

HB 133:

**DIVISION OF
JUVENILE JUSTICE
CLEAN-UP BILL**

Representative Ivy
Spohnholz

House Judiciary Committee, Wednesday, February 5th, 2020

Gruenberg 120



McLaughlin Youth Center, Anchorage

1. *Closes loopholes for sexual abuse of minors*

- **Carey case in 2013**

- DJJ staff sustained an inappropriate sexual relationship with a juvenile in their custody. They were acquitted because:
 - (1) the juvenile was 17, and current statute limits "juvenile parole officers" to "a person assigned to supervise another person 18 or 19 years of age who is committed to the probationary supervision of the Department of Health and Social Services" (AS 11.41.427(b)(2)), and;
 - (2) current statute does not list DJJ staff as being in a position of authority over those in their custody.

- **Section 3**

- Repeals the outdated definition of "juvenile probation officer" and inserts a reference to the new definition found under **section 24**.

- **Section 6**

- Clarifies that DJJ staff are in a position of authority over minors in their custody.

2. Updates Definitions

- **Repeals**
 - Youth Counselors
 - Juvenile Detention Home
 - Youth Detention Facility
 - Correctional School
 - Juvenile Work Camp
 - Juvenile Probation Officers
 - Correctional School
- **Amends**
 - Juvenile Detention Facility
 - Minor
- **New Definitions**
 - Juvenile Treatment Facility
 - Temporary Secure Juvenile Holding Area
 - Juvenile Probation Officers

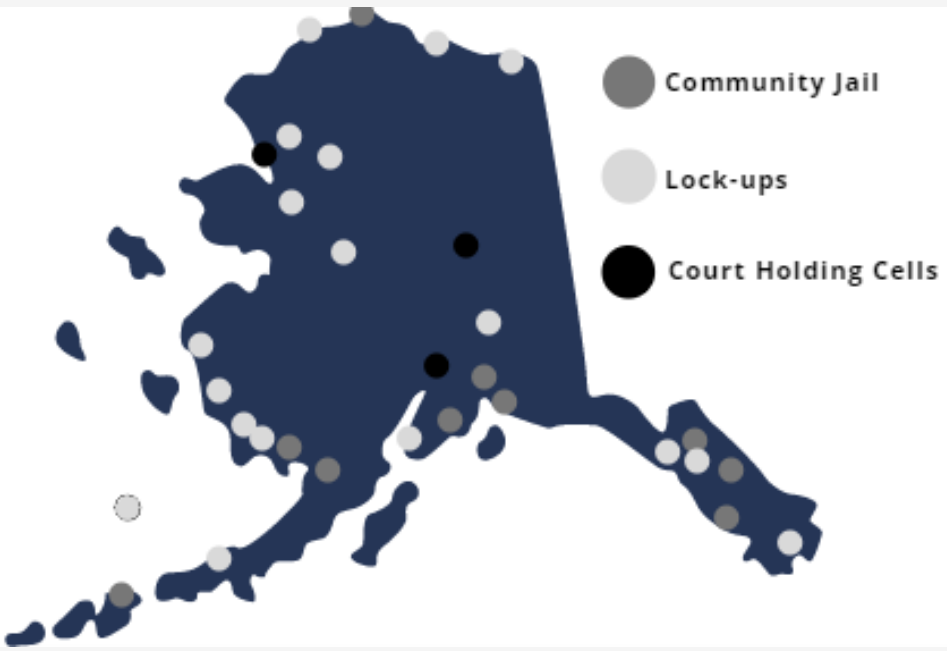
Repeals

- “Youth Counselors,” **Section 24**
 - “Youth Counselors” have not been used in the division since 2003, the duties described under this section do not apply to facility staff but to probation officers.
- “Juvenile Probation Officers,” **Section 3**
 - Inaccurate statutory definition limits juvenile probation officers to those assigned to supervise committed individuals of 18 or 19 years of age.
- “Juvenile Detention Home,” “Youth Detention Facility,” “Correctional School,” and “Juvenile Work Camp,” **Sections 1, 10, 11, 12, 13, 18, 20, 21, 30, 31 and 32**
 - All are repealed and replaced with “*juvenile detention facility*” and “*juvenile treatment facility*” for accuracy and consistency.

Amended Definitions

- “Minor,” **Section 28**, referenced in section 36
 - Amends the definition of minor to include a person who was under 18 at the time they committed an offense and is subject to the jurisdiction of DJJ.
 - If a minor commits an offense then turns 18 after, they will remain in DJJ’s custody.
- “Juvenile Detention Facility,” **Sections 27 and 35**, referenced in sections 1, 2, 9, 10, 13, 15, 16, 19, 20, 21, 30, 32
 - Broadens the definition to be a secure facility for the detention of delinquent minors under DJJ custody.
 - The current definition limits it to separate quarters within a city jail, some communities do not such a jail suitable for juveniles and use other facilities.

New Definitions



- “Juvenile Treatment Facility,” **Section 29**, referenced in sections 1, 2, 5, 8, 9, 10, 11, 12, 16, 19, 30 and 31.
 - Current statute refers to “juvenile treatment institutions”, however DJJ feels that this terminology is not reflective of the facilities they operate.
- “Temporary Secure Juvenile Holding Area,” **Section 29**, referenced in sections 13, 14, 16, 21, 23 and 32
 - DJJ already operates with a list of temporary secure holding areas in various communities throughout the state.
- “Juvenile Probation Officers,” **Section 24**, referenced in sections 4, 5, 6, 16, 22, 23, 29, 37 and 38.
 - There is no accurate definition for “juvenile probation officers” under current statute. Section 24 repeals the definition for “youth counselors” and replaces it with an updated definition for “juvenile probation officers”, affording them powers of a probation officer and describing their duties.

3. Policy Updates:

codifying best practices

- **Section 5:** Clarifies that employees of juvenile treatment institutions and juvenile and adult probation officers qualify as legal guardians.
- **Section 8:** Clarifies that secure juvenile treatment facilities are excluded from the definition of "*private exposure.*"
- **Section 9:** Includes DJJ facilities in the list of places where public education must be provided.
- **Sections 16 and 17:** Provides juvenile probation officers with the authority to file amended and supplemental petitions, and clarifies that for juveniles this duty falls upon juvenile probation officers, not adult probation officers.
- **Sections 22 and 23:** Clarifies that the authority to arrest and detain minors rests with juvenile, not adult, probation officers.

3. Policy Updates:

codifying best practices

- **Section 25:** Adds “secure residential psychiatric treatment centers” to the list of facilities from which, when a juvenile is released, victims will receive notification.
- **Section 26:** Corrects language authorizing the department to disclose confidential information related to an adjudicated offense, rather than the offense the minor was “alleged to have committed.”
- **Section 38:** Adds juvenile probation officers, DJJ office staff, and staff of juvenile facilities to the list of mandatory reporters of child abuse or neglect.
- **Section 39:** Repeals revocation of juvenile driver licenses for offenses involving a controlled substance that were handled informally by the division.

In
Summary,
HB 133:

1. Closes loopholes regarding sexual abuse of minors

2. Updates terms and definitions pertaining to DJJ facilities and staff

3. Codifies best practices to improve the division's ability to complete their mission



QUESTIONS?

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