dear Mr. Rademacher:

In response to your letter of October 29, 1980, I would like to make the following corrections and clarifications with regard to the Verification Report assessing Wisconsin's Juvenile Justice Act compliance monitoring process.

Authority to Monitor

The report incorrectly notes that "...the SPA was established by Executive Order on July 31, 1975." Executive Order number 5, promulgated in January of 1969 initially established the SPA. Subsequently the Agency was legislatively established by s. 14.27 of the Wisconsin Statutes, Laws of 1977. The July 31, 1975 date was when the Governor signed Wisconsin into the Juvenile Justice and Delinquency Prevention Act.

Compatibility of Definitions

Peter Plant, Associate Director of the Youth Policy and Law Center, Inc., and Juvenile Justice Advisory Committee member pointed out two crucial errors relating to Wisconsin's Revised Children's Code.

The first error relates to the final sentence on page one which reads "...While in most cases secure detention is unlikely, by law it seems possible the second time around, i.e. after a status offender has run away from a non-secure setting or violated the conditions for temporary physical custody" (Emphasis added).

In illuminating why the latter statement is incorrect, Mr. Plant explains "...A status offender held under a non-secure order cannot be placed in secure detention for violation of conditions. Section 48.208(4) describes the two instances when a status offender may be placed in secure detention - if the juvenile runs away while under the non-secure order or if the juvenile allegedly commits a delinquent act while under the non-secure order. There are no exceptions."

November 25, 1980

Data Collection

The method of data collection described in the Verification Report is accurate only for the 1978 monitoring effort assessed by this project. The methodology has been modified for subsequent compliance monitoring efforts to utilize the data collection services of a contract consultant.

Method of Reporting

The first statement indicating that "...data and information (are) collected by questionnaires and verified by on-site visits" is incorrect.

Questionnaires were utilized only to determine the degree to which local child care institutions met the criteria for classification as a detention, correctional or community-based facility. All data relating to the deinstitutionalization of status offenders in jails and secure detention facilities is collected on-site.

Additionally, please note that the jail inspectors assume an important role in monitoring compliance with s. 223(a)(13) of the JJDP Act, as Amended. Separation data is collected and recorded by the jail inspectors for submission to the SPA.

Assurances Against Reclassification

The second error pointed out by Peter Plant relates to the statement that the Trailer Bill "...does seem to provide greater opportunity under the law for the detention of status offenders."

In rejecting this statement as inaccurate, Mr. Plant gives the following explanation: "There are only two amendments to the secure detention criteria. Both are related to the secure detention of juveniles already adjudged to be delinquent for dangerous crimes who either escape from a secure correctional facility or who are in the process of being revoked and returned to the secured correctional facility. There are no amendments relating to the secure detention of status offenders."

Compliance Data Verification

On page 4 under this section, the correct spelling for Kettle Morene is "Moraine."

It should also be noted that currently, approximately 40 of Wisconsin's 72 counties have developed shelter care facilities as a non-secure alternative for placement of juvenile status offenders.

Finally, the Verification Report lists both the Dane County Jail and the Dane County Detention Center (exclusively Juvenile) as facilities monitored for verification of compliance. Yet, under the "Separation" column for the Dane County Jail, verification is indicated as "No." Since Dane is one of the three counties in the State with a Juvenile Detention Facility, the County Jail is not used for detention of juveniles.

November 25, 1980

I hope the above comments are helpful to you in finalizing your report for submission to the Office of Juvenile Justice.

I would like to add that since the completion of the 1978 Compliance Monitoring Report, Roland Reboussin, Juvenile Justice Evaluator, has assumed primary responsibility for supervising the collection of data and providing technical assistance to the monitoring effort. Either Roland at (608) 266-8879 or myself at (608) 266-7162 are available to answer additional questions or assist you as necessary.

Sincerely,

*Barbara Franks*

Barbara Franks  
Juvenile Justice System  
Analyst

BF/mjw

cc: Michael R. Moskoff  
Erwin Heinzelmann  
Roland Reboussin



FRANK J. ROGERS  
COMMISSIONER

STATE OF NEW YORK  
DIVISION OF CRIMINAL JUSTICE SERVICES  
80 CENTRE STREET  
NEW YORK, NEW YORK 10013

November 21, 1980

received

DEC 01 1980

COMMUNITY  
REC

AREA CODE 212  
TEL. 488-4856

Mr. Don Rademacher  
Monitoring Project Coordinator  
Community Research Center  
505 East Green Street  
Suite 210  
Champaign, Illinois 61820

Dear Don:

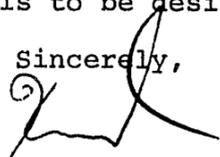
Thank you for your letter and for the draft copy of your assessment of monitoring practices in New York.

In general, the assessment, based on Willis Thomas' visit, is quite thorough and accurately reflects the practices and policies of New York State regarding the mandates of the Juvenile Justice and Delinquency Prevention Act of 1974. We would agree that the major area of difficulty is in the area of monitoring the local lock-ups under the jurisdiction of the Commission of Correction because of the scarcity of staff resources. This also applies to review of the records of the Manhattan Court Detention Facility. DCJS has met with COC staff to discuss this problem, but thus far no satisfactory resolution has been reached.

Theoretically, we also agree with the findings of the monitor that actual monitoring coverage of individual facilities is to be desired, but, as we are all aware, the availability of adequate DCJS staffing to accomplish this is not now possible given the limited amount of federal funding for this purpose at this time.

In summary, DCJS is in agreement with the recommendations of this report and believe that their adoption, given the funds necessary to achieve this, is to be desired.

Sincerely,

  
Howard Schwartz  
Supervisor  
Juvenile Justice Unit



MAINE CRIMINAL JUSTICE PLANNING & ASSISTANCE AGENCY

11 Parkwood Drive  
Augusta, Maine 04330  
Area Code 207-289-3361

Chairman  
David M. Cox, Esq.  
Executive Director  
Richard E. Perkins

received

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COMMUNITY  
REC

December 4, 1980

Mr. Don Rademacher  
Monitoring Project Coordinator  
Community Research Center  
University of Illinois at Urbana-Champaign  
505 East Green Street, Suite 210  
Champaign, IL 61820

Dear Don:

This letter is to confirm the accuracy of the draft assessment report of monitoring practices in Maine. The only change necessary is in the staff person given the responsibility for monitoring. Mr. David Els left Maine Criminal Justice Planning and Assistance Agency in August and I am now the staff person with monitoring responsibility.

If I can be of any assistance, please let me know.

Sincerely yours,

  
Mary O'Connell  
Juvenile Justice Specialist

MOC/m

Commonwealth of Pennsylvania  
Governor's Office



PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

P.O. Box 1167, Federal Square Station  
Harrisburg, Pennsylvania 17108  
Telephone: (717) 787-2040

December 8, 1980

Alfred Blumstein  
Chairman

George F. Grode  
Executive Director

cei

DEC 11 1980

COMMUNITY  
RESEARCH

Mr. Don Rademacher  
Monitoring Project Coordinator  
University of Illinois at Urbana-Champaign  
Community Research Center  
505 East Green Street  
Suite 210  
Champaign, Illinois 61820

Dear Mr. Rademacher:

In response to your letter to Mr. Allen on October 29, I have had staff review your report and make comments on the five recommendations.

Recommendation #1 - Use of Monitoring Authority: This recommendation would not be consistent with the role of the State Planning Agency (SPA) as structured in Pennsylvania. It has always been our belief that we should serve as facilitators, coordinators and conduits for such activities as monitoring. Conscientious stewardship of limited Federal funds prevents us from duplicating the statutorily mandated roles of operating agencies such as the Department of Public Welfare (DPW) which, in most instances, is required to inspect and monitor.

Recommendation #2 - Classification of Facilities: It is our view that this recommendation is impractical and exceeds existing Federal definitions and guidelines. We do not believe the SPA has any role in the enforcement of State law. Where State law prohibits the use of jails for juveniles, there exists a large number of people/agencies interested in the enforcement of such laws: e.g., youth advocates, public defenders, parents, private defense attorneys, etc. Additionally, as noted in your report, we have funded the special unit in the Department of Justice to assure compliance with the law. Any attempt on our part to collect actual reports would be both a redundancy in State agency roles and administratively prohibitive.

Recommendation #3 - Data Collection: Since monitoring of facilities in Pennsylvania is a mandated responsibility of other state agencies, the SPA feels that any direct role would be a needless administrative duplication. (See Recommendation #1 above.)

Mr. Don Rademacher  
December 8, 1980  
Page 2

Recommendation #4 - Offense Data: In Pennsylvania, this rule making authority for detention facilities is the role of the licensing agency - the DPW. Detention regulations are presently being revised and will include provisions consistent with Recommendation #4.

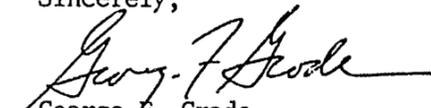
Recommendation #5 - Monitoring Report Period: Report periods for all facilities are for a 12-month period. Apparently, the reviewer didn't understand that since data collection and processing extends beyond the calendar year and since the Office of Juvenile Justice and Delinquency Prevention (OJJDP) requires a monitoring report by 12/31, the SPA chose to include additional "year to date" information which demonstrated improved trends in Pennsylvania's statistics.

With regard to the discrepancy of statistics on status offenders in detention noted on page 10 of your report, actions are being taken to remedy this situation. The attached court order from Judge Eppinger of Franklin County prohibits the use of the detention facility effective 1/10/79. The Shuman Center problem resulted from a practice by the Allegheny Juvenile Court of detaining status offenders for violation of probation rules. This practice was appealed to the Pennsylvania Superior Court who has subsequently ruled such action a violation of legislative intent. (In re: Tassing H, et. al., a minor - Pennsylvania Superior Court - October 10, 1980.)

Unfortunately, we were unable to respond to your report prior to the November 21 date. However, we feel that our responses have a direct bearing on your recommendations and hope this letter will serve to clarify some of the issues raised.

If you have any questions, please contact Mr. H. Richard Allen, Chief of our Juvenile Justice Division at (717) 787-8559.

Sincerely,

  
George F. Grode  
Executive Director

Attachment

FEDERAL REPORT

INTRODUCTION

The Juvenile Justice and Delinquency Prevention Act of 1974 as amended in 1974 charges the Office of Juvenile Justice and Delinquency Prevention with the implementation of overall policy and development of objectives and priorities for all federal juvenile delinquency programs and activities. Pursuant to this mandate for a concentrated federal commitment to the improvement of the juvenile justice system, the Act provides for the establishment of the Federal Coordinating Council chaired by the Attorney General and composed of key decision-makers from cabinet level departments and agencies which have impact on the components of the juvenile justice system or engage in delinquency prevention-related activities.

This report has been prepared at the request of the Office of Juvenile Justice and Delinquency Prevention, with the endorsement of the Federal Coordinating Council, and in response to the legislatively mandated coordination effort. The objective of this study has been to assess the degree to which federal policies and practices result in the detention of youth in circumstances which are inconsistent with the deinstitutionalization and separation provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 as amended in 1977. In recognition of the monitoring requirements of the JJDP Act, attention has been directed to the record-keeping and data collection systems of the agencies surveyed.

Though federal funding and sponsorship activities affect large groups of youth, this survey and analysis will focus on three groups of children--federal juvenile offenders, undocumented aliens and Native Americans. Further, the procedures and terms by which they are placed in custody will be viewed primarily in terms of the legislation, regulations, policies and practices of five agencies, the Federal Bureau of Prisons, Immigration and Naturalization Service, U.S. Marshals Service, Bureau of Indian Affairs and the National Park Service. These agencies

have been targeted because they operate or contract with correctional facilities and, therefore, have a direct and immediate impact on the incarceration of youth. The information presented here was collected in three phases during the period from September, 1979 to April, 1980. The first phase was an analysis of the legislation and case law. This was followed by interviews with key central office agency officials. During these interviews all available policy guidelines, operating procedures, and statistical information were obtained. In addition, input was derived to form the basis for the selection of facilities and regional offices to be visited during the third phase of the project. On-site visits were generally scheduled to those facilities and regional offices handling the largest relative volume of children in federal custody. With respect to tribal correctional facilities, nine reservations were chosen which, through not representative of all tribal practices, indicated the varying levels of sophistication of tribal juvenile justice systems and were illustrative of the dynamics of the relationships with the involved federal agencies.

A preliminary report was presented for review to the Office of Juvenile Justice and Delinquency Prevention in July, 1980. The chief officials of the five targeted agencies were supplied with a copy of the executive summary of the report and were requested to attend a meeting on November 7, 1980 to review and comment on the findings. Representatives of the Federal Bureau of Prisons, the U.S. Marshals Service, and the Immigration and Naturalization Service were present at the meeting. The full text of the report was distributed to the agency representatives and was subsequently mailed to all agency heads with a request that comments or corrections be submitted by December 1, 1980. Written comments were received from the National Park Service, The U.S. Marshals Service, the Federal Bureau of Prisons, the Bureau of Indian Affairs, and the Immigration and Naturalization

Service. These comments have been addressed in the report and the full texts of the responses are reprinted in the Appendix.

The findings presented in the following pages support two conclusions which are applicable to all five agencies surveyed. First, children are not a priority; the amount of resources and energy directed towards the development of programs for the treatment or handling of youth in custody is minimal, usually inadequate. The FBOP, INS and USMS disputed this finding based on their contention that the current effort and resources directed towards the handling of juveniles is already disproportionate to the relatively small number of juveniles processed. Regional officials, however, repeatedly indicated that central office support was insufficient. Second, possibly because youth are not a priority, the monitoring systems of these agencies neither attempt nor succeed in accounting for the identification, detention, or disposition of children in the federal system. The coordination of federal effort must begin with the authority to instill in the top level officials of these agencies the sense of urgency as conceived by Congress when it enacted and amended the Juvenile Justice and Delinquency Act.

## I. FEDERAL JUVENILE OFFENDERS

### A. The Law

Under 18 U.S.C. §5031, commonly referred to as the Federal Juvenile Delinquency Act, "juvenile delinquency" is defined as the violation of a law of the United States committed by a person prior to his 18th birthday which would have been a crime if committed by an adult. Section 5032 states in relevant part that the Attorney General may commence a criminal prosecution after he has certified to an appropriate district court of the United States that the juvenile court or other appropriate district court of a state (1) does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, or (2) does not have available programs and services for the needs of juveniles. Generally, these cases of federal jurisdiction arise when an offense occurs on a government or military reservation, or when a Native American is involved in a crime on an Indian reservation.\* A memorandum was issued by then Assistant Attorney General Benjamin Civiletti to all U.S. Attorneys on June 17, 1977 calling attention to Section 5032 and reemphasizing:

...the fact that the major thrust of the new Act is to insure the greatest participation by the states in handling juvenile criminal matters.

If the Attorney General does proceed in federal court, he/she files a criminal information through the local United States Attorney. The Act mandates a number of procedural requirements including notification of parents, assignment of counsel and a speedy trial (§§5033, 5034, 5036). Section 5035 entitled "Detention Prior to Disposition" reads as follows:

A juvenile alleged to be delinquent may be detained only in a juvenile facility or such other suitable place as the Attorney General may

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\*Major Crimes Act, 18 U.S.C. §§1152, 1153.

designate. Wherever possible, detention shall be in a foster home or community based facility located in or near his home community (emphasis added). The Attorney General shall not cause any juvenile alleged to be delinquent to be detained or confined in any institution in which the juvenile has regular contact (emphasis added) with adult persons convicted of a crime or awaiting trial on criminal charges. Insofar as possible, alleged delinquents shall be kept separate from adjudicated delinquents. Every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment.

Similarly, Section 5039 entitled "Commitment" provides:

No juvenile committed to the custody of the Attorney General may be placed or retained in an adult jail or correctional institution in which he has regular contact (emphasis added) with adults incarcerated because they have been convicted of a crime or are awaiting trial on charges.

Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment.

Whenever possible, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community (emphasis added).

The objectives expressed in these Sections are consistent with those in Sections 223(a)(12) and (13) of the Juvenile Justice and Delinquency Prevention Act which, in order to establish eligibility for funding under the Act, requires the states to remove status offenders from secure detention, to prevent juveniles who are confined in an institution from having regular contact with adults who have committed crimes, and to report to the Office of Juvenile Justice progress in placing children in the least restrictive setting in reasonable proximity to the juvenile's family and home community.\*

### B. On-Site Survey Methodology

The on-site component of this study focused on the three agencies which are largely responsible for designation of the place of detention or commitment of

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\*42 U.S.C. §5633.

federal juvenile offenders, the U.S. Marshals Service, the Federal Bureau of Prisons and the National Park Service. The choice of these three agencies was dictated by the criteria that the target agencies either operate or contract with correctional facilities. There are, however, other governmental agencies, though not operating facilities, which significantly affect the terms and conditions of a juvenile's confinement, most notably the U.S. Parole Commission.

The inspection and interview schedule was directed towards facilities housing the largest numbers of juvenile federal offenders and regional officials supervising the heaviest volume of juvenile federal placements. Federal Bureau of Prisons facilities chosen for on-site visits were the Emerson House in Denver, Colorado and the California Youth Authority correctional centers. Interviews were scheduled with administrative and program personnel at each facility; with the Federal Bureau of Prisons Community Program officers in Denver and California, the officials charged by the Bureau with designating placements of federally committed youth; and with regional legal advocacy group leaders. Selection of the U.S. Marshals to be interviewed was primarily a function of their use of local juvenile detention centers. U.S. Marshals were interviewed in New Mexico, Arizona, the Central District of California and the Southern District of California. As a representative of the National Park Service, the chief law enforcement officer was interviewed at Fort Mason in San Francisco, the only field office established outside of Washington, D.C. or New York City.

#### C. Chain of Custody of the Federal Juvenile Offender

Pending federal prosecution under §5032 or transfer to local authorities, a juvenile apprehended for commission of a federal offense is transferred to the custody of the U.S. Marshals Service. The U.S. Marshals Service, the contracting

organization between the Justice Department and local sheriffs, police departments, and detention administrators "handled" 5,527 juveniles and received 733 in the first five months of 1979.

The Marshals currently contract nationwide with 835 county jails and 37 juvenile detention centers for secure detention pending disposition. At the time the contract is awarded, the facility is identified as to whether it is capable of holding juveniles, females, or sentenced prisoners. The USMS Contracting Procedures Manual provides that:

(1) Juvenile prisoners will be confined in an all juvenile facility or in a detention area separated visually and acoustically from adult detention areas. In unusual situations, and for short periods of time only, juveniles may be confined in an adult facility, but must be placed in quarters visually and acoustically separate from adult prisoners.

(5) Classification and segregation of prisoners according to age category and sex is to be extended to cells and bathing facilities... Toilet facilities will be segregated by sex. (USM 2530.2 Appendix 3-1)

Although a U.S. Marshal may be present at a facility on a daily or weekly basis, he has no jurisdiction to interfere in the internal operating procedures of the facility. A Marshal who observes a violation may bring it to the attention of the sheriff or jail superintendent; however, there is no formal mechanism for reporting the violation. The Contracting Procedures Manual provides that "under no circumstances should any contract facility be visited less than two times per year by the contract monitor" (USM 2530.2). The monitoring checklist provided includes the categories "acceptable prisoner separation" and "meets juvenile requirements." The Chief of Program Administration at the U.S. Marshals Service maintains that there are no federal juveniles housed in facilities which have not been certified for juveniles; however, he conceded that adult federal prisoners could be placed in a facility which was improperly accommodating state juvenile offenders.

Each contract facility reports its daily federal population to the central office but does not provide an adult/juvenile breakdown.

The role of the U.S. Marshals in the handling of federally prosecuted juveniles is substantially limited by the dwindling number of juvenile federal prosecutions and frustrated by their inability to secure space for juveniles in federally approved facilities. The contracting representative for the U.S. Marshal in Phoenix, Arizona reported that since their contract with the Maricopa County juvenile detention center had been terminated due to overcrowding, juveniles in the custody of the USMS or the Immigration and Naturalization Service had to be temporarily housed in an isolated room in the basement of the Maricopa County Jail. Though this situation was verified by the detention supervisor at the INS district office, representatives at the Maricopa County Jail denied that any federal prisoners were ever held there without a Superior Court order. The U.S. Marshal confirmed the arrangement and verified that no court order was ever supplied. This crisis extends throughout Arizona. Coordination efforts among regional federal representatives from the U.S. Marshals, Immigration and Naturalization Service and the Federal Bureau of Prisons have been attempted, but have not generated any relief or support from the agencies' respective Central Offices. U.S. Marshals were reported to be negotiating contracts with tribal facilities on isolated reservations in order to fulfill their custodial responsibilities in compliance with the Juvenile Delinquency Act.

The U.S. Marshal will handle a federal juvenile offender, if he is being transferred from one facility to another or if he has been apprehended after an escape attempt. According to USM regulations, which do not distinguish between juveniles and adults on this point, all prisoners are chained when being transported. Of greater interest, however, is the circumstance that once juveniles attain the age

of 18 they may no longer be treated as juveniles by the Marshals, even though their commitment was originally under the Federal Juvenile Delinquency Act. This information was provided by Bureau of Prisons officials, and verified by a 19-year old ward in a California Youth Authority facility, who after an attempted escape to Nevada was returned by the U.S. Marshals and held overnight in a Reno jail, where no attempt was made to separate him from the adult inmates.

The U.S. Marshals' responsibilities do not generally encompass juveniles who are apprehended for violation of a federal law in a national park. The National Park Service either maintains its own holding facilities or makes independent arrangements with local jails or detention centers. The U.S. Park Police exercise jurisdiction (not necessarily exclusive) over parks, parkways and reservations in the District of Columbia, Maryland, and Virginia and operate field offices in the New York and San Francisco areas. U.S. Park Police Guidelines provide that:

Whenever a juvenile arrest occurs, the arresting officer shall transport the juvenile in unmarked vehicles when possible and not with adult offenders to a substation or similar suitable surrounding.

The Guidelines further state that,

When a juvenile is detained, detention must be in a federally approved facility. In many areas, local juvenile homes and facilities may be utilized. Juveniles shall not be incarcerated with adults at any time. (General Order No. 90.06)

The officer assigned to juvenile offenders in the Criminal Investigations Branch reported that there were five substations in the D.C./Maryland/Virginia area where juveniles could be temporarily held for intake; however, he stated that the holding period is limited to a couple of hours.

Statistics from the Criminal Investigations Branch show that during the months of January through July, 1979, 1,039 juveniles were brought to the attention of the Juvenile Section. This indicates that "juvenile contact forms" were completed

on all of these youths and that they were held at least briefly before being released or referred to a U.S. Magistrate or to the local court.

The Chief of the Law Enforcement Section, Rangers Division, supplied juvenile procedures guidelines dated October, 1975 which state that offenses committed by juveniles are divided into two categories, violations of park regulations and other offenses:

When a juvenile violates a park regulation requiring a mandatory appearance or when a juvenile or a juvenile's parents request a hearing, the juvenile may be heard before a U.S. Magistrate only when a fine and/or probation would ordinarily be imposed for the offense. However, for those offenses which are likely to result in a jail sentence, the matter must be referred to and coordinated with the U.S. Attorney's Office. The key criterion is whether, in the judgement of the ranger (emphasis added) the offense is one where the juvenile may forfeit collateral or the magistrate will impose only a fine and/or probation rather than the likelihood of the imposition of a jail term.

The guidelines further provide:

The detention of a juvenile must be in a federally approved facility... In many areas, local juvenile homes and facilities may be utilized. When a juvenile is incarcerated, he should be brought before a Magistrate as soon as possible and the U.S. Attorney's office notified. Once the juvenile has been brought before a Magistrate, the responsibility for the custody or detention of the juvenile becomes that of the courts... The searching and transporting of juveniles should be the same as for adults, except juveniles should, when possible (emphasis added), be transported in unmarked vehicles and not with adult offenders.

The guidelines also allow a ranger to turn a runaway over to local authorities and to take a juvenile into protective care if in the ranger's judgement the juvenile's health, welfare or safety is endangered. The Law Enforcement Chief was unable to supply a list of parks with law enforcement personnel or law enforcement facilities.

The National Park Service operates a lockup at Yosemite National Park containing two cells on the park grounds. One cell is for women or juveniles, therefore, in the event that both are apprehended either the women or children must be released. There is audio communication between the cells. The

lockup is only federally approved for holding prisoners up to 72 hours. The U.S. Park Police headquarters at Fort Mason in San Francisco has patrol areas of exclusive and proprietary federal jurisdiction in the Bay area. Major McQueeney, the officer in charge, stated that generally children apprehended for minor offenses are brought to the Police headquarters while an attempt is made to contact their parents. If the child is charged with a felony or if he is charged with an offense such as violation of the liquor laws or unauthorized entry and his/her parents cannot be located, then he/she will be taken to the San Francisco or Marin County Juvenile Hall. The Park Police in San Francisco do not "ride" a U.S. Marshals contract. Children are booked directly to the authority of the Park Police, however, the agreement is informal. There is no written contract and the city or county absorbs the expense. Therefore, there is not even a billing record to indicate the normal usage of Juvenile Hall or to compute the average length of stay of juveniles apprehended by the U.S. Park Police. This informal arrangement reduces the field office accountability for the number of juveniles detained and is deficient from a monitoring standpoint.

During the first eight days of 1980, 275 juvenile contact forms had been completed, including traffic offenses. The most recent statistics compiled by the office were for 1978. They show there were a total of 1,750 juveniles charged. Of these, 341 were in the category "all other offenses" and 906 of the juvenile arrests were for violations of liquor laws, disorderly conduct, violations of traffic and motor laws, violations of roads and motor laws, and suspicion. Of the total 1,750 juveniles charged, only 134 committed Part I offenses, more serious crimes. Therefore, out of a possible universe of 1,616 juveniles who were charged with Part II offenses including the ambiguous "all other offenses" and "suspicion," the number of juveniles detained by the United States Park Police or the length of time

they remain in custody in Juvenile Hall because their parents cannot be located, remains completely unreported to, and unrecorded by, any federal agency.

Sections 5035 and 5039 of the Juvenile Justice Act quoted above evidence the legislature's clear intent to support the pretrial detention and commitment of children to foster homes or to community-based facilities, whenever possible and to prohibit "regular contact" between children and incarcerated adults on either the pretrial or post-adjudicatory level. Shortly after the enactment of the JJDP Act in 1974 the Federal Bureau of Prisons designated four institutions as classification and confinement centers for offenders committed under the Act. These four institutions are classified by Bureau policy statements as minimum security. However, the Bureau continued to send many youths to other federal prisons, some of which are designated medium security and hold adult prisoners. In 1976 there were approximately 500 juveniles committed under the federal Act. In 1977 the ACLU National Prison Project focused on the Bureau's recorded lack of compliance with its statutory mandate to locate youthful offenders in community-based facilities and its failure to place juveniles in facilities segregated from adult offenders. In the summer of 1977, partially as a result of a series of meetings between members of the Prison Project and Bureau officials, the Bureau began removing all federally adjudicated juveniles from FBOP institutions and transferring them to state institutions.

On September 26, 1979 a computer printout was obtained from the Bureau of Prisons indicated that as of that date, the number of juveniles committed under the Act has been reduced to 113. Of these 113, 21 were at Emerson House in Denver, Colorado and 25 were in California Youth Authority facilities. The local place of residence was requested for each inmate. What was provided was the district of commitment, however, these are not representative of the initial court commitments

as this information would indicate that all 25 California court commitments were adjudicated in the State of California.

Gene Powers, the Community Programs Officer for the Central District of California and charged with responsibility for all placements under the Federal Juvenile Delinquency Act in California, stated that only two of the inmates were residents of or had committed offenses in California. This was confirmed by review of the records. The remaining 23 had been transferred there because CPO's in other states had no placements available. According to Powers, only California, Kentucky and Colorado will hold juveniles after the age of 18. A review of the state juvenile codes indicates that at least 37 states have continuing juvenile court jurisdiction to the age of 21, therefore, state facility administrators are not precluded by law from housing federal prisoners, but have apparently adopted a policy of not accepting out-of-state federal placements over the age of 18.

Commitments under the Federal Juvenile Delinquency Act in California are to the California Youth Authority, a statewide system of schools, clinics, and camps. The Youth Authority has a reputation as a progressive force in the treatment and rehabilitation of juvenile offenders aged 16 to 23. The individual facilities within the system are geared to youth of different ages and are based on different therapeutic models, e.g., behavior modification, reality therapy, and educational programs. However, at the time of admission all wards, including federal prisoners and wards up to age 23, are admitted to one of two reception clinics in either Northern or Southern California where they undergo a one-month diagnostic/evaluation workshop by CYA psychiatric/psychological staff. Following this evaluation, recommendation for a placement is made.

Edward Sanchez, the California Youth Authority official charged with approving the placement of federal wards, was questioned about the viability of the federal

contract with the California Youth Authority System. He stated that due to overcrowding within the system all outside contracts had been cancelled effective April 1, 1979. Therefore, although CYA continues to hold the federal prisoners previously committed, they are not currently accepting new commitments. Both Sanchez and Powers confirmed that the majority of federal placements were either Native Americans or illegal aliens. Sanchez stated that the federal ward, though he may be committed for a serious offense, was not likely to be as criminally sophisticated as the state ward. Juveniles committed by the State of California to the Youth Authority are not first offenders, but generally have a history of serious misconduct.

Three facilities were visited in the CYA system: the Fred Nelles School in Whittier, California on January 2, 1980, and the Karl Holton School and Dewitt Nelson Training Center on January 4, 1980. All Youth Authority facilities can hold children committed under the Juvenile Delinquency Act or the Youth Offenders Act. The diagnostic evaluation program and referral reports aim to segregate children by facility according to age, however, sometimes other factors such as the lack of sophistication of a 20 year-old youth offender will result in juveniles and youth offenders living in the same environment in "regular contact." The failure of the California Youth Authority to adjust the system to prevent the intermingling of juveniles with adults resulted in the State of California's noncompliance with the JJDP Act and the temporary termination of their receipt of OJJDP formula grant funds. These funds have been restored following a period of extensive negotiation.

On the day of the visit to the Fred Nelles School, the Chief Probation Officer reported that there were two federal prisoners in residence, a Native American who had committed a crime on an Indian reservation and an illegal entrant, prosecuted and adjudicated for violation of the Immigration laws 47 times. The probation officer verified that the federal wards were "different," that state inmates were more likely to have committed more aggressive offenses. When questioned further

about the potential for unique problems among juveniles committed under the Federal Act, the probation officer stated that the Youth Authority staff did not have as much discretion over federal wards, particularly over their length of stay. The length of stay of California state wards is determined by the Youth Authority Board, and governed by their successful completion of the program, whereas the federal juvenile's release date is determined at the outset by the U.S. Parole Commission.

The program administrator and a team training supervisor at the Karl Holton School agreed that the federal ward tended to be a less sophisticated criminal. The staff at the facilities visited indicated that federal wards were disadvantaged in comparison to state wards in several additional ways. The federal ward is usually a Native American at a long distance from his home, and in an environment totally alien to his customs and, possibly, language. The individual facilities are sensitive to this matter and have tried to compensate for it in several ways, either by keeping the Native Americans together in one cottage or by developing cultural programs and rap sessions for Indian youth and staff as was done at the Karl Holton School. The federal juvenile is also deprived by the distance from his home of that part of the CYA program which reaches out to the family and tries to involve them in the rehabilitation model. Another problem facing the federal offender which was referred to repeatedly by the staff is the fact that usually the federal offender will be serving a longer term than the state offender who may have committed the same offense. This naturally yields resentment and is not practical from a programmatic standpoint. The CYA program is designed to have maximum rehabilitative effect for a shorter term of commitment.

This profile of the Native American or alien youth placed in a state system suggests constitutional issues as well as pointing to illegal practices inconsistent with the JJDP Act. Only two out of 23 juveniles in California are confined by

the FBOP in their home states, and the Act even more strongly mandates home communities whenever possible. The Bureau's activities on that level are clearly in violation of Section 5039 of the Juvenile Justice and Delinquency Prevention Act. In addition, with respect to the discrepancy between the length of time served by federal and state youth committed for the same offense, the Bureau's placement strategies may result in violations of the equal protection guarantees of the due process clause of the Fifth Amendment. The FBOP is handling a population principally comprised of Native Americans and aliens, both of whom have been referred to as suspect classifications by the Supreme Court. Therefore, the Bureau could be placed in the position of being forced to show a compelling interest necessitating racially discriminating treatment, in this case longer terms of confinement. It is worth noting two of the landmark cases in the area. U.S. v. Antelope\* held that equal protection requirements implicit in the due process clause of the Fifth Amendment are not violated by the convictions of certain enrolled tribal Indians, under the felony murder provisions of the federal enclave murder statute as made applicable to Indians by the Major Crimes Act, which provides that any Indian who commits any of certain specified offenses within Indian country shall be subject to the same laws and penalties as other persons committing any such offenses within the exclusive jurisdiction of the United States. The court stated that if a non-Indian had committed this crime, the killing of a non-Indian during a burglary and robbery within the boundaries of an Indian reservation, the case would have been prosecuted under state law, which would have required proof of premeditation. The applicable federal law does not require the element of premeditation. The court held first that the federal statutes are not based upon impermissible racial classifications; the defendants were not subjected to

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\*430 U.S. 641 (1977).

federal criminal jurisdiction because they were of the Indian race, but because they were enrolled members of the tribe, and secondly, the statutes do not otherwise violate equal protection as the defendants were subjected to the same body of law as any other individual, Indian or non-Indian, charged with first-degree murder committed in a federal enclosure and it being of no consequence that the federal scheme differs from the state criminal code otherwise applicable within the boundaries of the state where the reservation is located.

In a footnote, however, the court specifically distinguished the case of U.S. v. Big Crow\* which held that the defendant, an Indian who was charged under the Major Crimes Act, with assaults resulting in serious bodily injury on the Rosebud Indian Reservation in South Dakota, was denied equal protection of the laws in violation of the due process clause of the Fifth Amendment, since a non-Indian on the Reservation would be subject under the statutory scheme to only six months imprisonment whereas an Indian committing the identical crime is subject to up to five years imprisonment. Arguably, Native American and alien juveniles are enduring harsher penalties for committing the same offenses committed by juveniles prosecuted through the state system.

On January 4, 1980, the day of the on-site visit to the California Youth Authority facilities, there were 23 juveniles in federal custody in the CYA system; of these, 13 were Native Americans and two were alien youth being held for violation of the Immigration laws. The Bureau Community Programs officer had responsibility for monitoring the facilities twice a year, however, he admitted that he had not been to several of the facilities in over a year. All the monitoring reports noted that separation of juveniles from adults was inadequate due to the 16-25 age spread of those admitted to the facility.

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\*523 F.2d 955 (8th Cir., 1976) Cert. denied, 424 U.S. 920 (1976).

The Emerson House in Denver, Colorado contracts with the Federal Bureau of Prisons to provide safekeeping, care, and subsistence of Federal Juvenile Delinquency Act offenders held under authority of any United States statute. The Emerson Juvenile Unit is housed in a converted hotel building which also includes a halfway house. It is a privately run, self-proclaimed, not-for-profit corporation. On January 10, 1980 there were 32 juveniles in federal custody in Emerson House. Twenty-three were Native Americans. Al Ulibarri, the Federal Bureau of Prisons Community Program Officer, acknowledged that Emerson House was less than ideal as a placement for juveniles. He cited it as having inadequate programs and as constituting a cultural shock to Native Americans accustomed to life on a reservation. In 1977, the ACLU National Prison Project evaluated Emerson House after several reported incidents of violence by the staff and a suicide by one of the Native American residents. At that time, they documented the existence of strict disciplinary procedures for new admissions and a lack of programs, and noted that there was easy access between the juvenile and halfway house portions of Emerson House, thus, separation of juveniles from adults was inadequate.

Since that time there have been some structural changes made to the facility. A single door at the entrance has been replaced by a "trap" which divides the halfway house from the juvenile unit and significantly decreases the opportunities for contact between children and adults. The objectionable disciplinary procedures described by ACLU have been relaxed somewhat, although according to members of the Native American Rights Fund there continue to be some questionable physical tactics employed, specifically the handcuffing of residents to their beds for rule violations. The program is divided into four residential units with varying degrees of privileges. The rate at which inmates progress from one level to another is largely determined by the amount of time served. The program includes educational

and occupational components, its goal being to secure a General Education Degree for each inmate and a part-time job in the community.

Sonny and Cherry Emerson, the facility's administrators, stressed the efforts made by the Emerson House staff to create a setting which is culturally acceptable to a population largely comprising Native American youth. They proudly display an impressive art collection created by residents, state that they encourage residents to maintain family contacts, that they allow them to speak their native language and that they recruit prominent Native Americans from the Denver area to come to the facility and teach classes or participate in workshops. However, according to Al Ulibarri, the Emersons have not cooperated with Eagle Lodge, a new alcoholism program for Native American youth in Denver, though the Emersons stated that over 90 percent of the offenses committed by the federal youth were alcohol-related. When asked about therapeutical potential, Mrs. Emerson stated that the facility was not operated as a "medical model," meaning that psychological services were not routinely provided. The Director of the psychological counseling unit at Emerson House has not yet completed a master's degree in counseling or psychology. Though the FBOP will refund the facility for the consulting services of a private psychologist when necessary, the Emersons said that no inmate currently required or has received such services. In a previous conversation Mrs. Emerson stated that most residents came from disrupted families.

The facility was last monitored in July, 1979. The FBOP Community Programs Officer commented in the report, "The current residents would be better off if placement resources were available in their home areas. Services problems are created by bringing young Indian offenders to a large metropolitan area. Hopefully, in the near future, resources will be available." This comment is indicative of the frustration of the Community Programs officers which has been repeatedly

expressed to the FBOP Central Office and ignored. There is no official exclusively assigned to juvenile offenders in the Federal Bureau of Prisons. The FBOP persists in the pursuit of the objective in "getting out of the juvenile business," and in so doing, ignoring the legislative mandate to place juveniles in their home communities, the urging of Congressional subcommittees, the investigation of the ACLU National Prison Project, the objectives of Native American advocacy organizations, the findings of a task force which it commissioned, and the expressions of frustration of its own regional employees.

## II. UNDOCUMENTED ALIEN YOUTH

### A. Youth in Federal Custody

Undocumented alien youth in custody fall into three categories: illegal entrants, material witnesses, and juveniles who have committed state offenses. Generally, an undocumented youth apprehended for illegal entry will be detained temporarily under the authority of Section 242 of the Immigration and Naturalization Act (Title 8 USC 1252) pending his "voluntary return" to his native country, or he will be held for deportation proceedings. During this time he is legally assigned to the custody of the Immigration and Naturalization Service. An undocumented alien youth who is a material witness to a crime against the U.S., including smuggling, or a youth who is the dependent of such a material witness, will be in the custody of the U.S. Marshals. Following his/her testimony the youth is subject to prosecution as an illegal entrant and to transfer to the custody of INS. Due to some confusion in the transfer of prisoners the situation is further complicated by inter-agency agreements, such as the one existing between INS and USMS in Arizona where the extremely large volume of prisoners is predictable if not consistent. INS may assume financial responsibility for the dependents of material witnesses in custody while the USMS will be charged for the witnesses.

The U.S. Marshal Service states in its comments on this report, "Our technical custody of both children and adults is established after the issuance of a remand order by a Federal magistrate or judge. In some past instances, remand orders did not specifically name alien juveniles, thus presenting the dilemma of custodial responsibility between the arresting agency and the marshal. We have assumed responsibility for alien children even in the absence of a court order in most cases."

The third group of detained undocumented alien youth are the children arrested by local police for commission on non-federal crimes and placed in local jails or

detention centers. This group is of interest, for the purpose of this evaluation, only insofar as they are subject to transfer to INS custody. Judge Enrique Pena, a leading advocate for relief to alien youth in El Paso, Texas, described the placement problem in part as jurisdictional. These children often carry no identification with them at all, and supply incorrect information as to the names of their families or their ages. Without proof that a youth is a juvenile, according to state law, he cannot be held in a juvenile detention center for a period exceeding 24 hours. These children are frequently transferred to INS custody at the end of the 24-hour period, or during the criminal proceedings, if they are discovered by one of the INS agents during his daily check through local facilities. Presumably, while they remain in state custody, they are held in a manner consistent with the mandates of the Juvenile Justice and Delinquency Prevention Act.

#### B. On-Site Survey Methodology

The U.S. Marshals Services, as noted above, does not break down jail statistics according to juveniles and adults, therefore, it is impossible from a review of any Service compiled report to determine which jail facilities are the most heavily populated with juveniles. However, the USMS also contracts with 37 juvenile detention centers. The statistics compiled on juvenile detention centers reflect the number of person-days, providing an indicator of which facilities were the most frequently used. Of the 18 facilities holding prisoners during the fiscal year--October, 1978 to September, 1979--four facilities which accounted for 989 of the total number of jail days used were scheduled for inspection. Interviews were scheduled with the U.S. Marshal in each of these districts. These include the Bernalillo County Juvenile Detention Center (223 jail days), and U.S. Marshal Bernie Martinez in New Mexico, the Los Angeles County Juvenile Hall (393 jail days), U.S. Marshal Louis Villacuesa, Central District of California, the Imperial

County Juvenile Hall (377 jail days), and U.S. Marshal James Laffoon, Southern District of California. These facilities are all in areas where there is significant involvement with undocumented aliens. On-site visits were also scheduled to the three service process centers operated by Immigration and Naturalization Service in the Southwest at Port Isabel and El Paso, Texas, and El Centro, California, and to the staging area at Chula Vista, California. Interviews were conducted with detention and deportation supervisors at these facilities and with the Chiefs of Border Patrol sector headquarters at Tucson, Arizona; El Paso, Texas; Chula Vista, California; and El Centro, California. The volume of aliens handled was the governing selection factor. Additional interviews were held with INS district office detention supervisors in Albuquerque, New Mexico and Phoenix, Arizona. Most interviews and on-site visits were scheduled in advance with approval of the INS Central Office and were conducted pursuant to an interview and inspection guide.

#### C. Illegal Entrants

The Immigration Law does not distinguish between children and adults. For statistical purposes children are under the age of 15. The detention of juveniles is governed by Immigration and Naturalization Service policy:

Aliens who are defined as juveniles by state regulation (emphasis added) are placed in a juvenile facility or with an appropriate responsible agency or institution, recognized or licensed to accommodate juveniles by the laws of that state. Children of tender years who are too young to be placed in a juvenile facility or youth hall are placed with local youth care services, or with relatives or friends. In those extreme cases where it is impossible to accommodate a child of tender years accompanied by an adult, consideration is given to releasing the accompanying adult to a responsible agency, relative or friend.

Service policy further dictates that arrangements are made with local foreign consular officers when expelling unaccompanied juveniles.

A "Record of Deportable Alien Located" is completed on any person apprehended for illegal entry to the United States. This is the I-215 form. An alien may

be offered the opportunity to depart from the United States without the institution of formal deportation proceedings, and large numbers of aliens are removed in this manner. The order to show cause will be the basis for the deportation proceedings. The deportation proceeding is not a criminal proceeding. Though an alien is advised of his right to counsel prior to the initiation of proceedings, as a practical matter, the hearings are usually held for up to 30 illegal entrants at a time and an insignificant number are represented. Usually, the information provided by the alien on the I-213 in response to questions by the Border Patrol Agent will be without the aid of counsel. Further, it will be presented in the form of a narrative as interpreted by the examining officer and not as a formal admission or statement.

The vast majority of juveniles apprehended for illegally entering the United States will be offered the opportunity to voluntarily return to their native country, usually Mexico. According to the Border Patrol Sector Chief at El Centro, California, 99 percent of juveniles are voluntarily returned. If no order to show cause is completed, there is no constitutional right to counsel and juveniles will consequently be advised of this opportunity. The Border Patrol Sector Chief at El Paso, Texas state that out of a total of 149,722 aliens apprehended in 1979 only one or two juveniles were held for deportation. Usually, juveniles are only prosecuted for illegal entry when they are chronic repeaters or when they have some involvement in a smuggling case. Mexican juveniles apprehended at the border are detained in a holding cell pending their return to Mexico. At this point, as reflected in the INS policy cited above, each child is to be interviewed by an official from the Mexican consulate to assure that the child is actually Mexican. Presumably, arrangements are then made with the Mexican Immigration Service for the return of the juvenile to an area near his home. Mexican juveniles who are

not apprehended at the border will be transported by bus to one of the deportation offices or service centers. They are accompanied by an INS officer, but are intermingled with adults during transport. Though INS policy requires that Mexican juveniles be interviewed routinely by the consulate before being returned to Mexico, In El Centro, California, a memo issued by Peter Larabee, the Supervising Detention and Deportation Officer, to all Detention Personnel at the Service Processing Center, dated June 5, 1979, stated:

I have recently concluded discussions with the Mexican Consultate and Mexican Immigration concerning the problems we face with juveniles. A tentative agreement has been reached in our handling of juveniles which will require the cooperation of all of us. The Mexican authorities have agreed to permit us to take juveniles to the Border without an interview with the Mexican Consul. However, we are to make every reasonable attempt to locate a Mexican Immigration Officer at the gate and personally present the juveniles to him. This can be done 24 hours a day, seven days a week. The Mexican Officer will not always be right at the gate, therefore there may be an occasion when we shall have to step over to the booth or office to locate him. Do not cross the line without first securing your weapon. We are not authorized to carry a weapon in Mexico. As long as we attempt to assist the Mexican authorities in their efforts to screen juveniles, we should continue to receive this kind of cooperation. I expect every employee to try to cultivate good liaison with the Mexican officials we come in contact with.

The deportation supervisor offered assurances that juveniles with complaints about their treatment or questions for the consulate would be given the opportunity to meet with him in the lobby of the detention and deportation offices. The INS officer admitted that this arrangement increased the likelihood of a non-Mexican unaccompanied juvenile being erroneously sent to Mexico, however, he justified this change in procedure by saying that the questioning had become routine, the Border Patrol agents were adept at discerning accents, and the Mexican Immigration Service had a reputation for being conscientious. This would appear to be an area that merits further investigation. The children affected by this order are not the ones that are apprehended right at the Mexican border, but those

that have been transported to El Centro after being transferred by INS officials throughout California, the Southwest or Pacific Northwest. As noted before, many of these children travel without any identification and may provide false information when questioned. If this streamlined procedure is apt to result in unaccompanied juveniles being dispatched to a strange country, then perhaps these procedures should be re-evaluated particularly since they are inconsistent with the above cited INS policy.

When evaluating the holding and detention alternatives for juveniles available to the Immigration and Naturalization Service, it is necessary to distinguish Mexican aliens from other than Mexicans, commonly referred to as OTM's. As indicated above, a Mexican juvenile alien will usually be transported to the nearest border station, possibly held for several hours, and then returned on a bus to Mexico. During this holding period, an attempt is made in Tucson, Arizona and in El Centro, California to place juveniles in a separate cell from adults, however, intermingling will occur if women prisoners are also being held. It is probable, however, that OTM's will be held for a longer time, from a period of four days to several weeks or months. If the initial Border Patrol apprehension was not in a major metropolitan area, then a child will first be held in one of the local juvenile detention centers, or in an alternative child care placement, and then transported to a large city, usually Los Angeles, so that proper documentation can be secured from the consulate and so that the child can be booked on a flight back to his home country. The potential for delay in this process is great, and as a result, it is reportedly not unusual for a child to remain confined for a month or longer. According to INS regulations, an undocumented alien cannot be confined for longer than six months pending the procurement of travel documents.

The Immigration and Naturalization Service contracts with a variety of types of facilities for the placement of juveniles. The officials interviewed in all phases of the INS organization were in agreement that the lack of facilities to house juveniles was a serious problem, but was attested to as particularly critical in Arizona where there was no nearby juvenile detention center to provide backup support. According to INS policy, the service process centers (located in Port Isabel and El Paso, Texas and El Centro, California) are not to be used for juveniles who are to be placed with local youth/child services. The problem from the perspective of the objectives of the federal juvenile justice legislation is that for purposes of determining appropriate placements, "juvenile is defined by state law. According to Texas law, a juvenile is under the age of 17, therefore, a 17 year-old can be held in an INS operated service process center in Port Isabel without violating INS policy or state law.

On December 11, 1979, the day of the on-site visit to Port Isabel, there was one 17-year old male detained at the center. He was from El Salvador and had been at the center since December 7, 1979. On December 12, 1979, the date of the on-site visit to the service process center at El Paso, there were five 17-year olds in detention at the service process center in El Paso, three from Mexico, one from Belize and one from Guatemala. The youth from Belize had been in custody since November 29, 1979; the youth from Guatemala had been confined since November 24, 1979. He had been ordered deported on November 29, 1979, but was awaiting travel documents. Two of the three Mexicans had been apprehended on December 10, 1979, one on December 3, 1979. The detention and deportation supervisor stated that it usually takes at least four or five days until a file is transferred from the Border Patrol to Deportation.

The physical aspects of the service process center facilities visited were similar. They are secured by fences and barbed wire and backed up with sensory and television monitoring devices. At El Paso, which was representative, there were two 100-bed barracks, with 49 aliens in custody on December 12, 1979. There is a television in each barracks and a "recreation pen" outside. There are no medical facilities on the premises and no provision for any kind of routine medical care, including an examination at the time of admission.\* There is no attempt to prevent 17-year olds from mingling with the other aliens. Neither the Texas nor the El Centro detention officers admitted to ever holding a juvenile younger than 17 or 18 respectively. However, according to a report from the proprietor of one of the alternative placements in El Paso, Texas, an occasional "trouble-maker" will be returned to custody at the Service Process Center. Clearly, however, it is INS policy on a regional as well as a national basis to discourage these incidents. In a memo dated March 19, 1979, Durward Powell, INS Acting Regional Director,

\*INS reports that since December, 1979 a nurse has been hired.

Dallas, Texas, stated that in the event juveniles under the age of 17 were brought to the attention of the District Director,

...and other suitable facilities are not available, it is recommended that they be granted immediate voluntary departure. If this is not possible as in a case relating to a male OTM juvenile without a travel document, I would go along with your recommendation to house him in a vacant house at the Service housing project provided you furnish constant surveillance. This approval is granted because it is more economical and I understand it is also easier to feed and keep constant surveillance on aliens at the housing project than it would be at a local motel. This procedure, however, must be kept at a minimum and, when used, I would like to be informed by telegram of each and every occurrence including the need for such detention and the length of time such temporary detention is anticipated.

Even this policy with substantial qualifications and safeguards has subsequently been revoked. Juveniles (under the age of 17) cannot be held on service center grounds at all.

Since the number of INS owned and operated facilities is limited and cannot accommodate juveniles, regional and local officials are obliged to look to contract facilities to provide appropriate juvenile placements. Often, these contracts are the same ones negotiated by the U.S. Marshal Service. This is the case with the Imperial County Juvenile Detention Center Service in El Centro, California, with the Los Angeles County Juvenile Hall in Los Angeles, California and with the Bernalillo County Juvenile Hall in Albuquerque, New Mexico. During September, 1979, 14 children were detained by INS at the Imperial County Juvenile Detention Center, a secure facility. One child was detained for two weeks; the remaining juveniles were held overnight. Nine children were detained in November, 1979 for a total of 15 person-days. Six juveniles were admitted by INS to the Los Angeles County Juvenile Hall between November 29, 1979 and December 3, 1979. Of these, four were released to INS on December 10, 1979. There were no federal juveniles in the Bernalillo County Juvenile Hall on December 14, 1979. These centers are

all secure detention facilities housing youth who have committed serious offenses. Though the Los Angeles County Juvenile Hall makes an attempt to place all INS prisoners in a ward with less aggressive prisoners, none of the facilities segregates the undocumented aliens from the mainstream detention center population.

INS is also enabled by an emergency clause to negotiate its own contracts on the local and regional level. Local officials are motivated to find alternatives to juvenile detention centers by the total absence of suitable placements or by budgetary constraints. INS officials seek, when possible, to avoid placing children for an extended period in high-cost county detention centers, e.g., Los Angeles County at \$85 a day. The outcome of this shortage of resources and funds in all the areas surveyed is that INS has resorted to contracting or entering into informal agreements with home-like settings operated by humanitarian organizations such as the Salvation Army or occasionally by altruistic individuals who charge the service minimal per diem rates. Most areas have developed some of these alternatives. With respect to the services provided, Owen Oats in the Albuquerque INS district office stated that he would not walk into the All Faiths Home, Salvation Army, which holds families and children, and try to jeopardize this arrangement." Mr. Oats attributed his reluctance to disrupt the status quo to the caring atmosphere at the All Faiths Home and the unusually low rate of \$12 per day.

In El Paso, INS places families and young children in the "Mossman House," a private home owned by Meta Mossman, 20 miles outside of the city. On the day of the visit, December 12, 1979, there were three children at the Mossman Home, two in the custody of the U.S. Marshals, one in the custody of INS. Mrs. Mossman reported that often U.S. Marshals or INS officials come to pick up a child without possessing the release papers. During the visit a representative from the U.S. Marshals telephoned in search of a child who had "slipped through their fingers."

Mrs. Mossman stated that there were no inspections by USMS or INS, and that there were no written terms or agreements. She said that children and their mothers were usually placed with her when they were OTM and did not have travel documents. She estimated the average length of stay as several months and recounted the story of a woman who was held for five months pending her testimony at a trial which never took place. The environment at the Mossman Home was warm and homelike though physically in a state of disrepair.

The Tucson Border Patrol has developed similar alternatives in Arizona, the Abrams Ranch and the House of Samuel, though these arrangements are more formal insofar as there are FBOP contracts. Due to the lack of space in juvenile detention centers in Arizona, jails with federal contracts are also used for housing juvenile aliens on a limited basis. Sight and sound separation has been verified to exist in the Nogales County Jail. Since January, 1980, the Douglas County Jail will no longer accept federal juveniles, and the Pima County Jail will hold them for a maximum of 15 days pursuant to an informal agreement. Review of the records indicated that during the month of November, a mother (USMS) and her two children (INS) were placed at Abrams Ranch, and still remained there on December 20, 1979; a 16-year old Mexican female (USMS) was detained at House of Samuel from November 23 to November 28, 1979. The deputy chief agent at the Tucson Border Sector Headquarters estimated that five or six juveniles are detained in an average month.

The attitudes of many of the Border Patrol and Deportation officials with respect to placement of juveniles can be summarized as paternalistic and frustrated. They are frustrated by the lack of financial or program support they receive and the continuous media trials and political criticism which they endure. They maintain that they are attempting to do their job, enforcing the Immigration laws of

the United States in the most humanitarian way. These good intentions are evidenced in the local and regional efforts of the Border Patrol to develop homelike alternatives to jail cells and detention centers. What emerges as a matter of concern, however, is the failure to formalize these arrangements. The absence of written agreements affects the accountability of the placement facility. The Central Office is apparently largely indifferent to the desperate situation faced by the regional officials, a situation made even more critical because the lack of adequate placements for women and children is known to smugglers and has resulted in women and children being routinely interspersed in smuggling loads to reduce the probability of prosecution.

#### D. Material Witnesses

The U.S. Marshals Service is charged with the custody and detention, if necessary, of material witnesses pending their testimony in federal court. The increase in the volume of alien material witnesses in detention can be traced to INS and Drug Enforcement Administration policies advocating an intensified effort to apprehend alien smugglers and to the Ninth Circuit Court of Appeals decision, U.S. v. Mendez-Rodriguez\* which applies to both California and Arizona, border states with the greatest influx of aliens. While all Border Patrol officials conceded that there was a critical shortage of appropriate placements for the increasing numbers of female and juvenile material witnesses, there was no service-wide compilation in either agency of the actual numbers of juvenile material witnesses, thereby precluding any meaningful assessment of the dimensions of the problem. The U.S. Marshal Service stated in its response to this report that a data reporting system for aliens held in Marshals Service custody has been established to provide increased conformation to the Prisoner Support Division.\*\* The low priority placed on

\*450 F.2d 1 (9th Cir., 1971).

\*\*During FY 1980, approximately 79,000 individuals were remanded to U.S. Marshal secure custody. Of these individuals 975 were juveniles of which 469 were processed in the District of Southern California. There is still a breakdown of juvenile placements in the number of juveniles in jail.

documenting the number and length of stay of juvenile witnesses was illustrated most clearly by Tom Green, the Director of the Pre-trial Services Bureau in Los Angeles. The Pre-trial Services Program was created by the Speedy Trial Act of 1964 on an experimental basis in ten districts to reduce unnecessary detention. Mr. Green stated that while material witnesses were placed by the Bureau, and while the best criminal statistics existing were kept on most clients to indicate the level of pre-trial services delivered by the Bureau, there were no statistics required on material witnesses because no credit was awarded. Mr. Green stated, in addition, that there was a 24-hour delay among those alien cases which were assigned to Pre-trial Services and that most children had already spent one night in custody. In all other cases, the Bureau is notified immediately of a child's detention status. Mr. Green attributed the delay to the enormous amount of paperwork which is required by INS regulations to be completed within 24 hours. Therefore, it is not unlikely that a mother and her children will be held overnight in a Federal Bureau of Prisons community treatment center, a placement which inevitably results in the intermingling of juveniles with adults incarcerated for commission of a crime.

Los Angeles is the largest metropolitan area in the Southwest Border region and for this reason undocumented alien youth, especially those from other than Mexico, may be transported there so that travel documents can be procured from the appropriate consulate, and so that airline flights can be arranged back to their native country. Los Angeles serves as the focal point for deportation of undocumented alien youth, however, neither the U.S. Marshals nor the Immigration and Naturalization Service have developed any significant alternative placements for youth to the Los Angeles County Juvenile Hall. Therefore, juvenile alien witnesses charged with no violation of law are, according to the statements of the director and staff of the Los Angeles County Juvenile Hall, routinely intermingled with adjudicated delinquents for frequently up to three months. There is a convent in

Los Angeles which by agreement with the U.S. Marshals will hold five or six young female children, but a prior FBOP contract for an alternative placement was not reviewed and, according to the Chief Deputy U.S. Marshal in Los Angeles, no real effort has been made to develop replacement facilities. The detention supervisor at the Los Angeles District Office of INS refused to be interviewed for this study stating, "We have nothing to do with juveniles in this office."

As indicated above, a significant contributing factor to the recent increase in the number of material witnesses in custody is the Ninth Circuit decision U.S. v. Mendez-Rodriguez. A breakdown from the U.S. Marshals Office of Southern District of California, the only office or district to compile comprehensive statistics, indicates that for the calendar year 1978, 38 percent of all prisoners and 56.8 percent of all alien prisoners were material witnesses. During the peak years of 1972, 1973, and 1974, following the Mendez-Rodriguez decision, 42-43 percent of all prisoners were materials witnesses. The Mendez-Rodriguez decision held that the defendant charged with conspiring to smuggle aliens into the United States and transporting aliens within the Southern District of California, was denied due process and the right to compulsory process by the government's action in returning to Mexico three of the six witnesses to the offenses before the defendant had the opportunity to interview them. The result of this holding is that in the absence of a stipulation of "no showing of materiality" by the U.S. Attorney and the defense counsel at the preliminary hearing, all witnesses are compelled to testify and can be detained pursuant to 18 U.S.C. 3149. The Border Patrol sector deputy chief in Tucson stated that in Arizona the defense attorneys are not cooperative and are unlikely to agree to the release of witnesses. In Arizona, the Mendez-Rodriguez decision acts to increase the pressure on Border Patrol agents and U.S. Marshals to locate appropriate placements for juveniles in an area where there is already a desperate shortage of such facilities. The U.S. Marshals are currently inquiring

into contracting for space at the Pappago Tribal Detention Center in Sells, Arizona, an isolated area over 60 miles from Tucson.

The participants in the federal judicial process in the Southern District of California merit a closer look because they are extremely sensitive to the plight of the juvenile material witness and in a spirit of cooperation and innovation have made substantial progress in minimizing the trauma to the detained alien youth. U.S. Magistrate Edward Infante stated that the Mendez-Rodriguez decision reflects a situation where the defendant, the prosecution, and the witness all have conflicting due process rights. At a preliminary hearing held five to ten days after the initial hearing, the burden is on the defense counsel and the U.S. Attorney to show cause why they need a particular witness. Usually, in San Diego the prosecution will retain two or three witnesses, but the U.S. Magistrate urges the parties to take depositions and sometimes the Court will order them. Judge Infante acknowledged the irony that a juvenile prosecuted under the Federal Juvenile Delinquency Act must be tried within 30 days, whereas a juvenile witness or dependent of a material witness can remain in custody a much longer time. Similarly, the defendant smuggler is likely to be immediately released on bond while the material witness remains confined. The U.S. Marshal's Annual Report for Fiscal Year 1979 indicates that in the Southern District of California, of the 384,407 undocumented persons apprehended, 49,420 were juveniles. The U.S. Marshal has contracted with the Salvation Army, who operate a home within San Diego capable of holding up to 40 material witnesses and their children or unaccompanied juvenile material witnesses. Though this facility provides as near an ideal setting as possible for mothers and children, including an infirmary, an outdoor recreational area and semi-private rooms, the Salvation Army will not accept any resident who has not undergone a complete medical examination at the Federal Bureau of Prison operated Metropolitan Correction Center. The

MCC in San Diego is a maximum security facility. On December 28, 1979, there were 12 alien children incarcerated there. A child's minimum stay pending transfer to the Salvation Army is three-four days. Children are held on the hospital floor and are effectively separated from adult prisoners. Therefore, even in Southern California the model district in the humanitarian treatment of alien juveniles and material witnesses, children who have not committed a crime are routinely confined in a maximum security setting.

The monitoring and reporting aspects of the undocumented alien issue demand further emphasis. The records of the juveniles apprehended, voluntarily returned, confined, or deported are kept by the Border Patrol and copies are sent to the central office. Other than in Southern California, the number of juveniles is not statistically broken down. The only breakdown is the combined number of women and children 14 or older. Based on the figures that 49,420 of the 384,407 illegal aliens apprehended in Southern California were juveniles, 17 years old or under, it could be projected that of the 149,722 undocumented aliens apprehended by the U.S. Border Patrol headquartered in El Paso 19,248 were juveniles. As large as these figures are, they are limited to material witnesses; they do not include those children apprehended purely for illegal entry and they are only from two Border Patrol sectors. Certainly the first step in assessing the responsibility increasing the accountability of INS and the U.S. Marshals Service for the handling and detention of juveniles would be the institution of a system whereby the numbers of these juveniles, the reasons for their apprehension, and the time and place of interim and final disposition was adequately recorded by the regional offices and reported to the INS and USMS central offices. A further step in increasing the accountability of regional officials is the institution of guidelines and criteria for juvenile care facilities contracted with, and the provision of technical assistance to these regional officials in developing these alternatives.

As was constantly reiterated by officers of the court, Border Patrol agents and administrators of detention and alternative placement facilities, the problem of the custody of the alien juvenile must be viewed in a broad cultural and international context. The staff of the most secure and regimented detention centers reported that the alien children, though frightened, welcomed the guarantee of shelter and three meals a day. The children that venture over the border into California may be leaving a home consisting of a cardboard box by the river. The problem is much larger than the temporary custody of these youth, but must be addressed by the leaders of the Mexican, American, and other involved governments to guarantee these children the basic necessities of food and shelter, as well as to promote their opportunities for education and employment.

### III. NATIVE AMERICAN YOUTH

#### A. Tribal Court Jurisdiction v. Federal Jurisdiction

Jurisdiction is probably the most confusing area with which Indian courts have to deal. The conflicts of state, tribal, and federal jurisdictions prevent effective law enforcement on the reservation. Federal laws slice Indian reservations into jurisdictional jigsaw puzzles and create problems for Indian police and courts. (Indian Courts and the Future, The National American Indian Court Judges Association (1978), p. 45.)

#### Introduction

The basic sources of tribal powers of self-government--and thus the power to create a tribal court system and in many instances to establish standards for determining what conduct is criminal--are: (1) judicial authority which has held that powers of self-government are derived from the quasi-sovereign status of Indian tribes, and (2) federal statutes. Tribal powers are only subject to be qualified by treaties and by express legislation of Congress.

As to the jurisdiction of tribal courts, generally tribal courts have exclusive jurisdiction over most cases involving Indians who have allegedly committed crimes to the person or property of other Indians in Indian country. The major exception to this jurisdiction is the Major Crimes Act, pursuant to which federal courts have exclusive or concurrent jurisdiction over 14 major crimes committed by anyone on Indian land (including Indians). As to jurisdiction over offenses by Indians against non-Indians in Indian country, tribes are considered to share concurrent jurisdiction with the federal courts pursuant to the General Crimes Act. Both of these Acts are discussed subsequently.

#### Jurisdiction over Offenses Committed by Indians

Indian tribes possess significant, but not unqualified, authority to govern the conduct of members and non-members of the tribe residing on Indian reservations.

With the exception of the 14 offenses enumerated in the Major Crimes Act over which the federal government has asserted jurisdiction, tribes retain sole and exclusive jurisdiction over offenses committed by Indians against Indians in Indian country which do not affect the person or property of non-Indians.\* Tribal and federal governments share concurrent jurisdiction over offenses committed by Indians against the person or property of non-Indians.

#### The Major Crimes Act

In relevant part, the Major Crimes Act provides:

All Indians committing any offense listed in the first paragraph of and punishable under 18 U.S.C. 1153 (relating to offenses committed within the Indian country) of this title shall be tried in the same courts and in the same manner as are all other persons committing such offense within the exclusive jurisdiction of the United States.

An Indian who commits against the person or property of another Indian or other person any of the following offenses, namely murder, manslaughter, kidnapping, rape, carnal knowledge of any female, not his wife, who has not attained his age of sixteen years, assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury, arson, burglary, robbery, and larceny within the Indian country, shall be subject to the same laws and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States.

As the law indicates, the federal government is vested with jurisdiction over the offenses listed committed by Indians against the person or property of other Indians or a non-Indian. Whether the Act ousts tribal courts of jurisdiction over these offenses has not been settled definitively. The legislative history of the Act indicates that the jurisdiction of the United States was intended to be concurrent with the jurisdiction of existing tribal tribunals, whereas the Bureau of Indian Affairs has taken the position that federal jurisdiction is exclusive in this area.

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\*The most recent legislation limiting tribal jurisdiction is the Indian Civil Rights Act which restricts tribal governments in most of the same ways the federal and state governments are restricted by the due process standards of the U.S. Constitution.

Many tribal codes presently penalize conduct which would also constitute an offense under the Major Crimes Act, and it is not uncommon for federal authorities to turn over to the tribal courts cases which lack aggravating circumstances even though they could be prosecuted in federal court. As mentioned above, since the Bureau of Indian Affairs has taken the position that federal jurisdiction is exclusive in this area, tribes are often left without means to prosecute serious offenders except under lesser included offenses with, of course, the Indian Civil Rights Act limitations of six months imprisonment and \$500.

Prosecution and investigation of crimes on reservations where states (Public Law 280 jurisdictions\*) and the federal government (all reservations for major crimes) have a mandatory duty to provide such services is a sore point among Indian tribes. Performance of these duties is almost universally considered inadequate. The confusing morass of overlapping tribal, state, and federal jurisdictions causes inefficiency and competition among law enforcement agencies and prevents effective investigation, leading to lack of prosecution by responsible authorities.

#### General Crimes Act

Except as otherwise provided by law, the general laws of the United States as to the punishment of offenses committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country.

This section shall not extend to offenses committed by one Indian against the person or property of another Indian, nor to any Indian committing any offense in the Indian country who has been punished by the local law of the tribe, or to any case where, by treaty stipulations, the exclusive jurisdiction over such offenses is or may be secure to the Indian tribes respectively. (18 U.S.C. 1152)

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\*Public Law 85-280 extended certain aspects of civil and criminal jurisdiction over five (later six) states and allowed others to assume such jurisdiction by state action.

As the above provisions indicate, the Act vests the federal government with jurisdiction to punish offenses by non-Indians against the person or property of Indians, and offenses by Indians against the person or property of non-Indians.

The first exception in the Act: "This section shall not extend to offenses committed by one Indian against the person or property of another Indian" confirms that tribes have exclusive jurisdiction over crimes by Indians against Indians in Indian country. This is true except for the 14 crimes over which the federal government has asserted jurisdiction under the Major Crimes Act.

In addition, under the second exception in the General Crimes Act, which covers offenses which have already been punished by the local law of the tribe, tribes are considered to share concurrent jurisdiction with federal courts over offenses by Indians against non-Indians in Indian country.

#### The Assimilative Crimes Act

The Assimilative Crime Act, 18 U.S.C. 13, provides that a person guilty of any act or invasion which, although not made punishable by an act of Congress, would be punishable if committed in the jurisdiction of the state in which the federal enclave is located, is guilty of a like offense and is subject to a like judgement. In 1946 the Supreme Court affirmatively held that this law gives Federal courts jurisdiction to try persons who violate state law on Indian reservations.

While it is clear that offenses by Indians against Indians do not fall under federal jurisdiction under the General Crimes Act, it has not been definitively settled whether state law may be used in federal court under the Assimilative Crimes Act to define and punish essentially victimless offenses by Indians in Indian country, i.e., offenses which do not involve harm to a person or damage to property.

B. Tribal Court Systems and Facilities

The Bureau of Indian Affairs, Policies and Practices

The Bureau of Indian Affairs has funding responsibilities for 122 tribes. The court systems can be classified as traditional, tribal and courts of Indian offenses. There are 15 traditional courts concentrated in New Mexico and descended from the Spanish system. There are 28 courts of Indian offenses which operate under a set of rules and procedures created by the Bureau of Indian Affairs (25 CRF pt. II). Tribes which have adopted their own codes usually modeled closely after the BIA code are known as "tribal courts." Detention facilities for reservations are owned and operated by the BIA and various tribes. Some Bureau facilities are tribally controlled. The Bureau and the tribes use municipal and county facilities on a contract and subsistence basis where no Bureau or tribal facility is available.

According to the chief law enforcement officer at BIA, despite the Bureau's guardianship role, their authority to influence juvenile court placements is limited. There are no federal juvenile officers on reservations in the United States. As an illustration of Bureau "helplessness" the law enforcement chief referred to an adult correctional facility at the Pine Ridge reservation in South Dakota funded by BIA at \$1.5 million and currently under construction. There is no contract monitor on the reservation and no control can be exercised over the construction process short of rescission of the contract by the Secretary of the Interior.

A Native American youth adjudicated delinquent for commission of a misdemeanor (including liquor violations which are responsible for 98 percent of the arrests on reservations) can be committed by a tribal judge to a secure detention facility for a maximum of six months under the 1968 Civil Rights Act. The Chief of Law Enforcement admitted the widespread failure to separate juveniles from adults in

correctional facilities and attributed it to a lack of a sense or urgency on the part of the Bureau and tribes in addition to the outdated and dilapidated tribal facilities. A representative from the National American Indian Court Judges Association blamed the tribal lack of commitment to improved facilities on federal laws such as the Indian Civil Rights Act or the Major Crimes Act, which limit and preempt tribal court jurisdiction and which effectively render tribal judges impotent in the handling of all serious matters. From this perspective the tribal judge's function is limited to the warehousing of prisoners until the arrival of the FBI, and this results in a sense of frustration which translates into a lack of concern about improvement of or alternatives to existing facilities.

Most attempts by the Bureau of Indian Affairs or by LEAA to provide massive funding for the construction of new facilities have been ineffectual because the prepared designs were not responsive to tribal needs or because funding allocations did not include staffing and operational considerations after the facility was erected. Though LEAA funded 35-40 facilities over the past six years, monies were abruptly terminated leaving many projects in varying states of incompleteness. The Bureau has no authority to intervene in tribal sentencing, but it can report a violation under the Civil Rights Act of 1968. In 1977 the Bureau inspected the law enforcement facilities on 63 reservations and reported that there was inadequate separation of juveniles and adults in 54 of them. The tribes surveyed reported an average daily juvenile population of two to four persons with some reporting daily juvenile populations up to 16. In a memorandum dated January 23, 1979 to the chief law enforcement officer, the acting chief inspector of the Bureau's Inspection/Evaluation Unit described inadequate and inappropriate facilities, noting for example, "All interiors are not designed strongly enough to resist

vandalism or damage to inmates when taken apart and utilized as weapons." Based on a description of Indian facilities as "old and ill-suited for jails" and described as appropriate to be "condemned," the BIA chief law enforcement officer warned his supervisor in a memorandum that the Bureau was potentially liable for violations of Title II of the Civil Rights Act.

The Indian Health Service at the Department of Health, Education and Welfare shares the responsibility for inspecting law enforcement facilities. Its findings and recommendations are forwarded to the Area Director. The tribes are divided into nine areas. The Area Director, elected by tribal chairman has the authority to allocate BIA funds. An extensive survey of LEAA funded tribal correctional facilities was conducted in June, 1979 by the Indian Health Service and forwarded to the BIA Office of Law Enforcement. The original and only copies of these surveys were dispatched to LEAA. Repeated contacts with LEAA, and search by LEAA Indian Desk officials, have failed to locate the surveys. The "loss" of these surveys means that the results of the most recent and extensive evaluation of physical jail conditions on the reservations remains unknown.

Arguably, it is the Bureau's "lack of a sense of urgency" about youth which is the principle obstacle to alignment of tribal detention practices with the objectives of the Juvenile Justice and Delinquency Prevention Act. There is no juvenile office in the Bureau of Indian Affairs; the BIA Law Enforcement Manual specifies only "whenever possible (emphasis added) juvenile prisoners shall be detained separately and apart from adults or promptly transferred to juvenile detention facilities if any are available" (68 BIAM 2.9). The Chief of the Judiciary Section at the Bureau of Indian Affairs admitted that the Bureau seldom promotes substantive policy initiatives to the tribes and has never suggested incorporating

the deinstitutionalization and separation objectives of the JJDP Act into tribal codes. Apparently, these issues have been raised at tribal judges' training conferences conducted by the National American Indian Court Judges Association. The majority of tribal codes do not distinguish between juveniles and adults. In 1977 the American Indian Law Center was commissioned by the Bureau to draft a model juvenile code, which would be applicable to 28 tribes operating under the Code of Federal Regulations, but which could potentially serve as a guide to all tribes seeking to improve the predicament of juveniles in the tribal justice system. This model juvenile code was reportedly scheduled last August for publication and review in the Federal Register by September, 1979. The Division of Social Services has lost track of the model code. Further, the Social Services Division has entirely allocated its authority to explore alternative placements for juveniles to the Area offices.

The Judiciary Section is equipped to perform a limited technical assistance function upon request by the chief judge or tribal chairman, however, only three staff are assigned to technical assistance nationwide, and the number of requests filled in a year is not likely to exceed 15 or 20. The Judiciary Section Chief acknowledged the possibility of the Bureau instituting a civil rights action against the tribes for the improper incarceration of children in tribal facilities, but apparently no such litigation is contemplated. It would be inaccurate to imply that the lack of priorities placed on juvenile detention facilities and on the development of community youth programs is a condition unique to administrative officials isolated from the daily realities of life on the reservation. As indicated by the Area Director in Aberdeen, South Dakota, the allocation of BIA funds is a function of tribal priorities. The reluctance of many of the tribes to commit substantial resources to improve the condition of youth on the reservation will

be discussed in further detail below in the descriptions of the programs and facilities on those reservations surveyed.

C. On-Site Survey Methodology: Tribal Facilities

The traditions, philosophies, governmental systems and cultural characteristics of the 122 Indian tribes funded by the Bureau of Indian Affairs vary among geographical areas, tribes, and reservations. In accord, their forms of government, including the judicial systems, will be distinguished by the additional variables of the tribe's jurisdictional relationship with the state under laws such as PL 83-280 (cf. jurisdiction above). Therefore, it was acknowledged from the outset that the findings gathered from visits to a sample of tribal facilities and programs could not be interpreted as applicable to all Native Americans or even to reservations belonging to the same tribe or in the same geographical area. The selection of the nine reservations to be visited was governed by the principal emphasis of this study, to assess the conditions of confinement of children in federal custody, and to ascertain the form and degree of input by the five target agencies into the structuring of these placement alternatives. The reservations visited were all under the guardianship of the Bureau of Indian Affairs. Most had received, or were in the process of negotiations with LEAA for receipt of facility construction funds. The schedule of on-site visits was based on information gathering from officials at the Bureau, at LEAA, at the state planning agencies and from representatives of the National Tribal Court Judges Association and the Native American Rights Fund. The selection criteria were designed to afford an overview of tribal juvenile justice systems and juvenile facilities. The reservations surveyed, though concentrated in three states (New Mexico, Arizona, and South Dakota), represented a broad range of judicial approaches, social services participation, legal representation and

placement alternatives for juveniles. The findings and figures reported and described here are not represented as applicable to all Indian tribes, but as a functional illustration of the scope of issues faced by tribal criminal justice systems. An attempt is made to distinguish problems and progress attributable to federal intervention from conditions indigenous to the tribe. An additional constraint in interpretation was the limited time period spent on each reservation and the resulting inability in some cases to interview all personnel in a position to provide relevant perspectives on the juvenile justice system on the reservation where geographical distances are great.

Based on the above considerations the locations chosen for on-site visits were: Cheyenne River Sioux; Ogala Sioux, Pine Ridge; Rosebud Sioux; Sisseton-Wahpeton; Taos Pueblo; Santo Domingo Pueblo; Navajo; Pappago; and Salt River. Contact with the tribe was initially established through a letter to the tribal chairman, explaining the purpose of the project and requesting the opportunity to meet with him or other knowledgeable officials to discuss the out-of-home placements of juveniles and to inspect the facilities on the reservation where juveniles would be held. A questionnaire was enclosed with the letter indicating the kind of information desired on the types of facilities on the reservation and the numbers of juveniles who were held in various conditions over a 30-day period (Appendix A). Interviews were arranged by telephone with the tribal chairman or tribal judge. An interview instrument was designed as a guide for on-site inspection of facilities (Appendix B).

The most traditional tribes visited were the Taos Pueblo and Santo Domingo Pueblo in New Mexico, generally alluded to as descendants of the Spanish system. The Pueblos rely firmly on a cultural base laid down centuries ago and are committed to preservation of this heritage. This philosophy of self-containment was manifested

in a reluctance to engage in any more than a brief conversation with outsiders and an unwillingness to provide details about the extent of juvenile problems on the reservation or the alternatives available for youth. The tribal administrator and secretary at the Taos Pueblo frankly stated that though they had agreed to the interview they did not like to talk to non-Indians about tribal affairs and were displeased about the tribe being specifically named. Their apparent concern was in concealing the degree to which tribal youth were tempted by the corruption of a "materialistic, Anglo, middle class, American culture." These administrators feared that the trend was away from a family oriented culture which could only be exacerbated by the intervention of outsiders including those posing questions about tribal detention facilities and practices for youth. The officials interviewed were optimistic about the assumption of tribal control by a younger group of educated men dedicated to the resolution of these cultural conflicts. These new leaders endorse the Indian Child Welfare Act and advocate that children should remain on the reservation. Due to the limited information which the tribal officers were willing to provide about juvenile crime and detention, the interview is set forth below.

Q: How many people are on the reservation?

A: No response.

Q: What types of facilities are on the reservation?

A: No facilities.

Q: Are children ever placed in a detention setting on the reservation?

A: Eight children in the past year.

Q: Have any children been referred through the juvenile justice system to a detention or foster home placement off the reservation?

A: One girl, placed temporarily by BIA social services, but she's returned.

Q: Are any facilities planned?

A: Negotiations are currently being conducted with some federal agencies.

Q: Which ones?

A: No response.

The Santo Domingo Pueblo were similarly unwilling to discuss the status of Native American youth on the reservation with non-Indians. The tribal secretary, though he had also agreed to the interview, stated that he would not respond to the questions in the mail survey or in the interview guide without the benefit of a formal tribal resolution. These responses were never completed or returned. The tribal officials did state that there were no facilities on the reservation at that time and if a child needed to be temporarily held, it would be in the tribal offices. In the event of a serious offense, he might be taken to the county jail. However, the sheriff and probation workers at Bernalillo County Jail stated that juveniles are not admitted under any circumstances. Under LEAA's now defunct construction program, the Santo Domingo Pueblo were allocated \$129,000 for a new facility. However, the tribe differed with LEAA insofar as it wanted to house juveniles within the same building and would not agree to the architectural design. Through an interagency transfer the funds are still earmarked for construction of a facility through the Bureau of Indian Affairs. Provision of the funds, however, will be contingent on a tribal resolution that no children will be held there. While tribal officials have offered verbal assurances, the requisite formalization has not occurred, and the funds may be in jeopardy if the delay continues.

Despite the sparsity of conventional data gathered from Pueblo tribes visited, there are two cultural insights which emerge and play a role to some degree in all those tribal justice systems surveyed. First, from a policy standpoint, youth and specifically the treatment of delinquent youth will generally not be a priority matter with the tribal council. Second, the development of facilities and alternative placements for youth in custody is likely to be a focal point of conflict between generations. As indicated, both of these Pueblo tribes receive or are in the process of negotiation for receipt of federal funds. The Santo Domingo experience

indicated that with LEAA influence BIA construction grants could be awarded, contingent on the separation of juveniles from adults.

Of the seven remaining reservations visited, two had established juvenile detention centers. The others were utilizing jail or lockup facilities in combination with a broad range of group home or foster care arrangements. These programs were involved with the Social Services Division of the Bureau in varying degrees, a subject which will be discussed in more detail below. The on-site visits did serve to verify the warnings of Bureau officials and Indian leaders that no sweeping generalizations could be derived from a limited number of interviews or facility inspections. However, increased access to facilities, records, and decision-making personnel did yield one finding critical to the coordination of juvenile delinquency efforts which was verified upon follow-up. This conclusion can be fairly stated as a failure to keep any type of adequate records or statistics on the volume or type of juvenile crime on the reservations, the age or background of the child most likely to have contact with the juvenile justice system, and the length or place of confinement.

Though the juvenile detention centers at Sisseton and Pappago had the capability for tracking their own inmates, the court and jail statistics which are eventually the principal data sources evidence no system of organized record-keeping. Jail records were limited to juvenile log books, when they could be located, consisting of police entries noting the offense for which a child was booked into a facility, the time of admission and sometimes the time of release. According to statements by law enforcement officials most children were released to the custody of their parents. If, instead they were released to a tribal social service group, a local sheriff or a U.S. Marshal, this was not always evident from the logs. This failure to ascertain the place of juvenile detention and the outcome of arrests

was verified by a spokesman from the BIA Research and Statistical Unit in Brigham City, Utah. The Research and Statistical Unit produces an annual report scheduled for publication in mid-April, 1980. The reporting deadline from the tribes was February 29, 1980. As of March 2, reports had been received from only 50 percent of the tribes. An optimistic estimate of the total number of tribes who will eventually submit reports was 80-85 percent. However, this data is limited to that supplied by BIA police, therefore, from those reservations where no BIA police are present, such as Pine Ridge, there are no statistics at all. A more serious limitation, however, with respect to juveniles and specifically the detention of juveniles, is that the data required for juveniles is simply a record of arrest, offense, and the daily average number of days in confinement. Computation of the average number of days in confinement is strictly for budgetary purposes. There is no statistical correlation between the offense for which a juvenile is arrested, the length of time, and the place in which he may remain incarcerated. An attorney for the Native American Rights Fund also expressed frustration at the Bureau's failure to account for the processing of juveniles through the tribal justice systems. She stated that once the inadequacies of the Brigham City facility were apparent she contacted the Bureau's Chief of Law Enforcement and "volunteered" to set up tribal court intake forms, which could be keyed into a central computerized system. This offer was politely acknowledged but ignored by the Bureau. According to a source at LEAA, the Brigham City facility was just underway and complete revision of the system was deemed impractical at the time the offer was made.

As indicated in the jurisdictional discussion above, a Native American by virtue of the Major Crimes Act or the General Crimes Act may be within the jurisdiction of the federal courts. U.S. probation officers compile statistics on the number of juveniles initially accepted for prosecution by the U.S. Attorney. These

statistics are reported to the U.S. Parole Commission, however, they are not broken down by race, therefore a determination of the number of Native American youths prosecuted would require re-examination of each intake worksheet. There has been some effort by U.S. Parole Commission officials in California to break these figures down according to race. Their refusal to do so is particularly anachronistic in light of the fact that the Federal Bureau of Prisons does compile racial statistics.

The discussion of the remaining reservations visited will include descriptions of exemplary programs, of effective individuals able to wrestle funding and support from a system entrenched in apathy, as well as reports of totally inadequate and insensitive placements, and of children incarcerated with adults in filthy and dangerous conditions. Prior to this discussion, however, it should be emphasized once again that the Bureau of Indian Affairs has no effective system for monitoring who these children are, where they are held, or for how long, and that they do not consider it a priority.

#### Sisseton-Wahpeton Youth Detention Center

The Youth Detention Center is a separate building capable of housing 12 boys and ten girls. It is described as a secure facility because the doors remain locked, however, after the first three days of commitment the children attend their regular schools and after accumulating a specified number of points on a behavior modification plan, they can leave the facility for home visits or scheduled cultural or recreational events. The minimum commitment to the Youth Detention Center is for a 30-day evaluation period. A hearing is held after 30 days at which time a recommendation is made whether the child should be released to his parents or continued for up to 60 additional days. The staff consists of seven child care workers.

They are borrowed from other programs or funded by a private foundation. The staff estimated that 48 percent of admissions were alcohol related, consisting of consumption of alcohol, CHINS, and truants. The Center social workers have established a close working relationship with the state social services department. A juvenile apprehended for a minor offense but petitioned as a CHINS can be handled by the tribe under the Indian Child Welfare Act. Cooperation with the state, therefore, and referrals back to the tribal court system, can result in prevention of Indian children, particularly CHINS or first time or minor offenders, from being committed to a state facility. Since the Bureau of Indian Affairs will not provide welfare support for adjudicated delinquents, but will for CHINS or abused/neglected children, the tribal judge, a progressive who is supportive of the Center, is likely to alter the charge at the time of adjudication. According to the BIA Agency superintendent at Sisseton, the Bureau retains a low profile with respect to the developing juvenile justice programs at Sisseton, affecting neither an antagonistic nor advocacy position.

One of the most unique and innovative features of the arrest and custody procedures at Sisseton occurs after a child has been picked up by the police. If he is not immediately returned to his parents, he is taken to the police lockup/jail facility, however, he is not placed in a cell. Instead there are staff at the Youth Detention Center on 24-hour call who will come and transfer the youth to the Center, just across the street. If the child is deemed to be so intoxicated as to be uncontrollable, then he is placed in an isolated cell and a Center staff member remains in the cell with him until he is calm enough to be removed. Inspection of the juvenile cell showed that it was clean and that it had suffered some structural damage from violent inmates. The superintendent was open to suggestions as to methods for further soundproofing the cell.

An interview with the Detention Administrator and the Chief of Planning for Wahpeton indicated that funding for the project was initially from LEAA but was supplemented by BIA child welfare funds, CETA money and private grants. One of the ironies to emerge during this discussion of funding was that the designer of this liberal and progressive program was unaware that there was an Office of Juvenile Justice and Delinquency Prevention within LEAA or that it was created to administer legislation mandating the deinstitutionalization of status offenders or the separation of adults from children in adult jails. In light of the enthusiasm with which these members of the Sisseton tribe have sought to coordinate services for youth among the tribal and state courts and the tribal, Bureau, and state social service system, it would appear that the Bureau's non-intervention policy into tribal affairs verged on irresponsibility by not providing this information. With respect to the objectives of the federal juvenile legislation and the facilities at Sisseton, the separation goal has been achieved as described above. A review of the records of the children housed in the facility on the day of the visit (November 11, 1979), showed there were five residents between the ages of 13 and 16. All had repeated contacts with the law enforcement system or histories of out-of-home placements, but three had currently been admitted for truancy and two for violations of probation, all technically classifiable as status offenses. The detention administrator, however, indicated that the program was moving in the direction of a less secure environment and that the principal vestige of security, the locked doors, were primarily for protection of the inmates and the facility.

In summary, there were many exemplary aspects to this program, the intense staffing, the professional therapeutic services provided, the varied educational, recreational and cultural opportunities supplied. The program is also outstanding when viewed from the perspective of the spirit of the JJDP Act. Children are never

admitted beyond the entrance hall of a jail unless they are so uncontrollable as to be literally dangerous to themselves or others. In that case they are placed in a cell separate from adult inmates where they are accompanied constantly by a trained child care worker. Though the Youth Detention Center does hold status offenders in an environment which could be classified as secure under the Act, this was compensated in part by a great deal of program flexibility including the daily attendance by the children at their regular schools. The exceptional aspect of this program is that it allows children who have a history of problems with family, school, or law enforcement to remain on the reservation, whereas previously the only alternatives were to be sent off the reservation to a BIA or privately contracted boarding school. This tribal objective, to retain control over resident youth, has been accomplished by a dedicated effort on the part of several concerned individuals to educate and coordinate the social services, law enforcement and tribal justice officials on the reservation and to establish a working relationship with their counterparts in the state system to assure what is certainly a principal objective of the JJDP Act, to keep youth in their home communities. The credit for this project is attributable to tribal juvenile justice professionals. The role of the Bureau can most optimistically be summarized as benign indifference.

#### Pappago Agency

The Pappago Agency in Sells, Arizona was the only other reservation visited to have a juvenile detention facility. Similar to the Youth Center at Sisseton, the facility was secure and was tribally controlled pursuant to a contract with the Bureau. The facility has a capacity of 20 males and females and receives additional funding through a Public Works Capital Adjustment. The juvenile justice staff consists of a juvenile judge, two case workers, three children's court

counselors, two juvenile officers, and eight detention officers. According to juvenile judge Ned Morris, children picked up by police are brought directly to the detention center. The large majority of juvenile offenses are for drunkenness as Pappago is a dry reservation. At the time of admission, the child's parents are notified immediately. The child will be held from four to six hours until his intoxication has subsided. A child brought in for a liquor violation, however, will not be held longer than six hours unless a parent or relative cannot be located. This is a possibility due to isolated outposts on the reservation, however, a youth must be released within 24 hours unless a detention hearing is held. A petition must be filed within ten days on all detainees, however, Judge Morris indicated that petitions will normally be filed on most youth detained because they fall into the category of "repeat offenders."

A diversion program distinguishes status or first offenders from repeat offenders. A first offender must attend four hours of lectures, at least two of which are geared towards explaining the laws that they violated. The "repeat offender" participates in a six-month court-administered program which includes five components: physical fitness, hygiene, nutrition, peer counseling, and family counseling. The detention workers and social services personnel reinforced the theme that the conflict between Indian youth and the more traditional older generation is often the basis for juvenile misconduct. The philosophy of the Pappago Indian juvenile justice system officials, however, is to reverse the trend towards sending troubled children away from home, a practice prevalent on most reservations. The Bureau has theoretically contributed to endorsement of the development of community alternatives to BIA boarding schools by establishing criteria relating to family situation and income for those youth placed in the schools. Attendance at the school is also "voluntary" now as opposed to court ordered. Although the reality of the voluntariness

must be viewed in the context of the alternatives. At Pappago the tribal court has exclusive jurisdiction over all placements including those by the BIA social services. A recent conflict between Bureau and tribal police authority was resolved by a change in the Bureau's chief criminal investigator. According to both the juvenile judge and the BIA criminal investigations officer, the Pappago have now established a cooperative relationship with the Bureau police and with the social services division.

In addition to the detention center, there is a nonsecure children's home on the reservation, formerly operated by the Baptist Church but taken over by the tribe under the Executive Health Budget. The home is so overcrowded that juvenile court staff often take children to their own homes on an emergency basis. However, the Bureau is reportedly satisfied with present placements and claims to have no money for further contracts or for the development of alternative placements. The Bureau's policies, however, are not the sole obstacle to the creation of better youth programs. At tribal council meetings youth programs are usually the last item on the agenda after such matters as land and water rights.

The effect of the first offender and repeaters program has been significant. In a year the number of children on probation was reduced from 97 to ten. On the day visited only two children were being held--a 16-year old with a current charge of disorderly conduct and drunkenness but with a long record, and one girl who was a runaway ward of the Salt River court and was being held pending her return because her grandmother at Pappago would not assume custody. The judge estimated that five or six children who have committed serious offenses will be sent away from the reservation per year; approximately one per year will be committed by a federal court. With money received from the Save the Children's Fund, young people from the reservation have received training at California State University

and reached out to the schools, to the families, and even to the nearby BIA boarding school, conducting seminars and arranging presentations on alcohol and drug abuse, and showing films such as "Scared Straight" in an attempt to impress on the Indian youth the consequences of involvement in criminal activity. Despite the progress at Pappago and the institution of a wide range of effective and creative programs, the familiar obstacles remain, Bureau indifference and tribal resistance to placing a priority on aid to troubled youth and their families. Judge Hilda Manuel, the founder of the juvenile justice system at Pappago, drafter of the juvenile code, and organizer of the paralegal juvenile officer and defender program and staff training, met with such constant bitter opposition from the more traditional members of the tribal council that she resigned her position as Chief Judge and left the Pappago Reservation. Due to its own initiative, the Pappago Tribe would be evaluated as complying with the separation portions of the JJDP Act. Though status offenders are held in the secure facility for a period exceeding 24 hours, this appears to be an unusual occurrence usually avoided by a first offender program designed to eliminate the non-delinquent offenders from confinement.

#### Cheyenne River

At the Cheyenne River Sioux Reservation in Eagle Butte, South Dakota, there is usually only one alternative to jail for the placement of juveniles by the juvenile court, Lakota O Tipi, a small group home for girls is operated through a contract between the Bureau of Indian Affairs and the Intermountain Center for Human Development in Santa Fe, New Mexico, a nonprofit organization funded by private individuals and foundations and denying any formal affiliation with any particular religious group or organization. A similar home for boys was in the process of organization. Both the chief judge and the juvenile judge claimed the desperate

need for a secure juvenile facility as an alternative to jail. There have been no foster homes or youth programs established by the tribe.

The cooperation of the tribal court system with the state judicial and social services system was not, as at Sisseton, based on the desire to retrieve Indian youth from the state system, but rather was motivated by an interest in utilizing state juvenile placement facilities, specifically the state training school, for Indians committing tribal offenses. In accord, the BIA training schools were viewed in a much more positive light at Cheyenne River than at those reservations where there were alternatives on the reservation. The judges stated that court-ordered placements in the jail were usually only for a few days pending transfer by state or federal officials. The juvenile judge admitted that she recently committed a 16-year old to the jail for 30 days, but he was allowed a parent and a representative from the school as visitors. On the day visited there was one child confined in a cell. The door had a small window with bars allowing visual and verbal communication with other prisoners. The jailer stated that the average length of stay for an intoxicated child or a child awaiting transfer is two days. Review of the jail log showed that in the 30-day period preceding the date of the visit (November 12, 1979), 42 children had been admitted and held in the jail. There was no apparent provision made for recreation, exercise, or staff supervision.

The Lakota O Tipi deserves further discussion because it is one of several group homes and institutions operated by the Intermountain Youth Center and contracted for by BIA. In addition to the group home at Cheyenne River, visits were made to Intermountain homes at the Navajo Reservation and to the Intermountain Youth Center in Tucson, Arizona. These facilities were spacious, pleasantly furnished and equipped with sophisticated entertainment equipment such as pool tables, color televisions, and video tape recorders. The homes are staffed by two sets of

houseparents who alternate every four days. The program is based on a behavior modification model. Residents move through successive program levels in which they receive points for the development of appropriate social behavior, academic skills, leisure skills, and a positive attitude toward self. There is an apparent discrepancy between the Intermountain philosophy of Indian culture and psychology and that of the Emersons who administer Emerson House in Denver. The Emersons stated that Indian youth are not by nature competitive and would be insulted by the institution of any point system or behavior modification scheme. There is no evidence that the Bureau of Indian Affairs or the Federal Bureau of Prisons is troubled by these philosophical and treatment inconsistencies.

#### Pine Ridge

There are two jails on the Ogala Sioux Reservation in Pine Ridge, South Dakota, one in Pine Ridge and one newly constructed in Kyle, South Dakota. There is one group home in a remote area of the reservation, 24 miles from the nearest town. Since there are no schools in the area of the group home, youth are rarely referred there. Juveniles apprehended by the police are routinely held in jail until their parents are contacted and assume custody. Most juveniles are charged with peddling or transporting liquor, which falls within the category of disorderly conduct and is a crime for adults as well as juveniles at Pine Ridge. The chief judge stated that the tribal court handled only misdemeanants who were referred after adjudication to either the state, the BIA social services, or to the tribal contracted Crisis Center for placement. The Crisis Center has a current caseload of 296, including abused/neglected children, and is involved in setting up and licensing foster homes. A representative from the Crisis Center stated that children are referred by both the state and tribal courts and delinquent youth are usually sent away from the reservation to an Intermountain facility or to a BIA boarding school.

The jail at Kyle was reported to have separate quarters for juveniles and women. The Pine Ridge facility has one isolated juvenile cell and one in which children could maintain auditory contact with adults. The jail is dirty, has a dungeon-like atmosphere, and is inappropriate for the confinement of children from a legislative or humanitarian standpoint. Seventy-five children were held in this jail during the month of October, 1979 for an average of 24 hours. Ninety percent of those incarcerated were either runaways or were charged with liquor violations or truancy. There are no Bureau law enforcement officers at Pine Ridge.

#### Rosebud

On the day of the site visit to Rosebud (November 15, 1979), the juvenile justice system was in a state of upheaval. Six weeks earlier Virgil Hardiff, the juvenile judge who had written a juvenile code and was cited by Bureau Central Office officials as an innovator, had succumbed to a lack of funding, staff and tribal cooperation and resigned. His replacement was loaned by the Legal Services Organization, but November 15, 1979 was her last day on the job. She stated that the situation was so desperate that there was not enough money for stamps or telephones. Upon request she managed to locate the only copy of the juvenile code on the reservation and was willing to relinquish it.

The Code was described as trying to be "too much like the state," as including an excessive number of procedural requirements, prescribing too many time limits between stages of the proceedings, and requiring a staff of 14 when funding was only available for five. Judge Cecil Scott, who was sharing the juvenile load, said that there had been no prosecutions for liquor violations in the last six months due to the overload in the criminal justice system. He said, however, that in the past he had sentenced juvenile repeaters to spend five or six weekends in jail.

The jail and the police force are currently being audited by the FBI for misuse of funds. In October, 1979, 34 children were held in jail. Judge Scott stated that it is not unusual for a child brought in for drunkenness to remain over the weekend while waiting for his parents. The floors, walls and toilets in the jail were caked with filth. There were no mattresses on the beds and in some cells the metal plate was partially ripped from the bed frame, leaving sharp edges exposed. There was no effective sight or sound separation from adults. According to Judge Scott, a federal court ordered that the confinement of children in the Rosebud Jail was a violation of their civil rights under Title II of the Indian Civil Rights Act, however, the order was unenforceable since there was no alternative.

There is one group home in Rosebud, Delta Reo, with a capacity of 12. It is struggling to re-establish itself after an unstable financial beginning. Delta Reo was not receiving any state funds because Judge Hardiff would not approve placements there, stating, "I wouldn't place a dog in Delta Reo."

#### Salt River

At the Salt River Reservation in Scottsdale, Arizona, a juvenile is picked up by the police and is taken to the police department lockup. The tribal juvenile code specifies that a child can be held a maximum of 24 hours. According to the probation officer, it is rare for a child to be retained in custody prior to the court date, but it does happen occasionally. There is a separate juvenile cell in the lockup, but there is a small window facing the other cells, and it would be possible to shout back and forth. The jail logs indicated that nine children were held in jail during October, 1979, but the offenses were not listed in the records because the jailers filled out the forms incorrectly.

Until January 1, 1980, Salt River had an arrangement with the Maricopa County Juvenile Detention Center, where children from the reservation could be held up

to three weeks, however, the county terminated this agreement due to overcrowding and no alternative has yet been developed. A youth home on the reservation served only dependent/neglected children. Post-adjudicatory placements were in BIA contracted nonsecure facilities, Boys and Girls and Ranches.

#### Navajo--Window Rock, Arizona

The juvenile programs at the Navajo reservation are a testimonial to the energy and dedication of a group of individuals who are in the process of confrontation and negotiation with both the apathy of BIA and the traditionalism of the tribal elders. The Navajo have a juvenile code, written police procedures for the handling of juveniles, and a "fill in the blanks" petition which enables a juvenile charged with an offense during the week to appear immediately before a judge. Without a court order no child may be detained over 48 hours on weekends or 36 hours during working days. The jail log indicated that during the month of November, 1979 only four children were detained in the jail on charges of disorderly conduct, theft, public intoxication and criminal damage.

The real progress on the reservation is reflected in the Navajo Youth Services Program and the Navajo Children's Legal Service. The Youth Services Program provides for the establishment of five group homes throughout the reservation. Nancy Evans, the BIA social services coordinator on the area level, discussed the obstacles in establishing such a system. She stated that prior to her arrival at Window Rock, funds allocated to youth programs had been returned to the Bureau unspent. Currently, there is a deficit in the youth program budget. Ms. Evans interprets the role of BIA social services as delivering services where no one else is providing them. Through adoption of an advocacy position, the funding has been obtained for the institution of five group homes. Although she described the philosophy

of the BIA Social Services Division central office as indifferent, she stated that now that the funding is available there is an added problem with staffing. There is a 50 percent turnover rate in staff. The tribe is not politically service oriented and a recent election resulted in the installation of a less sympathetic group of judges. Ms. Evans stated that both the judges and the majority of social services personnel are oriented towards sending children away from the reservation. She estimated that it would take five years before the group home program was completely operational and incorporated into the judicial and cultural philosophy of the tribe. The chief judge, Jerome McCabe, displayed some sensitivity to the problem of juvenile placements. He stated that jail was inadequate and endorsed the new first offender program initiated by BIA Social Services and providing counseling services as an alternative to detention. The social services staff has attempted to influence both tribal and state court judges to award custody of Indian children to BIA Social Services so that they can choose the most appropriate placement rather than have the judge designate a placement which might be unavailable or inadequate.

Another important step forward at the Navajo Tribe is the establishment in Fort Defiance, Arizona of the Navajo Children's Legal Services Project. The project was initially designed to protect the rights of abused and neglected children but has been extended to include "incorrigibles" or status offenders and has applied for additional funding from BIA to extend its services to delinquent children. The program objective is that children's legal counsels, working primarily as volunteers, selected from the Navajo Nation Bar Association, will represent the children in all legal proceedings, to protect their rights and oversee that the child's interest is adequately litigated. The director of the program also referred to tribal political obstacles in the form of the recent election of a more traditional and conservative group of judges.

BIA Social Services at the Navajo reservation is, therefore, synonymous with changes consistent with the expanded protection of children's rights, the retention of children on the reservation, the effort to preserve the family structure, and concrete progress towards achievement of the objectives of federal juvenile delinquency legislation in the form of the first offender program, and the Navajo Youth Services and Children's Legal Services Programs. These programs, combined with police training and revised court procedures, will ultimately result in the deinstitutionalization of status offenders, the removal of children from jails and the placement of children in group home settings on the reservation. This significant progress is a reflection of the advocacy activities of a group of individuals on the Navajo reservation and might be evaluated as having occurred in spite of the BIA Division of Social Services central office.

RECOMMENDATIONS

The following suggestions and comments, based on findings generated by the "Children in Federal Custody" study, address methods for achieving termination of the inappropriate confinement of juveniles in federal custody. While these recommendations are intended to ameliorate certain immediate, critical conditions, it should be understood that enduring solutions lie in the development of appropriate alternative placements and programs for youths in federal custody, and coordination of such efforts at the highest level.

Policy

1) To determine their progress in implementing the objectives of the Juvenile Justice and Delinquency Prevention Act of 1974 as amended in 1977, the chief administrators of the Federal Bureau of Prisons, Immigration and Naturalization Service, U.S. Marshal Service and the Office of Juvenile Justice and Delinquency Prevention should be required to meet on a monthly basis, and report to the Attorney General or his designate. The meetings should include testimony by regional agency officials and legal advocacy groups.

2) At least one person should be designated as the policy coordinator and planner for youth in the custody of Department of Justice organizations INS, USMS and FBOP. An official of each agency would be preferable in terms of assessed manpower resources, with one person designated as liaison among the three agency programs. The Office of Juvenile Justice would perform a data gathering and advisory role.

COMMENT: None of these agencies currently have an officer assigned exclusively to youth.

3) The written policy guidelines of INS, USMS, and the National Park Service, though generally complying with the spirit of the federal juvenile legislation,

should be reviewed and brought more clearly into conformity with the current separation and deinstitutionalization provision of the JJDP Act and the removal initiative.

COMMENT: NPS juvenile procedures guidelines provide, "When possible juveniles should be transferred in unmarked vehicles and not with adults offenders."

4) The Office of Juvenile Justice should develop or designate a technical assistance provider to supply aid to federal agencies in the areas of youth policy development, increased monitoring capability, and the development of alternative community-based placements for youth (e.g., undocumented alien youth in the Southwest).

5) The Bureau of Indian Affairs ought to create a Youth Programs Board which is required to meet regularly and which would include the Chief of the Law Enforcement Section, the Director of Social Services Section and the Chief of the Judiciary Section. Presentations to the Board should be made by high level representatives of the Office of Juvenile Justice and Delinquency Prevention, by representatives from Native American advocacy organizations, and by representatives from Indian reservations which have successful youth programs.

COMMENT: The current attitude at BIA is that "youth is not a priority."

6) The Bureau of Indian Affairs should actively promote the policies of the federal juvenile legislation through training sessions for tribal judges, court clerks and technical assistance providers. Whenever possible, funding for the construction and staffing of youth program facilities should be contingent on the fulfillment of the deinstitutionalization and separation objectives.

COMMENT: The objectives of the JJDP Act are not currently advocated or reported by BIA in its policy statements or training manuals.

7) The Bureau of Indian Affairs Law Enforcement Section should coordinate its inspection activities and policy objectives with the Indian Health Service, with copies of all such inspection reports forwarded to the Office of Juvenile Justice.

COMMENT: The most recent INS inspection reports were "lost."

8) For the purposes of determining the placement of juveniles, the Immigration and Naturalization Service should conform to the federal definition and specify that attainment of the age 18 constitute adulthood.

COMMENT: Currently, INS placements are dictated by state law which results in 17-year olds being commingled with adults in INS operated service process centers in Texas.

9) Each Border Patrol Sector Chief should be required to negotiate a written agreement with the U.S. Marshal for the District stating the procedures for handling and transfer between agencies of custody of alien youth. The agreement should also address and justify the allocation of financial responsibility.

COMMENT: Currently, procedures for transferring custody between agencies are informal and vary among agencies.

10) INS should issue a policy directive indicating a priority on the placement of youths in juvenile facilities within 24 hours.

COMMENT: Situations such as the one occurring in Los Angeles would thus be avoided where most juvenile material witnesses and dependents of material witnesses have already spent one night in an inappropriate setting.

#### Data Collection and Monitoring

11) Jails contracting with the USMS should break down the number of prisoner/ days between juveniles and adults, or this should be performed by the central office.

12) A tracking system should be instituted for juvenile material witnesses and dependents of material witnesses in each U.S. Marshals Office. It should include information on age, home country, immigration status, date of INS proceedings, U.S. court case being held in connection with and trial date, relatives in custody,

placement, and disposition. In districts where a pretrial services program exists, this responsibility should be assigned to this Bureau, which is already equipped to statistically account for these children.

13) For INS statistical purposes "juveniles" should include all males and females under the age of 18.

14) For the purpose of statistical computation, apprehensions and dispositions for illegal entry reported by the Border Patrol to the Central Office of INS, should be broken down according to juveniles (under age 18), adult men and adult women.

15) If the U.S. Marshal Service or INS is utilizing placement facilities for juveniles that are not contractees with the FBOP or USMS, a written agreement should be formulated between the facility and each agency utilizing it, requiring the provision of the standard of care for juveniles described in the Federal Juvenile Delinquency Act, and specifying the per diem rate. A copy of this agreement should be on file with the central office of either INS or USMS.

16) The U.S. Parole Commission should provide racial breakdowns of federally prosecuted and adjudicated juveniles.

17) The viability of the BIA Statistical Collection Center at Brigham City, Utah should be evaluated by a task force composed of experts outside the Bureau designated by the Secretary, and including at least one member of a Native American Advocacy Group, and possibly officials from the statistical offices in related government agencies, i.e., National Bureau of Criminal Statistics, Office of Management and Budget, OJJDP contracted consultants. If the system is found to be workable, the intake forms should be revised, so that the annual report will reflect the outcome of juvenile arrests, including length and place of pre-adjudicatory detention and disposition.

18) All the reports referred to in numbers 10-17 above should be provided to the Office of Juvenile Justice and Delinquency Prevention pursuant to its Congressionally granted coordination of federal effort objectives.

Placements

19) Pending a policy decision on whether federal facilities will be developed for juveniles committed under the Federal Juvenile Delinquency Act, intensive and wide-ranging negotiations should be conducted with state facilities on a nationwide basis, possibly via regional meetings. The objective would be to expand the number of states willing to accept federally committed juveniles on contract with quality programs, and to speed FBOP compliance with the legislative mandate that commitments be in the home communities. OJJDP would in some cases act as liaison between FBOP officials and state planning and institutional personnel.

20) If the FBOP continues to place juveniles in state facilities, the sentences and program objectives for each child should be consistent with that of the facility in which he is placed.

21) The most critical problem in the short-term for INS and USMS regional personnel is the development of appropriate alternative placements for the non-criminal juvenile population of illegal entrants and material witnesses. A policy initiative on this topic should be issued by the top administrators designated in Recommendation 1. This directive should include specific guidelines on "how to" develop alternative placements based on successful programs such as in the Southern District of California. It should stress the involvement of citizen advocacy groups in these efforts, e.g., citizen activity in the development of foster homes, and make available to regional officials a technical assistance provider in this area, possibly through OJJDP.

LIST OF FEDERAL OFFICIALS AND CITIZENS INTERVIEWED  
September, 1979-April, 1980

Federal Bureau of Prisons  
Washington, DC:

- Connie Springmann, Detention and Contracts Administrator
- Tim Boggs, House Judiciary Committee
- Peggy Wiesenber, ACLU National Prison Project
- Ed Koven, ACLU National Prison Project

Regional:

- Gene Powers, FBOP Community Programs Officer, Sacramento, California
- Al Ulibarri, FBOP Community Programs Officer, Denver, Colorado
- Charles Mondsoger, U.S. Probation Officer, South Dakota
- Ed Sanchez, California Youth Authority
- Sylvester Carraway, California Youth Authority, Fred Nelles School
- Lloyd Bennet, California Youth Authority, Karl Holton School
- Sheryl Miller, California Youth Authority, Karl Holton School
- Sonny and Cherry Emerson, Emerson House, Denver, Colorado

Bureau of Indian Affairs  
Washington, DC:

- Eugene Suarez, Chief Law Enforcement, BIA
- Pat Hayes, Chief Judiciary Section, BIA
- Louise Zahon, Deputy Administrator, Division of Trial Services, BIA
- Dale Wing, LEAA
- Tom Hall, LEAA
- Tom Culisemo, National Tribal Court Judges Association

Regional:

- Jim Phail, BIA Research and Statistical Unit, Brigham City, Utah
- \_\_\_\_\_, Area Director, Aberdeen, South Dakota
- Judge Gilbert LeBeau, Cheyenne River Sixou, South Dakota
- Judge I. Thompson, Juvenile Judge, Cheyenne River, Sioux, South Dakota
- Mike Cummings, Director, Inner Mountain Youth Home, Cheyenne River, South Dakota
- Dale Crawford, Detention Center Administrator, Sisseton-Wahpeton, South Dakota
- Ed Red Owl, Program Planner, Sisseton-Wahpeton, South Dakota
- \_\_\_\_\_, BIA Agency Representative, Sisseton-Wahpeton, South Dakota
- Felix Calabasa, Tribal Secretary, Santo Domingo Pueblo, New Mexico
- Nancy Evans, BIA Social Services, Window Rock, Arizona
- Judge Jerome McCabe, Navajo Tribe, Window Rock, Arizona
- Tom Tso, DNA Legal Services, Window Rock, Arizona

**CONTINUED**

**7 OF 8**

- Roger Shirley, Childrens' Legal Services, Window Rock, Arizona
- Mervyn Lynch, Childrens' Legal Services, Navajo, Window Rock, Arizona
- Betty Arthur, Youth Programs, Window Rock, Arizona
- Tim Goodluck, Chief of Police, Navajo Tribe, Window Rock
- Judge Ned Morris--Juvenile Justice, Pappago Tribe, Sell, Arizona
- Judge Clyde Redshirt, Ogala Sioux Tribe, Pine Ridge, South Dakota
- Dale Means, Crisis Intervention Center Director, Pine Ridge, South Dakota
- Judge Cecil Scott, Rosebud, South Dakota
- Arvella Hawkins, Acting Juvenile Judge, Rosebud, South Dakota
- Roy Bermal, Taos Pueblo, Taos, New Mexico
- Jim McLaughlin, Inner Mountain Youth Center, Tucson, Arizona
- Earl Pearson, Program Planner, Salt River, Arizona
- Gene Pickedly, Youth Probation Officer, Salt River, Arizona
- Richard Hughes, DNA Legal Services, Albuquerque, New Mexico
- Walter Echo Hawk, Native American Rights Fund, Boulder, Colorado
- Thelma Stiff Arm, Native American Rights Fund, Boulder, Colorado

Immigration and Naturalization Service  
Washington, DC:

- Hugh Brian, Detention and Deportation Section

Regional:

- William Russel, Detention and Deportation Supervisor, Port Isabel, Texas
- Robert Kilroy, Border Patrol, Brownsville, Texas
- Linda Yantas, Texas Rural Legal Aid, Brownsville, Texas
- John McDonald, Detention and Deportation Supervisor, El Paso, Texas
- Ray Russell, Deputy Chief Border Patrol, El Paso, Texas
- Judge Enrique Pena, Juvenile Judge, El Paso County, Texas
- Meta Mossman, Administrator, INS Alternative Placement Facility, El Paso, Texas
- Al Velarde, Catholic Charities Legal Services, El Paso, Texas
- Owen Oats, INS District Office, Albuquerque, New Mexico
- Robert Montgomery, INS District Office, Phoenix, Arizona
- Edwin Barnette, Deputy Chief, Border Patrol, Tucson, Arizona
- Mr. Jiminez, Detention and Deportation Supervisor, El Centro, California
- Bill King, Chief Agent Border Patrol, El Centro, California
- Alex Wells, Chief Border Patrol Agent, Chula Vista, California
- James O'Keefe, INS Regional Director, San Diego, California
- Calman Resnick, Legal Assistance Foundation of Chicago, Chicago, Illinois

US Marshals Service  
Washington, DC:

- Joe Enders, Chief of Program Administrator

Regional:

- Bennie Martinez, US Marshal, New Mexico
- Louis Villaescusa, US Marshal, Central District of California

- James Laffoon, US Marshal, Southern District of California
- James Propotnick, Chief Deputy, US Marshal, Central District of California
- Mr. Tautimes, Deputy US Marshal, Phoenix, Arizona
- Tom Green, Director, Pretrial Services Bureau, Los Angeles, California
- US Magistrate Edward Infante, Southern District of California
- Joe Fisher, Los Angeles County Juvenile Hall, Los Angeles, California
- Marie Neumeier, Administrator, Salvation Army placement facility

National Park Service  
Washington, DC:

- Lieutenant James Tomlinson, US Park Police Criminal Investigations Branch
- Major J. P. Turner, US Rangers, Law Enforcement Section
- Wes Crise, National Park Service, Law Enforcement Section

Regional:

- Major McQueeney, Fort Mason, San Francisco, California
- Jeff Weinberger, Fort Mason, San Francisco, California

FEDERAL DETENTION FACILITY QUESTIONNAIRE

1. Name of Tribe \_\_\_\_\_  
 Location \_\_\_\_\_  
     Town \_\_\_\_\_ County \_\_\_\_\_  
     State \_\_\_\_\_ Zip Code \_\_\_\_\_
2. Name of facility \_\_\_\_\_
3. Tribal Chairman \_\_\_\_\_
4. During the month of March, 1979, how many accused status offenders (includes liquor violations) were placed in:
- \_\_\_\_ a) foster care  
 \_\_\_\_ b) a secure juvenile detention facility on the reservation  
 \_\_\_\_ c) a reservation facility, separated from adults by sight and sound  
 \_\_\_\_ d) a reservation facility not separated from adults by sight and sound  
 \_\_\_\_ e) a county jail, separated from adults  
 \_\_\_\_ f) a county jail, not separated from adults
5. During the month of March, 1979, how many adjudicated status offenders (includes liquor violations) were placed in:
- \_\_\_\_ a) foster care  
 \_\_\_\_ b) a secure juvenile detention facility on the reservation  
 \_\_\_\_ c) a reservation facility, separated from adults by sight and sound  
 \_\_\_\_ d) a reservation facility not separated from adults by sight and sound  
 \_\_\_\_ e) a county jail, separated from adults  
 \_\_\_\_ f) a county jail, not separated from adults  
 \_\_\_\_ g) a BIA boarding school
6. During the month of March, 1979, how many accused delinquents were placed in:
- \_\_\_\_ a) foster care  
 \_\_\_\_ b) a secure juvenile detention facility on the reservation  
 \_\_\_\_ c) a reservation facility, separated from adults by sight and sound  
 \_\_\_\_ d) a reservation facility not separated from adults by sight and sound  
 \_\_\_\_ e) a county jail, separated from adults  
 \_\_\_\_ f) a county jail not separated from adults

7. During the month of March, 1979, how many adjudicated delinquents were placed in:
- \_\_\_\_ a) foster care  
 \_\_\_\_ b) a secure juvenile detention facility on the reservation  
 \_\_\_\_ c) a reservation facility, separated from adults by sight and sound  
 \_\_\_\_ d) a reservation facility not separated from adults by sight and sound  
 \_\_\_\_ e) a county jail, separated from adults  
 \_\_\_\_ f) a county jail not separated from adults  
 \_\_\_\_ g) a BIA boarding school
8. During the month of March, 1979, how many juveniles were tried in federal court? \_\_\_\_\_

TRIBAL DETENTION FACILITY QUESTIONNAIRE

Name of Tribe \_\_\_\_\_

Location of Tribe \_\_\_\_\_

Tribal Chairman \_\_\_\_\_

1. Describe type of detention facility

- juvenile detention center
- detention facility, adults and juveniles (sight and sound separation)
- detention facility, adults and juveniles (no sight and sound separation)
- contract arrangement with local
  - sight and sound separation
  - no sight and sound separation

2. Capacity of facility \_\_\_\_\_

3. Number of juveniles on the day visited \_\_\_\_\_  
Number of adults on the day visited \_\_\_\_\_

Number of juveniles placed in the past 30 days \_\_\_\_\_  
Number of person days \_\_\_\_\_

4. Crimes committed by juveniles held on the day visited

- status offenses
- misdemeanors
- felonies

5. Source of funding for facility (check all that are applicable)

- Bureau of Indian Affairs
- Law Enforcement Assistance Administration
- Tribe
- State

6. Federal agencies with authority to inspect facilities

- Bureau of Indian Affairs
- Law Enforcement Assistance Administration
- Indian Health Service (HEW)

7. How often do these inspections occur? \_\_\_\_\_

Who does these inspections? \_\_\_\_\_

8. Does the tribe receive recommendations based on inspections?  
\_\_\_\_\_

9. Is there a tribal policy to keep status offenders (including drunkenness out of secure detention)?

- Yes
- No

Comments: \_\_\_\_\_

10. Is there a tribal policy to keep juveniles separate from adults?

- Yes
- No

Comments: \_\_\_\_\_

11. If the facility is a contract facility, does it separate juveniles from adults?

- Yes
- No

Comments: \_\_\_\_\_

FEDERAL AGENCY RESPONSES TO PRELIMINARY REPORTS

An initial meeting with OJJDP officials underscored the critical importance of CRC adherence to formal protocol when surveying the monitoring policy and procedures of federal agencies. An important aspect of this protocol was to meet with officials from the federal agencies once a preliminary report had been completed. This would ensure an accurate and complete description of the policy and procedure now in place. While this process predictably involves disagreement in certain "grey" areas, it will serve to focus attention on the major issues concerning adherence to the deinstitutionalization mandates of the Juvenile Justice and Delinquency Prevention Act. Further, it will identify problem areas which can be dealt with immediately through a combined effort by the agencies and the Office of Juvenile Justice and Delinquency Prevention as well as those issues requiring continued study or commitment of funds.

A preliminary report was presented to the five federal agencies involved at a meeting at the Justice Department on November 7, 1980. Representatives from each of the federal agencies were present with the exception of the Bureau of Indian Affairs. Following this informal review, a copy of the preliminary report was submitted to the chief administrator of each agency for written comments if any changes in the report were deemed necessary. All five agencies requested clarification and revisions in the report. Where appropriate, revisions were made to the findings and recommendations of the federal report.

AGENDA AND PARTICIPANT ROSTER  
BRIEFING ON CHILDREN IN FEDERAL CUSTODY STUDY  
November 7, 1980  
9:00 A.M.-11:00 A.M.  
Department of Justice  
Andretta Room (1101)

9:00-9:15	Introduction	Ira M. Schwartz, Administrator Office of Juvenile Justice
9:15-9:30	Overview of Juvenile Justice and Delinquency Prevention Act	John Wilson Office of General Counsel
9:30-9:45	Overview of Children in Custody: The problem, OJJDP responses, progress to date	Doyle Wood Formula Grants and Technical Assistance Division/OJJDP
9:45-10:30	Briefing on Children in Custody Study	David West, Director Formula Grants and Technical Assistance Division/OJJDP
10:30-11:00	Questions	

David Crosland, Acting Commissioner  
Immigration and Naturalization Service

James W. Brown  
Director, Community Research Center  
University of Illinois

Norman A. Carlson, Director  
Bureau of Prisons

Linda R. Abram, Research Associate  
Community Research Center  
University of Illinois

William J. Whalen, Director  
National Park Service

David D. West, Director  
Formula Grants and Technical Assistance  
Division  
Office of Juvenile Justice and  
Delinquency Prevention

William E. Hallett, Commissioner  
Bureau of Indian Affairs

William E. Hall, Director  
United States Marshals Service

Doyle Wood, Juvenile Justice Specialist  
Formula Grants and Technical Assistance  
Division  
Office of Juvenile Justice and  
Delinquency Prevention

Wade B. Houk  
Director, Budget Staff  
Justice Management Division

Anthony C. Epstein  
Special Assistant to the  
Deputy Attorney General  
Department of Justice

William Modzelski, Juvenile Justice  
Specialist  
Federal Coordinating Council  
Office of Juvenile Justice and  
Delinquency Prevention

John Wilson, Staff Attorney  
Office of General Counsel  
Law Enforcement Assistance Administration

APPENDIX

DATE: DEC - 3 1980

REPLY TO  
ATTN OF: MBJ

SUBJECT: Comments on Draft Report Entitled,  
"Children in Federal Custody"

Ira M. Schwartz, Administrator  
TO: Office of Juvenile Justice and  
Delinquency Prevention

UNITED STATES GOVERNMENT

# memorandum

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DEC 12 1980

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REG

I am pleased to have the opportunity to respond to the draft report concerning juveniles in Federal custody and to offer some general comments pertaining to the experience of the Service in the area of juvenile custody.

The report correctly summarizes that the Marshals Service's involvement with juveniles is predominantly centered on the dependents of undocumented aliens who are detained in custody as material witnesses. Our technical custody of both children and adults is established after the issuance of a remand order by a Federal magistrate or judge. In some past instances, remand orders did not specifically name alien juveniles thus presenting the dilemma of custodial responsibility between the arresting agency and the Marshal. We have assumed responsibility for alien children even in the absence of a court remand order in most cases.

The separation of alien children from their parents, however, presents a moral issue of such magnitude that the technical requirements of separation appear moot. The primary consideration of the Marshals Service in its dealings with undocumented witnesses with dependents is the maintenance of the family unit and the health of the children.

The temporary accommodation of uncharged alien children in the San Diego Metropolitan Correctional Center has been the focus of comments from several sources during the past year which suggested that such a practice is not in concert with the technical requirements of the Juvenile Justice Act. In the opinion of our program staff, district office staff and contractors, the temporary accommodation of family units and individual juveniles at the MCC is the only option currently available to ensure their proper processing, health care, and placement. The interruption of the use of the MCC would adversely impact on our alien juvenile programs in Southern California.

The almost total dependence of the Federal government on local governments for secure detention space to house adult and juvenile offenders, not released by the Federal court on bond or supervision, does not permit us the luxury of full compliance with the Juvenile Justice Act. Until such time as local governments are capable of expanding and/or upgrading their holding, detention and juvenile detention facilities, the Federal agencies using these facilities will by stipulation remain in violation of the Juvenile Justice Act.

The report suggested that the central offices of the Marshals Service, Bureau of Prisons and Immigration Service have not provided relief or support to field offices inferring a lack of concern for juveniles. I would submit that the central offices are aware of and most sensitive to the juvenile problems but remain limited in their capabilities to resolve these problems through the nemesis of insufficient resources and new program initiatives sought through the budget process.

A data reporting system for aliens held in Marshals Service custody has been established to provide more accurate and timely information to the Prisoner Support Division. During FY 1980, approximately 79,800 individuals were remanded to Marshals Service custody. Only 975 of these individuals were juveniles of which 469 or 48% were processed in the District of Southern California. Nine other districts received 375 juveniles or 39% of the annual national total of juveniles received.

The following comments are offered in response to the recommendations of the report applicable to the Marshals Service.

- Item 1. The Deputy Attorney General has indicated his intentions to establish a Jail Program Board with membership composed of the agencies mentioned in your report. Juvenile detention problems will be included in the mission of this group.
- Item 2. The Chief, Prisoner Support Division, is responsible for the overall planning, coordination and management of our prisoner programs including juveniles remanded to Marshals Service custody.



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OPTIONAL FORM NO. 10  
(REV. 7-78)  
GSA FPMR (41 CFR) 101-11.6  
5010-112

- Item 3. The juvenile policies of the Service will be reviewed and updated as necessary for conformity with provisions of the JJDP Act. As previously stated, compliance with the removal initiative is predicated upon the availability of local juvenile facilities.
- Item 11. The alien data being submitted by district offices to headquarters will provide sufficient information on juvenile caseloads.
- Item 12. District offices normally maintain USM-129 data records on individuals held in custody including juvenile aliens. Districts will be reminded to maintain this information.
- Item 15. The Service complies with Federal Procurement Regulations in its contracting activities. The standards, or conditions of confinement portion of our agreements, are based on recognized national guidelines for detention or holding facilities. The inability of a facility to meet specific standards, however, would not automatically preclude its utilization in the absence of an alternative facility. Our Cooperative Agreement Program (FY 1981) will enable the Service to provide financial assistance to contractors to upgrade facilities and services to minimum standards.
- Item 21. Alternative housing contracts modeled after the San Diego plan are in place or being undertaken in districts where there are juvenile caseloads to sustain such a program.

In summary, I would suggest from the perspective of the Marshals Service that the two conclusions of the draft report have been resolved since the completion of the field reviews. The coordination of a Federal effort must begin at the executive or legislative level of government which establishes and funds Federal programs. I believe the "top level officials" of the agencies studied are sensitive to, and as in the case of the Marshals Service, have made serious efforts to fulfill the intent of the Juvenile Justice Act to the maximum extent permissible within the capabilities of agency programs and resources.

I am optimistic that with the Office of Juvenile Justice and Delinquency Prevention taking an active role in Federal juvenile problems that we may collectively address and resolve the many juvenile detention and housing issues which remain before us.

*William E. Hall*

WILLIAM E. HALL  
Director

cc: Jane E. Genster  
Special Assistant to the  
Deputy Attorney General

Linda Abrams, Research Associate  
University of Illinois at Urbana-Champaign



U.S. Department of Justice  
Immigration and Naturalization Service

Office of the Commissioner

Washington, DC 20536

15 DEC 1980

DEC 19 1980

CO 242.4-C&P

COM  
RE

Linda Abram, Research Associate  
Community Research Center  
505 East Green Street, Suite 210  
Champaign, Illinois 61820

Dear Ms. Abram:

This is in response to your letter of November 13, 1980, requesting our comments on the draft of the report prepared by your group for the Office of Juvenile Justice and Delinquency Prevention. We have reviewed the draft report and differ with respect to some of the conclusions. However we do agree with many of the observations, conclusions, and recommendations.

I will address those exceptions by page and section, with our views as to what we believe to be a true and accurate description of that item.

Page 2, second paragraph: We do not consider detention of juveniles as a low priority item. While the number of juveniles detained by INS is small, the amount of resources and effort in this area is proportionally much greater due to the special handling each juvenile case must and does receive.

Page 20, paragraph A: An undocumented alien is detained by INS under the authority of section 242 of the Immigration and Nationality Act, (INA), (Title 8 USC 1252), and may be presented only for prosecution under 8 USC 1325. In such cases, custody would lie with the United States Marshals Service during the prosecution. Only rarely is a juvenile presented for such prosecution and even rarer is the case accepted by the United States Attorney and prosecuted. Your observation that incorrect data is given as to the names or true ages of such aliens is quite often true.

Page 22, paragraph C: Form I-213 is not an Order to Show Cause, but rather is a Record of Deportable Alien Located. An alien may be offered the opportunity to depart from the United States without the institution of formal deportation proceedings, and large numbers of aliens are removed in that manner. If formal proceedings are required, an Order to Show Cause is the legal document by which this is accomplished. The next statement, that an alien is not advised of his rights to counsel and to a hearing before an Immigration Judge, is not true. In fact, the Order to Show Cause itself contains such explanation of right to counsel, right to seven days notice before deportation hearing, and right to enlargement on bond. This document is personally served on the detained alien in his native language if he does not understand English. There are no exceptions to this requirement.

Page 23, second paragraph: The statement, "juveniles are intermingled with adults during transport," does not indicate that the juveniles are escorted and under the supervision of INS officers. In many cases, the juveniles are accompanied by the adults and relatives with whom they entered the United States.

Page 25, second paragraph: The INS policy regarding detention of undocumented youths is determined by the jurisdictional authority of the particular state in which the alien will be detained. This prevents the detention of juveniles in adult facilities.

Page 26, second paragraph: A Clinical Nurse is on duty during normal working hours to provide for routine medical care, including medical examinations upon entry. At the time of your visit to El Paso, this position was in the process of being filled.

Pages 27, 28, 29 & 30: During the last several years INS has increased the number of facilities at which juveniles may be housed in other than traditional detention settings. These facilities include: Salvation Army, House of Good Shepard; Door of Good Hope; and Saint Vincent de Paul. Presently, INS is negotiating a contract with the United States Marshals Service to obtain additional detention space in Los Angeles, California for juveniles and females. However, additional facilities are needed.

Page 34, second paragraph: Presently INS does not statistically count the number of undocumented alien juveniles apprehended. INS agrees that this data should be collected and will take the necessary steps to begin gathering this information.

Page 64, recommendations: INS has an officer assigned to monitor and coordinate the Service's effort to explore new remedies and improve its juvenile detention capabilities.

Page 66, (second "page 66" of two marked 66), comment: "The most recent INS inspection reports were lost". This statement deals with item # 7 of the preceding page marked 66, which deals with the "Indian Health Service" and not INS.

Page 66, (second), Item #8: INS policy in this matter is explained above, (see item page 25, second page).

Page 66, (second), Item #9: INS policy is established at the Central Office level to preclude multiple local policies.

Page 66, (second), Item #10: A Service policy directive regarding this matter is not necessary since present INS policy clearly states that juveniles are not to be placed in adult facilities.

Page 67, Item #13: For statistical purposes, a juvenile will be classified as outlined above in item "page 25, second paragraph".

Page 67, Item #14: As stated above in item "page 34, second paragraph", INS agrees that this data should be collected. However, a juvenile will be classified under INS' definition.

## memorandum

DATE: December 1, 1980

REPLY TO  
ATTN OF:Norman A. Carlson, Director  
Bureau of Prisons*McCarlson*

SUBJECT:

Draft Report on "Children in Federal Custody."

TO:

Linda Abram, Research Associate  
Community Research Center  
University of Illinois at Urbana-Champaign

In response to your letter of November 13, 1980, attached are our comments on your draft report, "Children in Federal Custody," which was prepared under a grant from the Office of Juvenile Justice and Delinquency Prevention.

Attachment (1)

Page 67, Item #15: INS utilizes the United States Marshals Service as the contracting agency for non-Service detention facilities used by INS. However, there are some facilities which refuse to enter into a contract with the Marshals Service. These facilities are used because of INS' operational requirements. However, INS will not execute a letter of agreement with any of these facilities which do not meet INS detention standards.

Page 68, Item #21: As stated above in item "Pages 27,28,29 & 30", INS agrees that additional juvenile facilities are required.

Thank you for the opportunity to respond in this matter. Please do not hesitate to contact me if I can be of further assistance to you in this or any other matter.

Sincerely,

Glenn A. Bertness  
Acting Associate Commissioner,  
Enforcement

*Glenn A. Bertness*

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FEDERAL PRISON SYSTEM RESPONSE ON DRAFT REPORT:  
CHILDREN IN FEDERAL CUSTODY

## INTRODUCTION

The general tone of the draft report on Children in Federal Custody makes implications that the Federal Prison System (FPS) is doing little to aid those juveniles in its custody. The draft focuses on the inability of the FPS to fully comply with the Juvenile Justice and Delinquency Prevention Act in the areas of geographic separation from the juvenile's home, and physical separation from adult offenders, during confinement.

The FPS is acutely aware of the provisions of the Act. We have taken and will continue to take many positive steps in an effort to solve the complex issues of juvenile custody.

Beginning in the early 1970's, the FPS took an active role in urging the diversion of juveniles from Federal proceedings. The success of our efforts is shown by the decrease in numbers of juveniles serving federal sentence, from 626 in 1970 to 122 in 1980. When the Juvenile Justice and Delinquency Prevention Act was enacted in 1974, the FPS' General Counsel concluded that juveniles should not be placed in adult institutions, but could be placed in youth facilities designated under the Federal Youth Corrections Act. This policy was adopted and exceptions were made only on the basis of extreme threat of escape or assaultiveness. In February 1977, the issue of separation of juveniles was again reviewed by the FPS' Executive Staff. At that time, several factors were considered, which included statements of intent by sponsors of the original legislation, and conferences between our staff and staff at the Law Enforcement Assistance Administration (LEAA) and the Office of Juvenile Justice Delinquency Prevention (OJJDP) concerning their standards for the states as to separation. As a result of these factors and legal and administrative concerns, we decided to remove all juveniles from Federal institutions. This was accomplished by September 1977.

We believe more effort should be made in the report to describe the problems encountered by the Federal Prison System in working toward full compliance. The major problems in placing juveniles with particularly sophisticated backgrounds and special needs continues to be addressed. It should be noted that while the number of juveniles in the Federal Prison System is less than 1% of our total inmate population (approx. 120 juveniles vs. 23,000 total population), there is a large number of FPS staff continually working in the community to locate new facilities and programs for the juvenile offender. These include approximately 53 Community Programs Officers, and 5 Regional Community Programs Administrators.

The report does not address the lack of effort made on the part of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to provide information or assistance to other agencies dealing with the issue of juvenile placement.

The remainder of our response addresses specific statements made in the report with which we take exception.

SEPARATION OF JUVENILES AND ADULTS

Issue: (Pg. 11.) ...Section 5035 of the Juvenile Justice Act evidences the legislature's clear intent to support the pretrial detention and commitment of children to foster homes or community based facilities whenever possible and to prohibit 'regular contact' between children and incarcerated adults on either the pre-trial or post-adjudicatory level."

FPS Response: When the Juvenile Justice and Delinquency Prevention Act was enacted in 1974, the Federal Prison System's General Counsel concluded that juveniles should not be placed in adult institutions, but could be placed in youth facilities designated under the Federal Youth Corrections Act. This policy was adopted and exceptions were made by Regional Offices only on the basis of extreme threat of escape or serious assaultiveness.

In February 1977, the issue of separation of juveniles was again reviewed by the Bureau of Prisons' Executive Staff. At that time, several factors were considered, which included statements of intent by sponsors of the original legislation, and conferences between our staff and staff at LEAA and OJJDP concerning their standards for states as to separation. As a result of these factors, and legal and administrative concerns, the decision was made to remove all juveniles from Federal institutions. This was accomplished by September 1977.

PLACEMENT IN COMMUNITY-BASED FACILITIES NEAR HOME COMMUNITIES (pp. 11-14)

Issue: (Page 12.) "...Commitment of children to foster homes or to community based facilities, whenever possible...according to Powers, only California, Kentucky and Colorado will hold juveniles after the age of 18. A review of state juvenile codes indicates that at least 37 states have continuing juvenile court jurisdiction to the

age of 21. Therefore, state facility administrators are not precluded by law from housing Federal prisoners, but have apparently adopted a policy of not accepting out-of-state Federal placements over the age of 18."

FPS Response: As pointed out in the report, there is also a critical difference between the Federal Juvenile Law and the law or practice of most states. A Federal juvenile can be held until age twenty-one, but the large majority of states consider a person a juvenile only until age eighteen. Thus, both state correctional facilities and many private community-based facilities do not accept Federal juveniles who are eighteen years of age and older.

The ACA "Directory on Juvenile and Adult Departments, Institutions, Agencies and Paroling Authorities," published each year, indicates the minimum and maximum age range of each juvenile facility. A survey of the age range of commitments showed that only 15 states accept juveniles over 18 years of age. While there undoubtedly are some additional states that have continuing juvenile court jurisdiction to the age of 21, (e.g., South Dakota) the long time practice of those state courts is not to commit state juveniles past their 18th birthday.

On a number of occasions FPS staff have contacted OJJDP asking for help with juvenile placement problems and received none. Issues not raised in the report involve: how state practice can be modified so that it conforms with the statutes; OJJDP's position in regard to placing twenty year-old criminally sophisticated juveniles in state facilities that have designed their programs to meet the needs of young teenage children under age eighteen; and OJJDP's role in the entire area of juvenile custody.

The FPS has, and continues to expend, more manpower and other resources far in excess of the proportion of juveniles in its total prisoner population. One of the responsibilities of the Community Programs Officers is to continually seek appropriate new facilities for juveniles, in order for the Federal Prison System to place them as near their homes as possible. The CPO's continual contact with state and county juvenile authorities, as well as private agencies, illustrates the difficulty in obtaining facilities for juveniles. In addition to the efforts of the Community Programs Officers, the Federal Prison System Regional Directors and Community Programs

Regional Administrators have contacted their state counterparts in efforts to locate and develop previously unavailable resources. Our most recent survey within the past month again indicates very limited bed-space, at best.

This continuing effort demonstrates the lack of facilities available for juveniles. In addition, such factors as age, offense and criminal sophistication become major considerations in placement once a facility has been located. A current survey of the Federal Prison System juvenile population indicates that 61% are 18 years of age or over (generally 18 is the age limit for state facilities) and 57% have committed serious and/or violent crimes.

Overcrowding in most state juvenile facilities is a serious problem. While we continue to put forth vigorous efforts to find suitable facilities for juveniles needing control and close supervision, those facilities with space available, and willing to accept federal referrals, are at a minimum. We currently have two contracts that house the large majority of our older, seriously delinquent juvenile offenders and continue to explore additional resources. It should be noted that the Federal Prison System cannot force any non-Federal facility to accept a Federal juvenile.

#### CONTRACT WITH CALIFORNIA YOUTH AUTHORITY

Issue: (Page 13.) The failure of the California Youth Authority to adjust the system to prevent the intermingling of juveniles with adults has resulted in the State of California's non-compliance with the JJDP Act and the termination of their receipt of OJJDP formula grant funds.

FPS Response: Over the past three years, the Federal Prison System has placed juveniles in California Youth Authority facilities. We have been aware of the negotiations between the California Youth Authority and the Office of Juvenile Justice regarding compliance with the requirements of the Act. The Federal Prison System made the decision to continue placements in California Youth Authority facilities pending the outcome of these negotiations. This decision was reached because of our dire need of facilities which would accept the older, aggressive delinquents rejected by other facilities. Negotiations have since been finalized between OJJDP and the California Youth

Authority. Contrary to the statement in the report that formula grant funding has been terminated, it was continued.

Issue:

(Page 13.) The majority of Federal placements (in CYA facilities) were either Native Americans or illegal aliens. Sanchez stated that the Federal ward was not likely to be as criminally sophisticated as the state ward. Juveniles committed by the State of California to the Youth Authority are not first offenders, but generally have a history of serious misconduct....The probation officer verified that the Federal wards were "different," that state inmates were more likely to have committed more aggressive offenses..."

FPS Response:

The report is in error in stating that Federal juvenile offenders placed in California were generally unsophisticated and had minimal delinquent histories. The California Youth Authority liaison with the Federal Prison System advised us that Federal juveniles were generally compatible with the types of offenders in their youth facilities. It was also corroborated by the California Youth Authority liaison and Federal Prison System staff that almost all of the juveniles committed to the California Youth Authority institutions were previously placed in other, lesser secure, contract facilities and failed. Failures were due to persistent escapes, assaultive behavior, and the like. While some of the juveniles, particularly our Indians from rural reservations, are not as "street wise" as their CYA counterparts, they are as criminally oriented in terms of aggressive, assaultive behavior, escape potential and seriousness of offense. In addition, many have committed more than one offense. On occasion, California has requested that we remove a juvenile because of the problems the juvenile created.

AMERICAN INDIANS (Pages 14-16.)

Issue:

(Page 14.) "...The Federal ward is usually a Native American at a long distance from his home, and in an environment totally alien to his customs and, possibly, language."

FPS Response:

Approximately 59% of our current delinquents are American Indians. Attempts have been made by Central Office and Western Regional Office staffs and local Community Programs Officers to work with Indian tribal leaders to develop

resources on or near Indian reservations. Our staff initiated meetings with the Bureau of Indian Affairs (BIA) officials in Washington, D.C. in May 1977 to discuss possibilities of Bureau of Indian Affairs and/or the tribes developing resources for Indian offenders. BIA suggested that we contact tribal leaders. Subsequently, our CPO in Bismarck, North Dakota, held meetings with Indian leaders and U.S. Probation Officers from the Dakota's and Montana (the states that commit a large majority of our Indians). Unfortunately nothing concrete has developed from these attempts.

In 1978, a formal study was undertaken by Bismarck, North Dakota, staff to identify special problems presented by the Indian juveniles in that area, to assess programs available and make recommendations for expansion of services. Intensive follow-up was made by CPOs and with regional staff on the suggestions, but to date nothing has materialized.

Legal Considerations - Equal Rights for American Natives (Pp. 14-16).

Issue:

(Page 14.) "...This profile of the Native American or alien youth placed miles from his home state, in a culture that is foreign to him, raises constitutional issues as well as pointing to illegal policies by Federal agencies under the JJDP Act. Only two out of 23 juveniles in California are confined by the FBOP in their home states and the Act even more strongly mandates home communities. The Bureau's activities on that level are clearly in violation of Section 5039 of the Juvenile Justice Act. In addition, the Bureau's placement strategies may be subject to allegations of violations of the Equal Protection guarantees of the due process clause of the Fifth Amendment....(Page 15.) It is worth noting two of the landmark cases in the area. U.S. v. Antelope held that equal protection requirements implicit in the due process clause... are not violated by the convictions of certain enrolled tribal Indians,....which provides that any Indian who commits any of certain specified offenses within Indian country shall be subject to the same laws and penalties as other persons committing any such offense within the exclusive jurisdiction of the U.S. (Page 16.) ...the case of U.S. v. Big Crow which held that the defendant, an Indian, who was charged under the Major Crimes Act, with assaults

resulting in serious bodily injury on the Rosebud Indian Reservation in South Dakota, was denied equal protection of the laws in violation of the due process clause of the Fifth Amendment, since a non-Indian on the Reservation would be subject under the statutory scheme to only six months imprisonment whereas an Indian committing the identical crime is subject to up to five years imprisonment."

FPS Response: We are not aware of any constitutional issues inherent in placing Native Americans youth in institutions which are miles from home. Native Americans' movement from the home area is also unavoidable and we do not know of any established constitutional law, as stated in the report, which applies to these delinquents. The report is clearly in error in concluding that the FPS is in violation of 18 USC 5039, because it mandates home community placement. The statute has no such mandate. It recommends placement near home, whenever possible. The language is a clear recognition of the impossibility of finding home community placement for many juveniles. The reference to Equal Protection violations is also ill-advised, and loosely made. Some persons who are committed are always closer to home than others; this does not create automatic Equal Protection violations. The statute recognizes a desirability for achieving placement as near to home as is possible, and the Bureau follows that policy. No constitutional issue is implicated in this policy and practice.

The Antelope and Big Crow cases referred to, while relevant to American Indians, are entirely inappropriate to this discussion: They relate to prosecutive policies on reservations, and not in any way to the placement of Indians whether juveniles or adults, far from home or in places which may create cultural shock.

MONITORING OF FACILITIES

Issue: (Pg. 16.) "...The Bureau Community Programs Officer had responsibility for monitoring the facilities twice a year, however, he admitted that he had not been to several of the facilities in over a year."

FPS Response: The CYA facilities include 10 institutions and 5 camps. At the time of the investigator's visit to CYA (Jan. 1980), the CPO had visited all 10 institutions at least once within the past 11

confined in them, because of the cancellation of the CYA/FPS contract. Most of the camps had not been visited within the year prior to the report, but in the past 3 years there have not been more than 5 commitments to all the camps combined.

In addition to personal visits, the CPO is in constant telephone contact with the staff of the facilities where we still house juveniles. He talks to staff in most facilities on a weekly basis regarding programs, parole hearings, release plans, discipline problems, for specific juveniles, etc. The U.S. Parole Commission also reports to him after their visits for parole hearing.

EMERSON HOUSE (Pages 17-18.)

Issue: (Page 17.) "...According to members of the Native American Rights Fund, there continues to be some questionable physical tactics employed."

FPS Response: We contacted the writer of the report who stated that this statement was made to her but she was not able to verify or document the charge through staff and resident interviews. Our CPO in Denver contacted the Director of the Fund, who replied that he was not aware of any problems that exist at Emerson House. As the reporter could not verify the statements made to her by a third party, nor could we, the statement should be deleted.

RESPONSIBILITY FOR JUVENILE PROGRAMS

Issue: (Page 18.) "...The frustration of the Community Programs Officers which has been repeatedly expressed to the FBOP Central Office and ignored. There is no official assigned to juvenile offenders in the Federal Bureau of Prisons. The FBOP persists in the pursuit of the objective in "getting out of the juvenile business," and in so doing, ignoring the legislative mandate to place juveniles in their home communities, the urging of Congressional subcommittees, the investigations of the ACLU National Prison Project, the objective advocacy organizations, the findings of a task force which it commissioned, and the expressions of frustration of its own regional employees.

FPS Response: The Federal Prison System has designated Constance Springmann, Assistant Administrator for Community

Programs and Correctional Standards Branch to be the contact point in the Washington, D.C. office to coordinate juvenile issues. Federal juveniles are not the sole responsibility of that position, but considerable time is spent with juvenile issues.

The Executive Assistant to the Western Regional Director was assigned as the Regional Office Coordinator to expand programs and services to the juvenile offender in August 1978. She traveled extensively in the areas from which we received Federal juveniles in attempts to coordinate and develop alternative placements. In January 1980, a CPO in Denver was assigned as "Coordinator for Juvenile Programs" for the WRO. The states in the Western Region commit approximately 66% of the current juvenile population.

The report draws the conclusion that because the FPS believes it should "get out of the juvenile business," it is ignoring legal "mandates" and the welfare of persons committed to its custody. This is an assumption that is not substantiated in fact. In 1977, when juveniles were removed from Federal institutions, explicit instructions were sent to field staff to locate every available, suitable juvenile facility. Since that time we have reiterated these instructions on many occasions. Semi-annual bed space surveys were conducted in 1977, 1978, and 1979.

The Bureau's 5-year goals, established in June 1978 and disseminated to the field, included specific goals for juveniles. The already mentioned meetings held with Indian leaders, and the assignment of special staff in the WRO are evidence of continued high priority efforts to develop alternative resources.

#### MATERIAL WITNESS

Issue: "...The U.S. Marshal has contracted with the Salvation Army, who operates a home within San Diego capable of holding up to 40 material witnesses and their children or unaccompanied juvenile material witnesses ...the Salvation Army will not accept any resident who has not undergone a complete medical examination at the Federal Bureau of Prisons' operated Metropolitan Correctional Center.

FPS Response: The current practice is that the USM books the witnesses and their children at the San Diego MCC

first, a medical exam is given (at the request of the Salvation Army) and then they are transported to the Salvation Army facility. The FPS does not want material witnesses nor any other juveniles in the MCC, at any time, and have asked the U.S. Attorney, U.S. Marshal and Immigration and Naturalization authorities to come up with alternative plans by December of this year to cease utilization of the MCC for this purpose.

#### RECOMMENDATIONS

##### Policy (Page 64.)

1. To determine their progress in implementing the objectives of the JJDP Act of 1974 as amended in 1977, the chief administrators of the Federal Bureau of Prisons, Immigration & Naturalization Service, USMS and the OJJDP should be required to meet on a monthly basis, and report to the Attorney General or his designate. The meetings should include testimony by regional agency officials and legal advocacy groups.

FPS Response: The Federal Prison System has no problem with this recommendation. However, monthly meetings are too frequent to consistently have meaningful "new" material for discussion. We suggest quarterly meetings.

2. Designation of one person as policy coordinator and planner for youth in the custody of DOJ organizations of I&NS, USMS, and FPS.

FPS Response: We agree with this recommendation.

##### Placements (Page 68.)

20. Pending a policy decision on whether Federal facilities will be developed for juveniles committed under the FJDA, intensive and wide-ranging negotiation should be conducted with state facilities on a nationwide basis, possibly via regional meetings. The objective to expand the number of states willing to accept federally committed juveniles on contract with quality programs, and speed FPS compliance with commitment in home communities.

FPS Response: The FPS continues to negotiate with states and private facilities for more suitable confinement facilities. With only 120 juveniles from the entire U.S. in FPS custody, any plan to run a FPS juvenile facility would tend to exacerbate the current problems of separation from home.

21. "If the FBOP continues to place juveniles in state facilities, the sentences and program objectives for each child should be consistent with that of the facility in which he is placed."

FPS Response: We agree with this recommendation. Our current policy is to place juvenile offenders in facilities that are appropriate regarding the location of their home, their criminal history and individual program needs. The FPS plans to continue this policy.

#### CONCLUSION

The Federal Prison System supports the position that the entire criminal justice system can do more to aid in the juvenile justice problem. There have been and will continue to be strong efforts by Federal Prison System staff to locate more appropriate facilities and programs to meet the needs of juvenile offenders.

In addition to the efforts put forth by the Federal Prison System, U.S. Marshals Service, Immigration & Naturalization Service, etc., there continues to be a need for an agency such as OJJDP to be more active and serve as a coordination and liaison point for immediate and long range juvenile justice efforts. There exists a need for funding of existing local community resources as well as development of additional new juvenile facilities and programs. The Federal Prison System feels that OJJDP is in an excellent position to make an effort in these areas and to work with, assist and be assisted by all agencies confronted with the handling of juvenile offenders.

# # # #

RESPONSE

BY

FEDERAL BUREAU OF PRISONS

DRAFT REPORT ON CHILDREN

IN

FEDERAL CUSTODY

November 7, 1980

The draft of the report on "Children in Federal Custody," as conducted by the Community Research Forum for the Office of Juvenile Justice and Delinquency Prevention, indicates several areas of concern regarding the Bureau of Prisons' juvenile programs. There are several factual errors and omissions in this draft report, and some conclusions reached are not supported by the facts.

#### BACKGROUND

As noted in the chart below, over the past decade there has been a steady decline in the number of committed Federal juveniles. Beginning in the early 1970's, the Bureau of Prisons took an active role in urging the diversion of juveniles from Federal proceedings. The U.S. Attorney's Manual reflects this strong diversionary approach and these statistics clearly outline the success of our efforts.

#### JUVENILES SERVING FEDERAL SENTENCE

Year	In Federal Facilities	In Non-Federal Facilities	Total
1970	596	30	626
1971	492	30	522
1972	449	30	479
1973	438	30	468
1974	433	30	463
1975	328	30	358
1976	275	30	305
1977**	3	200	203
1978	2	159	161
1979	2	138	140
1980	0	122	122

These figures are approximate and are for end of fiscal year or are average daily population for last month of fiscal year.

\*\*Juveniles were transferred to Non-Federal facilities during 1977.

#### SEPARATION OF JUVENILES AND ADULTS

When the Juvenile Justice and Delinquency Prevention Act was enacted in 1974, the Bureau of Prisons' General Counsel concluded that juveniles should not be placed in adult institutions, but could be placed in youth facilities designated under the Federal Youth Corrections Act. This policy was adopted and exceptions were made only on the basis of extreme threat of escape or assaultiveness.

In February 1977, the issue of separation of juveniles was again reviewed by the Bureau of Prisons' Executive Staff. At that time, several factors were considered, which included statements of intent by sponsors of the original legislation, and conferences between our staff and staff at LEAA and OJJDP concerning their standards for the states as to separation. As a result of these factors and legal and administrative concerns, we decided to remove all juveniles from Federal institutions. This was accomplished by September 1977.

#### PLACEMENT IN COMMUNITY-BASED FACILITIES NEAR PLACE OF RESIDENCE

While the Bureau of Prisons makes every effort to place juveniles near their homes, the availability of appropriate facilities to meet the individual needs of the offender are often not available. Factors such as age, offense, and sophistication are major considerations in determining acceptance. A current survey of our juvenile population indicates that 61 percent are 18 years of age and over, and 80 percent are 17 years of age and older. Fifty-seven percent have committed serious and/or violent offenses.

There is also a critical difference between the Federal Juvenile Law and that of most states. A Federal juvenile can be held until age twenty-one, but most all states consider a person a juvenile only until age eighteen. Thus, both state correctional facilities and most private community-based facilities do not accept Federal juveniles who are eighteen years of age and older.

Finally, overcrowding in most state juvenile facilities is a serious problem. While we continue to put forth vigorous effort to find suitable facilities for juveniles needing control and close supervision, those facilities with space available are at a minimum. We currently have two contracts for housing the seriously delinquent juvenile offenders eighteen years of age and older and continue to explore additional resources.

#### STATUS OFFENDERS

There are no Federally committed status offenders.

#### CONTRACT WITH CALIFORNIA YOUTH AUTHORITY

Over the past three years, the Bureau of Prisons has placed juveniles in California Youth Authority facilities. We have been aware of the negotiations between the California Youth Authority and the Office of Juvenile Justice regarding compliance with the requirements of the Act. The Bureau of Prisons made the decision to continue placements in California Youth Authority facilities pending the outcome of these negotiations. This decision was reached because of our dire need of facilities which would accept the older, aggressive delinquents rejected by other facilities. Negotiations have since been finalized between OJJDP and the California Youth Authority. Contrary to the statement in the report that formula grant funding has been terminated, it was actually continued.

The report is also in error in stating that Federal juvenile offenders placed in California were generally unsophisticated and had minimal delinquent histories. When the California Youth Authority reviewed our cases for acceptance, we were advised that they were compatible with the types of offenders already existing in their youth facilities. It was also corroborated that almost all of the juveniles committed to these institutions were tried in other kinds of facilities and failed.

EFFORTS TO DEVELOP ADDITIONAL RESOURCES

The Bureau of Prisons has 55 Community Programs Officers stationed in major metropolitan areas throughout the country. One of their primary responsibilities is to locate and develop new resources for boarding juvenile offenders. We are aware of most existing juvenile facilities around the country and we are using them whenever possible. In addition, we are constantly attempting to get individuals interested in setting up new facilities. At our last Executive Staff meeting, each of the Regional Directors was asked to contact their state counterparts as a continuing effort to seek additional bed space.

SUMMARY

The Bureau of Prisons is acutely aware of the provisions of the Juvenile Justice and Delinquency Prevention Act and has taken positive steps to assure compliance. The major problem in placing those with particularly sophisticated backgrounds and special needs continues to be addressed. We will continue in our efforts to find appropriate resources to meet their needs.

COMMITTED JUVENILE DELINQUENTS

FACT SHEET

OCTOBER 1980

COMMITTED FEDERAL JUVENILE DELINQUENTS: 122

RACE: Indian = 71 or 59%  
White = 39 or 32%  
Black = 11 or 9%  
Oriental 1 or 0

SEX: Male = 116 or 95%  
Female = 6 or 5%

AGE: 18 and over = 74 or 61%  
17 and over = 97 or 80 %

OFFENSES: Violent or Potentially Dangerous = 70 or 57%  
Property type = 52 or 43%

NUMBER OF SEPARATE CONTRACT FACILITITES: 80

NUMBER OF FACILITITES WHERE WE HAVE JUVENILES  
BOARDED NOW 34

NUMBER OF COMMUNITY\_BASED FACILITIES: (approx) 24

NUMBER OF JUVENILES CONFINED IN STATE OF RESIDENCE: 32 or 31%

AVERAGE COST PER CLIENT(FY 1980): \$41.43



United States Department of the Interior

NATIONAL PARK SERVICE  
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

NOV 28 1980

Ms. Linda Abram  
Research Associate  
University of Illinois at  
Urbana-Champaign  
505 East Green Street  
Suite 210  
Champaign, Illinois 61820

Dear Ms. Abram:

We are pleased to respond to your recent correspondence concerning a report to the Office of Juvenile Justice and Delinquency Prevention entitled, "Children in Federal Custody."

The report has been reviewed by the Division of Ranger Activities and Protection. We have made the necessary pen changes on the enclosed draft. We hope this information will be of value to your report. We regret that we did not receive notification of your November 7 meeting. If there are any other meetings or questions in the future or if we can be of further assistance please feel free to contact the Division of Ranger Activities and Protection at (telephone (202) 343-5607).

Sincerely yours,

Anthony L. Andersen  
Acting Chief, Ranger Activities  
and Protection Division

Enclosure

Received  
DEC 03 1980  
COMMUNITY  
RESEARCH CENTER

Year of  
the  
Visitor



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C. 20245

IN REPLY REFER TO:

Law Enforcement Services

Received

JAN 08 1981

COMMUNITY  
RESEARCH CENTER  
JAN 5 1981

Linda Abram, Research Associate  
Community Research Center  
505 East Green Street, Suite 210  
Champaign, Illinois 61820

Dear Ms. Abram:

In your November 13, 1980 letter, you have asked us to comment on the findings and recommendations included in the meeting drafts of the full report on "Children in Federal Custody."

We get the uneasy feeling from reading the report that much of the report is based on a false premise, i.e., all children held in detention on Indian reservations are in federal custody. This is not true, most children in custody are there by order of a tribal court and not a federal court. The U.S. Supreme Court in U.S. v Wheeler, held that tribal and federal courts are not arms of the same sovereign and that jeopardy did not attach when Wheeler was tried a second time in federal court after being tried in tribal court for the same offense. The report is skewed by lumping all children in detention on Indian reservations as being in federal custody.

Inasmuch as we start from a false premise, any conclusions drawn would also be false. Tribal governments are not units of federal governments and, therefore, not bound by 18 U.S.C. 5031, as is the Department of Justice.

However, as I have scanned through the report, I have noticed some errors in interpretation of materials, e.g.:

Page 37, line 4: Tribal governments share no concurrent criminal jurisdiction over non-Indians. (See Oliphant v Suquamish Tribe.)

It should also be noted that the Bureau of Indian Affairs has not arbitrarily taken the position that federal jurisdiction is exclusive in cases involving the Major Crimes Act committed by Indians against other Indians or non-Indians. Legal opinions regarding Indians and their federal relationship are generally made by the Department of the Interior Solicitor.

Page 42, second paragraph, 4th sentence: The Area Director is a federal employee and is not elected by the tribal chairman. The Area Director is an officer of the Bureau of Indian Affairs who is responsible for administration of Indian programs in a geographical region of the United States which may encompass many tribes and reservations. In the chain of command; the Commissioner is first, the Deputy Commissioner is second and the Area Director is third.

With regard to the statement that BIA Social Services is providing services where no one else is providing them, this we try to do within the limits of available staff and funds. The BIA Social Services is a secondary provider to all other public and private social services. Furthermore, many tribes are now receiving social services under P.L. 95-608, Title II grants and the Indian Child Welfare Act of 1978.

It should also be noted that there is a backlog of construction funding for facilities on the Indian reservations. Appropriated funds are inadequate to build facilities to house adult prisoners, let alone to construct separate juvenile facilities. Adult jails, as a general rule, are inadequate.

Finally, the BIA has statutory authority only to control alcohol/drug consumption, possession, sale and transportation on Indian reservations. Where law enforcement or criminal justice are concerned, the majority of these programs rest with tribes with BIA oversight. Indian tribes are not political subdivisions of the federal government and their juveniles, when detained by tribal courts, are not under federal jurisdiction and are not technically under Federal custody or subject to OJJDP mandates.

Very few tribes see the value of following OJJDP suggestions for handling juveniles. Most tribes do not have sufficient funds to establish such programs and, now that LEAA is being closed out, have very little chance of obtaining funding for juvenile related programs.

Sincerely,

  
Commissioner of Indian Affairs

ASSESSMENT AND VERIFICATION WORKSHOP EVALUATION

The major mechanism for obtaining feedback on the preliminary assessment and verification reports was four regional workshops scheduled after the survey fieldwork and initial review and analysis. The purpose of these workshops was three-fold.

First, the workshops provided an opportunity for OJJDP staff and state SPA and SAG representatives to review the findings and recommendations of the preliminary reports during individual face-to-face sessions. Secondly, the workshops provided an opportunity for state and federal officials to discuss the broader issues related to implementation of the Juvenile Justice and Delinquency Prevention Act. Finally, the workshops provided a mechanism for OJJDP/CRC technical assistance to participating states in the significant areas of deinstitutionalization of status and non-offenders, removal of juveniles from adult jails and lockups, and monitoring the juvenile justice system.

The evaluation included in this appendix examines several aspects of the monitoring assessment and verification workshops and comments on relevant findings related to content and process.

OJJDP MONITORING ASSESSMENT  
AND VERIFICATION WORKSHOP

EVALUATION REPORT

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APPENDIX B

Questionnaires Used at 1979 and 1980 Workshops

## INTRODUCTION

The 1980 OJJDP Monitoring Workshops were held at four sites across the country in August and September.

I Chicago, August, 25-27

II Nashville, September 8-10

III Baltimore, September 15-17

IV San Francisco, September 22-24

The total registration of 140 persons represented 47 states, six territories and the District of Columbia. This report is an attempt to aid decision-makers by providing them with the perceptions of participants about the workshops.

These evaluation data were collected using a case study approach. Data were collected by a variety of means, from a variety of sources, across all four of the 1980 OJJDP Monitoring Workshops. Qualitative data were gathered by observation, informal discussion, lengthy taped interviews, and the comments written on Participant Response Sheets (PRS) given out in workshop packets. These PRS also provided quantitative data indicating respondents' favorability or unfavorability toward the six workshop sessions, and certain other aspects of the workshops. These data are presented in tabular form in Appendix A, and at other points throughout this report.

Despite a 44 percent return rate, the data-producing sample was highly representative of all workshops according to gross demographic measures as shown in Tables A-1 through A-6 (Appendix A). Appendix B contains a copy of the questionnaire used to gather these data. The questionnaires for each of the four workshops were color-coded, and (except for the first workshop) were double-side printed on a single sheet to facilitate handling. To permit comparability of quantitative

data over the last three years, the same rating scale and key questions were retained from previous years' evaluation questionnaires.

Mention must be made of the differences between the two kinds of data presented here. This report emphasizes the presentation of quantitative data more strongly than I had planned. A great amount of qualitative data from personal interviews could not be introduced directly, in whole, and has been presented indirectly in the final section of this report.

TABLE 1  
TOTAL RESPONDENTS' RATINGS OF 1980 OJJDP MONITORING WORKSHOPS

Sessions	Below Average		Average		Above Average		Superior		Total Number of Responses	
	f*	%	f	%	f	%	f	%		
Monday-General Session	4	7.1	31	55.4	19	33.9	2	3.6	56	91.8
Deinstitutionalization	0	0	11	23.4	21	44.7	15	31.9	47	77.1
Monitoring Practices	5	8.6	20	34.5	28	48.3	5	8.6	58	95.1
Monitoring Guidelines	2	3.6	15	26.8	31	55.4	8	14.3	56	91.8
State/OJJDP Meetings	4	7.7	14	26.9	18	34.6	16	30.8	52	85.3
Pennsylvania Strategy	0	0	22	48.9	17	37.8	6	13.3	45	73.8
<b>Site</b>										
Workshop City	3	5.1	10	16.9	26	44.1	20	33.9	59	96.7
Travel Arrangements	0	0	15	26.8	19	33.9	22	39.3	56	91.8
Hotel Arrangements	3	5.5	11	20.0	21	38.2	20	36.2	55	90.2
<b>Other</b>										
Overall rating	1	1.7	13	21.7	40	66.7	6	10.0	60	98.4

\*Note: f = actual number of responses

Figure 1

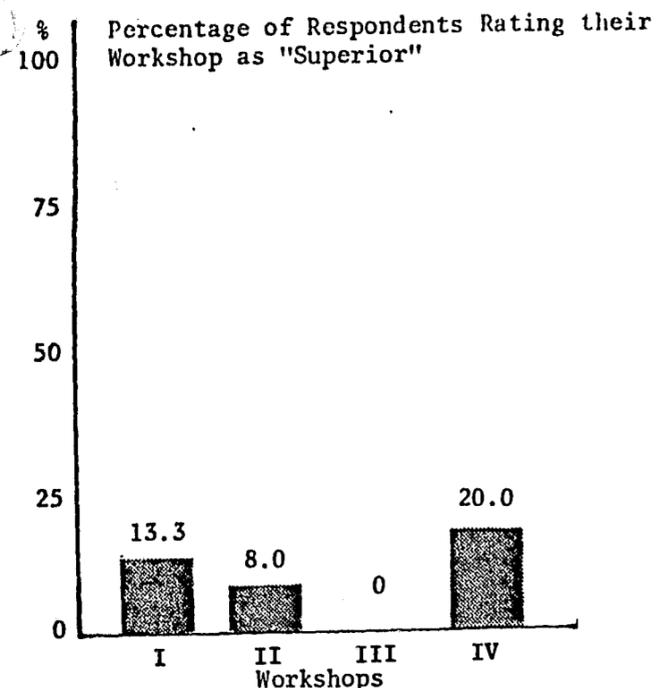


Figure 2

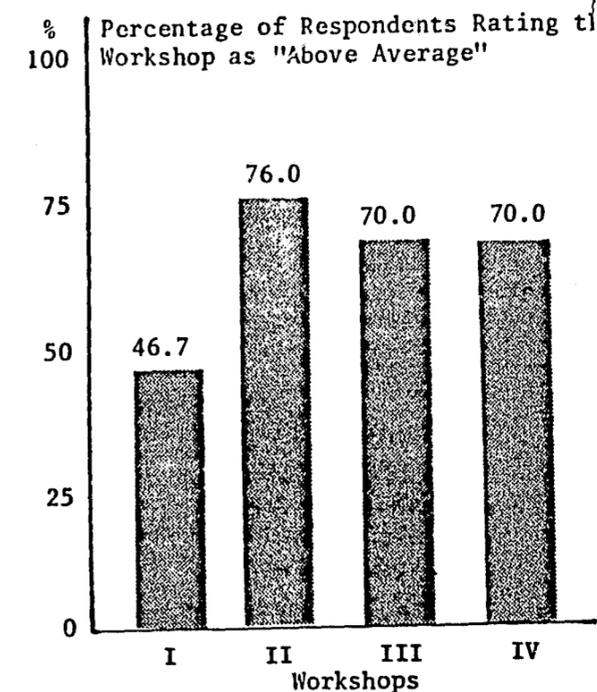


Figure 3

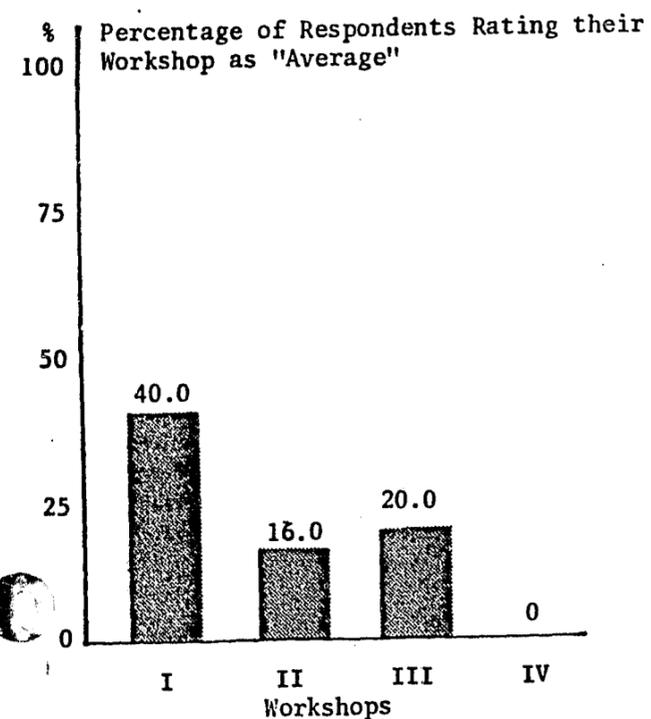
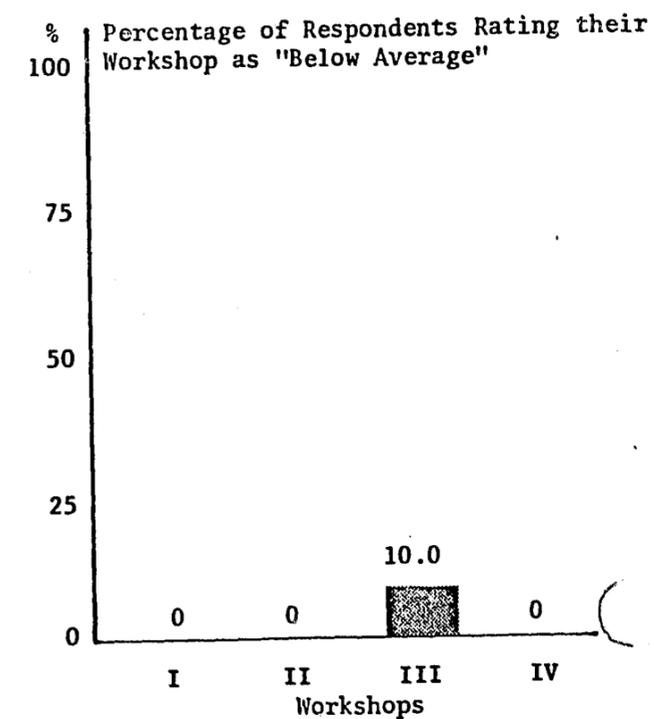


Figure 4



All figures on this page are non-adjusted percents

Figure 5

Percentage of Respondents Attending their First OJJDP Monitoring Workshop

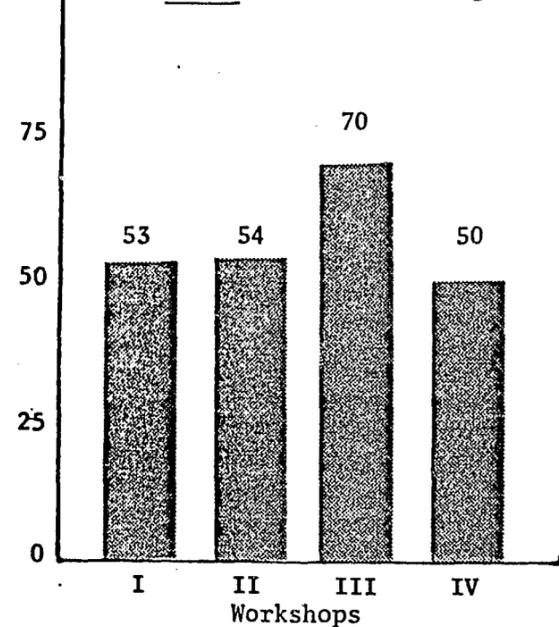


Figure 6

Percentage of Respondents Attending their Second OJJDP Monitoring Workshop.

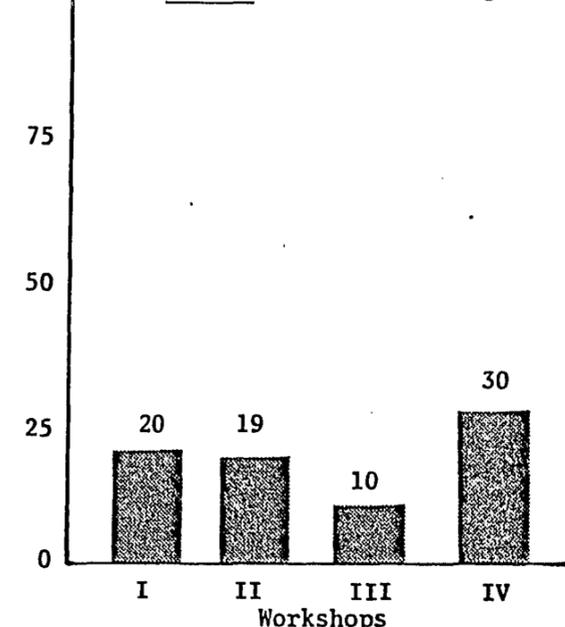


Figure 7

Percentage of Respondents Attending their Third OJJDP Monitoring Workshop

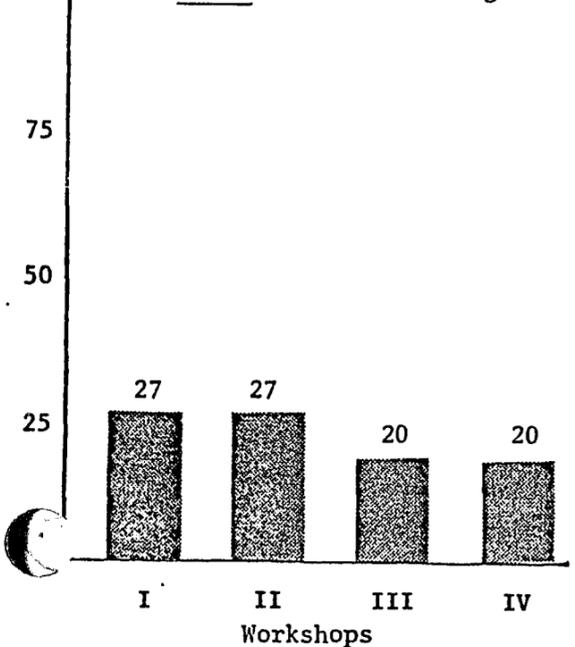


Figure 8

Percentage of Respondents Attending their Second or Third Monitoring Workshop

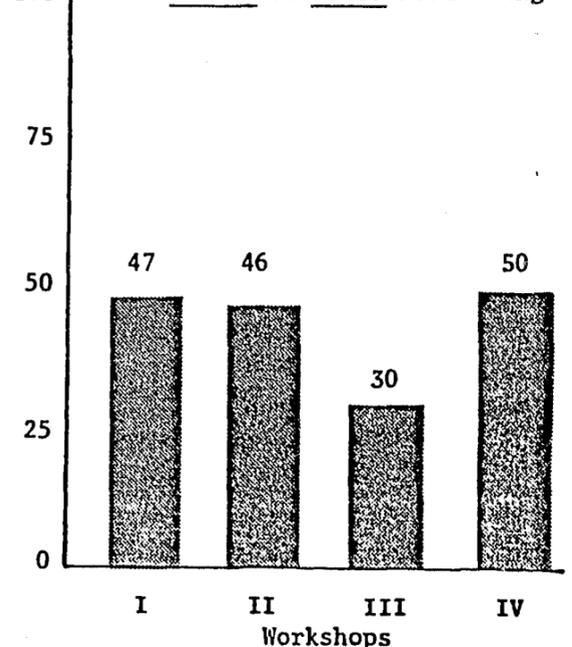


Figure 9

Differences in Overall Workshop Rating by SPA or SAG Membership

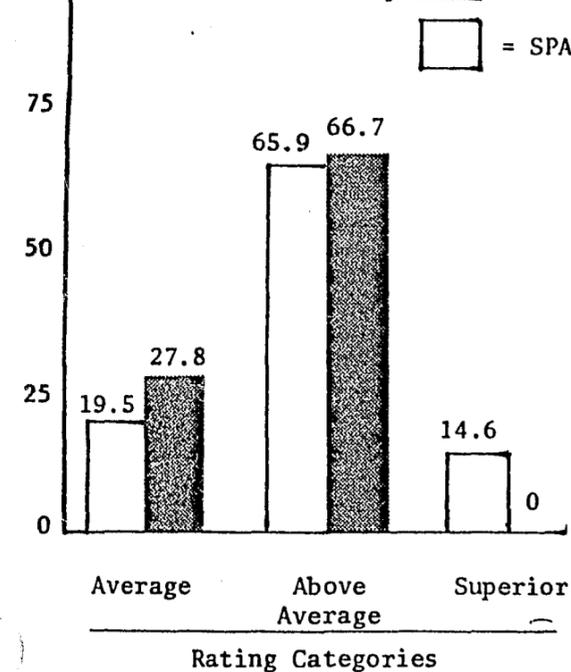


Figure 10

Differences in Overall Workshop Rating by Previous Attendance at OJJDP Monitoring Workshop

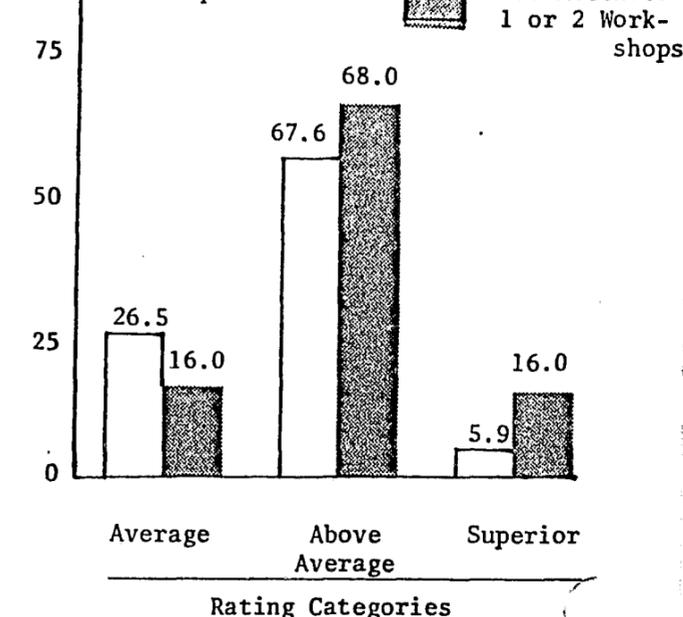
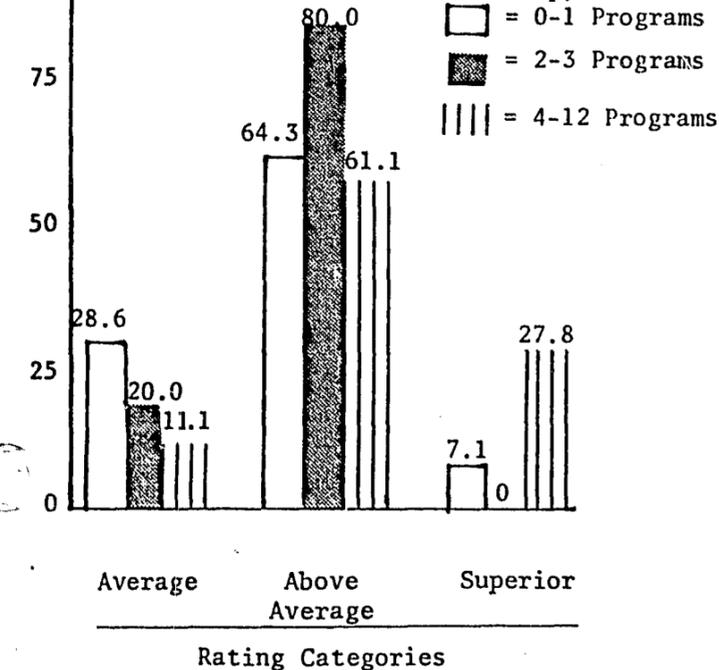


Figure 11

Differences in Overall Workshop Rating by the Number of Juvenile Justice/Education/Training Programs Attended (in the 12 Months before the Workshop)



NOTE: Only one respondent (of 61) rated his workshop -overall- as "below average". That single respondent's rating was eliminated from consideration here to facilitate data analysis.

## FINDINGS

As shown in Figures 1-4, Workshop IV held in San Francisco received the highest overall rating, and Workshop III held in Baltimore received the lowest overall rating. (It should be remembered that only one respondent rated Workshop III as "Below Average", and 70 percent rated it as "Above Average".) There are many reasons why Workshop III may have been rated lower than Workshop IV. While the data suggest some of these rather clearly, program decision-makers may discover others.

One of these factors may be the expectations or "frame of reference" brought to the Workshop by participants. Figure 5 shows that Workshop III had more "first timers" (70 percent) than any of the other four workshops. Figure 10 and Table A-10 suggest that "first timers" tended to rate their workshop less highly than participants who had previously attended OJJDP Monitoring Workshops.

Two other possible factors are relative satisfaction with program content and with program site. The latter is an especially difficult factor to deal with, as it can include such things as ease of travel, liking for the city, and satisfaction with the hotel's location, accommodations, food and service. Shown below in Table 2 are the percent of responses in each of the two workshops rating some of these aspects.

Preliminary data analysis suggested that respondents' ratings on their workshops "overall" might be based more heavily on their evaluation of program content than program site. Responses to the six questions on program content were merged, as were responses to the three questions on program site. This yielded "content" and "site" (grouped) ratings which were compared with "overall" workshop ratings. Ninety-nine percent of the time, respondents who rated "site" highly also rated

TABLE 2  
RATINGS OF WORKSHOP ASPECTS BY RESPONDENTS AT  
WORKSHOP III (BALTIMORE) AND WORKSHOP IV (SAN FRANCISCO)

Sessions	Percent Rating BELOW AVERAGE		Percent Rating SUPERIOR	
	III	IV	III	IV
Monday-General Session	0	10.0	0	0
Deinstitutionalization	0	0	20.0	37.5
Monitoring Practices	11.1	0	0	20.0
Monitoring Guidelines	12.5	0	0	1.8
State/OJJDP Meetings	20.0	0	20.0	25.0
Pennsylvania Strategy	0	0	0	14.3
<u>Site</u>				
Workshop City	11.1	0	0	70.0
Travel Arrangements	0	0	22.2	50.0
Hotel Arrangements	22.2	0	11.1	22.2
<u>Other</u>				
Overall Rating	10.0	0	0	20.0

their workshop "overall" highly. Eighty-five percent of the time, respondents who rated "content" highly also rated their workshop "overall" highly. This indicates that "site" factors may be at least as important as "content" factors in participants' overall evaluations of their workshops.

The data suggest that participant satisfaction may be positively related to previous attendance at juvenile justice training/education programs (other than the monitoring workshops). Respondents who rated their workshops as "Superior" overall (nearly ten percent--all SPA members) had each attended at least one such program in the 12 months prior to the workshop. The average number of programs attended for these highly satisfied respondents was 5.5 programs per person. The single respondent (SAG member) who rated his workshop overall as "Below Average" had not attended a single education program in the year preceding the workshop.

Finally, it should be noted that overall the four workshops were very highly rated by respondents. Sixty percent of those at Workshop I (Chicago) rated it as "Above Average" or "Superior". Eighty-four percent at Workshop II (Nashville) rated it as "Above Average" or "Superior". Seventy percent at Workshop III (Baltimore) rated it as "Above Average" or "Superior". And 90 percent at Workshop IV (San Francisco) rated it as "Above Average" or "Superior".

#### Highest/Lowest Rated Sessions

This section will examine in more detail the findings related to the two content sessions of the workshops which most pleased respondents and the two sessions which least pleased respondents. Table 3 below shows the four sessions selected for scrutiny, along with the percentage of total respondents (over all four workshops) who rated those sessions as "Below Average" or "Superior".

TABLE 3

<u>Percentage Rating the Session "Below Average"</u>	<u>Session</u>	<u>Percentage Rating the Session "Superior"</u>
7.1	Monday-General Session	3.6
0	Deinstitutionalization and Liability	31.9
8.6	Monitoring Practices	8.6
7.7	State/OJJDP Meeting	30.8

### Monday-General Session

Overall, this session would seem to offer the greatest possibilities for improvement. Of all six sessions it received the fewest ratings of "Superior" (3.6 percent) and "Above Average" (33.9 percent) as shown in Table 3 above. More than half (55.4 percent) of those responding rated this session as "Average" (more respondents rated the General Session as "Average" than any other of the six sessions). (Although this session is the least highly rated of the six, it should be remembered that only four respondents rated it "Below Average", and that 37.5 percent of respondents rated it "Above Average" or "Superior".

From comments written on the Participant Response Sheets (PRS), three major areas of criticism emerge: 1) the material presented was "old hat"; 2) the session appeared to be poorly organized; and 3) the session seemed dull, dry, and "excessively bureaucratic". Such demographic data on respondents as to number of previous OJJDP Monitoring Workshops attended, number of other educational programs attended, and SPA/SAG status, did not show any perceptible pattern relating these characteristics to responses.

Those respondents criticizing the General Session as presenting "old material" (or "not enough new information") were from the Chicago Workshop (3) and the Baltimore Workshop (1). Those respondents citing "poor organization" (2) were from the Chicago Workshop. Those respondents criticizing the General Session presentations as "dull", "dry" or "poor" were from the Nashville (4) and Baltimore (1) Workshops. There were no unfavorable comments written about the General Session at the San Francisco Workshop.

Seven respondents at the Nashville Workshop wrote favorable comments about the General Session. Four liked hearing the reports from the various SPA's represented, and two commended the reports from OJJDP staff.

My formal and informal interviews and observations produced some additional data. Although this session was the most highly criticized for being dull, dry and poorly organized, I observed--at each of the four workshops--what appeared to be great attention on the part of participants. Compared with some 200 other programs I have administered, there was a minimum of "extra-curricular" conversation, foot-shuffling and other signs of disinterest. At the Chicago Workshop, I had the opportunity to observe several other workshop sessions and found higher rates of such behaviors as intra-participant conversation, heads turned away from the speaker, etc. It is possible that participants were hoping for something (news?) of interest, but 1) did not get what they wanted, or 2) did not get it in the way they wanted.

Interviews provided information similar to that written on the Participant Response Sheets (PRS), and added further information. At the Chicago Workshop, I learned that several participants (all first-timers at the Monitoring Workshops) were uncertain about the purpose of the Monday General Session. One participant said he could have been better prepared for the Workshop if he had more detailed information in advance. (I attempted to confirm this statement in interviews at subsequent workshops and found some confirmation and some disconfirmation. One respondent was candid enough to say, "Yeah, some advance materials would have been nice, but I probably wouldn't have read them anyway.")

### Deinstitutionalization and Public Official Liability

This session was one of the most popular and received not a single rating of "Below Average" at any of the four workshops. More respondents (31.9 percent) rated this session as "Superior" than any of the other six sessions. It received an "Above Average" rating from 44.7 percent of respondents, an "Average" rating from 23.4 percent of respondents.

Comments from Participant Response Sheets were uniformly favorable, stating the excellence of the speaker and presentation and commenting on the high degree to which the content was interesting, informative, and understandable. One respondent wrote "makes you almost excited about litigation."

#### Monitoring Practices

This session received a "Superior" rating from 8.6 percent, an "Above Average" rating from 48.3 percent, an "Average" rating from 34.5 percent, and a "Below Average" rating from 8.6 percent of respondents. An interesting peculiarity is that this session received "Superior" ratings from 20.0 percent of respondents at Workshops I and IV, and no "Below Average" ratings at those workshops. Yet at Workshops II and III, the session received no "Superior" ratings and "Below Average" ratings of 16.7 (II) and 11.1 (III) percent respectively.

Comments from Participant Response Sheets were predominantly favorable, with a concentration of the unfavorable remarks centering on one speaker who presented data that several people found "suspect". This speaker was cited as "too argumentative and opinionated", "overstated his case", and "could not handle questions". (Evidently a lot of feeling was generated by this presentation, and not all comments were negative; "\_\_\_\_\_ (the speaker) should be congratulated on his lack of response to the personal attack on him.")

Favorable remarks centered on the value of the information presented and the quality of several of the presenters. "Good info--useful", "excellent info--good presentation", "survey done was excellent", and "lots of good info on de minimus--got all questions answered" were typical of these. One respondent stated, "For me, this was the most interesting session. I particularly liked the handovts."

#### State/OJJDP Meeting

These meetings between SPA/SAG members from the various states and their "State Representatives" from OJJDP varied more than any other aspect of the workshops. Because each state had its own meeting, there were some 45 of these sessions over the four workshops, compared with eight each for the other five sessions. Nevertheless, a look at the aggregate data shows that 30.8 percent of all respondents rated their session as "Superior", 34.6 percent as "Above Average", 26.9 percent as "Average" and only 7.7 percent rated their meeting as "Below Average".

Comments from Participant Response Sheets were predominantly favorable. "Negative" remarks centered on the absence (due to injury) of a State Representative--at Workshop I--and the failure of OJJDP to fully orient a newly hired State Representative--at Workshop II. Several respondents remarked that they had no need for such a meeting. Only one respondent--Workshop III--had a truly negative remark, "too much distance between states and State Rep." Favorable comments centered on the usefulness of the face-to-face meeting, the openness of the State Representatives. "Good idea", "good chance to discuss problems", and "got all questions answered" were typical.

## CONCLUSIONS AND IMPLICATIONS

This section summarizes what I consider to be the most important findings of the study, and based on these, offers some suggestions as to how future programming for this population might be made even more successful.

These data are drawn from the quantitative data and written comments from Participant Response Sheets, from my observation and interviews, and my experiences in coordinating the workshops. My interpretation of the priorities for the selection of these conclusions, and--to some degree--my recommendations for future action, are based on my years of experience in coordinating hundreds of educational programs for adults. Of all the sections of this report, this one has the least claim to "objectivity" and I ask the reader to bear this in mind.

### Workshop Participants

One of the questions with which I began this investigation was, "What characteristic(s) discriminate between those participants who are very satisfied, and those who were dissatisfied with their workshop?" My assumption was that answers to this question might be useful for program improvement.

The quantitative data (Tables 1 and A-19) indicate less variation in satisfaction (as measured by "overall" workshop rating) than I had anticipated. Comparison of data on workshop "overall" rating with data on participant characteristics suggested that attendance at previous OJJDP workshops (1978, 1979), and attendance at other juvenile justice education programs may be related to higher "overall" workshop ratings (Tables A-10, A-11). If there is a causal relationship here, one of the possible factors might be the "new" participant's frame of reference. With little or no experience of juvenile justice education programs in general, and the OJJDP Monitoring Workshops in particular, these participants may have come with unrealistic expectations for their participation.

Other potentially important differences among participants may be differences in: length of service in the juvenile justice system, and information-seeking patterns and behaviors. These factors--as well as expectations--could be assessed prior to future programs. Some of the differences among participants might be reduced through advance reading matter, special programs for "new comers", and so forth. A number of first-time attendees I interviewed stressed how much they would have like more advance preparation. Even a more detailed schedule--than the one we sent in advance--would have been helpful to many people. (This was my fault; as the Workshops Coordinator I failed to take this need into account, and insisted on sending a brief schedule for reasons of administrative convenience.)

### General Session

One of the most difficult problems in the planning of adult education programs is coping with external circumstances which disturb program participants and are beyond the control of program planners. Program planners dealt forthrightly with the understandable anxiety of participants by scheduling two parts of the General Session. The first was a presentation on the current status of LEAA and future implications. The second was a "Report from the States" in which each state reported on the status of its contingency plans for survival without LEAA funding.

There were many favorable responses to the LEAA presentation. However, some participants found the presentation rather technical and detailed, and would have found it easier to follow if the speaker had used audio-visual aids, an outline, or pass-out materials. The "status reports" from the various states were uniformly well received. Participant Response Sheets had such comments as "helpful to know status in other states" and "discussion by individual states good." I observed more behavioral indicators of audience interest during this section of the session

than was typical. I also spoke informally with participants--as well as interviewees--to gauge the response to this aspect of the program. Interviewees were uniformly enthusiastic, and only one person (of about 20 I asked) said the "State Reports" increased; rather than decreased, her anxiety. Many people suggested that more of this sort of thing be done in the future, and I discuss below in the next section why this should be done. Although the General Session was well received in general, and aspects of it were very well received, some administrative improvements could be made.

As the first workshop session, this part of the program received most people just as they arrived at the workshop hotel. Some participants had unforeseeable problems with transportation, others had been traveling since early morning without a chance for lunch. The session often began as much as 30 minutes late, awaiting the arrival of participants. Once begun, as much as 30 minutes had to be spent discussing "housekeeping" details such as travel reimbursement, the "sign-up" sheet, hotel arrangements, this evaluative study, and other matters.

Finally, the room set-up was terribly formal--participants were seated at rows of tables, faced by a headtable for between five and nine persons. At Workshop III this situation was exacerbated by the placement of the headtable on a podium! I had completely failed to take this into account, and only learned of it when several interviews brought it strongly to my attention. One woman described the atmosphere as "...like a court, or a kids' classroom." Another said, "The set-up gave the idea, 'we're going to tell you what's what'." Obviously making participants feel like children or "prisoners before the dock" is not the best way to set a learning mood. Once the problem was realized, the General Session set-up was changed to round tables (with no headtable) for Workshop IV. Also, a good bit of the "housekeeping" details were handled at the Workshop Registration

Desk, rather than during the first part of the opening session. Although I cannot prove it, I would like to believe that these changes resulted in an increase of "Above Average" ratings for the General Session--I 28.6; II 40.9; III 10.0; and IV 50.0.

#### Presentations

Response to the many presentations was varied. It may be useful to note here only those factors which displeased respondents so that planning for future efforts can take these into account. The strongest criticisms were directed toward speakers who appeared to be poorly prepared. Speakers were also chided for excessive detail and using too many examples to put over a point. A final point was that a few speakers should have used audio-visual aids, graphics, charts, outlines and other materials to supplement the oral presentation. Certainly it is impossible to train conference speakers in presentation skills, but some organizations find it useful to send out a "tip-sheet" to help speakers avoid the more obvious problems. This could be done as a routine affair (i.e., along with confirmation letters) so as not to single out any particular speaker.

One complaint was that presentations were "dull," "dry" and "boring". It may be that this group wants less lecture and more "audience involvement." A number of interviewees expressed a desire for "drama" and "conflict." The need for "involvement" could be met to some degree by having "advance readings" for basic information transfer, with workshop sessions emphasizing discussion and clarification of the material read. The obvious problem with this approach is that its success would depend on participants doing the advanced reading. However, it seems worth a try on a "pilot" basis. One session of the workshop could be handled this way, and if it failed the rest of the workshop could still be a success.

Many interviewees--and other respondents--requested written matter in advance. They said their participation would have been greatly enhanced if they could have read information on de minimus, the LEAA presentation, and the Act with the new changes underlined.

#### The Workshops--Overall

Another of the questions with which I entered this study was, "Are these workshops the best way to accomplish the objectives?" Response to this question from participants was overwhelmingly "Yes!" Despite some suggestions for improvement, participants responded very favorably to the idea and the actuality of the workshops. Quantitative data show the modal rating as "Above Average", and over 75 percent of respondents rated their workshop as "Above Average" or "Superior". Many interviewees pointed out to me that it was important to continue these workshops even though compliance was no longer the issue it was in 1978. After awhile I began asking interviewees about this need and there was a unanimous concern for their continuation. [As OJJDP paid travel expenses for the participants (and most workshops were held in very attractive cities) these comments could be seen as self-serving. However, as well over half the participants were attending one of these workshops for the first time, such suspicions may be ill-founded.]

Many participants expressed a desire for future workshops to be centered on "job-issues". Several people mentioned "separation" as a worthy topic for 1981 programming. Should future workshops be planned for this audience, planners should continue to place importance on comfortable, attractive workshop sites. As shown above under "Findings", the quantitative data suggest that "site" as well as "content" may be important in respondents overall ratings of their workshops.

#### APPENDIX A Tables

The reader is cautioned to note the low cell-counts in some of the tables below and elsewhere in this report. A small number of responses in any of a given category reduces the possible significance of implied relationships. The low actual number of responses (N=61) is a further limitation on significance.

TABLE A-1

RESPONDENTS TO 1980 MONITORING WORKSHOP EVALUATION QUESTIONNAIRE BY WORKSHOP

<u>Workshop</u>	<u>Respondents (f)</u>	<u>Percentage</u>
I Chicago	15	24.6
II Nashville	26	42.6
III Baltimore	10	16.4
IV San Francisco	<u>10</u>	<u>16.4</u>
n =	61	100.0

TABLE A-2

WORKSHOP PARTICIPANTS BY WORKSHOP

<u>Workshop</u>	<u>Participants (f)</u>	<u>Percentage</u>
I Chicago	25	17.9
II Nashville	36	25.7
III Baltimore	10	30.0
IV San Francisco	<u>37</u>	<u>26.4</u>
N =	140	100.0

TABLE A-3

RESPONSE BY PARTICIPATING AND NON-PARTICIPATING STATES/TERRITORIES

	<u>Respondents(f)</u>	<u>Percentage</u>
Participating	57	95.0
Non-Participating	<u>3</u>	<u>5.0</u>
N =	60	100.0

NOTE: The single participant from Missouri categorized her state as "non-participating" as Missouri was considering withdrawing from participating in the Act at the time of the Chicago Workshop.

TABLE A-4

WORKSHOP PARTICIPANTS BY PARTICIPATING AND NON-PARTICIPATING STATES/TERRITORIES

	<u>Respondents(f)</u>	<u>Percentage</u>
Participating	137	97.9
Non-Participating	<u>3</u>	<u>2.1</u>
N =	140	100.0

TABLE A-5  
RESPONDENTS BY SPA/SAG

	<u>Respondents (f)</u>	<u>Percentage</u>
SPA	42	70.0
SAG	<u>18</u>	<u>30.0</u>
	N = 60	100.0

TABLE A-6  
PARTICIPANTS BY SPA/SAG

	<u>Participants (f)</u>	<u>Percentage*</u>
SPA	91	70.5
SAG	<u>38</u>	<u>29.5</u>
	N = 129	100.0
Other	<u>11</u>	
	N = 140	

\* Does not include 11 cases in "other" category

TABLE A-7  
 RESPONDENTS BY THE NUMBER OF JUVENILE JUSTICE EDUCATION/TRAINING  
 PROGRAMS ATTENDED IN PAST TWELVE MONTHS (BEFORE WORKSHOP DATE)

<u>Number of Programs Attended (Previous 12 Months)</u>	<u>Respondents (f)</u>	<u>Percentage</u>
0	6	11.1
1	9	16.7
2	13	24.1
3	8	14.8
4	11	20.4
5	1	1.9
6	2	3.7
8	2	3.7
10	1	1.9
12	<u>1</u>	<u>1.9</u>
	54	100.2*
No response	<u>7</u>	
	N = 61	

\*Does not equal 100 due to rounding error

TABLE A-8  
 RESPONDENTS BY THE NUMBER OF JUVENILE JUSTICE EDUCATION/TRAINING PROGRAMS  
 ATTENDED IN PAST TWELVE MONTHS (GROUPED)

<u>Number of Programs Attended (Previous 12 Months)</u>	<u>Respondents (f)</u>	<u>Percentage</u>
0-1	15	27.8
2-3	21	38.9
4-12	<u>18</u>	<u>33.3</u>
No response	<u>7</u>	100.0
	N = 61	

TABLE A-9  
 RESPONDENTS BY NUMBER OF OJJDP MONITORING WORKSHOPS  
 PREVIOUSLY ATTENDED (BEFORE 1980 WORKSHOPS)

<u>OJJDP Workshops Previously Attended</u>	<u>Respondents (f)</u>	<u>Percentage</u>
0	34	55.7
1	11	18.0
2	15	24.6
3	<u>1</u>	<u>1.6</u>
	N = 61	99.9*

\*Does not equal 100.0 due to rounding error

TABLE A-10  
 OVERALL WORKSHOP RATING BY NUMBER OF OJJDP MONITORING WORKSHOPS PREVIOUSLY ATTENDED

<u>Rating</u>	<u>Number of Monitoring Workshops Attended Prior to 1980</u>	
	<u>0</u>	<u>1-3</u>
Average	26.5	16.0
Above Average	67.6	68.0
Superior	<u>5.9</u>	<u>16.0</u>
	N=34	N=25

NOTE: Only one respondent rated his workshop as "below average". That respondent had attended one monitoring workshop prior to 1980.

TABLE A-11

## OVERALL WORKSHOP RATING BY NUMBER OF JUVENILE JUSTICE EDUCATION/TRAINING PROGRAMS ATTENDED IN PAST TWELVE MONTHS\*

Rating	Number of Programs Attended		
	0-1	2-3	4-12
Average	28.6	20.0	11.1
Above Average	64.3	80.0	61.1
Superior	7.1	0	27.8

NOTE: Only one respondent rated his workshop as "below average". That respondent had attended no juvenile justice education/training programs in the past 12 months.

\* Significance level = .0758

TABLE A-12  
OVERALL WORKSHOP RATING

Respondents from Participating and Non-Participating States/Territories			Respondents from State Planning Agencies (SPA) and State Advisory Group (SAG)		
Rating	Participating	Non-Participating	Rating	SPA	SAG
Below Average	1.8	0	Below Average	0	5.6
Average	21.4	33.3	Average	19.5	27.8
Above Average	66.1	66.7	Above Average	65.9	66.7
Superior	10.7	0	Superior	14.6	0
	N = 56	N = 3		N = 41	N = 18

TABLE A-13  
GENERAL SESSION RATING

Respondents from Participating and Non-Participating States/Territories			Respondents from State Planning Agencies (SPA) and State Advisory Group (SAG)		
Rating	Participating	Non-Participating	Rating	SPA	SAG
Below Average	3.8	66.7	Below Average	2.5	20.0
Average	59.6	0	Average	60.0	46.7
Above Average	32.7	33.3	Above Average	35.0	26.7
Superior	3.8	0	Superior	2.5	6.7
	N = 52	N = 3		N = 40	N = 15

TABLE A-14

## DEINSTITUTIONALIZATION AND PUBLIC OFFICIAL LIABILITY SESSION RATING

Responses by Participating and Non-Participating States/Territories			Respondents from State Planning Agency (SPA) and State Advisory Group (SAG)		
Rating	Participating/Non-Participating		Rating	SPA	SAG
Below Average	0	0	Below Average	0	0
Average	25.0	0	Average	23.5	23.1
Above Average	45.5	33.3	Above Average	41.2	53.8
Superior	29.5	66.7	Superior	35.3	23.1
	N = 44	N = 3		N = 34	N=13

TABLE A-15

## MONITORING PRACTICES SESSION RATING

Responses by Participating and Non-Participating States/Territories			Respondents from State Planning Agency (SPA) and State Advisory Group (SAG)		
Rating	Participating/Non-Participating		Rating	SPA	SAG
Below Average	7.4	33.3	Below Average	9.5	6.7
Average	37.0	0	Average	33.3	40.0
Above Average	46.3	66.7	Above Average	50.0	40.0
Superior	9.3	0	Superior	7.1	13.3
	N = 54	N = 3		N = 42	N=15

TABLE A-16

## MONITORING GUIDELINES SESSION RATING

Responses by Participating and Non-Participating States/Territories			Respondents from State Planning Agency (SPA) and State Advisory Group (SAG)		
Rating	Participating/Non-Participating		Rating	SPA	SAG
Below Average	3.8	0	Below Average	2.5	6.7
Average	26.9	33.3	Average	32.5	13.3
Above Average	53.8	66.7	Above Average	47.5	73.3
Superior	15.4	0	Superior	17.5	6.7
	N = 52	N = 3		N = 40	N=15

TABLE A-17

## OJJDP/STATE MEETING RATING

Responses by Participating and Non-Participating States/Territories			Respondents from State Planning Agency (SPA) and State Advisory Group (SAG)		
Rating	Participating/Non-Participating		Rating	SPA	SAG
Below Average	8.2	0	Below Average	10.8	0
Average	28.6	0	Average	18.9	46.7
Above Average	34.7	33.3	Above Average	32.4	40.0
Superior	28.6	66.7	Superior	37.8	13.3
	N = 49	N = 3		N = 37	N=15

TABLE A-18

PENNSYLVANIA STRATEGY SESSION RATING

<u>Responses by Participating and Non-Participating States/Territories</u>			<u>Respondents from State Planning Agency (SPA) and State Advisory Group (SAG)</u>		
<u>Rating</u>	<u>Participating/Non-Participating</u>		<u>Rating</u>	<u>SPA</u>	<u>SAG</u>
<u>Below Average</u>	0	0	<u>Below Average</u>	0	0
<u>Average</u>	51.2	0	<u>Average</u>	57.1	37.5
<u>Above Average</u>	34.9	100.0	<u>Above Average</u>	32.1	43.8
<u>Superior</u>	14.0	0	<u>Superior</u>	10.7	18.8
	N = 43	N = 1		N = 28	N=16

APPENDIX B

Questionnaires used in 1979 and 1980

1980 OJJDP MONITORING WORKSHOPS  
EVALUATION  
Participant Response Sheet

This information will be very useful in our efforts to improve future workshops and make them more relevant to your needs. We appreciate your assistance.

SESSIONS--

Please check the space which comes nearest to describing your judgement of the session:

	<u>Below Average</u>	<u>Average</u>	<u>Above Average</u>	<u>Superior</u>	
1. Monday--General Session	_____	_____	_____	_____	7
Comments:	_____				
2. Deinstitutionalization and Public Official Liability	_____	_____	_____	_____	8
Comments:	_____				
3. Monitoring Practices	_____	_____	_____	_____	9
Comments:	_____				
4. Monitoring Guidelines	_____	_____	_____	_____	10
Comments:	_____				
5. Your State/OJJDP Meeting	_____	_____	_____	_____	11
Comments:	_____				
6. Pennsylvania Strategy for Removal	_____	_____	_____	_____	12
Comments:	_____				

SITE--

Please check the space which comes nearest to describing your judgement of the:

	<u>Below Average</u>	<u>Average</u>	<u>Above Average</u>	<u>Superior</u>	
1. Workshop City (appropriate?)	_____	_____	_____	_____	13
Comments:	_____				

2

	<u>Below Average</u>	<u>Average</u>	<u>Above Average</u>	<u>Superior</u>	
2. Travel Arrangements	_____	_____	_____	_____	14
Comments:	_____				
3. Hotel Arrangements	_____	_____	_____	_____	15
Comments:	_____				

OTHER--

	<u>Below Average</u>	<u>Average</u>	<u>Above Average</u>	<u>Superior</u>	
1. Overall Rating of Workshop	_____	_____	_____	_____	16
2. Demographic Information					
A. I am from a:					
			participating state (or territory) _____		2
			a non-participating state _____		
B. I am with the:					
			State Planning Agency (SPA) _____		
			State Advisory Group (SAG) _____		
C. In the past 12 months, I have attended about _____ training/education programs--out of town--in connection with my role in the justice system. (Programs such as conferences, workshops, symposia, seminars, etc.)					4-5
D. This is the:					
	_____	_____	_____		
			First OJJDP Monitoring Workshop I		6
			Second have attended		
			Third		

Please use the remaining space (or attach a separate sheet) to give us any other comments you may have about the workshop.

Thank you for your help.

MONITORING WORKSHOP EVALUATION

1. Name (Optional) \_\_\_\_\_
2. City and State (Optional) \_\_\_\_\_
3. Please place a check mark in the space which most appropriately describes your rating of the session and provide comments as to improvements which should be made in future workshops.

<u>Session</u>	<u>Below Average</u>	<u>Average</u>	<u>Above Average</u>	<u>Superior</u>
----------------	--------------------------	----------------	--------------------------	-----------------

a. Guidelines Presentation      \_\_\_\_\_

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Monitoring Policy Session      \_\_\_\_\_

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

c. Monitoring Practices Session      \_\_\_\_\_

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

<u>Session</u>	<u>Below Average</u>	<u>Average</u>	<u>Above Average</u>	<u>Superior</u>
----------------	--------------------------	----------------	--------------------------	-----------------

d. OJJDP/State Sessions      \_\_\_\_\_

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

e. Overall Three Day Session      \_\_\_\_\_

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

4. Are multi-state workshops of this type a useful way of resolving issues dealing with the implementation of the 1974 JJDP Act?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

Comment: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

5. Do you feel that the workshop location is appropriate for the states who are attending?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

Comment: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

6. Do you feel that the states in attendance comprise an appropriate grouping for multi-state workshops?

Yes

No

Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Were the travel and hotel arrangements satisfactory?

Yes

No

Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Do you feel that OJJDP guidelines and policies relating to the monitoring process were clarified? What suggestions do you have for continued clarification?

Yes

No

Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. What suggestions do you have for enhancing the exchange of information regarding monitoring practices? Do you feel that the Monitoring Policy and Practices Manual is a useful manner to keep state monitoring personnel apprised in changes in policy and new practices?

Yes

No

Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. What aspects of your current state monitoring system do you consider to be most effective? (i.e., legislation, data collection, inspection methods, violations procedure.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. What suggestions do you have for next year's workshops?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Would you favor expanded workshops covering more subjects? (i.e., separation, diversion, restitution, prevention.)

Yes

No

Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please return the completed evaluation form to Jim Brown, Community Research Forum, University of Illinois, 505 East Green Street, Suite 210, Champaign, Illinois 61820.

TOTAL N=61  
PRS Returned

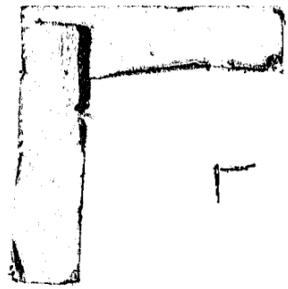
TABLE A-19

RESPONDENT'S RATINGS OF OJJDP MONITORING WORKSHOPS IN ADJUSTED PERCENTAGES\*

A. SESSIONS	BELOW AVERAGE					AVERAGE					ABOVE AVERAGE					SUPERIOR				
	I	II	III	IV	Total %	I	II	III	IV	Total %	I	II	III	IV	Total %	I	II	III	IV	Total %
1) Monday--General Session	7.1	9.1	0	10.0	7.1	50.0	50.0	90.0	40.0	55.4	28.6	40.9	10.0	50.0	33.9	14.3	0	0	0	5.6
2) Deinstitutionalization	0	0	0	0	0	30.0	20.8	60.0	0	23.4	50.0	41.7	20.0	62.5	44.7	20.0	37.5	20.0	37.5	31.9
3) Monitoring Practices	0	16.7	11.1	0	8.6	26.7	41.7	33.3	30.0	34.5	53.3	41.7	55.6	50.0	48.3	20.0	0	0	20.0	8.6
4) Monitoring Guidelines	7.1	0	12.5	0	3.6	14.3	36.0	37.5	11.1	26.8	42.9	56.0	50.0	77.8	55.4	8.9	3.6	0	1.8	14.3
5) State/OJJDP	15.4	0	20.0	0	7.7	38.5	9.5	50.5	25.0	26.9	23.1	47.6	10.0	50.0	34.6	23.1	42.9	20.0	25.0	30.8
6) Pennsylvania Strategy	0	0	0	0	0	33.3	52.4	87.5	14.3	48.9	33.3	38.1	12.5	71.4	37.8	33.3	9.5	0	14.3	15.3
B. SITE																				
1) City	14.3	0	11.1	0	5.1	7.1	11.5	55.6	10.0	16.9	35.7	61.5	33.3	20.0	44.1	42.9	26.9	0	70.0	33.9
2) Travel Arrangements	0	0	0	0	0	21.4	34.8	22.2	20.0	26.8	35.7	26.1	55.6	30.0	33.9	42.9	39.1	22.2	50.0	39.3
3) Hotel Arrangements	0	4.3	22.2	0	5.5	35.7	4.3	22.2	33.3	20.0	42.9	30.4	44.4	44.4	38.2	21.4	60.9	11.1	22.2	36.4
C. OTHER																				
Overall Rating	0	0	10.0	0	1.7	40.0	16.0	20.0	10.0	21.7	46.7	76.0	70.0	70.0	66.7	13.3	8.0	0	20.0	10.0

\*Column percentages are the percentages of those at the workshop who responded to the particular question.

Workshop I Chicago N=15  
Workshop II Nashville N=26  
Workshop III Baltimore N=10  
Workshop IV San Francisco N=10



**END**