

# Annual Report

## 2014

**AJJAC**  
our kids • our state • our future



**Submitted by:**  
Alaska Juvenile  
Justice Advisory  
Committee  
(AJJAC)

## Alaska Juvenile Justice Advisory Committee (AJJAC)

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The Alaska Juvenile Justice Advisory Committee (AJJAC) is pleased to present the 2014 Annual Report to the Governor. The Annual Report is a required report from state advisory groups for states to receive federal juvenile justice formula funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

### *AJJAC Mission*

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It is the mission of the Alaska Juvenile Justice Advisory Committee to provide support, advice and guidance to the government and citizens of the State of Alaska, in accordance with the Juvenile Justice and Delinquency Prevention Act, to help reduce and prevent juvenile crime, while ensuring that Alaska's youth are provided meaningful opportunities to succeed.

Members of AJJAC are appointed by the Governor (Administrative Order 137) and are tasked with advising DJJ on compliance with the Juvenile Justice and Delinquency Prevention (JJDP) Act as well as advising the Governor and Legislature about juvenile justice matters related to AJJAC's duties under the JJDP Act. AJJAC operates as the advisory committee for all planning, administrative and funding functions of the JJDP Act in Alaska. The JJDP Act is a landmark reform measure designed to improve the nation's juvenile justice system and to reduce juvenile delinquency and the unsafe incarceration of youth.

OJJDP awards federal juvenile justice formula grant funds annually to states that comply with the JJDP Act. Funding is contingent upon compliance with the four core mandates of the JJDP Act. The four core mandates include:

1. **De-institutionalization of Status Offenders:** States must ensure that youth who are charged with status offenses are not placed in locked detention or correctional facilities. Status offenses are behaviors that are not criminal when committed by adults, such as, drinking, violating curfew, running away, and truancy. These youth may not be held in adult jails or lockups.
2. **Sight and Sound Separation of Juvenile and Adult Offenders:** States must ensure that youth who are temporarily confined in adult jails or lockups do not have sight or sound contact with adult inmates.
3. **Removal of Juveniles from Adult Jails and Lockups:** States must ensure that youth who are accused of delinquent acts are held in adult jails and lockups for processing for no more than 6 hours before their first court appearance and 6 hours after court.
4. **Disproportionate Minority Contact in the Juvenile Justice System:** States must assess, identify, and work towards eliminating any overrepresentation of minority youth to ensure a fair system for all youth.

## A Note from the AJJAC Chair, Linda Moffitt

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This year AJJAC is addressing the automatic waiver of juveniles. We are recommending additional statutory “tools” for prosecutors and the court to utilize when confronted with juveniles who commit serious offenses. We also want to preserve the ability to provide treatment and rehabilitation to juveniles, whose brains and social development are not yet complete. Finally, we wish to avoid the increased recidivism rates that occur with juveniles who have been waived to the adult system.

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### Recommendations from the Alaska Juvenile Justice Advisory Committee

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As part of AJJAC’s duty to provide advice and guidance to the government and citizens of the State of Alaska, below are the recommendations for this year:

- 1. Eliminate or revise the "Automatic" Juvenile Waiver statute passed in Alaska in 1996**
  - Expand the current “discretionary waiver” statute for juveniles under the age of 16 to all juveniles under 18 for all crimes covered by the existing automatic juvenile waiver law.
  - Juveniles deemed not amenable to treatment would be waived to adult status.
- 2. Extend the age of jurisdiction in the juvenile system to the age of 21 for all offenders adjudicated of the following crimes:**
  - An unclassified or class A felony against a person.
  - Arson in the First Degree.
  - B felony against a person in which the juvenile is alleged to have used a deadly weapon and the juvenile was previously adjudicated as a delinquent or convicted as an adult as a result of an offense that involved the use of a deadly weapon against a person.
  - Misconduct Involving Weapons in the First Degree when the offense includes felony.
  - Misconduct Involving a Controlled Substance or discharging the deadly weapon from a propelled vehicle.
- 3. Expand the use of Dual Sentencing statute:**
  - Adjudicated juveniles serving time in a juvenile treatment facility with satisfactory results prior to their 21<sup>st</sup> birthday, would be released from DJJ jurisdiction when treatment is complete.
  - Adjudicated juveniles without satisfactory results by their 21<sup>st</sup> birthday would then be transferred to an adult facility to serve out the remainder of their sentence.
  - Allow dual sentencing to be utilized as an option for all crimes under the current automatic waiver statute.

## Contributing factors to support our recommendations:

- Statistical data shows that between 2001 and 2008, 70 juveniles were incarcerated within Alaska Department of Corrections facilities. More recently, DJJ reports that between FY2009 and the mid-point of FY2014 there have been 38 juveniles auto-waived from DJJ to the Department of Corrections (DOC). In addition, another 34 juveniles initially referred for auto-waiver had their cases ultimately returned to the juvenile system for disposition of their charges.
- Juveniles under 18 who are waived and incarcerated in the adult Department of Corrections (DOC) system are placed in Administrative Segregation (AD SEG) until they reach the age of 18 or are sentenced as an adult. While in AD SEG, they are essentially in segregation due to age and not behavior with limited privileges.
- It has been determined that brain growth continues into an individual's mid-20s. It is the inevitability of growth and the ability to learn and change that is the foundation of rehabilitation and restorative justice.
- Studies have proven that juveniles are more treatable than adults and less likely, with treatment, of continuing criminality as adults. These factors make the prosecution and incarceration as adults of most of the juveniles now being "auto waived" to be ineffective in rehabilitating the juvenile and protecting the community.
- The Coalition for Juvenile Justice (CJJ) opposes trying and sentencing youth in adult criminal court, except in the rare case of a chronic and violent offender, and then only at the discretion of a juvenile court judge. (Coalition for Juvenile Justice)
- It is anticipated that that these changes would not cost more money, but would in fact save money on all fronts based on the following data:
  1. Between 2001 and 2008, 70 juveniles were incarcerated within Alaska Department of Corrections facilities. Of this number, 49 recidivated within three years of release, a 70% rate of re-arrest, with over half of those who re-offended, committing a crime of equal or higher severity than the offense for which they were auto-waived.
  2. During the same time period, 19 youth were incarcerated in Alaska's juvenile justice facilities following adjudications on unclassified or class A felonies. These juveniles had a 59% recidivism rate but none of their new offenses were equal to or more severe than their original charge.
  3. These Alaska numbers are generally consistent with national research and statistics demonstrating higher recidivism among youth tried, convicted, and sentenced in the adult system in comparison with those who remain in the juvenile system.

## References:

1. Coalition for Juvenile Justice, "Trying and Sentencing Youth in Adult Criminal Court"
2. Division of Juvenile Justice statistical data.

For more detailed information, please contact an AJJAC member.

# Juvenile Justice and Delinquency Prevention (JJDP) Core Mandates Update

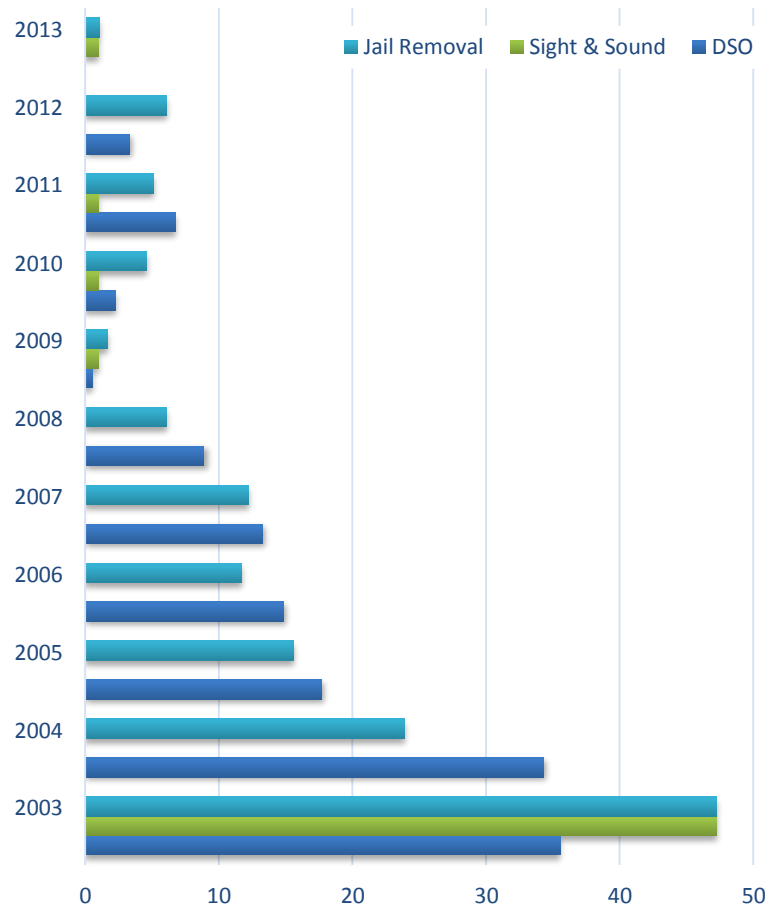
## Compliance Monitoring Update

AJJAC continues to support full compliance with the first three core mandates of the JJDP Act. There continues to be strong collaborations with rural law enforcement, the Department of Public Safety (DPS) and the Department of Corrections (DOC) and DJJ to ensure that juvenile offenders are held safely and securely in the state's rural community adult jails and lock-ups.

While not yet in full compliance with the core mandates of the Act, AJJAC has advised on the development of training tools which include manuals, placards, brochures and training videos to be used as resources. Efforts to update these training tools will continue in the upcoming year.

Alaska's juvenile hold data has been collected since 1987. In that time, there has been a decrease in the number of juvenile hold violations. Data from Alaska's violation rates over the last ten years illustrates the reduction in violations.

Alaska's Violation Rates

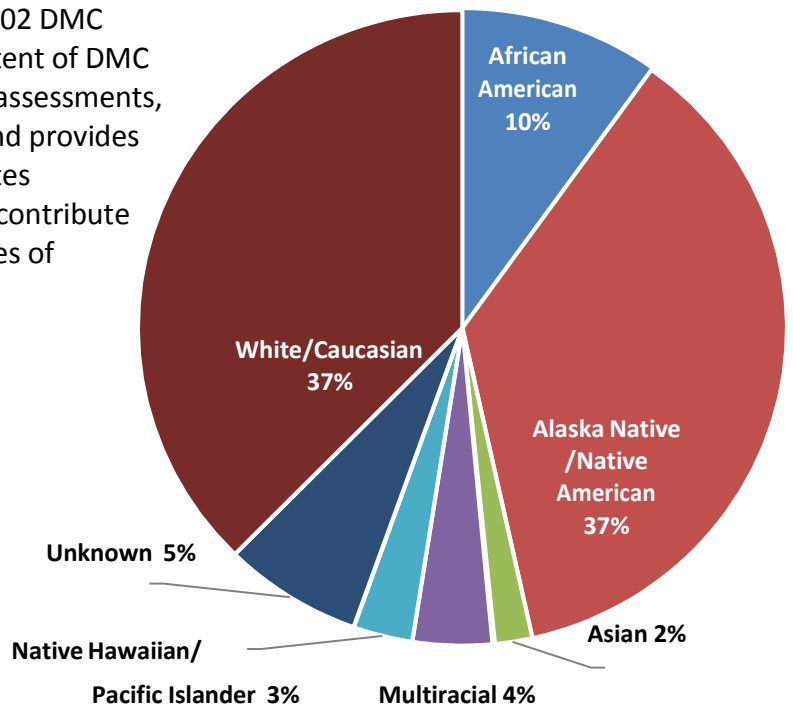


## Disproportionate Minority Contact

AJJAC has supported the development of a state Disproportionate Minority Contact (DMC) plan which has been found in full compliance with the fourth core mandate by OJJDP. DMC exists when the percentage of minority youth in contact with the justice system is higher than the overall percentage of that minority group in the total population. Since 1994, AJJAC has reviewed and analyzed data and worked to reduce DMC in our state, focusing on Anchorage and Fairbanks due to the highest juvenile populations.

## Referrals by Race

- OJJDP DMC Update: OJJDP is revising the 2002 DMC Update publication, which discussed the extent of DMC nationally, summarizes findings from state assessments, highlights OJJDP and states' DMC efforts and provides recommendations. Alaska is one of five states (AK, WI, CT, IA, and PA) that were asked to contribute to this report. The report is in the final stages of review before publication.



**DMC Rates:** State data shows that DMC affects all minority youth statewide. DJJ annual data shows the referrals by race for the last five years with the highest referrals for minority being Native Alaskan/American Indian youth.

### DJJ Statewide Referrals by Race FY 2009 – FY 2013

Race	FY09		FY10		FY11		FY12		FY13	
	#	%	#	%	#	%	#	%	#	%
Alaska Native/ Native American	1,396	30%	1,482	32%	1,471	35%	1,269	33%	1,279	37%
African American	383	8%	410	9%	410	10%	401	10%	335	10%
Asian	103	2%	93	2%	68	2%	63	2%	62	2%
Native Hawaiian / Pacific Islander	122	3%	147	3%	123	3%	158	4%	101	3%
White/Caucasian	2,091	45%	1,995	43%	1,732	41%	1,608	42%	1,315	38%
Multiracial	371	8%	269	6%	230	5%	165	4%	129	4%
Other	47	1%	6	0%						
Unknown	184	4%	276	6%	227	5%	195	5%	241	7%
<b>Total</b>	<b>4,697</b>		<b>4,678</b>		<b>4,261</b>		<b>3,859</b>		<b>3,462</b>	

*During FY2010, "Other" was removed from possible answers for juvenile race.*

## Grant Projects

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### Formula Budget Spending for 2013

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Formula funds are primarily utilized to gain compliance with the four core mandates of the JJDP Act. Compliance with the Act is a high priority and efforts will continue toward this. AJJAC supports on-going efforts to put a high priority on compliance with the Act, to ensure a fair and effective juvenile justice system and to maintain federal funds that assist with this effort.

### Formula Non-Secure Attendant Care Shelter Grants

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Non-secure attendant care shelters provide short-term staff-secure placement for referred youth and youth who are placed into protective custody until they can be safely released to a parent/guardian or transferred to a residential or juvenile detention facility. Referrals may be made by juvenile probation officers and by local judicial and law enforcement officers.

Covenant House Youth Reception Center	Anchorage	\$ 33,260
Juneau Youth Services	Juneau	\$ 14,060
Presbyterian Hospitality House	Fairbanks/Mat-Su	\$ 21,740
Residential Youth Care	Ketchikan	\$ 20,000
Youth Advocates of Sitka	Sitka	\$ 17,849
Kodiak Island Counseling	Kodiak	\$ 6,620

### Delinquency Prevention Grants/Native American Pass-Through Grants

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<u>Hydaburg Cooperative Association</u>	Hydaburg	\$ 45,000
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Hydaburg Cooperative Association (HCA), in conjunction with the Boys and Girls Club of Alaska, staff an after-school youth club in the Southeast Alaska village of Hydaburg. Activities sponsored by HCA and supported by this grant include academic and homework support, SMART activities, educational games, family nights and cultural events.

<u>RurALCAP</u>	Statewide	\$150,000
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RurALCAP awarded grants of \$10,000 or less to rural Native Alaskan communities for delinquency prevention, community-building and traditional cultural activities. Two sets of mini-grants were awarded in 4 - 6 month increments to the following communities:

- Craig Tribal Association
- Northway Village Council
- Old Harbor
- Port Graham
- Hughes
- Organized Village of Kake
- Toksook Bay-Nunakauyak Tribal Council
- Chevak Traditional Council
- Noorvik
- Huslia
- Kotlik

## Contact Information

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### Alaska Juvenile Justice Advisory Committee Members

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### Division of Juvenile Justice Staff

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