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**6882 HOUSE HEALTH EDUCATION & SOCIAL SERVICES**

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



**JUSTICE CENTER**



**University of Alaska Anchorage**

*Juvenile Justice Report*

1990 JUVENILE JUSTICE  
AND DELINQUENCY PREVENTION ACT  
COMPLIANCE MONITORING REPORT

STATE OF ALASKA

Department of Health and Social Services

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## STATE MONITORING REPORT

### A. GENERAL INFORMATION.

1. NAME AND ADDRESS OF STATE MONITORING AGENCY.

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

2. CONTACT PERSON REGARDING STATE REPORT.

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

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

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

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

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

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

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

SECTION 223(a)(12)(A)

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

1. BASELINE REPORTING PERIOD: Calendar year 1976

CURRENT REPORTING PERIOD: Calendar year 1990

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

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

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

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

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

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

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

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

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

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

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

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

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

Yes.

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

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

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

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

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

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

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

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

C. DE MINIMIS REQUEST.

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

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

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

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

172,991 juveniles.

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

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

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

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

$0/172,991 = 0$  per 100,000

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

Not applicable.

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

Not applicable.

4. Out of State Runaways. 0

5. Federal Wards. 0

6. Recently enacted change in state law.

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

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

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

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

SECTION 223(a)(12)(B)

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

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

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

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

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

SECTION 223(a)(13)

E. SEPARATION OF JUVENILES AND ADULTS.

1. **BASELINE REPORTING PERIOD:** Calendar Year 1976  
**CURRENT REPORTING PERIOD:** Calendar Year 1990
  
2. **WHAT DATE HAD BEEN DESIGNATED BY THE STATE FOR ACHIEVING COMPLIANCE WITH THE SEPARATION REQUIREMENTS OF SECTION 223(a)(13)?**  
  
December 31, 1988
  
3. **TOTAL NUMBER OF FACILITIES USED TO DETAIN OR CONFINE BOTH JUVENILE OFFENDERS AND ADULT CRIMINAL OFFENDERS DURING THE PAST TWELVE (12) MONTHS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 223(A)(14)

**F. REMOVAL OF JUVENILES FROM ADULT JAILS AND LOCKUPS.**

1. **BASELINE REPORTING PERIOD:** Calendar Year 1980

**CURRENT REPORTING PERIOD:** Calendar year 1990

2. **NUMBER OF ADULT JAILS.**

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

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

3. **NUMBER OF ADULT LOCKUPS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

	<u>Total</u>	<u>Public</u>	<u>Private</u>
Baseline Data*	766	765	0
Current Data**	25	25	0

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Baseline Data: 0

Current Data: 0

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

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

Baseline Data: 0 (n/a)

Current Data: 0 (n/a)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

with the law enforcement training academies in Alaska.

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

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

G. DE MINIMIS REQUEST: NUMERICAL

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

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

TOTAL = 99

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

172,991 juveniles.

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

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

Data:

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

Statistical Method of Projection:

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

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

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

## 2. ACCEPTABLE PLAN.

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

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

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

## 3. RECENTLY ENACTED CHANGE IN STATE LAW.

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

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

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

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

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

H. DE MINIMIS REQUEST: SUBSTANTIVE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) placing a full-time JJDP Project Coordinator in the Division's Central Administration Office;
- (2) development of alternatives to detention, including development of nonsecure holdover attendant care models in several rural communities and secure holdover attendant care

models in others;

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

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

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

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

## APPENDIX I: METHOD OF ANALYSIS.

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

### I. DATA COLLECTION AND DATA ENTRY.

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

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

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

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

## II. CLASSIFICATION OF OFFENDERS.

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

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

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

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

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

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

### III. DATA PROJECTION.

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

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

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

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

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

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

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

## 3. Projection for Unknown Duration of Detention:

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

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

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

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

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

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

**Detail on 1990 Jail Removal Violations in Alaska**

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

*max 12 hrs allowed*

Detail on 1990 Jail Removal Violations in Alaska

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

**Detail on 1990 Jail Removal Violations in Alaska**

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

**Detail on 1990 Jail Removal Violations in Alaska**

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

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

THE FOLLOWING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL FILE

Donna

## State of Alaska

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

### NON-SECURE ATTENDANT CARE SHELTERS



*contact*

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

MANDATES OF THE 1974 JUVENILE JUSTICE & DELINQUENCY PREVENTION ACT

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

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

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

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

# NON-SECURE Attendant Care

DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
STATE OF ALASKA

## A. GENERAL INFORMATION

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

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

## B. SPECIFIC PROGRAM INFORMATION

### 1. INTRODUCTION

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

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

The goals for Non-secure Attendant Shelter Care include:

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

NATIVE CORP.

Kotzebue

City

Soc. Service Dept.

Barrow

Mental Health Dept.

Valdez

Kodiak

Police Dept.

Wrangell

Petersburg

Dillingham

# NON Profits

1) Ketchikan

2) Sitka

3) Juneau

4) Kenai (Homer/Seward)

5) Fairbanks

# Current Grantees

Non-Profits - 5

Cities - 36

NATIVE CORP. 1

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TOTAL 12

## 2. GRANT PROGRAM REQUIREMENT

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

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

## Requirements of an Attendant Care Shelter Program:

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

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

Written policy and procedures must clearly address:

-Individual case reports to DFYS.

-Monthly statistical reports.

-The provision of minimal personal hygiene articles and clothes.

-Prohibition against secure confinement of any offender in the facility.

-Emergency operating procedures. If an emergency should occur during the time the attendant is supervising the youth, he/she must immediately notify the program manager and DFYS probation officer and follow the instructions given.

-Procedures for allowing the youth controlled visitation and phone access to their parents, attorney and/or guardian and prohibits other visitors or phone calls unless approved by the DFYS probation officer.

-Operating procedures for instances when more than one youth is placed in the Attendant Care Shelter.

13. A systematic management plan for the ongoing evaluation of the programs policies and procedures as they effect the delivery of attendant care services and measurement of effectiveness of services provided under the grant.

The Physical Attendant Shelter Care site must:

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

THE PRECEDING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL FILE

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

THE PRECEDING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL FILE

THE FOLLOWING DOCUMENTS MAY NOT FILM  
LEGIBLY BECAUSE OF THE POOR QUALITY OF  
THE ORIGINAL

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

<u>FY'92</u> <u>Grant Award</u>	<u>GRANTEES</u>	<u>PROBATION OFFICER</u>
\$10,000	1. City of Dillingham/Police Dept. P.O. Box 869 Dillingham, Ak. 99676 Contact: Chief Ralph Taylor 907-842-5354	Kent Kaltenbacher P.O. Box 1290 Dillingham, Ak. 99576 907-842-5924
\$17,000	2. Manillaq Native Association P.O. Box 256 Kotzebue, Ak. 99752 Contact: Bea Mills 907-442-3311	Bonnie Thompson P.O. Box 1109 Kotzebue, Ak. 99752 907-442-3148
\$5,000	3. City of Wrangell/Police Dept. P.O. Box 531 Wrangell, Ak. 99929-0531 Contact: Bruce Pratz 907-874-3304	Ron Barnes 415 Main Street Room 202 Ketchikan, Ak. 99901 907-225-9639
\$15,000	4. City of Valdez/Mental Health Center P.O. Box 307 Valdez, Ak. 99686 Contact: Robert Donald 907-835-2838	Margaret Krause 268 East Fireweed Suite 5 Palmer, Ak. 99645 907-694-0522
\$25,000	5. North Slope Borough/Dept. of Health and Social Services P.O. Box 69 Barrow, Ak. 99723 Contact: Rod Atos 907-852-0263	Thomas Clarke Jr. P.O. Box 729 Barrow, Ak. 99723 907-352-5437
\$5,000	6. City of Petersburg/Police Dept. P.O. Box 329 Petersburg, Ak. 99833 Contact: Chief Marvin Ronimus 907-772-3830	Cynthia Holemar 3252 Hospital Drive Juneau, Ak. 99801 907-586-9433

DFYS Non-Secure Attendant Care Shelters

- #9987. 7. Kodiak Island Mental Health Center  
316 Mission Road Suite 119  
Kodiak, Ak. 99615  
Contact: Linda Diebels  
907-486-6567  
Valorie Watson  
200 Marine Way  
Room 13 Court House  
Kodiak, Ak. 99615  
907-426-4788
- #10,000 8. Fairbanks Native Association  
311 1/2 First Ave.  
Fairbanks, Ak. 99701  
Contact: Florence Loucks  
907-452-1581  
Gary Neubauer  
1592 Wilbur Street  
Fairbanks, Ak. 99701  
907-452-8925
- #20,000 9. Juneau Youth Services, Inc.  
P.O. Box 32839  
Juneau, Ak. 99803  
Contact: Jody Engelman  
907-789-1610  
Chuck Bennett  
3252 Hospital Drive  
Juneau, Ak. 99901  
907-586-8433
- #48,150 10. \*Kenai Peninsula Comm. Care Center  
Drawer 3573  
Kenai, Ak. 99611  
Contact: Trudy Scott  
907-283-7525  
\*Serves communities of Kenai,  
Homer, and Seward  
Karen Rogers  
145 Main Street Loop  
Suite 204  
Kenai, Ak. 99611  
907-280-3127
- #24,200 11. Ketchikan Youth Services  
P.O. Box 7202  
Ketchikan, Ak. 99901  
Contact: Kathy Moore  
907-225-2540  
Rick Roberts  
415 Main Street  
Room 202  
Ketchikan, Ak. 99901  
907-225-9539
- #11,972 12. Youth Advocates of Sitka  
P.O. Box 584  
Sitka, Ak. 99835  
Contact: Kate Bartsley  
907-747-3692  
Sue White  
110 "A" Moiler St.  
Sitka, Ak. 99835  
907-747-8103

TOTAL - \$201,309

THE FIRST PIECE OF LEGISLATION TO COME BEFORE THE COMMITTEE MEMBERS WAS SB 53, RELATING TO INCARCERATION OF MINORS IN ADULT INSTITUTIONS. CHAIRMAN STURGULEWSKI SAID THERE HAS BEEN TESTIMONY ON THE MEASURE AND THERE WAS CONCERN RAISED OVER SOMETHING BEING PUT INTO STATUTE THAT CAN'T BE MET. THERE WILL BE VIOLATIONS OCCURRING FROM THE ACT AS THERE WILL BE MINORS IN ADULT FACILITIES. SHE EXPLAINED THAT THE STATE IS IN VIOLATION WITH OR WITHOUT THE STATUTE. IF THE BILL ISN'T PASSED, ALASKA WILL NOT RECEIVE FEDERAL FUNDS AND IT WILL CREATE MORE PROBLEMS.

MARIANNE MILLS, ALASKA JUVENILE JUSTICE ADVISORY COMMITTEE, EXPLAINED THAT PRESENTLY FIFTEEN COMMUNITIES ARE BEING SERVED WITH THE MONIES THAT COME FROM THE FEDERAL GOVERNMENT TO PROVIDE ALTERNATIVES FROM LOCKING CHILDREN UP IN JAIL. SHE EXPLAINED THAT IF ALASKA IS CUTOFF FROM THE FUNDS, NONE OF THE ATTENDANT CARE SHELTER FACILITIES WILL HAVE THE FUNDS TO BE MAINTAINED AND WILL CLOSE. IN 1976, THERE WERE 800 CHILDREN THAT WERE LOCKED UP IN ADULT JAILS COMPARED TO 250 NOW.

CHAIRMAN STURGULEWSKI ASKED WHAT CAN BE DONE TO RESOLVE THE OTHER MAJOR VIOLATIONS. MS. MILLS EXPLAINED THAT SHE BELIEVES THE DIFFICULT PART HAS BEEN RESOLVED IN TERMS OF THE NUMBERS OF KIDS BEING LOCKED UP. THERE WERE APPROXIMATELY TEN COMMUNITIES THAT WERE TARGETED AS BEING

THE GREATEST VIOLATORS OF LOCKING UP KIDS IN JAILS. MOST OF THOSE COMMUNITIES NOW HAVE THE ATTENDANT CARE SHELTER FACILITIES. MS. MILLS EXPLAINED THERE ARE ABOUT 90 FACILITIES WHERE THEY ARE LOCKED UP. SHE SAID THERE NEEDS TO AN "OR CALL" TYPE OF SYSTEM WHERE IT WOULD BE DETERMINED WHAT THE CRIME IS AND WHERE THEY A CHILD WILL STAY UNTIL THEY ARE RELEASED BACK TO THEIR PARENTS.

CHAIRMAN STURGULEWSKI ASKED IF THE ALASKA JUVENILE JUSTICE ADVISORY COMMITTEE IS AN ONGOING GROUP AND WILL THEY CONTINUE TO WORK ON THE ISSUE. MS. MILLS SAID UNTIL ALASKA COMPLIES WITH THE FEDERAL MANDATE, THE ADVISORY COMMITTEE MUST SPEND ALL THEIR TIME ON THE ISSUE. CHAIRMAN STURGULEWSKI ASKED MS. MILLS IF SHE WILL COME BEFORE THE COMMITTEE AGAIN NEXT SESSION AND GIVE COMMITTEE MEMBERS A PROGRESS REPORT. MS. MILLS INDICATED SHE WOULD.

THERE BEING NO FURTHER TESTIMONY ON SB 53, CHAIRMAN STURGULEWSKI CLOSED THE PUBLIC HEARING.

NUMBER 101

SENATOR COTTON MOVED AND ASKED UNANIMOUS CONSENT THAT SB 53 MOVE FROM THE SENATE HESS COMMITTEE. HEARING NO OBJECTION, IT WAS SO ORDERED.

BILL: SB 55 SHORT TITLE: INCARCERATION OF MINORS IN ADULT INST.  
NAME: CSSB 55(JUD)  
TITLE: "AN ACT RELATING TO THE DETENTION AND INCARCERATION OF MINORS."

SPONSOR(S): SENATOR(S) DUNCAN

CURRENT STATUS: (H) HES STATUS DATE: 03/06/92  
THEN JUD, RLS

HEARING: (H) HES APR 10 08:30 AM

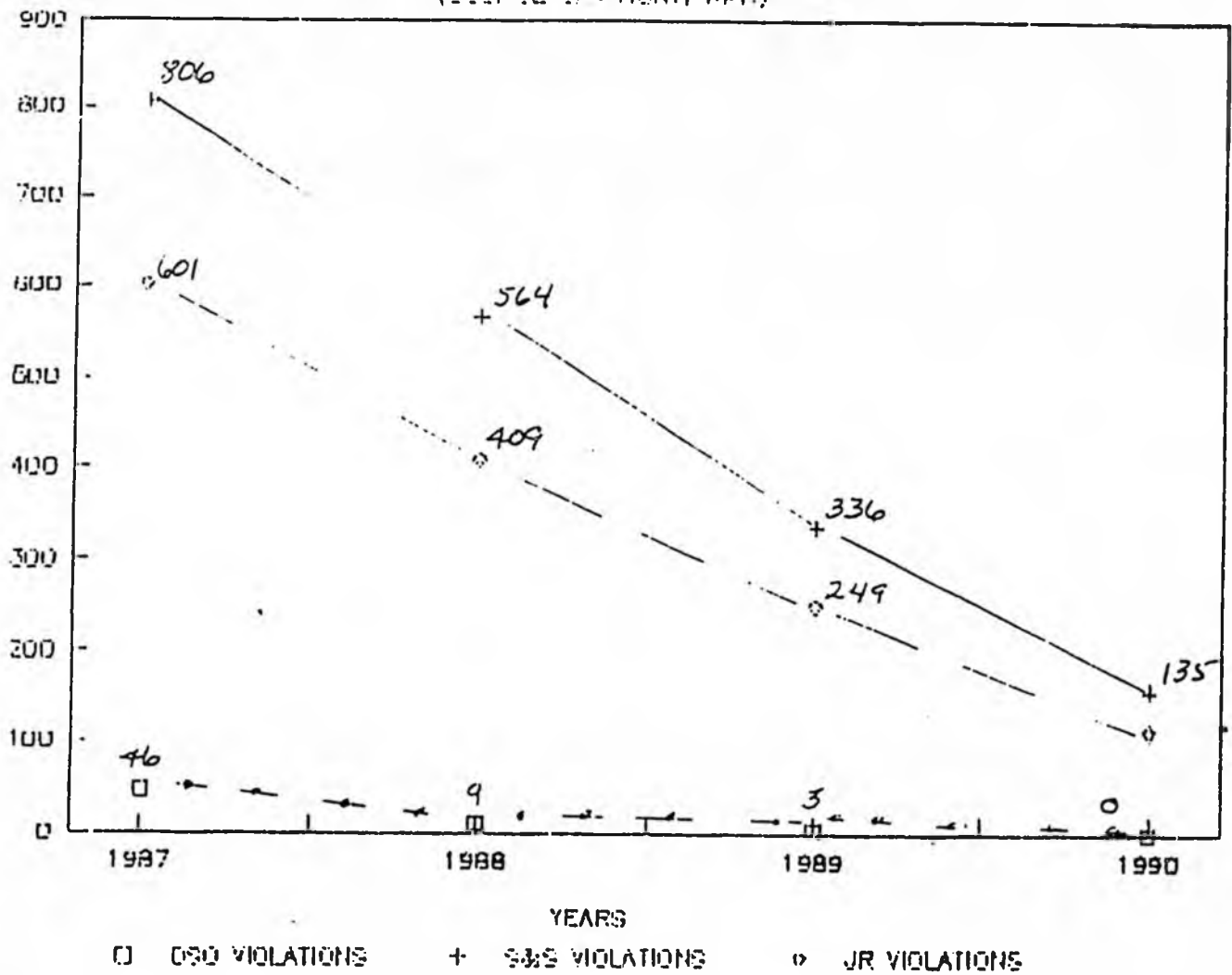
01/18/91	35	(S)	PREFILE RELEASED
01/21/91	35	(S)	READ THE FIRST TIME - REFERRAL(S)
01/21/91	35	(S)	HES, THEN JUDICIARY, FINANCE
02/11/91	499	(S)	HES RPT 4DP
02/11/91	499	(S)	ZERO FISCAL NOTE PUBLISHED (DHSS)
02/10/92	2028	(S)	JUD RPT CS 3DP SAME TITLE
02/10/92	2028	(S)	FN TO SB, ZERO FN TO CS PUBLISHED (CORR)
02/10/92	2028	(S)	ZERO FNS TO SB & CS PUBLISHED (DPS, LAW)
02/21/92	2160	(S)	ZERO FN TO SB & CS PUBLISHED (DHSS)
02/21/92	2159	(S)	FIN RPT 5DP 2NR (JUD)CS
02/21/92	2160	(S)	ZERO FNS TO CS PUBLISHED (DPS, LAW)
02/21/92	2160	(S)	PREVIOUS ZERO FNS (DHSS, CORR)
03/04/92	2294	(S)	RULES TO CALENDAR 3/4/92
03/04/92	2295	(S)	READ THE SECOND TIME
03/04/92	2295	(S)	JUD CS ADOPTED UNAN CONSENT
03/04/92	2295	(S)	ADVANCED TO THIRD READING UNAN CONSENT
03/04/92	2295	(S)	READ THE THIRD TIME CSSB 55(JUD)
03/04/92	2295	(S)	PASSED Y19 N- E1
03/04/92	2300	(S)	TRANSMITTED TO (H)
03/06/92	2533	(H)	READ THE FIRST TIME - REFERRAL(S)
03/06/92	2533	(H)	HES, JUD

Bill History

THE FOLLOWING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL FILE

# JJDPFA VIOLATIONS

(SOURCE UAA MONT, RPT.)



□ DSO - Deinstitutionalization of Status Offenders

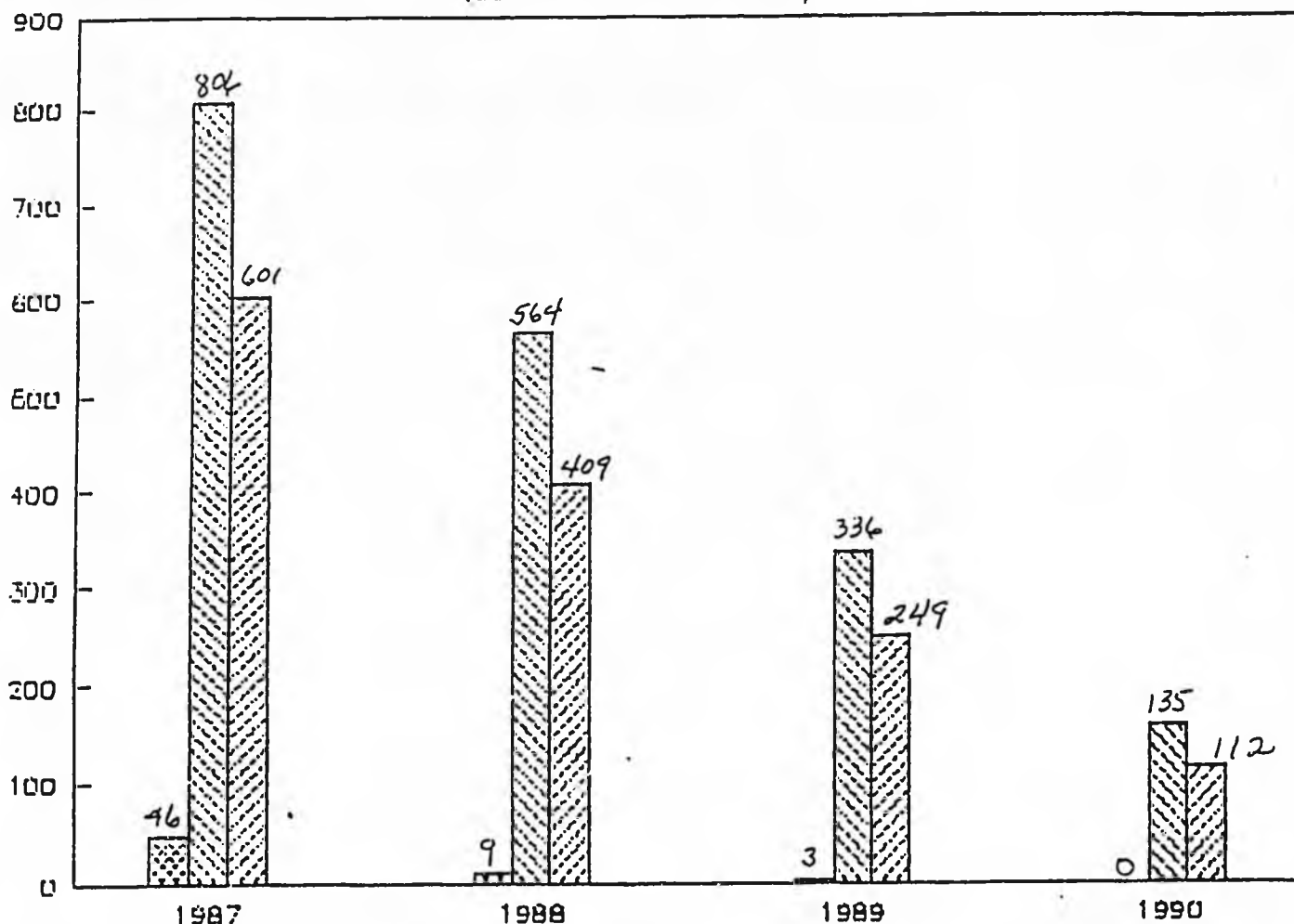
+ S&S - Sight and Sound

◇ JR - Jail Removal

\*See attached glossary.

# JJDPA VIOLATIONS

(SOURCE UAA MONT. RPT.)



YEARS

DSO VIOLATIONS    SSB VIOLATIONS    JR VIOLATIONS

## GLOSSARY

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

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

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

## GLOSSARY

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

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

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

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

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

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

THE PRECEDING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL FILE

S B

5 9

# STATE OF ALASKA

**OFFICE OF THE GOVERNOR**

OFFICE OF MANAGEMENT AND BUDGET

WALTER J. HICKEL, GOVERNOR

P.O. BOX AM  
JUNEAU, ALASKA 99811-0199  
PHONE: (907) 465-3568

Hickel Administration Position on CSSB 59 "An Act to establish the interagency task force on the homeless."

Governor Hickel recognizes the serious problem of homelessness in Alaska's cities and towns and that state government has a role in any solution. He is also committed to reducing the number of permanent boards, commissions and councils funded by state government. Therefore the administration endorses the approach taken in CSSB 59, which establishes the "Alaska Interagency Task Force on the Homeless" to be funded for one year as opposed to earlier versions which would have established a longer-term "council."

# Alaska State Legislature

SENATOR BETTYE FAHRENKAMP  
CHAIRMAN, RESOURCES COMMITTEE  
119 N. CUSHMAN STREET, SUITE 201  
FAIRBANKS, ALASKA 99701  
OFFICE (907) 452-4882  
HOME (907) 456-2899



Senate

WHILE IN JUNEAU  
PO BOX V  
JUNEAU, ALASKA 99811  
CAPITOL, ROOM 125  
OFFICE (907) 465-3834  
HOME (907) 780-6027

## MEMORANDUM

TO: Representative Georgianna Lincoln  
Representative Pat Carney  
Co-Chairs, House HESS Committee

FROM: Senator Bettye Fahrenkamp

DATE: April 15, 1991

SUBJECT: CS SB 59 (State Affairs)  
"An Act to establish the Alaska Interagency Task Force on the Homeless; efd"

---

### BILL SUMMARY:

- \* Establishes an 18-member task force made up of federal, state, municipal and non-profit providers of services to the homeless.
- \* Charges the task force with collecting and disseminating information relating to the homeless, recommending ways to reduce duplication of services, recommending ways to improve programs to assist the homeless, and studying and reporting on how to best establish a field network of professional and technical expertise to assist those serving the homeless.
- \* Requires a preliminary report to the Legislature at the beginning of session in 1992, and a final report on June 30, 1992 (the date on which the task force is terminated).

\*\*\*\*\*

Homelessness is a complicated issue. It is not just about being without shelter. To quote a recent report by the Council of State Governments, "The diversity of factors contributing to homelessness requires combinations of temporary shelter, social services, physical and mental health programs, long-term housing, community development and institutionalization."

This bill recognizes the difficulty of coordinating services to the homeless. The federal government and numerous states have found a council or task force to be an effective way to better use limited resources to combat homelessness.

Senate Bill 59 has the support of the Alaska Coalition for the Homeless, the Municipality of Anchorage, and the Governor. In your packets you will find excerpts from some of the source documents I used in drafting this bill, and I would be happy to provide you with more information if you wish. I strongly urge your support for SB 59.

SPONSOR STATEMENT

April 19, 1991


by the House Health, Education and Social Services Committee

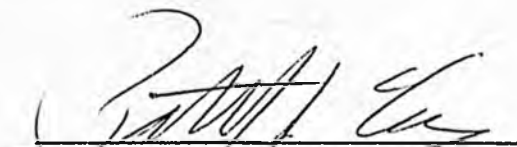
**Letter of Intent  
for  
HCS SCS SB 59 (HES)**

The House Health, Education and Social Services committee believes the problem of homelessness must be addressed statewide and not simply focused on the larger communities.

The Council on State Governments 1989 Report on Homelessness in the States identifies differences in homelessness among rural areas and recommends these needs be addressed along with the urban homeless. The committee feels the best way to insure that is done is to appoint one member who does represent rural Alaska.

It is therefore the intent of the House Health, Education and Social Services Committee that the Speaker of the House and the President of the Senate, in making the legislative appointments to the Interagency Task Force on the Homeless, consult with one another and assure that at least one of the legislators appointed is a member representing Bush Alaska, specifically a district which includes a number of very small rural villages.

  
Representative Georgianna Lincoln  
Co-Chair

  
Representative Pat Carney  
Co-Chair

HOUSE COMMITTEE REPORT

(7) Date Referred: April 3, 1991 FURTHER REFERRALS: Finance

Date of Committee Action: \_\_\_\_\_

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: HB 258

HOUSE BILL NO. 258 APPROP: DEFIBRILLATORS AND TRAINING

"An Act making an appropriation to the Department of Health and Social Services for a grant for the purchase of defibrillators and for defibrillator training; and providing for an effective date."

RECOMMENDATIONS:  the same title  
 be replaced with CS HB 258 (HES)  a new title  
 have attached amendments(s)  
 do pass  
 do not pass  
 no recommendations  
 individual recommendations  
 additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

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

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	✓				
<i>Ashli Davis</i>	✓				
<i>Bettye Davis</i>	✓				
<i>Mark Phelan</i>	✓				
<i>[Signature]</i>	✓				

*[Signature]*  
 CHAIRMAN'S SIGNATURE

HOUSE COMMITTEE REPORT

(7) Date Referred: April 3, 1991 FURTHER REFERRALS: Finance

Date of Committee Action: \_\_\_\_\_

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: HB 258

HOUSE BILL NO. 258 APPROP: DEFIBRILLATORS AND TRAINING

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RECOMMENDATIONS: [ ] the same title  
 be replaced with CS HB 258 (HES) [ ] a new title

- [ ] have attached amendments(s)
- [ ] do pass
- [ ] do not pass
- [ ] no recommendations
- [ ] individual recommendations
- [ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Dept/Date)  
 [ ] fiscal impact \_\_\_\_\_ [ ] fiscal note(s) \_\_\_\_\_  
 [ ] zero fiscal note \_\_\_\_\_ [ ] zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	✓				
<i>Chris Davis</i>	✓				
<i>Bettye Davis</i>	✓				
<i>Mark Hardy</i>	✓				
<i>[Signature]</i>	✓				

*[Signature]*  
 CHAIRMAN'S SIGNATURE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

NO. 1  
Bill Version: CSSB 59 (FIN)  
Publish Date: 3/26/91

Revision Date: \_\_\_\_\_ Department Affected: \_\_\_\_\_  
Title: An act to establish the Alaska BRU: Public Assistance Administration  
Council on the Homeless Component: Admin

Sponsor: Fahrencamp  
Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

1	2	3	3
---	---	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: No fiscal impact.

ANALYSIS: (Attach a separate page if necessary.)  
No fiscal impact.

Changes in CSSB 59 (FIN) have no fiscal impact. This fiscal note is appropriate.

3-26-91 date JL Comte Aide (initial)

Prepared By: Jan L. Hansen Phone: 465-3347  
Division: Division of Public Assistance Date: 2/4/91  
Approved by Commissioner: [Signature]  
Agency: \_\_\_\_\_ Date: 2/4/91

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

FN & DHSS -

FISCAL NOTE

No. 2  
 Bill Version: CSSB 59 (SA)  
 (S) Publish Date: 2-11-91

STATE OF ALASKA  
 1991 LEGISLATIVE SESSION

Revision Date: 2/8/91 Department Affected: Office of the Governor  
 Title: "An Act to establish the Alaska Interagency Task Force on the Homeless;" BRU: Commissions and Special Offices  
 Component: Alaska Interagency Task Force on the Homeless  
 Sponsor: Senator Fahrenkamp  
 Requestor: Senate State Affairs COMPONENT SERIAL NO. 

N	A		
---	---	--	--

Expenditures/Revenues: (Thousands of Dollars)

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

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	n/a	n/a	n/a	n/a	n/a	n/a
PART-TIME						
TEMPORARY						

Estimate of current year impact: none

ANALYSIS: (Attach a separate page if necessary.)

Task Force has been placed under the jurisdiction of the legislative council and therefore has no fiscal impact on the Office of the Governor

Prepared By: Michael A. Nizich, Director Phone: 465-3616  
 Division: Division of Administrative Services Date: 2/8/91  
 Approved by Commissioner: D. Max Hodel, Chief of Staff  
 Agency: Office of the Governor Date: 2/8/91

Distribution (by preparer): Legislative Finance, Legis Changes in CSSB 7 (Fin) Agency(ies).  
 Rev 10/90 have no fiscal impact. This fiscal note is appropriate. Page 1 of 1

FN: 0 Gov. Office

3-26-91

FISCAL NOTE

No. 3

Version: CSSB 59(SA)

(S) Publish Date: 2-11-91

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
 Title: "An Act to establish the Alaska  
 Interagency Task Force on the Homeless;..."  
 Sponsor: Senator Fahrenkamp  
 Requestor: Senator Fahrenkamp

Department Affected: Legislative Affairs Agency  
 BRU: Legislative Council  
 Component: Council and Subcommittees

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	50.9	0	0	0	0	0
TRAVEL	7.2	0	0	0	0	0
CONTRACTUAL	8.0	0	0	0	0	0
SUPPLIES		0	0	0	0	0
EQUIPMENT		0	0	0	0	0
LAND & STRUCTURES		0	0	0	0	0
GRANTS, CLAIMS		0	0	0	0	0
MISCELLANEOUS		0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>66.1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	66.1	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

POSITIONS:

FULL-TIME	1	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

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

ANALYSIS: (Attach a separate page if necessary)

see attached page.

Changes in CSSB 59 (Fin)  
 have no fiscal impact. This  
 fiscal note is appropriate.

3-26-91 KL  
 date Comte Aide (initial)

Prepared By: Pamela A. Stoops, Director  
 Division: Administrative Services

*Pamela A. Stoops*

Phone: 465-3850  
 Date: 2/8/91

Approved By: Warren W. Endicott, Executive Director  
 Agency: Legislative Affairs Agency

*Warren W. Endicott*

Date: 2/8/91

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

FN 66.1 LAA

It is anticipated the Alaska Interagency Task Force on the Homeless will need staff assistance as follows:

#### PERSONAL SERVICES

Researcher - Range 17A

\$3,006 x 12 months=	\$36,072
\$36,072 x 41% benefits	<u>\$14,835</u>
	\$50,907

50.9

#### TRAVEL

It is anticipated there will be 2 meetings of the Alaska Interagency Task Force on the Homeless. Travel for the majority of the sixteen members will be absorbed within their existing travel budgets. Travel is being requested for the following members of the task force: two members from the Alaska Coalition for the Homeless and two members, one each from two communities that have an identified homeless population. Also travel for above mentioned staff.

2 meetings x 4 task force members & 1 staff at 3 days each	
airfare - 2 meetings x 5 individuals = 10 airfares	
10 airfares x \$435=	\$4,350
per diem - 2 meetings x 5 individuals= 10	
10 x 3 days per diem= 30	
30 x \$95=	<u>\$2,850</u>
	\$7,200

7.2

#### CONTRACTUAL

Phones and postage - \$500 a month x 12 months= \$6,000

6.0

Advertising - advertising of public notice of meetings - \$1,000

1.0

Printing - of report - \$1,000

1.0

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 8, 1991

FURTHER REFERRALS:

Finance

Date of Committee Action: \_\_\_\_\_

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: CSSB 59(FIN)

CS FOR SENATE BILL NO. 59 (FINANCE) GOVERNOR'S COUNCIL ON THE HOMELESS

"An Act to establish the Alaska Interagency Task Force on the Homeless; and providing for an effective date."

RECOMMENDATIONS:

be replaced with HCS SCS SB 59  the same title  a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: H/HESS letter of Intent

ATTACHES NEW FISCAL NOTE(s): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

fiscal impact \_\_\_\_\_

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

zero fiscal note \_\_\_\_\_

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

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
Betty Davis	✓				
Maui Kaban	x				
Cheri Doherty	x				

*[Signature]*  
CHAIRMAN'S SIGNATURE

7-LS0325NP  
Luckhaupt  
4/18/91

**HOUSE CS FOR CS FOR SENATE BILL NO. 59 (HES)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE**

**Offered:**

**Referred:**

**Sponsor(s): SENATORS FAHRENKAMP, Uehling, Pourchot, Rodey, Menard, Collins**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act to establish the Alaska Interagency Task Force on the Homeless; and providing  
2 for an effective date."

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

4 \* **Section 1. FINDINGS.** The legislature finds that

5 (1) homelessness is gradually being recognized as a significant and widespread problem  
6 in both urban and rural parts of the United States, including Alaska;

7 (2) the diverse causes and characteristics of homelessness are endemic to various  
8 combinations of overlapping factors including unemployment, underemployment, deinstitutionalization,  
9 mental illness, the lack of affordable housing, domestic violence, parentless children, and other less  
10 visible personal crises;

11 (3) the diversity of factors contributing to homelessness require combinations of programs  
12 and measures to relieve the causes and characteristics, including temporary shelters, social services,  
13 physical and mental health programs, long-term affordable housing, community development, and  
14 institutionalization;

1 (4) in order for the state to increase its effectiveness in the battle against homelessness,  
2 we must first understand the scope and nature of the problem and examine the responses to the problem  
3 that are currently being utilized by the federal government, our state government, and by the "third  
4 sector", private and nonprofit groups and organizations; and

5 (5) numerous states and the federal government have established councils or task forces  
6 on the homeless as an effective way to collect and exchange information and resources, reduce  
7 duplication of effort, identify ways in which the homeless may be better and the homeless  
8 problem better addressed, and to develop a coordinated response to combat homelessness and to most  
9 effectively use limited resources;

10 (6) the needs of the homeless would be better served by the development of a field  
11 network to share professional and technical expertise among federal agencies, state agencies, local  
12 governments, and private and nonprofit organizations serving the homeless.

13 \* Sec. 2. ALASKA INTERAGENCY TASK FORCE ON THE HOMELESS ESTABLISHED. (a)  
14 The Alaska Interagency Task Force on the Homeless is established under the jurisdiction of the  
15 legislative council.

16 (b) The task force consists of 18 members appointed as follows:

17 (1) 16 members appointed by the legislative council as follows:

18 (A) three members from the Department of Health and Social Services who are  
19 the directors or program administrators or their designees in the following areas:

20 (i) mental health;

21 (ii) alcoholism and drug abuse; and

22 (iii) public assistance;

23 (B) one member from the Department of Community and Regional Affairs who  
24 is the director or program administrator for rural development or the designee of the member;

25 (C) one member from the Department of Education who is the director or program  
26 administrator for adult education or the designee of the member;

27 (D) one member from the Department of Administration who is the director or  
28 program administrator of the office of public advocacy or the designee of the member;

29 (E) one member from the Department of Military and Veterans Affairs;

30 (F) one member who is the executive director of the Alaska State Housing  
31 Authority or the designee of the member;

- 1 (G) one member from the United States Department of Housing and Urban  
2 Development;
- 3 (H) one member from the Alaska Council on Domestic Violence and Sexual  
4 Assault;
- 5 (I) one member from the Alaska Job Service;
- 6 (J) one member from the United States Department of the Interior, Bureau of  
7 Indian Affairs;
- 8 (K) two members from the Alaska Coalition for the Homeless; and
- 9 (L) two members, one each from two communities that have an identified  
10 homeless population; one member shall be from a community with a population of less than  
11 1,000 people;
- 12 (2) one member of the senate appointed by the president of the senate;
- 13 (3) one member of the house of representatives appointed by the speaker of the house  
14 of representatives.
- 15 (c) Members of the task force serve without compensation, but are entitled to per diem and travel  
16 expenses authorized for boards and commissions under AS 39.20.180.
- 17 \* **Sec. 3. MEETINGS.** The Alaska Interagency Task Force on the Homeless shall, when possible,  
18 meet by teleconference.
- 19 \* **Sec. 4. DUTIES OF TASK FORCE.** The Alaska Interagency Task Force on the Homeless shall
- 20 (1) collect and disseminate information relating to the homeless;
- 21 (2) study and report on the best means to establish a field network of professional and  
22 technical expertise to assist federal agencies, state agencies, local governments, and private and nonprofit  
23 agencies serving the homeless;
- 24 (3) recommend changes in statutes, regulations, procedures, and policy to reduce  
25 duplication of effort among federal, state, and local agencies; and
- 26 (4) review, monitor, evaluate, and recommend improvements in federal, state, and local  
27 programs to assist the homeless.
- 28 \* **Sec. 5. POWERS OF TASK FORCE.** The Alaska Interagency Task Force on the Homeless may  
29 request the cooperation, provision of technical assistance, and may utilize the services of executive  
30 branch departments, federal agencies, local governments, consultants whose advice is considered  
31 necessary to assist the task force in obtaining information, or any other person or entity to assist the task

1 force in fulfilling its duties under this Act.

2 \* Sec. 6. REPORT AND RECOMMENDATIONS. (a) The Alaska Interagency Task Force on the  
3 Homeless shall submit to the legislature by the third day of the Second Session of the Seventeenth  
4 Alaska State Legislature a preliminary report of

5 (1) its proceedings for the previous year and its fulfillment of its duties under sec. 3 of  
6 this Act;

7 (2) its assessment of the nature and extent of the problems of the homeless in the state;

8 (3) the levels of state and local assistance necessary to meet their needs; and

9 (4) recommendations for legislative and administrative action to alleviate the problems  
10 of the homeless.

11 (b) The task force shall submit a final complete report no later than June 30, 1992.

12 \* Sec. 7. This Act takes effect July 1, 1991.

13 \* Sec. 8. This Act is repealed June 30, 1992.

HOUSE HESS COMMITTEE - 17TH SESSION

MEETING DATE: 4/17/91

SUBJECT: SB 59. amendment #1

ROLL CALL VOTE

COMMITTEE MEMBER	YEA	NAY
Co-Chair Lincoln	—	✓
Co-Chair Carney	—	✓
Rep. Gonzales	—	✓
Vice-Chair B. Davis	—	✓
Rep. Hanley	—	✓
Rep. Miller	✓	—
Rep. C. Davis	—	✓

p. 3, line 17

insert

(d) Teleconferencing will be used to conduct meetings of the task force.