

ALASKA JUVENILE JUSTICE ADVISORY COMMITTEE

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2016

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Special Points of Interest:

- Cultural Accountability
- FASD
- Automatic Waiver of Juveniles
- Age of Jurisdiction
- Marijuana Possession for Underage Youth

ANNUAL REPORT TO THE GOVERNOR

The Alaska Juvenile Justice Advisory Committee (AJJAC) is pleased to present the 2016 Annual Report to the Governor.

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 reform measure designed to improve the nation's juvenile justice system and to reduce juvenile delinquency and the unsafe incarceration of youth.

AJJAC is comprised of dedicated volunteers from around the state who provide input to DJJ on activities funded through the JJDP Act, gather feedback from youth involved in Alaska's juvenile justice system, and provide juvenile justice recommendations annually to the Governor.

This report includes an update on the State of Alaska's compliance with the core mandates of the JJDP Act and recommendations focused on maintaining DJJ's rural offices and programs.



Climbing Big Hill— Native Village of Tetlin

Youth Development and Culture Program
RurAL CAP, 2016

LETTER FROM THE CHAIR

Dear Alaskans,

I am proud to present our 2016 AJJAC Annual report. As with past reports, this short document details where federal grants are spent, the four core requirements of the Juvenile Justice and Delinquency Prevention Act and how we are complying with them (which has an impact on our federal receipts from the Office of Juvenile Justice and Delinquency Prevention), and emphasizes issues of importance to policy makers within the field of juvenile justice.

This report provides a more specific focus on rural justice and the importance of maintaining our rural justice programs in the face of tremendous pressures on state government. AJJAC fully appreciates the fiscal situation faced by the state and have understood and accepted many of the difficult decisions made in that regard – whether the closing of certain youth facilities, hiring and travel restrictions, or other similar policy actions. This report emphasizes the incredible benefit and reach of our rural justice efforts and encourages your support of those efforts. It is critical to not sacrifice the great strides we have made in rural justice so we recommend that the State of Alaska "...remain committed to maintaining DJJ's current rural-based offices, programs and services and support the development of rural diversion programs and other justice-based tribal partnerships."

Our report also has a number of additional recommendations both from past years and with current relevance. I hope you will take a moment to review our report and to contact members of the AJJAC or the Alaska Division of Juvenile Justice should you have further questions.

Tom Begich
AJJAC Chair

AJJAC
our kids • our state • our future



RECOMMENDATIONS TO THE GOVERNOR

Maintain Rural Juvenile Justice Programs

To improve successful outcomes for Alaska Native youth and to support culturally appropriate accountability, AJJAC recommends the State of Alaska remain committed to maintaining DJJ’s current rural-based offices, programs and services. Specific prevention and proactive approaches by DJJ in rural communities and hubs will also effectively increase protective and cultural factors contributing to the success of Alaska Native youth.

There are 229 federally recognized Alaska Native Tribes in Alaska: Iñupiat, Yupik, Aleut, Eyak, Tlingit, Haida, Tsimshian, and a number of Northern Athabaskan tribes, comprise the diverse cultural heritage of Alaska’s indigenous peoples. According to the American Community Survey conducted by the US Census, in 2016 17% of the state’s youth population (age 10-17 years old) is Alaska Native.

Referrals to DJJ are triggered when a youth is arrested or charged by a law enforcement officer with an offense that would be a crime if committed by an adult. Although 17% of the state’s youth population is Alaska Native, Alaska Native youth received 36% of all DJJ delinquency referrals in 2016. The referral (arrest) rate of Alaska Native youth is a statewide area of concern, especially for Alaska Native youth living in Alaska’s rural communities.

Maintaining DJJ’s physical presence in Alaska’s rural communities is essential for providing place-based and culturally appropriate services to youth who are involved, or who are at risk of becoming involved, with Alaska’s juvenile justice system. Rural youth who receive DJJ services in rural communities have more opportunities to develop healthy family and community relationships and it helps them remain connected to their cultural identity. Rural youth who remain in rural communities while under the supervision of DJJ are more familiar with their surroundings, which can also help support their mental and behavioral health needs.

“Maintaining DJJ’s physical presence in Alaska’s rural communities is essential for providing place-based and culturally appropriate services to youth who are involved, or who are at risk of becoming involved, with Alaska’s juvenile justice system”



**Native Plant Identification—
Sleetmute Traditional Council.**
Youth Development and Culture Program
RurAL CAP, 2015

RECOMMENDATIONS CONTINUED..

Rural Alaska with its geographic isolation, high cost of living and extreme weather conditions faces unique challenges to providing juvenile justice services to Alaska Native youth who live in rural areas.

One strategy is the development of juvenile justice diversion panels in rural and tribal communities which divert youth from formal DJJ involvement and also support Alaska Native youth by repairing the harm caused to victims and communities for low-level offenses in accordance with their traditional values. DJJ has begun to develop Memorandums of Agreements with rural tribes to formally collaborate to implement diversion programs for juvenile offenders in rural Alaskan communities.

AJJAC believes restorative justice reflects the values of indigenous peoples and that the State of Alaska should also continue to support rural and tribal partnerships such as Peacemaking, Tribal Circles, Wellness Courts, and other rural and tribal diversion programs. Honoring and utilizing these programs empowers rural communities in their role for restorative justice with their young people, allowing for strong government and community relations, and will continue to address the disproportionate rate of contact Alaska Native youth have with the juvenile justice system.

AJJAC values programs and resources which are developed by and for rural Alaska youth with integrity and compassion, and are rooted in the unique cultural values of Alaska's indigenous people. The Committee encourages the State of Alaska to remain committed to maintaining DJJ's current rural-based offices, programs and services and support the development of rural diversion programs and other justice-based tribal partnerships.

AJJAC views these statewide investments and approaches as essential to DJJ's mission of serving Alaska's youth.

“AJJAC values programs and resources which are developed by and for rural Alaska youth with integrity and compassion, and are rooted in the unique cultural values of Alaska's indigenous people.”

**Fishing for Grayling on the Innoko River—
Shageluk Native Village**

Youth Development and Culture Program
RurAL CAP, 2016



ADDITIONAL RECOMMENDATIONS

Along with the recommendation to the Governor to maintain DJJ’s current rural programs and activities, the Committee strongly supports the review of these recommendations from previous AJJAC Annual Reports:

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1. AJJAC recommends that the State of Alaska continue to provide support to at-risk youth who are affected by a Fetal Alcohol Spectrum Disorder (FASD). With appropriate supports from trained staff and community members, these youth can lead healthy and productive lives.
2. AJJAC recommends the elimination or revision of the "Automatic" juvenile waiver statute passed in Alaska in 1996. AJJAC also recommends expanding 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.
3. AJJAC recommends extending the age of jurisdiction in the juvenile system to the age of 21 for all offenders adjudicated for certain felony crimes and to expand the use of the dual sentencing statute.
4. AJJAC recommends the Alaska Legislature should address criminal offenses for Alaskans under the age of 21 by creating new, non-criminal underage violations related to marijuana possession and use including:
 - ◇ Creating an incentive system of reduced fines and penalties for underage marijuana violations through voluntary participation in Youth Courts, treatment, education, or community diversion programs.
 - ◇ Creating a mechanism for juvenile citations to become confidential in district court after case closure.
 - ◇ Providing funding and support for Youth Courts and community diversion programs to help address juvenile marijuana citations.
 - ◇ Providing funding and support for DJJ’s delinquency prevention programs to prevent and reduce underage marijuana use.
 - ◇ Changing the criminal classification for youth under the age of eighteen who possess marijuana on school grounds to a misdemeanor offense, while keeping any age distribution charge a felony level offense.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT- FOUR CORE MANDATES

The Office of Juvenile Justice and Delinquency Prevention 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 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 for no more than 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 Alaskan youth.



JJDP ACT COMPLIANCE UPDATE

Deinstitutionalization of Status Offenders (DSO)

Since Alaska's passage of legislation in 2004 prohibiting the placement of status offenders in a 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 maintaining compliance for the 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. Facilities who hold youth are aware of federal mandate and make best efforts to maintain sight and sound separation between juveniles and adults.

Jail Removal

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

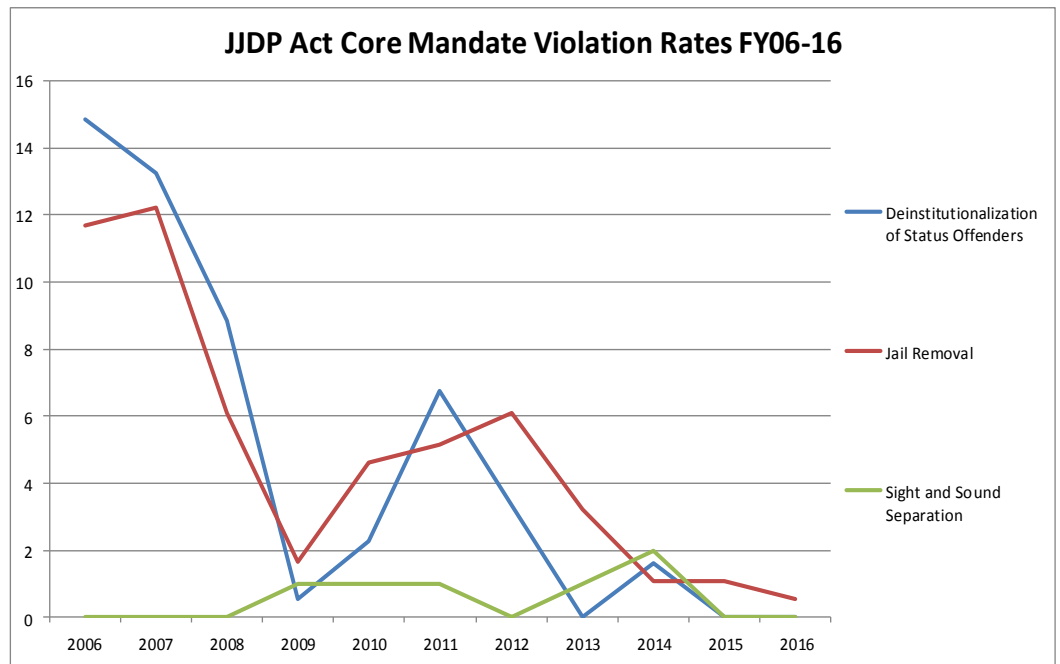
“The State of Alaska was recently found in compliance by OJJDP for the federal core mandates of the deinstitutionalization of status offenders, sight and sound separation of juveniles and adults, and jail removal.”

“Alaska has a history of maintaining compliance for the separation for juveniles and adults. Reductions in noncompliance have been continually achieved through education, training, and relationship building...”

Disproportionate Minority Contact (DMC)

DMC exists when minority youth have a rate of contact with the juvenile justice system that is significantly higher than the rate of contact for Caucasian youth. The JJDP Act mandates Alaska to monitor and assess DMC rates and create specific interventions to reduce DMC within the DJJ 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>



State Compliance with the JJDP Act

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.

The State of Alaska was found in 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.

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 FY17.

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

FY16 JUVENILE JUSTICE GRANT AWARDS

Ongoing compliance with the federal core mandates results in Alaska being eligible to receive federal dollars from the Office of Juvenile Justice and Delinquency Prevention to strengthen juvenile justice activities statewide.

Grant programs made possible by federal funding in FY16 include:

Formula Non-Secure Attendant Care Shelter Grants in Alaska

Covenant House Alaska	Anchorage	\$33,260
Juneau Youth Services	Juneau	\$14,060
Presbyterian Hospitality House	Fairbanks & Wasilla	\$29,028
Youth Advocates of Sitka	Sitka	\$17,849

Delinquency Prevention and Indian Tribal Program

Rural Alaska Community Action Program, Inc. (RurAL CAP) Statewide \$184,560

The Youth Development and Culture program is a partnership between DJJ and RurAL CAP to reduce the disproportionate contact Alaska Native youth have with the juvenile justice system and to improve communications with Alaska Native youth, their families and communities. Communities and Tribes receiving funding in FY16 include:

- Asa'Carsarmiut Tribal Council
- Hoonah Indian Association
- Village of Kotlik
- Nondalton Tribal Council
- Shageluk Native Village
- Sleetmute Traditional Council
- Native Village of Tetlin
- Native Village of White Mountain
- Native Village of Tanana
- Wrangell Institute for Science and Environment
- Traditional Council of Togiak

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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.

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*- denotes age when first appointed



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