

ALASKA LEGISLATURE COMMITTEE FILES 1900-1900 00/2

4082 SJUD SB 264 958

JAN 16 1986

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 2/23/86

**REQUEST**

Bill/Resolution No.: SB 264  
 Title: "An act relating to unlawful  
 conduct of minors"  
 Sponsor: Rodev  
 Requestor: Judiciary  
 Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: Department of Administration  
 BRU: Public Defender Agency  
 Components: Third Judicial District

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

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		99.8	103.8	108.0	112.3	116.8
TRAVEL		5.0	5.2	5.4	5.6	5.8
CONTRACTUAL		10.0	10.4	5.4	5.6	5.8
SUPPLIES		2.5	2.6	2.7	2.8	2.9
EQUIPMENT		6.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	123.3	122.0	121.5	126.3	131.3
CAPITAL						
REVENUE						

**FUNDING : (Thousands of Dollars)**

GENERAL FUND	-0-	123.3	122.0	121.5	126.3	131.3
FEDERAL FUNDS						
OTHER						
TOTAL						

**POSITIONS :**

FULL-TIME	-0-	2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

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

(See Attached)

Prepared by: Dana Fabe, Public Defender  
 Division: Public Defender Agency

Phone: 279-7541  
 Date: 2/28/86

Approved by Commissioner: Eleanor Andrews  
 Agency: Department of Administration

Date: 2/6/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Fiscal Note Analysis  
 Prepared by Division of Public Defender Agency  
 Department of Administration  
 February 28, 1986

This bill provides that persons 16 or 17 years of age who are charged with unclassified felonies may be automatically prosecuted in adult court upon petition of the District Attorney.

The result of this legislation will be to increase the number of persons age 16 or 17 who are charged and prosecuted as adults for serious felonies. Unclassified felonies are the most serious cases that this agency handles, including Murder, Kidnapping and Sexual Assault cases. Transferring these cases into the more adversarial adult justice system will require a great deal of additional attorney time. When these cases are dealt with in juvenile court, they rarely proceed to trial, while unclassified adult felonies proceed to trial at the highest rate of any cases in our office. Since the additional trials of these most serious types of felonies will require a great deal of additional attorney time, and convictions of these serious offenses will inevitably result in appeals requiring still more attorney time, one full-time Assistant Public Defender will be needed in Anchorage if this bill is enacted.

Fiscal Analysis

<u>Personal Services:</u>	Attorney IV	72.4	
	Clerk-Typist III	27.4	
			99.3
<u>Travel:</u>	Expert witnesses and investigation		5.0
<u>Contractual:</u>	Expert witnesses, space, etc.		10.0
<u>Supplies:</u>	Office, law library, etc.		2.5
<u>Equipment:</u>	(one time) Furniture, office machines, etc.		<u>6.0</u>
	Total		123.3

Position Title <b>Clerk/Typist III</b>		No. of Positions <b>1</b>	Range/Step <b>8A</b>	Bag Unit <b>GG</b>	Gov.	Approv.	Disapp
Time Status <b>PFT</b>	Staff Months <b>12.0</b>	RP Number		Location <b>Anchorage</b>	Election District <b>8</b>	Leg.	
Justification							
<p>The enactment of the juvenile waiver bill will result in additional unclassified felonies for this agency. A clerk typist III is requested for Anchorage to provide necessary support services.</p>							
Type of Expenditure			Amount				
1			2		3		
Salary 1631 x 12			19,572				
Benefits			7,804				
Premium Pay							
Other							
Total Personal Services					27,376		
Travel					-0-		
Contractual					-0-		
Commodities					1,000		
Equipment					4,500		
Other							
Total Cost					32,876		
Receipt Code		Funding Source					
		Federal Receipts 1002					
		G. F. Match 1003					
		General Funds 1004					
		I-A Receipts 1015					
		Program Receipts 1028					
		CIP Receipts 1061					
		Other					
		32,876					
For B&M Use Only Key Number _____							

**Request For  
New Position**

Agency Department of Administration  
 BRU Public Defender Agency  
 Component Third Judicial District

Page 3 of 4  
 Revised Date \_\_\_\_\_

**FY 87**

Position Title <b>Attorney IV</b>		
Time Status <b>PFT</b>	Staff Months <b>12.0</b>	RP Number

No. of Positions <b>1</b>	Range/Step <b>24A</b>	Org. Unit <b>PA</b>	Gov.	Approv.	Disapp
Location <b>Anchorage</b>		Election District <b>8</b>	Leg.		

Type of Expenditure		Amount
1	2	3
Salary <b>4687 x 12</b>	<b>56,244</b>	
Benefits	<b>16,109</b>	
Premium Pay		
Other		
<b>Total Personal Services</b>		<b>72,353</b>
Travel		<b>5,000</b>
Contractual		<b>8,000</b>
Commodities		<b>1,500</b>
Equipment		<b>1,500</b>
Other		
<b>Total Cost</b>		<b>87,853</b>

Justification

This fulltime Attorney IV position will be needed to handle the additional serious cases that will result from enactment of the juvenile waiver bill. The full working level of Attorney will be required because those cases to be tried will be unclassified felonies, which are the most serious criminal offenses.

Receipt Code	1	Source	
		Federal Receipts 1002	
		G. F. Match 1003	
		General Funds 1004	<b>87,853</b>
		I-A Receipts 1005	
		Program Receipts 1028	
		CIP Receipts 1061	
		Other	

For B&M Use Only  
Key Number \_\_\_\_\_

**Request For  
New Position**

Agency Department of Administration  
 BRU Public Defender Agency  
 Component Third Judicial District

Page 4 of 4  
Revised Date \_\_\_\_\_

**FY 87**

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST:**

Bill/Resolution No.: SB 264  
 Title: "An Act relating to unlawful conduct of minors; and amending Rule 24 of the Alaska Rules of Childrens Procedures."  
 Sponsor: Senator Rodev  
 Requestor: (S) HESS  
 Date of Request: April 25, 1985

**FISCAL DETAIL:**

Agency Affected: DEPARTMENT OF CORRECTIONS  
 Program Category Affected: \_\_\_\_\_  
Administration of Justice  
 BRU, Program or Subprogram(s) Affected: Offender Confinement, Reformation and Supervision

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

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
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<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-
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**FUNDING: (Thousands of Dollars)**

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

**POSITIONS:**

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

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

This legislation will have no fiscal impact on the Department of Corrections.

Prepared By: William W. Ladwig, Deputy Commissioner  
 Division: Deputy Commissioner - Administration

Phone: 465-3376  
 Date: April 25, 1985

Approved by Commissioner: [Signature]  
 Agency: DEPARTMENT OF CORRECTIONS

Date: April 25, 1985

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget

## STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : SB 264  
 Title : An Act Relating to Detention  
 and Unlawful Conduct of Minors  
 Sponsor : Rodey, Faiks, Aboud  
 Requestor : Senate Hess  
 Date of Request : 2/26/86

**FISCAL DETAIL**

Agency Affected : Alaska Court System  
 BRU : Trial Courts  
 Components : \_\_\_\_\_

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

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
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>						
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<b>REVENUE</b>						
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**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						

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

No fiscal impact. Based on information provided by Department of Health and Social Services, an additional 12-14 juveniles will be waived to adult court for trial. Fiscal impact of additional trials to be absorbed by existing staff.

Prepared by : Robert G. Fisher Phone : 264-8215  
 Division : Alaska Court System Date : 2/28/86

Approved by Commissioner : Arthur H. Snowden, II Date : 2/28/86  
 Agency : Alaska Court System

**Distribution (by Agency preparing fiscal note) :**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)



FEB 25 1986

DEPARTMENT OF PUBLIC SAFETY  
POSITION PAPER - CSSB 264 (HESS)

Neutral

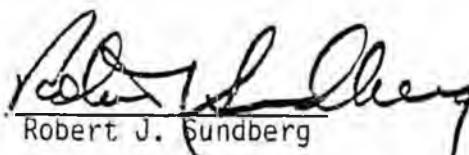
February 21, 1986

The Department supports the provisions of Sections 1 - 7.

Section 8, AS 47.10.125 (g), requires that we maintain files separate from adults. This would serve no practical purpose since our files are kept in a computer. We could keep them in state without a problem and the hard copy could be kept in separate cabinets, but the data from the minutia should be in the computer.

Fingerprints obtained under this section should not be purged.

Prince George County in Maryland has an Automated Fingerprint System. They also fingerprint juveniles. They found their data base consists of 6% juveniles and 94% adults. Over half of the latent prints identified, using their equipment, are identified as juvenile prints contained in their files.

  
Robert J. Sundberg



Sec. 47.10.060. Waiver of jurisdiction. (a) If the court finds at a hearing on a petition that there is probable cause for believing that a minor is delinquent and finds that the minor is not amenable to treatment under this chapter, it shall order the case closed. After a case is closed under this subsection, the minor may be prosecuted as an adult.

(b) [Repealed. § 8 ch 110 SLA 1967.]

(c) [Repealed. § 8 ch 110 SLA 1967.]

(d) A minor is unamenable to treatment under this chapter if the minor probably cannot be rehabilitated by treatment under this chapter before reaching 20 years of age. In determining whether a minor is unamenable to treatment, the court may consider the seriousness of the offense the minor is alleged to have committed, the minor's history of delinquency, the probable cause of the minor's delinquent behavior, and the facilities available to the division of youth and adult authority for treating the minor.

(e) A person who has been tried as an adult under this section, or the Department of Health and Social Services on the person's behalf, may petition the superior court to seal the records of all criminal proceedings, except traffic offenses, initiated against the person, and all punishments assessed against the person, while the person was a minor. A petition under this subsection may not be filed until five years after the completion of the sentence imposed for the offense for which the person was tried as an adult. If the superior court finds that the punishment assessed against the person has had its intended rehabilitative effect, the superior court shall order the record of proceedings and the record of punishments sealed. Sealing the records restores civil rights removed because of a conviction. A person may not use these sealed records for any purpose except that the court may order their use for good cause shown or may order their use by an officer of the court in making a presentencing report for the court. (§ 9 art I ch 145 SLA 1957; am § 1 ch 118 SLA 1962; am §§ 3, 8 ch 110 SLA 1967; am § 6 ch 104 SLA 1971; am § 13 ch 63 SLA 1977)

Cross references. — For hearings before the juvenile court, see AS 47.10.070. See also, Children's Rule 3, Alaska Rules of Court.

NOTES TO DECISIONS

Non-criminal treatment of child offenders is to be rule. — The statutory framework for dealing with child offenders contemplates that non-criminal treatment is to be the rule and adult criminal disposition the exception. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972).

Section provides means to determine amenability to treatment available for

child offenders. — The waiver procedure set out in this section and in Rule of Children's Procedure 3 provides the means by which the children's court judge determines, prior to adjudicating the delinquency petition, that an accused child is not a suitable subject for the treatment available for child offenders. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972).

The penal... under... a and... State... 2144...

A mi... dren's... subject... Op. No... (1952).

A mi... "elect"... v. State... 4846, 6-

Where... conduct... to sente... adult B... 1104 F.

Before... the cour... hearing... 1104 F.

Option... absent w... dren's... positions... the only... tion after... this sectio... in respect... prevent at... State Ct... 645 P.2d 7

But hea... — A wa... nature an... adjudicator... No. 2035... (1979).

And rig... — Although... right to at... waived the... failed to as... to waive e... N.P.A. v. S... No. 4615).

Findings... — To just... judge must... that prosec... hearing is... committed... charged in... committed t... crime and t... treatment c... re P.H., S... 1538), 504 P.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES  
FEBRUARY 18, 1986  
1:36 P.M.

MEMBERS PRESENT:

Senator Bettye Fahrenkamp, Chairman  
Senator Edna DeVries  
Senator Joe Josephson  
Senator Arliss Sturgulewski

MEMBERS ABSENT:

Senator Paul Fischer

COMMITTEE CALENDAR:

SB 264: Relating to detention and unlawful conduct of minors.

Sunset Review: Board of Nursing Home Administrators.

Sunset Review: Board of Dental Examiners.

WITNESS REGISTER:

Mike Price, Director  
Division of Family and Youth Services  
P.O. Box H-05  
Juneau, AK 99811  
Position Statement: Opposed to automatic waiver in CSSB 264.

James Vaden, Deputy Commissioner  
Department of Public Safety  
450 Whittier St.  
Juneau, AK 99801  
Position Statement: Opposed to Section 9, CSSB 264.

Margot Dick  
310 Irwin St.-B  
Juneau, AK 99801  
Position Statement: Opposed to CSSB 264.

Jennifer Strickler  
Division of Occupational Licensing  
P.O. Box D  
Juneau, AK 99811  
Position Statement: Support legislative audit findings for Board of Nursing Home Administrators; recommends continuance of the Board of Dental Examiners as is.

Ruth Roth  
P.O. Box 479  
Sitka, AK 99835

Position Statement: Overview, Board of Nursing Home Administrators.

Merle Jensen, Deputy Auditor,  
Division of Legislative Audit  
P.O. Box W  
Juneau, AK 99811

Position Statement: Support legislative audit of Board of Dental Examiners.

Dr. Paul Buxton  
P.O. Box 1376  
Soldotna, AK 99669

Position Statement: Overview, Board of Dental Examiners

PREVIOUS ACTION:

SB 264, Please refer to committee minutes dated 04/30/85 in HESS Committee.

ACTION NARRATIVE  
February 18, 1986

TAPE ONE, SIDE ONE

Number 036

Senator Josephson moved and asked unanimous consent to bring CSSB 264 before the Committee. There were no objections.

Number 095

Mike Price, Director, Division of Family and Youth Services stated that the Division is opposed to the automatic waiver provision of SB 264. He stated the present system of case-determinant waiver is working well. With adequate evidence, juveniles can be waived to adult court for crimes ranging from murder to minor in possession. He indicated that of the 26 waivers requested from 1983 to 1985, 75% were granted. In the present system, the focus is on prospects for rehabilitation of the juvenile and past criminal behavior. Age, the basis for waiver in SB 264, is too limiting a factor, Price noted.

Number 384

Price displayed several charts. The first showed a 15% increase in juvenile population in Alaska between 1979 and 1985. The second showed that of the total crimes committed, the number committed by adults is increasing while the number committed by juveniles has remained stable. The third chart indicated that the rate of both juvenile and adult offenses is decreasing. Chart #4 displayed the flow of juvenile offenders through the court system. Of those

arrested, most aren't detained, and of those who are, only 1/6 are adjudicated, Price said. Chart #5 showed an increase in juvenile probation services and detention. Price said these increases are due to the system being "hard on crime" and focusing resources on juvenile offenders.

TAPE ONE, SIDE TWO

Number 063

James Vaden, Deputy Commissioner, Department of Public Safety, addressed the issue of fingerprinting of juveniles in Section 9 of CSSB 264. He said that fingerprints of juveniles should be kept in the same files as fingerprints of adults to allow the Department automatic access to them. He stated that the Department has no position on CSSB 264.

Number 269

Margot Dick, representing the Alaska Women's Lobby, stated that the organization opposes SB 264 because the waiver is based on age, rather than case determination.

Number 345

Jennifer Strickler, Assistant to the Director, Division of Occupational Licensing, stated that the Division supports the findings of the legislative audit for the Board of Nursing Home Administrators and suggests decreasing the number of board meetings to help reduce expenses.

Number 382

Ruth Roth, Chairperson, Board of Nursing Home Administrators, stated that the Board has no objection to decreasing the board membership as recommended by the audit, although, due to the increasing age of the population in Alaska and the expected need for more nursing homes, there may eventually be a need to increase the membership again.

Number 474

Senator Pat Rodey, sponsor of SB 264, joined the meeting and made a brief statement in support of CSSB 264.

Number 513

Jennifer Strickler said that the Division recommends that the Board of Dental Examiners be continued. She explained that regulations addressing continued competence are being drafted, and that the board ceased licensing by credentials in 1985 upon a finding by the Attorney General that the Board's credential review procedure was inconsistent with the law.

Number 661

Merle Jensen, Deputy Legislative Auditor, addressed recommendation #2 in the audit which recommends that the Board allow for licensure by credentials. He stressed that the statute governing credentials is permissive.

Number 813

Dr. Paul Buxton, member, Board of Dental Examiners, stated that the quality of students sitting for the dental exam is decreasing. He noted that licensure by exam is preferred over licensure by credentials, and suggested repealing the credentials provision.

TAPE TWO, SIDE ONE

Number 300

Senator Fahrenkamp recommended sending a letter to the Senate President stating that the Committee will be introducing legislation to continue the Board of Nursing Home Administrators with a decrease in membership, and allowance for one meeting a year. Fees, she said, should be assessed to a break even point. She adjourned the meeting at 3:30 p.m.

# Alaska State Legislature

Advisory Council Members  
Senator Kerttula, Chairman  
Senator Bennett  
Senator Fahrenkamp  
Senator Vic Fischer



Pouch V  
State Capitol  
Juneau, Alaska 99811  
Phone: (907) 465-3114

## SENATE ADVISORY COUNCIL

### MEMORANDUM

TO: SENATOR VICTOR FISCHER  
FROM: ELIZABETH J. HICKERSON *ejh*  
RE: JUVENILE WAIVER STATISTICS  
DATE: JANUARY 29, 1984

The following information reflects the number of requested juvenile waivers and the number denied, granted or pending over the last five years in the State of Alaska.

1st Judicial District

5 waivers requested, 2 granted, two denied and one withdrawn

2nd Judicial District

1 waiver requested, granted

3rd Judicial District (since Sept. 1978)

7 waivers requested, 5 granted, 1 denied, 1 pending  
(additional information attached for 1967-76)

4th Judicial District

4 waivers requested, 3 granted, 1 denied

Total: 17 waivers requested: 11 granted, 4 denied, 1 pending, 1  
withdrawn

Attached are letters supporting these statistics from Jay Warner, Children's Intake Officer, 3rd Judicial District and Sharon Henson, Administrative Assistant, Alaska Court System.

If I can be of further assistance on this matter, please contact my office.



DIVISION OF FAMILY AND YOUTH SERVICES  
STATISTICS 1-15-86

	<u>FY 1978</u>	<u>FY 1983</u>	<u>FY 1985</u>
I. At Risk Population	135,218	153,536	171,000
	----- 26% increase -----		
Youth Services	<u>CY 1980</u>	<u>CY 1985</u>	<u>INCREASE % / CHANGE</u>
Average # youth under probation supervision	847	1,448	+71% <i>Focusing more resources</i>
# youth admitted to youth services detention facilities	1,198	1,995	+67%
Average daily census/youth services detention facilities	45.4	88.2	+95%
# youth admitted to youth services treatment facilities	86	171	+99%
Average daily census/youth services treatment facilities	83.9	11.7	+33%

II. Indices of juvenile crime indicate continued decreases for the last seven (7) years.

	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>
Total arrests	5,697	5,569	6,128	5,509	5,349	5,250*	----
Total intakes	-0-	5,857	6,368	6,079	6,188	6,318	6,212
Arrest rate per 1000 0-18 years	43.15	42.59	42.99	36.35	33.41	31.42	N/A
Intake rate per 1000 0-18 years	N/A	44.79	44.46	40.08	38.65	37.82	36.3

\*Projection based off partial Department of Public Safety 1985 statistics.

III. Total arrest for juvenile violent crimes.

Murder	3	2	2	8	2	N/A	N/A
Manslaughter	0	0	0	0	2	N/A	N/A
Rape	13	7	8	14	29	N/A	N/A
Robbery	32	25	23	13	10	N/A	N/A
Aggravated Assault	46	82	59	86	75	N/A	N/A
Total Juvenile Arrests for Violent Crimes	94	116	92	121	118	N/A	N/A
Juvenile Arrest Rate Violent Crimes per 1000	.71	.88	.64	.79	.70	N/A	N/A



IV. Information for Anchorage and Fairbanks

	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>
Total Intakes Anchorage	2,431	2,270	2,741	2,235	2,283	2,111	2,156
Total Juvenile Arrests Anchorage	1,997	1,927	2,266	1,863	1,957	N/A	N/A
Total Intakes Fairbanks	1,296	1,339	1,323	1,163	1,108	953	798
Total Juvenile Arrests Fairbanks	445	483	526	391	362	N/A	N/A

V. Twenty six (26), or 75% of petitions for waiver have been granted. (Information for years 1983 to 1985.)

Murder, First Degree	10
First and Second Degree Sexual Assault (or attempts)	5
Burglary	4
Second Degree Theft	1
Second Degree Criminal Mischief	1
Possession of Marijuana	1
Minor Consuming	<u>1</u>
TOTAL	26

VI.	<u>FY 1981</u>	<u>FY 1985</u>
Youth Services BRU	7,318.7	13,545.3
Foster Care	1,338.6	1,936.9
Institutional Care	<u>1,139.2</u>	<u>1,207.6</u>
TOTALS	9,796.5	16,689.8

+ facilities built/expanded:

40% expansion  
in 4 yrs.  
~~(1981-1985)~~

46x

None

S.E. - Johnson Center, Juneau

Anchorage

2-18-86

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### DIVISION OF FAMILY AND YOUTH RECIDIVISM STUDY

In FY 82, the Division of Family and Youth Services initiated a study of recidivism and those delinquents released from DFYS' institutional treatment programs who have reached a 18. The study tracks the adult criminal records of youth released in each fiscal year. Those released during FY 81 have been traced nearly 5 years, and those released in each succeeding fiscal year have been tracked proportionately less time from the time of the release to January, 1986.

Because of limited staff resources and time, and because the youth studied represent the most serious of delinquent youth, the study was limited to felony arrests. The following summarizes the results to date.

The study shows that of 482 youth released, 356, or 74% have not been re-arrested for felony. Of the 26% who have been arrested for felonies, 60% have committed only one felony offense. A small group of multiple offenders -- 5% of the youth released--are responsible for 40% of felony offenses committed by the group of youth released.

#### YOUTH DISCHARGED FY 81 - FY 85

Total Discharged	Number Arrested for Felony	% Arrested for Felony	# Not Arrested for Felony	% Not Arrested for Felony
482	126	26%	356	74%

#### BREAKDOWN OF OFFENSES BY YOUTH ARRESTED

Total Offenses	Unclassified Felony	A Felony	B Felony	C Felony
# 217	1	15	54	141
% 100	Less than 1%	7%	26%	67%

Municipality  
of  
Anchorage



COMMISSION YOUTH  
825 "L" Street

POUCH 6-650  
ANCHORAGE, ALASKA 99502-0650  
(907) 264-6730

TONY ANOWLES  
MAYOR

12-26-85  
"Comm Youth" / 2

December 26, 1985

Senator Patrick Rodey  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Senator Rodey:

Earlier this year you had asked the Anchorage Commission on Youth to respond to SB 264, an act relating to juvenile waiver. After researching and discussing the issue, the Commission unanimously voted to not support any proposed legislation to change the waiver laws and submit the following testimony to you and other concerned lawmakers.

To begin with, the Commission was unable to come up with any solid reasons to change the waiver laws. We feel it is a "non-issue", having been brought to the forefront of public discussion because of a few isolated incidences of juvenile crime.

As it exists now, there have been very few cases involving serious violent crimes that prosecutors have been unable to obtain a waiver of jurisdiction. Your answer to this fact has been that prosecutors are unwilling to attempt waiver because it is time consuming and difficult to prove that the minor is not amenable to treatment under the current system. The Commission responds to this charge in two ways. First, should not the process of waiver be difficult, inherently possessing a number of checks and balances before the child offender is committed to a life behind bars? Second, it would seem unprofessional for prosecutors to say they are not willing to do their publicly mandated work of protecting the people because it is time consuming. If this is the case, then we suggest hiring more prosecutors.

The second point that the Commission would make is that it was less than five years ago that the responsibility for juvenile offenders switched from the Division of Corrections to Family & Youth Services. In the recent report on Juvenile Justice in Alaska, prepared by D.F.Y.S., it appears that this switch was indeed a wise decision by our lawmakers. "Despite widespread and persistent beliefs, juvenile crime in Alaska is neither increasing or



"YOUNG PEOPLE HELPING YOUTH"

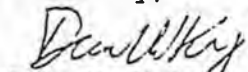
becoming more violent," says the first sentence in this report. Automatic waiver is a regression back to an old system that had few successes in rehabilitating juvenile offenders. In a few short years, the state has made significant strides in prevention and early intervention when it comes to juvenile crime. The data shows that this emphasis has worked and can continue to work with continued funding.

Though we have not seen a fiscal note for SB 264, or its House compliment, HB 205, we have seen fiscal notes for similar bills introduced in other years. One of these bills, CSHB 109 (1983), puts the cost around \$1.5 million. In a time of fiscal constraint, the Commission does not believe that expenditures for additional prison cells to house juveniles is warranted, particularly if these costs would negatively effect expenditures for prevention and early intervention.

Finally, the Commission would like to respond to the popular claim that by passing an automatic waiver law, the community sends a strong message to juveniles that they will be severely dealt with when committing a violent crime. Frankly, we have never seen any data to support this claim and doubt that a potential juvenile offender is likely to reconsider before committing a violent and/or heinous crime against another person, if he/she knew that they would be "severely dealt with". Granted, some youth have been exploited by others to believe that they will not get in trouble for committing a crime because they are a juvenile. This, we fear, will never change, as there will always be vulnerable young people who will believe the lies of exploitive adults, unless, of course, we educate them first, regarding our laws and legal system. Educational programs like the Police/School Liaison Project, jointly funded by the Municipality and the Anchorage School District, sends a far clearer message to young people about crime and punishment than SB 209 or HB 205 ever could.

Thank you for the opportunity to respond to this issue.

Sincerely,



Dean W. Kriner, Jr.  
Chairman

cc: Members of Senate H.E.S.S. Committee  
Members of Senate Judiciary Committee  
Members of House H.E.S.S. Committee  
Members of House Judiciary Committee  
Members of House Finance Committee  
Patrick Reinhart, Staff Support/Commission on Youth  
Jewel Jones, Director, Department of Health & Human Services  
John Franklin, Commissioner of Public Safety, M.O.A.  
Chip Dennerlein, Intergovernmental Affairs, M.O.A.  
Dave Walsh, Chairman, Anchorage Assembly