

SB

178

Alaska State Legislature

SENATOR
GENE THERRIAULT

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While in session
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Senate District Q

Senate

Senate Bill 178

“An Act relating to the detention of delinquent minors and to temporary detention hearings; amending Rule 12, Alaska Delinquency Rules; and providing for an effective date.”

SPONSOR: Senator Gene Therriault

SPONSOR STATEMENT:

The State of Alaska receives federal formula grant funding to implement the mandates of the Juvenile Justice and Delinquency Prevention Act of 1974. The four mandates of the Act include:

- Deinstitutionalization of status offenders
- Sight and sound separation of juveniles from adult offenders
- Removing juveniles from adult jail and lockup facilities
- Addressing disproportionate minority confinement

Alaska funds a variety of community based delinquency response services to meet these mandates including electronic monitoring programs, attendant care shelters and non-secure hold services, mentoring and community accountability courts.

Alaska stands to lose \$168,000 of these federal formula funds because of the number of youth temporarily held in rural and remote adult jails throughout Alaska prior to an initial court hearing and transport to a youth facility. This noncompliance could mean that Alaska will also lose discretion on how \$504,000 of federal money may be used. Federal law will require these funds to be rerouted and used to bring the state into compliance.

When a juvenile commits a serious offense in a rural or remote community, they may need to be detained upon arrest in order to protect the public. There are only 6 juvenile detention centers throughout Alaska, so serious juvenile offenders in remote communities often end up in village adult lockup facilities awaiting relocation to a juvenile facility. Federal regulations require that juveniles in adult facilities be held for no more than 24 hours; however, the regulations also allow a state to extend those time limits because of adverse weather, limited transportation options, and other conditions. Such an extension is only available in states where the juvenile must make an initial appearance in court within 24 hours of their arrest.

SB 178 would require an initial appearance in court within 24 hours for juveniles placed in an adult jail or lockup and would place the federal regulation exception language into state statute. This change would give Alaska the ability to claim certain exceptions to the federal mandates, preserve the state's eligibility for 100% of the federal formula grant allocation, but would not allow juveniles to be held in adult facilities any longer than is absolutely necessary.

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Senate District O

Senate

SB 178

Briefing Paper

- Alaska exceeds the number of violations associated with excessive time limits for juveniles held in adult jails or lockups. This jeopardizes Alaska's continued receipt of federal formula delinquency prevention grant funds.
 - Federal Formula Grant totals \$672.0
 - Grant funds support: attendant care shelters; mentoring programs; electronic monitoring; youth and elders courts.
- The Juvenile Justice and Delinquency Prevention Act of 1974 creates 4 primary mandates, including the removal of juveniles from adult jails. The regulations for the Act allow a state to claim certain exceptions to specified time limits if the state enacts a 24 hour arraignment for juveniles held in adult jails or lockups.
 - Senator Stevens Alaska Exemption to the 24 hour arraignment rule for juveniles in adult jails and lockups expire September, 2002.
- SB 178 established a 24 hour arraignment requirement for juveniles arrested and held in rural and remote adult jails and holding facilities and puts the federal regulation time exception language in the Delinquency statutes.
- SB 178 would not extend the periods of time for which juveniles might be held in adult lockups. Officials would continue to move juveniles from remote locations into regional juvenile detention centers as quickly and safely as possible. SB 178 simply gives Alaska access to regulatory time exceptions which lower violation rates and preserve federal funding.
- Youth held in juvenile detention centers would continue to be arraigned within 48 hours as provided under the current statute.
 - Establishing a two level delinquency arraignment system minimizes the fiscal impact and preserves Alaska's eligibility for full federal formula grant funding.
 - There were 2,728 juveniles detained in FY 2000. 222 of these were held for various periods of time in adult jails or lockups, most were moved to juvenile detention facilities within allowable time limits.
 - The violation rate can not be more than 9 "non-conforming" holds per 100,000 population. This would put Alaska's rate at 19.5. In FY 1998 we had a violation rate of 29.5 and in FY 1997 the violation rate was 38.2. These violations would be under the 19.5 rate if Alaska could claim the exceptions provided through enactment of a 24 hour arraignment for juveniles held in adult jails or lockups.

DETENTION EPISODES FOR FY2000

Offenses Under Jurisdiction of DJJ

Offense	Total Detained State Wide	Juveniles held in adult jails or lockups
Arson	5	1
Assault	412	18
Burglary	120	15
Concealment	11	7
Crim. Misch	72	2
Crim Trespass	23	3
Disorderly Conduct	20	3
Forgery	5	0
Harassment	1	0
Kidnap	1	1
MIW	24	0
MICS	74	14
Prob. Viol.	590	16
Resisting Arrest	18	
Rioting	1	
Robbery	13	
Sale of Alcohol	1	
Sexual Assault	17	2
Sex. Abuse Minor	22	3
Theft	198	9
Viol Valid Ct Ord	11	1
Viol Conditions Rel	108	
Murder	9	1
Bench Warrant - PV	96	
Weapons	2	
Mtr Vehicle Theft	36	1
Escape	3	
Terroristic Threat	8	2
Crim Neg Burning	1	
Crim Chg. Unspecified	1	
False Information	2	
Attempted Murder	1	
Unlawful Evasion	2	
Out of State Cr Warrant	1	
Coercion	1	
Viol DV Restraining ord	4	
Possession Stolen Prop	1	
Indecent Viewing	1	
Domestic Viol Assault	77	17
DJJ Subtotal:	1993	116

Note: The projected number of detention episodes occurring between Friday 3 p.m. and Midnight of FY2000 potentially requiring a weekend arraignment is 31 cases.

DETENTION EPISODES FOR FY2000

Offenses Under District Court Jurisdiction

<u>Offense</u>	<u>Total Detained State Wide</u>	<u>Juveniles held in adult jails or lockups</u>
Offense	Totals	
Bench Warrant -FTA	62	6
Bench Warrant -Traffic	1	0
DWOL	17	2
DWLS	8	8
DWI	40	12
FTA	14	0
Reckless Driving	11	3
Serve Time	8	3
Traffic Criminal	17	17
Dist Court Subtotal:	178	51

Miscellaneous Categories

Prg. Discipline	43	
Medical Transfer	3	
Transfer from other fac.	28	
On Pass	3	
INS Hold	2	
INS Hold for deportation	2	2
Prerelease Pgm	1	
Miscellaneous Subtotal:	82	2

Total: 2253 135

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 178
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
 Title: Relating to the Detention of Minors BRU: Juvenile Justice
 Component: Delinquency Prevention
 Sponsor: Sen. Therriault
 Requester: Senate (HES) Component Number: 248

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Alaska receives approximately \$670,000 per year through the Juvenile Justice and Delinquency Prevention Act (Act) formula grant program which supports activities related to the four mandate areas under the Act: 1. Deinstitutionalization of status offenders, 2. Separation of juveniles from adult offenders, 3. Removing juveniles from adult jail and lockup facilities, and 4. Disproportionate minority confinement. If a state fails to comply with standards set for each of these four mandates, a grant withholding penalty of 25% is assessed against the formula grant total for each mandate in which the state is found to be in non-compliance. Additionally, failure to correct areas of non-compliance will require all remaining funds be directed to efforts to bring the state into compliance with the Act.

Prepared by: George Buhite, Director Phone 465-1385
 Division: Juvenile Justice Date/Time 3/14/01 7:58 AM
 Approved by: Elmer A. Lindstrom, Special Assistant Date 4/12/01 4:44 PM
 Agency: Department of Health & Social Services

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ANALYSIS: (continued)

Alaska has difficulty meeting the established compliance standards related to the removal of juveniles from adult jails and lockup facilities. Because of Alaska's expansive geography, limited transportation services in many rural parts of the state, adverse weather conditions which impact transportation, and the fact there are only 6 youth detention facilities in Alaska, the state stands to lose approximately \$168.0 in federal grant receipts due to non-compliance with jail removal mandates under the JJDP Act.

The Act allows a state to receive full formula grant funding if, through application of certain compliance exceptions, the number of violations remain below the limits set by federal regulation. In order to take advantage of the jail removal compliance exceptions the state must have a law requiring that juveniles placed in an adult facility be brought before the court within 24 hours of their placement. These exceptions provide a set of allowable circumstances under which a juvenile may be held in an adult facility without incurring a non-compliance violation of the jail removal mandate of the Act. These exceptions allow a juvenile to be held for longer periods as a result of limited transportation services, adverse weather conditions or other circumstances which contribute to delays in moving juvenile offenders out of inappropriate adult facilities into youth detention facilities. This bill proposal would enact a 24 hour arraignment in these juvenile cases, places the mandate exceptions provided in the federal regulations in state statute, and would preserve Alaska's ability to claim full funding of the federal grant award under the Act.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

BILL NO. SB 178

Revision Date/Time (Note if correction) Revised 4/24/01 Dept. Affected _____
 Title Detention of Juveniles BRU Alaska Court System
 Component Trial Courts
 Sponsor Senator Therriault
 Requester Senate Health and Social Services Component No. 768

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Section 3 of SB 178 reduces the amount of time allowed between detention and arraignment of a juvenile housed in an adult correctional facility. The current law requires the juvenile to be brought before the court within 48 hours; this bill reduces that time to 24 hours. This change will require more juvenile arraignment hearings to be held on the weekend. The Division of Juvenile Justice estimates that had this provision been in effect in FY 2000 there would have been 31 additional weekend hearings. Although this number is too small to generate a fiscal note, the steady increase in weekend court proceedings will eventually become significant enough to warrant additional funding.

Prepared by: Douglas Wooliver Phone 463-4750
 Division: Alaska Court System Date/Time 4/24/01 9:30 a.m.
 Approved by: Stephanie Cole Date _____
 Agency: Alaska Court System

For distribution information, call the Governor's Legislative Office

Alaska Juvenile Justice Advisory Committee (AJJAC)

APR 27 2001

April 27, 2001

Vicki J. Blankenship
AJJAC Chair
574 Grandview Ct.
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Phone: 907-479-9511
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email: blank@alaska.net

Honorable Norm Rokeberg
Chair of the House Judiciary Committee

RE: Written Testimony for Senate Bill 178

Dear Representative Rokeberg:

Barbara Tyndall
AJJAC Vice Chair
907-488-1433

On behalf of the Alaska Juvenile Justice Advisory Committee (AJJAC), I ask that you and the House Judiciary Committee support Senate Bill 178. Please consider this letter as written testimony in support of SB 178. The AJJAC is a non-partisan citizens' advisory board for the juvenile justice system in Alaska. We are comprised of volunteers throughout Alaska who have experience with youth and the juvenile justice system.

Sue Lovekin
AJJAC Secretary
907-269-0014

Alaska currently receives money from the federal government through the Juvenile Justice and Delinquency Prevention Act (JJDP). This money is used for prevention and intervention programs throughout Alaska. In order to receive this money, states must comply with four core mandates to the Act. Alaska has met all of the mandates except one. This mandate requires any juvenile held in an adult facility to be arraigned within 24 hours of being arrested. Alaska law currently allows 48 hours. Senator Stevens was able to obtain an exemption to the federal Act for Alaska, but only until September 2002. We must change our state law to comply with federal law in order to continue receiving funds for these important programs.

Barbara Learmonth
AJJAC Staff
907-463-3855

AJJAC Members:
Lynn Bartlett
Tom Begich
Jeff Budd
Bernard Gatewood
Michael Jeffery
Virgie King
Joe Murdy
Barbara Murray
Joe Pruitt
Abad Senquiz Jr.
Christine Smith
Pepsi Souksi
Jaime M. Zellhuber

Senate Bill 178 would amend Alaska's law to comply with the federal Act. SB 178 establishes a 24 hour arraignment requirement for juveniles arrested and held in adult jails and holding facilities and puts the federal regulation time exception language in the Delinquency statutes. SB 178 mirrors the federal law in that it also gives a rural exception if there are no roads and/or bad weather and allows them more time to get the youth to court. SB 178 would not extend the periods of time for which juveniles might be held in adult facilities. With SB 178, youth held in juvenile facilities (not adult facilities) would continue to be arraigned within 48 hours as provided under the current statute.

I am not aware of any department within the state that is opposed to this change in law. I believe we all see the need for prevention and intervention programs and it is critical that we continue receiving federal money for this purpose.

Thank you for your consideration of SB 178 and we hope you support it.

Sincerely,

Vicki J. Blankenship

Vicki J. Blankenship, AJJAC Chair