

ANNUAL REPORT 2015

ALASKA JUVENILE JUSTICE ADVISORY COMMITTEE (AJJAC)

December
2015

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Special points of interest:

- Marijuana Initiative:
Impact on Juvenile Offenders
- Juvenile Justice Delinquency Prevention Act Update

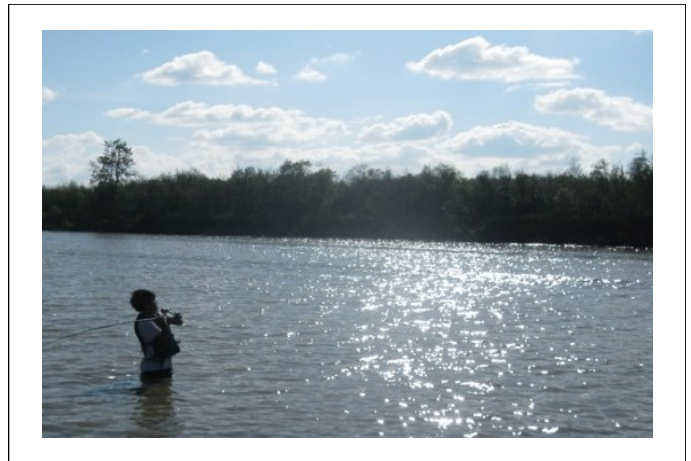
ANNUAL REPORT TO THE GOVERNOR

The Alaska Juvenile Justice Advisory Committee (AJJAC) is pleased to present the 2015 Annual Report to the Governor.

This is a required report for states to receive federal juvenile justice formula funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Members of AJJAC are appointed by the Governor (Administrative Order 137) and are tasked with advising the Alaska Division of Juvenile Justice (DJJ) on compliance with the federal Juvenile Justice and Delinquency Prevention (JJDP) Act.

The JJDP Act is a landmark measure designed to improve the nation's juvenile justice system and to



Fishing on the Kuskokwim: Bethel Youth Facility-Fish Camp 2014

reduce juvenile delinquency and the unsafe incarceration of youth.

AJJAC operates as the advisory committee for the planning, administrative and funding functions of the JJDP Act in Alaska and advises the Governor and Legislature about juvenile

justice matters related to the act.

This report includes an update on Alaska's compliance with the JJDP Act and recommendations focused on addressing the impact of Alaska's marijuana initiative on juveniles.

AJJAC
our kids • our state • our future



LETTER FROM THE CHAIR

Last year AJJAC's recommendation was to consider rescinding or revising the automatic waiver of juveniles. We hope that recommendation will be looked at seriously and acted upon. We have accumulated significant data that indicates our juvenile justice facilities are the best places for these offenders to receive treatment and will provide that information upon request.

Our recommendation this year addresses the very hot topic of marijuana. Ballot Measure 2, which passed in the fall of 2014, addressed aspects of marijuana for Alaskans over the age of 21, but did not address those same aspects for juveniles or young adults age 18-20.

Working in conjunction with the Alaska Division of Juvenile Justice (DJJ), we feel that the recommendations we are making this year will assist the Governor, legislature, law enforcement and the courts in dealing with underage marijuana users.

Robert Froehle
AJJAC Chair

AJJAC RECOMMENDATIONS

Addressing the Marijuana Initiatives Impact on Juvenile Offenders

AJJAC believes there are many risk factors associated with marijuana use, especially for juveniles who begin to use marijuana at an early age. According to the Alaska Department of Health and Social Services factsheet "Adolescent Marijuana Use-The Effects of Marijuana on Growing Brains" (2015), research shows that using marijuana at an early age may lead to adverse impacts on adolescent brain development. Juvenile marijuana use is associated with poorer academic performance and can contribute to higher school dropout rates. Juvenile marijuana use can also lead to long-term substance abuse and an increased risk of mental health issues.

In November 2014, voters approved Ballot Measure 2: An Act to Tax and Regulate the Production Sale and Use of Marijuana. The bill establishes that a person over the age of 21 may legally possess, use, show, buy, transport, or grow marijuana in Alaska.



While Ballot Measure 2 decriminalized certain aspects of marijuana possession and use for Alaskans over the age of 21, it did not address criminal offenses for juveniles or young adults age 18-20 years old. The existing statutes create a disparity for youth who still face criminal charges for possession and use of marijuana (see AS 11.71.040-060).

While this committee strongly encourages Alaskan youth to not use marijuana, we believe that education, treatment, and community solutions are the appropriate way to address substance abuse by minors.

We urge the Governor and Alaska Legislature to consider the following recommendations:

1. Address criminal offenses for Alaskans under the age of 21 by creating new, non-criminal underage violations related to marijuana possession and use.
2. Create an incentive system of reduced fines and penalties for underage marijuana violations through voluntary participation in Youth Courts, treatment, education, or community diversion programs.
3. Create a mechanism for juvenile citations to become confidential in district court after case closure.
4. Provide funding and support for Youth Courts and community diversion programs to help address juvenile marijuana citations.
5. Provide funding and support for the Division of Juvenile Justice's delinquency prevention programs to prevent and reduce underage marijuana use.

AJJAC believes that these initiatives help bring "smart justice" to the difficult issue of responding to marijuana use by young adults from 18-21.

Non-criminal sanctions allow the use of evidence-based alternatives to the traditional justice system, and allowing confidentiality for young adult marijuana citations helps reduce recidivism by enhancing prospects for future employment and education.

“Juvenile marijuana use is associated with poorer academic performance and can contribute to higher school dropout rates. Juvenile marijuana use can also lead to long-term substance abuse and an increased risk of mental health issues.”

Alaska Department of Health and Social Services

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT- FOUR CORE MANDATES

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) awards federal juvenile justice formula grant funds annually to states that comply with the Juvenile Justice and Delinquency Prevention (JJDP) Act. Funding is contingent upon compliance with the four core mandates of the act which include:

1. Deinstitutionalization 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.

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 in the juvenile justice system to ensure a fair system for all youth.

JJDP ACT CORE MANDATE UPDATE

Deinstitutionalization of Status Offenders (DSO)

Since Alaska's passage of state legislation in 2004 (Chapter 95 SLA 04) which describes the limited conditions under which a juvenile may be held in an adult jail or secure facility, the incidences of DSO violations have decreased. Data on Alaska's juvenile holds have been collected since 1987 and in that time DJJ has dramatically decreased the number of juvenile hold violations.

Sight and Sound Separation

Alaska has a history of compliance in implementing separation for juveniles and adults. Reductions in noncompliance have been continually achieved through education, training, and relationship building as well as adherence to state legislation directly impacting compliance. All facilities are aware of the sound and separation of juvenile and adult detainees and make best efforts to maintain sight and sound separation.

Jail Removal

Alaska's jail removal violation rates have continually decreased from previous years. The limited resources of rural Alaska create the ongoing issue of law enforcement locking up juveniles, when they do not have another option. DJJ continues to work toward elimination of noncompliant incidents through enforcement of State law and education of staff.

“Reductions in noncompliance have been continually achieved through education, training, and relationship building as well as adherence to state legislation directly impacting compliance.”

*DJJ Compliance Monitoring
Report FY2014*

“The State of Alaska was recently found in compliance by OJJDP for the federal core mandates of the deinstitutionalization of status offenders, sight and sound separation of juveniles and adults, and jail removal.”

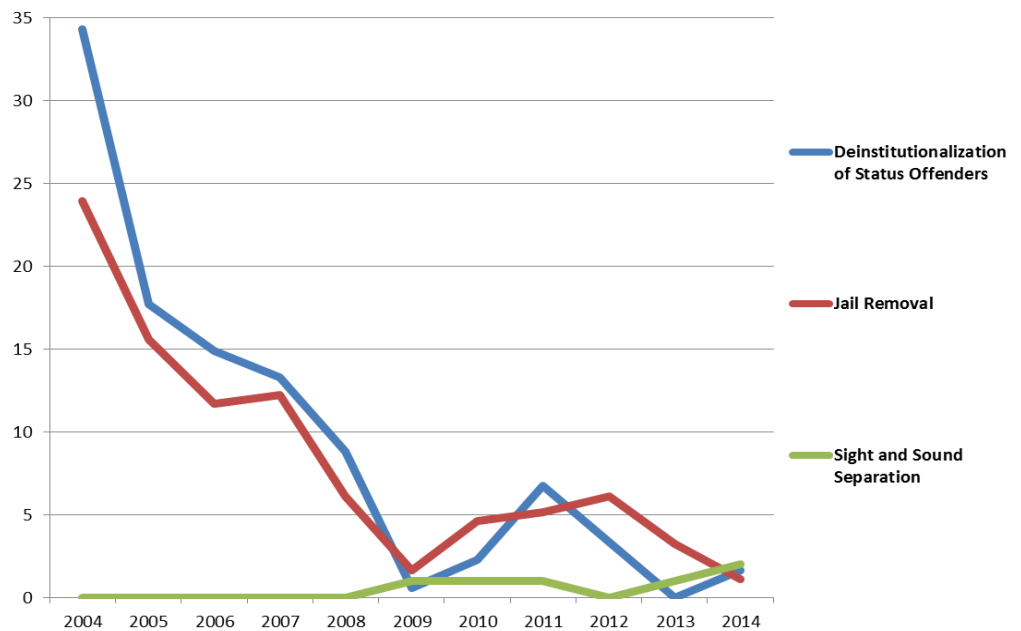
OJJDP Correspondence to DJJ

Disproportionate Minority Contact

Disproportionate Minority Contact (DMC) exists when minority youth have a rate of contact with the juvenile justice system that is significantly higher from the rate of contact for white youth. The JJDP Act mandates Alaska monitor and assess DMC rates and create specific interventions to reduce DMC within the juvenile justice system.

Since 1994, AJJAC has reviewed and analyzed data and worked to reduce DMC in Alaska. Detailed DMC data can be found on DJJ’s website at: <http://dhss.alaska.gov/djj/Pages/Programs/DMC.aspx>

Core Mandate Violations FY04-14



State Compliance with the JJDP Act

The State of Alaska was recently found in compliance by OJJDP with the first three federal core mandates of the deinstitutionalization of status offenders, sight and sound separation of juveniles and adults, and jail removal.

OJJDP also conducted a review of Alaska's compliance monitoring process in FY15 and found that Alaska has appropriate internal controls in place for compliance monitoring. AJJAC will continue to advise DJJ on compliance for these federal core mandates in FY16.

The State of Alaska was found “not out of compliance” for the disproportionate minority contact core mandate. This means that OJJDP will continue to provide technical assistance and support to Alaska to address minority overrepresentation at key decision points in the juvenile justice system.

Alaska’s dedication and diligence in the pursuit of full compliance with the four core mandates of the JJDP Act are continued with collaboration with AJJAC, the Department of Public Safety, the Division of Behavioral Health, Alaska Native Corporations, DJJ probation and facility staff, and a multitude of local and community partners.

FY15 JUVENILE JUSTICE GRANTS

Ongoing compliance with the federal core mandates through the hard work by DJJ, AJJAC and communities results in Alaska being eligible to receive federal dollars to strengthen juvenile justice activities statewide.

Programs made possible by federal grant funding in FY15 include:

Formula Non-Secure Attendant Care Shelter Grants in Alaska

Covenant House	Anchorage	\$33,260
Juneau Youth Services	Juneau	\$14,060
Presbyterian Hospitality House	Fairbanks & Wasilla	\$34,840
Youth Advocates of Sitka	Sitka	\$17,849

Delinquency Prevention and Native American Pass Through Grant

Hydaburg Cooperative Association Hydaburg	\$45,000
Rural Alaska Community Action Program, Inc. (RurAL CAP) Statewide	\$180,000

Communities served by the RurAL CAP program in FY15:

- Native Village of Port Lyons
- Chilkoot Indian Association
- Native Village of Fort Yukon
- Village of Lower Kalskag
- Nulato Tribal Council
- Tanana Tribal Council
- Venetie Tribal Council
- Klawock Cooperative Association
- Native Village of Teller
- Native Village of Shishmaref
- Noorvik Native Community
- Native Village of Old Harbor
- Craig Tribal Association
- Huslia Tribal Council
- Village of Bill Moore's Slough (Kotlik)

DIVISION OF JUVENILE JUSTICE STAFF

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The State of Alaska's Division of Juvenile Justice (DJJ) is the division within the Department of Health and Social Services that is responsible for all probation, detention, and institutional treatment services for delinquent youth in Alaska.

The mission of the DJJ is to hold juvenile offenders accountable for their behavior, promote the safety and restoration of victims and communities, and assist offenders and their families in developing skills to prevent future crime.

ALASKA JUVENILE JUSTICE ADVISORY COMMITTEE MEMBERS

Bob Froehle, Chair
Public Member, Nome

Bernina A. I. Venua, Vice Chair
At-Large Member, Dillingham

Stormi Backus, Secretary
Juvenile Under 24 *, Kenai

Thomas Begich
Public, Anchorage

Jackson Blackwell
Juvenile Under 24*, Soldotna

Mark Cook
Juvenile Under 24*, Anchorage

Monica Heintzman
Juvenile Under 24*, Wasilla

Michael Jeffery
Public, Barrow

Beverly Jenkins
Public, Anchorage

Laura Ogan
Public, Anchorage

Michelle Overstreet
Public, Wasilla

Trevor Shaw
Juvenile Under 24*, Ward Cove

Austin Stevenson
Public, Palmer

Colleen Sullivan-Leonard
Elected Official, Wasilla

Karen Zeman
Public, Anchorage

*- denotes age when first appointed



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The points of view or opinions in this document do not necessarily represent the views or opinions of the Office of Juvenile Justice and Delinquency Prevention or the U. S. Department of Justice.