

HOUSE FINANCE COMMITTEE
February 10, 2004
1:41 P.M.

TAPE HFC 04 - 23, Side A
TAPE HFC 04 - 23, Side B

CALL TO ORDER

Co-Chair Williams called the House Finance Committee meeting to order at 1:41 P.M.

MEMBERS PRESENT

Representative John Harris, Co-Chair
Representative Bill Williams, Co-Chair
Representative Kevin Meyer, Vice-Chair
Representative Mike Chenault
Representative Richard Foster
Representative Mike Hawker
Representative Reggie Joule
Representative Bill Stoltze

MEMBERS ABSENT

Representative Eric Croft
Representative Hugh Fate
Representative Carl Moses

ALSO PRESENT

Representative Dan Ogg; Cliff Stone, Staff, Representative Ogg; Patty Ware, Director, Division of Juvenile Justice, Department of Health and Social Services; Doug Wooliver, Administrative Attorney, Alaska Court System; Laury Scandling, Primary Founder of Juneau Youth Court, Juneau-Douglas High School Teacher; Abigail Levin, Director, Juneau Youth Court; Jane Longenbaugh, Youth Court Advocate, Freshman, Juneau-Douglas High School; Zoe Olson, Youth Court Advocate, Senior, Juneau-Douglas High School.

PRESENT VIA TELECONFERENCE

Cheryl Fultz, Board Member, Ketchikan Youth Court, Ketchikan; Gretchen Klein, Youth Court Coordinator, Ketchikan; Whitney Cushing, President, Youth Courts of Alaska, Homer; Virginia Espenshade, Director, Kenai Peninsula Youth Court, Homer; Christina Derrickson, Senior, Kodiak High School, Judge and Attorney of Teen Court, Kodiak; Cynthia Shangin, Member of Teen Court, Kodiak; Nicholas Pennington, Attorney of Youth Court, Kodiak; Amanda Nuggett, Eighth Grader, Member of Teen Court, Kodiak; Krista Scully, Director, United Youth Courts of Alaska, Anchorage.

SUMMARY

HB 303 An Act relating to youth courts and to the recommended use of criminal fines to fund the activities of youth courts; and relating to accounting for criminal fines."

HB 303 was heard and HELD in Committee for further consideration.

#HB 303
HOUSE BILL NO. 303

REPRESENTATIVE DAN OGG, SPONSOR, explained that HB 303 would fund the Youth Court program with criminal fines. He stated that he introduced the bill because many of the youth courts in the state had formerly been funded by federal grants, which are now significantly reduced. He stressed that it is not possible to fund the youth courts on carwashes, with each program requiring around \$30,000 to operate. The youth courts are successful and needed.

CLIFF STONE, STAFF, REPRESENTATIVE OGG, referred to the bill packet (copies on file.) He stated that the 2002 research report, "The Impact of Teen Court on Young Offenders, by the Urban Institute, April 2002" (copy on file) is the only definitive report on youth courts across the country. Alaska at 6 % has one of the lowest recidivism rates in the country, which indicates fewer second and third-time offenders. He paraphrased from a speech by Chief Justice Dana Fabe, "The Challenge of and Informed Citizenry," which explained the benefits of youth courts. Mr. Stone concluded that these teenagers are providing a great service to their communities and the program is worthy of legislative support.

Co-Chair Harris brought up the Division of Juvenile Justice fiscal note dated 02-10-04 that totals over \$1 million.

Mr. Stone explained that the House Judiciary Committee Substitute [allows the legislature] to collect up to 25% of the fines, and based on FY 02 figures, twenty-five percent would take in over \$1 million. The Judiciary Committee passed the bill and accompanying fiscal note out of committee with the intention that the House Finance Committee would work with the number. He explained that 15% of the collected fines would total about \$650 thousand, while \$600 thousand is needed to fund the youth courts and allow for possible expansion. Bethel does not have a youth court and presents a high priority.

Co-Chair Harris asked if judges and attorneys in Bethel would volunteer toward the youth court effort. Mr. Stone said that he could not respond, but noted that the director

of the youth courts has looked at the Bethel area for potential funding.

Representative Hawker asked if the court fines and proceeds are currently totally undesignated in the budget. Mr. Stone replied that he believed that some of the money goes to the General Fund.

Co-Chair Williams stated that the Committee would work on the fiscal note, which "is a little high."

PATTY WARE, DIRECTOR, DIVISION of JUVENILE JUSTICE, DEPARTMENT of HEALTH and SOCIAL SERVICES, informed the Committee that youth courts perform a critical function in the state's criminal justice system. In FY 03, youth courts across the state were responsible for addressing 14% of the division's referrals. The courts provide an effective and timely response to juvenile misdemeanor offenders. She stated that the department is very supportive of the program in urban and rural Alaska.

Ms. Ware continued, the department proposes to amend the language in Section 2, from "25 percent of the fines" yielding over \$1 million, to "10 of the fines," which would yield about \$430 thousand. She asked for support while recognizing that the legislature is facing a number of funding shortfalls.

Representative Hawker asked for a brief explanation of the funding changes over the past few years.

Ms. Ware explained that historically, youth courts have been paid through federal dollars, primarily from the juvenile accountability and incentive block grant. The division has experienced significant reductions in federal funding over the past few fiscal years. This fiscal year the bulk of youth courts are funded through general fund dollars, in anticipation of the reduction in federal funds. Last fiscal year the department adjusted or cut services and programs, and agreements with other state agencies, in order to shift funding to the youth court program with general fund dollars.

In response to a question by Representative Hawker, Ms. Ware clarified that the department was previously receiving about \$1 million in federal monies, but the state agency is currently zeroed out in the next federal budget.

Representative Hawker was unable to find a discrete component for the program in the budget because it is split between Probation Services and Delinquency Prevention. Ms. Ware clarified that most of the funding is in Probation Services, with the remainder in the Delinquency Prevention component.

Representative Hawker asked why there is no single component line identifying the youth courts. Ms. Ware was not sure but she thought that the department would have to single out several other community-based services as well.

Vice-Chair Meyer asked when the court fines were last raised. Ms. Ware was unable to respond.

Vice-Chair Meyer asked if local municipalities contribute to the youth courts. Ms. Ware explained that the courts receive substantial in-kind and cash matches. The department and bill sponsor numbers do not reflect the total operating costs of the youth courts. The grant reports indicate \$270 thousand in general fund dollars matched with \$490 thousand in cash, and an additional \$370 thousand in in-kind dollars. The in-kind match includes donations, and attorneys and others volunteering their time.

Representative Joule compared Alaska's 3% recidivism rate with the national rate of 26%, and asked how much the 23% difference represents in terms of savings. Ms. Ware was unable to speak to the methodology or make a direct comparison.

Representative Stoltze asked if the department supports this program as a priority. Ms. Ware clarified that the division did not make an additional request in the FY 05 budget for youth courts. The division is a strong supporter of the program, but the decision on appropriation level and priority ranking is left to the legislature.

Representative Foster referred to the Urban Institute's report indicating that most states do not formally endorse teen courts. Alaska is the only state to address teen court adjudication in statute. Ms. Ware agreed that Alaska is ahead of other states with its option of using youth courts in the delinquency statutes, as well as its partnership between youth courts and the formal court system.

Representative Hawker requested that the division provide a three-year comparison from FY 03 - FY 05 delineating grantees, totals, and funding sources to show the transition from federal to general funds. Ms. Ware said that she would provide the information.

CHERYL FULTZ, BOARD MEMBER, KETCHIKAN YOUTH COURT, VIA TELECONFERENCE, stated that a lot of time is spent on fund-raising and expressed concern about losing the juvenile justice grant.

GRETCHEN KLEIN, YOUTH COURT COORDINATOR, VIA TELECONFERENCE, KETCHIKAN, spoke to in-kind donations. She stated that youth courts allow kids to learn more about the judicial

system and judge their peers, to see how laws work in the community, and to become better citizens. Youth courts believe in restorative justice, and are involved in ensuring restitution to the victims through community service. The turnaround rate for cases averages 45 days.

Co-Chair Harris asked for a general overview of budget expenditures. Ms. Klein explained that last year the budget was reduced from \$26 thousand to \$15 thousand in the accountability grant. The budget is about \$80 thousand, due to large in-kind donations including office space and manpower. Fundraising brings in \$12 thousand. She stated \$30 thousand would allow a youth court to operate with part-time staff and volunteers.

Co-Chair Harris asked if teachers are involved and if computers are donated. Ms. Klein replied that the Ketchikan program is currently not under the school system, but there are donations of equipment and time, and school classrooms.

Co-Chair Harris noted that the Governor's budget has a figure of \$400 thousand instead of \$1 million, and asked how many youth courts would share the funding. Ms. Klein replied there are fifteen youth courts.

Co-Chair Harris calculated about \$26 thousand per youth court. He asked about the allocation for travel. Ms. Klein responded the travel fund is for the national conference, and for networking with other youth courts around the state.

WHITNEY CUSHING, PRESIDENT, UNITED YOUTH COURTS OF ALASKA, VIA TELECONFERENCE, HOMER, spoke from written testimony (copy on file) explaining that he has had the opportunity to work with youth courts around the state. He said the frugality of youth courts couldn't be matched, emphasizing the ways that youth courts save the state money. He cited program-related statistics. He spoke to the effects of funding cuts on several youth courts. He stressed that the program is a money-saving investment.

VIRGINIA ESPENSHADE, DIRECTOR, KENAI PENINSULA YOUTH COURT VIA TELECONFERENCE, HOMER, discussed the funding history. Fiscal Year 2002 was the last year the youth courts were fully funded at \$30 thousand, with a 10% cut following in FY 03. The FY 04 cut was based on the number of cases. She advised the committee to use a figure between \$30-40 thousand to staff each program. Federal funds are not anticipated for the fifteen youth courts. She discussed caseload increase.

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CHRISTINA DERRICKSON, SENIOR, KODIAK HIGH SCHOOL, JUDGE AND ATTORNEY OF TEEN COURT, VIA TELECONFERENCE, KODIAK, related

her involvement with teen court for four years and spoke of the benefits to the community. She stated that the program allows teens to get better sense of the law and to adjudicate cases.

CYNTHIA SHANGIN, MEMBER OF TEEN COURT, VIA TELECONFERENCE, KODIAK, emphasized that her involvement has helped her improve her public speaking skills and has increased her knowledge of the law. She has gained appreciation for the mutual assistance between youths and their community.

ABIGAIL LEVIN, DIRECTOR, JUNEAU YOUTH COURTS, described her responsibility for supervising and training 25 student volunteers and handling up to 45 cases per school year. She stressed the funding limitations. Because the program remains housed within the school district, it is limited to the school year and only basic tasks and the training of volunteers. With partial funding, it is an inefficient operation. She discussed her ideas for improving the quality and quantity of services including follow-up meetings with the defendant, and expanding into middle schools with a mentorship program for early intervention.

Vice-Chair Meyer asked if an offending teen has a choice between youth court and the regular court system. Ms. Levin replied yes, and clarified that youth court handles both Class A and B misdemeanors.

Vice-Chair Meyer asked how often offending youth would choose youth court over regular court. Ms. Levin answered almost uniformly, because of the financial incentive. Class A and B fines are \$200 and if there is a cheaper alternative, teens will generally choose it.

Vice-Chair Meyer asked if the fines are reduced in youth court. Ms. Levin replied that it is not an actual fine, and the youth panel decides sentencing. However, costs can reach \$100 because of referrals for screening services.

Vice-Chair Meyer mentioned that misdemeanor offenses sometimes bring a prison sentence. Ms. Levin replied that youth courts only hear first offenses.

Representative Foster asked the budget of the Juneau youth court program. Ms. Levin replied that it totals about \$23 thousand including local cash and \$15 thousand derived from the state block grant.

Representative Hawker asked about the other forms of restitution including community service. Ms. Levin stated that the youth court doesn't sentence with cash fines. Usually the sentences involve reeducation, writing essays, community service hours, or restitution to the victim.

Representative Hawker wondered if the sentencing is oftentimes more punitive, with peers sentencing peers. Ms. Levin replied that sentencing is not more punitive but it can be more time-consuming because of the learning involved.

Co-Chair Harris asked if Ms. Levin holds with the philosophy of restorative justice. She replied that she does. The lower recidivism rate results from a teen obeying the law because he knows the community values him and he has an incentive to correct his ways, not because he is afraid of being punished.

Co-Chair Harris asked if an increase in staff, wages and benefits is merited. Ms. Ware stated that it is necessary to a well-run program. The high turnover is due to the \$10 thousand salary and no benefits.

In response to a question by Co-Chair Harris, Ms. Levin explained that the youth court program has run since the late 1980's with adequate funding from the state.

Representative Foster asked if there are instances of an offender not completing his sentence. Ms. Levin stated that the youth court always works with the defendant for eventual completion of a sentence.

ZOE OLSON, SENIOR at JUNEAU-DOUGLAS HIGH SCHOOL, ADVOCATE and BOARD MEMBER, CO-CHAIR OF ADVISORY BOARD, JUNEAU YOUTH COURT, explained that she first got involved in youth court in 1999 through her interest in pursuing a legal profession. She has served on countless cases as judge or attorney. She related her experience of an offender in the program being so profoundly affected that he later joined the youth court in the hope of helping other teens.

NICHOLAS PENNINGTON, ATTORNEY WITH TEEN COURT, KODIAK, expressed that the teen court program benefits the prosecuted teenager who will not have the offense on record. He felt that the program benefits the whole community.

AMANDA NUGGETT, EIGHTH GRADER, VIA TELECONFERENCE, KODIAK, stated that the program helps a teenager to make restitution to the victim and the community. The program is effective because of teens sentencing their peers. The program has helped her learn to speak out and tell another teen that his behavior was wrong.

Ms. Derrickson interjected that in the fall of 2002, Kodiak teen court began taking cases of minor possession and consuming, which nearly tripled its caseload. Budget cuts would severely hinder the court from helping kids to complete their sentencing.

JANE LONGENBAUGH, NINE GRADER JUNEAU-DOUGLAS HIGH SCHOOL, YOUTH COURT ADVOCATE, JUNEAU, eloquently spoke from written testimony (copy on file) praising the volunteer efforts of judges, including Judge Peter Froehlich, lawyers, and kids. The program helps kids who get in trouble get a second chance so that their lives are not ruined by one little mistake. The parents are glad that the sentences involve community service or writing an essay or apology letter. She expressed that most of the teens and pre-teens who come through youth court are good kids, with high grades and plans for the future. She stated, without this option their foolish mistakes would go on the record and someday prevent them from joining the army or getting a good job. Teen advocates are effective. She stated, adults can be great judges and lawyers but they don't have the same connection to the young offenders.

LAURY SCANDLING, PRIMARY FOUNDER OF JUNEAU YOUTH COURT, TEACHER AT JUNEAU-DOUGLAS HIGH SCHOOL, fluently explained that she started the Juneau youth court at the high school nine years ago as an alternative to keep kids from being suspended, and instead face their peers for school-related offenses. Ms. Scandling did this voluntarily on her own time until Juneau's caseload grew for first-time offenders facing their peers for citations and arrests. She applied for and received a federal juvenile justice grant in 1998. She emphasized that justice is a public responsibility and institution, whether in the courthouse or performed by teens, and it is deserving of public support. Youth courts handle about 15% of the referrals that otherwise would be processed by probation officers. She urged basic equitable support of \$10-15 thousand for each of the fifteen youth courts, especially the larger ones in Anchorage, Mat-Su and Fairbanks.

Representative Stoltze asked if youth court is a sentencing function rather than a trial with defense attorneys. Ms. Scandling replied that Anchorage has a program where a defendant's guilt or innocence can be the issue, but elsewhere the defendant arrives in youth court acknowledging culpability and is sentenced by a 3-judge panel.

In response to a question by Representative Hawker, Ms. Scandling explained that the administrative position has never been full-time and it averages 17-19 hours per week.

Representative Hawker questioned if HB 303 would not be institutionalizing another bureaucracy of paid state employees. Ms. Scandling replied that the program is "bare bones," and one of most volunteer-oriented, community-based organizations.

Vice-Chair Meyer asked about the type of referrals. Ms. Scandling replied the cases primarily involve shoplifting,

which is addictive and often leads to adult crime, and also minor consuming. Alaska is authorized to take first offenders for minor consuming. The youth court also takes school referrals for teens who wish to avoid suspension for fairly serious offenses including vandalism and stealing.

Ms. Scandling discussed mentorships and the training period for students to become an advocate or judge.

Co-Chair Harris stated that the committee supports the program and is concerned about how to fund it along with the requests for an additional \$40-50 million for education and other programs.

KRISTA SCULLY, DIRECTOR OF UNITED YOUTH COURTS OF ALASKA, VIA TELECONFERENCE, ANCHORAGE, agreed that Alaska is ahead of the curve nationally. Anchorage, which had the first youth court in Alaska, is now celebrating its fifteenth year. The programs are stand-alone nonprofits, housed in the school community, or partnered with other organizations.

In response to a question by Vice-Chair Meyer, Ms. Scully stated the Municipality of Anchorage has made HB 303 one of its legislative priorities and has committed funding to the Anchorage program.

Representative Foster noted that Anchorage received funding of \$25 thousand this year, and asked why it will receive an increase to \$30 thousand next year. Ms. Scully explained the amount awarded is based on a formula from Juvenile Justice.

Mr. Stone discussed the Anchorage program and the federal funding cuts.

Co-Chair Harris asked why the Nome program was funded at \$7 thousand. Mr. Stone replied that it relates to the number of referrals, but admitted that he did not have a definitive answer.

HB 303 was heard and HELD in Committee for further consideration.

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ADJOURNMENT

The meeting was adjourned at 3:15 P.M.