



American Correctional Association

**Monograph:**  
**Monitoring and  
Evaluating Contracts**

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Office of Juvenile Justice and Delinquency Prevention  
Office of Justice Programs  
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**OJJDP**

**MONOGRAPH**

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**INTRODUCTION**

Once a contract is finalized and service begins, the state department of juvenile corrections assumes the responsibility for monitoring the private provider's performance. This responsibility is especially important because the government is still legally responsible and accountable for juvenile corrections even though the services are privately provided.

Government also has a responsibility to monitor the expenditure of public dollars and to assure that the juveniles are receiving the quality and quantity of services specified in the contract. Adequate, effective monitoring of private provider contract performance improves cost effectiveness, ensures full use of resources and services and, most importantly, enhances the quality of services.

Initiating contract monitoring is a long process that begins with a Request for Proposals. Successful monitoring systems require careful planning and scrupulous attention to detail. All parties must agree to and understand what parts of the program will be evaluated and what measures will be used.

The purpose of contract monitoring, besides ensuring compliance, is to detect problems and work together to solve them. The contracting agency and the provider must feel free to work openly and honestly to provide the best possible service.

The contract monitor must understand the operational and philosophical basis for the specific services and juvenile justice in general. A good monitor is skilled in many areas and is willing to co-operate to get the job done.

The state agency and the provider develop a monitoring plan together so that it satisfies everyone's needs. The plan should cover all aspects of the monitoring process with schedules for each activity.

The way contract monitors conduct site visits is crucial to their success. The site visits should be planned well in advance so that the contractor will be prepared with the required documentation and the program will be disrupted as little as possible.

Contract monitoring involves more than just visiting programs and facilities. Documentation, data collection, and statistical analysis can provide the state agency with certain concrete information that superficial visits cannot produce. Using each of these activities to combine all available information is the only way to make an accurate assessment.

When problems are detected with the provider's performance, a corrective action plan must be developed. It is often most effective if the provider devises the corrective action plan. This enables the provider to take pride in the plan and to commit to its implementation. Ultimately, it may become necessary to terminate the contract due to non-compliance. This should always be a last resort.

**INITIATING CONTRACT MONITORING**

Successful contract management and monitoring requires a mutual commitment to achieving the goals of the contract. Where the contract provider is expected to impact behavioral change in clients, developing an Individualized Program Plan is an essential element of the contract negotiations and provides a basis for contract monitoring and outcome measurement.

It is important to keep in mind that the state is the responsible agency and has the ultimate decision-making responsibility. The contractor works for the state.

Successful contract monitoring requires foresight. The process begins during the development of the Request for Proposals (RFP), is elaborated on in the successful proposal, and is finalized during contract negotiations. The basic elements of monitoring -- who, what, where, when, and how -- need to be detailed in the contract.

The most important aspect of contract monitoring is assuring that the provider complies with the specific terms and conditions of the contract. One approach that is useful in this regard is to establish performance outcomes for each element of the contracted program or service (e.g., Administration, Finance, Education, Counseling, etc.) These performance outcomes and the measures for assessing them must be agreed to and understood by both parties and then listed in the contract.

One traditional measure of program success is recidivism. It is common to include a minimum target for reducing the recidivism of program participants in contracts for correctional services. Unfortunately, experience demonstrates that this approach is not very effective. Many otherwise excellent programs have failed to meet the required recidivism threshold. The problems are that the measure is often not realistic and that statistics can be manipulated. Further, recidivism is not consistent with the most recent understanding of delinquent behavior.

More recently, some contracting agencies have been using a suppression measure rather than recidivism. In effect, suppression measures the severity and chronicity of any unlawful activity by program participants after they leave the program, as compared to the levels at which they entered the program. This is a more realistic, and achievable, standard because it recognizes the limited impact a short-term correctional intervention can have on changing years of learned behavior. This is especially true with the respect to juveniles with long histories of delinquent behavior.

The most important measure of success is the objective progress the juvenile achieves in the program. Some significant measures of change are achievement tests that measure the juvenile's skill level in Math, English, Social Studies, vocational skills, etc. Skill levels are usually measured upon entering the program and at pre-determined intervals during the juvenile's stay in the program. Other measures of progress are:

- behavior;
- logs;
- incident report reduction;
- progress in a point system;
- participation in group sessions;
- participation in specialized counseling; and
- attendance in a 12-step program.

No contract can address every possible complication and circumstance that may arise in the future. To assure that these unforeseen events can be effectively dealt with, the contract should include a generic process and procedure that would apply in any situation not specifically detailed in the contract. Each party might agree, for instance, to arbitration of certain issues not covered in the contract.

An actual incident illuminates the need for such a provision. A city contracted out the meal service at its jail to a private company. Early in the contract the freezer broke down and virtually all the food in it spoiled. This event was not included in the contract, so both parties maintained it was the other's responsibility. Although the parties in this instance worked out a solution (the city replaced the food and the provider repaired the freezer), the failure to provide a means to resolve a problem of this nature could have resulted in costly litigation and major disruptions to food service.

It is important to identify both a contract monitor and a contract manager before the start of the contract. The contractor should also identify a person available to the monitor on a daily basis, as well as a responsible supervisor. Although the contract monitoring and managing functions can be served by one individual, it is usually better not to combine these roles. Having a level of decision-making beyond the contract monitor provides a *de facto* appeal whenever the contract monitor and the private provider representative are unable to reconcile a difference.

The contract should also contain a structured grievance procedure to ensure that unresolved issues are fairly addressed. One approach is to use the established procedure from the jurisdiction. If this procedure is too time-consuming, expensive, or could interrupt the delivery of services, a less formal process could be agreed to and included in the contract. As a first step, a less formal procedure may require that the highest administrative levels of both the government agency and the private provider review areas of disagreement and propose a resolution. Another approach would be to refer grievances to a mutually agreed on panel of impartial experts and citizens. Such a panel could recommend solutions to both parties concerning a resolution of the issues.

All parties who have responsibilities under the contract must have a mutual understanding of its requirements and provisions if contract monitoring is to be effective and successful. It is crucial to bring together key personnel from both the public and private entities to review and discuss the details of the contract prior to contract implementation. Each person should be provided with a copy of the RFP, the proposal, the contract and any documents included by reference or attachment. These documents may include health codes, manuals, administrative rules, local educational regulations, fire codes, and any other applicable documents. All documents should be explained by the state; the staff and fiscal requirements also should be detailed for the contractor.

Differences in interpretations must be resolved prior to implementation. The contract provider must be informed of all agencies that will monitor contract performance and be supplied with all specific regulations that affect the provision of services, including the basis for penalties for non-compliance and possible termination of the contract. A fundamental principle of contract monitoring must be, "No surprises!"

### **APPROACHES TO EFFECTIVE CONTRACT MONITORING**

The primary purpose of contract monitoring is to ensure that both the contracting agency and the provider are complying with the terms and conditions of the contract. This purpose is best served by a process of determining what is being done right, identifying what falls short, and working together to improve performance. In the end analysis contract monitoring is a means for determining whether the benefits provided through private sector contracting outweigh the disadvantages.

Ideally, contract monitoring is not a process of finding fault or blame and threatening the provider with penalties. This approach is counterproductive because it focuses only on the negative, creates anxiety and distrust, and causes the provider to be secretive or to withhold critical information for fear of losing the contract or appearing to be deficient. It also prevents the contract monitor from acting as an agent of constructive change.

By the same token, a cooperative relationship should not blur the reality that the primary responsibility of the contract monitor is to assure that the provider is in compliance with all provisions of the contract. There should not be any compromise regarding this important function. The contract monitor must establish a balance between two roles -- helping and enforcing.

### **CHARACTERISTICS OF THE EFFECTIVE CONTRACT MONITOR**

Effective contract monitors understand the operational and philosophical principles of juvenile corrections in their jurisdiction. Contract monitors should be experienced people with respect and status in the contracting agency. Ideally, they have experience working in juvenile correctional programs. Monitors must also be skilled in developing a monitoring plan, negotiating, conflict resolution, and interviewing techniques.

Reasonable ethical questions can be raised regarding whether a contract monitor should or should not be a member of the staff of a state department of juvenile corrections since being on the staff can constitute a conflict of interest. This is most obviously the case when a private and a public facility are compared with one another as they are in, for example, Tennessee. When there is competition

between the public and private sectors, a potential conflict of interest exists and the contract monitor should be responsible to the head of a different agency.

The contract monitor has an extremely visible role. Therefore, the contract monitor must set an example with regard to professional behavior. Courtesy, honesty, clarity, understanding, perception, insight, and good communication skills with an emphasis on listening, are helpful.

Effective contract monitors are pro-active. They not only attend to current events, they also look to the future, anticipate potential problems, and work with the provider in developing strategies to prevent or overcome those problems.

### DEVELOPING A MONITORING PLAN

A specific monitoring schedule should be mutually determined by the agency and the contractor prior to contract implementation. Critical to developing this plan is the understanding that monitoring involves more than on-site visits. It is a whole process of reviewing documentation, analyzing data, developing reports, considering of specific issues, trouble-shooting and conducting interviews, as well as visiting a program site. Implementing the plan involves written and verbal communication, as well as site visits.

The monitoring plan must be reasonable in its scope and sequence. If a contract warrants, a specific topic may be monitored during one visit, and another topic during another visit. One monitoring visit may be specifically to review case planning, as opposed to looking at every aspect of a program. This is an alternative to a "shotgun" approach where in one visit a monitor tries to look at everything on the surface and not look at anything in depth.

The monitoring plan must also be reasonable in its intensity. Contract monitors sometimes inject themselves too forcefully into the everyday management of contract facilities. This is a fatal mistake on legal liability grounds. It converts private providers into agents of the contracting agency. Thus, one should urge contract monitors to exercise prudent restraint to avoid unintentionally increasing the legal liability exposure of the contracting agency.

It is important that the monitor have sufficient time to devote to a contract. Complex or large contracts will result in a greater workload for the monitor. It is not fair to the public or the juveniles in the program to arbitrarily limit the amount of time the monitor spends on the contract. The monitoring plan should detail the anticipated amount of time that will be needed to conduct thorough and thoughtful monitoring. This plan should be reviewed by both parties prior to the beginning of the contract. This is done to assure mutual commitment to the monitoring plan.

The monitoring plan should be designed to assure that monitoring activities are scheduled in a way that results in the least disruption of daily operations. It must be understood that monitoring, by its nature, is an intrusive process. It often involves an "outsider" who may be perceived by staff

and juveniles as a distraction or a threat. Daily schedules may be altered, causing further disruption.

In order to minimize disruption, the contract monitor should establish, in co-operation with the provider's representative, a program visit calendar. Any change in the schedule should be made by mutual agreement.

This raises the issue of surprise or unannounced monitoring visits. Although there is some public sector support for this approach, it may be counterproductive. It may communicate a sense of distrust that the provider is doing something that the contracting agency does not approve of, and that the practice is covered up whenever the monitor is on site. It may communicate a message that the public agency does not consider its provider to be professional, honest, or even competent.

Adherence to this basic principle does not, and should not, preclude other types of visits. The director or representative of the contracting agency should view the contracted program or service as any other in the public agency. He or she should feel free to visit any program at any time of day or night. The visitor should be just that -- a visitor -- and should not attempt to conduct a monitoring visit or otherwise disrupt the program. If during such a visit something peculiar is observed by the visitor, it can be reported to the contract monitor for follow-up.

A professional provider of juvenile correctional services who is committed to the goals of the contract and to a partnership with the contracting agency can be expected to act responsibly. Further, if the provider is engaging in questionable or prohibited activities, a perceptive monitor will realize it even without a visit. Experienced monitors have many sources of information. They also know how to talk with juveniles and staff to understand what is happening on a daily basis.

One approach to increasing both the effectiveness of monitoring and enhancing the monitor's understanding of the provider's performance is to increase the frequency of planned visits. A schedule of several comprehensive site visits (e.g., quarterly monitorings) could be complemented by a number of shorter visits. These shorter visits could be irregular to assure that patterns of monitoring are not established.

Program disruption can also be limited by briefing the provider's representative on the information that will be requested and reviewed. A proposed agenda for a monitoring visit could be discussed. This agenda or schedule can then be shared with administrators, staff and juveniles in the program. Time can be reserved for meetings and interviews.

Documents constitute a major part of contract monitoring. It is counterproductive to request everything produced by the provider. Gathering, copying, and shipping records and other program documents on an on-going basis is costly and time consuming. It should also be noted that it is a costly and time consuming effort for the public agency monitor who must review the material.

The most effective and efficient approach to documentation issues is to identify those records that include data needed to assess the contract's performance outcomes and other measurable provisions. Full disclosure of all information required for monitoring purposes should be agreed to during contract negotiations and specified in the contract. The methods of recordkeeping, as well as reporting formats and schedules, can also be set forth in the contract.

Confidentiality of records is one of the traditional hallmarks of the juvenile justice system and is strictly controlled by statute in most jurisdictions. The strictest guidelines with regard to confidentiality must be maintained. The contract should clearly define the guidelines for confidentiality of records, monitoring reports and other information in compliance with law, policy, and professional standards.

### **CONDUCTING A PROGRAM MONITORING VISIT**

Service quality can best be evaluated by interviews and program observations, supplemented by client file reviews and analysis of program data. The program monitoring visit is an effective means of assessing the provider's operations and quality of services.

The key to conducting an effective monitoring visit is preparation. The contract and monitoring plan should detail what is to be monitored. A letter should be sent to the provider confirming the agreed upon date for a visit. An agenda for the monitoring visit should be prepared in advance to accompany this letter. This letter should detail what information is being requested in advance, what information should be on hand, who should be available for interviewing (e.g., the superintendent, the medical authority, the maintenance mechanic, etc.), and any details concerning time frames.

An important part of preparing for a program monitoring visit is to review the RFP, the proposal, and the contract along with the provider's written program policies and procedures. These policies and procedures establish the program's mission and goals, and control virtually every operational aspect of the program. The development of written policies and procedures should be required by the contract and be approved prior to program implementation.

Policy and procedure review involves a two-fold approach. Initially, the monitor is trying to assess how well the provider's policies and procedures address the operation of a program in the fulfillment of the contract and the accomplishment of goals. Ideally, this should be done prior to contract implementation. Secondly, during the program visit the monitor must determine whether the policies and procedures are, in fact, being followed.

There are six areas of concern regarding a juvenile correctional program that should be the focus of the contract monitor's preparation and visit. These six areas are:

1. **Safety and Health**

- Number and frequency of unusual incidents
- Accident rates
- Escapes, AWOLs or walkaways
- Level of violence
- Incidents of serious illnesses
- Number of juveniles reporting to sick call

- Quality and variety of food
- Quality of medical services
- Sanitation issues
- Fire safety procedures

2. Program Climate

- Perceived levels of fear or safety
- Levels of activity or forced idleness
- Quality of interaction between staff and juveniles
- Evidence of gang activity
- Evidence of racial conflict
- Evidence of coercion or intimidation
- Level of fair and humane treatment
- Level of mutual respect between staff and juveniles
- Visitation and access to telephone

3. Staffing

- Staff relationships
- Staffing patterns and ratios
- Adequacy of training
- Disciplinary actions
- Level of staff turnover
- Grievances
- Quality of staff supervision
- Appearance of staff

4. Behavior Management and Control

- Approach to behavior management
- Discipline procedures
- Use of time-out
- Use of disciplinary confinement
- Use of isolation
- Use of physical force
- Use of physical restraints
- Consistency of and among staff
- Quality of administrative oversight
- Adequacy of training

5. Physical Plant

- Cleanliness and orderliness of the facility and grounds
- Timeliness of repairs

- Quality of maintenance and preventative maintenance activities and schedule
- Quality and condition of furnishings and equipment

6. Case Management

- Assessment and testing
- Treatment planning and programs
- Educational planning and programs
- Aftercare planning and expected outcomes
- Relationships with the juvenile justice system and other agencies

This is not an exhaustive list of areas of concern, nor will it be necessary to review each of these areas in every visit. The contract monitor and the provider's representative should prepare a customized list for each contract being monitored. Sample monitoring checklists are included in the Appendix.

It is preferable, whenever possible, for the contract monitor and the provider's representative to jointly conduct the monitoring visit. This facilitates the monitoring process because the provider's representative can answer questions and provide explanations. The team approach also strengthens the professional relationship between the monitors.

There are instances, however, when it is preferable and necessary for the contract monitor to independently review program or service operations. This balanced approach to monitoring assures that the monitor's perspective is not skewed by the provider's representative.

An entrance interview should always be conducted with the provider's representative, program administrators, and others designated by the provider in agreement with the monitor. The objectives of the monitoring visit and the monitoring schedule should be reviewed and discussed. This meeting also provides both parties the opportunity to raise other contract issues and to share information.

The entrance interview should be followed by a tour of the program. If during the tour, the public agency monitor is not clear about what is occurring, he or she should request clarification or an explanation. It is vitally important that the monitor address any confusion as soon as it arises. Even the most experienced juvenile correctional expert will occasionally encounter something new.

Interviews with juveniles and staff in the program are a critical part of the monitoring visit. During individual interviews with staff, juveniles or others, it is important that the monitor have a standard set of questions designed to elicit specific information. Questions may be added during an interview, as needed.

When interviewing juveniles, it is crucial to avoid interviews during their activity time. No juvenile should be interviewed during school or when a scheduled outing is in progress. Although experience has demonstrated that most juveniles in juvenile correctional programs enjoy being interviewed, they should always be given the opportunity to refuse to participate.

Hopefully program staff, having advance notice of the monitor's visit, have prepared juveniles (who should be randomly selected) for individual interviews. It should be made clear to a juvenile that this not a matter of pass or fail, or that they could somehow get into trouble for their comments. The monitor should be aware of any indications that the juvenile is under pressure, fearful, or otherwise concerned about program staff's response to what is being said. If this appears to be the case, the public agency monitor should discuss the problem with the provider's representative.

Some providers or individual staff are concerned about what the juveniles in the program will say to a contract monitor because they might be afraid the monitor will believe whatever the juveniles say. An effective contract monitor should explain in advance how s/he interviews juveniles and how the information is processed. For example, if one juvenile complains that the food is always cold or tasteless, this information can be readily assessed by interviewing other juveniles and kitchen staff.

Effective monitors do not believe everything they hear from juveniles, but also do not discount it. Isolated and apparently unsupported information should be mentally stored or recorded in the monitor's private notes. Serious allegations such as abuse or intimidation, however, should always be followed up no matter how unsupported they may seem.

When interviewing program staff, it is essential that the monitor is positive and supportive. The staff are the individuals who are doing the real work of a contract and it is hard, often frustrating work. Sensitivity to their concerns and opinions will be appreciated. Again, during staff interviews, as in the case of juvenile interviews, the monitor must maintain an open mind regarding what is heard.

The next stage of the monitoring visit is to review the documentation that has been requested and to conduct the remaining interviews. After regular reporting has been established this period is also used to review backup documentation.

At the conclusion of the data gathering, the monitor should take sufficient time to prepare for the exit interview. The monitor should summarize and organize his or her findings and comments. Any remaining questions or requests for information should be listed. It is good practice to "walk through" the planned exit interview with the provider's representative who may be helpful in framing issues and concerns from the point of view of the provider.

The exit interview should be an honest, frank, and thorough presentation of the program's perceived strengths and weaknesses. Issues and concerns should be clearly expressed. The monitor should always state a conclusion on facts. This discussion should include facts that may indicate the contract provider to be in non-compliance with part or all of the contract.

The objective for the contract monitor is to utilize a presentation style that reinforces the cooperative relationship. The goal of monitoring is to work together to improve and achieve the requirements of the contract, and this goal needs to be constantly reinforced.

The attitude throughout the process must be one where the responsibility for improvement is shared. In addition to asking the provider how it intends to correct a problem, the contract monitor should suggest how the parties working together might be able to correct the problem.

The exit interview should close with a brief discussion of future goals and activities, including working on the issues raised during the visit. After returning to the office, a written report detailing the results of the visit, as discussed during the exit interview, should be prepared and communicated to the provider for review. The provider should have the opportunity to correct any errors it sees. If the contract monitor does not agree to change the portion of the report in dispute, the provider should be allowed to add an attachment stating its views regarding the issue in dispute.

It is inappropriate to include in the report issues that were not addressed at either the entrance or exit interviews. If an item was inadvertently omitted during the interviews and needs to be included in the report, the contract monitor should contact the provider and discuss it. This subsequent discussion and its outcomes should be included in the report.

#### **OTHER MONITORING ACTIVITIES**

Written documentation continues to be the best way to confirm that particular actions have taken place. Since this has traditionally been a problematic area in the human services field, the contract should clearly identify the necessary documentation. Documentation need not be lengthy and wordy to provide information. Documentation is sufficient if it provides information on the basics: who, what, when, where, how, and why.

Routine reporting provides public and private agencies the opportunity to evaluate the progress towards meeting contract goals and requirements. The knowledge obtained from routine periodic reports allows each party to be pro-active, rather than re-active. Projections and trends can be determined and appropriate actions can be taken to prevent problems.

The processing and analysis of program data provided by the provider is a critical function of the contract monitor. A contract monitor should develop specific instruments to utilize during the monitoring process. Each instrument should address a specific program area. For example, an interview sheet could list the questions and have a corresponding response area for documenting comments. A one-page facility tour sheet can have a simple checklist format and an area for comments. A file review form can assist in an individual case file review. A training file review form can check on documentation of training provided.

The types of instruments will vary from contract to contract, although a standardized form may be used for all juvenile correctional programs of the same type. Customized forms and instruments may need to be developed for specialized programs such as offense-specific treatment (e.g., sex offenders, fire setters, drug and alcohol treatment). The design of these instruments should be as uncomplicated and user friendly as possible.

Sample monitoring instruments are included in the Appendix. These samples may be adapted to include specific elements detailed in the contract, (e.g., outcome measures, units of service, etc.)

A compilation of the information produced through these instruments will provide the basis of the monitor's findings. The quality of the data is much more important than the quantity; however, a sufficient quantity of data must be obtained to make reasonable statements in the findings. Only interviewing 10 percent of the clients in a program does not provide sufficient reliability for generalized findings.

Data is only useful if it is reliable. For example, many states and local units of government spend a great deal of money installing management information systems. These systems are capable of storing, sorting, and producing very large amounts of data. If the data entry is poorly or incompletely done, the data base will be compromised. A system which regularly experiences a 25 percent error rate is essentially useless in terms of complex statistical analysis.

In determining reliability of information or sources, a monitor should look for consistency, clarity, and adequate documentation. Cross-checking corresponding documentation may provide the necessary information to determine reliability. If a juvenile went to court on a particular date as reported in a case file, the program's transportation log should also document the information. Interviews and observations are also standard approaches to assessing the reliability of data.

Knowing the people who produce the data is one of the best ways to assess its reliability. Understanding their standards and practices regarding data collection and reporting greatly contributes to assessing overall reliability.

Although methods of analysis may vary, it is important that the contractor clearly describes how the information was gathered and compiled and that the monitor clearly describe the method of analysis used to interpret the data. For example, a statement that 25 of the 50 client files were reviewed during the period clearly states the basis of the analysis and suggests the limitations inherent to that particular approach. A further explanation of why the particular approach was used provides additional context in interpreting the data.

Ultimately, the data must be interpreted to determine its meaning. This is not unlike reading a book. Two people can read exactly the same words and then report two different, even conflicting, interpretations. Two highly trained and experienced scientists can observe the exact same phenomena and state two totally divergent interpretations of its cause.

Ideally, data interpretation should be an objective process. Monitors should make every effort to set aside their biases, whether favorable or disadvantageous to the provider. This is, of course, easier said than done. One effective approach to achieving this objective is to ask a colleague to review the data and interpret it. Usually, if this second opinion is consistent with the monitor's understanding, it is more likely that the monitor has made an unbiased interpretation of the data.

Another recommended approach is to discuss the data interpretations with the provider's representative. Frequently, that person provides an insight that may have been forgotten or not clearly understood by the contract monitor. This approach is also useful in clarifying what appears

to be conflicting information. For example, the population count on the first day of a month does not reconcile with the last day of the previous month. There is nothing in the data that explains this discrepancy. A call to the provider's monitor reveals that program staff changed the time of the daily count from Noon to 2 a.m. on the first day of the month in question. The juveniles released from the program in the interim were not accounted for in the monthly population report.

The measurement of performance outcomes and the provider's compliance with the contract should be straightforward. Just as a student knows his or her final grade in a course because it is based on prior test scores and assignment grades, a provider usually has a good idea as to the quality of its performance based on the contract monitor's periodic progress reports. A particular number of service units were delivered or they were not. A particular number of juveniles received services or they did not. A percentage of juveniles received their GED or they did not.

If a provider is surprised by the monitor's assessment of performance and compliance, it is an indication that there may be a communication problem or breakdown. It may also be an indication that the contract monitor has not been sufficiently communicative or clear in reporting interim findings and making recommendations for improvement.

It also is important for the contract monitor to present the findings with equal emphasis. Most providers will have done some things very well and others not so well. Both should be given equal attention.

### **CORRECTIVE ACTION PLANS**

The most effective approach to addressing problems with contract performance is to give the provider the responsibility of recommending a corrective action plan. While the public agency must approve the final corrective action plan and can offer assistance in its development, this approach assures that the provider will be committed to its implementation. It also allows the provider to recommend creative and efficient ways to address problem areas. This step also becomes a process for defining problem areas and developing a consensus as to what the problems are. Disagreements should be referred to the respective supervisors for resolution.

The next step in the process is to determine what action or actions must occur to properly address the problem. One approach is to use a corrective action format that identifies the problem, individual sub-components of the problem, the necessary corrective action at each step, the individual or individuals responsible for completion of the actions, and the realistic time-frames for completing the corrective actions. This is easier if the contract was written with sub-divisions or parts, with expected outcomes and penalties for non-compliance for each part clearly stated. There should also be a methodology to determine whether the problem has been, in fact, properly addressed.

An effective corrective action plan is one that is perceived as achievable. Actions should be sub-divided into steps with different due dates. This approach gives provider staff a sense of completion and success as each individual step is completed. It also provides the monitor the opportunity to assess incremental progress towards resolving the problem, and making adjustments to the plan, as necessary.

Corrective action plans should not be viewed as consequences for poor performance, but as opportunities to improve the services. They also present an excellent opportunity for the contract monitor to strengthen the relationship with the provider. Usually, there is more than one approach to remedying a problem. The contract monitor should resist the temptation to micro-manage the corrective action and allow the provider to use the approach it believes will be successful. In this way the provider will become more invested in and committed to improving its services.

The contract monitor should conduct regular reviews of progress during the course of the corrective action plan. These reviews should be reported in writing and included in the contract file.

Ultimately, it may be necessary to terminate a contract for non-compliance. Given the legal and financial implications of this decision, the contract monitor must be precise in adhering to the termination provisions of the contract and must have sufficient, relevant documentation to support the decision or recommendation.

## CONCLUSION

In this monograph we have discussed the importance of planning the RFP and involving the cooperation of the provider in the development of contract documents to a successful monitoring process. We have presented a framework for the public and private agencies to share the responsibility to monitor the contract and to assure the delivery of quality service to the juvenile clients. We have concluded that good monitoring requires the development of a monitoring plan. We have reviewed methods for conducting contract monitoring, including site visits. We have covered other monitoring activities such as written documentation, routine reporting, the processing and analysis of data, data reliability, and the presentation of data and findings. We have also seen the need for the development of effective corrective action plans.

Effective contract monitoring in juvenile corrections is often more art than science. It requires the application of specific professional skills and an equal amount of common sense, supported by on-going communication between the parties. It also recognizes that accountability is a mutual process. Working together, the contract monitor and the provider can assure that the requirements of the contract will be met and the interests of the public will be served.

## SAMPLE CONTRACT PROVIDER MONTHLY REPORT\* JUVENILE RESIDENTIAL FACILITIES

### Instructions

The monthly report is to be completed at the end of each month. This report is to be submitted to the state contract monitor by the 10th day of the new month.

#### I. Client Population Data

- A. Total possible resident days this month: This is the number of days in the month times the bed capacity. (Example, for the month of June a 24-bed facility would have 720 possible resident days ( $30 \times 24 = 720$ )).
- B. Total actual resident days this month: The sum of each day's client population.
- C. Average daily population: The total actual resident days of the month (B) divided by the number of days in the month. (June  $741/30 = 24.70$ )
- D. Utilization percentage: The average daily population (E) divided by the bed capacity times 100. ( $24.70/24 \times 100 = 103\%$  utilization)
- E. Resident Specific Information:
1. Number of Admissions: The total number of juveniles entering the program. If a juvenile is released and later returns to the program during the same month, he or she should be counted as a new admission. (This is a duplicated count.)
  2. Total number of runaways: A runaway is a juvenile who leaves without permission from an outside activity under the supervision of the contracted employee.
  3. Total number of AWOLS/Absconders: An "AWOL" is a juvenile who has received an unsupervised pass for a certain period of time and who did not return at that specified time. This may apply to a juvenile who is on home or non-secure detention status who is not residing in his home or specified residence.
  4. Total number of escapes: An escape is any juvenile who leaves the building or fenced area without permission. This also applies when a juvenile is being transported to and from court.

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\*This is a sample monthly report. An individual report must be developed for each contract. Its length and content should vary depending on the size. Goals and objectives of each contract.

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5. Total number of releases: Self-explanatory.
  6. Total number of transfers: Self-explanatory.
- II. Regulatory Inspections and Certifications: This section is designed to record the regulatory inspections that may be completed during the course of the month. This report should include fire safety inspections (including inspections by maintenance staff of the facility), fire drills, health and sanitation, and any other regulatory agency.
  - III. Programming: This section provides an opportunity for the contract provider to describe any new program initiatives or services that have begun during this month. Program changes or planned changes should also be documented in this section.
  - IV. Staffing: This section should report on resignations or hirings occurring during the month. Any positions not filled should be reported and a reason provided for this situation.
  - V. Budgetary: This section provides the opportunity for the contract provider to present issues to the contract managers that may impact the delivery of services. Issues to be discussed may be shortages, invoicing problems, difficulties in purchasing, etc.
  - VI. Director's Comments: The director's comments should include any particular overall program issues or concerns involving staff, population, goals achievements or other areas needing attention. Any unusual incidents should be discussed in this section.

**CONTRACT PROVIDER QUARTERLY REPORT\*\*  
JUVENILE RESIDENTIAL TREATMENT**

**Instructions**

The monthly report is to be completed within the first ten (10) days of a new month. This report is to be submitted to the respective contract manager by the 15th day of that new month. The report may be typed or handwritten.

**I. Client Population Data**

- A. Total possible resident days this month: This is the number of days in the month times the bed capacity. (Example, for the month of June a 24-bed facility would have 720 possible resident days ( $30 \times 24 = 720$ )).
- B. Total actual resident days this month: The sum of day's client
- C. Number of days over capacity: Self-explanatory.
- D. Number of days under capacity: Self-explanatory.
- E. Average daily population: The total actual resident days of the month (B) divided by the number of days in the month. (June  $741/30 = 24.70$ )
- F. Utilization percentage: The average daily population (E) divided by the bed capacity times 100. ( $24.70/24 \times 100 = 103\%$  utilization)
- G. Average Length of Stay: Average the individual length of stay for all juveniles released during the month.

For the next section use the race codes W - Caucasian, B - Black, H - Hispanic, and O - Other. In the offense category use P for person offenses and N-P for non-person offenses. In the case of multiple charges use the highest offense.

- H. Number of Juveniles Served: Sum of juveniles who participated in the program at any time during the month. If a juvenile is released and later returns to the program during the same month, he or she should only be counted once. (This is an unduplicated count.)

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\*\*This is a sample quarterly report. Quarterly reports must be individualized for each contract. The length and contract of each report should vary depending on the size of goals and objectives of each contract.

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I. Resident Specific Information:

1. Number of Admissions: Sum of juveniles entering the program. If a juvenile is released and later returns to the program during the same month, he or she should be counted as a new admission. (This is a duplicated count.)
2. Total number of runaways: Duplicated number of runaway juveniles. A run is from an outside activity under the supervision of the contracted employee. This only applies to shelter or non-secure programs.
  - a. Number of juveniles: Unduplicated number of juvenile runaways.
  - b. Number of incidents: Number of incidents when juveniles ran away. (More than one juvenile may be involved in the same incident.)
  - c. Number of juveniles returned: Number of juveniles who were returned to the facility. (This is a duplicated count if a juvenile ran more than once during the month and was returned more than once.)
3. Total number of AWOLS/Absconders: Duplicated number of AWOL or absconding juveniles. An "AWOL" is a juvenile who has received an unsupervised pass for a certain period of time and who did not return at that specified time. This may apply to a juvenile who is on home or non-secure detention status who is not residing in his home or specified residence.
  - a. Number of juveniles: Unduplicated number of juveniles who are AWOLs/Absconders.
  - b. Number of incidents: Number of incidents when juveniles escaped. (More than one juvenile may be involved in one incident.)
  - c. Number of juveniles returned: Number of juveniles who were returned to the facility. (This is a duplicated count if a juvenile escapes more than once in a month and is returned more than once.)
4. Total number of escapes: Duplicated number of juveniles who escaped. An escape is any juvenile who leaves the building or fenced area without permission. This also applies when a juvenile is being transported to and from court.
  - a. Number of juveniles: Unduplicated number of juveniles who escaped.
  - b. Number of incidents: Number of incidents when juveniles escaped. (More than one juvenile may be involved in one incident.)

5. Number of juveniles returned: Number of juveniles who were returned to the facility. (This is a duplicated count if a juveniles escapes more than once in a month and is returned more than once.)
  
6. Total number of discharges: Total number of juveniles who were discharged from the program.
  - a. Graduate/completion: Number of juveniles who successfully graduated or completed the program.
  
  - b. To day treatment: Number of juveniles who were released to day treatment program such as a mental health day treatment or alcohol/drug day treatment program.
  
  - c. To in-patient: Number of juveniles who were released to an in-patient psychiatric facility.
  
  - d. To shelter care: Number of juveniles who were released to shelter care.
  
  - e. To secure detention: Number of juveniles who were released to a secure detention facility and are not returning to the facility.
  
  - f. To adult system: Number of juveniles who were released to the adult system and are not returning to the facility.
  
  - g. Other: All other discharges.
  
7. Total number of transfers: Total number of juveniles who were transferred from the program.
  - a. To secure treatment: Number of juveniles who were transferred to a secure treatment program.
  
  - b. To non-secure treatment: Number of juveniles who were transferred to a non-secure treatment program.
  
  - c. To aftercare: Number of juveniles who were transferred to an aftercare component for continuing services. This is for aftercare services provided by the contract provider.

### III. Personnel

- A. Personnel Chart: When completing this chart, be sure to include all part time staff as well as full time staff. Part time staff should be designated in decimal FTE equivalents based on the number of hours worked per week. For example, an employee who works 20 hours a

week would be listed as .5 FTE, or an employee who works 10 hours a week would be listed as .25 FTE.

Administrative: Number of key managers or administrative personnel.

Clinical: Number of clinical workers, clinicians, caseworkers or social workers in the program. The clinical director or coordinator may be included here or under administration. If the clinical director is carrying a caseload, then they should be included here.

Educational: Number of teachers, include all positions including aides or specialized teachers.

Supervisory: Self-explanatory.

Direct Care: Number of staff responsible for direct care and supervision of juveniles.

Medical: Self-explanatory.

Maintenance: Self-explanatory.

Clerical: Self-explanatory.

Food Services: Self-explanatory.

Recreational: Self-explanatory.

Other: Any other staff which do not fit in the categories listed above. Specify the type of positions in the comments section.

Designate race using the following codes, W - Caucasian, B - Black, H - Hispanic, and O - Other.

The addition of filled and vacant positions should equal the total number of budgeted positions.

- B. Personnel Actions: Self-explanatory. Make comments to any discrepancies or areas of concerns in the comments section. If there are specific reasons for extremely low or high numbers, describe reasons in the comments section.
- C. Staff Training: Document the date of training, the number of hours of each training event that was provided that month and the number of staff involved in the training. List the specific types of in-service training.
- D. Staff and Resident Meetings: This section approximates the types, length, participation and frequency of meetings with staff and residents.

1. **Staff Meetings:** The name or purpose of the meeting is listed first, the number of staff attending, the frequency of the meeting, the number of meetings that were actually held, and the average length of time of each meeting. For example, a program staff meeting may be scheduled weekly for one hour, requesting the presence of all direct care staff, clinical staff, and educational staff. The entry would be as follows:

Program staff            12    Weekly        3    1 hour

This would document the weekly program staff meeting was held 3 times this month, that 12 staff members attended and the average length of the meeting was 1 hour.

2. **Resident Meetings:** The name or purpose of the meeting is listed first, the number of juveniles attending, the frequency of the meetings, the number of meetings that were actually held, and the average length of time of each meeting. For example, a house meeting that is scheduled weekly for 1/2 hour, where all juveniles must be present. The entry would be as follows:

House meeting            20    Weekly        4    1/2 hour

This would document a weekly house meeting that was held 4 times this month, that 20 juveniles attended and the average length of the meeting was 1/2 hour.

- IV. **Regulatory Inspections and Certifications:** This section is designed to record the regulatory inspections that may be completed during the course of the month. This report should include fire safety inspections (including inspections by maintenance staff of the facility), fire drills, health and sanitation, and any other regulatory agency.
- V. **Programming:** This section provides an opportunity for the contract provider to describe any new program initiatives or services that began during this month. Program changes or planned changes should also be documented in this section. The breakdown for counseling services is merely the number of juveniles involved in each type of counseling, the frequency with which the counseling is held, and the number of hours of the specific counseling service being provided.
- VI. **Budgetary:** This section provides the opportunity for the contract provider to present issues to the contract manager that may impact the delivery of services. Issues may be shortages, invoicing problems, difficulties in purchasing, etc.
- VII. **Director's Comments:** The director's comments should include any particular overall program issues or concerns involving staff, population, goals, achievements or other areas needing attention.

VIII. Incident Reports: All individual incident reports that were filed during the month should be included in the chart. The following information should be listed for each incident:

Date: Date of the incident (The report date should be the same date as the incident).

Time: Self-explanatory.

Type: Specify the type of incident, e.g. client on client assault, client on staff assault, staff on client assault, escape, law violation, etc.

Juvenile: Name of the juvenile involved in the incident, if there was more than one juvenile involved include names of all juveniles.

Race: Utilize the race codes, W - Caucasian, B - Black, H - Hispanic, and O - Other.

Staff: Name of staff member involved in the incident.

Med. Att.: Answer Y (yes) or N (no), was medical attention needed.

Phys. Restr.: Answer Y (yes) or N (no), was physical restraint used.

Mech. Restr.: Answer Y (yes) or N (no), were mechanical restraints used.

Action Taken: State what action was taken.

Use the comments section for clarification of any particular incident or pattern of the reports.

**SAMPLE STATE MONITOR CHECKLIST\*\*\***

**SAFETY AND HEALTH CHECKLIST**

Review of the incident reports

Total number of unusual incident reports \_\_\_\_\_

Type of incident:

Client on Client Assaults \_\_\_\_\_

Client on Staff Assaults \_\_\_\_\_

Use of Mechanical Restraints \_\_\_\_\_

Use of Physical Restraint by Staff \_\_\_\_\_

Resident Hospitalization \_\_\_\_\_

Child Abuse/Neglect Reports \_\_\_\_\_

Riots/Major Disturbances \_\_\_\_\_

Resident Deaths \_\_\_\_\_

Escapes \_\_\_\_\_

Runaways or Absconders \_\_\_\_\_

Resident Law Violations \_\_\_\_\_

Accidents \_\_\_\_\_

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\*\*\*This is a sample monitor checklist. A monitor checklist should be individualized for each contract based on the goals and objectives of each contract.

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	Yes	No	N/A
Are additional follow-up reports included when necessary to indicate follow-up actions?			
Do incident reports follow written policy and procedure?			
Do juveniles express concerns for personal safety or fear of other residents or staff?			
Do patterns exist in the frequency or number of unusual incident reports?			

Comments:

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REVIEW OF MEDICAL RECORDS/DOCUMENTATION	Yes	No	N/A	#
Does a written agreement exist with a physician and/or local medical facility to provide routine and emergency medical services for the facility?				
Are juveniles who are diagnosed with a chronic illness receiving treatment?				
Number of juveniles with chronic illnesses.				
Number of juveniles reporting for sick call.				
Number of juveniles requiring medical attention outside the facility.				

Comments:

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PROGRAM CLIMATE CHECKLIST	Yes	No	N/A
Do juveniles indicate that they are fearful of staff or conditions in the facility?			
Do juveniles indicate that they are treated fairly?			
Does the facility schedule a wide variety of in-house and outside activities?			
Are juveniles encouraged to become involved in the development of activity schedules?			
Are there extended and frequent periods where activities are not taking place (forced idleness)?			
When reviewing the unusual incident reports is there an indication of gang activity?			
When reviewing the unusual incident reports is there evidence of racial conflict?			
When reviewing the unusual incident reports or grievances filed is there evidence of coercion or intimidation?			
Do juveniles and staff appear to interact positively with each other?			
Do juveniles and staff treat each other with mutual respect?			
Are juveniles provided the opportunity for visitation?			
Are juveniles provided access to the telephone?			

Comments:

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STAFFING CHECKLIST	Yes	No	N/A
Do the staffing patterns meet the required staff-to-resident ratios?			
Do staff-to-resident ratios meet the needs of the type of resident, type of facility, or type of security level necessary and program model?			
Is there written documentation that disciplinary actions are taken with staff?			
Do staff interact positively with each other?			
Is there any indication of staff discontent?			
Is the staff turnover rate unusually high?			
Do staff receive adequate pre-service training prior to directly supervising juveniles?			
Does the in-service training provide the basic training necessary for the type of facility, type of residents, the level of security and program model?			
Are staff given the opportunity to select topics for in-service training?			
Does it appear that there is positive communication and mutual respect between direct-care staff and supervisory staff?			
Are direct-care staff involved in the decision-making process for issues which directly impact their job responsibilities and duties?			
Do staff positively interact with you?			
Number of grievances filed against staff: By other staff, by residents, by others (parents, judges, etc.)			
Did the grievance procedure follow written policy and procedure?			
Were appropriate actions taken following the investigation of grievances?			

Comments:

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BEHAVIOR MANAGEMENT CHECKLIST	Yes	No	N/A	#
Does the facility have a written, well-defined behavior management system?				
Are staff trained in the administration of the behavior management system?				
Is the behavior management system designed to change behavior as opposed to punishment for misbehavior?				
Are disciplinary actions consistent based on particular behaviors?				
Does the policy and procedure define the circumstances when physical or mechanical restraints may be used?				
Does the policy and procedure define the length of time a juvenile may be restrained or restricted in movement?				
Number of incidents of disciplinary confinement				
Number of incidents of time out				
Number of incidents of room isolation				
Number of incidents that involved physical restraint				
Number of incidents that involved mechanical restraints				
Does documentation indicate that the reasons for use of restraint or restriction meets the requirements of the policy and procedure?				
Are staff consistent in administering the behavior management system?				
Does the program director regularly review the behavior management system?				

Comments:

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PHYSICAL PLANT CHECKLIST	Yes	No	N/A
Is each juvenile provided with a clean bed and mattress, linens, a chair and closet/locker space for personal belongings?			
Is the facility clean and orderly without the presence of physical hazards?			
Are the exterior grounds well maintained and attractive?			
Is the environment safe, comfortable and inviting?			
Are furnishings comfortable and adequate to meet the needs of the population levels?			
Does the facility provide adequate personal hygiene areas for juveniles and staff?			
Are areas which have adequate space and privacy provided for individual and group counseling?			
Do all living areas have adequate lighting, fresh air ventilation, and space?			
Does the facility have a suitable visiting area?			
Are samples of juveniles' work displayed?			
Do juveniles have the opportunity to personalize their individual living area/room?			
Is there a preventative maintenance schedule?			
Does the preventative maintenance schedule meet the needs of the facility?			
Are there dangerous physical hazards that may affect juveniles or staff?			

Comments:

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CASE MANAGEMENT CHECKLIST	Yes	No	N/A
Do the files contain the required admission documentation?			
Have the appropriate admission notifications been made?			
Does the file contain any client assessments completed prior to admission?			
Does the program perform a variety of assessments to determine the individual needs of juveniles admitted?			
Does the program's client needs assessment include collateral contacts in obtaining information?			
Does the needs assessment incorporate: Court orders, family relationships, prior offense history, prior dependency history, prior abuse/neglect history, prior placement history, prior placement adjustment, medical/dental history and assessment, employment background/history, leisure/recreation activities, educational/vocational assessment, special needs?			
Are individual placement/treatment plans developed for juveniles?			
Are juveniles involved in the development of individual placement/treatment plans?			
Are placement/treatment plans completed within 14 days of admission to the program? (This may vary depending on the type of program.)			
Are all placement/treatment plans dated and signed by appropriate staff and the juveniles?			
Do the goals of the placement/treatment plans address the specific needs identified during the needs assessment process?			
Do the placement/treatment plan goals address specific plans based on prior assessments and/or court requirements?			
Are realistic time frames established in the placement/treatment plans?			
Are the juveniles' responsibilities clearly defined?			
Are the program's responsibilities clearly defined?			
Does the plan establish a planned release date that may be renegotiated when possible?			
Are the goals of the placement/treatment plan designed to prepare the juveniles for the next level of supervision or reintegration to their home or community?			
Does the placement/treatment plan include the development of goals to meet post-placement needs?			
Are reviews for the placement/treatment plan held on a regular basis?			
Are the juveniles involved in the review of the placement/treatment plan?			
Are all staff responsible for direct care of juveniles involved in the review of the placement/treatment plan?			

CASE MANAGEMENT CHECKLIST	Yes	No	N/A
Are the juveniles' families involved in the development and review of the placement/treatment plan?			
If the juveniles have a case manager not affiliated with the program is that individual involved in the development and review of the placement/treatment plan?			
Are released dates adjusted based on progress or completion of goals?			
Are separate individual educational/vocational plans developed for juvenile?			
Does the individual educational plan reference prior history and assessments?			
Are additional educational assessments being provided in special needs cases (visual or auditory learning disabilities, emotionally disturbed, physical or mental handicaps, etc.)			
Are special educational services being provided for special needs juveniles?			
Are special mental health or chemical abuse services being provided to juveniles either in-house or by overlay professionals?			
Does the program provide written documentation to appropriate juvenile justice agencies, parents/guardians or other appropriate agencies concerning the placement/treatment plan and the progress of goals?			

Comments:

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