

## **How Alcohol Cases Get to Kenai Peninsula Youth Court (MCAs)**

1. Minor consuming, possessing or controlling alcohol reported to or observed by Law Enforcement.
2. Youth is cited for violating AS 4.16.050, and ticketed.
3. Youth is released, usually to a parent, upon a promise to appear at a mandatory court appearance in Kenai District Court. (This is for their arraignment, which is typically scheduled at 1:30 p.m. Tuesdays in Kenai.)
4. At arraignment, anyone under 18 must be accompanied by a parent or guardian. The youth (as well as all out of custody misdemeanor defendants scheduled for that date) must watch the video which explains the rights of an accused, as well as the three possible pleas and other important information.
5. After the rights video and after the District Attorney hands out offer sheets, first time MCA defendants 18 or younger are given a copy of the “District Court Diversion Handout” and representatives from the Diversion Programs (Youth Court and the Kenaitze Circle Justice Program) offer to meet with the eligible youth and their parents to discuss the diversion options. Juveniles and parents are told they can have more time to choose which diversion program in which they wish to participate, but if they want an SIS and diversion, they need to indicate that to Judge when their case is called in a few minutes.
6. When the youth’s case is called, the Judge goes over the possible sentences for first, repeat and habitual minor consuming or possessing alcohol. If the defendant is 18 or younger, the Judge provides information about a possible suspended imposition of sentence and diversion to KPYC or the Circle Program for first time offenders upon a plea of guilty or no contest. (The Judge often asks the defendant if they have had a chance to discuss the diversion options with representatives from the Diversion programs.)
7. If the youth requests an SIS/Diversion, the judge usually takes the plea and enters a Judgment of Conviction with a Suspended Imposition of Sentence, and orders the defendant to contact the “Community Diversion Coordinator” (who is director of Kenai Peninsula Youth Court) by a certain date, usually within a week. When the defendant leaves the Kenai Courtroom, the KPYC and Circle representatives meet with them in the hallway to get their phone numbers and mailing addresses. If the juvenile wants more time to choose which of the two programs s/he wants, they are told to contact the Diversion Coordinator within the week to start the process for one program or the other.

8. Youth Court meets in the evenings at the Old Kenai Courthouse, and cases are set for specific, individual times. At the scheduled date and time, defendant and parents meet with KPYC Director and student defense attorneys, and after a chance to review the circumstances of the violation, they proceed to the KPYC courtroom where student Judges and prosecutors join them in a proceeding to determine the sentence the youth must serve in order to have the conviction eventually set aside in a year. Each MCA defendant is given informational materials about the graduated sanctions for MCA in Alaska, about the types of impairment suffered at different BAC levels, and about a study showing the correlation between age of onset of drinking and difficulties with alcohol as an adult. Typical sentence is about 20 hours community work service or alcohol counseling, and an essay or poster.
9. KPYC or Tribal Circle program reports back to the District Court whether the defendant successfully completed the diversion program or not.
10. If defendant successfully completes the diversion program and has no further MCA convictions, upon removal from probation (usually after 1 year) District Court sets aside the conviction.

Notes:

- A. Sometimes the state offers the MCA defendants a Rule 11 offer, which specifies a guilty plea in exchange for an SIS and diversion. Different Judges have had different approaches when the defendant seeks to reject the Rule 11 offer, enter a no contest plea, and receive the SIS/Diversion in open sentencing. Most Judges have granted that request. A few have indicated they tend to agree with the state that the guilty plea is the first step to taking responsibility, in which instances the defendant has agreed to accept the Rule 11 agreement and plead guilty.
- B. When the present statutory scheme of graduated sanctions was first enacted, often repeat and habitual offenders fell through the cracks as first time offenders. To get better information before the arraignment, KPYC Director checks Courtview for each MCA defendant scheduled to be arraigned, and sends an e-mail message to the District Attorneys specifying the Courtview data as to date and case number of any previous conviction for MCA for that defendant. This often results in an amendment of the citation in court, to Repeat or Habitual MCA.
- C. Recently, the Kenai Division of Juvenile Justice office requested a copy of the same information KPYC sends to the District Attorneys. KPYC now copies DJJ with the same e-mail about the week's MCA defendants. This gives DJJ a heads up if (1) a juvenile under 18 will be considered a Habitual MCA and thus dismissed from District Court for lack of jurisdiction or (2) one of their probationers is cited, in order for DJJ to address it as possible violation of the conduct agreement.
- D. Youth Court and the Tribal Circle program collaborate closely with each other, the Director of KPYC serves on the Circle Program Advisory Board and has volunteered as a member of several circles.