

**ALASKA STATE LEGISLATURE  
SENATE JUDICIARY STANDING COMMITTEE**

January 27, 2010

1:32 p.m.

**MEMBERS PRESENT**

Senator Hollis French, Chair  
Senator Bill Wielechowski, Vice Chair  
Senator Dennis Egan  
Senator Lesil McGuire  
Senator John Coghill

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

Overview: Juvenile Justice Programs

- HEARD

**PREVIOUS COMMITTEE ACTION**

No previous action to report.

**WITNESS REGISTER**

STEVE MCCOMB, Director  
Division of Juvenile Justice  
Alaska Department of Health and Social Services  
Anchorage, AK

**POSITION STATEMENT:**

CHRIS AGLOINGA, Juvenile Probation Officer  
Division of Juvenile Justice  
Department of Health and Social Services (DHSS)

**POSITION STATEMENT:** expert in aggression replacement training

RAY MICHAELSON, Program Coordinator  
Division of Juvenile Justice  
Alaska Department of Health and Social Services  
**POSITION STATEMENT:** Performance-based standards (PBS)

**ACTION NARRATIVE**

[1:32:42 PM](#)

**CHAIR HOLLIS FRENCH** called the Senate Judiciary Standing Committee meeting to order at 1:32 p.m. Senators McGuire, Egan, Coghill and French were present at the call to order. Senator Wielechowski arrived shortly thereafter.

### JUVENILE JUSTICE OVERVIEW

CHAIR FRENCH announced the business before the committee is to get an overview of the way the criminal justice system works in Alaska for juveniles.

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STEVE MCCOMB, Director, Division of Juvenile Justice (DJJ), Alaska Department of Health and Social Services (DHSS), introduced his team members and said the overview will cover the youth level of service (YLS) inventory; performance-based standards PbS; and aggression replacement training (ART). He displayed a map showing the locations of 16 DJJ field probation offices and 8 youth facilities statewide and informed the committee that the DJJ mission is based on the restorative justice philosophy of repair the harm. The components are: 1) to hold the juvenile offender accountable for his/her behavior; 2) to promote the safety and restoration of victims and communities; and 3) to help the youths and families develop skills to prevent future crimes.

In 2003 DJJ developed a system improvement plan using the Washington State for Public Policy evidence-based practices as a roadmap. Early failures illustrated the importance of program fidelity and since then the results have been good.

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MR. MCCOMB explained that youths enter the juvenile justice system by committing an offense that would be a crime if committed by an adult. For initial low-level property crimes the cases are often handled informally without involving the court. For example, the youth might be directed to work for the victim to repair the harm. The court becomes involved when the crimes are more serious or repeat offenses.

CHAIR FRENCH questioned how much discretion DJJ has at that critical juncture between informal and formal resolution.

MR. MCCOMB replied it's a fair amount; the intake officer makes the initial decision and the office supervisor reviews the cases. A discussion ensues when they don't agree.

CHAIR FRENCH asked if there is an automatic review for serious crimes.

MR. MCCOMB explained that DJJ automatically calls the DAs office when the crime is serious. Responding to a further question, he explained that more serious crimes could be waived to adult court.

TONY NEWMAN, Social Services Program Officer, Division of Juvenile Justice (DJJ), Office of Youth Corrections, Department of Health and Social Services (DHSS), added that an automatic waiver applies to youths 16 years of age and older who have committed serious offenses. The department may petition for a discretionary waiver for any age youth and for any crime, but it must substantiate the reasoning. Responding to a further question, he confirmed that there is no statutory lower age limit for a discretionary waiver.

MR. MCCOMB displayed a chart showing that 71 percent of juveniles on supervision were at home and 29 percent were in custody. He explained the next chart showing a remarkable downward trend in DJJ referrals between 2003 and 2009 as follows: 1) The law changed and Title 47 mental health and non-crime inebriate cases now go to an emergency shelter rather than detention; and 2) Increased dialog among the Anchorage Police Department, Military Police, FBI, and DJJ on gang related issues. Youths who continue to commit crimes are placed in a more secure setting.

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SENATOR COGHILL observed that the Fairbanks police estimate that they apprehend just one in fifty underage drinkers, and questioned how the trend line might change if this weren't such an issue. [A response to this question was provided in a follow-up letter to Senator French dated February 2, 2010.]

CHAIR FRENCH asked if the minor in possession citations are reflected in these statistics.

MR. MCCOMB answered no.

CHAIR FRENCH asked what the national trend is for juvenile crime.

MR. MCCOMB replied it's similar; there's a nationwide decrease. Continuing with the presentation, he explained that the decrease

in crime has afforded DJJ the opportunity to transition underutilized facility resources into preventative programs. The Community Detention Program at McLaughlin Youth Center has been very successful. DJJ partners with the school district so the youth receive education in the morning and community work service activities in the afternoon. DJJ is trying to implement a similar program at the Johnson Youth Center but resources are limited.

The "Step Up" Program, which is a partnership between the Anchorage School District, Nine Star, and Anchorage United for Youth, was designed for students who have been suspended or expelled from school for aggressive behavior. To get back into school the student must complete a course on aggression training and then demonstrate to the school board or superintendant that he/she is worthy of reentry. Responding to a question from Senator French, he clarified that the school provides the teacher, Nine Star provides the building, and DJJ provides supervision, community work service and the 10-week aggression replacement training. Anchorage United for Youth provides financial support. Responding to a question from Senator Egan, he confirmed that the chart doesn't reflect data from this intervention. The students have committed a school offense, not a crime.

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MR. MCCOMB displayed a chart showing the demographics of referrals statewide and noted that the Alaska Native population is disproportionately large. Alaska Natives represent 16-17 percent of the population statewide, whereas they represent 30 percent of the referrals.

SENATOR COGHILL asked if the Ann E. Casey Foundation worked within DJJ when it looked at population representation.

MR. MCCOMB said no, but the Office of Children's Services (OCS) and DJJ work together and share information to address the same issue.

MR. MCCOMB pointed out that the chart also indicates that 1 percent of the referrals are younger than 10 years of age. He explained that youths who are detained for fire starting at age 8 or 9 and who also mutilate animals clearly need help and are referred for neurological study. Once youths with these behaviors go on to commit a crime, they fit in the nationally recognized category of serious habitual offenders. A juvenile in this category is very likely to end up in the adult system.

1:56:22 PM

SENATOR MCGUIRE asked what neurological anomalies they see in the 10 and under age group.

MR. MCCOMB offered to provide the information in a follow-up. [An answer was provided in a follow-up letter to Senator French dated February 2, 2010.]

SENATOR MCGUIRE asked if these youths can receive treatment in Alaska.

MR. MCCOMB said his experience is that kids that need a lot of neurological treatment are sent out of state. He recalled that Wisconsin has a facility.

SENATOR COGHILL observed that about one-third of the juveniles are under age 16 and asked for an explanation of the reporting process.

MR. MCCOMB related that if a youth indicates that he/she was physically or sexually abused by someone in the home, DJJ makes a referral to OCS.

SENATOR MCGUIRE encouraged DJJ to continue to gather data to help address the issue of sexual assault and abuse of youths.

MR. MCCOMB informed the committee that the data indicates that youths who receive treatment early-on after having committed a sex crime may, in fact, go on to commit another crime; but it probably won't be a sex crime.

2:00:32 PM

MR. MCCOMB highlighted that 46 percent of the youths referred to DJJ have some form of DSM-IV [Diagnostic and Statistical Manual of Mental Disorders, 4th Edition] diagnosis. This is lower than the national average, but that might be because DJJ hasn't implemented an intake screening tool for mental health. DJJ does recognize the need to address this gap, he said.

SENATOR MCGUIRE asked if the mental health disorder diagnosis includes acquired brain injury.

MR. MCCOMB replied DJJ hasn't got a process for identifying TBI at this time, but an expert on traumatic brain injury (TBI) who works at McLaughlin has reported seeing 6-7 youths who have TBI and he's working with the staff on ways to assist them.

SENATOR MCGUIRE encouraged him to get involvement in the brain injury network because Alaska has the highest rate in the nation.

SENATOR COGHILL asked him to identify the largest co-occurring issues.

MR. MCCOMB replied they are alcohol and marijuana. He added that the crimes that juveniles commit don't vary much and largely tend to be property crimes.

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MR. MCCOMB displayed a chart showing recidivism data from 2004 through the first half of 2008 and said the base line is 30-32 percent.

CHAIR FRENCH asked if the measure of recidivism is the same as for adults, which is to reoffend within three years.

MR. NEWMAN replied the measure DJJ uses is within one year of release from confinement. Responding to further questions, he explained that the blue bars on the chart represent release from formal probation and the red bars reflect youths that have been in secure treatment.

CHAIR FRENCH summarized that the red bar representing treatment would be release from a facility like McLaughlin jail while the blue bar representing probation would be release from something other than jail. He observed that for FY07, 45 percent reoffended within one year of release from jail and 30 percent reoffend within one year of release from probation.

MR. MCCOMB agreed and added that the trend line increased at a disturbing rate. DJJ did some research and found that Alaska Natives were the population of concern. He noted that the Council of Juvenile Correctional Administrators has brought all the states together to develop a national recidivism standard. He opined that this will be a difficult goal to meet.

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SENATOR WIELECHOWSKI joined the committee.

SENATOR EGAN asked if the recidivism rates are the same from region to region.

MR. MCCOMB replied they are different and he will provide that information in a subsequent slide.

SENATOR COGHILL observed that the numbers wouldn't be accurate after age 17.

MR. NEWMAN said DJJ looks in the ABSUM system to see if kids reoffend after they turn 18.

MR. MCCOMB added that some states stop counting when a youth moves from one county to another so those look like success stories. That's why it's important to compare Alaska data to states that have the same standard of measure.

2:10:05 PM

He displayed a slide of treatment recidivism by race category and said this breakdown made obvious the need to work with Alaska Natives. To that end, they visited villages where there is lots of delinquent activity and asked about what resources were available to keep youths in the village. Likewise, they asked about available resources that would keep kids returning from McLaughlin or the Fairbanks Youth Facility from committing new crimes. We recognize that we'll need to work closely with Native corporations and school districts, but it's exciting to do things differently, Mr. McComb said.

CHAIR FRENCH described the graph as stunning; the recidivism rate for Alaska Natives in FY04 was 21 percent and it was 300 percent higher in FY06. He asked his sense of what's going on.

MR. NEWMAN pointed out that just 100-150 kids are released from juvenile treatment per year so a change of just a few kids in a category results in a large percentage increase.

MR. MCCOMB said they can surmise that in FY04 they released a lot of Alaska Natives who were sex offenders, but they don't know for sure. Several years ago he contacted 10 youths who had reoffended and were again in custody and these youths the strength of the program to the school districts and the DJJ staff. In fact, young adults have come back to say they credit the staff for their ultimate success. In conclusion he said they've learned that success hinges on following the evidence based models closely and quality assurance measures to ensure that they maintain fidelity of the model.

CHAIR FRENCH asked if that's something they don't have the manpower to do.

MR. MCCOMB replied he hasn't sold the commissioner, the Office of Management and Budget, or the governor on the value of quality assurance and training so that evidence-based practices can be demonstrated and done correctly.

CHAIR FRENCH asked how many people he needs.

MR. MCCOMB replied they need three PCNs statewide; one person for quality assurance and two for training to ensure fidelity.

[2:16:43 PM](#)

TONY NEWMAN, Social Services Program Officer, Division of Juvenile Justice (DJJ), Office of Youth Corrections, Department of Health and Social Services (DHSS), said his presentation will focus on the youth level of service/case management inventory ("The YLS") and why he believes that the proper use of this assessment tool will attain the two mutual goals of evidence-based practices - to increase public safety and enhance the state's value. He noted that in a recent publication the Washington Institute for Public Policy indicated that establishing a good assessment process for juveniles was the foundation for developing and using a program based on evidence-based practices "because you can't know what kind of programming you need until you know what kind of needs your juveniles have."

MR. NEWMAN related that five years ago the division director asked him to help bring The YLS into use around the state. Doing so helped him to see that there is an answer to what puts a youth at increased risk for delinquent behavior and what makes a youth go on to recidivate. Basically, there are eight strong risk factors for delinquent behavior.

- A history of offending
- Challenging family circumstances
- Difficulties in education and employment
- Poor peer relations
- Substance abuse
- Few leisure activities or interests
- Pro-criminal behavior or personality
- Pro-criminal attitudes

The more risk factors a youth has, the more likely it is that he/she will continue to commit crimes.

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Risk factors such as socio-economic status, personal distress, mental illness, family structure, learning disabilities, abusive parents, and low self-esteem are often assumed to be related to delinquency, but are either weakly linked or not linked at all. However, that's not to say that they don't have to work with these factors to overcome delinquency once a youth is in the system, he said.

CHAIR FRENCH asked him to distinguish between challenging family circumstances, which is a strong risk factor, and family structure, which is a weak link.

MR. NEWMAN explained that the former looks at whether or not parental discipline and supervision is appropriate and whether there's a positive relationship between the child and parent, whereas family structure is talking about single-parent households.

CHAIR FRENCH summarized that moving between the mother's house and father's house after a divorce isn't necessarily a risk factor for delinquent behavior as long as both parents are reasonably involved in establishing lines of authority and oversight.

MR. NEWMAN agreed.

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MR. NEWMAN said some of the eight strong risk factors for delinquency are static and some are dynamic. Once a youth has committed an offense or had an educational failure we can't change that, he said, but we can help to change a youth's family circumstances, educational goals, and friendships. A good assessment tool will help to determine what risk factors can be changed and we can provide guidance on what to do with a youth and his/her family to address the problems he/she is having that results in delinquency.

In addition, a good assessment tool will minimize the influence of biases and perceptions about youth, he said. For example, I may look at a youth and see someone who is rowdy and a risk taker but not too much trouble; whereas you may think that same kid needs to be locked up immediately. A good assessment tool will help set an objective set of criteria so we both reach the same conclusion about what needs to be done about a youth. It will help guide decisions better on what the youth needs in terms of services or placements and hopefully it will lead to

increased public safety. The idea is that the kids with the most intensive needs will receive the most intensive services.

[2:22:47 PM](#)

CHAIR FRENCH noted that Alaska Natives are overrepresented in the juvenile justice system and asked what assurance Alaska Native groups have that there isn't some tool that's working against them.

MR. NEWMAN replied a good assessment tool should be neutral across races. He added that an appealing factor about this tool is that it's widely used and has been validated among remote northern Canadian indigenous populations that are similar to Alaska Native villages. It's specific to juvenile delinquency and it settles on those major risk factors that have been identified through research. The format is also good for case management flowing directly from the assessment results, which encourages probation officer to look at the assessment results and determine how to set up a case plan based on those results.

MR. NEWMAN highlighted the following features of The YLS:

- It's completed after in-depth interviews with the youth, parents, and others familiar with the youth.
- It asks 42 questions on the eight major risk factors.
- It has strict scoring criteria to limit subjectivity. For example, one question asks whether parental discipline is appropriate.
- It allows room for professional discretion to adjust the final risk/need level recognizing that there may be information that isn't in the questionnaire that may impact the way the probation officer needs to work with the youth.

The YLS was introduced statewide in 2005 and is used on youths who have been adjudicated delinquent in court and are at least age 12. The youth is re-assessed every six months that he/she remains on probation supervision or following release from a secure or non-secure residential program.

CHAIR FRENCH asked what percentage of their annual referrals go through this formal assessment.

MR. NEWMAN estimated that it's on the order of 30 percent. He added that one of the most valuable aspects of this tool is that it's integrated with the juvenile offender database so they can readily get reports on these kids.

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MR. NEWMAN displayed a graph showing the assessment information the probation officer receives on the youth's overall risk to reoffend based on the [interview and] answers to those [42] questions. The sample graph reflected a total score of 23, which means that the youth will be supervised at the high-contact level by the probation officer. He noted that the computerized version of the assessment also breaks down the total score by risk factor to show in what area(s) the youth has the greatest needs. In the example the youth scored high in offense history, peer relations, substance abuse, and leisure/recreation needs. These are the specific areas to work on if the youth is going to have his/her risk of recidivism reduced.

MR. NEWMAN displayed a graph of the average total YLS scores from 17 youths both before they went into treatment at McLaughlin or another youth facility and after they were released. Interestingly, he said, the youths who did not go on to reoffend started at high risk but following treatment their scores fell significantly into the low risk area; whereas the youths who did go on to reoffend started in the moderate risk range and remained in that range during the course of their treatment and afterwards. When he consulted an author of The YLS about these puzzling findings he was told that it shows the importance of putting the right kids in treatment because putting kids into treatment when they aren't necessarily at high risk can increase their criminality. He agreed with Senator French's observation that it's the idea that a detention facility can be a school for criminals.

He displayed a bar graph showing the risk/need scores of a 17 year old non-recidivating male from McLaughlin Youth Center who scored high risk in seven of the eight areas pre-treatment and lower in all but the offense category several months after treatment. In five of the eight areas his score had dropped to zero.

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CHAIR FRENCH said he can see how someone might undergo a pronounced attitude change after spending time at McLaughlin but he doesn't understand the complete change in family and parenting. He asked if the parents modified their behavior.

MR. NEWMAN replied they'd like to continue to use this tool to try to answer that question.

He displayed a similar bar graph showing the scores of a 17 year old male from McLaughlin Youth Center who reoffended within a

year of release. His risk/need scores increased in five of the eight categories.

CHAIR FRENCH asked if the second assessment was done before the youth reoffended.

MR. NEWMAN said he isn't sure; the reassessment is performed within a few months of release, but they look at a full year to see if a youth is a recidivist.

The YLS can help answer what happened at the youth facility and afterward in the community that made a difference for the first youth, but not the second youth. Mr. Newman said that on a more global level they are eager to see how this tool can help overall resource decisions.

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MR. NEWMAN displayed two bar graphs and compared the data for the 11 youths who did not go on to reoffend to the data for the 6 youths who did go on to reoffend. The average scores for the non-recidivists dropped in every category while the scores for the recidivists dropped less. The more we can unlock the secrets of this tool the more we'll be able to answer questions about what services are needed in these risk/need areas statewide, regionally, and individually, he said.

MR. NEWMAN outlined the next steps in The YLS:

- Ensure quality assurance
  - Is the staff using the tool the way it's supposed to be used?
  - Is it being performed according to policy?
  - Would two assessors score the same youth the same way?
  - Is the staff adequately trained?

He touched on what more The YLS can tell:

- The difference between youths who reoffend and those who don't.
- The programs that Alaska might need to decrease recidivism.

MR. NEWMAN welcomed suggestions and offered to meet individually with the members.

[2:35:41 PM](#)

CHRIS AGLOINGA, District Probation Supervisor in Nome, Division of Juvenile Justice, Department of Health and Social Services (DHSS), said she is working on her master's certification for aggression replacement training (ART) and that she will be one of six worldwide to have this certification. She explained that ART is a cognitive behavioral, multi-modal curriculum comprised of three interdependent components:

- Structured learning training (SLT)
- Anger control training (ACT)
- Moral reasoning (MR).

The Office of Juvenile Justice and Delinquency has rated ART as a model program; it's proven to be cost-effective through the Washington State Institute for Public Policy.

MS. AGLOINGA said that when they give the training they teach the proverb "We stand on the shoulders of our ancestors." to let the facilitators know that the information they're providing is based on sound programs that have longstanding success. ART is an effective program for highly aggressive youths.

When delivered competently, ART has an estimated 24 percent reduction in felony recidivism in 18 months.

CHAIR FRENCH asked who she trains.

MS. AGLOINGA replied she and the other two trainers train both juvenile justice officers and probation officers.

SENATOR WIELECHOWSKI noted that the ISER study shows just a 6 percent reduction in crime.

MS. AGLOINGA acknowledged that the ISER study reflects more recent data. Continuing with the presentation she said the benefit to cost ratio shows that for every dollar spend on ART the eventual savings in future incarceration costs is \$11.66.

[2:39:07 PM](#)

She mentioned the following Alaska Juvenile Justice highlights related to ART:

- Training of ART facilitators began in 2004.
- More than 80 division staff and community partners have been trained by the 3 active trainers.
- More than 400 youths statewide have attended ART classes.
- Classes are offered to youth under DJJ care in Nome, Fairbanks, Bethel, Anchorage, Ketchikan and Juneau.

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MS. AGLOINGA said ART has three components:

- Structured learning training (SLT) is the behavioral component. It teaches youth what to do in anger-producing situations.
- Anger control training (ACT) is the affective component. It teaches youth what not to do in anger-producing situations.
- Moral Reasoning (MR) is the values component, but it's actually about perspective and why it's good to use the other two components.

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ART classes:

- Last 10 weeks.
- Meet 3 times per week.
- Have 8 to 12 participants per group.
- Are closed meaning that once a class starts there are no new entrants.
- Are very interactive. Youths role play real-life situations in order to practice what they're learning in a safe environment so they can transfer that information outside the class setting.
- Are designed for aggressive and violent youths.

CHAIR FRENCH asked if this is for youths who are in treatment, in custody, or a combination.

MS. AGLOINGA replied it can be given in a community facility or schools. They recognize that different juveniles will respond to different learning environments and agents so they offer different styles of teaching to accommodate different needs.

CHAIR FRENCH asked if kids are grouped by age and if this training is more effective at a particular age.

MS. AGLOINGA explained that youths are grouped by level of need, but age is given consideration.

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The Structured Learning Training curriculum teaches the following 10 skills to meet angry and aggressive youths' specific skill deficits:

- Making a complaint.
- Understanding the feelings of others.

- Getting ready for a difficult conversation.
- Dealing with someone else's anger.
- Keeping out of fights.
- Helping others.
- Dealing with an accusation.
- Dealing with group pressure.
- Expressing affection.
- Responding to failure.

CHAIR FRENCH asked what's entailed in making a complaint.

MS. AGLOINGA replied this is a five-step process and the kids are taught how to go through each step accurately. They practice by role playing and they're assigned homework so they can try it at the next meeting.

SENATOR WIELECHOWSKI asked if kids have always had these problems or if they're new problems in society.

MS. AGLOINGA replied anger is a natural emotion, but some youths haven't learned these skill sets.

SENATOR WIELECHOWSKI asked if this is a relatively new problem.

MS. AGLOINGA answered the problem isn't new and this program has been around since the '70s.

SENATOR WIELECHOWSKI asked if the problem with kids today is different than the problem with kids of 50 or 100 years ago.

MR. NEWMAN said he believes that the science has gotten better and is able to refine where the risk factors are coming from and what can be done about it. This course does a good job of getting kids to actively talk, to role play, and think about life in a new way. There's finally research to show what works and what doesn't, he said.

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SENATOR WIELECHOWSKI asked if poor parenting is the root of the juvenile delinquency problem.

MR. NEWMAN said poor parenting is a factor, but it's in combination with those major risk factors that makes a juvenile delinquent. Science is better now and is at a point where it can define the risk factors that matter. He noted that when they first introduced the youth level of service inventory they were

told that the old assessment tool was at least 20 years old and asked questions that it's now understood don't matter. For example, it asked about hygiene, which science now shows doesn't matter. He noted that they were encouraged to develop a new assessment tool that uses science and reflects new information about delinquent behavior.

CHAIR FRENCH commented that it sounds like we're trying something different after 1,000 years of trying to beat, confine, or lecture children into submission.

SENATOR MCGUIRE asked Ms. Agloinga if she's thought about how these guidelines could be brought into schools, churches, youth groups, and into the hands of parents to help them better understand what can be done to help a child learn how to express a complaint or respond to failure.

MS. AGLOINGA replied she likes this particular program because it involves the people who interface with kids. When she's teaching a class she contacts the parents to let them know what skill they're working on and that their child will be practicing that skill when he/she tries to make a complaint at home. She makes it clear that it's not about the outcome - whether or not the youth gets whatever he/she is seeking - rather, it's about trying the skill. She noted that the program is also used on adults.

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MS. AGLOINGA said Anger Control Training is the affective component; it teaches what not to do in anger-producing situations to reduce the frequency of getting angry.

Moral Reasoning is the cognitive component of ART and is designed to help youths make more mature decisions in social situations. Once a youth has learned what not to do in anger-producing situations this component helps him/her understand why he/she might still exhibit angry behaviors.

MS. AGLOINGA clarified that ART is not traditional psychotherapy, group guidance or advice giving, values training, or content specific education.

She explained that trained facilitators are certified to teach ART and any of the three stand-alone components. They are taught the importance of quality assurance and that fidelity to the model is fundamental to successful outcomes.

Quality assurance for ART includes:

- Providing all three ART components.
- Offering a complete program.
- Training ART facilitators
- Observing groups.
- Providing feedback.

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MS. AGLOINGA highlighted the following quality assurance efforts:

- The key to reducing recidivism is to deliver this research-based program competently. This includes:
  - Picking the best people to facilitate the program.
  - Ensuring proper training.
  - Referring the appropriate youths.
  - Ensuring the program is delivered with fidelity to the model by:
    - Assessing facilitator skills.
    - Providing statewide guidelines for the program.

MS. AGLOINGA said she and the other two trainers are passionate about this program but they all have other full-time jobs. She has therefore recommended that the director open a position specifically for quality assurance. In fact, when the program was evaluated on implementation, one of the recommendations was to focus on quality assurance efforts.

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RAY MICHAELSON, Program Coordinator, Division of Juvenile Justice, Alaska Department of Health and Social Services, (DHSS) said he appreciates the opportunity to talk about performance-based standards (PbS). This is a quality improvement program, which is managed through the Council on Juvenile Corrections Administrators (CJCA).

CHAIR FRENCH asked if CJCA overarches DJJ and gives a macro look at what the division is doing.

MR. MICHAELSON replied it's both a micro and macro look at the conditions of confinement inside the eight youth facilities. Each of these facilities has a jail where youths go immediately after arrest. After that they go through adjudication and

eventually on to one of the four correctional facilities that have detention and treatment programs.

MR. MICHAELSON provided the following PbS timeline:

- 1994 - Congress commissioned a survey looking at conditions in 1,000 youth facilities nationwide. Poor conditions were found with regard to mixing populations of youths and mixing sexes on correctional units and not providing good healthcare or mental healthcare or education.
- 1998 - The Office of Juvenile Justice and Delinquency Prevention (OJJDP) developed Performance-based Standards (PbS). This was to establish a list of about 100 standards for youth facilities to comply with to achieve good outcomes in those particular areas.
- 2004 - Alaska joined PbS.

The PbS outcome measures include the following:

- Safety
- Security
- Order
- Health and mental health services
- Justice and legal rights
- Programming
- Reintegration planning

These seven measures range from how safe buildings are for kids and staff to the kinds of services you provide kids to help ensure their successful reentry into the community.

CHAIR FRENCH asked what programming refers to in this context.

MR. MICHAELSON explained it captures everything between the Youth Level of Service/ Case Management Inventory assessment and the release and referral for follow-up treatment. This is the largest area of standards.

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The quality improvement process that is the PbS program is divided into a 3-step continuous improvement process.

1. Data collection.

- They keep track of what they do with kids in the programming areas through youth records.
- They survey kids asking how they feel about being incarcerated, what they think of their treatment regime and how they're being treated. And they survey

staff about their view of working in the correctional facility and with the population. These surveys have proven to be a goldmine of information upon which to make good decisions.

- Incident reports.
2. Performance reports.
- These are bar graphs and summary reports that provide a picture and describe how they're doing month-to-month and how they compare to all other PbS participants nationwide.
3. Facility improvement process.
- This includes self-imposed deadlines to look at the reports for areas of deficiency and embark on facility improvement plans to raise or lower the outcomes depending on the standard. For example, if there are high numbers of youth injuries in a certain month you might want to create a facility improvement plan to decrease injuries on the unit that would show in the next six-month data collection and improvement cycle.

The 100 outcome measures and standards mentioned previously are those for the four correctional facilities in the state. About 50 or 60 standards apply to the detention facility. Detention does not provide all the programming and unique assessments and treatment opportunities they do for kids.

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MR. MICHAELSON displayed a sample graph comparing the Bethel Youth Detention Facility to the other 207 PbS participants nationwide with respect to Order 12. This is the average number of idle waking hours that kids spend on a detention unit during a 24 hour period. As in any kind of correctional unit, the goal is to reduce idle waking time. You want kids to be interacting with appropriate staff and involved in programs like ART and paying attention at school on a regular basis. Data was collected twice a year and the graph shows that since 2004 the Bethel facility had a good facility improvement plan and over time effectively reduced idled waking time on that unit. Responding to a question, he clarified that while there are 207 PbS participants nationwide, only 27 states have PbS programs.

MR. MICHAELSON displayed a graph of Programming 1 data, which shows the percent of youths confined to one of the four correctional facilities for over six months whose math scores increased between admission and discharge. The graph provides a statewide perspective compared to the nationwide scores. He

pointed out that recent outcome measures have been higher than the field average and credited the school districts and teachers for providing new programs in the four correctional facilities.

3:03:36 PM

MR. MICHAELSON displayed a graph of Order 3 data, which shows physical restraint use per 100 person-days of youth confinement. He said that physically restraining kids is a fact of life in detention and treatment facilities. Responding to a question, he explained that this is done primarily to keep the kids from hurting themselves, but these facilities also have kids who are abusive and angry and they sometimes act out to hurt other kids or staff members. When a youth won't stop the self-destructive or abusive behavior he/she may be physically restrained to help him/herself regain control. Sometimes handcuffs are used.

MR. MICHAELSON concluded his presentation highlighting the following successes:

- The Nome Youth Facility has been recognized in a PbS newsletter nationwide for its good work.
- The Bethel Youth Facility won a national award for embracing PbS and its production of outcome measures.
- The detention unit at the Fairbanks Youth Facility reached the highest level possible in April 2009 for achieving good outcomes on standards.
- In October 2009, 5 of 12 Alaska sites achieved Level 3 status, which shows tremendous improvement.
- Alaska's FIP process was recently recognized and will continue to be used on the new comprehensive suicide policy and intake screening.

CHAIR FRENCH thanked the participants.

3:06:26 PM

There being no further business to come before the committee, Chair French adjourned the Senate Judiciary Standing Committee hearing at 3:06 p.m.