



FY 1997 Juvenile Justice and Delinquency Prevention Compliance Monitoring Report

Report prepared

for the

Alaska Division of Family and Youth Services

by

Justice Center

University of Alaska Anchorage



JC 9802

December 1997

FY 1997 JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT
COMPLIANCE MONITORING REPORT

STATE OF ALASKA
Department of Health and Social Services
Division of Family and Youth Services

Report Prepared by:

Richard W. Curtis
Project Manager

N.E. Schafer
Principal Investigator

Justice Center
University of Alaska Anchorage

JC 9802

December 1997

CONTENTS

A. GENERAL INFORMATION 1

SECTION 223(a)(12)(A)

B. REMOVAL OF STATUS OFFENDERS AND NONOFFENDERS FROM
SECURE DETENTION AND CORRECTIONAL FACILITIES 2

C. FULL COMPLIANCE REQUEST 5

SECTION 223(a)(12)(B)

D. PROGRESS MADE IN ACHIEVING REMOVAL OF STATUS OFFENDERS
AND NONOFFENDERS FROM SECURE DETENTION AND
CORRECTIONAL FACILITIES 7

SECTION 223(a)(13)

E. SEPARATION OF JUVENILES 8

SECTION 223(A)(14)

F. REMOVAL OF JUVENILES FROM ADULT JAILS AND LOCKUPS 11

G. DE MINIMIS REQUEST: SUBSTANTIVE 17

Appendix I

METHOD OF ANALYSIS 21

Appendix II

FISCAL YEAR 1997 VIOLATIONS BY OFFENSE TYPE AND LOCATION 25

Appendix III

COMMON OFFENSE ACRONYMS 27

**FY 1997 JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT
COMPLIANCE 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: Patty Ware Phone: (907) 465-2112

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 (CINA), AS 47.10.990 (definition CINA), AS 47.12.020 (delinquency), and AS 47.12.990 (definition delinquent).

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: Fiscal year 1997

2. Number of public and private secure detention and correctional facilities:

	<i>Total</i>	<i>Public</i>	<i>Private</i>
Baseline data	14	13	1
Current data	129	129	0
Juvenile detention centers	5	5	0
Juvenile holdover facilities ¹	2	2	0
Juvenile training schools ²	0	0	0
Adult jails	14	14	0
Adult correctional facilities ³	0	0	0
Adult lockups ⁴	108	108	0

¹ “Juvenile Holdover Facility” is a designation used to identify secure facilities used solely for the temporary detention of juveniles.

² Three 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 The Department of Corrections is contacted annually regarding all DOC facilities.

⁴ Modifications to the FY 1996 universe of adult jails and adult lockups for the FY 1997 report include the deletion of 9 adult lockups and the addition of 7 adult lockups.

3. Number of facilities in each category reporting admission and release data for juveniles to the state monitoring agency:

	<i>Total</i>	<i>Public</i>	<i>Private</i>
Baseline data	14	13	1
Current data	78	78	0
Juvenile detention centers	5	5	0
Juvenile holdover facilities	2	2	0
Adult jails	14	14	0
Adult correctional facilities	0	0	0
Adult lockups	57	57	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:

	<i>Total</i>	<i>Public</i>	<i>Private</i>
Current data	41	41	0
Juvenile detention centers	1	1	0
Juvenile holdover facilities	0	0	0
Adult jails	4	4	0
Adult correctional facilities	0	0	0
Adult lockups	36	36	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:

	<i>Total</i>	<i>Public</i>	<i>Private</i>
Baseline data¹	485	485	0
Current data	1	1	0
Juvenile detention centers	1	1	0
Adult jails	0	0	0
Adult correctional facilities	0	0	0
Adult lockups	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 accused status offenders and nonoffenders securely detained in adult jails or lockup for less than 24 hours. This includes status offenders accused of violating a valid court order, federal wards and out-of-state runaways.

	<i>Total</i>	<i>Public</i>	<i>Private</i>
Baseline data¹	n/a	n/a	n/a
Current data	10	10	0
Adult jails	2	2	0
Adult correctional facilities	0	0	0
Adult lockups ²	8	8	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.

² Includes projection for lockups not submitting data. There were **2 reported violations** in a Southeast Region adult lockup which were weighted to reflect non-reporting sites (x 1.75). There were **2 reported violations** in a Northern Region adult lockup which was weighted to reflect non-reporting sites (x 2.30). (See Appendix I for data projection method.)

7. Total number of adjudicated status offenders and nonoffenders held in any secure detention or correctional facility for any length of time excluding a judicial determination that the juvenile violated a valid court order:

	<i>Total</i>	<i>Public</i>	<i>Private</i>
Baseline data¹	n/a	n/a	n/a
Current data	0	0	0
Juvenile detention centers	0	0	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.

8. 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:

	<i>Total</i>	<i>Public</i>	<i>Private</i>
Baseline data¹	n/a	n/a	n/a
Current data	0	0	0
Juvenile detention centers	0	0	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?

N/A.

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)?

N/A.

C. FULL COMPLIANCE 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:

Accused	+	Adjudicated	=	Total
11	+	0	=	11

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

191,098 juveniles.

(Source: *Alaska Population Estimates by Age, Race and Sex*, Alaska Department of Labor, Research and Analysis, Demographics Unit, September 1996.)

If the data were 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:

N/A

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

$$11/1.91098 = 5.76 \text{ per } 100,000$$

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

6 out of the 7 unweighted detention events were in violation of existing state statutes.

3. Criterion C—The extent to which an acceptable plan has been developed:

N/A

4. Out of state runaways: 0

5. Federal wards: 0

6. Recently enacted change in state law:

During the 1996 legislative session changes were enacted to the runaway statute; however, it still 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.

AS 47.12.240 went into effect in August 1994. It describes which minors can be incarcerated, under what conditions, and for what lengths of time. To date, while many of the larger facilities have participated in the program, there are still rural lockup facilities that do not report or, if they do report, it is sporadically. This may be due in part to the frequent turnover of Village Public Safety Officers (VPSOs). It is not uncommon for a village to be without a VPSO for several months.

On September 13, 1995 violations of the state law regarding possession, control, or consumption of alcohol by persons under the age of 21, AS 04.16.050, ceased to be classified as misdemeanors and became classified as violations. The significance of this change is that a person cannot be securely detained for a violation of this statute; it thus removed the legal sanction by which several juveniles were detained during fiscal year 1997 in noncompliance with the revised elements Section 223(a)(12)(B).

Effective September 10, 1996, legislation went into effect that separated delinquency statutes from Child-In-Need-of-Aid (CINA) statutes.

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):

In recent years Alaska's progress in achieving the removal of status offenders and nonoffenders from secure detention had been excellent. During CY 1993 and FY 1994, Alaska 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 11 projected instances (7 actual) of noncompliance recorded in fiscal year 1997, up from 8 projected (6 actual) in fiscal 1996.

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 apparent violations of these conditions recorded in Alaska during fiscal 1997.

SECTION 223(a)(13)

E. SEPARATION OF JUVENILES AND ADULTS

- 1. **Baseline reporting period:** Calendar year 1976
Current reporting period: Fiscal year 1997
- 2. **What date had been designated by the state for achieving compliance with the separation requirements of Section 223(a)(13)?**

December 31, 1991

- 3. **Total number of facilities used to detain or confine both juvenile offenders and adult criminal offenders during the past twelve (12) months:**

	<i>Total</i>	<i>Public</i>	<i>Private</i>
Baseline data	12	12	0
Current data	54	54	0
Adult jails	13	13	0
Adult correctional facilities	0	0	0
Adult lockups ¹	41	41	0

¹ Includes projection for facilities not submitting data. There was 1 reporting adult lockup site holding both juveniles and adults in the Southeast Region with a weighting factor (x1.75) for non-reporting sites, 7 in the Southcentral Region with a weighting factor (x1.29) for non-reporting sites, and 13 in the Northern/Inland Region with a weighting factor (x2.30) for non-reporting sites. (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:**

	<i>Total</i>	<i>Public</i>	<i>Private</i>
Baseline data	n/a	n/a	n/a
Current data	40	40	0
Adult jails	4	4	0
Adult correctional facilities	0	0	0
Adult lockups	36	36	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:

	<i>Total</i>	<i>Public</i>	<i>Private</i>
Baseline data	5	5	0
Current data	2	2	0
Adult jails	0	0	0
Adult correctional facilities	0	0	0
Adult lockups ¹	2	2	0

¹ Includes projection for facilities not submitting data. There was 1 reporting adult lockup site which did not provide adequate separation of juveniles and adults in the Northern/Inland Region with a weighting factor (x2.30) for non-reporting sites. (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:

	<i>Total</i>	<i>Public</i>	<i>Private</i>
Baseline data	824	824	0
Current data	2	2	0
Adult jails	0	0	0
Adult correctional facilities	0	0	0
Adult lockups ¹	2	2	0

¹ Includes projection for facilities not submitting data. There was **1 reported violation** in a Northern Region adult lockup which was weighted to reflect non-reporting sites (x 2.30). (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. Two projected (1 actual) separation violations were recorded in Alaska during fiscal 1997, down from 3 in fiscal 1996. Since the 1976 baseline, when 824 cases of noncompliance were recorded, Alaska has achieved a 99.8% percent reduction in separation violations.

Alaska law requires that a juvenile detained in a facility which also houses adult prisoners 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” (AS 47.12.240(d)(1)). Detention officers throughout the state have

not only indicated awareness of this statute, but have embraced the concerns of the legislation and have taken a variety of innovative measures in order to comply with the separation mandate. 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.

There were two separation violations (1 actual) projected for adult lockups in fiscal 1997, down from 22 in fiscal 1995 and up from none in fiscal 1996. Adult lockups represent 80 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 is frequently impossible due to unavailability of air transportation and inclement weather.

In fiscal 1995, 1996 and again in 1997, there were no separation violations reported in adult jails. Adult jails accounted for 12 percent of the separation violations in Alaska during fiscal 1994, down from 51 percent in calendar year 1991 and 27 percent in 1992.

Over the course of fiscal 1997, the significant gains achieved during previous years in complying with the separation mandate in corrections facilities were sustained. The number of separation violations decreased from 23 in fiscal 1995 to three in fiscal 1996 and none in fiscal 1997.

8. Describe the mechanism for enforcing the state's separation law:

Alaska has employed a number of mechanisms for enforcing its separation laws, AS 47.12.240 and AS 47.12.240(a), and has substantially reduced instances of noncompliance with Section 223(a)(13) of the JJDP Act. DFYS continues to educate law enforcement officers, corrections officers, its own juvenile probation officers and the general public to the dangers of jailing juveniles and to the laws restricting such detention. The Division maintains nonsecure attendant care shelters in eleven communities throughout the state.

AS 47.12.240 addresses the detention of minors and seeks to end separation violations by specifying that

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. . . .

The violations that occurred in FY 1997 do not indicate a pattern or practice and were in violation of state law.

SECTION 223(A)(14)

F. REMOVAL OF JUVENILES FROM ADULT JAILS AND LOCKUPS

- 1. Baseline reporting period:** Calendar year 1980
Current reporting period: Fiscal year 1997

2. Number of adult jails:

	<i>Total</i>	<i>Public</i>	<i>Private</i>
Baseline data	15	15	0
Current data	14	14	0

3. Number of adult lockups:

	<i>Total</i>	<i>Public</i>	<i>Private</i>
Baseline data ¹	n/a	n/a	n/a
Current data ²	108	108	0

¹ Adult lockups were not included in the monitoring universe for the baseline year.

² Nine adult lockups were removed from the universe, and seven were added in fiscal 1997.

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:

	<i>Total</i>	<i>Public</i>	<i>Private</i>
Current data	40	40	0
Adult jails	4	4	0
Adult correctional facilities	0	0	0
Adult lockups	36	36	0

5. Total number of adult jails holding juveniles during the twelve months:

	<i>Total</i>	<i>Public</i>	<i>Private</i>
Baseline data ¹	14	14	0
Current data	13	13	0

¹ Includes data for two facilities classified as adult correctional facilities.

6. Total number of adult lockups holding juveniles during the twelve months:

	<i>Total</i>	<i>Public</i>	<i>Private</i>
Baseline data ¹	n/a	n/a	n/a
Current data ²	41	41	0

¹ Adult lockups were not included in the monitoring universe for the baseline year.

² Includes projection for facilities not submitting data. There was 1 reporting adult lockup site holding both juveniles and adults in the Southeast Region with a weighting factor (x1.75) for non-reporting sites, 7 in the Southcentral Region with a weighting factor (x1.29) for non-reporting sites, and 13 in the Northern/Inland Region with a weighting factor (x2.30) for non-reporting sites. (See Appendix I for data projection method.)

7. Total number of accused juvenile criminal-type offenders held in adult jails in excess of six (6) hours:

	<i>Total</i>	<i>Public</i>	<i>Private</i>
Baseline data ¹	766	766	0
Current data ²	20	20	0

¹ 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.

8. Total number of accused juvenile criminal-type offenders held in adult lockups in excess of six (6) hours:

	<i>Total</i>	<i>Public</i>	<i>Private</i>
Baseline data ¹	n/a	n/a	n/a
Current data ²	27	27	0

¹ Adult lockups were not included in the monitoring universe for the baseline year.

² Includes projection for facilities not submitting data. There were **2 known violations** in the Southeast Region with a weighting factor (x1.75) for non-reporting sites, **6 known** in the Southcentral Region with a weighting factor (x1.29), and **7 known** in the Northern/Inland Region with a weighting factor (x2.30) for non-reporting sites.(See Appendix I for data projection method.)

9. Total number of adjudicated criminal-type offenders held in adult jails for any length of time:

	<i>Total</i>	<i>Public</i>	<i>Private</i>
Baseline data ¹	n/a	n/a	n/a
Current data	6	6	0

¹ 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.

10. Total number of adjudicated criminal-type offenders held in adult lockups for any length of time:

	<i>Total</i>	<i>Public</i>	<i>Private</i>
Baseline data ¹	n/a	n/a	n/a
Current data ²	4	4	0

¹ Adult lockups were not included in the monitoring universe for the baseline year.

² Includes projection for facilities not submitting data. There were **3 known** in the Southcentral Region with a weighting factor (x1.29) for non-reporting sites. (See Appendix I for data projection method.)

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:

	<i>Total</i>	<i>Public</i>	<i>Private</i>
Baseline data ¹	98	98	0
Current data	5	5	0

¹ 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

12. Total number of accused and adjudicated status offenders and nonoffenders held in adult lockups for any length of time, including those status offenders accused of or adjudicated for violation of a valid court order:

	<i>Total</i>	<i>Public</i>	<i>Private</i>
Baseline data ¹	n/a	n/a	n/a
Current data ²	6	6	0

¹ Adult lockups were not included in the monitoring universe for the baseline year.

² Includes projection for facilities not submitting data. There were **2 known violations** in the Southeast Region with a weighting factor (x1.75) for non-reporting sites, and **1 known** in the Northern/Inland Region with a weighting factor (x2.30) for non-reporting sites.(See Appendix I for data projection method.)

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 47.12.250). All adult jails, lockups and correctional facilities in the fiscal 1997 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 122 adult jails, correctional centers and lockups, 68 jail removal violations were projected (52 actual) for Alaska during fiscal 1997. This count represents a 92 percent reduction in the overall number of juveniles held in violation of the jail removal mandate since the baseline year 1980. From a total of 115 projected violations in the fiscal 1995 report, the fiscal 1997 count of 68 noncompliant instances represents a substantial decrease in the number of juveniles held in adult facilities in violation of Section 223(a)(14) and an increase from the fiscal 1996 count of 44.

The number of violations involving adjudicated criminal-type offenders in adult jails went from 8 in fiscal 1995 and 7 in fiscal 1996 to 6 in fiscal 1997, and in the adult lockups the level went down from 9 projected (4 actual) in fiscal 1995 to 4 (3 actual) in fiscal 1996 and again in 1997. In fiscal 1997, there were 5 violations in adult jails involving accused and adjudicated status and nonoffenders, while in fiscal 1995 there were 7, and in fiscal 1996 there were 2. In the adult lockups, the level went from 33 projected (13 actual) in fiscal 1995 to 5 (3 actual) in fiscal 1996, and 6 (4 actual) in fiscal 1997. The number of violations involving accused criminal-type offenders in adult jails went from 20 in fiscal 1995 to 11 in fiscal 1996, and back up to 20 in 1997, and in the adult lockups the level went from 38 projected (16 actual) in fiscal 1995 to 15 (9 actual) in fiscal 1996 and 27 (15 actual) in fiscal 1997.

Differences in the number of violations can be attributed to a number of factors, including: modification of practices and policies toward the handling of juveniles on the part of rural jails and lockups; the further refinement in the accuracy of the detention logs of state-contracted jails and adult lockups; and improved data gathering techniques.

Overall gains Alaska has made in reducing violations of Section 223(A)(14) are found in the increased accuracy of the data itself. Prior efforts at monitoring Alaska’s compliance with the JJDP Act 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 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. As the contract jail personnel have become more familiar with this new billing form, the fiscal 1997 detention data have proven more accurate than that of previous years. Even so, some questions remained in analysis of the fiscal 1997 jail data either because individual jails did not properly 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. In those instances where questions remained, the contract jails were contacted by phone in an attempt to clarify the circumstances regarding those detention episodes. If no further information was obtained, those cases for which the duration of detention was recorded as 45 minutes or less, and for which the records gave no indication that the juvenile was ever securely detained, have been classified as having been booked and released.

Examination of the records of those facilities which were inspected, indicates 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.

Although there have been efforts to refine juvenile detention data, barriers to full compliance with the jail removal requirement remain in Alaska. However, the state has made great progress in reducing the incidence of noncompliance and in offering alternatives to secure detention in adult facilities. Geographic distance between smaller communities and the five secure youth detention centers has been bridged by the creation and operation of nonsecure attendant care shelters, which serve eleven communities.

G. DE MINIMIS REQUEST: SUBSTANTIVE

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 = 68

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

191,098 juveniles

(Source: *Alaska Population Estimates by Age, Race and Sex*, Alaska Department of Labor, Research and Analysis, Demographics Unit, September 1996)

If the data were 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:

Adjustment was necessary for 51 adult lockups which failed to report data. (See Appendix I.)

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

Total instances of noncompliance	=	68
Population under 18	=	191,098
$68/1.91098$	=	35.6 per 100,000

2. Plan:

The Division of Family and Youth Services (DFYS) of the Department of Health and Social Services has broad authority under AS 47.14.010 through AS 47.14.050 for oversight of facilities used for detention of juveniles. In its attempts to reduce the number of noncompliant instances of juvenile detention in Alaska, DFYS has developed a network of nonsecure attendant care shelters—currently in nine locations~~SS~~ serving eleven communities which have historically experienced high levels of noncompliant juvenile detention.

DFYS 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. While the DFYS policy extends only to the five juvenile detention centers, it has had a significant educative effect on the policies of local law enforcement agencies. The Division continues to educate law enforcement personnel through annual data collection contacts,

tri-annual monitoring visits, and presentations or staff training provided to relevant law enforcement personnel.

3. Recently enacted change in state law:

None in FY 1996 or FY 1997.

4. 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 47.12.240 provides that “detention in a correctional facility .. may not exceed..six hours” and “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 adult prisoners who are in official detention.” Of the 52 actual jail removal violations reported for fiscal 1997, 26, or 50 percent, occurred in facilities that allow for sight and sound separation.

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 8 adult jails and at 15 (1 x 1.75 Southeast weight + 1 x 1.29 Southcentral weight + 5 x 2.30 North/Inland weight) 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 not to securely detain juvenile offenders.

The actual fiscal 1997 data on jail removal violations indicate that 8 violations occurred in 5 (4.6%) of the 108 adult rural lockups statewide. Given that the larger, busier lockups tend to be more likely to provide data, the projection that the non-reporting rural lockups violated Section 223(A)(14) at the same rate results in an over-estimate.

One facility had the largest number of noncompliant detentions from a single institution in fiscal 1997, with 14 (an adult jail); the second largest number was 9 (an adult lockup); and the third largest was 7 (an adult jail). There was one adult lockup with 4 violations, and 7 facilities with 2 violations each (4 adult jails and 3 adult lockups). Four facilities had 1 violation each (2 adult jails and 2 adult lockups). This number is down from 4 facilities, each with a high of 15 incidents of noncompliance during 1989, and 1 facility showing 15 violations in fy 1997. There is no discernable pattern of violations, as the facilities with multiple violations this year have not had similar levels of violations in the past.

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 47.10.141, AS 47.12.240, and AS 47.12.240(a), which restrict the detention of juveniles in adult facilities, and AS 47.14.030, 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 JJDPA Act. Enforcement of these statutes, along with continued operation of the eleven alternative nonsecure shelters, will effectively curtail jail removal violations in Alaska.

Additionally, admission records of adult jails are examined each year by DFYS, and facilities are notified of the instances of noncompliant detention of juveniles.

In combination, the above enforcement mechanisms have been effective in reducing the number of instances of noncompliance by 92% percent in the eighth year 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 has recently revised their state compliance monitoring plan to address issues of noncompliance. Salient features of this plan include the following:

- ! Contact will be made with Commander Flothe, of the Alaska State Troopers, who is the authority for those troopers who supervise VPSOs out in the rural areas. DFYS will work closely with the commander to inform him of the issues related to the core requirements of the JJDPA Act and will enlist his assistance regarding strategies that can be used with the VPSOs and troopers out in the field to reduce the number of violations of both the jail removal and the sight and sound separation requirements.
- ! DFYS will provide training and/or information for the annual Trooper Academy training for VPSOs, held in Sitka each fall.
- ! DFYS will contact the VPSO Coordinator located in each of the regional tribal organizations in the state regarding improving communication with VPSOs and providing additional information regarding the core requirements of the Act.
- ! DFYS will devise a placard that details the federal requirements for holding juveniles, including information on time limits, types of charges, and the statewide

time limits imposed on so-called "Title 47" alcohol holds. A placard will be provided to every facility in the state.

- ! A replacement system will be set up that will allow each lockup and locally managed facility to call a 1(800) phone number devised specifically for compliance monitoring purposes.
- ! Mid-year data requests will be mailed to all adult lockups in the previous year's universe, to serve as a reminder re: data retention and reporting.
- ! DFYS is attempting to establish a non-secure shelter in Craig in order to provide an alternative to the adult detention facility.

Appendix I

METHOD OF ANALYSIS

All aspects of data analysis for the fiscal 1997 monitoring report were performed on the Justice Center's computer network at the University of Alaska Anchorage, using the SPSS Data Analysis System, Release 7.5.2

A. Data collection and data entry

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

1. Certified photocopies of original *client billing sheets* (booking logs) for the fourteen adult jails were obtained from the Contract Jail Administrator of the Alaska Department of Corrections (DOC). DOC contracts for services with each Alaska facility that meets the definition of adult jail as defined in the Formula Grant Regulation. Received were certified photocopies of the jails' booking logs which covered all twelve months of fiscal 1997. In addition, logs were requested from the Kodiak facility, after it was learned that facility might have been used to detain juveniles.
2. Photocopies of *original booking logs* for FY 1997 were obtained from the youth center in Fairbanks, and from twelve adult lockups in Akutan, Fort Yukon, Golovin, King Cove, Manokotak, Noorvik, Saint Paul, Sand Point, Shishmaref, Skagway, Tok, and Yakutat.
3. Certified or signed *detention data reports* for FY 1997 were received from the youth centers and holdovers in Anchorage, Bethel, Juneau, and Nome, and from forty-five adult lockups in Alakanuk, Aleknagik, Anaktuvuk Pass, Atka, Atkasuk, Chevak, Deadhorse, Egigik, Ekwok, Elim, Emmonak, False Pass, Glennallen, Goodnews Bay, Hoonah, Huslia, Kake, Kaktovik, Kiana, Kivalina, Koliganek, Kotlik, Koyuk, Kwigillingok, Levelock, Marshall, McGrath, Mekoryuk, Mountain Village, Newhalen/Illiamna, Nightmute, Nondalton, Nuiqsut, Old Harbor, Point Hope, Point Lay, Port Heiden, Ruby, Seldovia, Shaktoolik, Sheldon Point, Teller, Togiak, Tununak, and Wainwright.
4. Judged to be inadequate for monitoring purposes were adult lockup data received from the village of Shungnak.
5. The Department of Corrections also provided a computer listing of juvenile bookings in all of the department's facilities.
6. Complete detention data from the two juvenile holdover facilities in Kenai and Kodiak were received from the supervising Youth Probation Officer at that office.

7. Complete and Certified Juvenile Confinement and Admission forms for fiscal 1997 submitted to the state's Division of Family and Youth Services by the adult jail in the city of Seward was used as a primary source of birth date data for six months due to the inability of the facility to generate the dates on their billing records. These forms were used as a secondary source of data from the communities of Craig, Fort Yukon, Glennallen, Kake, Ketchikan, Kiana, King Cove, McGrath, Naknek, Petersburg, Saint Paul, Sand Point, Sheldon Point, Sitka, Tok, Unalaska, Valdez, and Wrangell. They were also used as a secondary source for all of the adult jails with the exception of Homer.

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.

B. Classification of offenders

The likelihood of misclassifying 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:

1. 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.
2. 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 Bethel Youth Center, Johnson Youth Center, 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.

3. Juveniles detained for the following were classified as *accused status offenders*: possession or consumption of alcohol, minor on licensed premises, curfew violations, runaway, and protective custody in excess of the lawful duration as prescribed in AS 47.30.705 and AS 47.37.170.
4. 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 fiscal 1997 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.

C. Data projection

Four methods of statistical projection for missing and unknown detention data were employed in the analysis of fiscal 1997 juvenile detention data. These were: 1) projection of data for the purpose of covering twelve months of time when less than twelve months of data were received; 2) projection of juvenile detention data from non-reporting adult lockups

1. Projection for complete fiscal year

Complete detention data for fiscal year 1997 were available for all of the juvenile detention and holdover facilities, the adult jails, the correctional center and fifty-four adult lockups in Alaska. Projection of data to cover the full fiscal year 1997 for adult lockups which reported less than twelve months of data was accomplished by computing the proportion of the year for which data from these facilities were received (e.g. 180 days/365 days = .50), and weighting each instance of juvenile detention recorded at the lockup by a factor equal to the reciprocal of that proportion. Thus, any instances of juvenile detention at these facilities would be weighted by a factor of 2.00. This weighting procedure assumes that instances of noncompliance at the jail during the months reported of fiscal 1997 occurred at the same rate demonstrated in the data for the non-reported months.

2. Projection for non-reporting adult lockups

Data for the 51 adult lockups whose records were inadequate for monitoring purposes were projected by first grouping the lockups by the three administrative regions of the Alaska Division of Family and Youth Services. Then a weighting factor for each of the three DFYS regions was established based on the proportion of reporting sites to non-reporting sites within the region. We used these groupings due to the quantitative and qualitative similarities among communities located within these distinct geographic, cultural and socioeconomic regions. In each of these regions, violations were assigned a weighting factor derived from the reciprocal of the proportion of all reporting adult lockups located within the region to those villages in the region included in the monitoring universe. (i.e.: Southeast region universe contained 7 lockups with 4 reporting - $7/4=1.75$ weighting

factor.) To the extent that lockups from which data were obtained are representative of all lockups in these monitoring universe groupings, 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 estimated number of noncompliant cases than actually occurred in these facilities.

Appendix II

FISCAL YEAR 1997 VIOLATIONS BY OFFENSE TYPE AND LOCATION

For offense codes, see Appendix III.

Deinstitutionalization Violations / Section 223 (a)(12)(A)

Location	Offense	Time	Offender Type
Juvenile detention centers:			
Johnson Y.C.	CINA	419.00	Nonoffender
Adult jails:			
Craig	Emergency Custody	4.82	Nonoffender
Haines	Protective Custody	12.90	Nonoffender
Adult lockups :			
Southeastern Region (Weight = 1.75):			
Hoonah	MCA	10.00	Nonoffender
	MCA	10.00	Nonoffender
North/Inland Region (Weight = 2.30):			
Alakanuk	Protective Custody	15.00	Nonoffender
Emmonak	T47: Alcohol	19.33	Nonoffender

Separation Violations / Section 223 (a)(13)

Location	Offense	Time	Offender Type
Adult lockups :			
North/Inland Region (Weight = 2.30):			
Noorvik	Unsupervised Juvenile	19.25	Nonoffender

Jail Removal Violations / Section 223 (a)(14)

Location	Offense	Time	Offender Type
Adult jails:			
Craig	Runaway	6.86	Nonoffender
	Assault 3	20.63	Accused Criminal
	NVOL	23.90	Accused Criminal
	Emergency Custody	34.16	Nonoffender
	Warrant	114.68	Adjudicated Criminal
	Emergency Custody	4.82	Nonoffender
	Theft 3	11.92	Accused Criminal
	Burglary 2	16.02	Accused Criminal
	Warrant	23.92	Adjudicated Criminal
	Warrant	14.53	Adjudicated Criminal
	Reckless Driving	16.72	Accused Criminal
	Assault 4	12.48	Accused Criminal
	Assault 4	13.33	Accused Criminal
	Juvenile Hold	5.50	Nonoffender
Dillingham	MIW	42.42	Accused Criminal
	Assault 4	13.70	Accused Criminal
Haines	Protective Custody	12.90	Nonoffender
	Witness Tampering	18.28	Accused Criminal
Kotzebue	Burglary 1	16.25	Accused Criminal
	Arson 1	10.50	Accused Criminal
Seward	Disorderly Conduct	10.10	Accused Criminal
	Disorderly Conduct	15.12	Accused Criminal
Sitka	PV	14.55	Adjudicated Criminal
Valdez	Serve Time: DWI	72.00	Adjudicated Criminal
Wrangell	Warrant	17.58	Accused Criminal
	Sexual Assault	23.73	Accused Criminal
	Warrant	17.50	Adjudicated Criminal
	Theft	15.23	Accused Criminal
	Burglary	14.60	Accused Criminal
	Sexual Assault	233.25	Accused Criminal
	Vehicular Theft	17.33	Accused Criminal

Jail Removal Violations / Section 223 (a)(14) (continued)

Location	Offense	Time	Offender Type
Adult lockups :			
Southeast Region (Weight: 1.75):			
Hoonah	MCA	10.00	Accused Status
	MCA	10.00	Accused Status
	DWI	8.87	Accused Criminal
	Burglary	17.25	Accused Criminal
Southcentral Region (Weight: 1.29):			
Sand Point	PV	18.50	Adjudicated Criminal
	PV	16.00	Adjudicated Criminal
	PV	16.25	Adjudicated Criminal
	MICS	15.50	Accused Criminal
	MICS	14.25	Accused Criminal
	Burglary	17.92	Accused Criminal
	Burglary	17.75	Accused Criminal
	Reckless Endangerment	14.50	Accused Criminal
	Assault	10.58	Accused Criminal
North/Inland Region (Weight = 2.30):			
Alakanuk	Assault	31.50	Accused Criminal
	T47:Alcohol	15.00	Nonoffender
Golovin	Assault	18.75	Accused Criminal
Noorvik	Detention Order	19.25	Accused Criminal
Sheldon Point	Assault	12.00	Accused Criminal
	Assault	17.25	Accused Criminal
Tok	Vehicle Theft	15.72	Accused Criminal
	Vehicle Theft	15.72	Accused Criminal

Appendix III

COMMON OFFENSE ACRONYMS

ASLT	Assault
BURG	Burglary
BW:	Bench warrant: (original offense)
CINA	Child In Need of Aid
CM	Criminal mischief
CONCEAL	Concealment of merchandise
COURT HOLD	Court-ordered hold
CRIM MISCHIEF	Criminal mischief
CT	Criminal trespass
CTORDER:VCR	Court order:
DC	Disorderly conduct
DET ORDER	Detention order
DWI	Driving while intoxicated
DWLR	Driving with license revoked
DWLS	Driving with license suspended
DWOL	Driving without license
F&G VIOL	Fish & Game violation
FTA	Failure to appear
MCA/MC	Minor consuming alcohol
MICS	Misconduct involving a controlled substance
MIP	Minor in possession
MIPBC/MIPC	Minor in possession by consumption
MV THEFT	Motor vehicle theft
NON-CRIM	Non-criminal (unspecified)
PC	Protective custody
PV	Probation violation
RA	Resisting arrest
RESIST ARREST	Resisting arrest
RD	Reckless driving
RECKLSS DRIVNG	Reckless driving
ROBBERY	Robbery
RUNAWAY/RAWAY	Runaway
SA	Sexual assault
SRV TIME:DWI	Served time for DWI
T47	Title 47 protective custody
T47: Alcohol	Title 47 protective custody—alcohol
THEFT	Theft
TRAFFIC	Traffic violation
VCR	Violation of conditions of release
VCOR (OC:)	Violation of valid court order (original charge:)
WA	Warrant
WA:FTA	Warrant: Failure to appear
WA:PV	Warrant: Probation Violation
WA:TRAFFIC	Warrant: Traffic
WEAPONS	Weapons misconduct