

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672
7008 HOUSE JUDICIARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATE OF ALASKA



Executive Proclamation

by
Steve Cowper, Governor

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

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

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

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

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

DATED: April 14, 1989

Done by —

A handwritten signature of Steve Cowper in black ink.

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



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

FY'92
Grant Award

GRANTEES

PROBATION OFFICER

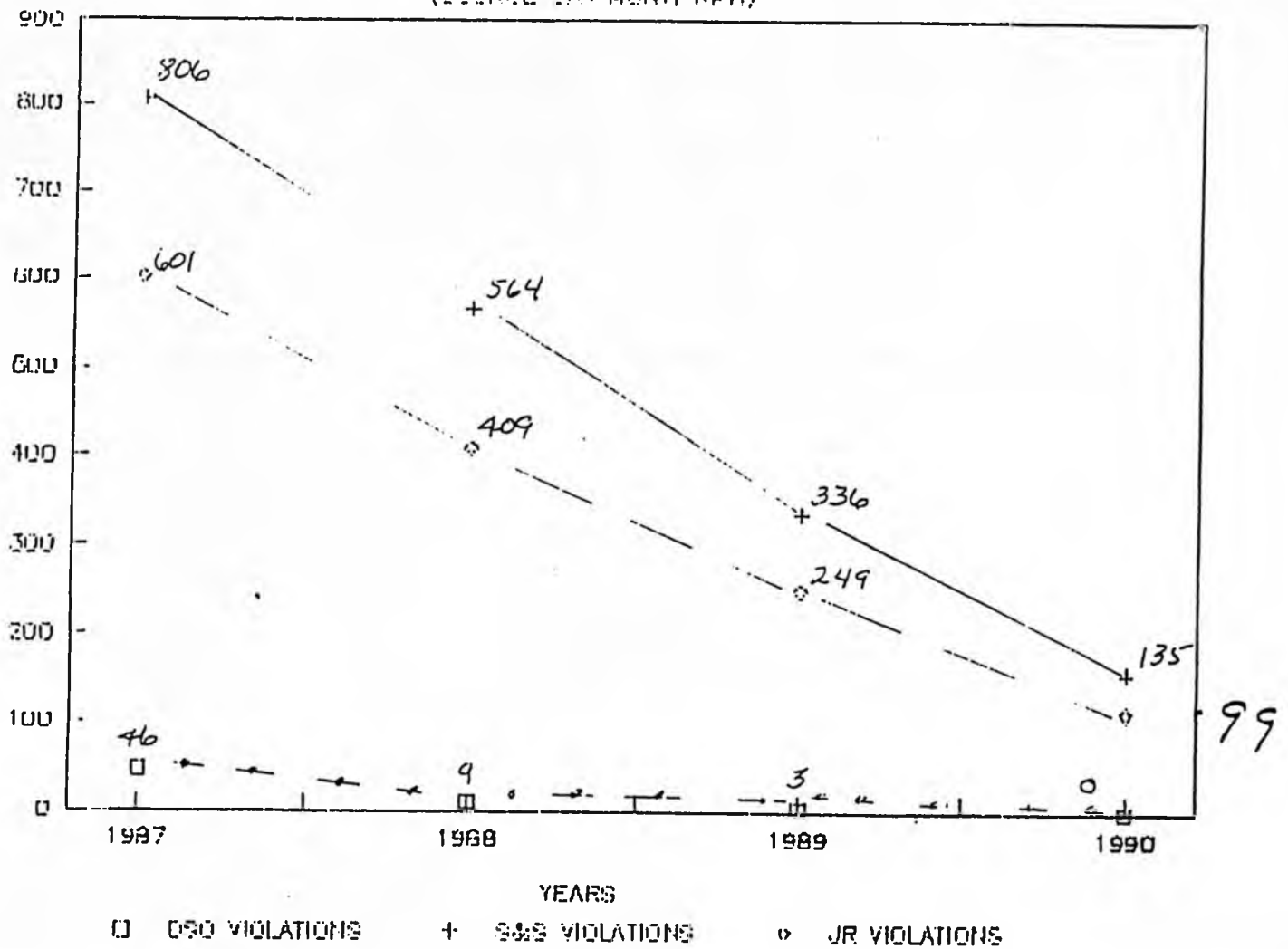
- | | | |
|----------|--|--|
| \$10,000 | 1. City of Dillingham/Police Dept.
P.O. Box 869
Dillingham, Ak. 99676
Contact: Chief Ralph Taylor
907-842-5354 | Kent Kaltenbacher
P.O. Box 1290
Dillingham, Ak. 99576
907-842-5924 |
| \$17,000 | 2. Manillaq Native Association
P.O. Box 256
Kotzebue, Ak. 99752
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
907-852-5437 |
| \$5,000 | 6. City of Petersburg/Police Dept.
P.O. Box 329
Petersburg, Ak. 99833
Contact: Chief Marvin Ronimus
907-772-3830 | Cynthia Holeman
3252 Hospital Drive
Juneau, Ak. 99801
907-586-9433 |

- #9987. 7. Kodiak Island Mental Health Center
316 Mission Road Suite 119
Kodiak, Ak. 99615
Contact: Linda Diebels
907-486-6587
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
1502 Wilbur Street
Fairbanks, Ak. 99701
907-452-6925
- #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. 99801
907-586-9433
- #48,150 10. *Kenai Peninsula Comm. Care Center
Drawer 3573
Kenai, Ak. 99611
Contact: Trudy Scott
907-283-7535
*Serves communities of Kenai,
Homer, and Seward
Karen Rogers
145 Main Street Loop
Suite 204
Kenai, Ak. 99611
907-283-3127
- #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 564
Sitka, Ak. 99835
Contact: Kate Bartsley
907-747-3682
Sue White
110 "A" Moller St.
Sitka, Ak. 99835
907-747-8603

TOTAL - \$201,309

JJDP&A VIOLATIONS

(SOURCE UAA MONT, RPT.)



□ DSO - Deinstitutionalization of Status Offenders

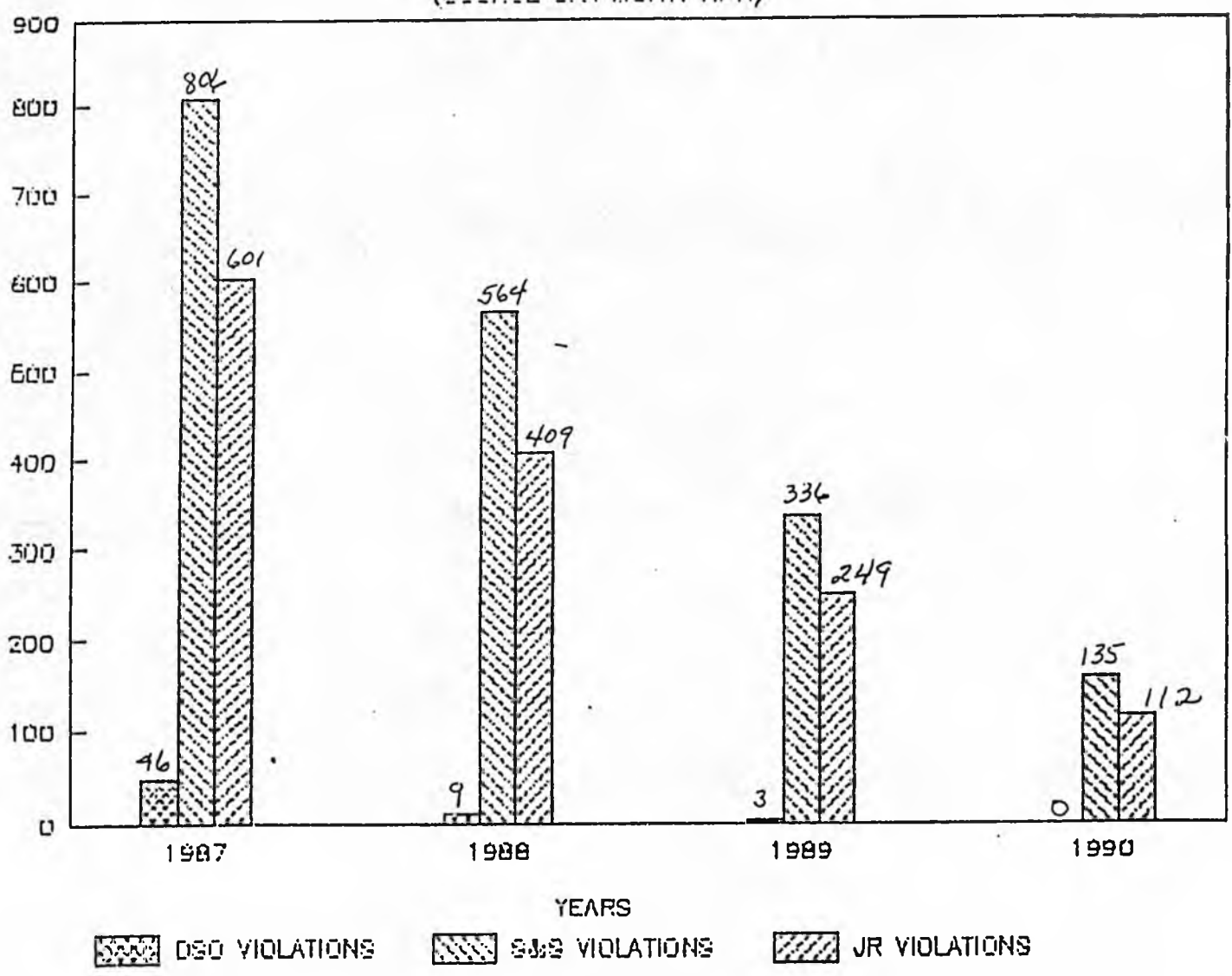
+ S&S - Sight and Sound

◇ JR - Jail Removal

*See attached glossary.

JJDPVA VIOLATIONS

(SOURCE UAA MONT. RPT.)



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.

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))

CORRECTION

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

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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

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.

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



JUSTICE CENTER



University of Alaska Anchorage

1990 JUVENILE JUSTICE
AND DELINQUENCY PREVENTION ACT
COMPLIANCE MONITORING REPORT

STATE OF ALASKA

Department of Health and Social Services

Michael Price, Director
Division of Family and Youth Services

Report Prepared by:

Emily E. Read
Project Manager

Nancy Schafer
Principal Investigator

Justice Center,
University of Alaska Anchorage

JC 9106

October 1991

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STATE MONITORING REPORT

A. GENERAL INFORMATION.

1. NAME AND ADDRESS OF STATE MONITORING AGENCY.

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

2. CONTACT PERSON REGARDING STATE REPORT.

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

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

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

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

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

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

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

SECTION 223(a)(12)(A)

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

1. **BASELINE REPORTING PERIOD:** Calendar year 1976

CURRENT REPORTING PERIOD: Calendar year 1990

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yes.

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

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

C. DE MINIMIS REQUEST.

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

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

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

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

172,991 juveniles.

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

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

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

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

0/172,991 = 0 per 100,000

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

Not applicable.

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

Not applicable.

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

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

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

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

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

SECTION 223(a)(12)(B)

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

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

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

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

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

SECTION 223(a)(13)

E. SEPARATION OF JUVENILES AND ADULTS.

1. **BASELINE REPORTING PERIOD:** Calendar Year 1976
CURRENT REPORTING PERIOD: Calendar Year 1990

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

December 31, 1988

3. **TOTAL NUMBER OF FACILITIES USED TO DETAIN OR 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	766	0
Current Data**	25	25	0

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Baseline Data: 0

Current Data: 0

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

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

Baseline Data: 0 (n/a)

Current Data: 0 (n/a)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

with the law enforcement training academies in Alaska.

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

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

G. DE MINIMIS REQUEST: NUMERICAL

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

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

TOTAL = 99

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

172,991 juveniles.

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

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

Data:

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

Statistical Method of Projection:

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

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

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

2. ACCEPTABLE PLAN.

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

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

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

3. RECENTLY ENACTED CHANGE IN STATE LAW.

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

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

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

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

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

H. DE MINIMIS REQUEST: SUBSTANTIVE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

models in others;

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

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

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

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

APPENDIX I: METHOD OF ANALYSIS.

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

I. DATA COLLECTION AND DATA ENTRY.

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

- A. Certified photocopies of original client billing sheets (booking logs) for the nineteen adult jails were obtained from the Contract Jail Administrator of the Alaska Department of Public Safety (DPS). DPS contracts for services with each Alaskan facility that meets the definition of adult jail as defined in the Formula Grant Regulation. Certified photocopies of booking logs from the Whittier and Emmonak adult jails covering July through December 1990, were also obtained from DPS and data covering the twelve months of 1990 was received on the remaining jails.
- B. Photocopies of original booking records were obtained from the Youth Centers in Anchorage, Bethel, Fairbanks, Juneau and Nome, and from twenty-five Adult Lockups in Ambler, Anaktutuk Pass, Atkasuk, Buckland, Cantwell, Chignik, Deadhorse, Deering, Delta Junction, Galena, Glennallen, Kaktovik, Kiana, King Cove, Noorvik, Nuiqsut, Pelican, Point Hope, Point Lay, Quinhagak, Selawik, Shungnak, Skagway, Toksook Bay, and Wainwright.
- C. Adequate booking data were collected and verified on-site at the Adult Lockups in Alakanuk, Eek, Ekwok, Kotlik, Koyuk, McGrath, Nondalton, Old Harbor, and Sand Point.
- D. Determined to be inadequate for monitoring purposes were booking data gathered on-site at the thirteen Adult Lockups in Akutan, Goodnews Bay, Karluk, Kobuk, Manakotak, Mekoryuk, Mountain Village, Napakiak, Shaktoolik, Shishmaref, Teller, Togiak, and Tununak. Also judged to be inadequate for monitoring purposes were Adult Lockup data received from the villages of Aniak, Hooper Bay, Saint Marys, and Tanana.
- E. Booking data from the two Department of Corrections adult correctional centers at Mat-Su Pretrial and Kotchikan 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 47.20.705 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
BURGL1	Burglary, first degree
BURGL2	Burglary, second degree
BW	Bench Warrant, unspecified
CM/CRM	Criminal Mischief, unspecified or specified deree
CONTEMPT	Contempt of Court
CT	Criminal Trespass, unspecified
CTORDER	Court Order
CURFEW	Curfew Violation
DC	Disorderly Conduct
DO	Detention Order
DWI	Driving While Intoxicated
DWVOL/DWOL	Driving Without Valid License
ESC	Escape from Custody
FALS RPT	Filing a False Report
FTA	Failure to Appear
FTPF	Failure to Pay Fine
FTSERVE	Failure to Serve Sentence
HINDERING	Hindering Prosecution
MC/MCA	Minor Consuming Alcohol
MICS6	Misconduct Involving a Controlled Substance, Sixth degree
MIP	Minor In Possession
MIW2	Misconduct with Weapons, second
MOP	Minor On Premises
NEG DRIV	Negligent Driving
OMVI	Operating a Motor Vehicle While Intoxicated
PC/ALC	Protective Custody/Alcohol Detox
PC	Protective Custody
PV	Probation Violation
RESIST/RA	Resisting Arrest
RUN	Juvenile Runaway
SEX ASLT	Sexual Assault, unspecified
T47/ALC	Title 47 Protective Custody
THEFT	Theft, unspecified
THEFT2	Theft, second degree
THEFT3	Theft, third degree
UNK FELS	Multiple unspecified felony charges
UNKNOWN	Unknown offense
VOC	Violation of Conditions
WA	Warrant
WA:TRAF	Warrant, Traffic related

Detail on 1990 Jail Removal Violations in Alaska

<u>LOCATION</u>	<u>CRIME</u>	<u>TIME/HOURS</u>	<u>OFFENDER TYPE</u>
Adult Jails:			
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
	FALSRPT/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
Adult Lockups (weight=2.44):			
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>
Adult Correctional Centers:			
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	Accused Criminal
	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.

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Mary Van Nimwegen

House Judiciary - 1991 - 92 - SB 55

Senate HESS	2/26/92
Senate HESS	3/2/92

S B

8 6

JUSE COMMITTEE REPORT

(7)

Date Referred: April 22, 1991

FURTHER REFERRALS:

Date of Committee Action: 5-10-91

The JUDICIARY Committee considered:

CSSB 86(JUD)

CS FOR SENATE BILL NO. 86 (JUDICIARY)

1991 REVISOR'S BILL

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

RECOMMENDATIONS:

be replaced with HCS CSSB 86 (Jud) 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: _____ 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) ALL 4-10-91

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

[Signature]
 CHAIRMAN'S SIGNATURE

FISCAL NOTE

№ L

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Bill Version: SB86

(S) Publish Date: 4/10/91

Revision Date: _____
Title: "An Act making corrective amendments to the Alaska Statutes...recommended by the revisor..."
Sponsor: Senate Rules Committee
Requestor: Senate Judiciary

Department Affected: All
BRU: _____
Component: _____

COMPONENT SERIAL NO:

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
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REVENUE	0	0	0	0	0	0
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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:

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Changes in CSSB 86 (Jud) have no fiscal impact. This fiscal note is appropriate.

Apr 08, 1991 W. S. S. S.
date Comte Aide (initial)

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

Pamela Stoops

Phone: 465-3850
Date: 4/5/91

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

Warren Endicott

Date: 4/5/91

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

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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FAX (907) 465-2029

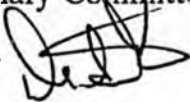
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MEMORANDUM

May 10, 1991

SUBJECT: HCS CSSB 86(Judiciary) (1991 Revisor's Bill)

TO: Representative Dave Donley
Chair, House Judiciary Committee

FROM: David R. Dierdorff 
Revisor of Statutes

This memorandum discusses HCS CSSB 86(Judiciary), the 1991 revisor's bill, which your committee reported out May 10, 1991.

The bill was prepared under AS 01.05.036, which provides, in part, that the revisor of statutes

* * * shall prepare for submission to the legislature legislation for the correction or removal of the deficiencies, conflicts, or obsolete provisions, or to otherwise improve the form or substance of * * * the statute law of this state.

To assist in understanding the draft, I have summarized the contents by listing sections that have similar effects.

Sections that delete or repeal obsolete provisions: Sections 2, 4, 17, 30 - 35, 42, 57 - 60, and 62 delete or repeal provisions that have become obsolete either through other legislative action or the passage of time.

Sections that eliminate conflicts with other laws: Sections 11, 37 - 39, 43, 44, 46, 47, and 61 resolve conflicts between different statutory provisions or with court decisions.

Sections that correct errors or oversights: Sections 6, 7, 8, 9, 13, 14, 16, 19, 20 - 25, 27, 28, 36, 40, 41, and 56 correct errors or oversights that can not be corrected editorially.

Sections that improve the form or substance of the law: Sections 1, 3, 5, 10, 12, 15, 18, 26, 29, 45, and 48 - 55 propose amendments to improve the form or substance of the statute law of Alaska.

SECTIONAL ANALYSIS

Section 1. This section proposes an addition to the provisions applicable to all Alaska Statutes. Under standard rules of statutory drafting and interpretation, the term "includes" is used preceding a partial listing or illustrative list in a definition, while the term "means" is used to provide a complete meaning for the term defined. The Alaska Supreme Court has adopted this rule (Brown v. Wood, 575 P.2d 760, 767 (AK 1978)). The proposed provision would enact this standard rule, to clarify that it is not necessary to set out "but is not limited to" in other parts of the statutes.

Sec. 2. This deletes references to provisions that have been repealed.

Sec. 3. Adds a phrase that is necessary for clarity.

Sec. 4. Two old dates that are now meaningless are deleted from AS 08.04.120 in this bill section.

Sec. 5. Makes a reference more specific for clarity.

Sec. 6. Corrects an incorrect description of departmental powers under AS 08.01.100.

Sec. 7. Corrects what must have been an error, in that it is doubtful that the legislature intended to exempt opticians from the requirements of AS 08.72.725, which sets out certain safety standards for the materials used in eyeglass lenses.

Sec. 8. Corrects an obvious error.

Sec. 9. This section corrects an error in the 1987 law that amended AS 08.84.065(a) and also AS 08.84.030 and 08.84.032, the sections referenced in AS 08.84.065(a).

Secs. 10, 15, 48, 52, 54, and 55. Each of these sections substitutes a reference to the crime of unsworn falsification for a reference to the crime of perjury. The reason for this is that the underlying provisions do not require that the relevant statement be sworn. Consequently, a prosecution for perjury could not be maintained. A prosecution for unsworn falsification, however, would be appropriate.

Sec. 11. In Lundgren v. Gaudiane, 782 P.2d 285 (AK 1989), the Alaska Supreme Court ruled that AS 13.16.505, which provides that a decedent's judgment creditor

Representative Dave Donley

May 10, 1991

Page 3

may not execute on property of the decedent's estate under the judgment, prevails over an older, inconsistent statute, AS 09.35.060. The amendment proposed in this bill section codifies the court's ruling by providing notice in AS 09.35.060 that AS 13.16.505 controls.

Sec. 12. This section simply improves a reference to the rules of court to avoid confusion and eliminate the need to further change the reference as the rules themselves evolve.

Sec. 13. This section corrects a statutory reference in the list of mitigating factors to be considered when a person is being sentenced for a felony. The deleted reference is to a crime that is a misdemeanor, so it is irrelevant to the provision. The amendment eliminates any confusion that may result from the erroneous reference.

Sec. 14. In the fish and game code, a resident is required, by definition, to have resided in the state for at least one year. The amendment proposed in this bill section deletes language made redundant by the definition.

Sec. 16. This corrects a long-standing error in the definition of edible meat for the fish and game code. The error was brought to our attention by a staff biologist in the division of wildlife conservation.

Sec. 17. The federal statutes referenced in this provision have been repealed, and the amendment simply deletes the references and rewrites the provision appropriately.

Sec. 18. This amendment adds a definition of "commissioner" to the definitions for AS 18.10.

Sec. 19. This corrects three erroneous references in one of the provisions of the law regulating outdoor advertising along highways. The errors date back to the 1968 enactment of the provision. The reference should only be to those laws regulating outdoor advertising, not to the entire chapter, because the chapter includes provisions relating to the use of highway rights-of-way for utilities, and to encroachments, both of which have their own remedy provisions.

Secs. 20 and 21. Last year the legislature enacted ch. 50, making substantial changes in the insurance code. The amendments made in these two bill sections change a date to conform the provisions to secs. 84 and 86 of ch. 50, SLA 1990. The amendments were requested by the Department of Law on behalf of the Division of Insurance to correct a drafting oversight.

Sec. 22. The amendment corrects what we assume was a typographical error in ch. 50, SLA 1990, but which we believe requires legislative review rather than editorial correction. The amendment was reviewed by an assistant attorney general for the division of insurance.

Sec. 23. Corrects erroneous references that resulted when the standard valuation model law was adapted to Alaska, and clarifies certain vague language. The amendment has been reviewed by the division of insurance.

Sec. 24. Corrects an erroneous reference that resulted when the standard valuation model law was adapted to Alaska.

Sec. 25. Corrects an erroneous reference that resulted when the standard valuation model law was adapted to Alaska, and clarifies vague language. The amendment has been reviewed by the division of insurance.

Sec. 26. This proposed amendment conforms the language of AS 21.33.021(e) with similar language used in AS 21.33.030(d).

Sec. 27. Adds a reference to AS 21.36.360(n) in AS 21.36.360(q)(6). The subsection was inadvertently omitted from the provisions of (q), which sets out the various penalties for violations described in subsections (b) - (p). The division of insurance gave us direction on which of the eight possible penalty provisions was appropriate for a violation of (n). Subsection (n) makes it a crime for an agent to intentionally fail to report to the insurer the exact amount of the premium charged the insured and to maintain records of those premium charges.

Sec. 28. This substitutes a reference to "insurer" for an incorrect reference to a "corporation."

Sec. 29. This clarifies the first sentence of a required policy provision so that it is more readable and understandable.

Secs. 30 and 31. Delete obsolete references to dates.

Sec. 32. Deletes obsolete references to initial terms of governors of the Medical Indemnity Corporation of Alaska.

Secs. 33 and 34. Delete obsolete references to dates.

Sec. 35. This bill section corrects an error in the 1978 Act which enacted the revised motor vehicle code. The reference proposed for deletion should have been deleted

when the referenced subsection was dropped from the bill as it moved through the legislature.

Sec. 36. The reference to AS 28.35.034 that is being deleted is meaningless, because that section does not set out a penalty for refusal to submit to a chemical test of breath. This amendment corrects an apparent error in the 1982 enactment.

Sec. 37. This bill section proposes an amendment to AS 29.20.170(8), added by the 1985 municipal code revision, to harmonize a conflict between that provision and AS 29.20.140(a), a provision that was carried over from earlier law. AS 29.20.140(a) provides:

(a) A borough voter is eligible to be a member of the assembly and a city voter is eligible to be a member of the council. A member of the governing body who ceases to be a voter in the municipality immediately forfeits office.

Secs. 38 and 39. There is an apparent conflict between AS 29.35.050(a) and AS 29.35.200 - 29.35.220, in that the former suggests that any municipality may provide garbage collection and disposal services, while the latter statutes list that power only as to second class boroughs. The amendment to AS 29.35.050(a) is intended to clarify that the provision applies to all municipalities, notwithstanding anything that may be said in AS 29.35.200 - 29.35.220. The amendment to AS 29.35.210(a)(4) is intended to clarify that if a second class borough exercises the power, that power is subject to AS 29.35.050. Municipal law prior to the 1985 revision had a similar provision.

Secs. 40 and 41. The references in AS 34.40.120 and 34.40.130 are erroneous. The source of the problem appears to be erroneous references in the 1913 compiled laws of Alaska.

Sec. 42. This section deletes an obsolete date.

Secs. 43 and 44. In § 6, ch. 112, SLA 1980, the legislature amended AS 38.06.055(a) to change a reference to legislative approval of a royalty oil contract "by resolution" to approval "by enacting legislation." These sections of the bill would belatedly conform two related provisions of AS 38.06 to the 1980 change.

Secs. 45, 49 - 51, and 53. These bill sections amend a series of tax credit provisions to reflect the fact that the University of Alaska and perhaps other, private institutions, conduct a substantial portion of their fund-raising through a private, non-

profit corporation. These amendments were requested by the university to correct an apparent oversight in the original legislation.

Secs. 46, 47, and 61. In 1989, the legislature enacted a two-year residency requirement for the permanent fund dividend and longevity bonus programs. At the same time, provisions were enacted that provided for a one-year requirement in the event a court decided that the two-year requirement was invalid. A superior court did decide the question and that decision was not appealed. Consequently, the residency requirement for both programs is now one year. The amendments made in these bill sections simply conform the applicable statutory provisions to the one-year requirement to avoid confusion. Additionally, in sec. 62, the provisions that established the "stepped" residency dependent on court decisions are repealed as no longer needed.

Sec. 56. This section corrects an erroneous reference that derives from the original enactment.

Secs. 57 and 58. Each section amends a provision in AS 46.03.313. The first section deletes an obsolete date in subsection (b) and the second deletes a reference in subsection (d) to a provision that is repealed in sec. 62 of this draft.

Secs. 59 and 60. Delete a reference to a repealed provision.

Sec. 62. The repealer. The text of all provisions proposed for repeal is attached as Appendix "A". The reasons for the repeals are:

- AS 02.15.260(14) -- redundant to AS 01.10.060(4);
- AS 05.15.210(21) -- redundant to AS 01.10.060(4);
- AS 08.24.180 -- obsolete by passage of time;
- AS 08.42.020(b) -- obsolete by passage of time;
- AS 14.36.070(1) -- defines a word that is not used in the chapter;
- AS 14.36.070(2) -- redundant to AS 14.60.010;
- AS 14.36.070(4) -- redundant to AS 14.60.010;
- AS 21.72.170(5) -- section it refers to repealed in 1980;
- AS 21.75.340 -- redundant to AS 01.10.060(4);
- AS 21.88.060(b) -- obsolete by passage of time;
- AS 34.03.360(9) -- the definition of "person" is redundant to AS 01.10.060;
- AS 34.65.100(1) -- the term defined is not found in AS 34.65;
- AS 43.20.310 -- obsolete by passage of time;
- AS 43.20.320 -- redundant to AS 01.05.006 and other general laws;
- AS 43.23.005(e) -- see discussion relating to secs. 46, 47, and 61;

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AS 46.03.314 -- this provision is no longer applicable by its own terms and should be fully executed;

AS 46.03.790(g)(3) -- defines a word that is not used in the section;

AS 46.03.900(16) -- redundant to AS 01.10.060(4);

AS 47.45.010(d) -- see discussion relating to secs. 46, 47, and 61.

Sec. 63. Provides an immediate effective date.

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