

Eight Points for an Effective Monitoring System

1 Policies and Procedures

28 CFR §31.303(f)(1)(i)

A state must provide a written plan and procedures for annually monitoring jails, lockups, detention facilities, correctional facilities, and nonsecure facilities. The plan must detail the state's implementation of key monitoring system elements.

2 Monitoring Authority

34 USC §11133(a)(2)

Provides the designated state agency with the authority to execute the state's plan, which may include granting an individual or a specific agency the ability to inspect and collect data from facilities in the monitoring universe.

3 Violation Procedures

28 CFR §31.303(f)(1)(iii)

A state's monitoring system must describe established procedures for receiving, investigating, and reporting alleged violations of deinstitutionalization of status offenders (DSO), separation, and jail removal. This description should include any existing legislative and administrative procedures and sanctions.

4 Federal Definitions

28 CFR §31.303(f)(1)(iii)
and 28 CFR §31.304

States must indicate that where their definitions differ from federal definitions, they will apply federal definitions during the compliance monitoring process.

5 Identification of the Monitoring Universe

28 CFR §31.303(f)(1)(i)(A)

Every facility that might securely detain or confine juveniles pursuant to law enforcement or juvenile court authority, whether publicly or privately owned and operated, must be included.

6 Classification of the Monitoring Universe

28 CFR §31.303(f)(1)(i)(B)

States must classify all facilities in the monitoring universe by facility type (e.g., secure detention or correctional facility [juvenile or adult], adult jail, adult lockup, or other secure or nonsecure facility).

7 Inspection of Facilities

28 CFR §31.303(f)(1)(i)(C)

States must inspect facilities to verify classification and to confirm that they maintain adequate sight and sound separation between juvenile detainees and adult inmates. The inspection process also reviews recordkeeping systems to ensure that facilities are maintaining sufficient data and policies to determine compliance with the core requirements.

8 Data Collection, Verification, and Analysis

28 CFR §31.303(f)(1)(i)(D)

States must collect data and periodically verify it on-site to determine whether facilities are in compliance with the applicable requirements of DSO, separation, and jail removal. On-site data verification involves the review of data that a facility self-reports, including a review of the facility's original admissions records and booking logs.