

HB

261

# COMMITTEE REPORT

## HOUSE

FURTHER: FINANCE

February 21, 1979

Date: \_\_\_\_\_

Mr. Speaker:

The Committee on JUDICIARY has had HB 261

"An Act making a supplemental appropriation to the Department of Law for a training program on the revised criminal code; eff. date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title
- and recommends \_\_\_\_\_  new title
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

**MEMBERS SIGNING  
DO PASS**

R. O. EGILL D. Pass

T. M. ...

W. G. Anderson

H. M. ...

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**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

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CHAIRMAN

## MEMORANDUM

TO:  Barry Stern  
 Coordinator, Criminal Code Training  
 Department of Law

DATE: February 27, 1979

FILE NO:

TELEPHONE NO:

FROM: James F. Mayer *JFM*  
 Executive Director  
 Alaska Police Standards Council

SUBJECT: Criminal Code Training/  
 Village Police Officers

The following list identifies the communities and number of police officers in the "village" category which will require training in the Criminal Code revision. They are broken down regionally, based on the already proposed training centers.

<u>Training Center</u>	<u>Municipality</u>	<u>Number of Officers</u>
Anchorage	St. Paul	1
	King Cove	1
	McGrath	1
Bethel	Kotlik	2
	Emmonak	2
	Grayling	1
	Alakanuk	1
	Sheldon Point	1
	Shageluk	3
	Holy Cross	2
	Mountain Village	1
	Scammon Bay	2
	St. Mary's	1
	Fortuna Ledge	1
	Chevak	2
	Chuathbaluk	2
	Lower Kalskag	1
	Aniak	1
	Newtok	2
	Tununak	2
	Toksook Bay	3
	Nightmute	1
	Chefornak	1
	Akolmiut	4
	Atmautluak	2
	Akiachak	2
	Akiak	2
	Kwethluk	2
	Napaklak	2
	Quinhagak	4
Ekwok	1	
Aleknagik	1	
Goodnews Bay	2	
Platinum	2	
Togiak	2	
Manokotak	2	

<u>Training Center</u>	<u>Municipality</u>	<u>Number of Officers</u>
Fairbanks	Fort Yukon	1
Ketchikan	Klawock	1
Petersburg	Kake	2
Juneau	Tenakee Springs	1
Kotzebue	Kivalina	1
	Kiana	1
	Ambler	1
	Noorvik	2
	Kobuk	1
	Selawik	5
	Shishmaref	3
	Deering	1
	Buckland	1
Kenai	Soldotna	8
Kodiak	Ouzinkie	1
Nome	Diomedes	1
	Wales	1
	Brevig Mission	1
	Teller	1
	Elim	1
	White Mountain	1
	Golovin	1
	Koyuk	2
	Unalakleet	4
	Galena	1
	Stebbins	3
	Savoonga	2
St. Michael	2	
Sitka	Angoon	2
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65 Municipalities		116 Officers

The following budget is proposed to provide transportation and per diem for these officers to go to the listed regional training centers:

Round-trip Transportation:

116 officers @ \$200.

\$23,200

Per Diem:

116 officers @ \$50. x 3 days	17,400
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TOTAL	\$40,600.

These estimates are based on two-day training sessions, air charter costs, and are exclusive of administrative costs and any necessary additional travel and per diem for the instructors.

JFM/mas

## REVISED CRIMINAL CODE-TRAINING PROGRAM

The second session of the tenth Alaska Legislature adopted a new criminal code for the state. The new code is a sweeping and comprehensive revision of Alaska's criminal law. The code becomes effective on January 1, 1980. The eighteen month delayed effective date was specified to allow sufficient time to devise and implement a training program to ensure that all segments of the criminal justice system would be familiar with the code once it went into effect. Though envisioning this training program, the Legislature failed to provide funds for its development and implementation. The funding of a training program is critical to ensure a smooth transition from existing law to the new criminal code.

The attached pages discuss in detail the training program to be conducted by the Department of Law. The program has two phases. The first begins on April 1, 1979 and continues until June 30, 1979. During April and May of this year a criminal code manual will be prepared by the Department of Law. The manual will include the provisions of the new criminal code, the relevant corresponding sections of the prior criminal code, the commentary adopted by the legislature expressing its intent in passing the criminal

code, cross-references for each statute to other relevant provisions in the criminal code, a derivation chart listing the states upon which the revised criminal code was based and a compilation of judicial decisions in states having statutes similar to those appearing in the new criminal code. The manual will be approximately five-hundred pages and will be distributed to all district attorneys, public defenders and judges. Extra copies of the manual will be available at cost to members of the defense bar.

The first phase of instruction will begin in Sitka in early June for all district attorneys. A twelve-hour session conducted over two days is planned. Training manuals will be distributed at or before the session. All members of the eight district attorneys offices will leave the session with a working knowledge of the criminal code along with a manual which will address many of the questions which will arise once the code becomes effective.

Also being held in Sitka at the same time as the district attorney's conference is the annual judicial conference. Members of the criminal division of the Department of Law will present an overview of the criminal code at the judicial conference and distribute the criminal code manual. Also envisioned is a program on the new criminal code to be

presented at the Alaska Bar Association Convention in Sitka prior to the judicial conference.

The second phase of the training program will commence on July 1, 1979. Drafting will begin on a criminal code work book which will be distributed to all law enforcement officers (both state and municipal) in Alaska. The work book will be drafted in conjunction with the efforts of the Department of Public Safety Academy to devise a training program for new recruits. The work book will emphasize those provisions of the criminal code which are of particular relevance to peace officers (i.e., assault, disorderly conduct, homicide, theft, joyriding). A number of questions regarding the statutes will also be included. These questions will be answered by the officers at the training sessions described below. An instruction manual will also be prepared which will be used by the eight prosecuting attorney instructors who will be assigned primary responsibility for training law enforcement officers.

In early fall a five-day intensive review of the criminal code will be conducted in Anchorage. Eight prosecuting attorneys, one from each of the eight state district attorney offices located in Ketchikan, Juneau, Anchorage, Bethel, Nome, Kenai, Fairbanks, and Kodiak will attend this session.

Each of the eight prosecuting attorney instructors with the assistance of the attorney coordinator will be responsible for the training of all law enforcement officers in their city and surrounding communities. The five day meeting will acquaint the prosecuting attorney instructors with the training program for law enforcement officers.

Instruction of law enforcement officers will be conducted from October 1 to December 15, 1979 by the attorney coordinator and the prosecuting attorney instructors. The primary sessions will be held in the eight cities having district attorney offices. The sessions will be two days long, with several sessions contemplated in the larger communities. All local law enforcement offices as well as officers from surrounding communities having less than five peace officers will attend these sessions. Similar sessions will also be held in surrounding communities having five or more peace officers.

Upon completion of the training program for law enforcement officers, the coordinating attorney will begin work on sample complaints to be used in charging under the criminal code. Work will also begin in conjunction with the court system on a set of jury instructions to be used with the criminal code.

The final phase of the training program will be conducted at the eight district attorney offices during May 15-June 30. The attorney coordinator will conduct reviews of selected areas of the code as well as address problems that have arisen since the code's implementation.

SUMMARY OF COST OF CRIMINAL CODE TRAINING PROGRAM  
April 1, 1979 - June 30, 1980

Personal Services	\$ 77,371.67
Travel	28,897.43
Printing and video costs	18,200.00
Commodities	<u>7,350.00</u>
	\$131,819.10

PHASE I COSTS: April 1, 1979 - June 30, 1979

I.	Attorney Coordinator		
	A.	Prepare Criminal Code Manual to include new criminal code, corresponding provisions of old criminal code, commentary adopted by legislature, derivation information listing states with similar statutes and judicial decisions interpreting statutes, cross references to other relevant statutes in new criminal code.	
	B.	Conduct first phase of training for all district attorneys and assistant district attorneys in Sitka. June 11-12.	
	C.	Present programs on criminal code at:	
		1. Judicial Conference - Sitka, June 11-13	
		2. Bar Association Convention - Sitka, June 6-8	
		3 months. x \$4,620.36	\$13,861.08
II.	Legal Intern - Research judicial decisions in other states with statutes similar to those appearing in criminal code. Compile decisions for placement in criminal code manual.		
		3 months x \$1,800	5,400.00
III.	Travel and per diem (see detailed cost analysis attached)		12,865.28
IV.	Printing of criminal code manual and distribution to all district attorneys, public defenders and judges (including postage).		
		350 sets x \$12	4,200.00
V.	Video tape production: includes cost of tapes, filming and reproduction costs of recording training program for district attorneys. Tapes to be used for training district attorneys hired after June 1979 and in training district attorneys unable to attend training program in Sitka.		3,000.00
VI.	Telephone - \$200 per month		600.00
VII.	Commodities and office consumables		
		\$250 per month	750.00
VIII.	Secretarial support:		
		\$1,836 x 3	5,508.00
			<hr/>
			\$46,184.36

PEASE II COSTS: July 1, 1979 - June 30, 1980

I. Attorney Coordinator

- A. Coordinate training program for law enforcement officers (Alaska State Troopers and municipal peace officers) in conjunction with and relying on expertise of Department of Public Safety Academy and Alaska Police Standards Council. Prepare criminal code workbook for use by law enforcement officers and instructor's manual for use by prosecuting attorney instructors. July 1 to August 31.
- B. Conduct training program of prosecuting attorney instructors. September 17 to September 21, Anchorage. Familiarize instructors with training program for law enforcement officers.
- C. Supervise training by prosecuting attorney instructors of law enforcement officers. October 1 to December 15.
- D. Preparation of sample complaints. December 15 to March 15.
- E. Preparation of jury instructions in conjunction with Court System. January 15 to June 30.
- F. Follow up training in district attorney's offices. May 15 to June 30.

6 months full time x \$4,620.36  
6 months 1/2 time x \$2,310.18

\$41,583.24

II. Travel and per diem (see detailed cost analysis attached)

- A. Anchorage training program of eight prosecuting attorney instructors. September 17 to September 21.
- B. Trips of attorney coordinator from Anchorage to Ketchikan, Juneau, Kenai, Soldotna, Kodiak, Bethel, Fairbanks, and Nome. October 1 to December 15.
- C. Trips of peace officers from communities having less than five peace officers to nearest district attorney's office. October 1 to December 15.
- D. Trips of prosecuting attorney instructors and attorney coordinator to Petersburg, Wrangell, Sitka, Valdez, Palmer, Glenallen/Tok, Cordova, Barrow, Seward, Homer, Kotzebue. October 1 to December 15.
- E. Follow up training in district attorney offices. May 15 to June 15.

16,032.15

III. Secretarial support:		
	12 months 1/2 time x \$1,836.56	11,019.35
IV. Printing of workbook for law enforcement officers:		
	1,000 x \$8.00	8,000.00
V. Video tape production: includes cost of tapes, filming and reproduction costs of recording training program for law enforcement officers. Tapes to be used for training law enforcement officers hired after December 15, 1979 and in training of officers who are unable to attend programs conducted October 1 to December 15, 1979.		3,000.00
VI. Telephone: \$200 per month		2,400.00
VII. Commodities and office consumables: \$250 per mo.		<u>3,600.00</u>
		\$85,634.74

TRAVEL AND PER DIEM COSTS - PHASE I

Travel costs for 45 district attorneys and assistant district attorneys to Sitka to attend two-day training session on criminal code:

To Sitka from:

Juneau - 7 x \$64.24	=	\$ 449.68
Ketchikan - 2 x \$93.16	=	186.32
Anchorage - 21 x \$180.08	=	3,781.68
Kenai - 2 x \$216.08	=	432.16
Kodiak - 2 x \$275.49	=	550.98
Pethel - 1 x \$328.90	=	328.90
Nome - 1 x \$333.72	=	333.72
Fairbanks - 9 x \$235.76	=	2,121.84
		<u>\$8,185.28</u>

Per diem: 45 participants at \$52		
per day x 2 days	=	<u>\$4,680.00</u>

TOTAL

\$12,865.28

TRAVEL AND PER DIEM COSTS - PHASE II

- A. Training program for prosecuting attorney instructors in Anchorage. September 17 to September 21.

Round trip airfare of prosecuting attorney instructors to Anchorage from:

1.	Juneau	\$ 171.16
2.	Ketchikan	222.42
3.	Kenai	36.00
4.	Kodiak	95.41
5.	Bethel	148.82
6.	Fairbanks	102.12
7.	Nome	<u>191.12</u>
		\$ 967.05

Per diem: 7 participants x 5 days x \$55  
per day . . . . . \$1,925.00

TOTAL

\$2,892.05

- B. Trips of attorney coordinator to district attorney offices. October 1 to December 15.

Round trip airfare from Anchorage to:

1.	Juneau	\$ 171.16
2.	Ketchikan	222.42
3.	Kenai	36.00
4.	Kodiak	95.41
5.	Bethel	148.82
6.	Fairbanks	102.12
7.	Nome	<u>191.12</u>
		\$ 967.05

Per diem for attorney coordinator for trips to district attorneys offices. October 15 to December 15:

Juneau - 3 days x \$55	=	\$ 165.00
Ketchikan - 3 days x \$50	=	150.00
Kenai - 1 days x \$54	=	162.00
Kodiak - 2 days x \$54	=	108.00
Bethel - 2 days x \$65	=	130.00
Fairbanks - 5 days x \$58	=	290.00
Nome - 2 days x \$82	=	<u>164.00</u>
		\$1,169.00

TOTAL

2,136.05

C. Trips of peace officers from cities having less than five peace officers to nearest district attorney's office. October 1 to December 15.

	<u>Number of Officers</u>
To Ketchikan from: Metlaktla	2
Craig	2
To Juneau from: Haines	4
Skagway	3
Hoonah	2
Pelican	1
Yakutat	1
To Anchorage from: Whittier	1
To Fairbanks from: North Pole	3
Nenana	2
To Kenai from: Seldovia	1
To Kodiak from: Dillingham	2
Unalaska	<u>2</u>
	26

26 officers at approximately \$200 per trip including per diem . . . . . \$ 5,200.00

D. Trips of prosecuting attorney instructor and coordinating attorney to Petersburg, Wrangell, Valdez, Palmer, Glenallen, Tok, Cordova, Barrow, Seward, Homer, Kotzebue. October 15 to December 15.

10 cities at approximately \$200 per trip including per diem x 2 . . . . . 4,000.00

E. Trips of attorney coordinator to district attorney's offices. April 15 to May 15:

1. Juneau	\$ 171.16
2. Ketchikan	222.42
3. Kenai	36.00
4. Kodiak	95.41
5. Bethel	148.82
6. Fairbanks	102.12
7. Nome	<u>191.12</u>
	\$ 967.05

Per diem for attorney coordinator for trips to district attorneys offices. April 15 to May 15:

Juneau - 2 days x \$55	= \$ 110.00
Ketchikan - 2 days x \$50	= 100.00
Kenai - 2 days x \$54	= 108.00
Kodiak - 2 days x \$54	= 108.00
Bethel - 2 days x \$65	= 130.00
Fairbanks - 3 days x \$58	= 116.00
Nome - 2 days x \$82	<u>165.00</u>
	\$ 837.00

TOTAL

1,804.05

\$16,032.15