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DATE: 3/11/91

FURTHER: Finance

DATE TURNED INTO OFFICE: 2-5-92

Judiciary Committee considered SENATE BILL NO. 55

"An Act relating to the detention and incarceration of minors."

and recommended:

- replace with ~~55~~ CS SB 55 (JUD)  same title
- or adopt \_\_\_\_\_ CS \_\_\_\_\_  new title
- attached amendment(s)  technical title change (HB only)
- \_\_\_\_\_ letter of intent adopted

- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):

APPROVES PREVIOUS:

- fiscal note(s) Dept/Date: \_\_\_\_\_
- zero fiscal note(s) \_\_\_\_\_
- appropriation-no fiscal note

- fiscal note(s) Dept/Date: \_\_\_\_\_
- zero fiscal note(s) \_\_\_\_\_
- Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

*[Handwritten signatures]*

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*Rick Halford do pass*

Chair: Signature and Recommendation

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. SB 55

Revision Date: \_\_\_\_\_ Department Affected: Department of Law  
 Title: "An Act relating to detention and incarceration of minors." BRU: Prosecution, Legal Services  
 Component: All, Legal Services - Ops.  
 Sponsor: Senator Duncan  
 Requestor: Senate Judiciary Committee COMPONENT SERIAL NO. 

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85 through 91, 93

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING         | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES |       |       |       |       |       |       |
| TRAVEL            |       |       |       |       |       |       |
| CONTRACTUAL       |       |       |       |       |       |       |
| SUPPLIES          |       |       |       |       |       |       |
| EQUIPMENT         |       |       |       |       |       |       |
| LAND & STRUCTURES |       |       |       |       |       |       |
| GRANTS, CLAIMS    |       |       |       |       |       |       |
| MISCELLANEOUS     |       |       |       |       |       |       |
| TOTAL OPERATING   | -0-   | -0-   | -0-   | -0-   | -0-   | -0-   |

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|--------------|--|--|--|--|--|--|
| REVENUE      |  |  |  |  |  |  |
| FUND SOURCE: |  |  |  |  |  |  |

FUNDING: (Thousands of Dollars)

|               |     |     |     |     |     |     |
|---------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND  | -0- | -0- | -0- | -0- | -0- | -0- |
| FEDERAL FUNDS |     |     |     |     |     |     |
| OTHER         |     |     |     |     |     |     |
| FUND SOURCE:  |     |     |     |     |     |     |
| TOTAL         |     |     |     |     |     |     |

POSITIONS:

|           |     |     |     |     |     |     |
|-----------|-----|-----|-----|-----|-----|-----|
| FULL-TIME | -0- | -0- | -0- | -0- | -0- | -0- |
| PART-TIME |     |     |     |     |     |     |
| TEMPORARY |     |     |     |     |     |     |

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)  
 Please see the attached analysis.

Prepared By: Richard I. Pegues, Director Phone: 465-3672  
 Division: Administrative Services Date: January 29, 1992  
 Approved by Commissioner: Charles E. Cole, Attorney General  
 Agency: Department of Law Date: January 29, 1992

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 55

This bill amends AS 47.10.130 and AS 47.10.190 to provide that minors can be detained in adult correctional facilities only for a very short duration. In such circumstances, minors must be detained in quarters separate from the quarters used to house adult prisoners so that a minor cannot communicate with or view adults who are in detention. Minors who have been waived to adult court would be exempted from these restrictions. The bill would include facilities operated by the state, a municipality, a village or another entity.

The bill should not have a direct fiscal impact on the Department of Law. However, it may have a significant impact on the Department of Corrections and the Department of Public Safety, particularly in rural areas where juvenile detention facilities are scarce. The Department of Law could incur an indirect cost, at some point in the future, defending the state against personal injury claims if the state violates the provisions of the bill. At this juncture, it is impossible to say that these claims will occur and what their cost might be.

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. CSSB 55 (JUD)

Revision Date: 02/06/92 Department Affected: Department of Corrections  
 Title: "An Act relating to the... incarceration of minors." BRU: Statewide Operations  
 Component: Various  
 Sponsor: Senator Duncan  
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 

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EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING         | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES |       |       |       |       |       |       |
| TRAVEL            |       |       |       |       |       |       |
| CONTRACTUAL       |       |       |       |       |       |       |
| SUPPLIES          |       |       |       |       |       |       |
| EQUIPMENT         |       |       |       |       |       |       |
| LAND & STRUCTURES |       |       |       |       |       |       |
| GRANTS, CLAIMS    |       |       |       |       |       |       |
| MISCELLANEOUS     |       |       |       |       |       |       |
| TOTAL OPERATING   | -0-   | -0-   | -0-   | -0-   | -0-   | -0-   |

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| REVENUE FUND SOURCE: |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

|                    |     |     |     |     |     |     |
|--------------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND       |     |     |     |     |     |     |
| FEDERAL FUNDS      |     |     |     |     |     |     |
| OTHER FUND SOURCE: |     |     |     |     |     |     |
| TOTAL              | -0- | -0- | -0- | -0- | -0- | -0- |

POSITIONS:

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| FULL-TIME |  |  |  |  |  |  |
| PART-TIME |  |  |  |  |  |  |
| TEMPORARY |  |  |  |  |  |  |

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

The Committee Substitute has no fiscal impact on the Department, since separation of minors waived to adult status would not be required.

Prepared By: Carl Nickel, Director *Carl Nickel* Phone: 465-3376  
 Division: Administrative Services Date: 02/07/92  
 Approved by Commissioner: Lloyd Hames, Commissioner *Lloyd Hames*  
 Agency: Department of Corrections Date: 02/07/92

**FISCAL NOTE**

**STATE OF ALASKA**  
**1992 LEGISLATIVE SESSION**

**BILL NO.** S.B. 55

Revision Date: 01/29/92 Department Affected: Corrections  
 Title: "An Act relating to the detention and incarceration of minors." BRU: Statewide Operations  
 Component: Various  
 Sponsor: Senator Duncan  
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 

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**EXPENDITURES/REVENUES: (Thousands of Dollars)**

| OPERATING              | FY 93          | FY 94          | FY 95          | FY 96          | FY 97          | FY 98          |
|------------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| PERSONAL SERVICES      | 1,000.0        | 1,000.0        | 1,000.0        | 1,000.0        | 1,000.0        | 1,000.0        |
| TRAVEL                 |                |                |                |                |                |                |
| CONTRACTUAL            | 10.0           | 10.0           | 10.0           | 10.0           | 10.0           | 10.0           |
| SUPPLIES               |                |                |                |                |                |                |
| EQUIPMENT              |                |                |                |                |                |                |
| LAND & STRUCTURES      |                |                |                |                |                |                |
| GRANTS, CLAIMS         |                |                |                |                |                |                |
| MISCELLANEOUS          |                |                |                |                |                |                |
| <b>TOTAL OPERATING</b> | <b>1,010.0</b> | <b>1,010.0</b> | <b>1,010.0</b> | <b>1,010.0</b> | <b>1,010.0</b> | <b>1,010.0</b> |
| <b>CAPITAL</b>         | <b>5,000.0</b> | <b>-0-</b>     | <b>-0-</b>     | <b>-0-</b>     | <b>-0-</b>     | <b>-0-</b>     |

|                     |  |  |  |  |  |  |
|---------------------|--|--|--|--|--|--|
| <b>REVENUE</b>      |  |  |  |  |  |  |
| <b>FUND SOURCE:</b> |  |  |  |  |  |  |

**FUNDING: (Thousands of Dollars)**

|                     |                |                |                |                |                |                |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| GENERAL FUND        | 6,010.0        | 1,010.0        | 1,010.0        | 1,010.0        | 1,010.0        | 1,010.0        |
| FEDERAL FUNDS       |                |                |                |                |                |                |
| OTHER               |                |                |                |                |                |                |
| <b>FUND SOURCE:</b> |                |                |                |                |                |                |
| <b>TOTAL</b>        | <b>6,010.0</b> | <b>1,010.0</b> | <b>1,010.0</b> | <b>1,010.0</b> | <b>1,010.0</b> | <b>1,010.0</b> |

**POSITIONS:**

|           |    |   |   |   |   |   |
|-----------|----|---|---|---|---|---|
| FULL-TIME | 16 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME |    |   |   |   |   |   |
| TEMPORARY |    |   |   |   |   |   |

Estimate of current year impact: 0

**ANALYSIS: (Attach a separate page if necessary.)**

Please see the attached fiscal analysis.

Prepared By: Carl Nickel, Director *Carl Nickel* Phone: 465-3376  
 Division: Administrative Services Date: 01/29/92  
 Approved by Commissioner: Lloyd Hames, Commissioner *Lloyd Hames*  
 Agency: Department of Corrections Date: 01/29/92

CONTINUATION OF FISCAL ANALYSIS

BILL: SB 55 "An Act relating to the detention and incarceration of minors."

The bill prohibits incarcerating juveniles in adult correctional facilities unless the minor is the subject of a petition for delinquency, in which case the time in a correctional center is limited to a maximum of six hours. This provision will not have fiscal impact on the Department of Corrections, since the current practice in adult correctional facilities is not to admit minors. In the rare instance in which a minor is held in a correctional facility pending transportation to a youth facility, the provisions of the proposed bill are followed.

The bill also provides that minors can be incarcerated in correctional facilities after a court has ordered the juvenile to be prosecuted as an adult. However, the bill requires that the minor be assigned to separate quarters from adults to preclude the minor from viewing or communicating with adult inmates. The minor must be provided separate admission, health care, hygiene, food service, recreation, and visiting opportunities.

The Department of Corrections does not have adequate facilities, nor staffing, to provide such separation. There are no minors incarcerated in the Department's adult facilities at present. However, the Department has housed minors adjudicated as adults in the past. There have only been two or three such cases per year. Because of the low numbers of such cases, it has been cost prohibitive to operate entirely separate housing and programs for the minors.

In order to completely separate minors from adults while providing the minors with services and programs required under the Clery v. Smith Final Settlement, a separate housing and program facility would have to be constructed. If such a facility could be constructed adjoining a present facility, the juvenile facility would be able to share administrative and other support staff. Although the numbers of incarcerated minors is expected to be very small, based on past experience, the custody and security levels would probably be high since most minors adjudicated as adults have committed murder. Staffing a facility with three posts, 24 hours per day, requires about 16 correctional officers. Some part-time involvement from probation/parole officers, health care workers, and other support staff would be necessary. Contractual program providers, such as education specialists, would also be necessary.

Operation of such a facility would be far from cost-efficient. If the Department could contract for housing outside Alaska, for each individual, the fiscal impact would be greatly reduced. However, minors who have been housed out-of-state in the past were placed at facilities which house young adults as well as minors.

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. S.B. 55

Revision Date: \_\_\_\_\_ Department Affected: Corrections  
 Title: "An Act relating to the detention and incarceration of minors." BRU: \_\_\_\_\_  
 Sponsor: Senator Duncan Component: \_\_\_\_\_  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

| OPERATING              | FY 92      | FY 93      | FY 94      | FY 95      | FY 96      | FY 97      |
|------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES      |            |            |            |            |            |            |
| TRAVEL                 |            |            |            |            |            |            |
| CONTRACTUAL            |            |            |            |            |            |            |
| SUPPLIES               |            |            |            |            |            |            |
| EQUIPMENT              |            |            |            |            |            |            |
| LAND & STRUCTURES      |            |            |            |            |            |            |
| GRANTS, CLAIMS         |            |            |            |            |            |            |
| MISCELLANEOUS          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> |

|                |            |            |            |            |            |            |
|----------------|------------|------------|------------|------------|------------|------------|
| <b>CAPITAL</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> |
|----------------|------------|------------|------------|------------|------------|------------|

|                |            |            |            |            |            |            |
|----------------|------------|------------|------------|------------|------------|------------|
| <b>REVENUE</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> |
|----------------|------------|------------|------------|------------|------------|------------|

FUNDING: (Thousands of Dollars)

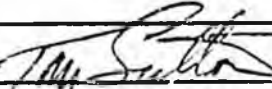

|               |            |            |            |            |            |            |
|---------------|------------|------------|------------|------------|------------|------------|
| GENERAL FUND  |            |            |            |            |            |            |
| FEDERAL FUNDS |            |            |            |            |            |            |
| OTHER         |            |            |            |            |            |            |
| <b>TOTAL</b>  | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> |

POSITIONS:

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| FULL-TIME |  |  |  |  |  |  |
| PART-TIME |  |  |  |  |  |  |
| TEMPORARY |  |  |  |  |  |  |

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Tom Sutton, Director  Phone: 465-3376  
 Division: Administrative Services Date: 02-12-91  
 Approved by Commissioner:   
 Agency: Department of Corrections Date: 02-12-91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

# FISCAL NOTE

**STATE OF ALASKA**  
**1991 LEGISLATIVE SESSION**

**BILL NO. SB55**

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: "An act relating to the detention and incarceration of minors." BRU: Purchased Services  
 Component: Preventive Services  
 Sponsor: Senator Duncan  
 Requestor: Senator Duncan **COMPONENT SERIAL NO. 0248**

**Expenditures/Revenues**

(Thousands of Dollars)

| OPERATING              | FY92       | FY93       | FY94       | FY95       | FY96       | FY97       |
|------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES      |            |            |            |            |            |            |
| TRAVEL                 |            |            |            |            |            |            |
| CONTRACTUAL            |            |            |            |            |            |            |
| SUPPLIES               |            |            |            |            |            |            |
| EQUIPMENT              |            |            |            |            |            |            |
| LAND & STRUCTURES      |            |            |            |            |            |            |
| GRANTS, CLAIMS         |            |            |            |            |            |            |
| MISCELLANEOUS          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |
| <b>CAPITAL</b>         | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |
| <b>REVENUE</b>         | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

**FUNDING:**

(Thousands of Dollars)

|               |            |            |            |            |            |            |
|---------------|------------|------------|------------|------------|------------|------------|
| GENERAL FUND  |            |            |            |            |            |            |
| FEDERAL FUNDS |            |            |            |            |            |            |
| OTHER         |            |            |            |            |            |            |
| <b>TOTAL</b>  | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

**POSITIONS:**

|           |   |   |   |   |   |   |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

Estimate of current year impact: None

**ANALYSIS:** (Attach a separate page if necessary)

Enactment of the statutory changes proposed in SB55 would demonstrate Alaska's intent to meet the requirements of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974. The JJDP Act of 1974 requires total and enforceable separation of children from adults when confined in the same facility and limits the placement of children in adult confinement facilities.

Prepared by: Russ Webb *Russ Webb*  
 Division: Family and Youth Services  
 Approved by Commissioner: Theodore A. Mala, MD, MPH *Theodore A. Mala*  
 Agency: Department of Health and Social Services

Phone: 465-3170  
 Date: 2/10/91  
 Date: 2/25/91

Distribution (by preparer):

Legislative Finance     OMB  
 Legislative Sponsor     Impacted Agency(ies)  
 Requestor

**ANALYSIS (cont.):**

Annually, Alaska receives a federal formula grant of \$325,000 to make improvements in the juvenile justice system including better practices for the detention of children. Eligibility for that grant requires state law or regulation which limits or prohibits the confinement of children in adult correctional facilities.

Passage of this bill would enable Alaska to continue to be eligible to receive the federal formula grant. Without this grant revenue of \$325,000 it would be necessary to use state general funds to continue funding to support thirteen (13) shelters that provide alternatives to placing youth in facilities designated for the incarceration of adults.

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. CSSB 55(JUD)

Revision Date: 02/05/92 Department Affected: Public Safety  
 Title: An act relating to the detention and incarceration of minors. BRU: Alaska State Troopers  
 Component: Detachments  
 Sponsor: Senator Duncan  
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 

|   |   |   |
|---|---|---|
| 7 | 9 | 9 |
|---|---|---|

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

| OPERATING         | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES |       |       |       |       |       |       |
| TRAVEL            |       |       |       |       |       |       |
| CONTRACTUAL       |       |       |       |       |       |       |
| SUPPLIES          |       |       |       |       |       |       |
| EQUIPMENT         |       |       |       |       |       |       |
| LAND & STRUCTURES |       |       |       |       |       |       |
| GRANTS, CLAIMS    |       |       |       |       |       |       |
| MISCELLANEOUS     |       |       |       |       |       |       |
| TOTAL OPERATING   | -0-   | -0-   | -0-   | -0-   | -0-   | -0-   |
|                   |       |       |       |       |       |       |
| CAPITAL           | -0-   | -0-   | -0-   | -0-   | -0-   | -0-   |
|                   |       |       |       |       |       |       |
| REVENUE           | -0-   | -0-   | -0-   | -0-   | -0-   | -0-   |
| FUND SOURCE:      |       |       |       |       |       |       |

FUNDING: (Thousands of Dollars)

|               |     |     |     |     |     |     |
|---------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND  |     |     |     |     |     |     |
| FEDERAL FUNDS |     |     |     |     |     |     |
| OTHER         |     |     |     |     |     |     |
| FUND SOURCE:  |     |     |     |     |     |     |
| TOTAL         | -0- | -0- | -0- | -0- | -0- | -0- |

POSITIONS:

|           |   |   |   |   |   |   |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

Estimate of current year impact: none

ANALYSIS: (Attach a separate page if necessary.)

See attached analysis.

Prepared By: Gayle A. Horetski Phone: 465-4322  
 Division: Commissioner's Office Date: 2/5/92  
 Approved by Commissioner: *Richard L. Burton* Richard L. Burton  
 Agency: Department of Public Safety Date: 2/5/92

Department of Public Safety  
Fiscal Note Analysis - CSSB 55(JUD)  
Page 2

The Department of Public Safety shares with the Division of Family and Youth Services the responsibility to transport juvenile prisoners prior to their acceptance into an appropriate juvenile facility. Approximately 100 juvenile transports are conducted by the Alaska State Troopers annually, funded through the prisoner transport budget. This bill is not expected to result in any increase in the number of juvenile transports, so there should be no additional fiscal impact to the Department.

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. SB 55

Revision Date: \_\_\_\_\_ Department Affected: Public Safety

Title: An Act relating to the detention BRU: Alaska State Troopers

and incarceration of minors Component: Detachments

Sponsor: Senator Duncan

Requestor: Senate Judiciary COMPONENT SERIAL NO. 

|   |   |   |
|---|---|---|
| 7 | 9 | 9 |
|---|---|---|

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

| OPERATING         | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES |       |       |       |       |       |       |
| TRAVEL            |       |       |       |       |       |       |
| CONTRACTUAL       |       |       |       |       |       |       |
| SUPPLIES          |       |       |       |       |       |       |
| EQUIPMENT         |       |       |       |       |       |       |
| LAND & STRUCTURES |       |       |       |       |       |       |
| GRANTS, CLAIMS    |       |       |       |       |       |       |
| MISCELLANEOUS     |       |       |       |       |       |       |
| TOTAL OPERATING   | -0-   | -0-   | -0-   | -0-   | -0-   | -0-   |

|         |     |     |     |     |     |     |
|---------|-----|-----|-----|-----|-----|-----|
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

|                         |     |     |     |     |     |     |
|-------------------------|-----|-----|-----|-----|-----|-----|
| REVENUE<br>FUND SOURCE: | -0- | -0- | -0- | -0- | -0- | -0- |
|-------------------------|-----|-----|-----|-----|-----|-----|

FUNDING: (Thousands of Dollars)

|                       |     |     |     |     |     |     |
|-----------------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND          |     |     |     |     |     |     |
| FEDERAL FUNDS         |     |     |     |     |     |     |
| OTHER<br>FUND SOURCE: |     |     |     |     |     |     |
| TOTAL                 | -0- | -0- | -0- | -0- | -0- | -0- |

POSITIONS:

|           |   |   |   |   |   |   |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

See attached analysis.

Prepared By: Gayle A. Horetski Phone: 465-4322

Division: Office of the Commissioner Date: 1/30/92

Approved by Commissioner: Gayle A. Horetski for Richard L. Burton

Agency: Department of Public Safety Date: 1/30/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

The Department of Public Safety shares with the Division of Family and Youth Services the responsibility to transport juvenile prisoners prior to their acceptance into an appropriate juvenile facility. Approximately 100 juvenile transports are conducted by the Alaska State Troopers annually, funded through the prisoner transport budget. This bill is not expected to result in any increase in the number of juvenile transports, so there should be no additional fiscal impact to the Department.

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. SB 55

Revision Date: \_\_\_\_\_  
Title: An Act relating to the detention and incarceration of minors.  
Sponsor: Senator Duncan  
Requestor: Senate Judiciary

Department Affected: Public Safety  
BRU: Alaska State Troopers  
Component: Detachments

COMPONENT SERIAL NO. 

|  |   |   |   |
|--|---|---|---|
|  | 7 | 9 | 9 |
|--|---|---|---|

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not Included)

| OPERATING              | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES      |       |       |       |       |       |       |
| TRAVEL                 |       |       |       |       |       |       |
| CONTRACTUAL            |       |       |       |       |       |       |
| SUPPLIES               |       |       |       |       |       |       |
| EQUIPMENT              |       |       |       |       |       |       |
| LAND & STRUCTURES      |       |       |       |       |       |       |
| GRANTS, CLAIMS         |       |       |       |       |       |       |
| MISCELLANEOUS          |       |       |       |       |       |       |
| <b>TOTAL OPERATING</b> | -0-   | -0-   | -0-   | -0-   | -0-   | -0-   |

|         |     |     |     |     |     |     |
|---------|-----|-----|-----|-----|-----|-----|
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

|         |     |     |     |     |     |     |
|---------|-----|-----|-----|-----|-----|-----|
| REVENUE | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

FUNDING: (Thousands of Dollars)

|                 |     |     |     |     |     |     |
|-----------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND    |     |     |     |     |     |     |
| FEDERAL FUNDS   |     |     |     |     |     |     |
| OTHER/PROG RCPT |     |     |     |     |     |     |
| <b>TOTAL</b>    | -0- | -0- | -0- | -0- | -0- | -0- |

POSITIONS:

|           |   |   |   |   |   |   |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

Estimate of current year impact None

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: Thomas T. Stearns Phone: 465-4322  
 Division: Office of the Commissioner Date: 4/11/91  
 Approved by Commissioner: *Richard L. Burton* for Richard L. Burton  
 Agency: Department of Public Safety Date: 4/11/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

The Department of Public Safety shares with the Division of Family and Youth Services the responsibility to transport juvenile prisoners prior to their acceptance into an appropriate juvenile facility. Approximately 100 juvenile transports are conducted by the Alaska State Troopers annually, funded through the prisoner transport budget. This bill is not expected to result in any increase in the number of juvenile transports, so there should be no additional fiscal impact to the Department.



# Alaska State Legislature

SENATOR JIM DUNCAN

P.O. BOX V JUNEAU, ALASKA 99811-3100  
(907) 465-4766

COMMITTEES:  
VICE CHAIR —  
FINANCE  
VICE CHAIR —  
STATE AFFAIRS  
RULES  
BUDGET & AUDIT  
ETHICS REFORM

## MEMORANDUM

**DATE:** January 17, 1992  
**TO:** Senator Rick Halford, Chair  
Senate Judiciary Committee  
**FROM:** Senator Jim Duncan  
**RE:** SB 55, relating to detention and incarceration of minors.

I request that you schedule SB 55, relating to detention and incarceration of minors, for a hearing as soon as possible.

SB 55 amends state law to comply with U.S. Department of Justice requirements for complete sight and sound separation of juvenile offenders from adult prisoners when housed in the same secure facility. Currently attempts are made to separate juvenile prisoners from adults, however, in village jails they not always be successful. The potential for mental and physical harm to juveniles is great in such situations.

One option which has proven successful in small communities has been the use of "attendant care shelters" where juveniles can be detained temporarily until they can be transported to regional youth correctional facilities such as McLaughlin in Anchorage and the Johnson Youth Facility in Juneau.

In response to concerns raised by the Department of Public Safety about the logistical problems of transporting juveniles within six hours in all situations, I provide the Committee with a proposed blank committee substitute which extends the time for which a minor may be held in an adult facility if transportation is not available (See page 1, lines 11 and 12). The person responsible for detention of the minor must document the reason transportation to a juvenile facility was unavailable, and notify the appropriate officials and the Alaska court system of the lack of available transportation.

Based on this amendment, the Department of Public Safety has withdrawn its objections and supports the proposed CS. In addition, I attach a copy of a letter of support for the amended bill from the Department of Health and Social Services.

I would appreciate the scheduling of SB 55 in the Judiciary Committee as soon as possible. My staff contact on the bill is Roxanne Stewart at 465-4766.

Attachments

DISTRICT C

# Alaska State Legislature



SENATOR JIM DUNCAN

P. O. Box V JUNEAU, ALASKA 99811-3100

(907) 465-4766

COMMITTEES:  
FINANCE  
VICE CHAIR —  
HEALTH EDUCATION  
& SOCIAL SERVICES  
BUDGET & AUDIT  
BANKING &  
ECONOMIC  
DEVELOPMENT

## MEMORANDUM

**DATE:** April 15, 1991

**TO:** Senator Rick Halford, Chair  
Senate Judiciary Committee

**FROM:** Senator Jim Duncan

**RE:** SB 55, relating to detention and incarceration of minors.

I request that you schedule SB 55, relating to detention and incarceration of minors, for a hearing as soon as possible.

SB 55 amends state law to comply with U.S. Department of Justice requirements for complete sight and sound separation of juvenile offenders from adult prisoners when housed in the same secure facility. Currently attempts are made to separate juvenile prisoners from adults, however, in village jails they not always be successful. The potential for mental and physical harm to juveniles is great in such situations.

One option which has proven successful in small communities has been the use of "attendant care shelters" where juveniles can be detained temporarily until they can be transported to regional youth correctional facilities such as McLaughlin in Anchorage and the Johnson Youth Facility in Juneau.

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Attachments



# Alaska State Legislature

SENATOR JIM DUNCAN

P. O. BOX V JUNEAU, ALASKA 99811-3100  
(907) 465-4766

COMMITTEES:  
VICE CHAIR —  
FINANCE  
VICE CHAIR —  
STATE AFFAIRS  
RULES  
BUDGET & AUDIT  
ETHICS REFORM

## MEMORANDUM

**Date:** March 4, 1992  
**To:** All Senators  
**From:** Senator Jim Duncan  
**Re:** CS SB 55 (Judiciary), Relating to Detention and Incarceration of minors.

SB 55 amends state law to comply with U.S. Department of Justice requirements which prohibit incarceration of juvenile offenders in adult jails or lockup facilities. Currently attempts are made to separate juvenile prisoners from adults, however, in village jails they are not always successful. The potential for mental and physical harm to juveniles is great in such situations. This bill will show our good faith effort, given the problems we experience in this state with isolation and associated transportation problems, provide other options besides adult facilities for holding minors.

One option which has proven particularly successful in small communities had been the use of "attendant care shelters" where juveniles can be detained temporarily until released to their parents or transported to one of the five regional youth corrections facilities; Bethel Youth Facility, McLaughlin in Anchorage, Johnson Youth Facility in Juneau, Nome Youth Facility, or the Fairbanks Youth Facility.

The funding for Attendant Care Shelters is provided through a \$325,000 Federal Juvenile Justice Formula Grant. In FY 91 grants were made for Attendant Care Shelters in Barrow (\$25,000), Juneau (\$20,000), Ketchikan (\$24,200), Kotzebue (\$17,000), Homer, Kenai, and Seward (\$48,150), Kodiak (\$9,987), Petersburg (\$5,000), Sitka (\$11,972), Valdez (\$15,000), and Wrangell (\$5,000). A portion of the funding also goes to the UAA, Justice Center for data collection and analysis. In addition, in FY 91, \$22,392 was earmarked for Alaska Native non-profit organizations. During FY 91, 443 youths were served at 12 Attendant Care Shelters.

If we do not show a good faith effort to comply with the federal law in removing juveniles from adult jails and lockups, we will become ineligible for this continuing grant. Therefore, if we wish to keep our attendant care shelters open and use federal funds to do so, it is important to pass SB 55.

I urge your support for SB 55.

**DIVISION OF LEGAL SERVICES**

**LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

240 Main Street, Suite 500  
Juneau, Alaska 99801-2101

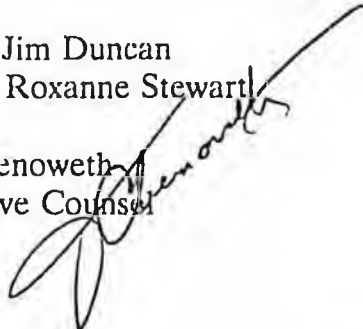
MEMORANDUM

January 16, 1992

**SUBJECT:** Sectional analysis, draft CS Senate Bill 55 ( )  
(Work Order No. 7LS-0216J, 01/02/92 draft)

**TO:** Senator Jim Duncan  
ATTN: Roxanne Stewart

**FROM:** Jack Chenoweth  
Legislative Counsel



This draft measure was prepared on the basis of a model intended to conform Alaska law generally to limitations imposed by key provisions of the federal Juvenile Justice and Delinquency Prevention Act of 1974, as amended. Those paragraphs of the federal Act, 42 U.S.C. 5633(a)(13) and (14), provide as follows:

(a) [To qualify the state for a formula grant under the Juvenile Justice and Delinquency Prevention Act, a state plan submitted to the federal government shall]

...  
(13) provide that juveniles alleged to be or found to be delinquent and youths within the purview of paragraph (12) [of this subsection] shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges;

(14) provide that, [after December 8, 1985,] no juvenile shall be detained or confined in any jail or lockup for adults, except that the Administrator shall, through 1993, promulgate regulations which make exceptions with regard to the detention of juveniles accused of nonstatus offenses who are awaiting an initial court appearance pursuant to an enforceable State law requiring such appearances within 24 hours after being taken into custody (excluding weekends and holidays) provided that such exceptions are limited to areas which

(A) are outside a Standard Metropolitan Statistical Area,

(B) have no existing acceptable alternative placement available, and  
(C) are in compliance with the provisions of paragraph (13);

....

Bill section 1, an uncodified provision, summarizes the general purposes of the measure, citing both the requirements of the pertinent federal Act and conditions specific to the state.

Bill section 2 substantially revises and extends the key juvenile detention/incarceration provision of current statutory law, AS 47.10.130 <sup>1/</sup>:

Proposed AS 47.10.130(a) establishes an explicit prohibition against incarceration of a minor in a correctional facility. <sup>2/</sup>

Proposed AS 47.10.130(b) carries forward without change language of the current statute assigning responsibility for notification of the minor's parent(s), guardian(s), or custodian(s) of the minor's detention.

---

<sup>1/</sup> Current AS 47.10.130 dates from the last session of the Territorial Legislature (1957) and, in its entirety, reads as follows:

Sec. 47.10.130. DETENTION. A minor under 18 years of age who is detained pending hearing may not be incarcerated in a jail unless assigned to separate quarters so that the minor cannot communicate with or view adult prisoners convicted of, under arrest for, or charged with a crime. When a minor is detained pending hearing, the minor's parent, guardian, or custodian shall be notified immediately.

<sup>2/</sup> Please appreciate that this measure depends on the cross-referenced definition of "correctional facility" as defined by AS 33.30.901, a definition of the statutes that are applicable to prison facility management. The term "correctional facility" is defined, in pertinent part, as follows:

"correctional facility" or "facility" means a prison, jail, camp, farm, half-way house, group home, or other placement designated by the commissioner for the custody, care, and discipline of prisoners; . . .

The reference to "prisoners" in the definition set out in that paragraph, generally applicable to AS 33.30, is to adult persons held in custody, for AS 33.30.901(11) defines "prisoner" as follows:

"prisoner" means a person, other than a juvenile, held under authority of state law in official detention . . .

(Emphasis added.)

Proposed AS 47.10.130(c) sets out three exceptions to the general prohibition against a minor's incarceration in a correctional facility:

- (1) minors adjudicated delinquent or held in official detention<sup>3/</sup> pending filing of a delinquency adjudication petition, the incarceration not to exceed six hours or the time necessary to arrange other transportation, whichever is shorter;
- (2) minors held pending prosecution as an adult; and
- (3) minors held in protective custody, that is, held because they are intoxicated or incapacitated by alcohol.

Proposed AS 47.10.130(d) places conditions and limitations on the holding of minors who are placed in correctional facilities under the exceptions of sec. 130(c)(1) (temporary detention pending transportation) or 130(c)(3) (protective custody detention). Those conditions and limitations include assignment to quarters separate from adults and provision of necessary services separate from the services that are provided to adults held in the correctional facility.

Proposed AS 47.10.130(e) recognizes weather related and similar delays beyond the control of the custodian by allowing an extension of the holding of a minor in temporary detention pending transportation beyond the six hour maximum in limited circumstances. At the same time, the subsection imposes specific duties on the person having responsibility for the minor's detention to document the reason for the extension and to advise the pertinent parties of the delay in transportation.

Proposed AS 47.10.130(f) authorizes extension of the holding of the minor in temporary detention pending transportation only so long as necessary to complete the necessary transportation arrangements for the minor.

For minors held in protective custody,<sup>4/</sup> proposed AS 47.10.130(g) directs that the parameters of treatment and detention that are set out in AS 47.37.170(i) are made applicable to minors so held.

Bill section 3 makes correlative changes to a related juvenile detention statute, AS 47.10.190.

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<sup>3/</sup> Under another cross-referenced definition, "official detention" includes custody, arrest, surrender in lieu of arrest, or actual or constructive restraint under an order of a court in a criminal or juvenile proceeding, other than an order of conditional bail release. See AS 11.81.900(35).

<sup>4/</sup> By law, protective custody does not constitute an arrest and no entry or other record may be made to indicate that the minor detained has been arrested or charged with a crime. However, a confidential record may be made for the administrative purposes of the facility to which the minor has been taken or which is necessary for statistical purposes. In the latter instance, the minor's name may not be disclosed. See AS 47.37.170(i).

Senator Jim Duncan

January 16, 1992

Page 4

\*

Because no effective date clause is included, the measure would take effect in accordance with the first sentence of article II, section 18 of the state constitution, that is, 90 days after the measure's signature into law or after its becoming law without signature.

JBC:gc

92-023.glc

7-LS0216J ✓  
Chenoweth  
1/2/92

CS FOR SENATE BILL NO. 55 ( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATOR DUNCAN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the detention and incarceration of minors."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 \* Section 1. PURPOSE. The purpose of this Act is to improve the state's juvenile justice system  
4 by

5 (1) ending, with minor exceptions, the practice of allowing the confinement of children  
6 in adult correctional facilities, jails, prisons, and rural lock-ups, however operated, based on evidence  
7 that the practice often leads to aggravated emotional problems and depression in, and suicide attempts  
8 by, the children who are confined;

9 (2) conforming state law and policy relating to the confinement of children to the  
10 requirements of 42 U.S.C. 5633(a)(13) and (14) (Juvenile Justice and Delinquency Prevention Act of  
11 1974, as amended), taking into consideration the dislocations that may arise from distance, weather, and  
12 lack of means to transport minor children to suitable places for the care and custody of minors.

13 \* Sec. 2. AS 47.10.130 is repealed and reenacted to read:

14 Sec. 47.10.130. DETENTION. (a) A minor may not be incarcerated in a correctional

Proposed CS for SB 55  
By Senator Duncan

1 facility that houses adult prisoners.

2 (b) When a minor is detained under this chapter, the person having responsibility for the  
3 facility in which the minor is detained shall immediately notify the minor's parent, guardian, or  
4 custodian of the minor's detention.

5 (c) Notwithstanding (a) of this section, a minor may be incarcerated in a correctional  
6 facility

7 (1) if the minor is the subject of a petition filed with the court under this chapter  
8 seeking adjudication of the minor as a delinquent minor or if the minor is in official detention  
9 pending the filing of that petition; however, detention in a correctional facility under this  
10 paragraph may not exceed the lesser of

11 (A) six hours; or

12 (B) the time necessary to arrange the minor's transportation to a juvenile  
13 detention home or comparable facility for the detention of minors;

14 (2) if, in response to a petition of delinquency filed under this chapter, the court  
15 has entered an order closing the case under AS 47.10.060(a), allowing the minor to be prosecuted  
16 as an adult; or

17 (3) if the incarceration constitutes a protective custody detention of the minor that  
18 is authorized by AS 47.37.170(b).

19 (d) When a minor is detained under (c)(1) or (c)(3) of this section and incarcerated in  
20 a correctional facility, the minor shall be

21 (1) assigned to quarters in the correctional facility that are separate from quarters  
22 used to house adult prisoners so that the minor cannot communicate with or view adults who are  
23 in official detention;

24 (2) provided admission, health care, hygiene, and food services and recreation and  
25 visitation opportunities separate from services and opportunities provided to adults who are in  
26 official detention.

27 (e) Notwithstanding the limitation on detention set out in (c)(1) of this section, a minor  
28 whose detention is authorized by (c)(1) of this section may be detained in a correctional facility  
29 for more than six hours if transportation to a juvenile detention home or comparable facility for  
30 the detention of minors is not available. The minor's detention for more than six hours is  
31 authorized by this subsection only if the person having responsibility for the facility in which the

1 minor is detained

2 (1) documents the reason that transportation of the minor to a juvenile detention  
3 home or comparable facility is not available; and

4 (2) during the minor's detention, after learning that transportation is not available,  
5 promptly notifies the appropriate officials or employees of the department and the Alaska court  
6 system of the lack of available transportation.

7 (f) A detention authorized by (e) of this section may not exceed the time necessary to  
8 satisfy the requirement of (c)(1)(B) of this section.

9 (g) The provisions of AS 47.37.170(i) apply to a minor incarcerated in a correctional  
10 facility when authorized by (c)(3) of this section.

11 (h) In this section

12 (1) "correctional facility" has the meaning given in AS 33.30.901 whether the  
13 facility is operated by the state, a municipality, a village, or another entity;

14 (2) "official detention" has the meaning given in AS 11.81.900.

15 \* Sec. 3. AS 47.10.190 is amended to read:

16 Sec. 47.10.190. CONDITIONS GOVERNING DETENTION. When the court commits  
17 a minor to the custody of the department, except when detention in a correctional facility is  
18 authorized by AS 47.10.130(c). the department shall arrange to place the juvenile in a detention  
19 home [, FACILITY] or another suitable place that the department designates for that purpose. [A  
20 JUVENILE DETAINED IN A JAIL OR SIMILAR INSTITUTION AT THE REQUEST OF THE  
21 DEPARTMENT SHALL BE HELD IN CUSTODY IN A ROOM OR OTHER PLACE APART  
22 AND SEPARATE FROM ADULTS.]

SENATE COMMITTEE REPORT  
FIRST COMMITTEE OF REFERRAL

DATE: 1/21/91

FURTHER: Judiciary  
Finance

Date of 5-Day Notice: 2/12/91  
(in accordance with Uniform Rule 23)

DATE TURNED  
INTO OFFICE: 02/12/91

HESS Committee considered SENATE BILL NO. 55

"An Act relating to the detention and incarceration of minors."

and recommended: <sup>and a majority of the  
committee recommends  
do pass</sup>

- replace with \_\_\_\_\_ CS \_\_\_\_\_  same title
- attached amendment(s)  new title
- \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

*FM*

ATTACHES NEW FISCAL NOTE(S):  
Department(s)/Date:

fiscal note(s) \_\_\_\_\_  
\_\_\_\_\_

Department(s)/Date:

zero fiscal note(s) DHSS 2/25/91  
\_\_\_\_\_

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

\_\_\_\_\_  
*Joseph G. Cotter*  
 \_\_\_\_\_  
*Paul Frick*  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
*Curtis Stupplewski*  
 Chair: Signature and Recommendation

BILL NO: Proposed CSSB 55 (JUD)

DATE: 4/5/91

TITLE: An Act relating to the detention and incarceration of minors.

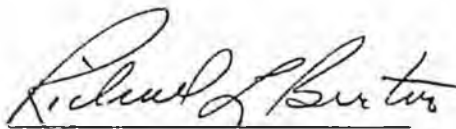
CONTACT: Capt. Thomas T. Stearns  
465-4322

DEPARTMENT OF PUBLIC SAFETY

Senate Bill 55 is intended to reduce the incidence of confinement of children in adult correctional facilities, jails, and rural lock-ups, and to conform state law and policy relating to the confinement of children with the language of the Federal Juvenile Justice and Delinquency Prevention Act of 1974, as amended. Section 2 of the bill provides that a minor may not be incarcerated in a correctional facility for longer than six hours, or the time it takes to transport the minor to a juvenile detention facility, unless the minor has been "waived" to adult court for criminal prosecution.

Proposed CSSB 55 (JUD) includes language that allows a minor to be held in a correctional facility past the maximum six hours if: (1) the incarceration constitutes a protective custody detention of the minor authorized by AS 47.37.170(b), or (2) transportation is not available. Even under these circumstances the minor must be kept apart (sight and sound separation) from adult prisoners. The reason for exceeding the time limitations must be documented, and notice of the unavailability of transportation must be made to the court and the Department of Health and Social Services, Division of Family and Youth Services.

The Department of Public Safety supports the proposed CS for SB 55, recognizing that the bill provides an approach to meet federal standards. The bill does not address the underlying problem, however, which is the lack of appropriate juvenile facilities to provide the necessary care and treatment for juvenile offenders in local communities where family support would be available.



Richard L. Burton  
Commissioner

# STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

THEODORE A. MALA, COMMISSIONER

P.O. BOX H  
JUNEAU, ALASKA 99811-0601  
PHONE: (907) 465-2090

*Payam  
Wheeler  
Bill*

Senator Jim Duncan  
Alaska State Legislature  
P.O. V  
Juneau, Alaska 99811-3100

December 6, 1991

Dear Senator Duncan,

Thank you for your letter regarding SB 55 relating to the detention and incarceration of minors. The Department supports any effort to improve the juvenile justice system in Alaska.


It is my understanding that this bill and its proposed CS are a result of the legislative process last session. The development of this legislation has been a cooperative effort involving Alaska's Juvenile Justice Advisory Committee, other Departments, and your office. The continuation of these efforts during the upcoming session will result in a law that is workable for Alaska.

The Department supports SB 55 in its CS form as it will assist us tremendously towards our goal of compliance with the federal JJDP Act.

At the end of last session the CS work draft had the conceptual support of the other affected Departments. A meeting will be planned to review the CS in its current form prior to the beginning of the upcoming session.

Thank you for the support in our efforts to improve juvenile justice in Alaska.

Sincerely yours,



Theodore A. Mala MD. MPH.  
Commissioner  
Department of Health and Social Services

| TYPE OF REVENUE: Restricted Federal Receipts |       |                 |                  | NAME AND TELEPHONE OF AGENCY CONTACT: Janet Clarke 465-3082 |                 |                    |                     |                      |                |               |
|--|-------|-----------------|------------------|---|-----------------|--------------------|---------------------|----------------------|----------------|---------------|
| FUNDING SOURCE                               | FUND  | REVENUE ACCOUNT | COLLOCATION CODE | PRIOR YEAR  | CURRENT YEAR    | CURRENT YEAR       | BUDGET YEAR - FY 93 |                      |                | FY94 ESTIMATE |
|  |       |                 |                  | FY91 ACTUAL   | FY92 AUTHORIZED | FY92 CASH ESTIMATE | ADJUSTED L E        | INCREMENT/ DECREMENT | AGENCY REQUEST |               |
| 1002   | 11100 | 57330           | 6-21-3-202       | 169.6   | 257.0           | 257.0              |                     |                      | 0.0            |               |
| 1002   | 11100 | 57905           | 6-21-3-282       | 363.0   | 550.0           | 550.0              | 550.0               | 0.0                  | 550.0          |               |
|  |       |                 |                  |   |                 |                    |                     |                      | 0.0            |               |
|  |       |                 |                  |   |                 |                    |                     |                      | 0.0            |               |
|  |       |                 |                  |   |                 |                    |                     |                      | 0.0            |               |
|  |       |                 |                  |   |                 |                    |                     |                      | 0.0            |               |
| <b>TOTAL</b>                                 |       |                 |                  | 532.6   | 807.0           | 807.0              | 550.0               | 0.0                  | 550.0          | 0.0           |

EXPLANATION (SEE INSTRUCTIONS):

Receipt Code: 57330 Title IV-B

The funds received under receipt code 57330 are Title IV-B formula grant funds awarded on the basis of the ratio of a state's population relative to the population of the other 49 states. A C-4 transfer of the IV-B revenues to Family Preservation component.

Receipt Code: 57905 JJDP

Under receipt code 57905 are Juvenile Justice and Delinquency Prevention Act funds received as federal formula grant funds. Each state receives a base allotment of \$325.0 and funds appropriated by Congress above the amount required for the base allotments are allocated among the fifty states on the basis of relative population of the state under age 18. Because of Alaska's small population, the state is eligible to receive only the base allotment of \$325.0.

A dollar for dollar match of those funds utilized by the state for administration of the grant is required. This match is provided in the Family Services BRU, Central Office component. Seven and one-half percent of the \$325.0 base allotment, or \$24,375 of the grant is used for this purpose.

**C21b RESTRICTED REVENUE DETAIL**

AGENCY Health & Social Services  
 BRU Purchased Services  
 COMPONENT Delinquency Prevention Svcs - #0248

**FY 93**

Page 1 of 1  
 Revised Date: \_\_\_\_\_

Senator Rick Halford, Chair  
Senate Judiciary Committee  
P.O. Box 190  
Chugiak, Alaska 99567

2806 John Street #2  
Juneau, Alaska 99801  
(907) 586-3204

December 2, 1991

Dear Senator Halford:

On behalf of the Alaska Juvenile Justice Advisory Committee, I would like to request that a hearing of CSSB 55 be scheduled in the Senate Judiciary Committee at your earliest convenience. The purpose of Senate Bill 55 is to end the dangerous practice of holding children in adult correctional facilities, jails and lock-ups. The Bill has been carefully designed, with the input of affected departments, to conform with state and federal law and the unique conditions of Alaska.

Senate Bill 55 is an integral part of Alaska's plan to demonstrate our commitment to the principles of the Federal Juvenile Justice and Delinquency Prevention (JJDP) Act. Over the past three years, Alaska has seen dramatic progress in the area of juvenile justice. In 1987, over 800 children were illegally detained in adult jails, while in 1990 that number dropped to 135. The establishment and maintenance of non-secure attendant care shelters throughout the state have a great deal to do with our success in juvenile jail removal.

Non-secure attendant care shelters, an effective and humane alternative to adult jails, are funded by an annual \$325,000 grant from the Federal Office of Juvenile Justice and Delinquency Prevention, under the condition that Alaska complies with the mandates of the JJDP Act. If the Office is not convinced of Alaska's commitment to juvenile justice, it will discontinue the grant which allows Alaska to maintain its shelters for hundreds of troubled kids each year. Senate Bill 55 is one of Alaska's strategies to demonstrate to the Office of JJDP that we are sincerely doing our best to comply with the mandates of the JJDP Act.

Please protect Alaska's children from the dangers of adult jails and support healthy alternatives for troubled kids. Please schedule the committee hearing of Senate Bill 55 as soon as possible so we can see it pass early in the session and show the nation our commitment to children.

Thank you in advance for your consideration. I look forward to hearing from you soon.

Sincerely,

*Marianne Mills*

Marianne Mills, Chair  
Legislative Subcommittee  
Alaska Juvenile Justice  
Advisory Committee

2806 John St. #2  
Juneau, AK 99801  
(daytime) 586-6231

Senator Jim Duncan  
P.O. Box V  
Juneau, AK 99811

November 20, 1990

Dear Senator Duncan:

Each year in Alaska, hundreds of children are illegally confined in adult jails or lock-up facilities. In addition to the threat of mental and physical harm to the children, this practice is in violation of the federal Juvenile Justice and Delinquency Prevention Act. Until compliance with the "jail removal" mandate of the Act is achieved, the State of Alaska risks losing federal formula grant monies (\$325,000 each year), the repayment of past grant monies, and litigation for violating the civil rights of children.

In a recent candidate questionnaire designed by the Alaska Juvenile Justice Advisory Committee (AJJAC), most respondents stated a clear opposition to the practice of holding juvenile offenders in adult jails. Your response indicated that you feel the practice is inappropriate and you suggested attendant care shelters as a viable alternative. The members of the AJJAC are in agreement with you and would like your assistance through the drafting of a "juvenile jail removal" bill.

To bring Alaska into compliance with the JJDP Act, I would like to ask that the existing statute (AS 47.10.130) be amended to read:

"No minor under the age of 18 years of age will be incarcerated in an adult jail or correctional facility except that:

a) the detention of accused delinquent minors for up to six hours pending transportation to a juvenile detention facility may be permitted; or

b) the detention of minors upon waiver of jurisdiction who are being prosecuted as an adult under AS 47.10.060 may be permitted.

Minors detained under this section will be assigned to separate quarters so that the minor cannot at any time communicate with or view adult prisoners convicted of, under arrest for, or charged with a crime. When a minor is detained, the minor's parent, guardian, or custodian shall be notified immediately."

AS 47.10.190 will also need to be amended to read:

"When the court commits a minor to the custody of the

Letters Of Support

*add  
Violent crime  
of 16-18 yr  
olds.*

department, the department shall arrange to place the juvenile in a detention home, facility, or other suitable place which the department designates for that purpose. A juvenile detained in a jail or similar institution under the provisions of AS 47.10.130 (as amended) shall be provided services for admission, health, hygiene, housing, food, recreation, and visitation that are separate in sight and sound contact from all adult offenders."

Thank you very much for your consideration of my request. Toward the well-being of Alaska's children, financial and legal status, I look forward to the introduction of a bill to put an end to the destructive practice of jailing juvenile offenders. Please feel free to contact me if you should need any assistance in this matter.

Sincerely,

*Marianne Mills, MSW, MBA*

Marianne Mills, MSW, MBA  
AJJAC Member

SB 55  
3/7/91

JAILING OF CHILDREN IN ALASKA:  
THERE ARE ALTERNATIVES!

\*\*As recently as 1987, over eight hundred (800) children continued to be detained in municipal adult jails and rural lockups throughout Alaska. Most of these juveniles were detained following their arrest for minor crimes and status offenses. Analysis of the data on juvenile confinement in adult facilities revealed that most children who are jailed could be safely placed in alternative facilities, if they were available. The attendant care shelter concept has been the most successful alternative used by other states.

\*\*Since 1988, non-secure attendant care shelter sites have been established to serve 15 communities throughout Alaska. Since 1987, the number of children illegally detained has dropped from over 800 to around 250. The majority of the incidents occurred regularly in only ten or twelve communities and most of these communities have since established attendant care shelter programs.

\*\*There are over ninety (90) communities with a jail or lockup which may occasionally detain a juvenile. In most of these communities, only one or two juveniles (on the average) are detained each year. Alternatives need to be available for those rare circumstances. A variety of alternatives, many cheaper to run and easier to implement than the attendant care shelters, are able to meet the need. Each community needs to develop its own unique, appropriate and practical solution to the problem.

\*\*The six-hour requirement (as the maximum time for detaining a child in an adult jail) is irrelevant if the community has an alternative to use; the community which decides to establish an alternative will not be concerned with the six-hour limit--they will not detain children in adult jails for even six minutes! Instead of taking the child to an adult jail, the child can stay in a shelter, with a foster parent, in a safe home, or any other easy-to-implement arrangement which the community determines will fit them best.

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# **National Association of Social Workers Alaska Chapter**

## **Position Paper Senate Bill 55**

### **I. THE NEED FOR SB 55**

In Alaska each year, hundreds of children are illegally detained in adult jails and lock-ups. This practice, which violates federal law and the civil rights of children, is harmful to the physical and emotional well-being of the children. Children in adult jails commit suicide eight times as often as children in juvenile detention centers. Children have been beaten, raped, and murdered in local jails. Children in jails are routinely and illegally exposed to frequent contact with adult inmates. These children rarely receive schooling, exercise, recreation, or the special care needed to deal with emotional and family problems.

Since 1988, the Alaska Division of Family and Youth Services has received grant monies from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to use toward compliance with the juvenile jail removal mandate. In 1987, Alaska reported 864 jail and lock-up removal violations (in adult facilities). Since receiving the grant monies, that number in 1988 was cut in half (409 violations). The Division of Family and Youth Services used the monies to develop alternatives throughout the State, namely, attendant care shelters (based on a successful alternative model used in Michigan). In 1989, the number of violations was again cut in half (249). We attribute this progress to a combination of the attendant care shelters and to education and training which has been provided to communities and their professionals (judges, law officers, etc.). DFYS assists communities, through small shelter grants and through technical assistance to develop alternatives.

### **II. WHY SB IS CURRENTLY NEEDED**

In 1990, the number of violations remained around 200, a number which is unsatisfactory to not only the OJJDP, but to anyone who cares about Alaska's children. We believe that, as far as voluntary compliance, the State has gone as far as it can go. Now is the time to send the message to communities that the practice of jailing children in adult facilities is illegal and it is wrong. This is also the last year that the OJJDP will provide Alaska with monies to develop alternatives if we do not convince them that we are committed to juvenile jail removal.

### III. WHAT IF OUR OJJDP MONIES ARE DISCONTINUED?

If Alaska does not receive \$325,000 each year from OJJDP, we will not have the funds to maintain and develop our attendant care shelter facilities. Our years of work developing alternative will be lost, the shelters will stop, and we will be back where we started in 1987. Alaska will not have the funds to continue our education and training of communities and professionals, and to provide technical assistance to develop alternatives to adult jails. An increasing number of children will be exposed to the dangers of adult jails. As their civil rights are violated in this manner, the State and communities will run an increasing risk of civil suits, as children are raped, abused, and murdered by adult inmates, or as the children commit suicide.

### IV. THE IMPACT OF SB 55

SB 55, if passed, will have a zero fiscal impact. If not passed, failure to convince OJJDP of Alaska's commitment to removing children from adult jails will result in \$325,000 less each year. SB 55 will encourage communities to take advantage of assistance from DFYS in developing healthy alternatives for their children. As the numbers of children detained in adult facilities decreases, children will be safer, healthier, and treated more appropriately.

**JAILING OF CHILDREN IN ALASKA - AN UNSOLVED PROBLEM  
ISSUES FOR THE CRIMINAL JUSTICE WORKING GROUP  
NOVEMBER 3, 1989**

In Alaska, there is a historical and pervasive practice of confining children under conditions which violate both state and federal law, increasing the risk of harm and potentially violating the civil rights of children.

**BACKGROUND:**

Since 1976, Alaska has received formula grants from the U.S. Department of Justice under the Juvenile Justice and Delinquency Prevention (JJDP) Act. The former state Criminal Justice Planning Agency and the Division of Corrections administered these funds until 1982 when responsibility was transferred to the Division of Family and Youth Services of the Department of Health and Social Services. Acceptance of these funds has obligated the state to improve its juvenile justice system and comply with the requirements of the Act which calls for:

Deinstitutionalization - a termination of the practice of securely detaining non-offenders or status offenders;

Separation - complete separation of juvenile offenders from adult prisoners when housed in the same secure facility;

Jail Removal - termination of the practice of holding any juvenile in an adult jail or lockup facility; and

Annual Monitoring - regular inspection of facilities which detain children along with collection, analysis and reporting of admission or booking data to assess compliance.

These requirements were to be achieved incrementally with deinstitutionalization to be achieved within three years of submission of the state's first grant application.

Separation and jail removal were to be achieved by December 1985, but subsequent extensions allowed exceptions to full compliance until December 1988.

Based on action to date, Alaska is now in substantial but not full compliance with the deinstitutionalization and separation mandates. Compliance with the mandate for total removal is far from being achieved. Until full compliance with all of the mandates is achieved, Alaska risks termination of the federal juvenile justice grant and faces the possible threat of litigation.

Federal requirements compliment Alaska laws contained in Title 47. Alaska statutes do not permit secure detention of any juvenile status offenders except for an allowable 24-hour period for runaways already under court jurisdiction when there is specific prior court approval.

Further, Alaska statutes require that children be separated by sight and sound from adult prisoners when both are held in the same facility. Because virtually none of Alaska's over one hundred (100) adult jails, lockups or correctional facilities are physically designed or operated to prevent contact between children and adults, children cannot lawfully be confined in those facilities.

As recently as 1987, over eight hundred (800) children continued to be detained in municipal adult jails and rural lockups throughout Alaska. Most of these juveniles were detained following their arrest for minor crimes and status offenses. Some of the minor crimes, such as Consumption of Alcohol By A Person Under Age 21, are even defined as status offenses by the U.S. Department of Justice.

In most cases, children are detained in physically separate cells from adult prisoners, but not with complete sight and sound separation as required by law. None of Alaska's adult jails and lockups have separate booking, food service, exercise or visitation areas for children and few have the ability to provide much more than token separation. When separation efforts are made, they often result in solitary confinement for children.

The practice of inappropriately confining children in adult jails is not only against the law, it is also contrary to the safe treatment of children. The national suicide rate of children placed in adult jails is eight times greater than that of children placed in separate juvenile detention centers. When a child is housed in an adult jail, rural lockup or adult correctional facility, their risk of becoming depressed, suicidal, or chance of experiencing emotional, physical and

sexual abuse increases significantly. Jail staff are seldom trained to handle the emotional and family problems of children in crisis. A child often leaves the jail angry and defiant, to act out their rage on the community.

A number of recent cases have been brought before other state and federal courts on the jailing of children. In several of those cases the court has determined that an aggrieved individual has a private right to civil rights action for deprivation caused by a violation of the Juvenile Justice and Delinquency Prevention Act. Litigation against one or more municipal jail or rural lockup and the state for failure to comply with the requirements of the JJDP Act is currently being considered by groups such as Alaska Legal Services Corporation and the American Civil Liberties Union.

#### **WHAT HAS BEEN DONE ABOUT THIS PROBLEM?**

From the time Alaska began participation in the JJDP Act grant program in 1976, federal grant funds have been used for a variety of projects to improve Alaska's juvenile justice system including community work service, restitution, and case management programs. However, until 1988 only two significant JJDP Act compliance strategies were implemented.

The initial strategy was statutory change to Title 47 which redefined acts such as runaway, truancy, and curfew violation so they were no longer delinquent acts which could result in secure detention. The second was to develop a network of secure regional juvenile detention facilities constructed and operated with state general funds. Five facilities are now in operation. They are located at Juneau, Fairbanks, Nome, Bethel and Anchorage. These facilities were costly to build and are expensive to operate. It is not likely this network of juvenile detention facilities will be expanded in the foreseeable future.

Until recently it was believed that the initial and subsequent statutory changes had brought Alaska into full compliance with the requirement to deinstitutionalize status offenders. In 1987 we were informed by federal officials that Alaska's misdemeanor offense of Possession or Consumption By Persons Under The Age Of 21 is defined as a status offense for the purpose of the JJDP Act. At the same time, annual monitoring data showed that a significant number of children were being detained at both adult facilities and regional juvenile detention centers on this offense. The Division of Family and Youth Services immediately stopped these admissions at the regional juvenile detention

centers except when the conditions for the protective custody of an intoxicated person are met. Many adult jails and lockups have continued to book children for drinking alcohol and other status offenses.

The overuse of detention as a mechanism for dealing with juveniles who violate alcohol laws is a continuing problem and one of the primary obstacles in achieving compliance with the JJDP Act. Nearly all of Alaska's violations of the JJDP provision requiring deinstitutionalization of status offenders result from the detention/jailing of youth charged with possession or consumption of alcohol. The vast majority of these youth do not meet the standards for detention required by the Rules of Court or the criteria established by DFYS.

As recently as 1980 only the Anchorage area had a separate juvenile detention center. Children from all other areas of the state were being confined at adult correctional facilities, municipal jails and rural lockups. The five DFYS-operated regional juvenile detention centers now account for about 70% of all juvenile detention admissions and over 95% of juvenile detentions which exceed 48 hours.

Despite significant expenditures to build and operate separate juvenile detention centers, many Alaskan children continue to be jailed in adult facilities. While the majority of the incidents have regularly taken place in only ten or twelve communities, there are over ninety (90) communities with a jail or lockup which may occasionally detain a juvenile. In many cases transporting the juvenile to a regional juvenile detention facility is not practical for the arresting law enforcement agency. In other cases, detention of a juvenile is a short term convenience but not a necessity to protect either the child or the public.

Construction of costly juvenile detention centers in every Alaska community with a history of jailing children is not a realistic solution to this problem. If Alaska is to stop putting its children in jails, other alternatives must be created.

Beginning in 1988 the Division of Family and Youth Services began to develop and implement some creative and moderately priced solutions. However, the efforts of only one participating agency of the Alaska juvenile justice system will not be sufficient to overcome decades of past practice by it and the many other state and community agencies which make up the system.

**PROMISING NEW STRATEGIES:**

In the fall of 1987 the Division of Family and Youth Services made a decision to focus 100% of its JJDP grant receipts on activities directly related to meeting JJDP Act mandates rather than on any other juvenile justice system improvements. Additionally, a full time central office program position was assigned to the compliance effort.

A comprehensive review of successful program models used in other states has been completed. Several proven strategies have been adapted to Alaskan conditions in addition to the ongoing development of home grown ideas. The following components are part of the DFYS plan to end the jailing of children in Alaska.

**Improved Monitoring and Data Collection** - For the first ten years of JJDP Act participation the identified universe of municipal jails, rural lockups, adult correctional facilities, and juvenile detention facilities for monitoring and data collection only identified 14 facilities. While it was clearly obvious that more such facilities existed in Alaska, no effort had been made to identify their location. For years, Alaska had under reported both the number of secure facilities and the number of children detained in those facilities.

In 1988 the Division of Family and Youth Services negotiated an RSA with the University of Alaska Justice Center to develop a comprehensive monitoring plan and prepare monitoring reports for calendar years 1987 and 1988. **Over 100 secure facilities have now been identified.** One-third of these facilities will be inspected each year to verify sight and sound separation of children from adult prisoners. Booking and admission data is collected from each facility, where available, to complete a comprehensive monitoring report. Data from the 1987 report is currently being used for program planning.

Two major data recording deficiencies have surfaced during this monitoring effort. First, many of the 75 rural lockups do not maintain sufficient records to determine age, offense, and duration of confinement. Second, many of the records for 17 municipal jails (those under contract to the Department of Public Safety) do not separate booking records from admission records. On site inspection has revealed that children are often booked at arrest but never placed in the secure area of the jail. These jails keep booking records but not admission records. This

result; in over reporting of JJDP Act violations. Efforts are underway to assist these adult facilities in maintaining more accurate records and DFYS anticipates the development of regulations to standardize reporting procedures.

**Non-secure Attendant Care Shelter** - Analysis of the data on juvenile confinement in adult facilities revealed that most children who are jailed could be safely placed in alternative facilities, if they were available. The attendant care shelter concept has been the most successful alternative used by other states. A child placed in an attendant care shelter is supervised on a one-to-one basis by a trained adult attendant until the child can be released to a parent or guardian, taken to court, or transported to a regional juvenile detention facility. Attendant care shelter sites are only operated on an as needed basis with a roster of available on-call attendants. The site itself may be an administrative office, a room in a public building, a foster home, or an apartment, with access to a restroom and minimal accommodations.

Since September 1988 ten (10) non-secure attendant care shelter sites have been established to serve the following 12 communities:

|           |            |          |
|-----------|------------|----------|
| Barrow    | Homer      | Seward   |
| Juneau    | Kenai      | Sitka    |
| Ketchikan | Kodiak     | Valdez   |
| Kotzebue  | Petersburg | Wrangell |

These programs are funded by pass-thru grants using JJDP Act grant revenue. The average cost per program is \$20,000 per year. Four of the programs are operated by local government, five by non-profit social service or mental health agencies and one by a native association. DFYS expects to be able to fund one or two more sites in FY90.

**Secure Modular Holdover** - The availability of a previous capital reappropriation for juvenile detention alternatives in Ketchikan permits DFYS to fund a model secure detention program in that community. A small modular building with two secure rooms is being designed and constructed. The modular unit will be placed at the new Ketchikan health facility and will contain two secure rooms. DFYS will contract with the City of Ketchikan for its operation on an on-call basis similar to a non-secure attendant

care shelter. JJDP grant funds cannot be used to fund secure facilities and this will be the only secure program operated under contract with DFYS. Cost of the modular unit is approximately \$100,000 and annual operating costs are expected to be less than \$50,000. This is significantly less than the cost of a regular regional juvenile detention center. This Ketchikan program will serve as a model for other municipalities who may wish to exercise their statutory authority to operate juvenile detention homes.

**24-Hour Intake** - Since 1984 the Division of Family and Youth Services has used the concept of 24-hour intake screening to reduce unnecessary and inappropriate detentions at the regional juvenile detention centers. Intake probation officers review all requests for detention to determine if secure pre-adjudicatory confinement is necessary. If secure confinement is not necessary, the on-call probation/intake officers arrange for alternative placement. In the DFYS FY91 budget request the Division is seeking funds to expand on-call services to all 13 areas of the state where DFYS has an established local office. These on-call staff will be available to assist local law enforcement agencies in determining if detention or placement is necessary following the arrest of a juvenile and to provide help in obtaining the services of alternative programs. DFYS staff may not, however, authorize placement of a child in any municipal jail or local lockup which does not meet the separation requirements of state statutes or the JJDP Act.

**Transportation and Guard Hire Service** - Some of the children who have historically been placed in adult jails and lockups may require secure custody pending completion of court action. In some cases, the arresting law enforcement agency may not have the ability to promptly transport such a child to a regional juvenile detention center. The Department of Public Safety, DFYS, and local law enforcement agencies have not resolved the issue of providing temporary secure custody and escort services for this group of children. DFYS has proposed an increment in the FY91 budget request to fund contract guard hire and transportation services for those children from rural communities who are already in DFYS custody and in need of secure services. Unarmed guards will supervise these children following arrest and escort them as soon as possible to a regional juvenile detention facility. A mechanism to provide similar services for children who have not already been committed to DFYS custody is yet to be developed. Such a mechanism will require a coordinated agreement

between DFYS, Department of Public Safety, and local law enforcement agencies.

**Incentive Grants** - Unlike many of the other 49 states, juvenile corrections in Alaska is the responsibility of a single state agency rather than a local government responsibility. Local governments in Alaska have been reluctant to assume responsibility to provide care for children other than in a jail or lockup. Most communities look to state government for both the solution and the funding. The solutions proposed by DFYS may not address the unique needs of every community. DFYS has proposed a FY91 general fund increment to establish incentive grants to assist up to seven communities in developing their own unique, appropriate and practical solutions to this problem.

**Public and Targeted Education Campaign** - Few Alaskans are aware of the pervasive problem of jailing Alaska's children. Many members of the juvenile justice system do not understand the legal implications of jailing children or the potential harm from that practice. Developing a more wide-spread awareness of the problem is critical to its eventual solution. In the summer of 1989, DFYS sponsored a workshop on jail removal issues which was attended by 12 local law enforcement representatives as well as attendant care shelter grantees, DFYS staff, and members of the State Juvenile Justice Advisory Committee. That workshop included a presentation of the JJDP Act, sessions on the legal liabilities of jailing children presented by a children's rights attorney, and information concerning available alternatives. Following the workshop, several local law enforcement agencies discontinued the practice of detaining children in their local jails.

DFYS is currently contracting with a media consultant to design a multi-media education campaign for presentation throughout Alaska. Products of the campaign will separately target juvenile justice system participants, community leaders, and the general public. Members of the Criminal Justice Working Group will be invited to review the draft materials and offer suggestions prior to completion of the final products. The presentation by the media consultant is scheduled in Juneau for mid-November 1988.

**Regulation in Monitoring of Adult Facilities Which Detain Children** - The Department of Health and Social Services has statutory authority to inspect and regulate all facilities where

juveniles are detained, including municipal jails and local lockups. That authority has never been exercised. During the next 12 to 18 months the Division of Family and Youth Services plans to develop a set of proposed regulations which will address record keeping and conditions of confinement at non-state operated facilities which securely confine children. During the drafting process DFYS will work closely with the Department of Public Safety, Department of Corrections and local government entities which operate jails and lockups.

**Statutory Change** - While strongly recommended by the federal Office of Juvenile Justice and Delinquency Prevention, the Department of Health and Social Services and the Division of Family and Youth Services have been reluctant to propose changes to the Alaska Statutes which would prohibit the confinement of any child in an adult facility. Until a variety of alternatives are available throughout Alaska, such a prohibition would be impractical to enforce. While no such legislation has been proposed, DFYS would support a change to the jurisdictional section of Title 47 which would place alcohol offenses committed by minors under the jurisdiction of the district court and eliminate the penalty of incarceration. Such a change would not only give local communities more control to address the problem of juvenile drinking behavior but would also improve compliance with the JJDP Act.

**Policy Issues** - Successfully resolving the inappropriate confinement of children is beyond the capability of a single state agency such as the Division of Family and Youth Services. Other state agencies as well as local communities must share in the resolution.

*Is state government solely responsible for providing detention services to children? What is the role and responsibility of local government in providing safe secure services for children in crisis? Several communities such as Wrangell and Petersburg have stepped forward to develop local alternatives with the combination of local and state funding. Other communities such as Kodiak and Kotzebue have discontinued placing children in the local jail but have not accepted any local responsibility to create and support alternatives. Without state level policy guidance, local communities will continue to arrive at different conclusions. Should we seek to develop a high-level state policy consensus decision on the issue?*

As various local communities around the state begin to close their jails to the admission of children the question is being raised as to what agency is responsible for the temporary secure custody and transportation of children following arrest. This is a longstanding, unresolved issue. Currently, local law enforcement agencies and local staff of the Department of Public Safety and the Division of Family and Youth Services are floundering for an immediate solution. The Division of Family and Youth Services recommends that discussions be initiated to resolve this issue with the development of an interagency policy consensus.

On April 14, 1989, Governor Steve Cowper issued an executive proclamation acknowledging the dangers of confining children in adult jails and pledging support of executive branch agencies in bringing this practice to a halt.

We urge the Criminal Justice Working Group to take a lead role in this endeavor.

**1990 JUVENILE JUSTICE  
AND DELINQUENCY PREVENTION ACT  
COMPLIANCE MONITORING REPORT**



**JUSTICE CENTER**



**University of Alaska Anchorage**

1990 JUVENILE JUSTICE  
AND DELINQUENCY PREVENTION ACT  
COMPLIANCE MONITORING REPORT

STATE OF ALASKA

Department of Health and Social Services

Michael Price, Director  
Division of Family and Youth Services

Report Prepared by:

Emily E. Read  
Project Manager

Nancy Schafer  
Principal Investigator

Justice Center,  
University of Alaska Anchorage

JC 9106

October 1991

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## STATE MONITORING REPORT

### A. GENERAL INFORMATION.

#### 1. NAME AND ADDRESS OF STATE MONITORING AGENCY.

Alaska Division of Family and Youth Services  
P.O. Box 110630  
Juneau, Alaska 99811-0630

#### 2. CONTACT PERSON REGARDING STATE REPORT.

Name: Donna Schultz Phone #: (907) 465-2113

#### 3. DOES THE STATE'S LEGISLATIVE DEFINITION OF CRIMINAL-TYPE OFFENDER, STATUS OFFENDER, OR NONOFFENDER DIFFER WITH THE OJJDP DEFINITION CONTAINED IN THE CURRENT OJJDP FORMULA GRANT REGULATION?

Alaska's definition of "delinquent minor" is congruent with the OJJDP definition of "criminal-type offender" contained in 28 CFR Part 31.304(g). Alaska's definition of "child in need of aid" encompasses both "status offenders" and "nonoffenders" as defined in 28 CFR Part 31.304(h) and (i). The relevant Alaska definitions are contained in AS 47.10.010 and AS 47.10.290.

Although Alaska's legislative definitions are consistent with those contained in the OJJDP Formula Grant Regulation, the OJJDP Office of General Counsel issued a Legal Opinion Letter dated August 30, 1979 interpreting Section 223(a)(12)(A) of the JJDP Act to require "that an alcohol offense that would be a crime only for a limited class of young adult persons must be classified as a status offense if committed by a juvenile." Because Alaska law defines possession or consumption of alcohol by persons under 21 years of age as a criminal offense (AS 04.16.050), on this point the state's definitions of "criminal-type offender" and "status offender" are inconsistent with the OJJDP interpretation.

Pursuant to OJJDP's interpretation of Section 223(a)(12)(A), juveniles accused of, or adjudicated delinquent for, possession or consumption of alcohol ("minor consuming alcohol" or "minor in possession of alcohol") have been defined as status offenders.

#### 4. DURING THE STATE MONITORING EFFORT WAS THE FEDERAL DEFINITION OR STATE DEFINITION FOR CRIMINAL-TYPE OFFENDER, STATUS OFFENDER AND NONOFFENDER USED?

The federal definitions for criminal-type offender, status offender and nonoffender were used.

SECTION 223(a)(12)(A)

B. REMOVAL OF STATUS OFFENDERS AND NONOFFENDERS FROM SECURE DETENTION AND CORRECTIONAL FACILITIES.

1. BASELINE REPORTING PERIOD: Calendar year 1976

CURRENT REPORTING PERIOD: Calendar year 1990

2. NUMBER OF PUBLIC AND PRIVATE SECURE DETENTION AND CORRECTIONAL FACILITIES.

|                                | <u>TOTAL</u> | <u>PUBLIC</u> | <u>PRIVATE</u> |
|--------------------------------|--------------|---------------|----------------|
| Baseline Data                  | 14           | 13            | 0              |
| Current Data                   | 110          | 110           | 0              |
| Juvenile Detention Centers     | 5            | 5             | 0              |
| Juvenile Holdover Facility [1] | 1            | 1             | 0              |
| Juvenile Training Schools [2]  | 0            | 0             | 0              |
| Adult Jails                    | 19           | 19            | 0              |
| Adult Correctional Facilities  | 2            | 2             | 0              |
| Adult Lockups [3]              | 83           | 83            | 0              |

[1] "Juvenile Holdover Facility" is a designation used to identify a single secure facility used solely for the temporary detention of juveniles.

[2] Two facilities serve as both juvenile detention centers and juvenile training schools. Because all juveniles admitted to these facilities must be processed through the respective detention centers, separate monitoring of the training schools is unnecessary.

[3] Modifications to the 1989 universe of adult jails and adult lockups for the 1990 report include the reclassification of two adult lockups into adult jails, and the deletion of two adult lockups.

3. NUMBER OF FACILITIES IN EACH CATEGORY REPORTING ADMISSION AND RELEASE DATA FOR JUVENILES TO THE STATE MONITORING AGENCY.

|                               | <u>TOTAL</u> | <u>PUBLIC</u> | <u>PRIVATE</u> |
|-------------------------------|--------------|---------------|----------------|
| Baseline Data                 | 14           | 13            | 1              |
| Current Data                  | 61           | 61            | 0              |
| Juvenile Detention Centers    | 5            | 5             | 0              |
| Juvenile Holdover Facilities  | 1            | 1             | 0              |
| Adult Jails                   | 19           | 19            | 0              |
| Adult Correctional Facilities | 2            | 2             | 0              |
| Adult Lockups                 | 34           | 34            | 0              |

4. NUMBER OF FACILITIES IN EACH CATEGORY RECEIVING AN ON-SITE INSPECTION DURING THE CURRENT REPORTING PERIOD FOR THE PURPOSE OF VERIFYING SECTION 223(a)(12)(A) DATA.

|                               | <u>TOTAL</u> | <u>PUBLIC</u> | <u>PRIVATE</u> |
|-------------------------------|--------------|---------------|----------------|
| Current Data                  | 28           | 28            | 0              |
| Juvenile Detention Centers    | 1            | 1             | 0              |
| Juvenile Holdover Facilities  | 0            | 0             | 0              |
| Adult Jails                   | 5            | 5             | 0              |
| Adult Correctional Facilities | 0            | 0             | 0              |
| Adult Lockups                 | 22           | 22            | 0              |

5. TOTAL NUMBER OF ACCUSED STATUS OFFENDERS AND NONOFFENDERS HELD FOR LONGER THAN 24 HOURS IN PUBLIC AND PRIVATE SECURE DETENTION AND CORRECTIONAL FACILITIES DURING THE REPORT PERIOD, EXCLUDING THOSE HELD PURSUANT TO A JUDICIAL DETERMINATION THAT THE JUVENILE VIOLATED A VALID COURT ORDER.

|                   | <u>TOTAL</u> | <u>PUBLIC</u> | <u>PRIVATE</u> |
|-------------------|--------------|---------------|----------------|
| Baseline Data [1] | 485          | 485           | 0              |
| Current Data      | 0            | 0             | 0              |

[1] The monitoring report format for the baseline year did not distinguish between accused and adjudicated status offenders and nonoffenders. Baseline data for both accused and adjudicated status offenders and nonoffenders are included here.

6. TOTAL NUMBER OF ADJUDICATED STATUS OFFENDERS AND NONOFFENDERS HELD IN PUBLIC AND PRIVATE SECURE DETENTION AND CORRECTIONAL FACILITIES FOR ANY LENGTH OF TIME DURING THE REPORT PERIOD, EXCLUDING THOSE HELD PURSUANT TO A JUDICIAL DETERMINATION THAT THE JUVENILE VIOLATED A VALID COURT ORDER.

|                   | <u>TOTAL</u> | <u>PUBLIC</u> | <u>PRIVATE</u> |
|-------------------|--------------|---------------|----------------|
| Baseline Data [1] | n/a          | n/a           | n/a            |
| Current Data      | 0            | 0             | 0              |

[1] The monitoring report format for the baseline year did not distinguish between accused and adjudicated status offenders and nonoffenders.

7. TOTAL NUMBER OF STATUS OFFENDERS HELD IN ANY SECURE DETENTION OR CORRECTIONAL FACILITY PURSUANT TO A JUDICIAL DETERMINATION THAT THE JUVENILE VIOLATED A VALID COURT ORDER.

|                               | <u>TOTAL</u> | <u>PUBLIC</u> | <u>PRIVATE</u> |
|-------------------------------|--------------|---------------|----------------|
| Baseline Data [1]             | n/a          | n/a           | n/a            |
| Current Data                  | 2            | 2             | 0              |
| Juvenile Detention Centers    | 2            | 2             | 0              |
| Adult Jails                   | 0            | 0             | 0              |
| Adult Correctional Facilities | 0            | 0             | 0              |
| Adult Lockups                 | 0            | 0             | 0              |

[1] Data for status offenders determined to have violated valid court orders were not included in the monitoring report format for the baseline year.

Has the State monitoring agency verified that the criteria for using this exclusion have been satisfied pursuant to the current OJJDP regulation?

Yes.

If yes, how was this verified (State law and/or judicial rules match the OJJDP regulatory criteria, or each case was individually verified through a check of court records)?

In the two instances of detention in which the valid court order exception was applied (involving one juvenile and consecutive periods of confinement at a youth correctional center), photocopies of the Order(s) for Temporary Detention or Placement were obtained from the youth probation officer who handled the case.

C. DE MINIMIS REQUEST.

1. CRITERION A -- THE EXTENT THAT NONCOMPLIANCE IS INSIGNIFICANT OR OF SLIGHT CONSEQUENCE.

Number of accused status offenders and nonoffenders held in excess of 24 hours and the number of adjudicated status offenders and nonoffenders held for any length of time in secure detention or secure correctional facilities.

| <u>Accused</u> |   | <u>Adjudicated</u> |   | <u>Total</u> |
|----------------|---|--------------------|---|--------------|
| 0              | + | 0                  | = | 0            |

Total juvenile population of the State under age 18 according to the most recent available U.S. Bureau of Census data or census projection.

172,991 juveniles.

(Source: Alaska Population Overview, Alaska Department of Labor, Research and Analysis, Demographics Unit, 1991).

If the data was projected to cover a 12 month period, provide the specific data used in making the projection and the statistical method used to project the data.

Please refer to the "Data Projection" section, page 29.

Calculation of status offender and nonoffender detention and correctional institutionalization rate per 100,000 population under age 18.

0/172,991 = 0 per 100,000

2. Criterion B -- The extent to which the instances of noncompliance were in apparent violation of state law or established executive or judicial policy.

Not applicable.

3. Criterion C -- The extent to which an acceptable plan has been developed.

Not applicable.

4. Out of State Runaways. 0
5. Federal Wards. 0
6. Recently enacted change in state law.

A law (AS 47.10.141) specifying the conditions under which runaway juveniles may be detained became effective in October 1988, and provided a statutory basis for compliance with the deinstitutionalization requirement of the JJDP Act. The law specified that

[a] minor may be taken into emergency protective custody by a peace officer and placed into temporary detention in a juvenile detention home in the local community if there has been an order issued by a court under a finding of probable cause that (1) the minor is a runaway in wilful violation of a valid court order..., (2) the minor's current situation poses a severe and imminent risk to the minor's life or safety, and (3) no reasonable placement alternative exists within the community.

The statute prohibits detention of runaway juveniles "in a jail or secure facility other than a juvenile detention home" and limits the duration of such detention to 24 hours if no criminal-type offense is charged.

A more recently enacted amendment to AS 47.10.160 requires that jails and other secure detention facilities operated by state and local agencies record and report to the Department of Health and Social Services all instances of juvenile detention. Effective in September, 1990, the statute requires facilities to use a standardized format in reporting juvenile admissions, and to report name, date of birth, the offense for which the minor was admitted, date and time admitted, date and time released, gender, and ethnic origin. The statute requires that the records be prepared at the time of admission into secure confinement. Because this statute standardizes the report format and requires full reporting of juvenile detention, it is anticipated that its enactment will have a significant and positive impact on Alaska's compliance efforts.

SECTION 223(a)(12)(B)

D. PROGRESS MADE IN ACHIEVING REMOVAL OF STATUS OFFENDERS AND NONOFFENDERS FROM SECURE DETENTION AND CORRECTIONAL FACILITIES.

1. PROVIDE A BRIEF SUMMARY OF THE PROGRESS MADE IN ACHIEVING THE REQUIREMENTS OF SECTION 223(a)(12)(A).

Alaska's progress in achieving the removal of status offenders and nonoffenders from secure detention has been excellent. Over the course of several years, Alaska has achieved full compliance with the deinstitutionalization goal of the JJDP Act. In comparison with the 1976 baseline, when 485 status offenders were securely detained, there were no instances of noncompliance recorded in 1990. All status offenders and nonoffenders held in secure confinement in Alaska's institutions were released within the 24-hour allowable grace period.

2. NUMBER OF ACCUSED AND ADJUDICATED STATUS OFFENDERS AND NONOFFENDERS WHO ARE PLACED IN FACILITIES WHICH (A) ARE NOT NEAR THEIR HOME COMMUNITY; (B) ARE NOT THE LEAST RESTRICTIVE APPROPRIATE ALTERNATIVE; AND, (C) DO NOT PROVIDE THE SERVICES DESCRIBED IN THE DEFINITION OF COMMUNITY-BASED.

There were no violations of Section 223(a)(12)(A) recorded in Alaska during 1990.

SECTION 223(a)(13)

E. SEPARATION OF JUVENILES AND ADULTS.

1. BASELINE REPORTING PERIOD: Calendar Year 1976

CURRENT REPORTING PERIOD: Calendar Year 1990

2. WHAT DATE HAD BEEN DESIGNATED BY THE STATE FOR ACHIEVING COMPLIANCE WITH THE SEPARATION REQUIREMENTS OF SECTION 223(a)(13)?

December 31, 1988

3. TOTAL NUMBER OF FACILITIES USED TO DETAIN OR CONFINED BOTH JUVENILE OFFENDERS AND ADULT CRIMINAL OFFENDERS DURING THE PAST TWELVE (12) MONTHS.

|                                  | <u>TOTAL</u> | <u>PUBLIC</u> | <u>PRIVATE</u> |
|----------------------------------|--------------|---------------|----------------|
| Baseline Data                    | 12           | 12            | 0              |
| Current Data                     | 41           | 41            | 0              |
| Adult Jails                      | 17           | 17            | 0              |
| Adult Correctional<br>Facilities | 2            | 2             | 0              |
| Adult Lockups*                   | 22           | 22            | 0              |

\* Includes projection for facilities not submitting data. (See Appendix I for data projection method).

4. NUMBER OF FACILITIES IN EACH CATEGORY RECEIVING AN ON-SITE INSPECTION DURING THE CURRENT REPORTING PERIOD TO CHECK THE PHYSICAL PLANT TO ENSURE ADEQUATE SEPARATION.

|                               | <u>TOTAL</u> | <u>PUBLIC</u> | <u>PRIVATE</u> |
|-------------------------------|--------------|---------------|----------------|
| Baseline Data                 | n/a          | n/a           | n/a            |
| Current Data                  | 27           | 27            | 0              |
| Adult Jails                   | 5            | 5             | 0              |
| Adult Correctional Facilities | 0            | 0             | 0              |
| Adult Lockups                 | 22           | 22            | 0              |

5. TOTAL NUMBER OF FACILITIES USED FOR THE SECURE DETENTION AND CONFINEMENT OF BOTH JUVENILE AND ADULT OFFENDERS WHICH DID NOT PROVIDE ADEQUATE SEPARATION OF JUVENILES AND ADULTS.

|                               | <u>TOTAL</u> | <u>PUBLIC</u> | <u>PRIVATE</u> |
|-------------------------------|--------------|---------------|----------------|
| Baseline Data                 | 5            | 5             | 0              |
| Current Data                  | 36           | 36            | 0              |
| Adult Jails                   | 12           | 12            | 0              |
| Adult Correctional Facilities | 2            | 2             | 0              |
| Adult Lockups*                | 22           | 22            | 0              |

\* Includes projection for lockups not submitting data. (See Appendix I for data projection method).

6. TOTAL NUMBER OF JUVENILES NOT ADEQUATELY SEPARATED IN FACILITIES USED FOR THE SECURE DETENTION AND CONFINEMENT OF BOTH JUVENILE OFFENDERS AND ADULT CRIMINAL OFFENDERS DURING THE REPORT PERIOD.

|                               | <u>TOTAL</u> | <u>PUBLIC</u> | <u>PRIVATE</u> |
|-------------------------------|--------------|---------------|----------------|
| Baseline Data                 | 824          | 824           | 0              |
| Current Data                  | 135          | 135           | 0              |
| Adult Jails                   | 50           | 50            | 0              |
| Adult Correctional Facilities | 46           | 46            | 0              |
| Adult Lockups*                | 39           | 39            | 0              |

\* Includes projection for lockups not submitting data. (See Appendix I for data projection method).

7. PROVIDE A BRIEF SUMMARY OF THE PROGRESS MADE IN ACHIEVING THE REQUIREMENTS OF SECTION 223(a)(13).

Alaska's efforts at reducing the number of juveniles detained in violation of the JJDP separation mandate have produced dramatic results. One hundred thirty-five separation violations were recorded in Alaska during 1990. Since the 1976 baseline, when 824 cases of noncompliance were recorded, Alaska has achieved a 84 percent reduction in separation violations. Compared to Alaska's 1989 noncompliance levels, the 1990 number of separation violations represents a 60 percent reduction.

Alaska law prohibits detention of any juvenile in a facility which also houses adult prisoners, "unless assigned to separate quarters so that the minor cannot communicate with or view adult prisoners convicted of, under arrest for, or charged with a crime" (AS 47.10.130). Despite this legislative prohibition, however, many adult facilities have continued to admit juveniles when no adequate alternative is available. Indeed, alternatives continue to be scarce except in the most populated Alaskan communities. The central - and persistent - barrier to achieving compliance with the separation mandate has been the vast geographical distances between Alaska's five youth detention centers.

Twenty nine percent, of the 1990 separation violations occurred in adult lockups, which represent 75 percent of all secure facilities in the state. With few exceptions, lockups in Alaska's monitoring universe are located in geographically remote areas

which lack the alternatives necessary for achieving success with separation requirements. In remote areas, transfer of juveniles to appropriate facilities has often been impossible due to unavailability of air transportation and inclement weather.

For 1990, adult jails accounted for 37 percent of the separation violations in Alaska, down from 58 percent the year before. While the fairly sizable communities that support these jails are somewhat more accessible than those with adult lockups, of the nineteen contract adult jails in the state, only three - in Homer, Seward, and Valdez - are located on Alaska's highway system.

The two Department of Corrections facilities, located in Palmer and in Ketchikan, account for the remaining 46 (34 percent) 1990 separation violations. This proportion is expected to decline in Alaska's 1991 monitoring effort. In August, 1990, Department of Health and Social Services (DHSS) and Department of Corrections (DOC) terminated a 1986 Memorandum of Agreement which had allowed for the detention of juveniles at the Ketchikan Correctional Center. DOC ceased the practice of detaining juveniles at the Ketchikan facility on August 15, 1990. Additionally, through a combination of site visits by DHSS staff to the Palmer Correctional Center and meetings with the Alaska State Troopers, transportation mechanisms have been improved and implemented which will reduce the number of separation violations from that facility in upcoming reports.

Over the course of 1990, significant progress was made in complying with the separation mandate in all facilities except the two adult correctional centers. The number of separation violations in adult jails is down 76 percent from 1989 levels, and those from adult lockups are down 51 percent. Department of Corrections facilities produced 46 separation violations for 1989 and 1990.

**DESCRIBE THE MECHANISM FOR ENFORCING THE STATE'S SEPARATION LAW.**

Alaska has employed a number of mechanisms for enforcing its separation laws, AS 47.10.130 and AS 47.10.190, and has substantially reduced instances of noncompliance with Section 223(a)(13) of the JJDP Act. DFYS has instituted a program of public education designed to alert the law enforcement community and the public to the dangers in jailing juveniles and to the laws restricting such detention. The Division has sponsored public service announcements in print and broadcast media and has established twelve non-secure attendant care shelters serving fourteen communities throughout the state.

The Alaska Department of Public Safety (DPS) has amended its contracts with adult jails and has removed any language which could be construed as authorizing admission of juveniles or providing for the purchase of such services by DPS.

It is recognized that existing enforcement mechanisms can be improved and a plan has been developed to establish a more formal enforcement system. Under AS 47.10.150 and AS 47.10.180, the Department of Health and Social Services has broad authority to promulgate and enforce regulations pertaining to confinement of juveniles. The proposed Senate Bill 55, for which the Juvenile Justice Advisory Committee will continue to lobby, also seeks to end separation violations by specifying:

...the minor shall be assigned to quarters in the correctional facility that are separate from quarters used to house adult prisoners so that the minor cannot communicate with or view adults who are in official detention(.)

SECTION 223(A) (14)

F. REMOVAL OF JUVENILES FROM ADULT JAILS AND LOCKUPS.

1. **BASELINE REPORTING PERIOD:** Calendar Year 1980  
**CURRENT REPORTING PERIOD:** Calendar year 1990

2. **NUMBER OF ADULT JAILS.**

|               | <u>Total</u> | <u>Public</u> | <u>Private</u> |
|---------------|--------------|---------------|----------------|
| Baseline Data | 15           | 15            | 0              |
| Current Data* | 21           | 21            | 0              |

\* This total includes two facilities classified as adult correctional centers. For 1990, there were two new adult jails in Alaska, both reclassified from adult lockups.

3. **NUMBER OF ADULT LOCKUPS.**

|                | <u>Total</u> | <u>Public</u> | <u>Private</u> |
|----------------|--------------|---------------|----------------|
| Baseline Data* | 0            | 0             | 0              |
| Current Data   | 83           | 83            | 0              |

\* Adult lockups were not included in the monitoring universe for the baseline year.

4. **NUMBER OF FACILITIES IN EACH CATEGORY RECEIVING AN ON-SITE INSPECTION DURING THE CURRENT REPORTING PERIOD FOR THE PURPOSE OF VERIFYING SECTION 223(a)(14) COMPLIANCE DATA.**

|                               | <u>TOTAL</u> | <u>PUBLIC</u> | <u>PRIVATE</u> |
|-------------------------------|--------------|---------------|----------------|
| Current Data                  | 27           | 27            | 0              |
| Adult Jails                   | 5            | 5             | 0              |
| Adult Correctional Facilities | 0            | 0             | 0              |
| Adult Lockups                 | 22           | 22            | 0              |

5. TOTAL NUMBER OF ADULT JAILS HOLDING JUVENILES DURING THE LAST TWELVE MONTHS.

|                | <u>Total</u> | <u>Public</u> | <u>Private</u> |
|----------------|--------------|---------------|----------------|
| Baseline Data* | 14           | 14            | 0              |
| Current Data** | 19           | 19            | 0              |

\* Includes data for three facilities classified as adult correctional facilities.

\*\* Includes data for two facilities classified as adult correctional facilities. Fewer than 19 facilities held juveniles in violation of Section 223(A)(14).

6. TOTAL NUMBER OF ADULT LOCKUPS HOLDING JUVENILES DURING THE PAST TWELVE MONTHS.

|                | <u>Total</u> | <u>Public</u> | <u>Private</u> |
|----------------|--------------|---------------|----------------|
| Baseline Data* | n/a          | n/a           | n/a            |
| Current Data** | 22           | 22            | 0              |

\* Adult lockups were not included in the monitoring universe for the baseline year.

\*\* Includes projection for facilities not submitting data. (See Appendix I for data projection method). Does not represent the total number of lockups detaining juveniles in violation of Section 223(A)(14).

7. TOTAL NUMBER OF ACCUSED JUVENILE CRIMINAL-TYPE OFFENDERS HELD IN ADULT JAILS IN EXCESS OF SIX (6) HOURS.

|                | <u>Total</u> | <u>Public</u> | <u>Private</u> |
|----------------|--------------|---------------|----------------|
| Baseline Data* | 766          | 766           | 0              |
| Current Data** | 25           | 25            | 0              |

\* The monitoring report format for the baseline year did not distinguish between accused and adjudicated criminal-type offenders or between adult jails and adult correctional facilities. Both accused and adjudicated criminal-type offenders held in adult jails and adult correctional facilities (including juveniles accused of or adjudicated delinquent for minor consuming alcohol) are included in the baseline data reported here.

\*\* Includes data for two facilities classified as adult correctional facilities.

8. TOTAL NUMBER OF ACCUSED JUVENILE CRIMINAL-TYPE OFFENDERS HELD IN ADULT LOCKUPS IN EXCESS OF SIX (6) HOURS.

|                | <u>Total</u> | <u>Public</u> | <u>Private</u> |
|----------------|--------------|---------------|----------------|
| Baseline Data* | n/a          | n/a           | n/a            |
| Current Data   | 10           | 10            | 0              |

\* Adult lockups were not included in the monitoring universe for the baseline year.

9. TOTAL NUMBER OF ADJUDICATED CRIMINAL-TYPE OFFENDERS HELD IN ADULT JAILS FOR ANY LENGTH OF TIME.

|                | <u>Total</u> | <u>Public</u> | <u>Private</u> |
|----------------|--------------|---------------|----------------|
| Baseline Data* | n/a          | n/a           | n/a            |
| Current Data** | 32           | 32            | 0              |

\* The monitoring report format for the baseline year did not distinguish between accused and adjudicated criminal-type offenders or between adult jails and adult correctional facilities.

\*\* Includes data for two facilities classified as adult correctional facilities.

10. TOTAL NUMBER OF ADJUDICATED CRIMINAL-TYPE OFFENDERS HELD IN ADULT LOCKUPS FOR ANY LENGTH OF TIME.

|                | <u>Total</u> | <u>Public</u> | <u>Private</u> |
|----------------|--------------|---------------|----------------|
| Baseline Data* | n/a          | n/a           | n/a            |
| Current Data   | 5            | 5             | 0              |

\* Adult lockups were not included in the monitoring universe for the baseline year.

11. TOTAL NUMBER OF ACCUSED AND ADJUDICATED STATUS OFFENDERS AND NONOFFENDERS HELD IN ADULT JAILS FOR ANY LENGTH OF TIME, INCLUDING THOSE STATUS OFFENDERS ACCUSED OF OR ADJUDICATED FOR VIOLATION OF A VALID COURT ORDER.

|                | <u>Total</u> | <u>Public</u> | <u>Private</u> |
|----------------|--------------|---------------|----------------|
| Baseline Data* | 98           | 98            | 0              |
| Current Data** | 20           | 20            | 0              |

\* Because juveniles charged with minor consuming alcohol were classified as criminal-type offenders in the baseline year, baseline data for juveniles accused of or adjudicated delinquent for this offense are included in item F7.

\*\* Includes data for two facilities classified as adult correctional centers. Current data for juveniles accused of or adjudicated delinquent for minor consuming alcohol are included here.

12. TOTAL NUMBER OF ACCUSED AND ADJUDICATED STATUS OFFENDERS HELD IN ADULT LOCKUPS FOR ANY LENGTH OF TIME, INCLUDING THOSE STATUS OFFENDERS ACCUSED OF OR ADJUDICATED FOR VIOLATION OF A VALID COURT ORDER.

|                | <u>Total</u> | <u>Public</u> | <u>Private</u> |
|----------------|--------------|---------------|----------------|
| Baseline Data* | n/a          | n/a           | n/a            |
| Current Data   | 7            | 7             | 0              |

\* Adult lockups were not included in the monitoring universe for the baseline year.

**13. TOTAL NUMBER OF ADULT JAILS AND LOCKUPS IN AREAS MEETING THE "REMOVAL EXCEPTION."**

Baseline Data: 0

Current Data: 0

Alaska is ineligible for the removal exception because State law requires an initial court appearance within 48 hours, rather than 24 hours, after a juvenile has been taken into custody (see AS 47.10.140). All adult jails, lockups and correctional facilities in the 1990 monitoring universe are outside the state's only Standard Metropolitan Statistical Area, but only a handful provide adequate separation, as required in order for the removal exception to apply.

**14. TOTAL NUMBER OF JUVENILES ACCUSED OF A CRIMINAL-TYPE OFFENSE WHO WERE HELD IN EXCESS OF SIX (6) HOURS BUT LESS THAN TWENTY-FOUR (24) HOURS IN ADULT JAILS AND LOCKUPS IN AREAS MEETING THE "REMOVAL EXCEPTIONS."**

Baseline Data: 0 (n/a)

Current Data: 0 (n/a)

**15. PROVIDE A BRIEF SUMMARY OF THE PROGRESS MADE IN ACHIEVING THE REQUIREMENTS OF SECTION 223(a)(14).**

From a base of 104 adult jails, correctional centers and lockups, 99 jail removal violations were reported in Alaska during 1990. This count represents a 89 percent decline in the overall number of juveniles held in violation of the jail removal mandate since the baseline year 1980. From the levels of last year alone, the 1990 count of 99 noncompliant instances represents a 60 percent decrease in the number of juveniles held in adult facilities in violation of Section 223(a)(14).

This decline is the result of a combination of factors, including modification of practices and policies toward the handling of juveniles on the part of rural jails and lockups and the further refinement in the accuracy of the detention logs of state contracted jails. Additionally, CY 1990 was the first year of JJDP monitoring in Alaska that did not require notable additions to the number of secure facilities in the state's monitoring universe. Alaska's progress in achieving compliance with 223(A)(14) had previously been offset by the inclusion of a large number of additional facilities into the state's monitoring universe.

Five adult jails in Alaska, located in Dillingham, Kodiak, Petersburg, Seldovia and Whittier, reported no jail removal violations during 1990. While the remaining 14 adult jails and the 2 adult correctional facilities produced fewer jail removal violations during 1990, the violations continued to occur despite efforts to the contrary. Compared to the monitoring results for 1989, the new figures show significant reductions in jail-based violations involving criminal type offenders (68 percent reduction) and status offenders (57 percent reduction). Jails also showed a reduction in the number of violations involving adjudicated criminal-type offenders, although at 20 percent, this reduction was less marked.

Noncompliant juvenile detentions in Alaska's large number of adult lockups were also reduced relative to the number reported last year: Overall, the decline measured 53 percent. Otherwise large declines in the numbers of lockup-based violations involving accused criminals (52 percent decline) and status offenders (73 percent decline) were offset by the violations which involved adjudicated criminal type offenders: Last year no violations of this type were reported in lockups; this year seven violations were reported.

Further explanation of the overall gains Alaska has made in reducing violations of Section 223(A)(14) is found in the increased accuracy of the data itself. Prior efforts at monitoring Alaska's compliance with JJDP had been characterized by an apparent over-counting of incidents of noncompliant juvenile detention in adult contract jails. Whereas previous jail logs (the primary source of information used in monitoring) did not distinguish between individuals who were booked and released from those who were placed in secure detention, the revised jail log format allows for this critical distinction.

By mid-1989 each contract jail had begun use of revised billing sheets ("logs") which allowed for clear distinction between those juveniles held in secure confinement and those who were not. Because of this revision, the 1990 detention data was considerably more accurate than that of 1989. Even so, some questions remained in analysis of the 1990 jail data either because individual jails did not use the revised log format or, because even when a juvenile was noted as securely detained, the combination of offense and time held indicated that he/she was probably booked and released contrary to the official record.

At the request of the Alaska Department of Public Safety's Contract Jail Administration, each contract jail for which 1990 log data was obtained from DPS was sent a list of entries from their respective jail logs which contained information on instances of juveniles detained in apparent violation of Section 223(A)(14). These lists only included log entries specifically designated as "lock ups" and entries with no indication as to whether the

juvenile was detained or booked and released. Lists were sent to the eleven contract jails with logs showing apparent violations and which had not been visited on-site for the purposes of JJDP monitoring.

Youth Corrections produced records on five of the listed instances which indicated that the juveniles had been handled by staff in the nonsecure attendant care facilities, rather than by the jails. Information on offense which was missing in the original log of one jail was acquired from the jail, and with this information one case was reclassified and no longer represented a violation. In all, one jail contested three of four entries attributed to its log. In this case there was no designation of "lock up" or "book only" on the cases and the jail administrator indicated that three cases involved the booking and releasing of the juveniles.

Officials at another jail did not respond to the request for information on a list of thirteen apparent violations, but Youth Corrections produced information on four of the cases indicating that the juveniles were held in a nonsecure facility rather than in the jail. Six of the remaining nine entries on this jail's list of apparent violations were cases that the local youth probation officers believed to be only bookings, but records were not adequate to establish this fact. All of these cases were specified as lock-ups on the original jail logs.

These results indicate that the jail logs used in monitoring are largely reliable as records of juvenile traffic through community jails and police departments, but there may remain some issues of accuracy.

Apart from efforts at refining juvenile detention data, barriers to full compliance with the jail removal requirement remain in Alaska. However, the state has made great progress in reducing incidence of noncompliance and in offering alternatives to secure detention in adult facilities. Geographic distance between smaller communities and the five secure youth correctional centers has been bridged by the creation and operation of twelve nonsecure attendant care centers, which serve fourteen rural communities.

Earlier this year Youth Corrections distributed copies of the OJJDP produced educational video Law Enforcement Custody of Juveniles to each adult lockup and jail in the 1989 monitoring universe. This tape explains the constraints of the Juvenile Justice and Delinquency Prevention Act on the handling of juvenile offenders and nonoffenders, and specifies exact prohibitions. Local and municipal law enforcement personnel, including police, dispatchers, guards, village police officers and village public safety officers, were asked to review the video tape and to mail lists of who had reviewed the tape to Youth Corrections. The Division plans to further utilize this educational video by working

with the law enforcement training academies in Alaska.

In 1990 the Alaska Legislature passed AS 4710.160(b), requiring the Department of Health and Social Services to develop a standardized form for use by all agencies operating a jail or lockup. Its purpose was to report the admission and secure confinement of all minors. In accordance with this statute, in May 1991 Youth Corrections instituted a new system by which all incidents of secure confinement of juveniles would be recorded. Each adult lockup and jail in the 1989 monitoring universe was sent information on Alaska's new statutory requirement, instructions on how the new reporting system would operate, and supplies of the Juvenile Confinement Admission and Release Form and the Juvenile Confinement Admission and Release Log. It was instructed that the form was to be completed on every juvenile admitted to secure confinement in each facility. The log was to be maintained on a monthly basis and sent to DFYS/Facility Compliance office, even in the event no juveniles were confined in the facility. This system was in place by the beginning of the State Fiscal Year, July 1991.

Finally, in the spring of 1991, the Alaska Juvenile Justice Advisory Committee (AJJAC) introduced legislation concerning the confinement of juveniles that would bring State law into conformity with federal standards and the JJDP Act. This legislation specifies the criteria for detaining juveniles in adult facilities and limits detention to a maximum of six hours. While not passed by the Seventeenth Legislature, this legislation will be reintroduced and the AJJAC will lobby for its passage in the upcoming legislative session.

G. DE MINIMIS REQUEST: NUMERICAL

1. THE EXTENT THAT NONCOMPLIANCE IS INSIGNIFICANT OR OF SLIGHT CONSEQUENCE.

Number of accused juvenile criminal-type offenders in adult jails and lockups in excess of six (6) hours, adjudicated criminal-type offenders held in adult jails and lockups for any length of time, and status offenders held in adult jails and lockups for any length of time.

TOTAL = 99

Total juvenile population of the State under 18 according to the most recent available U.S. Bureau of Census data or census projection:

172,991 juveniles.

(Source: Alaska Population Overview, Alaska Department of Labor, Research and Analysis, Demographics Unit, 1991)

If the data was projected to cover a 12-month period, provide the specific data used in making the projection and the statistical method used to project the data.

Data:

|   |    |
|---|----|
| Accused criminal-type offenders:          | 28 |
| Adjudicated criminal-type offenders:      | 34 |
| Accused and adjudicated status offenders: | 23 |
| Total:                                    | 85 |

Statistical Method of Projection:

Please refer to the "Data Projection" section on page 29.

Calculation of jail removal violations rate per 100,000 population under 18.

|                                  |   |                  |
|----------------------------------|---|------------------|
| Total instances of noncompliance | = | 99 (a)           |
| Population under 18              | = | 172,991 (b)      |
| 99/172,991                       | = | 57.2 per 100,000 |

## 2. ACCEPTABLE PLAN.

The Department of Health and Social Services, which embodies DFYS and Youth Corrections, has broad authority under AS 47.10.150 and AS 47.10.180 for oversight of facilities used for detention of juveniles. In its attempts to reduce the numbers of noncompliant instances of juvenile detention in Alaska, DFYS has developed a network of nonsecure attendant care shelters - currently in twelve locations, serving fourteen communities which have historically experienced high levels of noncompliant juvenile detention.

The Youth Corrections Division has been successful in curtailing the practice of securely detaining status offenders and intoxicated juveniles at its own detention centers as well as in many adult facilities. The 1990 data show that juveniles who were charged with minor consuming alcohol continue to pose problems to the state's compliance with Section 223(A)(14). Yet in 1990 juveniles charged with alcohol offenses constituted 20 percent of the year's jail removal violations, down from 43 percent in 1989. While Youth Correction's policy extends only to the five juvenile detention centers, it has had a significant educative effect on the policies of local law enforcement agencies, and the Division continues to educate law enforcement personnel, both through the distribution of the OJJDP videotape, Law Enforcement Custody of Juveniles, and appearances at state training academies.

It is anticipated that the implementation of the new record keeping system involving all adult facilities in the state, because it requires periodic attention by law enforcement departments to the issue of juvenile admissions, will also work to increase awareness of and compliance with the mandates of the JJDP Act.

## 3. RECENTLY ENACTED CHANGE IN STATE LAW.

In May, 1988, the Alaska Legislature passed a bill specifying the conditions under which runaway juveniles may be detained. This legislation, which became effective in October, 1988, was explicitly designed to comply with the deinstitutionalization requirement of the JJDP Act, but it is also expected to aid efforts to bring the state into compliance with the jail removal mandate. The law specified that

"[a] minor may be taken into emergency protective custody by a peace officer and placed into temporary detention in a juvenile detention home in the local community if there has been an order issued by a court under a finding of probable cause that (1) the minor is a runaway in willful violation of a valid court order..., (2) the minor's current situation poses a severe and imminent risk to the minor's life or safety, and (3) no reasonable placement alternative exists within the community." (AS 47.10.141)

The statute clearly forbids detention of a runaway juvenile "in a jail or secure facility other than a juvenile detention home" and limits the duration of such detention to 24 hours if no criminal-type offense is charged.

A more recently enacted amendment to AS 47.10.160 requires that jails and other secure detention facilities operated by state and local agencies record and report to the Department of Health and Social Services all instances of juvenile detention. Enacted in June, 1990, and effective September, 1990, this statute required facilities to use a standardized format in reporting juvenile admissions, and to report name, date of birth, the offense for which the minor was admitted, date and time admitted, date and time released, gender, and ethnic origin. In an effort to further reduce errors in record keeping, the statute also requires that - with the exception of release date and time - the records be prepared at the time of admission into secure confinement.

Because this statute standardizes the report format and requires full reporting of juvenile detention, it is anticipated that its enactment will have a significant and positive impact on Alaska's compliance efforts. The new system is currently in place and it is anticipated that its positive effects on Alaska's compliance will be evident in the next monitoring cycle.

H. DE MINIMIS REQUEST: SUBSTANTIVE.

1. THE EXTENT THAT NONCOMPLIANCE IS INSIGNIFICANT OR OF SLIGHT CONSEQUENCE.

- a. Were all instances of noncompliance in violation of or departures from State law, court rule, or other statewide executive or judicial policy?

AS 47.10.130 provides that "(n)o minor under 18 years of age who is detained pending hearing may be incarcerated in a jail unless assigned to separate quarters so that the minor cannot communicate with or view adult prisoners convicted of, under arrest for, or charged with a crime." Of the 99 jail removal violations reported for 1990, only 26, or 26 percent, occurred in facilities that allow for sight and sound separation. While this figure is up from the comparable 1989 figure of 10 percent, it remains that 73 percent of the jail removal violations from 1990 also constituted violations of Section 223(a)(12)(B).

There was no statutory authorization for detaining status offenders and nonoffenders in any adult facility other than those accused of minor consuming alcohol. During 1990, there was only one instance of secure detention of a status offender not charged with an alcohol offense, and this took place without any statutory authorization.

- b. Do the instances of noncompliance indicate a pattern or practice, or do they constitute isolated instances?

Violations of Section 223(A)(14) occurred in twelve adult jails, two correctional centers, and at fourteen adult lockups. At the majority of these facilities, however, instances of noncompliant detention appear to be the exception rather than the rule of juvenile handling. It is the practice of most law enforcement officials at the village level and at the municipal level to not securely detain juvenile offenders.

The projected 1990 data on jail removal violations indicate that 22 violations occurred in 12 of the 83 adult rural lockups statewide. Only 14 percent of the large number of rural lockups violated Section 223(A)(14).

Only one facility (an adult correctional center) reported 15 instances of noncompliant detention. This number is down from four facilities showing this degree of noncompliance during 1989.

- c. Are existing mechanisms for enforcement of the State law, court rule, or other statewide executive or judicial policy such that the instances of noncompliance are unlikely to recur in the future?

Yes. The state has employed several mechanisms for enforcing AS 47.10.130, AS 47.10.141 and AS 47.10.190, which restrict the detention of juveniles in adult facilities, and AS 47.10.160(b), which requires state and municipal agencies to report incidents of secure detention of juveniles. Collectively, these mechanisms have proven effective in substantially reducing instances of noncompliance with Section 223(a)(14) of the JJDP Act. Enforcement of these statutes, along with continued operation of the dozen alternative nonsecure shelters, will effectively curtail jail removal violations in Alaska.

DFYS is seeking to maximize enforcement of these laws by instituting a program of public education, including public service announcements in print and broadcast media, to alert both the law enforcement community and the public to the dangers and illegality of jailing juveniles.

Additionally, admission records of adult jails are examined each year by DFYS, and facilities are notified of the instances of noncompliant detention of juveniles. Further scrutiny of juvenile detention at adult jails is provided by personnel at non-secure attendant care shelters in 13 communities. Staff members at these shelters are required to notify DFYS of the number of juveniles detained in adult facilities in their communities and must therefore contact law enforcement officials to inquire about detention of juveniles.

In combination, the above enforcement mechanisms have been effective in reducing the number of instances of noncompliance by 81 percent in the three years since implementation of the state's revised Jail Removal Plan in December, 1987.

- d. Describe the State's plan to eliminate the noncompliant incidents and to monitor the existing enforcement mechanisms.

Alaska's plan to eliminate noncompliant incidents is outlined in the revised 1987 Jail Removal Plan. Salient features of this plan include the following:

(1) placing a full-time JJDP Project Coordinator in the Division's Central Administration Office;

(2) development of alternatives to detention, including development of nonsecure holdover attendant care models in several rural communities and secure holdover attendant care

models in others;

(3) cooperative efforts with the Department of Public Safety on such issues as maintenance of appropriate booking data on juveniles, sight and sound separation requirements, the JJDP-mandated 6-hour rule and a prohibition of detention of status offenders;

(4) launching an education and training campaign to inform the public of the problems inherent in inappropriate detention and jailing of youth and of the availability of effective alternatives; and

(5) implementation of regulations governing detention of youth in adult jails under authority provided in Alaska Statutes 47.10.180(a), which authorizes the Department of Health and Social Services to adopt standards and regulations for the operation of juvenile detention homes and juvenile detention facilities in the state.

Each of these goals is currently in operation and, as anticipated, their effect has been to consistently and dramatically lower the number of noncompliant incidents.

## APPENDIX I: METHOD OF ANALYSIS.

All aspects of data analysis for the 1990 monitoring report were performed on the DEC/VAX 8800 mainframe computer at the University of Alaska Anchorage, using the SPSS Data Analysis System, Release 4.0.

### I. DATA COLLECTION AND DATA ENTRY.

Data were entered into a composite data file from the following sources:

- A. Certified photocopies of original client billing sheets (booking logs) for the nineteen adult jails were obtained from the Contract Jail Administrator of the Alaska Department of Public Safety (DPS). DPS contracts for services with each Alaskan facility that meets the definition of adult jail as defined in the Formula Grant Regulation. Certified photocopies of booking logs from the Whittier and Emmonak adult jails covering July through December 1990, were also obtained from DPS and data covering the twelve months of 1990 was received on the remaining jails.
- B. Photocopies of original booking records were obtained from the Youth Centers in Anchorage, Bethel, Fairbanks, Juneau and Nome, and from twenty-five Adult Lockups in Ambler, Anaktutuk Pass, Atkasuk, Buckland, Cantwell, Chignik, Deadhorse, Deering, Delta Junction, Galena, Glennallen, Kaktovik, Kiana, King Cove, Noorvik, Nuiqsut, Pelican, Point Hope, Point Lay, Quinhagak, Selawik, Shungnak, Skagway, Toksook Bay, and Wainwright.
- C. Adequate booking data were collected and verified on-site at the Adult Lockups in Alakanuk, Eek, Ekwok, Kotlik, Koyuk, McGrath, Nondalton, Old Harbor, and Sand Point.
- D. Determined to be inadequate for monitoring purposes were booking data gathered on-site at the thirteen Adult Lockups in Akutan, Goodnews Bay, Karluk, Kobuk, Manakotak, Mekoryuk, Mountain Village, Napakiak, Shaktoolik, Shishmaref, Teller, Togiak, and Tununak. Also judged to be inadequate for monitoring purposes were Adult Lockup data received from the villages of Aniak, Hooper Bay, Saint Marys, and Tanana.
- E. Booking data from the two Department of Corrections adult correctional centers at Mat-Su Pretrial and Ketchikan were also received in the form of a computer printout which contained an alphabetical list of booked juveniles.
- F. Complete detention data from the single juvenile holdover

facility in Kenai was received from the supervising Youth Probation Officer at that office.

For each case, the following data were entered: Facility type, facility identifier, initials or first initial and last name of juvenile, date of birth, gender, race, date of admission, time of admission, reason for detention (alphabetic variable; if more than one, reasons were strung together), date of release, time of release, and lockup indicator.

## II. CLASSIFICATION OF OFFENDERS.

The likelihood of misclassifying of offenses was reduced by adopting a conservative approach. In other words, errors in coding would lead to the reporting of a higher number of violations than actually occurred. The following procedures were used in classifying juveniles as accused criminal-type offenders, adjudicated criminal-type offenders, accused status offenders and adjudicated status offenders:

- A. Juveniles who were arrested for the following were classified as accused criminal-type offenders: offenses proscribed in Alaska criminal law, traffic violations, fish and game violations, failure to appear, and contempt of court.
  
- B. Juveniles charged with probation violations or violations of conditions of release were classified as adjudicated criminal-type offenders unless conditions of probation had been imposed pursuant to an adjudication for possession or consumption of alcohol. In the latter case, the juvenile was classified as an adjudicated status offender.

Juveniles taken into custody pursuant to warrants and detention orders were also classified as adjudicated criminal-type offenders, unless additional information indicated a more appropriate classification. Where reclassification was not indicated, all instances of detention pursuant to a warrant or court order at McLaughlin Youth Center, Fairbanks Youth Center, and the Nome Youth Center were verified through a check of facility records. In this way, accuracy in the classification of these cases was checked.

Juveniles transferred from one juvenile detention facility to another were also classified, absent additional information, as adjudicated criminal-type offenders, as were a small number of juveniles for whom the offense listed in official records was one of the

following: juvenile hold, juvenile probation hold, detention hold, and delinquent minor.

- C. Juveniles detained for the following were classified as accused status offenders: possession or consumption of alcohol, minor on licensed premises, curfew violations, runaway, and protective custody in excess of the lawful duration as prescribed in AS 47.30.705 and AS 47.37.170.
- D. DFYS officials constructed a list with the names and dates of birth of juveniles adjudicated for possession or consumption of alcohol on or after January 1, 1985. The list only included juveniles adjudicated solely for the possession or consumption of alcohol and who were not subsequently adjudicated on a criminal-type offense. Juveniles appearing in the 1989 data arrested pursuant to a warrant or detention order and juveniles detained for probation violations were classified as adjudicated status offenders if their names appeared on this list. Otherwise, these juveniles were classified as adjudicated criminal-type offenders.
- E. Juveniles detained in adult facilities for protective custody under AS 47.30.705 or AS 47.37.170 (dealing with mental illness and alcohol intoxication, respectively) were counted as violations of the separation requirement. However, because juveniles and adults are accorded the same treatment under these statutes, these cases were determined to be outside the scope of the OJJDP definitions of criminal-type offender, status offender and nonoffender. Therefore, the presence of these juveniles in these facilities is not reflected in sections of this report pertaining to deinstitutionalization and jail removal requirements.

### III. DATA PROJECTION.

Three methods of statistical projection for missing and unknown detention data were employed in the analysis of 1990 juvenile detention data. These were: 1) projection of data for the purpose of covering twelve months of time in two instances when only six months of data were received; 2) projection of juvenile detention data from non-reporting adult lockups; and 3) projection of data for the purpose of estimating duration of detention in two cases with insufficient time information.

#### 1. Projection for Complete Calendar Year:

Complete data for Calendar Year 1990 were available for all but two of the sixty-two secure facilities in Alaska reporting detention information. Projection of data to cover the full

calendar year 1990 for the adult jails in Emmonak and Whittier was accomplished by computing the proportion of the year for which data from this facility were received ( $185 \text{ days} / 365 \text{ days} = .50$ ), and weighting each instance of juvenile detention recorded at the jails by a factor equal to the reciprocal of that proportion. Thus, instances of juvenile detention at these facilities were weighted by a factor of 2.0. This weighting procedure assumes that instances of noncompliance at the two jails during the first six months of 1990 occurred at the same rate demonstrated in the data for the last six months.

## 2. Projection for Non-reporting Adult Lockups:

Data for the 49 adult lockups whose records were inadequate for monitoring purposes were projected by assigning a weight of 2.44 (the reciprocal of the proportion of all adult lockups represented by those included in the analysis) to each case of juvenile detention in the 38 adult lockups from which adequate data were obtained. To the extent that lockups from which adequate data were obtained are representative of all lockups in the monitoring universe, this method of projection is statistically valid.

Since all adult lockups which submitted adequate data were included in the analysis, random sampling of this group was not performed. It is believed that lockups which do not maintain adequate records are unlikely to detain more juveniles than those which do. Facilities which do not maintain adequate records probably fail to do so because they detain very few individuals, either adults or juveniles. Any error in this method of projecting data for non-reporting lockups should therefore result in a higher number of noncompliant cases than actually occurred in these facilities.

## 3. Projection for Unknown Duration of Detention:

In two instances of juvenile detention in adult lockups, it was necessary to project data regarding the duration of detention. In both instances of secure detention with missing time information, the juveniles were held on charges of Minor Consuming Alcohol and were classified as accused status offenders.

Because the instances involved accused status offenders, the first task of projection was to determine whether the 24-hour grace period allowed under deinstitutionalization had been exceeded. This was accomplished by computing the proportion of cases arising in adult lockups in which detention extended beyond the 24-hour grace period. Because there were no deinstitutionalization violations, the two cases for which duration of detention could not be determined were each assigned a weight of 0.00.

Length of detention was not relevant to calculating jail removal violations in situations involving the secure confinement

of juvenile status offenders in adult lockups. Therefore, the two cases with missing time information were recorded as violations of the jail removal mandate of JJDP (i.e., with a weight of 1.0).

**APPENDIX TWO:  
Common Offense Acronyms and  
1990 Jail Removal Violations by  
Offense Type and Location.**

|            |   |
|------------|---|
| ALLUDE PO  | Allude Police   |
| ASSAULT    | Assault, unspecified or specified degree                  |
| BURG1      | Burglary, first degree                                    |
| BURG2      | Burglary, second degree                                   |
| BW         | Bench Warrant, unspecified                                |
| CM/CRM     | Criminal Mischief, unspecified or specified degree        |
| CONTEMPT   | Contempt of Court   |
| CT         | Criminal Trespass, unspecified                            |
| CTORDER    | Court Order   |
| CURFEW     | Curfew Violation  |
| DC         | Disorderly Conduct  |
| DO         | Detention Order   |
| DWI        | Driving While Intoxicated                                 |
| DWVOL/DWOL | Driving Without Valid License                             |
| ESC        | Escape from Custody                                       |
| FALS RPT   | Filing a False Report                                     |
| FTA        | Failure to Appear   |
| FTPF       | Failure to Pay Fine                                       |
| FTSERVE    | Failure to Serve Sentence                                 |
| HINDERING  | Hindering Prosecution                                     |
| MC/MCA     | Minor Consuming Alcohol                                   |
| MICS6      | Misconduct Involving a Controlled Substance, Sixth degree |
| MIP        | Minor In Possession                                       |
| MIW2       | Misconduct with Weapons, second                           |
| MOP        | Minor On Premises   |
| NEG DRIV   | Negligent Driving   |
| OMVI       | Operating a Motor Vehicle While Intoxicated               |
| PC/ALC     | Protective Custody/Alcohol Detox                          |
| PC         | Protective Custody  |
| PV         | Probation Violation                                       |
| RESIST/RA  | Resisting Arrest  |
| RUN        | Juvenile Runaway  |
| SEX ASLT   | Sexual Assault, unspecified                               |
| T47/ALC    | Title 47 Protective Custody                               |
| THEFT      | Theft, unspecified  |
| THEFT2     | Theft, second degree                                      |
| THEFT3     | Theft, third degree                                       |
| UNK FELS   | Multiple unspecified felony charges                       |
| UNKNOWN    | Unknown offense   |
| VOC        | Violation of Conditions                                   |
| WA         | Warrant   |
| WA:TRAF    | Warrant, Traffic related                                  |

Detail on 1990 Jail Removal Violations in Alaska

| <u>LOCATION</u>     | <u>CRIME</u>  | <u>TIME/HOURS</u> | <u>OFFENDER TYPE</u> |
|---------------------|---------------|-------------------|----------------------|
| <b>Adult Jails:</b> |               |                   |                      |
| Barrow              | PC            | 19.67             | Nonoffender          |
|                     | PC            | 23.08             | Nonoffender          |
| Cordova             | CT/RA         | 7.03              | Accused Criminal     |
|                     | MCA           | 1.13*             | Status Offender      |
|                     | MCA           | 1.13*             | Status Offender      |
|                     | MCA           | 3.43*             | Status Offender      |
| Craig               | CM            | 30.80             | Accused Criminal     |
|                     | BURG1         | 23.40             | Accused Criminal     |
|                     | CTORDER       | 48.00             | Adjudicated Criminal |
|                     | WARRANT       | 20.72             | Adjudicated Criminal |
|                     | WARRANT       | 8.05              | Adjudicated Criminal |
|                     | VOCOR         | 35.80             | Adjudicated Criminal |
|                     | VOCOR         | 19.67             | Adjudicated Criminal |
|                     | PU ORDER      | 18.73             | Adjudicated Criminal |
|                     | PV            | 102.52            | Adjudicated Criminal |
|                     | PU ORDER      | .73               | Adjudicated Criminal |
|                     | EMRG PU ORDER | 20.97             | Adjudicated Criminal |
|                     | VOCOR         | 3.82              | Adjudicated Criminal |
| Emmonak             | BURG2/THEFT   | 21.75             | Accused Criminal     |
| Haines              | PC            | 13.72             | Nonoffender          |
|                     | PC            | 14.33             | Nonoffender          |
|                     | PC            | 13.72             | Nonoffender          |
| Homer               | DWOL          | 14.18             | Accused Criminal     |
|                     | DWI           | 15.20             | Accused Criminal     |
|                     | DWLC          | 20.20             | Accused Criminal     |

*max 12 hrs allowed*

Detail on 1990 Jail Removal Violations in Alaska

| <u>LOCATION</u> | <u>CRIME</u>     | <u>TIME/HOURS</u> | <u>OFFENDER TYPE</u> |
|-----------------|------------------|-------------------|----------------------|
| Homer cont.     | MCA              | 2.08*             | Status Offender      |
|                 | MCA              | 1.08*             | Status Offender      |
|                 | MCA              | .72*              | Status Offender      |
|                 | MCA              | .75*              | Status Offender      |
|                 | MCA              | 1.05*             | Status Offender      |
|                 | MCA              | 1.38*             | Status Offender      |
| Kake            | ASLT4/DC/RA/MCA  | 9.50              | Accused Criminal     |
| Kotzebue        | DWI/CRM          | 6.80              | Accused Criminal     |
| Naknek          | MCA              | 14.85             | Status Offender      |
|                 | ESC/ALLUDE PO    | 10.00             | Accused Criminal     |
| Seward          | DWI              | 6.08              | Accused Criminal     |
|                 | CM3              | 16.22             | Accused Criminal     |
|                 | THEFT3           | 28.58             | Accused Criminal     |
|                 | BURG2            | 17.98             | Accused Criminal     |
|                 | FALS RPT/MCA/RUN | 40.80             | Accused Criminal     |
|                 | ASLT3/CM/MCA     | 135.58            | Accused Criminal     |
|                 | DWLC/MIP         | 15.40             | Accused Criminal     |
|                 | WA:FTPF-TRAF     | 2.00              | Adjudicated Criminal |
|                 | WA:TRAF/MCA      | 10.85             | Adjudicated Criminal |
|                 | WA:FTSERVE       | 17.03             | Adjudicated Criminal |
|                 | MCA/RUNAWAY      | 3.33              | Status Offender      |
|                 | PC               | 17.58             | Nonoffender          |
|                 | PC               | 15.57             | Nonoffender          |
| Sitka           | ASSAULT          | 10.17             | Accused Criminal     |
|                 | CM3/CM4          | 25.22             | Accused Criminal     |
|                 | MCA              | 1.50              | Status Offender      |

Detail on 1990 Jail Removal Violations in Alaska

| <u>LOCATION</u>                     | <u>CRIME</u>    | <u>TIME/HOURS</u> | <u>OFFENDER TYPE</u> |
|-------------------------------------|-----------------|-------------------|----------------------|
| Unalaska                            | ASLT3/MCP       | 10.42             | Accused Criminal     |
| Valdez                              | MC              | 9.72              | Status Offender      |
| Wrangell                            | DWI             | 76.82             | Accused Criminal     |
| <b>Adult Lockups (weight=2.44):</b> |                 |                   |                      |
| Cantwell                            | MCA/HINDERING   | 7.75              | Accused Criminal     |
| Chignik                             | PV/MCA          | 8.17              | Adjudicated Criminal |
| Galena                              | BURG2/DC/THEFT  | 24.50             | Accused Criminal     |
|                                     | ASLT3/MICS6     | 13.50             | Accused Criminal     |
|                                     | BW              | 29.00             | Adjudicated Criminal |
| King Cove                           | DWI             | 13.00             | Accused Criminal     |
| Noorvik                             | SNIFFING/CURFEW | 10.83             | Status Offender      |
|                                     | MCA             | 12.00             | Status Offender      |
|                                     | MCA             | 12.00             | Status Offender      |

Detail on 1990 Jail Removal Violations in Alaska

| <u>LOCATION</u>                    | <u>CRIME</u> | <u>TIME/HOURS</u> | <u>OFFENDER TYPE</u> |
|------------------------------------|--------------|-------------------|----------------------|
| <b>Adult Correctional Centers:</b> |              |                   |                      |
| Ketchikan C.C.                     | RESIST       | 12.58             | Accused Criminal     |
|                                    | CTORDER      | 13.67             | Adjudicated Criminal |
|                                    | CTORDER      | 25.33             | Adjudicated Criminal |
|                                    | CTORDER      | 13.67             | Adjudicated Criminal |
|                                    | CTORDER      | 4.47              | Adjudicated Criminal |
|                                    | CTORDER      | 25.38             | Adjudicated Criminal |
|                                    | CTORDER      | 2.10              | Adjudicated Criminal |
|                                    | Mat-Su C.C.  | OMVI              | 7.92                 |
| CONTEMPT                           |              | 20.48             | Accused Criminal     |
| PV                                 |              | 8.78              | Adjudicated Criminal |
| CTORDER                            |              | 2.10              | Adjudicated Criminal |
| PV                                 |              | 2.10              | Adjudicated Criminal |
| PV                                 |              | 2.25              | Adjudicated Criminal |
| PV                                 |              | 2.75              | Adjudicated Criminal |
| PV                                 |              | 2.75              | Adjudicated Criminal |
| PV                                 |              | 1.17              | Adjudicated Criminal |
| FTSJ                               |              | 2.33              | Adjudicated Criminal |
| PV                                 |              | 3.38              | Adjudicated Criminal |
| PV                                 |              | .92               | Adjudicated Criminal |
| PV                                 |              | 2.58              | Adjudicated Criminal |
| PV                                 |              | 2.50              | Adjudicated Criminal |
| PV                                 |              | .77               | Adjudicated Criminal |

\* = These violations were contested by a youth probation officer or jail administrator.

DIVISION OF FAMILY AND YOUTH SERVICES  
NON-SECURE ATTENDANT CARE SHELTERS  
7/26/91

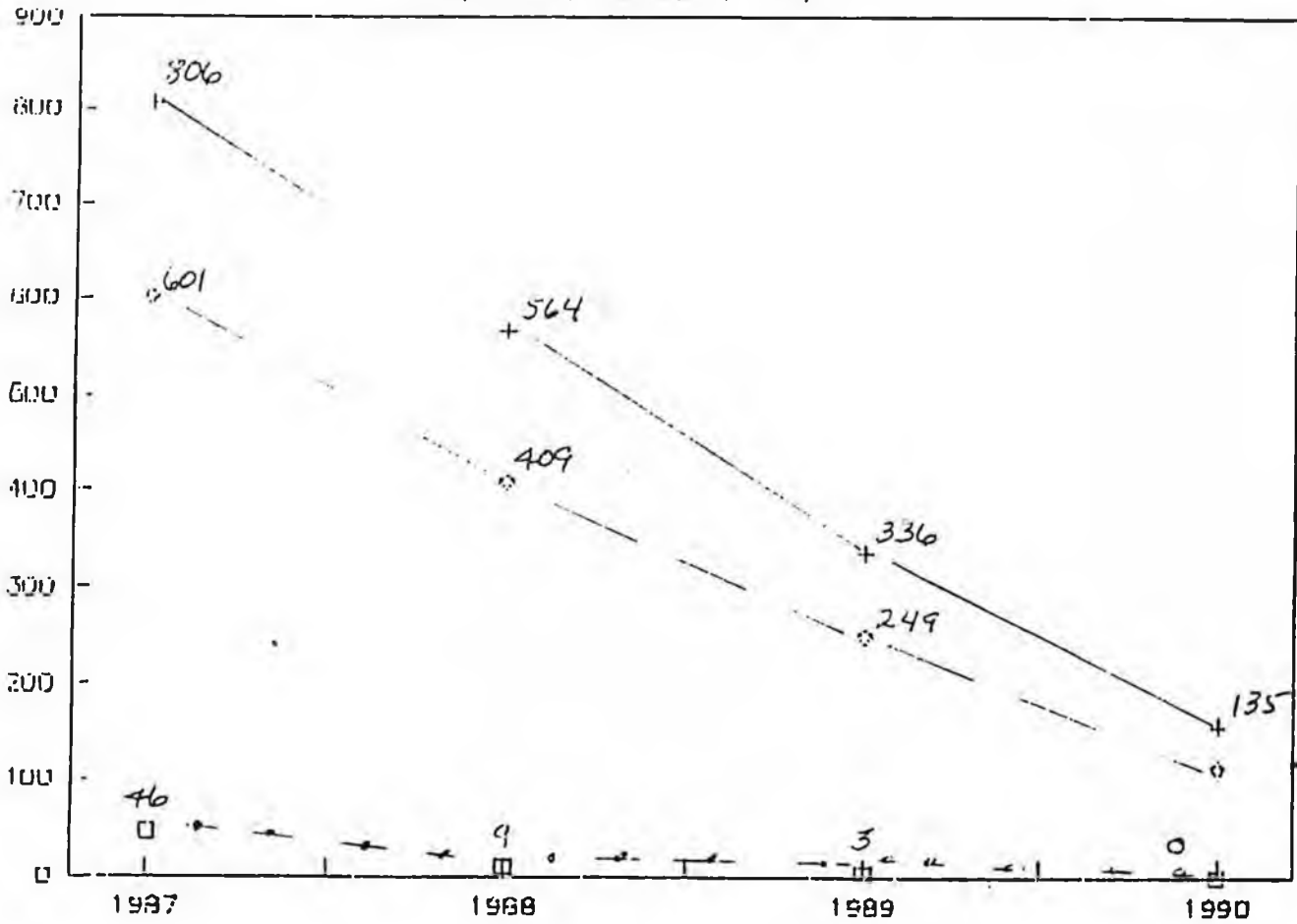
| <u>FY'92</u><br><u>Grant Award</u> | <u>GRANTEES</u>  | <u>PROBATION OFFICER</u>   |
|------------------------------------|--|--|
| \$10,000                           | 1. City of Dillingham/Police Dept.<br>P.O. Box 869<br>Dillingham, Ak. 99676<br>Contact: Chief Ralph Taylor<br>907-842-5354             | Kent Kaltenbacher<br>P.O. Box 1290<br>Dillingham, Ak. 99576<br>907-842-5924          |
| \$17,000                           | 2. Manillaq Native Association<br>P.O. Box 256<br>Kotzebue, Ak. 99752<br>Contact: Bea Mills<br>907-442-3311                            | Ennie Thompson<br>P.O. Box 1109<br>Kotzebue, Ak. 99752<br>907-442-3148               |
| \$5,000                            | 3. City of Wrangell/Police Dept.<br>P.O. Box 531<br>Wrangell, Ak. 99929-0531<br>Contact: Bruce Pratz<br>907-874-3304                   | Ron Barnes<br>415 Main Street<br>Room 202<br>Ketchikan, Ak. 99901<br>907-225-9639    |
| \$15,000                           | 4. City of Valdez/Mental Health Center<br>P.O. Box 307<br>Valdez, Ak. 99686<br>Contact: Robert Donald<br>907-835-2838                  | Margaret Krause<br>268 East Fireweed<br>Suite 5<br>Palmer, Ak. 99645<br>907-694-0522 |
| \$25,000                           | 5. North Slope Borough/Dept. of Health<br>and Social Services<br>P.O. Box 69<br>Barrow, Ak. 99723<br>Contact: Rod Atos<br>907-852-0263 | Thomas Clarke Jr.<br>P.O. Box 729<br>Barrow, Ak. 99723<br>907-852-5437               |
| \$5,000                            | 6. City of Petersburg/Police Dept.<br>P.O. Box 329<br>Petersburg, Ak. 99833<br>Contact: Chief Marvin Ronimus<br>907-772-3830           | Cynthia Holeman<br>3252 Hospital Drive<br>Juneau, Ak. 99801<br>907-586-9433          |

- |         |   |  |
|---------|---|--|
| #9987.  | 7. Kodiak Island Mental Health Center<br>316 Mission Road Suite 119<br>Kodiak, Ak. 99615<br>Contact: Linda Diebels<br>907-486-6587                                      | Valorie Watson<br>201 Marine Way<br>Room 13 Court House<br>Kodiak, Ak. 99615<br>907-486-4738 |
| #10,000 | 8. Fairbanks Native Association<br>211 1/2 First Ave.<br>Fairbanks, Ak. 99701<br>Contact: Florence Loucks<br>907-452-1581   | Gary Neubauer<br>1502 Wilbur Street<br>Fairbanks, Ak. 99701<br>907-452-8925                  |
| #20,000 | 9. Juneau Youth Services, Inc.<br>P.O. Box 32339<br>Juneau, Ak. 99803<br>Contact: Jody Engelman<br>907-589-1610   | Chuck Bennett<br>3252 Hospital Drive<br>Juneau, Ak. 99901<br>907-586-9433                    |
| #48,150 | 10. *Kenai Peninsula Comm. Care Center<br>Drawer 3573<br>Kenai, Ak. 99611<br>Contact: Trudy Scott<br>907-283-7535<br>*Serves communities of Kenai,<br>Homer, and Seward | Karen Rogers<br>145 Main Street Loop<br>Suite 204<br>Kenai, Ak. 99611<br>907-283-3127        |
| #24,200 | 11. Ketchikan Youth Services<br>P.O. Box 7202<br>Ketchikan, Ak. 99901<br>Contact: Kathy Moore<br>907-225-2540   | Rick Roberts<br>415 Main Street<br>Room 201<br>Ketchikan, Ak. 99901<br>907-225-9539          |
| #11,972 | 12. Youth Advocates of Sitka<br>P.O. Box 564<br>Sitka, Ak. 99835<br>Contact: Kate Bartsley<br>907-747-2632  | Sue White<br>216 "A" Moller St.<br>Sitka, Ak. 99835<br>907-747-8103                          |

TOTAL - \$201,309

# JJDPFA VIOLATIONS

(SOURCE UAA MONT, RPT.)



□ DSO VIOLATIONS

+ S&S VIOLATIONS

◇ JR VIOLATIONS

□ DSO - Deinstitutionalization of Status Offenders

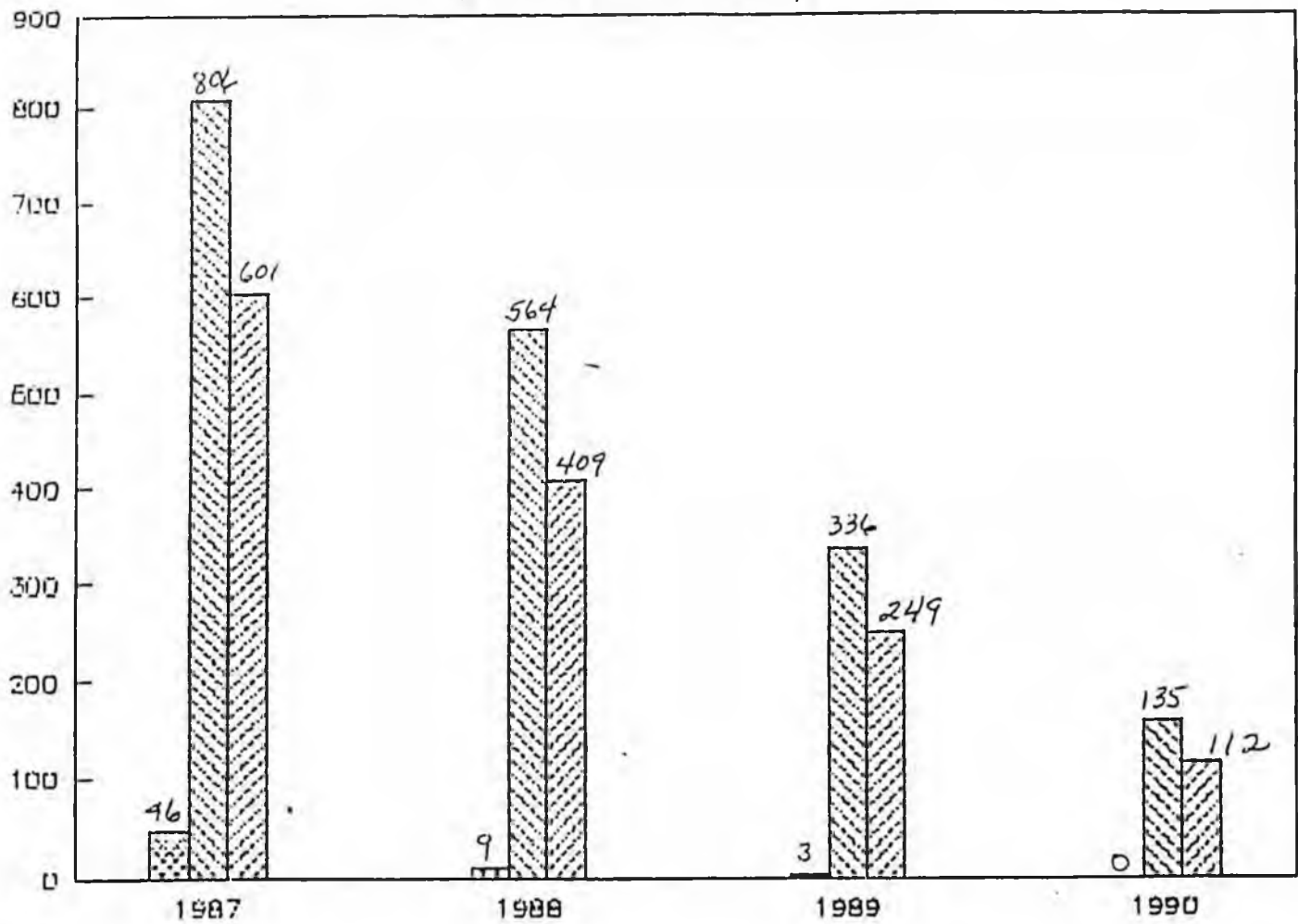
+ S&S - Sight and Sound

◇ JR - Jail Removal

\*See attached glossary.

# JJDPA VIOLATIONS

(SOURCE UAA MONT. RPT.)



YEARS

DSO VIOLATIONS      S&S VIOLATIONS      JR VIOLATIONS

## GLOSSARY

DEINSTITUTIONALIZATION - A TERMINATION OF THE PRACTICE OF SEXUALLY  
DETAINING NON-OFFENDERS OR STATUS  
OFFENDERS.

SIGHT & SOUND SEPARATION - COMPLETE SEPARATION BY SIGHT AND SOUND  
OF CHILDREN FROM ADULT PRISONERS WHEN  
HOUSED IN THE SAME SECURE FACILITY.

JAIL REVIVAL - A TERMINATION OF THE PRACTICE OF HOLDING ANY  
CHILD IN AN ADULT JAIL OR LOCUP FACILITY

## GLOSSARY

Adult Jail--A locked facility, administered by state, county or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating criminal law, pending trial. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than one year.

Adult Lockup--Similar to an adult jail except that an adult lockup is generally a municipal or police facility of a temporary nature which does not hold persons after they have been formally charged.

Criminal-type Offender or Delinquent Offender--A juvenile offender who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

Status Offender--A juvenile offender who has been charged with or adjudicated for conduct which would not be a crime if committed by an adult.

Nonoffender--A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency or neglect statutes or reasons other than legally prohibited conduct of the juvenile.

Lawful Custody--The exercise of care, supervision and control over a juvenile offender or nonoffender pursuant to the provisions of the law or of a judicial order or decree.

Donna

## State of Alaska

Department of Health & Social Services  
Division of Family & Youth Services

### NON-SECURE ATTENDANT CARE SHELTERS



*contact*

Division of Family & Youth Services  
P.O. Box H-05  
Juneau, Alaska 99811  
(907) 465-2112

MANDATES OF THE 1974 JUVENILE JUSTICE & DELINQUENCY PREVENTION ACT

1) DEINSTITUTIONALIZATION, a termination of the practice of securely detaining non-offenders or status offenders,

2) SEPARATION, complete separation by sight and sound of children from adult prisoners when housed in the same secure facility,

3) JAIL REMOVAL, a termination of the practice of holding any child in an adult jail or lockup facility, and

4) ANNUAL MONITORING, regular inspection of facilities which detain children along with collection, analysis and reporting of admission or booking data to assess compliance.

# STATE OF ALASKA



## Executive Proclamation

by  
Steve Cowper, Governor

Confining children in adult jails is not in the best interest of Alaska's children or the public. In 1986 as many as 427 children were detained in adult jails and lockups throughout the state. Alaska statutes prohibit confinement of children in adult jails and lockups unless they are assigned to separate quarters so that they not view or communicate with adult prisoners.

The practice of jailing children with adults often leads to depression or suicide attempts. The risk of those children experiencing emotional, physical and sexual abuse is also increased.

The federal Juvenile Justice Delinquency Prevention Act mandates that states improve their juvenile justice systems by:

1. eliminating the practice of detaining children charged with status offenses;
2. separating children from adults by sight and sound when both are detained in the same jail, lockup, or other correctional facility;
3. identifying and monitoring all facilities which detain children;
4. eliminating the practice of detaining children in any adult jail, lockup, or correctional facility.

NOW, THEREFORE, I, Steve Cowper, Governor of the State of Alaska, do hereby proclaim my support for the Department of Health and Social Services to work with the Departments of Corrections and Public Safety, the public, and municipalities to develop regulations which reduce detention of children in adult facilities, ensure safe and appropriate conditions for children who are detained, and provide for collection and maintenance of accurate records on each youth admitted, detained and released.

DATED: April 14, 1989



Done by —

*Steve Cowper*

Steve Cowper, Governor,  
who has also authorized  
the seal of the State of  
Alaska to be affixed to  
this proclamation.

# NON-SECURE Attendant Care

DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
STATE OF ALASKA

## A. GENERAL INFORMATION

### (1) ELIGIBILITY (WHO MAY APPLY)

Eligible applicants include private nonprofit corporations, Indian Reorganization Act and traditional tribal councils, city or borough governments, municipalities, schools, regional Native health corporations, other political subdivisions of the state, or a combination of these entities. (Proof of non-profit status is required: (see 7 AAC 78.030))

## B. SPECIFIC PROGRAM INFORMATION

### 1. INTRODUCTION

The Division of Family and Youth Services (DFYS) Alaska Department of Health and Social Services, requests proposals for the development and operation of non-secure Attendant Care Shelters for the purpose of providing alternatives to placing youth in adult jails, lockups, and juvenile detention centers. Subject to the availability of funds, the Division intends to purchase services for youth in need of care other than detention as provided under Alaska Statutes 47.10.170 and 47.10.180.

In 1980, Congress amended the Federal Juvenile Justice and Delinquency Prevention Act (JJDPA Act) to mandate the removal of children from adult jails for states receiving Federal funding under the Act. It was recognized on the national level that adult jails and prisons are inappropriate for juveniles. It was also determined that, due to the age and condition of most adult jails, establishment of alternative programs and separate juvenile detention facilities is less expensive than renovation of adult facilities for separation.

The goals for Non-secure Attendant Shelter Care include:

1. Keeping youth following arrest out of adult jails and lockups and Youth Correctional Facilities.
2. To provide appropriate alternative care to youth who have been arrested but who do not require detention to protect themselves or to protect the general public.
3. To provide appropriate alternative care to youth who have been arrested but who, at the time of arrest, do not have a parent, guardian or responsible adult to whom they can be released.
4. To provide appropriate alternative care to youth who are awaiting a court appearance and/or other appropriate placement.

NATIVE CORP.

Kotzebue

City

Soc. Service Dept.

Barrow

Mental Health Dept.

Valdez

Kodiak

Police Dept.

Wrangell

Petersburg

Dillingham

# Non Profits

- 1) Ketchikan
- 2) Sitka
- 3) Juneau
- 4) Kenai (Homer / Seward)
- 5) Fairbanks

# Current Grantees

Non-Profits - 5

Cities - 36

NATIVE Corp. 1

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TOTAL 12

## 2. GRANT PROGRAM REQUIREMENT

Purchase of services for youth following arrest in need of care other than detention. Subject to appropriation, the Division will pay the cost of Attendant Care Shelter Services for youth who have been arrested and are in need of shelter other than detention. This need for services is determined by DFYS probation officers who perform 24-hour intake screenings.

Division grant funds for Attendant Care Shelter Services are addressed to projects which provide shelter other than secure detention to youth following arrest. Each project funded by the Division must provide safe one-to-one attendant care shelter services for their client and take into consideration, local needs, community response and support. Additionally, the service provider must be available to initiate service 24-hours a day and provide service within 45 minutes on short term notice.

### Requirements of an Attendant Care Shelter Program:

1. An Attendant Care Shelter site may be located in a non-secure area of a public building, licensed child care facility, licensed foster home, a nonprofit administrative office or other space in a suitable location which does not have a physical barrier to egress. A licensed site is not required to operate the program. The site must be in close proximity of a 24-hour staffed agency for back-up assistance in the event of an emergency.
2. Programs must have a written statement of philosophy that addresses the program's humane treatment of juveniles and assures that their welfare and legal rights are protected in the least restrictive environment.
3. Programs must have recruitment, screening and training plans for shelter care employees.
4. Attendant training must address first aid, CPR, emergency alcohol assessment, suicide prevention, non-violent crisis management, effective communication skills, crisis counseling, listening skills and the management of angry youth.
5. Attendants may be volunteers or paid staff. They must be of the same sex as the youth they are supervising, read and speak English, and meet all requirements of 7 AAC 50. and in particular must comply with 7 AAC 50.033, 7 AAC 50.035, 7 AAC 50.037, 7 AAC 50.039 and 7 AAC 50.041. Attendants must be awake for the attendant period.
6. Programs must provide for effective coordination with law enforcement, Division personnel, youth, families and community representatives.
7. Programs must develop and implement procedures for on-call programming. For example: a Division probation officer must be able to call the program manager or designee and inform them that Attendant Care Shelter Services are necessary. The coordinator then calls an attendant who is able to accept the youth into care at the site within 45 minutes. If an attendant fails to show up in the allotted 45 minute period, it's the ultimate responsibility of the program manager to provide services to youth.
8. A pat search must be conducted by the arresting officer. The purpose of this search is to detect and remove any contraband or weapons which might be detrimental to the safety of the attendant and youth. This is not a search for evidence. If evidence is incidentally found during the search it must be turned over to law enforcement officers immediately. Contraband, weapons and the youth's personal effects must be secured and documented in a property log signed by the youth.

9. Programs must provide for emergency health screenings upon admission to the Attendant Care Shelter pursuant to 7 AAC 50.063.
10. Programs must provide, at a minimum, one-to-one supervision of the youth throughout the duration of their stay, which will not exceed 16 hours, unless an extension is granted by DFYS. An extension requires written notice from the DFYS officer granting the extension.
11. If the juvenile's parents have not been located, the attendant must continue to attempt to locate his parents or guardian, documenting the attempts made, in order to arrange release of the youth. All releases must specifically be authorized by a DFYS probation officer.
12. A policy manual which addresses operating procedures must be approved by the Department and made available to all staff, and to volunteers and the public upon request. The manual must be revised and updated as necessary.

Written policy and procedures must clearly address:

- Individual case reports to DFYS.
  - Monthly statistical reports.
  - The provision of minimal personal hygiene articles and clothes.
  - Prohibition against secure confinement of any offender in the facility.
  - Emergency operating procedures. If an emergency should occur during the time the attendant is supervising the youth, he/she must immediately notify the program manager and DFYS probation officer and follow the instructions given.
  - Procedures for allowing the youth controlled visitation and phone access to their parents, attorney and/or guardian and prohibits other visitors or phone calls unless approved by the DFYS probation officer.
  - Operating procedures for instances when more than one youth is placed in the Attendant Care Shelter.
13. A systematic management plan for the ongoing evaluation of the programs policies and procedures as they effect the delivery of attendant care services and measurement of effectiveness of services provided under the grant.

The Physical Attendant Shelter Care site must:

1. Provide a safe physical setting in an already existing building to conform to all applicable state and local building, health, fire and life safety codes. The site space must be of reasonable size to deliver the program and not less than 120 square feet, excluding the restroom.
2. Provide adequate lighting, one toilet which is available 24-hours a day, a wash basin, hot and cold running water, drinking water, a telephone, heating, ventilation and acoustical system to ensure healthful and comfortable living and working conditions for juveniles and attendant.
3. Provide non-locked temporary sleeping accommodations with a bed at above floor level, a clean, odor free, non-toxic, fire-resistant mattress with a sanitary cover and a supply of bed linens.
4. Be located in an area where the youth and attendant may spend time together talking or engaging in passive recreation such as reading, board or card games and watching television.
5. Provide for refrigeration and food containment and preparation. Regular meals may be prepared off site and delivered to the Attendant Care Shelter.
6. Ensure that appropriate safeguards for fire/life safety and sanitation are in place, including an emergency evacuation plan and the provision of a 2A:10BC dry chemical fire extinguisher, AC primary power or monitored battery powered smoke detection device and first aid kit in strategic locations.

January 1991

## NEWS FROM STATE TO STATE

### ALASKA

#### Struggling to Meet Waiver State Criteria

Alaska is scrambling to reduce violations of the Act enough so they can apply for 1991 Waiver State Status.

"We have been a waiver state for two years, so we only have one year of eligibility left. If we don't get our third year of waiver state funds, our alternative programs to jail removal could lose funding, and we will no longer be participating in the Grant Program." Says Donna Schultz, Alaska's JJ Specialist.

Alaska's problem is its latest monitoring report which shows 249 violations, of which 106 are states offenders. Why are so many status offenders being held? Schultz explains, "We have a lot of alcohol related status offenses in extremely remote areas. Lack of road systems and the necessity to transport kids great distances by air in adverse conditions to regional detention facilities are major obstacles. We have a genuinely difficult time keeping "minor consuming" offenders out of the town jail or lockup due to lack of other resources."

Using two years of waiver state funds, Alaska has set up thirteen (13) non-secure attendant care facilities. "We have come a long way," says Schultz, "but we could lose it all because of these extremely distances and remote areas." For more information contact JJ Specialist Donna Schultz at (907) 465-2112.

## Paid Your Coalition Dues Yet?

As of press time (January 11, 1991) the following states have paid their 1991 dues: Arizona, Connecticut, Illinois, Maine, Maryland, and Wisconsin.

Bills were sent to state JJ Specialists with courtesy copies to State Chairs on December 10, 1990.

**National Coalition of  
State Juvenile Justice Advisory Groups**  
1211 Connecticut Avenue, NW, Suite 414  
Washington, DC 20036



Official Business

**COMMITTEE:**  
 JUDICIARY

**DATE:** 2/4/92

**Subject of meeting:**  
 SB 55 - INCARCERATION OF MINORS IN ADULT INSTITUTIONS

# SIGN-IN

PLEASE PRINT!

**NAME**                      **ADDRESS** (MAILING) & (ZIP)                      **PHONE**                      **REPRESENTING**                      **DO YOU WANT TO TESTIFY?**

|                  |                                      |          |   |                 |
|------------------|--------------------------------------|----------|---|-----------------|
| → RANDALL HINES  | Box H Juneau<br>DHSS                 | 465-3191 | DHSS  | YES             |
| → Marianne Mills | 2006 John St. #2<br>Juneau, AK 99801 | 586-3204 | Alaska Juvenile<br>Justice Advisory Committee | Yes             |
| → Diane Schenker | Dept of Corrections, MS 2000         | 465-3376 | Corrections                                   | yes             |
| G. HORETSKI      | BOX N, JUN.                          | 4322     | DPS   | IF Q'S          |
| Margie Smith     | Box KC                               | 3428     | Law   | NO              |
| SHERIE GOLL      | P.O. Box 2256                        | 463-6744 | ① ALASKA WOMEN'S LOBBY<br>② KIDPAC            | YES - in favor. |
|                  |                                      |          |   |                 |
|                  |                                      |          |   |                 |
|                  |                                      |          |   |                 |
|                  |                                      |          |   |                 |