

**HB**

**184**

**CS FOR HOUSE BILL NO. 184( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FIRST LEGISLATURE - SECOND SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES KERTTULA, Brice**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act permitting certain juvenile detention or juvenile correctional institution  
2 employees to convert their credited service under the public employees' retirement  
3 system to credited service as peace officers; and providing for an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** AS 39.35.370 is amended by adding a new subsection to read:

6 (g) When an employee who was employed as a youth counselor, unit leader,  
7 or superintendent in a juvenile detention or juvenile correctional institution in the  
8 public employees' retirement system applies for appointment to retirement, the  
9 employee may convert the credited service for that position to credited service as a  
10 peace officer by claiming the service as peace officer service. An employee who has  
11 converted credited service to peace officer service under this subsection shall be treated  
12 as a peace officer for purposes of this chapter. When the member claims this credited  
13 service as peace officer service, an indebtedness of the member to the system shall be  
14 established. The indebtedness is equal to the full actuarial cost of the conversion of

1 the credited service to treatment as peace officer service. Any outstanding  
2 indebtedness that exists at the time the member is appointed to retirement will require  
3 an actuarial adjustment to the benefits payable based upon the conversion of the  
4 credited service.

5 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).



# Representative Beth Kerttula

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Alaska State Legislature, District 3  
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## Sponsor Statement

### House Bill 184 Benefits for Juvenile Corrections Employees

House Bill 184 will allow juvenile detention or juvenile correctional institution employees to have the option of converting their credited service under PERS to credited service as a peace officer. To qualify for the peace officer retirement, the juvenile corrections employee must have at least 20 years of credited service.

Under the proposed Committee Substitute for HB 184, if a juvenile corrections employee elects to be treated under the peace officer service, he or she would pay the full actuarial cost of conversion. An indebtedness would be incurred to make up for the lower contribution rate paid by employees and employers under PERS, in comparison with the higher contribution rate paid by employees and their employers under the peace officer retirement system. There will be no additional cost to government for this benefit for juvenile detention and corrections employees.

As a part of their job, employees in the state youth detention and correctional institutions face dangerous situations working with the juvenile residents. Major incident reports document physical assaults on staff in addition to the need to physically restrain youth from doing harm to themselves and other residents. The stressful nature of the work leads to employee burnout.

HB 184 would provide youth facility employees with the option to access the 20-year retirement system provided to other public employees in high risk, potentially life-threatening jobs (i.e., peace officers, adult probation officers, and adult correctional facility employees). Employee retention and recruitment would likely improve with passage of HB 184.

# STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF JUVENILE JUSTICE

Tony Knowles, GOVERNOR

P.O. BOX 110635  
JUNEAU, ALASKA 99811-0635  
PHONE: (907) 465-2212  
FAX (907) 465-2333

February 2, 2000

The Honorable Beth Kerttula  
Alaska State Capitol  
Juneau, Alaska 99801

Dear Representative Kerttula,

In response to a request by your staff for information related to HB 184, I am enclosing a chart showing the number of physical assaults against our youth facility staff between FY 1997 and the first six months of FY 2000. I am also enclosing a summary chart of worker compensation claims related to youth counselor staff at McLaughlin Youth Center for FY 1998,

Please contact my office if you have questions or if we can be of further assistance.

Sincerely,

  
George Buhite  
Director

Enclosure.

Additional Information

**Number of Physical Assaults By Residents  
against Youth Facility Staff FY97- FY00\***

	FY97	FY98	FY99	FY00*	Total
Bethel Youth Facility	0**	3	9	2	14
McLaughlin Youth Center	38	9	9	5	61
Fairbanks Youth Facility	5	7	5	3	20
Nome Youth Facility	1**	1	0	0	1
Johnson Youth Center	0	0	1	0	1
<b>Total</b>	<b>43</b>	<b>20</b>	<b>24</b>	<b>10</b>	<b>97</b>

\*Through December 1999

\*\* Data 7/96 - 12/96 unavailable

**Youth Counselor Injury Costs by Age  
at MYC, FY 98\***

FY 98 Composition of Youth Counselor Workforce at MYC by Age (effective 1/99)	
Age	% of total
20-30 17 employees	16%
30-40 27 employees	26%
40-50 34 employees	32%
50-60 28 employees	26%
Total All Ages—106 employees	100%

Injuries to MYC Youth Counselor Staff Who Responded to Out of Control Residents FY98	
AGE	COST
20 - 40	
none	\$0.00
40 - 50	
43 (date of injury 07/03/97)	\$0.00
41 (date of injury 08/11/97)	\$355.00
42 (date of injury 09/02/97)	\$2,147.00
43 (date of injury 09/23/97)	\$170.00
42 (date of injury 09/23/97)	\$45,103.00
46 (date of injury 12/14/97)	\$24,637.00
40 (date of injury 12/18/97)	\$2,821.00
Sub Total	\$75,233.00
50 - 60	
50 (date of injury 07/03/97)	\$5,000.00
50 (date of injury 07/03/97)	\$74,451.00
50 (date of injury 09/08/97)	\$301.00
52 (date of injury 10/09/97)	\$258.00
52 (date of injury 10/24/97)	\$180.00
54 (date of injury 10/25/97)	\$898.00
50 (date of injury 11/13/97)	\$248.00
51 (date of injury 11/13/97)	\$15,000.00
52 (date of injury 10/24/97)	\$648.00
Sub Total	\$96,984.00
Total costs All Ages	\$172, 217.00

\*Source: DISS Risk Management 01/99

MIR

### MAJOR INCIDENT REPORT

DH&SS / DFYS / Fairbanks Youth Facility

Name: [REDACTED] Others Involved: Messrs Marsh, Onev, Shevlin and Yee

Date: 1/2/99 Time: 1420 Location: Detention

**TYPE OF INCIDENT:**

- Escape from facility
- Resident substance abuse
- Unlawful evasion from pass
- Physical assault on staff
- Physical assault on resident
- Contraband
- Staff injury
- Escape from escort
- Resident injury- other
- Physical restraint
- Suicide attempt
- Other: Use of Observation Cell
- Destruction of property
- Resident injury- self harm
- Pass violation
- Disciplinary transfer to detention
- Fire

**INCIDENT CHECKLIST:**

ACTION	DATE	TIME	INITIALS
Initial CDO Notificauon	1/2/99	1421	[Signature]
Initial SDO Notification	1/2/99	1423	
Initial Nursing Notification			
Mental Health Referral Submitted	1/4/99		
Arm Restraints Applied	1/2/99	1430	[Signature]
Arm Restraints Removed	1/2/99	1523	
Leg Restraints Applied	1/2/99	1430	
Leg Restraints Removed	1/2/99	1523	
Resident IN Observation Room	1/2/99	1431	
Resident OUT Observation Room	1/2/99	1757	
Resident FROM FYF TO Hospital			
Resident FROM Hospital TO FYF			
Detention Disciplinary Transfer Review			
Parent Notificauon			
Resident Return To Treatment Unit			
Resident Disciplinary Notice Served			

**DESCRIPTION OF INCIDENT:**

[REDACTED] started acting out, pounding, yelling, self-injury to himself by placing a staple in his arm, He removed the staple after staff prompting. He continued pounding and yelling from his room, was placed in cuffs and moved to the Observation cell B. Once he was there cuffs were removed, minutes later he started to pound around again. He was pounding the wall, so soft restraints were applied. He continued to spit and pound his head on floor. Messrs Shevlin and Onev held him until he settled down. He calmed down after several minutes, but refused to commit to appropriate behavior, so the restraints were left on through the end of the shift..

Fb 99

2 Resident assault  
1 Female Mast

**MAJOR INCIDENT REPORT**

DH&SS / DFYS / Fairbanks Youth Facility

Name: [redacted] Others Involved: [redacted]

Date: 2/25/99 Time: 1910 Location: Detention/Dayroom

**TYPE OF INCIDENT:**

- Escape from facility
- Escape from escort
- Unlawful evasion from pass
- Physical assault on staff
- Physical assault on resident
- Contraband
- Staff injury
- Resident injury- self harm
- Resident injury- other
- Physical restraint
- Suicide attempt
- Other: \_\_\_\_\_
- Destruction of property
- Resident substance abuse
- Pass violation
- Disciplinary transfer to detention
- Fire

**INCIDENT CHECKLIST:**

ACTION	DATE	TIME	INITIALS
Initial CDO Notification			
Initial SDO Notification			
Initial Nursing Notification			
Mental Health Referral Submitted			
Arm Restraints Applied			
Arm Restraints Removed			
Leg Restraints Applied			
Leg Restraints Removed			
Resident IN Observation Room			
Resident OUT Observation Room			
Resident FROM FYF TO Hospital			
Resident FROM Hospital TO FYF			
Detention Disciplinary Transfer Review			
Parent Notification			
Resident Return To Treatment Unit			
Resident Disciplinary Notice Served	2/26/99		

**DESCRIPTION OF INCIDENT:**

While the presentation on Aids was going on [redacted] was sitting in back of [redacted]. [redacted] kept putting his feet on [redacted] chair. [redacted] turned around and slapped [redacted] in the face. [redacted] then punched [redacted] on the side of his face. This writer and Mr. Yee separated the boys. Both boys were responsible for the incident.

S. Green JR, YC II  
Submitted by:

## MAJOR INCIDENT REPORT

DH&SS / DFYS / Fairbanks Youth Facility

Name: [REDACTED] Others Involved: None

Date: 3/9/99 Time: 0940 Hours Location: MPR *Detention*

**TYPE OF INCIDENT:**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Escape from facility<br><input type="checkbox"/> Escape from escort<br><input type="checkbox"/> Unlawful evasion from pass<br><input type="checkbox"/> Physical assault on staff<br><input type="checkbox"/> Physical assault on resident<br><input type="checkbox"/> Contraband | <input type="checkbox"/> Staff injury<br><input type="checkbox"/> Resident injury- self harm<br><input type="checkbox"/> Resident injury- other<br><input checked="" type="checkbox"/> Physical restraint<br><input type="checkbox"/> Suicide attempt<br><input checked="" type="checkbox"/> Other: <u>Use of Observation Cell</u> | <input type="checkbox"/> Destruction of property<br><input type="checkbox"/> Resident substance abuse<br><input type="checkbox"/> Pass violation<br><input type="checkbox"/> Disciplinary transfer to detention<br><input type="checkbox"/> Fire |
|---|--|--|

**INCIDENT CHECKLIST:**

ACTION	DATE	TIME	INITIALS
Initial CDO Notification			
Initial SDO Notification			
Initial Nursing Notification			
Mental Health Referral Submitted			
Arm Restraints Applied	3/9/99	0940	NC
Arm Restraints Removed	3/9/99	1015	NC
Leg Restraints Applied			
Leg Restraints Removed			
Resident IN Observation Room	3/9/99	0945	NC
Resident OUT Observation Room	3/9/99	0952	NC
Resident FROM FYF TO Hospital			
Resident FROM Hospital TO FYF			
Detention Disciplinary Transfer Review			
Parent Notification			
Resident Return To Treatment Unit			
Resident Disciplinary Notice Served			

**DESCRIPTION OF INCIDENT:**

At 0940 Hrs Mr. Oney and Mr. Smith's assistance was requested by detention staff in the MPR. They were asked to escort [REDACTED] back to detention for refusing to follow teaching staff instructions. After exiting the MPR door, [REDACTED] became agitated when Mr. Oney placed one hand on his shoulder, After walking only ten feet down the hall, Steve stopped and placed his back against the wall. He stared into Mr. Oney's eyes and said "Don't touch me like that." Mr. Oney said "Come on lets go." [REDACTED] said "Don't be touching me like that." At that time Mr. Oney asked [REDACTED] not to resist, but [REDACTED] continued to sand firm with his back to the wall. Saying

DESCRIPTION OF INCIDENT (continued):

"Don't touch me like that." Mr. Oney and Mr. Smith asked ██████ to turn around and place his hands behind his back, ██████ refused. Oney and Smith turned ██████ around, placing his chest against the wall while moving his hand behind his back. ██████ began to struggle. At that time Mr. Cooper moved in to assist by placing handcuffs on ██████'s wrist.

Nello Cooper Jr. YC II  
Submitted by:

RECOMMENDATION:

██████ should receive a 250 point fine from the review board suspended pending any other staff resistance.

Nello Cooper Jr. YC II  
Shift Supervisor

MEDICAL DEPARTMENT REVIEW and RECOMMENDATIONS:

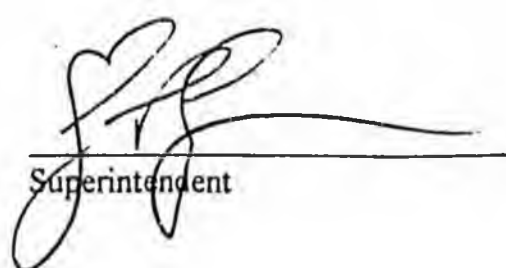
\_\_\_\_\_  
Nursing (for medical incidents)

DISPOSITION:

██████ was placed in the Observation cell for a short while and had no further incident. As ██████ is already serving a lengthy point fine an additional fine would have little impact. Since ██████ did not escalate further he will receive a consequence of a zero for the shift.

Jeff Rigo  
Unit Leader or Designee

REVIEWED BY:

  
\_\_\_\_\_  
Superintendent

## MAJOR INCIDENT REPORT

DH&SS / DFYS / Fairbanks Youth Facility

Name: ██████████ Others Involved: Mr. Adams and Mr. Oney

Date: 3/28/99 Time: 0945 Location: TX Unit/N. Wing Rm #5

**TYPE OF INCIDENT:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Escape from facility<br><input type="checkbox"/> Escape from escort<br><input type="checkbox"/> Unlawful evasion from pass<br><input checked="" type="checkbox"/> Physical assault on staff<br><input type="checkbox"/> Physical assault on resident<br><input type="checkbox"/> Contraband | <input type="checkbox"/> Staff injury<br><input type="checkbox"/> Resident injury- self harm<br><input type="checkbox"/> Resident injury- other<br><input checked="" type="checkbox"/> Physical restraint<br><input type="checkbox"/> Suicide attempt<br><input type="checkbox"/> Other: _____ | <input checked="" type="checkbox"/> Destruction of property<br><input type="checkbox"/> Resident substance abuse<br><input type="checkbox"/> Pass violation<br><input type="checkbox"/> Disciplinary transfer to detention<br><input type="checkbox"/> Fire |
|--|--|---|

**INCIDENT CHECKLIST:**

ACTION	DATE	TIME	INITIALS
Initial CDO Notification	3/28/99	0951	TCO
Initial SDO Notification	3/28/99	0954	TCO
Initial Nursing Notification			
Mental Health Referral Submitted			
Arm Restraints Applied	3/28/99	0956	TCO
Arm Restraints Removed	3/28/99	1014	TCO
Leg Restraints Applied			
Leg Restraints Removed			
Resident IN Observation Room			
Resident OUT Observation Room			
Resident FROM FYF TO Hospital			
Resident FROM Hospital TO FYF			
Detention Disciplinary Transfer Review			
Parent Notification			
Resident Return To Treatment Unit			
Resident Disciplinary Notice Served			

**DESCRIPTION OF INCIDENT:**

██████ became upset about feedback he was receiving about his behavior during points meeting and was sent to his room. On the way to his room, ██████ reached across the staff desk and threw the metal file box damaging the lid. ██████ continued walking to his room and closed the door. While in his room ██████ began banging around, disrupting the unit and not following staff directives to quit acting out. Mr. Oney decided to strip ██████'s room to prevent further destruction of property. While Mr. Adams and Mr. Oney were stripping the room, ██████ became uncooperative by laying down on his bed to prevent himself from being searched for items that he may

DESCRIPTION OF INCIDENT (continued):

use to harm himself with as documented in the past. [REDACTED] was assisted off his bed by Mr. Oney and Mr. Adams and searched. During the search, [REDACTED] pushed Mr. Oney's arm away in an attempt to not be searched. After the room was stripped, [REDACTED] was left in his room with only a roll of toilet paper in order to take some time to calm down. [REDACTED] being the resourceful young lad that he is decided to plug the toilet with his tissue in an attempt to flood his room. At this point [REDACTED] was placed in handcuffs as he was escalating his negative behavior, insisting that he be transferred to the detention unit. After a short intervention with Mr. Oney, [REDACTED] was able to de-escalate himself and control his behavior. [REDACTED] was given his bed back and his other personal items will be returned if he demonstrates that he can control his behavior. Mr. Oney was able to repair the metal file box.

T. Oney  
Submitted by:

RECOMMENDATION:

[REDACTED] should be given his personal items by the end of the dayshift if he controls his behavior.


Tim Oney  
Shift Supervisor

MEDICAL DEPARTMENT REVIEW and RECOMMENDATIONS:

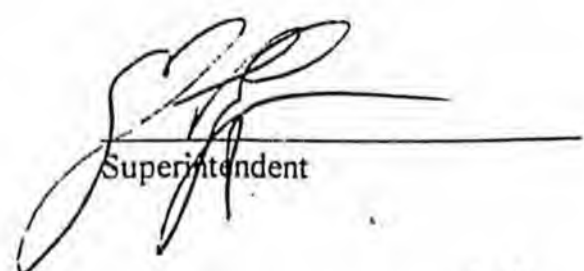
\_\_\_\_\_  
Nursing (for medical incidents)

DISPOSITION:

[REDACTED] will continue to create management difficulties until (if) he buys into the program. It is important that staff maintain an acute awareness of his potential for lashing out/destroying property/striking others. Making significant attempts to help [REDACTED] remain on the Treatment Unit (as opposed to transferring to detention) is important at this time.

M. Short   
Unit Leader or Designee

REVIEWED BY:

  
\_\_\_\_\_  
Superintendent



DESCRIPTION OF INCIDENT (continued):

decided to destroy things in his room, breaking a Rubbermaid trash can. Staff stripped [REDACTED]'s cell of all his personals and bed. During the room strip [REDACTED] began posturing at staff not following numerous warnings to back down. [REDACTED] escalated the situation by stepping up to Mr. Oney and put his hand aggressively on Mr. Oney's chest. [REDACTED] was quickly restrained and handcuffs put on. [REDACTED] remained in cuffs until he was able to regain control of himself, 43 minutes later.

Tim Oney  
Submitted by:

RECOMMENDATION:

[REDACTED] will not be given his personals until his treatment team decides it will be appropriate. The treatment team should again discuss the seriousness of these threatening and assaultive behaviors with [REDACTED].


Tim Oney  
Shift Supervisor

MEDICAL DEPARTMENT REVIEW and RECOMMENDATIONS:

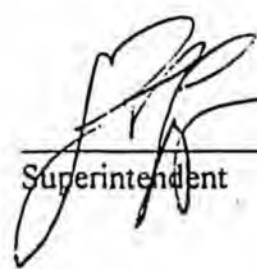
\_\_\_\_\_  
Nursing (for medical incidents)

DISPOSITION:

[REDACTED] threats are serious as is his aggressive acting out. All staff are commended for their handling of [REDACTED]'s many acting out incidents on 3/27, 3/28, and 3/29. It may not be possible to prevent [REDACTED]'s transfer to Detention in the future but efforts will continue to be made with a non-Detention goal in mind.

Mike Short   
Unit Leader or Designee

REVIEWED BY:

  
\_\_\_\_\_  
Superintendent

## MAJOR INCIDENT REPORT

DH&SS / DFYS / Fairbanks Youth Facility

Name: \_\_\_\_\_ Others Involved: \_\_\_\_\_

Date: 4/3/99 Time: 0835 Location: MPR *Tombot*

**TYPE OF INCIDENT:**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Escape from facility                    | <input type="checkbox"/> Staff injury                  | <input type="checkbox"/> Destruction of property                       |
| <input type="checkbox"/> Escape from escort                      | <input type="checkbox"/> Resident injury- self harm    | <input type="checkbox"/> Resident substance abuse                      |
| <input type="checkbox"/> Unlawful evasion from pass              | <input type="checkbox"/> Resident injury- other        | <input type="checkbox"/> Pass violation                                |
| <input checked="" type="checkbox"/> Physical assault on staff    | <input checked="" type="checkbox"/> Physical restraint | <input checked="" type="checkbox"/> Disciplinary transfer to detention |
| <input checked="" type="checkbox"/> Physical assault on resident | <input type="checkbox"/> Suicide attempt               | <input type="checkbox"/> Fire  |
| <input type="checkbox"/> Contraband                              | <input type="checkbox"/> Other: _____                  |  |

**INCIDENT CHECKLIST:**

ACTION	DATE	TIME	INITIALS
Initial CDO Notification	4/3/99	0838	SM
Initial SDO Notification	N/A per JR		
Initial Nursing Notification	N/A		
Mental Health Referral Submitted	N/A		
Arm Restraints Applied	4/3/99 (soft)	0835	SM
Arm Restraints Removed	4/3/99	0905	SM for AK
Leg Restraints Applied	N/A		
Leg Restraints Removed	N/A		
Resident IN Observation Room	4/3/99	0838	SM
Resident OUT Observation Room	4/3/99	1330	SM for AK
Resident FROM FYF TO Hospital	N/A		
Resident FROM Hospital TO FYF	N/A		
Detention Disciplinary Transfer Review	4/4/99	0830	SM for TCO
Parent Notification	4/3/99	0920 (No contact/phone disconnected)	SM
Resident Return To Treatment Unit	N/A		
Resident Disciplinary Notice Served	4/3/99	0940	SM

**DESCRIPTION OF INCIDENT:**

While in line at Breakfast in the MPR \_\_\_\_\_ and \_\_\_\_\_ began bickering at each other and swearing. \_\_\_\_\_ poked \_\_\_\_\_ with an elbow (lightly). \_\_\_\_\_ pushed \_\_\_\_\_ forcefully and squared off with him. I stepped in between them both, facing \_\_\_\_\_. I placed my hand on \_\_\_\_\_'s chest to prevent him from striking out at \_\_\_\_\_. \_\_\_\_\_ pushed me. I attempted a control tactic on \_\_\_\_\_'s arm and he continued to push me. \_\_\_\_\_ was pushed to the wall. Mr. Klaich then assisted me in taking \_\_\_\_\_ to the ground. Mr. Marsh arrived with restraints, \_\_\_\_\_ was restrained, and taken to Detention.



## MAJOR INCIDENT REPORT

DH&SS / DFYS / Fairbanks Youth Facility

Name: [REDACTED] Others Involved: n/a

Date: 04/23/99 Time: 1850 Location: TX Unit FA and TX Unit *Trent*

**TYPE OF INCIDENT:**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Escape from facility<br><input type="checkbox"/> Escape from escort<br><input type="checkbox"/> Unlawful evasion from pass<br><input checked="" type="checkbox"/> Physical assault on staff<br><input type="checkbox"/> Physical assault on resident<br><input type="checkbox"/> Contraband | <input type="checkbox"/> Staff injury<br><input type="checkbox"/> Resident injury- self harm<br><input type="checkbox"/> Resident injury- other<br><input checked="" type="checkbox"/> Physical restraint<br><input type="checkbox"/> Suicide attempt<br><input checked="" type="checkbox"/> Other: <u>Attempted destruction of property</u> | <input type="checkbox"/> Destruction of property<br><input type="checkbox"/> Resident substance abuse<br><input type="checkbox"/> Pass violation<br><input type="checkbox"/> Disciplinary transfer to detention<br><input type="checkbox"/> Fire |
|--|--|--|

**INCIDENT CHECKLIST:**

ACTION	DATE	TIME	INITIALS
Initial CDO Notification	04/23/99	1905	KM
Initial SDO Notification	04/23/99	1906	KM
Initial Nursing Notification			
Mental Health Referral Submitted			
Arm Restraints Applied	04/23/99	1907	KM
Arm Restraints Removed	04/23/99	1929	KM
Leg Restraints Applied			
Leg Restraints Removed			
Resident IN Observation Room			
Resident OUT Observation Room			
Resident FROM FYF TO Hospital			
Resident FROM Hospital TO FYF			
Detention Disciplinary Transfer Review			
Parent Notification			
Resident Return To Treatment Unit			
Resident Disciplinary Notice Served			

**DESCRIPTION OF INCIDENT:**

During P.E. in the Fenced Area, [REDACTED] began having difficulty with several of his teammates and escalated to swearing at them. He then quit the game opting to go to his room. On the way in, [REDACTED] intentionally stepped on the Unit's hand-held radio trying to damage it. This writer restrained his arms to remove him from the radio/keeping him from damaging it, and to help assist him take control of his escalating behaviors. With the assistance of Mr. Kuntz, [REDACTED] was escorted to his room and the Unit was closed. [REDACTED] was again given the opportunity to control himself, but choose to throw his hygiene items into his toilet. [REDACTED]'s arms were again

Major Incident Report

[REDACTED]  
[REDACTED]  
restrained and he was again given directives to behave himself in his room. At this point, [REDACTED] made a commitment to this writer to behave and was left in his room for a cooling-off period. The unit was re-opened, but within 5 minutes [REDACTED] was hitting his window with his chair, head, and hands. The Unit was again closed and [REDACTED] was restrained by this writer and Mr. Adams applied handcuffs. [REDACTED] attempted to kick staff while they attempted to help him regain control. With staff present, [REDACTED] calmed down and the handcuffs were removed at 1929.

K.J. Milles

Submitted by:

RECOMMENDATION:

Although [REDACTED]'s recovery time is quicker and he was able to resume regular unit activities by 2000, his acting out behaviors continue to regularly disrupt Unit routines. [REDACTED] acting out episodes appear to be not only manipulation attempts for attention, but also to ruin fun activities for others. It is hoped that [REDACTED] will soon require less hands-on intervention, respond better to staff directives, and learn more productive ways to gain attention and release his built up energy.

K.J. Milles

Shift Supervisor

MEDICAL DEPARTMENT REVIEW and RECOMMENDATIONS:

\_\_\_\_\_  
Nursing (for medical incidents)

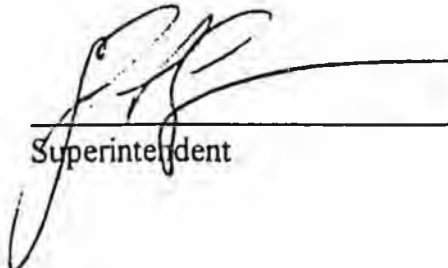
DISPOSITION:

Incident handled appropriately. Staff are again commended for their efforts and patience in working with this difficult young man. It is likely [REDACTED] will require a disciplinary transfer to detention in the near future.

Shawn Marsh for M.S.

Unit Leader or Designee

REVIEWED BY:

  
\_\_\_\_\_  
Superintendent

## MAJOR INCIDENT REPORT

DH&SS / DFYS / Fairbanks Youth Facility

Name: [REDACTED] Others Involved: Ms. Drew, YC II

Date: 5-13-99 Time: 0940 Location: FYF TX UNIT

**TYPE OF INCIDENT:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Escape from facility<br><input type="checkbox"/> Escape from escort<br><input type="checkbox"/> Unlawful evasion from pass<br><input checked="" type="checkbox"/> Physical assault on staff<br><input type="checkbox"/> Physical assault on resident<br><input type="checkbox"/> Contraband | <input type="checkbox"/> Staff injury<br><input type="checkbox"/> Resident injury- self harm<br><input type="checkbox"/> Resident injury- other<br><input type="checkbox"/> Physical restraint<br><input type="checkbox"/> Suicide attempt<br><input checked="" type="checkbox"/> Other: <u>Refusal to meet minimum treatment expectations</u> | <input type="checkbox"/> Destruction of property<br><input type="checkbox"/> Resident substance abuse<br><input type="checkbox"/> Pass violation<br><input checked="" type="checkbox"/> Disciplinary transfer to detention<br><input type="checkbox"/> Fire |
|--|--|---|

**INCIDENT CHECKLIST:**

ACTION	DATE	TIME	INITIALS
Initial CDO Notification			
Initial SDO Notification			
Initial Nursing Notification			
Mental Health Referral Submitted			
Arm Restraints Applied	5-13-99	0939	SCM
Arm Restraints Removed	5-13-99	1030	SCM for RS
Leg Restraints Applied			
Leg Restraints Removed			
Resident <b>IN</b> Observation Room	5-13-99	0940	SCM
Resident <b>OUT</b> Observation Room	5-13-99	1115	SCM for RS
Resident <b>FROM</b> FYF <b>TO</b> Hospital			
Resident <b>FROM</b> Hospital <b>TO</b> FYF			
Detention Disciplinary Transfer Review	5-14-99	0845	MS
Parent Notification	5-13-99		
Resident Return To Treatment Unit			
Resident Disciplinary Notice Served	5-13-99	1625	TCO

**DESCRIPTION OF INCIDENT:**

On the evening of 05-12-99, Ms. Drew informed all KP workers that there would be no talking unless work related. It became necessary to repeatedly confront [REDACTED] and several other workers, as they were consistently off task, singing, taunting others, and engaging in general horseplay. [REDACTED] was resistant to correction when instructed to redo certain tasks. As Ms. Drew stooped down with her knees bent to stack and put away detention trays on a lower shelf by the steam table, Ray came up behind her and brushed her back with his upper thigh / groin area. Ray continued to remain staunchly in that position as Ms. Drew attempted to stand up, making it difficult to do so. When Ms. Drew did get to her feet, Ray still hovered within inches of her. At that point, Ms. Drew pushed him in the chest to move him away, and he finally took a step back. Ray then complied with her instruction to return to the unit immediately. As Ray is involved in sexual offender treatment at FYF, he was approached this morning by members of the SOTC TX Team (this writer, Mr. Beall, and MHC Levit) to discuss this incident. During the meeting, Ray steadfastly refused to accept any level of

## MAJOR INCIDENT REPORT

DH&SS / DFYS / Fairbanks Youth Facility

Name: [REDACTED] Others Involved: [REDACTED]

Date: 06/23/99 Time: 1853 Location: TX Tink

**TYPE OF INCIDENT:**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Escape from facility                    | <input type="checkbox"/> Staff injury               | <input type="checkbox"/> Destruction of property                       |
| <input type="checkbox"/> Escape from escort                      | <input type="checkbox"/> Resident injury- self harm | <input type="checkbox"/> Resident substance abuse                      |
| <input type="checkbox"/> Unlawful evasion from pass              | <input type="checkbox"/> Resident injury- other     | <input type="checkbox"/> Pass violation                                |
| <input type="checkbox"/> Physical assault on staff               | <input type="checkbox"/> Physical restraint         | <input checked="" type="checkbox"/> Disciplinary transfer to detention |
| <input checked="" type="checkbox"/> Physical assault on resident | <input type="checkbox"/> Suicide attempt            | <input type="checkbox"/> Fire  |
| <input type="checkbox"/> Contraband                              | <input type="checkbox"/> Other: _____               |  |

**INCIDENT CHECKLIST:**

ACTION	DATE	TIME	INITIALS
Initial CDO Notification	6/23/99	1845	JK
Initial SDO Notification	06/23/99	1850	JK
Initial Nursing Notification			
Mental Health Referral Submitted			
Arm Restraints Applied	6/23/99	1853	JA
Arm Restraints Removed	06/23/99	1900	JS
Leg Restraints Applied			
Leg Restraints Removed			
Resident <b>IN</b> Observation Room	6/23/99	1900	JS
Resident <b>OUT</b> Observation Room	06/23/99	2020	JA
Resident <b>FROM</b> FYF <b>TO</b> Hospital			
Resident <b>FROM</b> Hospital <b>TO</b> FYF			
Detention Disciplinary Transfer Review			
Parent Notification			
Resident Return To Treatment Unit	06/23/99	2025	JA
Resident Disciplinary Notice Served			

**DESCRIPTION OF INCIDENT:**

During open unit time, [REDACTED] walked up and shoved [REDACTED] M. from behind for no apparent reason. [REDACTED] was confronted by this writer and told to go to his room. [REDACTED] slowly complied, mumbling obscenities and threats. Mr. Adams counseled [REDACTED] about his behaviors, informed him to pack up his personal belongings as he was being placed on automatic TRS, and was told not to act further. Upon closing his door, [REDACTED] proceeded to bang on his door several times. SDO Short was notified of the situation and authorized a transfer to Detention if [REDACTED]

DESCRIPTION OF INCIDENT (continued):

was unwilling to comply with the unit expectations. When approached, [REDACTED] was unwilling to make a commitment, he was cuffed and escorted to Detention without incident.

J. Klaich  
Submitted by:

RECOMMENDATION:

With prior approval SDO Short, Mr. Klaich (CDO) and Mr. Adams (primary counselor for [REDACTED]) met with [REDACTED] to see if he was willing to commit to following the rules. [REDACTED] stated he acted out because he was upset and wanted to take out his frustrations on someone. He committed to following the rules and not to act out his frustrations on others. [REDACTED] was informed that he was still on TRS and that a 100 point fine for Anti-social Physical Behavior would assessed. [REDACTED] returned to the TX Unit at 2025.

K.J. Milles  
Shift Supervisor

MEDICAL DEPARTMENT REVIEW and RECOMMENDATIONS:


\_\_\_\_\_  
Nursing (for medical incidents)

DISPOSITION:

Staff did a good job dealing with [REDACTED] during his "crisis" situation. The adjustment period in the observation room appears to have worked effectively. [REDACTED] is an emotionally disturbed, explosive fellow who requires much staff intervention/monitoring.

Mike Short  
Unit Leader or Designee

REVIEWED BY:

  
\_\_\_\_\_  
Superintendent

MIR Book

MAJOR INCIDENT REPORT

DH&SS / DJJ / Fairbanks Youth Facility

Name: [redacted] Others Involved: Mr. Kline, Ms. Forgue and AST Officer Eldridge

Date: 12/14/99 Time: 0245 Location: FYF Detention Intake

TYPE OF INCIDENT:

- Escape from facility, Staff injury, Destruction of property, etc. with checkboxes. Physical assault on staff and Physical restraint are checked.

INCIDENT CHECKLIST:

Table with 4 columns: ACTION, DATE, TIME, INITIALS. Rows include: Initial CDO Notification, Arm Restraints Applied, Leg Restraints Applied, Staff Debriefing Conducted, etc.

DESCRIPTION OF INCIDENT:

[redacted] was brought into detention on a no bail warrant for absconding placement. On call Social Worker Randy Hagen had contacted this writer within minutes of her arrival at 0325. AST Officer Eldridge had escorted her without handcuffs stating that she had been cooperative until arriving at the intake sally port. [redacted] was uncooperative and verbally abusive. Ms. Forgue (CDO) arrived on the unit within minutes of her arrival. [redacted] was placed in cuffs for a pat search due to her refusal to remove coat, shoes and pocket contents. While Mrs. Forgue was pat searching her, attempting to remove her shoe, [redacted] kicked at Ms. Forgue. Officer Eldridge and

DESCRIPTION OF INCIDENT (continued):

Mr Kline lowered her to the floor with Office Eldridge securing her feet/legs and Mr. Kline securing her head. [redacted] began to cry and discontinued struggling within three minutes. A commitment to cooperate was obtained and cuffs were removed at 0255. During the pat search two small bags were found and retained by Officer Eldridge. One bag contained a stem, possibly marijuana. Officer Eldridge was released and [redacted] cooperated during the rest of the admit. CDO Forgue was present. [redacted] also threatened suicide to myself and Officer Eldridge. A 15 minute log was started.

R. Kline

Submitted by

RECOMMENDATION:

Concur with action taken. Also this information should be passed on to [redacted]'s Social Worker. The Social Worker should be aware of [redacted]'s uncooperativeness, contraband and suicidal [redacted] intentions

Tyler Yee YC II

Shift Supervisor

MEDICAL DEPARTMENT REVIEW and RECOMMENDATIONS:

Nursing (for medical incidents)

DISPOSITION:

Concur with action taken. If [redacted] is not released a mental health referral will be made. Cara will be placed on a 15 minute watch while she's here.

Jeff Rigo

Unit Leader or Designee

REVIEWED BY:

See Response to debriefing memo

Superintendent

Kerttula

MAR 08 2000

Patricia Leeman  
PO Box 1644  
Bethel, AK 99559

February 28, 2000

Representative Carl Morgan  
State Capitol, Rm. 409  
Juneau, AK 99801

Dear Representative Morgan;

I am writing to ask your assistance in getting a hearing scheduled for HB 184, a bill pertaining to peace officer retirement for employees of our State's juvenile correctional facilities. This bill was introduced during the last legislative session, and it is my understanding that it was assigned to the House Health Education and Social Services Committee.

You may not be aware of the inequity that currently exists within the Public Employees Retirement System as pertains to employees of juvenile correctional facilities. Currently, adult correctional officers and adult and juvenile probation officers are members of the peace officer retirement system. Juvenile correctional employees are excluded from this benefit.

I am currently employed at the Bethel Youth Facility. Given the fact that juvenile correctional facilities are located in Fairbanks, Anchorage, Nome, Juneau, and Bethel, this matter clearly has statewide implications.

In past years I have also been employed as an adult correctional officer, an adult probation officer, and a juvenile probation officer. Having experience in these areas of corrections, and now in juvenile facilities, I am well aware of the many similar aspects of these positions. I believe that the inequity of the current system was recognized by the legislature some years ago when this legislation was passed by the Senate and the House, only to be vetoed by then-Governor Hickel.

In recent years, Alaska and the nation have focused increasingly on juvenile crime. Few would argue, I believe, that the stresses and risks associated with working on a daily basis with juvenile offenders are any less than those associated with adult offenders. Much is asked of those responsible for the safety, security, and rehabilitative opportunities provided in our correctional facilities. And those employees in our juvenile facilities must provide these services for a population distinguished by its impulsiveness. Staff are assaulted, and they must intervene in physical altercations between residents. They must physically control residents who are attempting to harm themselves or others. They must protect the public by ensuring that facilities are secure, and they must prevent escapes. They must remain calm and professional in the most trying of circumstances and in the face of aggression and violence directed toward them.


HB 184

Page 2

Perhaps the title of Youth Counselor is misleading. Youth Counselors are expected to counsel and provide rehabilitative services to offenders in addition to, not instead of, these security and control functions. The Alaska Statutes address the status of Youth Counselors as peace officers in AS 47.12.270 which reads, in part, "Youth Counselors have the powers of a peace officer with respect to the service of process, the making of arrests of minors who violate state or municipal law, and the execution of orders of the court relating to juveniles, and shall assist and advise the courts in the furtherance of the welfare and control of minors under the court's jurisdiction." Granting peace officer retirement to Youth Counselors, Unit Leaders, and Superintendents would be consistent with probation officers and adult corrections, and would correct the current inequity in the system.

Thank you very much for taking the time to review this matter, and I would very much appreciate your assistance in getting this bill on the agenda for a hearing. If I can provide additional information that may be helpful, I would be happy to do so.

Sincerely,



Patricia Leeman

Sec. 39.35.370. Retirement benefits.

(a) Subject to AS 39.35.450 , a terminated employee is eligible for a normal retirement benefit

(1) at age 60 with at least five years credited service;

(2) with at least 20 years of credited service as a peace officer or fire fighter; or

(3) with at least 30 years of credited service for all other employees.

(b) Subject to AS 39.35.450 , a terminated employee is eligible for an early retirement benefit at age 55 with at least five years credited service. An actuarial adjustment shall be made to retirement benefits paid under this section for an early retirement benefit. The monthly amount of a retirement benefit that would be due under (c) of this section shall be reduced by multiplying one-half of one percent times the number of months, to the nearest month, by which the retirement date of the employee falls short of the date that the employee reaches age 60.

(c) The monthly amount of a retirement benefit for a peace officer or fire fighter is two percent of the average monthly compensation times the years of credited service through 10 years, plus two and one-half percent of the average monthly compensation times the years of service over 10 years. For all other employees it is

(1) two percent of the average monthly compensation times all years of service before July 1, 1986, and for years of service through a total of 10 years; plus

(2) two and one-quarter percent of the average monthly compensation times all years of service after June 30, 1986, over 10 years of total service through 20 years; plus

(3) two and one-half percent of the average monthly compensation times all years of service after June 30, 1986, over 20 years of total service.

(d) The monthly amount of a retirement benefit for a deferred vested member shall be determined in accordance with (c) of this section as it was in effect on the date of the employee's termination of employment.

(e) Benefits payable under this section accrue from the first day of the month after which all of the following requirements are met: (1) the member meets the eligibility requirements of this section; (2) the member terminates employment; and (3) the member applies for retirement. The benefits are payable the last day of the month. If payment is delayed, a retroactive payment shall be made to cover the period of deferment. The last payment shall be made for the month in which a benefit is payable under this section.

(f) A member who is vested in the system as a peace officer or fire fighter at the time the member incurs a permanent disability of at least 33 1/3 per cent under workers' compensation and who (1) undergoes retraining because of the disability; and (2) is subsequently employed with the state or other employer in a position other than peace officer or fire fighter, is eligible for a normal retirement benefit as a peace officer or fire fighter under (a) and (c) of this section upon completing 20 years of credited service.

# FISCAL NOTE

**STATE OF ALASKA**  
**2000 LEGISLATIVE SESSION**

**BILL NO. HB 184**

Revision Date/Time 4/11/00 Dept. Affected Various  
 Title An act granting certain juvenile detention... BRU Various  
 employees status as peace officers... Component Various  
 Sponsor Representative Kerttula  
 Requester House HES Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	320.0	320.0	320.0	320.0	320.0	320.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>320.0</b>	<b>320.0</b>	<b>320.0</b>	<b>320.0</b>	<b>320.0</b>	<b>320.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	320.0	320.0	320.0	320.0	320.0	320.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>320.0</b>	<b>320.0</b>	<b>320.0</b>	<b>320.0</b>	<b>320.0</b>	<b>320.0</b>

Estimate of any current year (FY2000) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Approximately 233 employees of the State of Alaska would be affected by this legislation. The bill will not materially affect accrued liabilities or the funding ratio of PERS. However, shifting members from non-peace officer coverage to peace officer status increases the aggregate accrued liability for the System, resulting in an increase in the State's total contributions to PERS by approximately \$320.0. This cost would increase as salaries increase.

Based upon our actuaries evaluation, the State's average PERS contribution rate will increase by approximately .05% of State salaries if this bill is passed.

Prepared by: Guy Bell Phone 465-4471  
 Division Retirement and Benefits Date/Time \_\_\_\_\_  
 Approved by Commissioner: Robert Poe Jr. Date 4/11/00  
 Agency Department of Administration

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# HOUSE COMMITTEE REPORT

(7)  
 Date Referred to Committee: April 9, 1999 FURTHER REFERRALS: Finance

Date of Committee Action: 04/14/00

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: HB 184

HOUSE BILL NO. 184 PERS BENEFITS FOR JUV INSTIT EMPLOYEES

"An Act granting certain juvenile detention or juvenile correctional institution employees status as peace officers under the public employees' retirement system; and providing for an effective date."

recommends it be replaced  the same title  
 with the following committee substitute \_\_\_\_\_  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_  
 fiscal note(s) Various  fiscal note(s) \_\_\_\_\_

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

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>			<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>			<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>			

Acting CHAIR'S SIGNATURE *[Signature]*