

<u>DOCKET #</u>	<u>OPENED</u>	<u>ACTION</u>		
270	8/3/78	Under investigation		
271	8/9/78	Dismissed 12/20/78 (RCMR)	12/20/78	4
272	8/28/78	Under investigation		
273	10/4/78	Under investigation		
274	11/6/78	Under investigation		
275	4/28/78	Under investigation		
276	11/20/78	Under investigation		
277	11/20/78	Under investigation		
278	11/14/78	Under investigation		
279	2/9/79	Under investigation		
280	3/6/79	Under investigation		
281	1/25/79	Informal adm 3/20/79 (RCMR)	3/20/79	2

House
JUDICIARY
INTRIM 79

GENERAL

Burch



Alaska State Legislature

House of Representatives

Committee on Judiciary

Official Business

April 16, 1979

Pouch V
State Capitol
Juneau, Alaska 99811

Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Mr. Speaker:

I am enclosing a tentative plan of operations and budget for activities of the Judiciary Committee during the 1979 interim. You will note that the planned investigations cover areas which under the Joint Rules are within the jurisdiction of the State Affairs Committee and the Health, Education and Social Services Committee. The chairmen of those committees have given their consent, and we are agreed that a better integrated investigation will result.

It should be noted that the budget is predicated upon a maximum of five committee members attending each meeting, and upon going to Ketchikan from Juneau next January. If you believe that the Ketchikan meeting might better take place in the fall, please let me know.

Sincerely,

Charles H. Parr
Chairman

CP:bk
Enclosure

HOUSE JUDICIARY COMMITTEE

Tenative Plan for Interim Activity 1979

Administrative

Establish office in Anchorage (most convenient location)

Both Administrative Assistants attend Alaska Bar Association and Judges Conference in Sitka in June.

Schedule two-day meeting in Anchorage to begin work, another for finishing work and drafting legislation.

Schedule two-day meeting in Fairbanks, one-day meetings in Nome, Bethel, Ketchikan. (Ketchikan first weekend of 1980 Session)

Operational

Publicize all meetings widely. Use public service announcements and press releases, letters to civic groups and interested individuals in all cases notify appropriate law enforcement, court system and corrections officials, public defender, legal services offices, bar associations and the ombudsman. Invite Senate Judiciary Committee, other legislators to participate.

In each city visit corrections facilities, courtrooms

Take testimony on bills in each city (SB 104, SB 65, HB 392)

Investigate

Law enforcement: priorities, how set and by whom, rationale
Questionnaires
police ethics, training cooperation between local police, state troopers, Federal officers, budget, weapons policy, community attitudes

Court system: selection, pay, retirement, workload of judges; sentencing practices including parole, probation, and suspended imposition of sentence; bail and bail bondsmen, release on own recognizance
complaints against judges (how handled)
jury selection (should any classes be excluded?)
jury service (how long, how often, phone-in)
public defender workload, verification of indigency, are indigent defendants getting fair representation

Report = *Peggy*
(to committee)

Judges Report - *Rocky*

Sentencing, Probation & Bail Report - *Peggy*
Crimes

Jury System Report - *Rocky*

Free Atty Services Report - *Peggy*

legal services -- questions as for public defender

Small Claims
Other Alternatives
Report -
Rocky

small claims courts--working, time lags,
complaints *Citizen Resolution Prds*

(effect of new criminal code) *entire* All categories

follow-up on HB 195 and HB 196 (sentencing)

Juvenile Court *Peggy Berch*
System Report - juvenile justice system

Corrections:

Report = Rocky

adequacy of facilities (in cooperation
with Masterplan Committee) *questionnaires*

classification, especially as regards
sending prisoners to Outside facilities

are judges' recommendations for rehabili-
tation being followed?

training of correctional officers; adequate,
right kind

prison industries or other work (public
projects)

probation: is it working? workloads

parole: criteria used by board, effective-
ness

Long Report - Peggy

Domestic Violence Report = Rocky

Crimes - Peggy

11 total

Small Claims
Other Alternatives
Report -

Rocky

small claims courts--working, time lags,
complaints Citizen Resolution Bds.

effect of new criminal code ^{sentencing} All categories

follow-up on HB 195 and HB 196 (sentencing)

Juvenile Court
System Report -

Peggy Berch -

Juvenile justice system

Corrections:

Report = Rocky

adequacy of facilities (in cooperation
with Masterplan Committee) ^{questionnaires}

classification, especially as regards
sending prisoners to Outside facilities

are judges' recommendations for rehabili-
tation being followed?

training of correctional officers; adequate,
right kind

prison industries or other work (public
projects)

probation: is it working? workloads

parole: criteria used by board, effective-
ness

Living Report - Peggy

Domestic Violence Report = Rocky

Crimes - Peggy

11 total

HOUSE JUDICIARY COMMITTEE

Budget for Interim Activity 1979

TRAVEL (5 committee members & 2 staff)

2 two-day Anchorage Hearings	\$1,611.00
1 two-day Fairbanks Hearings	1,303.00
1 one-day Nome Hearing	2,705.00
1 one-day Bethel Hearing	2,282.00
5 one-day Fairbanks/Anchorage Trips	786.00
1 seven-day Sitka Conference	857.00
1 one-day Ketchikan Hearing	<u>2,243.00</u>
TRAVEL TOTAL	\$11,787.00
Staff Salary (July - December)	\$24,000.00
Postage	100.00
Advertising	500.00
Commodities	613.00
Phone	500.00
Office Rental	<u>2,500.00</u>
TOTAL	\$40,000.00

To: Representative Charlie Parr, Chairman
House Judiciary Committee
From: Margaret W. Berck, Administrative Assistant *MWB*
House Judiciary Committee
Date: August 2, 1979

OVERVIEW OF HB 479

Introduction

Generally, the bill incorporates the basic principles established in the Federal Controlled Substances Act of 1970 and the Uniform Controlled Substances Act adopted for consideration by the various states by the Uniform Commissioners of State Laws. Similar drug legislation has been passed by some 44 states.

The basic goals and elements of this legislation are: (1) to list all the substances which require control and to divide them into several categories according to their dangers to society; (2) to establish a committee to factually determine the need for adjusting these schedules when, for example, new scientific information becomes available and/or new substances are discovered; (3) to provide the most serious penalties for illicit trafficking in drugs, particularly in connection with distribution to minors while classifying simple use possession of all substances as a misdemeanor; (4) closely regulate the legitimate drug industry to prevent diversion of controlled substances into illicit markets; and (5) promote research into drug issues in general and education of society on the dangers of drug abuse.

HB 479 differs from the federal and model state legislation in two primary respects. First, in determining the penalty to be given in either a possession or distribution offense, the quantity of the controlled substances involved is a decisive factor. The larger the amount possessed or distributed, the higher the penalty. In addition, the bill does not establish a separate offense for possession with intent to distribute. Because of difficulties of proof, the offense of intent to sell was eliminated in favor of establishing varying penalties based on the amount of the controlled substance possessed. Second, HB 479 sets out slang terms for included controlled substances to help lay persons understand the legislation. However, the use of slang terms has no effect on the prosecution of a particular drug offense. Another key feature of HB 479 is the fact that it ties its terminology and penalty system into the new criminal code.

Key Provisions

1. Controlled Substances Advisory Committee: HB 479 establishes a committee in the Department of Law with the Attorney General serving as Chairman. This provision follows

the federal law in which a similar committee is established in the U.S. Justice Department with the U.S. Attorney General serving as Chairman. Under HB 479, other members of the committee are the Commissioner of Public Safety, the Commissioner of Health and Social Services, a private pharmacist and a private criminal defense attorney, both of which are to be appointed by the governor.

Decisions of the committee are subject to close legislative scrutiny. Any regulation sought to be adopted by the committee would have to be submitted to the legislature which then would have 56 days to annul the proposed regulation through the passage of a bill. Without passage of a bill by both the House and Senate, the proposed regulation would become effective. However, once a proposed regulation was annulled by the legislature, the committee would be prohibited from raising the same issue again for three years. Finally, any change in the scheduling of controlled substances contained in the federal law would not automatically become law in the State of Alaska. In cases of changes in the federal schedules, the state advisory committee would have to hold hearings to determine whether a similar change would be appropriate for Alaska. And if the committee adopted the federal alteration, the proposed regulation would have to receive the same legislative oversight as outlined previously.

2. Criteria for Scheduling of Substances: HB 479 establishes six categories of controlled substances. These categories are enumerated as Schedule I through Schedule VI. Except for Schedule VI, which includes only marijuana, each schedule contains numerous substances. The most dangerous substances are contained in Schedule I, less dangerous substances are contained in Schedule II, and so on down to Schedule VI. The schedule assigned to a particular controlled substance is significant in determining the penalty for any drug offense. The higher the schedule, the greater the penalty.

Since future adjustments to the schedules are to be determined by the advisory committee with legislative oversight, HB 479 sets forth specific criteria for making such decisions. The bill specifies the "danger or probable danger" of any substances as the predominant criteria with a number of sub-criteria similar to but more inclusive than those in the uniform act. But unlike the uniform act, which follows a medical classification system HB 479 adopts a more simple public safety classification system much like the State of Hawaii.

Under this classification system, a separate schedule was created for marijuana. Such an approach was thought more logical than the five-schedule system utilized in the federal and uniform act, in which marijuana, heroin and LSD are contained in the same schedule because they lack any acceptable medical use. But because of this placement, both the federal and uniform acts must ultimately distinguish among the narcotic,

non-narcotic and hallucinogenic substances contained in the same schedule. However, in the public safety classification approach, the necessity of further classifying substances into such categories is avoided. Aside from these variations, the schedules provided in HB 479 are substantially the same as those established in the federal and uniform acts.

3. Offenses and Penalties: HB 479 establishes four basic drug offenses, including distribution of a controlled substance to a minor, manufacturing of a controlled substance, distribution of a controlled substance to an adult and possession of a controlled substance. Additionally, the bill creates certain other offenses such as possession of marijuana while operating a motor vehicle, maintaining a shop or airplane for use in drug trafficking and obtaining possession of a controlled substance by misrepresentation or fraud.

The most severe penalties contained in HB 479 would be levied against those over 18 years of age who distribute controlled substances to anyone under 18, reflecting society's special interest in protecting the young from those who encourage or induce them to experiment with drugs. In each category, the offense of distributing to a minor receives the most serious sanctions, except that the recipient must be at least three years younger than the distributor. The three-year difference was included to prevent imposition of stiffer penalties in a case where, for example, a 19-year-old college student gives marijuana cigarettes to his 17-year-old roommate. In this situation, it was felt there was not the element of seduction so often found in cases where the distributor and recipient were far apart in age.

Both the federal law and the uniform act include the offense of manufacturing a controlled substance together with distribution and possession with intent to distribute a controlled substance for penalty purposes. Hence, the penalty is the same with regard to manufacturing or distributing a particular substance. However, HB 479 treats the manufacturing offense separately and subjects manufacturing to stiffer penalties because of the particular dangers associated with illicit drug laboratories and the substances involved. But in order to justify these heavier penalties, the offense of manufacturing set forth in HB 479 is limited to those who manufacture for other than their own personal use. The offense, however, does include cultivation of marijuana for other than personal use.

Under HB 479 the offenses of distribution to an adult and simple possession have varying penalties dependant upon the amount of the controlled substance involved in the offense. Current Alaska law, the Federal Controlled Substances Act, and the Uniform Act make no such differentiations. The approach taken in HB 479 attempts to provide some indicia of the defendant's role in the drug world. This approach permits more severe sanctions to be applied to the drug dealers involved in large scale trafficking operations. A similar

emphasis is also achieved by making simple possession of small amounts of each particular controlled substance a misdemeanor. Under both the Federal Controlled Substances Act and the Uniform Act, simple possession of any amount of a controlled substance is a misdemeanor. Unlike those acts, HB 479 establishes both felony and misdemeanor offenses for simple possession dependant upon the amount of the controlled substance involved in the offense.

4. Regulation of Legitimate Drug Industry: HB 479 requires the same reporting information by the drug industry as currently mandated by the federal law. Even though it was felt that the state has an interest in obtaining even more information, it was not believed necessary to demand additional reporting requirements. Under HB 479, reporting information must be submitted to the Commissioner of Health and Social Services. Existing Alaska law lodges regulatory responsibility with the Commissioner of Health and Social Services for depressant, hallucinogenic and stimulant drugs and gives the Board of Pharmacy responsibility for narcotic drugs. It was felt that this monitoring could more efficiently be done by one agency.

JP04 0245 16.48 JP04 0298 16.49 08/02/79

SPO4 COL. ANDERSON
SPO8 COL. WOLDSTAD

REFERENCE NEW PARKS AND MONUMENTS

STATE CRIMINAL LAW: WE WILL CONTINUE TO RESPOND TO, INVESTIGATE AND ASSIST IN THE PROSECUTION OF REPORTED VIOLATIONS OF THE STATE CRIMINAL LAWS BOTH INSIDE AND OUTSIDE OF THE NEW FEDERAL MONUMENTS. THE EXCEPTION TO THIS WILL BE "OLD MT. MCKINLEY PARK" WHEREIN THE NATIONAL PARK SERVICE RETAINS EXCLUSIVE JURISDICTION. PERSONS REPORTING VIOLATIONS OF FEDERAL MONUMENT REGULATIONS, AND ANY SUCH VIOLATIONS OBSERVED BY OUR OFFICES WILL BE DIRECTED OR RELAYED TO THE APPROPRIATE FEDERAL ENFORCEMENT AGENCY.

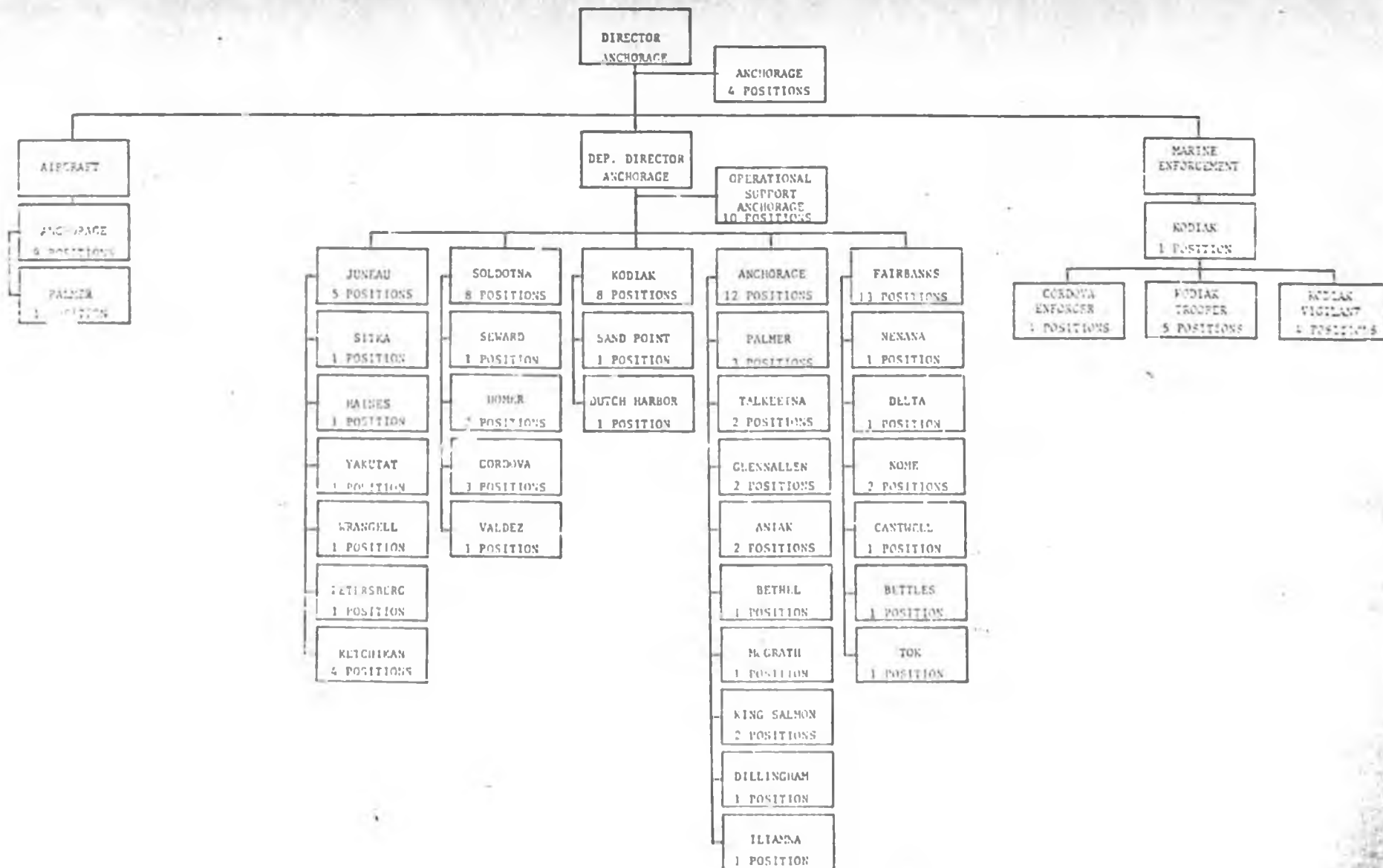
NATIONAL FOREST SYSTEM MONUMENTS OF ADMIRALTY ISLAND AND MISTY FORDS: FISHING, HUNTING, TRAPPING AND SUBSISTANCE WILL CONTINUE (AT LEAST UNTIL DECEMBER 1981) UNDER ALASKA STATE LAW AND THE JURISDICTION OF A D F & G. WE WILL CONTINUE TO ENFORCE STATE WILDLIFE AND FISHERIES RESOURCE REGULATIONS WITHIN THE TWO MONUMENTS AS ON OTHER NATIONAL FOREST AREAS.

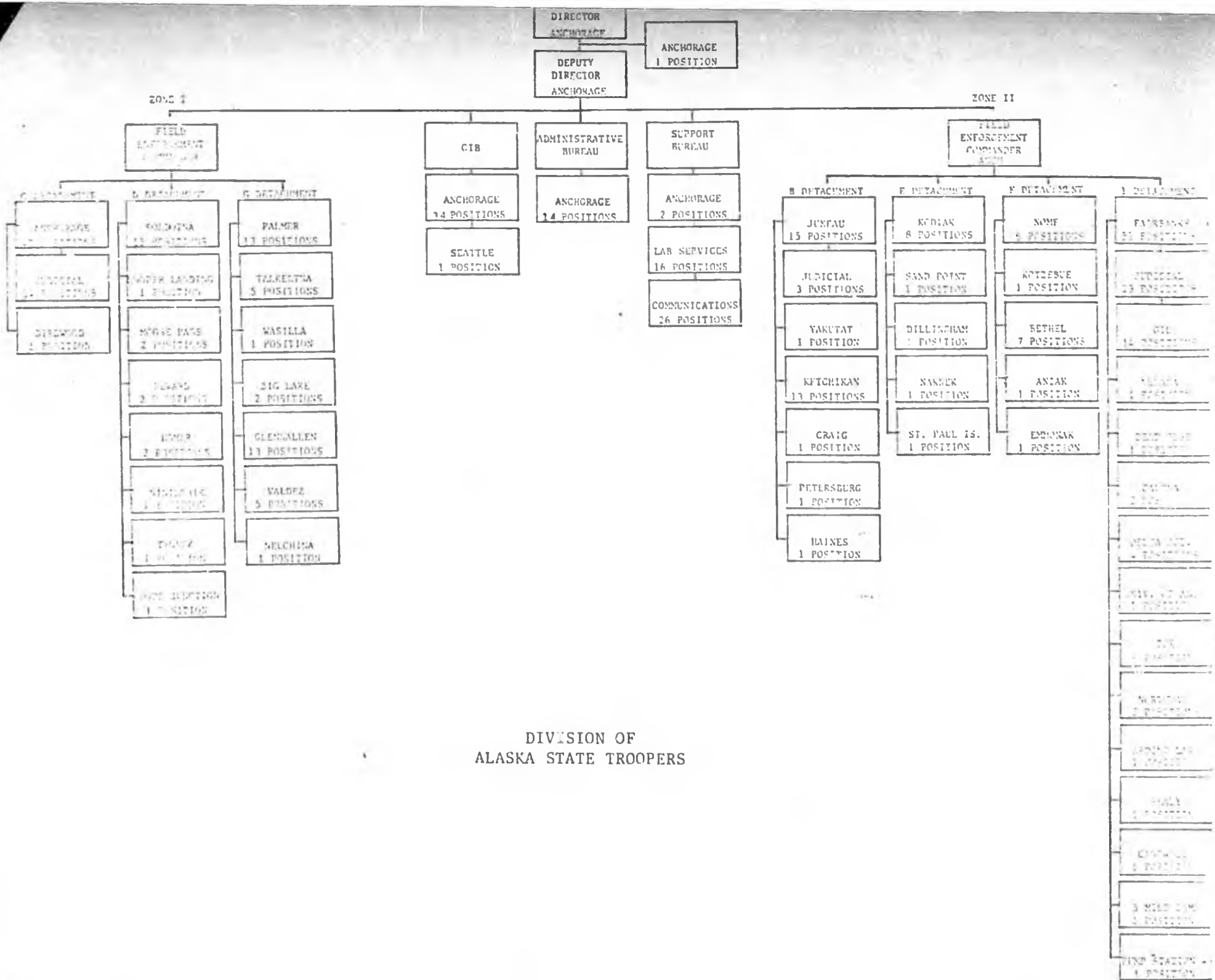
IN NATIONAL PARKS 13 MONUMENTS AND U S F W I. 2 MONUMENTS I ASK THAT F W L P CONTINUE, FOR THE PRESENT, UNDER INSTRUCTIONS FROM COL. WOLDSTAD'S MEMO DATED JULY 20, 1979. WHEN WE HAVE WORKED OUT A FULL POSITION IN THIS QUESTIONABLE AREA WE WILL LET YOU KNOW. SPORT TAKE AND SUBSISTANCE ARE STILL PROBLEMS.

JP03 DEP. COMM. SYDNAM

SA

DIVISION OF
FISH AND WILDLIFE PROTECTION





PLEASE ANSWER THE FOLLOWING QUESTIONS AND RETURN THIS FORM TO THE LEGAL SERVICES OFFICE. THIS INFORMATION IS NEEDED BEFORE WE CAN HANDLE YOUR CASE.

NAME: _____

ADDRESS: _____

SPOUSE: _____

NATIONALITY: Spanish Origin () Caucasian () Black ()
Native American () Japanese () Chinese ()

Other - Please state: _____

DATE OF BIRTH: _____ PHONE: _____

EMPLOYER: _____ WORK PHONE: _____

PLEASE CHECK WHETHER YOU ARE: Married () Single ()
Separated () Divorced ()
Widowed ()

Have you ever been to a law office before or seen a lawyer: Yes () No ()

Have you ever been to Alaska Legal Services Corporation before? _____

If so, when? _____

Please list the number of children you support: _____

Please list the number of other family members you support: _____

How much income do you have a month: _____

Please check where your income comes from and the amount from each source:

Full time employment	\$ _____	A.F.D.C.	\$ _____
Part time employment	\$ _____	Child support/	
Spouse's employment	\$ _____	Alimony	\$ _____
Social Security	\$ _____	Pension/other	\$ _____

How much income have you had for the past 12 month? _____

Please describe your legal problem:

I certify that the information that I have given Alaska Legal Services Corporation in regard to my financial ability to hire a lawyer is true and correct to the best of my knowledge and recollection.

(Sign here)

<p>FOR OFFICE USE ONLY: DATE: _____ ATTY: _____ FILE NO: _____ OPPOSING PARTY: _____</p>



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

Memo

TO: Charlie Parr

FROM: Peggy Berck

Peggy

DATE: November 13, 1979

Upon my return to Anchorage, I received the release forms completed by MR. and MRS. John Heffle. The enclosed correspondence indicates what information I have requested in order to properly review their son's juvenile court case.



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary
1024 West Sixth St.
Anchorage, Alaska 99501
(907)277-7548

Pouch V
State Capitol
Juneau, Alaska 99811

November 12, 1979

Olga T. Steger
Clerk of Court
Fourth Judicial District
604 Barnette St.
Fairbanks, Alaska 99701

Dear Ms. Steger:

The House Judiciary Committee of the Alaska State Legislature has been investigating the juvenile justice system as one of its interim studies. In Fairbanks, the committee heard testimony from Mr. and Mrs. John Heffle as to the inadequacies of the current system. To exemplify these inadequacies, Mr. and Mrs. John Heffle requested the committee to review the juvenile court case involving their minor son, Frank Heffle. The House Judiciary Committee agreed to review the matter, provided Mr. and Mrs. John Heffle were willing to release the confidential information needed to conduct such a review.

Enclosed you will find a release of confidential information by Mr. and Mrs. John Heffle. According to Mrs. Heffle, Frank Heffle was found to be a delinquent child as a result of a charge of assault with a dangerous weapon.

Please send me a copy of any and all court records pertaining to this juvenile case. Furthermore, please send me a copy of the electronic recordings of all proceedings involved in this court case. Upon receipt of a billing for these duplication expenses, the House Judiciary Committee will provide payment.

I look forward to your cooperation in this matter.

Sincerely yours,

Margaret W. Berck

Margaret W. Berck
Counsel to the House Judiciary Committee

cc: Rep. Charlie Parr, Chairman
Mr. and Mrs. John Heffle



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary
1027 West Sixth St.
Anchorage, Alaska 99501
(907)277-7548

Pouch V
State Capitol
Juneau, Alaska 99811

November 12, 1979

Mr. John Cain
Regional Administrator
Probation and Parole Department
Division of Corrections
P.O. Box 73878
Fairbanks, Alaska 99707

Dear Mr. Cain:

The House Judiciary Committee of the Alaska State Legislature has been investigating the juvenile justice system as one of its interim studies. In Fairbanks, the committee heard testimony from Mr. and Mrs. John Heffle as to the inadequacies of the current system. To exemplify these inadequacies, Mr. and Mrs. John Heffle requested the committee to review the juvenile court case involving their minor son, Frank Heffle. The House Judiciary Committee agreed to review the matter, provided Mr. and Mrs. John Heffle were willing to release the confidential information needed to conduct such a review.

Enclosed you will find a release of confidential information by Mr. and Mrs. John Heffle. Please send me a copy of any and all records your agency currently has pertaining to the minor child Frank Heffle.

I look forward to your cooperation in this matter.

Sincerely yours,

Margaret W. Berck

Margaret W. Berck
Counsel to the House Judiciary Committee

MWB/bsc

cc: Rep. Charlie Parr, Chairman
Mr. and Mrs. John Heffle



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary
1024 West Sixth St.
Anchorage, Alaska 99501
(907)277-7548

Pouch V
State Capitol
Juneau, Alaska 99811

November 13, 1979

James Fox
Regional Manager
Division of Social Services
Drawer 40
Fairbanks, Alaska 99701

Dear Mr. Fox:

The House Judiciary Committee of the Alaska State Legislature has been investigating the juvenile justice system as one of its interim studies. In Fairbanks, the committee heard testimony from Mr. and Mrs. John Heffle as to the inadequacies of the present system. To exemplify these inadequacies, Mr. and Mrs. John Heffle requested the committee to review the juvenile court case involving their minor son, Frank Heffle. The House Judiciary Committee agreed to review the matter, provided Mr. and Mrs. John Heffle were willing to release the confidential information needed to conduct such a review.

Enclosed you will find a release of confidential information by Mr. and Mrs. John Heffle. Please send me a copy of any and all records your office currently has pertaining to the minor child Frank Heffle.

I look forward to your cooperation in this matter.

Sincerely yours,

Margaret W. Berck

Margaret W. Berck
Counsel to the House Judiciary Committee

MWB/bsc

cc: Rep. Charlie Parr, Chairman

Mr. and Mrs. John Heffle



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary
1024 West Sixth St.
Anchorage, Alaska 99501
(907)277-7548

Pouch V
State Capitol
Juneau, Alaska 99811

November 13, 1979

Ms. Sonja Nazurek
Juvenile Intake Office
604 Barnette Street
Fairbanks, Alaska 99701

Dear Ms. Nazurek:

The House Judiciary Committee of the Alaska State Legislature has been investigating the juvenile justice system as one of its interim studies. In Fairbanks, the committee heard testimony from Mr. and Mrs. John Heffle as to the inadequacies of the present system. To exemplify these inadequacies, Mr. and Mrs. John Heffle requested the committee to review the juvenile court case involving their minor son, Frank Heffle. The House Judiciary Committee agreed to review the matter, provided Mr. and Mrs. John Heffle were willing to release the confidential information needed to conduct such a review.

Enclosed you will find a release of confidential information by Mr. and Mrs. John Heffle. Please send me a copy of any and all records your office currently has pertaining to the minor child Frank Heffle.

I look forward to your cooperation in this matter.

Sincerely yours,

Margaret W. Berck

Margaret W. Berck
Counsel to the House Judiciary Committee

MWB/bsc

cc: Rep. Charlie Parr, Chairman
Mr. and Mrs. John Heffle



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary
1024 West Sixth St.
Anchorage, Alaska 99501
(907)277-7548

Pouch V
State Capitol
Juneau, Alaska 99811

November 12, 1979

Mr. and Mrs. John Heffle
SR Box 80740
Fairbanks, Alaska 99701

Dear Mr. and Mrs. Heffle:

Thank you for completing the release forms which I sent you. This date I requested records from the Alaska Court System, Division of Corrections, Division of Social Services and the juvenile intake office pertaining to your son Frank. Copies of those letters requesting records are enclosed. As I intend to investigate the legal representation provided your son, I need another release form from you. For that reason and to save time in the event that additional forms are needed, I enclose three additional release forms for you to complete.

Thank you for your patience in this matter.

Sincerely yours,

Margaret W. Berck

Margaret W. Berck
Counsel to the House Judiciary Committee

MWB/bsc

cc: Rep. Charlie Parr, Chairman



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

TO: House Judiciary Committee Members
FROM: Rocky Plotnick
DATE: November 23, 1979
RE: Anchorage Meeting & Work Session

This is a reminder of the Committee's last meeting and work session before the session. We will meet in Anchorage on November 29 & 30, and December 1. All meetings will begin at 9:00 a.m. and be held at the Anchorage Community Center, 325 East 3rd Ave. (about a block from the Travel Lodge). I am enclosing a tentative agenda and a copy of the Legislative Implications of the Master Plan done by Roger Endell. Please try to look at this before the meeting and bring your copy with you, as xeroxing is expensive. See you next week.

Rocky

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

ALASKA POLICE STANDARDS COUNCIL

POUCH AS
JUNEAU, ALASKA 99811
PHONE: (907) 465-4378

October 4, 1979

Margaret W. Berck
Counsel to the House Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Ms. Berck:

Thank you for returning our Regulations and Procedures Manual and the opportunity to review your report to the House Judiciary Committee.

Generally, I thought your report to be an excellent summary of the council's purpose, responsibilities and activities; however, I would like to bring to your attention and clarify some areas that might lead to a misunderstanding by the Judiciary Committee.

II. JURISDICTION OF THE APSC

1. A municipality with an established police training program may exclude itself, by ordinance, from our minimum requirements, but only if its program meets or exceeds APSC minimum standards.

2. There is an inconsistency between our statutes, which mention "temporary officers," and our current regulations, which have authority only over "full time police officers." Major police departments in Alaska do not hire temporary officers. They are found in the rural areas where a person is hired as a full time police officer for a specific limited period of time. We hope to reach some, if not all, of these officers with the adoption of rural police regulations.

IV. MINIMUM TRAINING REQUIREMENTS FOR POLICE OFFICERS

Although our regulations require a minimum of 8 hours of firearms instruction, in actuality, students at the

Municipal Police Academy receive 27 hours of firearms training, plus 6 hours of "shoot/don't shoot" instruction.

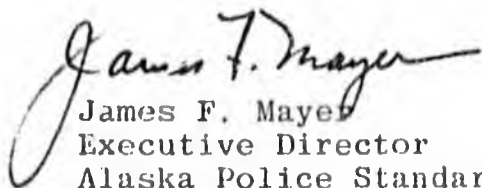
The latter is, of necessity, general in nature, since each individual police department has its own specific policy in these situations, which is imparted to the officer during the field training program. There is no way to predict the reaction of any individual in an emergency situation, regardless of the amount of training received.

VI. VILLAGE POLICE OFFICERS

Without an explanation, the term "ignored" seems to imply a lack of concern. The council is, and has been, fully cognizant of the problems faced by rural municipalities in obtaining officers who meet the current minimum standards, and any attempt to force compliance through civil process would be counterproductive to the council's purpose of supporting and encouraging police training. Over 40% of the students attending the recent Municipal Police Academies have been from communities considered rural, and while the Department of Public Safety has historically provided police training to the villages, the council will provide an incentive for the rural areas to take advantage of all available training through its proposed village police certification program.

I hope you will provide this information to your committee for their information and clarification. If there is any other information you think might be of assistance, please let me know.

Sincerely,



James F. Mayer
Executive Director
Alaska Police Standards Council

JFM/mas
encl: MPA-15 schedule



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

TENTATIVE AGENDA

DATE: November 29 & 30, and December 1

PLACE: 325 East 3rd Ave., Anchorage

TIME: 9:00 a.m.

Thursday, November 29th:

- 9:00 a.m. Charles Campbell, Director of the Division of Corrections
- 9:30 a.m. Ames Luce, Anchorage lawyer to discuss the courts
- 10:00 a.m. Doug Baily, former member of the Alaska State Parole Board
- 10:30 a.m. Bert Campbell, Chairman of the Advisory Committee on Minority Sentencing Practices and a member of the Judicial Qualification Commission
- 11:30 a.m. Kit Evans, Executive Director of AWAIC (Abused Women's Aid in Crisis)

LUNCH

- 1:30 p.m. Tom Burton, works for the Drug Enforcement Administration of the Federal Government
- 2:15 p.m. Joe Turner, Alaska State Troopers Drug Enforcement
- 3:00 p.m. Jim Arnold and a magistrate, to speak on magistrate traffic court

Friday, November 30th:

- 9:00 a.m. Sam Trivette, Executive Director and William Lyons, Chairman of the Alaska State Parole Board
- 10:00 a.m. Chief Anderson of the Anchorage Police Department, to address criminal code training of police
- 10:30 a.m. John Angell, Director of the Criminal Justice Center, to speak on Bush Justice

11:30 a.m. a representative from the Alaska Black Caucus

LUNCH

1:30 p.m. Michael Rubinstein, Executive Director of the Judicial Council

2:15 p.m. Roger Endell, from the Criminal Justice Center, to address the Corrections Master Plan and site selection for a pre-sentence facility and a women's institution to replace Ridgewiew.

Saturday, December 1st:

At this time the Committee will decide what action it wants to take regarding legislation and/or other recommendations.

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

JAY S. HAMMOND, GOVERNOR

1919 Lathrop
Drawer 40
Fairbanks, Alaska 99701

November 26, 1979

Margaret W. Berck
Counsel To The House Judiciary Committee
1024 West Sixth Street
Anchorage, Alaska 99501

Dear Ms. Berck:

This office does not have any file on Frank Heffle, son of Mr. and Mrs. John Heffle.

I am forwarding your correspondence and the attached release for information to Mr. John Cain, Regional Administrator, Northern Regional Probation-Parole Office, 604, Barnette, Room 116, Fairbanks, Alaska 99701.

Sincerely,

James J. Fox
Regional Social Service Manager

CC: Rep. Charlie Parr
Mr. and Mrs. John Heffle
John Cain



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

Memorandum

To: House Judiciary Committee

From: Rochelle Plotnick *RP*

Date: November 28, 1979

Subject: Questionnaires

INTRODUCTION

During the interim I have sent out two questionnaires. One was sent to the general public and another to those involved in law enforcement. Both questionnaires dealt with Alaska's criminal justice system.

All returned questionnaires have been tabulated and this memo will be my attempt to summarize them for you. I will discuss the two questionnaires separately.

Because some of the questions could not be answered on a yes/no basis, I had some difficulty tabulating them fairly. However, I did try to be as objective as I could, and occasionally didn't use answers when I was in doubt.

If you have the time, I encourage you to read some of them and judge for yourself.

LAW ENFORCEMENT QUESTIONNAIRE

To reach law enforcement personnel on a statewide basis, the Alaska Peace Officer's Association was used. The Association's members include Alaska State Troopers, local police, corrections officers, parole/probation officers, and prosecutors. I was provided with xerox labels of their members and simply used every other label until 400 were addressed. 79 were answered and returned.

Question #1

What do you see as the major crime problem in Alaska?

Alcohol and/or drugs	44
Lenient Courts	7
Ineffective District Attorney. . .	5
Juveniles.	5
Robbery.	5
White Collar Crime	4
Unemployment	3
Rape	2
Apathy	1
Non-workable Statutes.	1

Question #2

Are Alaska's laws adequate to handle these problems?

No	45
Yes	26

Question #3

Is prosecution of crime effective?

No	44
Yes	26

Question #4

Do you think the Alaska Court System is fair?

No 32
Yes. 32
Too liberal. . . 13

Question #5

Would you be willing to participate in a racial/cultural bias test?

Yes. 70
No 7

Question #6

Would you be willing to participate in any bias awareness training?

Yes. 67
No 7

Question #7

Should criminal justice agencies increase their affirmative action hiring efforts?

No 42
Yes. 26

Many of those answering "no" said hiring should be based on competency.

Question #8

How do you see yourself as a law enforcement officer?

Equal to all - frustrated - enforces laws in an apathetic society - never arrested an "innocent" person - help people - wants more training than currently provided - fair and compassionate - confused, ineffective - educator to bush - high standards and professionalism - held back by liberal laws - ineffective, frustrated, no time to properly investigate -

Question #8 (Continued)

the first line, first public contact, plug in the dike -
in the middle with a damn small voice - tops in ability,
production, effectiveness - fighting a losing battle -
don't like the 8-5 overtime attitude of police today -
trying, though time and equipment is insufficient -
sincere, dedicated with little support from community and
judicial system - referee - becoming more apathetic and
restricted - hindered by the courts.

Question #9

What do you think of the Alaska Public Defender?

Good - fair - sucks - understaffed - takes cases who can
afford private attorneys - unethical - better than the D.A. -
should be in private practice first - too many cases - like
grapes, some good some not so good - too many Supreme Court
Appeals - energetic - waste of time and money - essential -
underfunded and understaffed - necessary.

Question #10

Do you think shelters for battered women are effective?

Yes. 56

No 7

Question #11

What should we do with juvenile delinquents? Jail?

Jail 30

Rehabilitation
Treatment Center . 17

Restitution/
Responsibility . . 9

Deal with
Parents. 8

Question #12

Do you have any other comments?

Court should be held from 8 - 12
1 - 4:30

This project is worth the time and effort.

Prosecutors don't treat everyone equal.

Traffic codes need to be updated.

This questionnaire was to get court system off the 'hotspot'.

Need better coordination with criminal justice agencies -
when more police are hired there are more arrests, but no
increase in the jails.

Handle traffic court at night by trained laymen.

Legislature should adequately fund police agencies for
personnel, equipment and training.

Want more mandatory sentencing.

The D.A.'s are dropping charges and failing to prosecute.

More District/Supreme Court judges.

More jails including a long-term correctional facility.

Jury is not a representation of society at large.

Need more money.

Should create an appellate court.

Terrific survey - hope it does some good.

Tighter controls on alcohol sales.

Change "joyriding" to "grand theft auto".

Another questionnaire - doubt you are really interested -
just another survey for our "hard working" legislators.

Legislature should make police training a priority with the
consideration of traffic fines helping to pay the cost.

Pass a law to change liquor vending hours to 1:00 or 2:00 a.m.,
instead of 5:00 a.m.

Question #12 (Continued)

In summary, the following response from one person is included.

Any member of the judiciary committee - if desired - could find many answers to the question "What is the problem?" if they took an in-depth and honest look at the legislature itself.

Who has failed to provide adequate resources for the prosecutors to stay abreast of the caseload increases so that sufficient time and manpower is available to properly prepare a case for trial or even handle the cases presented?

Who has allowed the Public Defender Agency to become better staffed, from a caseload standpoint, than the public prosecutors' offices?

Who has failed to provide sufficient judges to handle the increased caseload and fully utilize the available judicial facilities?

Who has failed to provide adequate facilities to handle individuals who should, and otherwise could, be sentenced?

Who has spent several years and millions of dollars trying to build a new and unneeded city, while the above needs went begging?

Who has, over the years, increased the handout programs and largely ignored the increased need for society's protection under the law?

Who has allowed and created the game of semantics we play with respect to juveniles?

Are the answers to some of the above questions possibly indicative of political biases and considerations affecting the law enforcement system?

GENERAL PUBLIC QUESTIONNAIRE

A total of 1,100 questionnaires were sent to Alaskans throughout the state. Names were randomly selected from telephone books and sent to postmasters in small communities for distribution. 198 were returned answered.

Question #1

What do you see as the major crime problem in Alaska?

Alcohol/drugs	52
Robbery	19
White Collar Crime.	6
No Prosecution.	5
Lenient Courts.	4
Vandalism	4
Lack of Jobs.	4
Murder.	3
Rape.	2
Juveniles	2

Question #2

How do you feel about Alaska's laws?

Too Lenient	47
Okay.	28
Outdated.	7
Poor.	4
Too Vague	2
Too Many.	2
Lessen Drug Penalties	1
Need Good Litter Law.	1
Too Harsh on Hunting/Fishing.	1

Question #2 (Continued)

- Tighten Up on Religious Solicitors. 1
- Legalize Drugs and Tax Like Alcohol 1

Question #3

If you served on a jury in the past 3 years, was it handled fairly?

- Haven't Served 55
- Yes. 19
- No 7

The jury is never given information about suspect's previous record - Served on a grand jury and it was not handled fairly. The people on the jury were manipulated by the prosecutors because they were not familiar with the grand jury power - When I served on a jury in Valdez, we were told the judge would give us the law and we were to decide the facts. Juries are our only defense against undesirable laws once legislated. Therefore, juries should be told of their responsibilities to judge the law as well as the facts.

Question #4

Who, if anyone, should be excused from serving on a jury?

- If a financial hardship 20
- No person 18
- Physically ill. 16
- Mentally ill. 12
- Biased. 10
- Pregnant women or mothers 9
- Law enforcement 5
- Elderly 5
- All requesting excusal. 4

Question #4 (Continued)

Non-English speaking	3
Criminals.	2
Business people.	2
Alcoholics	2
Military	1
Clergy	1

Question #5

What do you think of the Alaska State Troopers?

Good	62
Need more.	13
Should spend more time in villages . . .	3
Quality going down	3
Lack training/experience for bush. . . .	2
Clowns	1
Big job with little support.	1
Too much time on victimless crimes . . .	1
Poor response time	1
Pick on young people	1
Ineffective.	1

Question #6

Do you think the Alaska Court System is fair?

Yes	31
No.	31
Too lenient	22

Several said they didn't know or left it blank.

Criminals out on bail too soon.

Question #6 (Continued)

Too lenient on Alaska Natives.

Money talks too loud for justice.

Small Claims Court is a joke.

Under political pressure.

Inequitable treatment of Natives and women.

Habitual criminals get off easy.

Hell no, it violates the rights of society.

Too conservative.

Fair, but slow.

Our magistrate is a very opinionated person with zero legal experience; how can that be fair?

The penalty for killing a moose out of season is greater than a drunk driver killing a man.

My case in the Supreme Court took 11 months before a decision. I was held up for 2 years and \$10,000.00 before anything was decided.

Question #7

Should judges be elected?

Yes 72

No. 27

Several didn't want judges to be "bought-off", like politicians.

Several were concerned as to how the public would be informed to vote.

One suggested local judicial advisory councils be set up.

Question #8

Should Alaska establish an Intermediate Court of Appeals?

Yes 45

Don't know. 29

No. 26

Question #9

What do you think of the quality of Alaska's private lawyers?

Fair-poor. 25

Good 16

~~Greedy~~
Grudy. 10

What quality - need more in the bush - I.Q. ten points in the hole - let the buyer beware - not honest - Ugh! - too many - excellent - pirates - better than the D.A.'s - rejects from the lower '48 - stink - some very good.

Question #10

Do you think domestic violence is a serious problem in Alaska?

Yes 82

No. 12

Question #11

What should we do with juvenile delinquents? Jail?

Yes 42

No (educate/rehabilitate) 35

Work farms. 8

Make parents responsible. 6

Restitution 6

Give names to media 3

Boonies for a month/Youth Conservation Corps.. . . . 3

Give them more to do. 2

Question #12

Do you know of any biases in the criminal justice system?

No. 47

Yes 45
(racial, juvenile, criminals)

Question #13

Do you think Neighborhood Centers would be a good way to resolve neighborhood disputes (landlord-tenant, small claims, domestic violence) rather than in court?

Yes 59

No. 35

Question #14

Do you have any other comments or questions?

Thanks for asking my opinion - read Jessica Mittford's book on punishment in the U.S.

When is the legislature going to pass some meaningful laws regarding alcohol? Take a stand, don't back off because of the alcohol lobbyists.

I do not think it is equitable to jail a person on smaller crimes. Should be cited and given a fine on 1st offense. If repeat, then jail.

We need a "get tough" policy.

I am concerned about real criminals being let out on minimum bail.

If Alaska is to be so free with alcohol, they must come up with a way to control it. The laws now treat it as a disease so violence goes unchecked, because they aren't responsible for what they are doing.

Why is Kotzebue getting a Superior Court judge? Why can't we get the same treatment in Barrow as Nome and Kotzebue? Why are we the last to get what we need? We have a problem here in Barrow.

Less importance should be placed on drugs and more placed on criminal acts (from theft to rape).

Magistrates are totally without knowledge of motor vehicle law - traffic magistrates are incompetent.

The state troopers in Galena area spend little or no time in the villages around here. It is so bad in Huslia that the village has said that they do not bother to call the troopers because they do nothing so why bother to call. The city of Galena pays for police locally and the State has two police stationed here. I have never seen a traffic ticket issued by

Question #14 (Continued)

any of them yet the cars speed by. The state police use the state truck for their personal business, yet when asked for help on the phone, they say the local problems are not of their concern. Why should the State Trooper take their wife down to the post office to check their mail; why don't they use their own personal truck or car. I think the supervisor for the troopers out here in the bush should get out here and see how their men are doing their job and spend some time going around the area they are working in and ask a few questions how their men are doing.

There is no question in my mind that alcohol is the root cause of 97% of all crime in Northern Alaska. Solving this problem is the greatest single obstacle facing us.

The court system, police, state laws cannot solve all of societies' problems and it is pointless to try.

Would you please make the results of this questionnaire public in urban and bush newspapers?

More programs to combat alcoholism and drugs may be beneficial.

Replace all judges every 2 years.

Give each juror a leaflet so he/she can read what his duties and responsibilities are as a member of the jury.

The legislative response to criminal justice planning, as with too many other issues, has been piecemeal, rather than comprehensive. Hopefully, the legislature will take the time and effort necessary to study the Master Plan for Corrections.

How much freedom does a person have when they're afraid to walk streets at night? NONE.

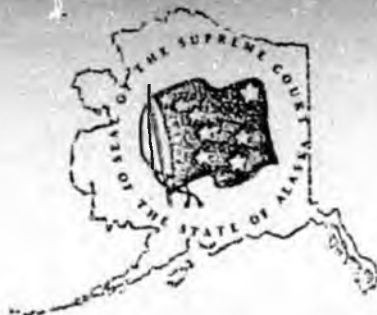
I do believe that if you have money and/or influence, you can get away with a lot more than if you're on the other end of the Totem Pole.

I was recently raped in my own home by a young Indian. He is still loose in the community. I may have to leave Juneau, my home for 41 years, because I feel so insecure.

More alcohol rehabilitation programs are needed.

CONCLUSION

I am very hesitant to draw many conclusions from the questionnaires. It should be noted that stamped return envelopes were not included, so only those persons more serious about criminal justice responded. Also, because so many names were used from various telephone books, the people who can't afford or choose not to have telephones were excluded. The only conclusion I feel secure making at this time is that alcohol and other drugs seem to be what most of the respondents are concerned about.



Alaska Judicial Council

420 L Street, Suite 502
ANCHORAGE, ALASKA
99501
(907) 279-2526

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SUPREME COURT

November 21, 1979

MEMORANDUM

TO: Judicial Council Members
Minority Advisory Committee Members

FROM: Michael L. Rubinstein

RE: Letter of Judge Mary Alice Miller, 8 November 1979

By now you have probably received a letter from Judge Miller criticizing the Judicial Council's recent study of misdemeanor sentences. Although the tone of her letter was quite emotional and the Judge engaged in personal attacks on my own integrity in conducting the research, I will put aside the personal issues and attempt to respond to what I perceive as the underlying substance of her complaints and criticisms regarding our work.

1. Judge Miller points out that we found no evidence of discrimination in assault cases, in contrast to the other kinds of cases we analyzed. She was critical because we "made no attempt to . . . learn why judges who are unbiased in one type of cases appear to be biased in others." There are several points to be made here: first, we nowhere alleged that the statistics proved that judges were biased. This is her own inference. It is possible, but not proven. Is the difference between racially even sentences for assaults and racially uneven sentences in other areas an indication of judicial bias, or does it suggest a different cause for the disparity? This important question should be discussed by judges, Judicial Council members, attorneys and others who are vitally interested in

finding out why natives and blacks are treated differently from others in the criminal justice system. It is not the function of a factual, statistical report to analyze the "why" of this situation. The report presents the facts and suggests that they should not be ignored. The reasons behind the facts are yet to be conclusively identified.

2. Judge Miller makes certain points concerning the influence of alcohol involvement on the sentencing statistics. Essentially she says that police reports are incomplete sources of information regarding alcohol use, and that our reliance on these "guaranteed a study which minimized and distorted the effect of alcohol on sentencing patterns." This is because, in Judge Miller's opinion, "it is an extremely rare police report which mentions alcohol unless it is an essential element of the case." In the summary of findings we acknowledged that information on alcohol intoxication was incomplete and that our findings concerning alcohol's influence on sentence length were tentative only. However, our decision to look for this information in police reports rather than court files was a reasonable one. There were 132 cases (11%) in which the police report noted alcohol intoxication. This is more than "very rare," as Judge Miller says.

3. Judge Miller is critical of the report's treatment of previous criminal convictions. Ignoring the exaggerations, distortions and personal attacks, her essential point seems to be that we were at fault by using the official records of the Department of Public Safety in Juneau as the basis for our prior record information. She claims that the judges in Fairbanks frequently rely upon their own records of local convictions maintained by the clerk's office there. Judge Miller says that had we relied upon her local records we would have found that some of the defendants in our study actually had many more convictions than were officially recorded. There are several points to be made here. First, the Juneau Department of Public Safety records are the official sources of information on previous convictions in the state of Alaska. (Judge Miller acknowledges in the middle paragraph of page two that "actually" most of her own case files "do contain a twix from this Juneau office.") Had we decided to use official records for Anchorage cases and unofficial records for Fairbanks cases, the study would have been uneven and our methodology rightfully subject to criticism. Further, even if one assumes that Judge Miller

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November 21, 1979
Page Three

is correct, and that the official records of previous convictions are, as she says, "woefully incomplete," there is no good reason to believe the records would not be equally incomplete for both native and white defendants. Therefore, our central finding of unequal treatment of these persons would not be affected.

Judge Miller wrongly attributes an important statement to me. She says: "Rubinstein says the defendant's prior record is unrelated to the severity of his sentence." It is hard to understand how Judge Miller comes to a conclusion that directly contradicts the findings. For example, the first sentence of page eight of the misdemeanor report reads as follows: "The severity of the defendant's prior criminal record shows a strong positive association with length of jail sentence." Perhaps what Judge Miller is referring to is the sentence at the bottom of page nine: "Whether the natives had many prior convictions or few prior convictions, when compared to whites in the same prior-record group, the natives always received more severe sentences."

After several readings of Judge Miller's comments concerning our treatment of prior record in this study, it seems to me that the central point she is trying to make is that we were inaccurate in counting the numbers of previous convictions attributable to native defendants. She cites a couple of examples from her own files involving people with many misdemeanor convictions. She doesn't specifically say that these defendants are natives, but I assume that they must have been, otherwise why include them as examples in this context? Once again, the short answer to Judge Miller is that no matter how incompletely the official records recorded the numbers of prior convictions of defendants in our study (and I doubt that they are as bad as she says), one presumes that the records were equally inaccurate for natives and whites alike.

Judge Miller also claims that our method of analyzing prior convictions and grouping them into five categories ranging from no convictions, to ten or more misdemeanors, to two or more felonies, is "strange." We classified cases into groups according to the number of previous convictions the defendant had in order to be able to compare blacks, whites and natives more fairly. That is, we wanted to compare the sentences received by groups of whites and groups of natives who had similar numbers of

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November 21, 1979
Page Four

previous convictions. We compared sentences for those with clean records, defendants with a few previous convictions, up to those with very bad records. Groupings were arrived at by using the computer to print out an intervalized frequency distribution showing the entire spread of the defendant population with regard to numbers of previous convictions. We then chose prior-record groups (such as "one-to-three misdemeanors"), because a large number of cases happened to fall into a particular interval. This is a generally accepted statistical procedure and not at all "strange."

Judge Miller criticizes our study because although we controlled for numbers of previous convictions, and for whether or not the previous convictions were felonies or misdemeanors, we did not examine in detail the nature of the previous convictions themselves or the relationship, if any, between past crimes and the present crime. She says: "For instance, the worst OMVI offender is not the offender who has two felony convictions in which liquor is not involved; it is the defendant who has prior OMVI convictions; the more such convictions, the more serious the offender."

I agree with Judge Miller that it would be desirable to analyze this kind of information. However, in order to attain specificity at this level one would need many more sentences than the 1,795 cases included in our sample. We plan to collect those cases soon. The fact that there may be other tests that could be performed at a future time in no way casts doubt upon the results of the tests so far completed, especially where these results show statistically significant sentencing differences of large magnitudes. I suppose the ultimate question is at what point is one justified in publishing findings? It is my belief, supported by the unanimous vote of the Judicial Council, that considering the kinds of statistical procedures performed, the magnitude of the disparities found, the consistency of the pattern, and the statistical significance of the results, publication was justified and timely.

4. Judge Miller raises the question of the effect of Breathalyzer readings on lengths of sentences in OMVI cases. She says that although her own average native sentence was longer than her average white sentence, these differences were justified by the differences in levels of blood alcohol among natives and whites convicted of OMVI.

Although our study included data on Breathalyzer readings, it turned out that only 135 out of 547 OMVI sentences (about 25%), included any Breathalyzer reading at all. For 75% of the OMVI cases there was no information on blood alcohol for us to analyze. Further, when we examined the computer print-out on this item, it was immediately clear that contrary to the situation apparently present in Judge Miller's OMVI cases, by far the greater number of high Breathalyzer readings (those over .25) belonged to white defendants. This is a good illustration of how an examination of a small group of cases (Judge Miller's OMVI's) may lead to distortion.

5. Judge Miller makes an interesting statement in the next to the last paragraph on page three. She says, "If we [judges] are prejudiced, would not the prejudice against natives extend to Orientals with their similar skin color and eye formation?" This suggests that if there are factors causing natives to receive longer sentences, "skin color and eye formation" are not the causes. She may be right. Culture may be more important than superficial physical traits. The justice system may be responding to certain attitudes and perceptions about native life styles rather than to the shapes of eyes or the color of skins.

* * *

Judge Miller has a perfect right to question our report and to criticize our research methods. We have always welcomed critical appraisal from judges and others. We realize that we are not perfect and that the criticisms and suggestions of knowledgeable people can help us to improve our research and have more confidence in the results. Anchorage district judges met with us at some length, criticized our study, and did make several useful suggestions for future research. Nevertheless, if Judge Miller had accepted our long-standing offer to sit down and discuss our findings and research methods we would have communicated to her face-to-face all of the information she was able to glean at great effort (and at considerable expense to the taxpayer), through a minute examination of our records.


MLR

cc: Dan Joling, Fairbanks Daily News-Miner

Daily News - Miner

"America's Farthest North Daily Newspaper"

FAIRBANKS, ALASKA, TUESDAY, NOVEMBER 20, 1979

Judge says study on sentencing full of errors

By DAN JOLING
Staff Writer

At least one local judge is taking issue with a study that found evidence of racial bias in the District Court systems of Anchorage and Fairbanks.

In a letter to Supreme Court Chief Justice Jay Rabinowitz, District Court Judge Mary Alice Miller said the methods used by the researchers contained serious errors.

"The Michael Rubinstein study has defects of such magnitude as to cast extreme doubt on the validity of the study," she said in the letter.

The study, which determined that Natives received average jail sentences 83 per cent longer than whites,

drew accusations of racial bias from Judicial Council members when it was released earlier this month.

Whites were said to be more likely to stay out of jail despite similar arrest records, and more likely to stay out completely after a first arrest.

The study also concluded that if defendants were intoxicated when arrested, they received less severe sentences than sober defendants. The only crime for which sentences were roughly equal was assault.

"This misdemeanor study plus the felony study released last year confirm my worst fears, that justice may be blind, but not color-blind in the Superior and District Courts of Alaska," said

Bert Campbell, chairman of the Advisory Committee on Minority Sentencing Practices.

But after examining the study Judge Miller said she found no indication of bias, based on the figures.

"I do find strong evidence that Rubinstein owes the taxpayers who financed his study a refund," she said.

She strongly questioned the study's methods of reaching conclusions, charging that:

- Researchers ignored all indications of liquor involvement in arrests other than what was noted on the police report.

- No attempt was made to determine from the local case file a defendant's

prior record. Instead, only centralized Juneau files were used.

- The study did not include any information on prior alcohol treatment programs given the defendant in other sentences.

- There was no attempt to analyze cases to determine why judges who appear unbiased in one type of crime are biased in another.

Researchers looked at 1,795 cases from a possible 14,000 between 1974 and 1976 in Fairbanks and Anchorage, including all cases that went to trial.

District Court judges sentence persons convicted of property crimes such as shoplifting and petty larceny, traffic offenses such as drunk driving, and a

variety of other misdemeanors from assault and battery to violations of hunting and fishing regulations.

Miller said looking at only police reports for evidence of alcohol involvement in a crime "guaranteed a study which minimized and distorted the effect of alcohol on sentencing patterns."

Police reports seldom mention alcohol involvement unless it is an essential element in the case, such as drunk driving, Miller said.

She said researchers made no attempt to find out from the case file what a defendant's prior criminal record was.

Local records are not always up to

date on arrests outside Fairbanks, but it is much more complete on arrests here. Miller called the Juneau index "woefully incomplete," and added that in most cases it is not even looked at when she sentences a person.

Miller said one of her sentences was for a defendant's fifth shoplifting conviction in less than a year. The Juneau record, she said, noted only one of the prior arrests.

Miller said prior alcohol treatment given a defendant was not noted.

"After a heavy drinking period of weeks or months, delirium tremens and convulsions can occur a week or more after withdrawal from alcohol.

(see Miller, page 5)



MARY ALICE MILLER

MILLER ...

(Continued from page 1)

No effort was made to determine the number of cases in which the long sentence was essential to the defendant's physical recovery from a drinking bout," she said.

She said the report was "terribly important" for her concerns to avoid prejudice, but it had given no indication that she was biased.

"It is not newsworthy to say Alaska Natives have a liquor problem of major proportions. It is not newsworthy to say that one effect of alcohol abuse is involvement with the criminal justice system, regardless of race. It is, however, newsworthy to say that judges are racially prejudiced," Miller said.

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH H 01 - JUNEAU 00011

NOV 20 1979

The Honorable Charles H. Parr
Alaska State House of Representatives
S.R. Box 50599
Fairbanks, Alaska 99701

Dear Mr. Parr:

At the request of Representative Russ Meekins and Attorney General Avrum Gross, Co-Chairmen of the Corrections Master Plan Advisory Committee, I am forwarding to you this copy of the Executive Summary of the Master Plan study. This study was done by Moyer & Associates, Inc. of Chicago in association with the American Foundation of Philadelphia and the National Center for Juvenile Justice in Pittsburgh. The full study is a much larger and more detailed document. I will make a copy of it available to you at your request.

The consultants who conducted this study worked closely with the Master Plan Advisory Committee and other Alaskans familiar with the criminal justice problems within the state. Thus, the conclusions reached and the recommendations made are based on careful evaluation of the factors involved from the standpoint of outside-the-state expertise, as well as from the perspective of a number of people who are knowledgeable about the criminal justice concerns which may be unique to Alaska.

The Master Plan study has been approved by the Governor's Commission on the Administration of Justice and by the Advisory Committee. I am pleased about the work that has been done on the Master Plan. Director of Corrections, Charles Campbell, has also indicated his satisfaction with the study. This is not to suggest, however, that we are in complete accord with all of the specific recommendations offered by the study. A number of measures have already been taken by the Division of Corrections, some of them in accordance with the Master Plan consultants recommendations; others of them representing departures from the specific recommendations, although generally in accord with the philosophy and thrust of the Master Plan document.

Honorable Charles H. Parr

- 2 -

The Master Plan process has been tremendously helpful to us. It is, however, a continuing process, and I would most especially appreciate whatever observations, suggestions, and help you might be willing to offer with respect to the effort now going on to improve Corrections in Alaska.

Sincerely yours,

A handwritten signature in cursive script that reads "Helen D. Beirne".

Helen D. Beirne
Commissioner

Enclosure

CONTINUING LEGAL EDUCATION QUESTIONNAIRE

The C.L.E. Committee of the Alaska Bar Association has been requested to present a proposal regarding mandatory continuing legal education to the association at its annual meeting in Sitka in June. In order to help us prepare this proposal, we are asking you to complete this questionnaire. If you have additional comments, please send them on additional sheets of paper.

1. In what city or community do you reside?

2. If you are in private practice, does your firm have a policy requiring you to take C.L.E.? If so, describe briefly.

3. Does your firm pay for the expenses of continuing legal education?

YES [] NO []

4. Describe your type of practice:

- (a) Judge
- (b) Law Clerk
- (c) Government (State)
- (d) Government (Federal)
- (e) Private practice (solo, or 2-3 person firm)
- (f) Private practice (over 3 people)
- (g) Inactive

Answer: _____

5. In the last three years, how many hours of legal education did you attend on a yearly average?

- (a) 0
- (b) 1-5 hours per year
- (c) 5-10 hours per year
- (d) 10-15 hours per year
- (e) 15-20 hours per year
- (f) More than 20 hours per year

Answer: _____

6. Of this amount, how many hours did you attend (a) inside Alaska; (b) outside Alaska other than in Hawaii during the mid-winter meeting; (c) at annual meeting; (d) at Hawaii meeting?

- (a) _____
- (b) _____
- (c) _____
- (d) _____

7. Assuming a mandatory C.L.E., would you prefer the obligation to be (a) 10 hours per year; (b) 15 hours per year; (c) 20 hours each two years; (d) 30 hours each two years; (e) 30 hours each three years; (f) 45 hours each three years; or (g) other.

Answer: _____

8. Would you favor giving credit for teaching an accredited course as well as attending?

YES [] NO []

9. Would you favor hardship exemptions for attorneys in remote areas?

YES [] NO []

10. If so, what reasons would be sufficient for exemption?

Answer: _____

11. Should accredited video tape programs be offered as an alternative to "live presentations" if an attorney qualified to lead discussions and answer questions presents the program?

YES [] NO []

12. Should accredited video tape programs be offered on a self-study basis to attorneys in remote areas without the benefit of an attorney leading discussion and answering questions?

YES [] NO []

13. Is it important to have enough continuing legal education programs at the annual meeting to satisfy the whole year's requirements so that attorneys who practice outside the major areas have an opportunity to complete their annual C.L.E. at one time and place?

- (a) Very important
- (b) Reasonably important
- (c) Not too important
- (d) Unimportant

Answer: _____

14. Do you favor adopting a program of mandatory C.L.E. as a condition of continued membership in the Alaska Bar?

YES [] NO []

PLEASE COMPLETE AND RETURN TO THE ALASKA BAR ASSOCIATION, P.O. BOX 279, ANCHORAGE, ALASKA 99510 AS SOON AS POSSIBLE.

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES

November 19, 1979

DIVISION OF CORRECTIONS

NORTHERN PROBATION — PAROLE REGION
604 BARNETTE STREET
FAIRBANKS 99701
PHONE: (907) 452-1581

Margaret W. Berck
Counsel to the House Judiciary Committee
1027 West Sixth Street
Anchorage, Alaska 99501

RE: Franklin Heffle

Dear Ms. Berck:

Since we may not release information to anyone in juvenile matters without permission of the Court, I have conferred with the Honorable James R. Blair, Superior Court Judge, concerning your recent letter. See A.S. 47.10.090 (a). I have Judge Blair's permission to comply with your request and will do so.

Being called upon to explain our performance in this case is not a new experience for us. Over a period of time now, we have had inquiries from many high-ranking elected and appointed officials such as a U.S. Senator, the Governor, our own Commissioner, and the office of the Ombudsman. I recall Representative Sally Smith inquiring personally at my office about a year ago. We have heard from the Human Rights Commission and frequently from our supervisors in Juneau.

The Attorney General's office here in Fairbanks presently has our file to use in preparing for a trial which I believe is set for Monday, November 26, 1979. After that, if you do not object, I would prefer to have Georgene Brennen who is the probation officer presently responsible for management of this case, bring the entire file to you personally at your office in Anchorage. This will afford you an opportunity to ask her questions. She will no doubt be travelling to Anchorage on escort duty and can see you without additional expense to the State.

My main reason for not wanting to copy "all records" as you requested, is the sheer volume and weight of the files. When you see it you will know that you have no use for all of it and can make copies of those things you wish to have. In that case, I assume you will return all your copies to us by December 31, 1979, the termination date of Mr. Heffle's signed release.

Page 2

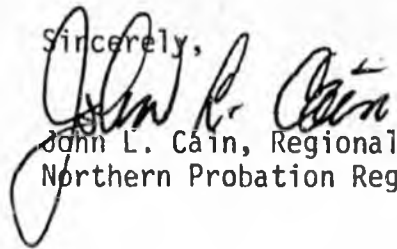
November 19, 1979

RE: Franklin Heffle

I will ask Ms. Brennen to be in touch with you not later than the 1st week of December. She will lay before you all our records and answer any questions you might wish to ask.

If I can assist you further, please write again.

Sincerely,



John L. Cain, Regional Administrator
Northern Probation Region

JLC:djc

cc: The Honorable James R. Blair
T. Wickwire w/enclosures
Clem Stephenson w/enclosures
G. Brennen w/enclosures
D. Arnold w/enclosures
W. B. Jones, Jr. w/enclosures
✓Representative C. Parr



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary

277-7540

Pouch V
State Capitol
Juneau, Alaska 99811

AGENDA

DATE: November 29 & 30, and December 1

PLACE: 325 East 3rd Ave., Anchorage

TIME: 9:00 a.m.

Thursday, November 29th:

- 9:00 a.m. Charles Campbell, Director of the Division of Corrections
- 9:30 a.m. Ames Luce, Anchorage lawyer to discuss the courts
- 10:00 a.m. Doug Baily, former member of the Alaska State Parole Board
- 10:30 a.m. Bert Campbell, Chairman of the Advisory Committee on Minority Sentencing Practices and a member of the Judicial Qualification Commission
- 11:30 a.m. Kit Evans, Executive Director of AWAIC (Abused Women's Aid in Crisis)

LUNCH

- 1:30 p.m. Tom Burton, works for Drug Enforcement Administration of the Federal Government
- 2:15 p.m. Karl Frazier/Joe Turner, Alaska State Troopers Drug Enforcement
- 3:00 p.m. Jim Arnold and a magistrate, to speak on magistrate traffic court

Friday, November 30th:

- 9:00 a.m. Sam Trivette, Executive Director and William Lyons, Chairman of the Alaska State Parole Board
- 10:00 a.m. Chief Anderson of the Anchorage Police Department, to address criminal code training of police

10:30 a.m. John Angell, Director of the Criminal Justice Center, to speak on Bush Justice

11:30 a.m. Frank Austin from the Alaska Black Caucus

LUNCH

1:30 p.m. Michael Rubinstein, Executive Director of the Judicial Council

2:15 p.m. Roger Endell, from the Criminal Justice Center, to address the Corrections Master Plan and site selection for a pre-sentence facility and a women's institution to replace Ridgeview.

3:00 p.m. Donna Willard, Alaska Bar Association President

Saturday, December 1st:

At this time the Committee will decide what action it wants to take regarding legislation and/or other recommendations.

Lawmakers hear drug controversy

By GEORGE BRYSON
Daily News reporter

- Alaska law is so soft on drug offenders, it actually encourages youngsters to try their hand at marijuana and cocaine.

- Alaska law is indifferent to the plight of the battered wife — the victims of domestic violence.

- Alaska law overcrowds our prisons with those charged with alcohol abuse; yet no one is being rehabilitated.

Those opinions, and many others, were offered as testimony Saturday by Anchorage citizens attending a special House Judiciary Committee hearing at the state courthouse — the first time the committee has ever ventured outside Juneau with its public hearings.

And legislators who attended the first session (another is scheduled here in November) say the public meeting was a success.

"It's really refreshing to hear comments from somebody other than just attorneys all the time," said Rep. Patrick O'Connell (R-Soldotna).

Chaired by Rep. Charlie Parr (D-Fairbanks) and attended also by Rep. Nels Anderson, Jr. (D-Dillingham) the committee heard citizens air feelings on virtually any judicial subject they cared to address.

But the matter of Alaska's drug laws kept surfacing to center stage for most of the morning hours.

"Incarceration isn't a cure-all, but we shouldn't throw it out the window," Keith Lauwers, executive director of Anchorage Youth for Christ, told the legislators. "We need a drug law that has some strength. One that could at least serve as a deterrent."

Lauwers, along with several members of an Anchorage parent's group, voiced loud and clear their objections to what they feel is a "lackadaisical attitude" by the Alaska judicial system toward drug offenders.

He said the laws of Alaska should be strengthened to get at the root of matter — the pusher of drugs.

"I hear stories about the so-called 'candy man' of Alaska flying around in his modern plane," Lauwers said, "dropping off his drugs to bush Alaska ... and something needs to be done."

Pat Jasper, chairman of the "Involved Parents Association" of Anchorage, agreed.



Anchorage Daily News/MAR 1979

Legislators at a House Judiciary Committee meeting in Anchorage included, left right, Rep. Nels Anderson, D-Dillingham, Chairman Charlie Parr, D-Fairbanks, and Rep. Patrick O'Connell, R-Soldotna.

"We tell our children some very important things by the kind of laws we pass, and the kind of laws don't pass," she said. "... And we need a stiffer drug law."

She described the personal experience of one of her sons who, she said, had gotten involved in "the growing drug culture at Anchorage schools."

"... And one of the best things that ever happened to him was when he finally got arrested (on a drug offense)," she said. "At least it finally got him to start thinking about it."

However, Sylvia Short, an Anchorage attorney, said that "too much emphasis" is placed on incarceration as the method to cure all of society's ills.

"We put people in jail, but we don't do anything to rehabilitate them ... We have way too many repeaters."

"We need to get them before they become criminals and victims of society," she said. "... Bills destined to give longer and stiffer sentences — in the end — are not going to work," she said.

"They're going to continue to turn out people from our jails who are embittered."

Sema Lederman, director of the Alaska Family Violence Program, told the legislators

that the Alaska judicial system has shown itself deficient in its willingness to prosecute husbands who have beaten their wives.

She said that her office has heard sever instances of district attorneys "just not interested" in taking up wife-beating cases.

"Can you give me some documentation that," asked Rep. Charlie Parr, "... because I want to hear about if you can." She said she would.

One issue, a new bill to create a court appeals within Alaska — a proposed intermediary level of justice between Alaska's superior court and its supreme court — was addressed in the morning hours but was expected to draw the comments of local attorneys that afternoon.

The hearing followed a Thursday night session by the committee in Eagle River. Other public sessions are now scheduled for Bethel and Fairbanks in October, and Nome; Ketchikan in November. And another public hearing in Anchorage has been scheduled to follow the Thanksgiving holidays.

The House Judiciary Committee is a nine-member panel. Those not present at Saturday hearing included representatives Jerry Merton, Hugh Malone, Fred Brown, Ram Barnes, Thelma Bucholdt and Randy Phillips.

Anchorage Daily News — September 13, 1979



Alaska State Legislature

House of Representatives

Committee on Judiciary

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

Anchorage phone: 277-7548
Anchorage address:
1016 W. 6th., Suite 201
Anchorage, Alaska 99501

TO: Senator George Hohman, Chairman, and Members of
the Legislative Council
FROM: Margaret W. Berck, Counsel to the House Judiciary
Committee
DATE: October 4, 1979
SUBJECT: Progress Report on Interim Activities of the House
Judiciary Committee

I. INTRODUCTION.

The House Judiciary Committee intends to hold a series of public hearings throughout the state during the fall of 1979. Public testimony is being sought on the courts, law enforcement, and corrections, as well as public comment on specific bills currently lodged in the House Judiciary Committee. In the past, the House Judiciary Committee has almost without exception been limited to testimony received in Juneau. In order to adequately address the needs of all Alaskans public hearings outside of Juneau was deemed essential.

In conjunction with each public hearing, the House Judiciary Committee intends to conduct on-site inspections of local correctional facilities.

A copy of the House Judiciary Committee Interim Schedule, including work sessions, correctional facilities inspections and specific bills on which public comment is being sought, is attached to this report.

II. CURRENT STATUS OF INTERIM WORK.

The first interim meeting of the House Judiciary Committee was held in Anchorage on September 13, 1979. At this meeting, designated a work session, the Committee was furnished with written reports compiled by the staff assistants, Ms. Plotnick and Ms. Berck. Ms. Plotnick submitted reports on the following issues: judges, juries, domestic violence, citizen dispute centers, corrections, and the state Parole Board. Furthermore, Ms. Plotnick reported on the initial results of two

questionnaires pertaining to criminal justice matters. One set of questionnaires was sent to the general public and another was sent to law enforcement personnel. Ms. Berck submitted reports on the following issues: crimes, law enforcement, integrated and nonintegrated bar associations, drugs, sentencing, legal representation of indigents, juvenile justice, court of appeals, and the exemptions act. Prior to this meeting, the members of the House Judiciary Committee were furnished with a report on the Judicial Conference in Sitka by Ms. Plotnick and a report on the annual meeting of the Alaska Bar Association by Ms. Berck. Copies of all reports are available upon request.

Additionally, the committee was informed at this work session that certain sunset items would be referred to the committee during the 1980 regular legislative session. Those items are: Alaska Bar Association, Parole Board, Human Rights Commission and juvenile confinement.

The first interim public hearing of the House Judiciary Committee was held in Eagle River on the evening of September 13. Another public hearing was held in Anchorage throughout the day of September 15. The thrust of the public testimony centered on drugs, the Alaska Bar Association, criminal justice problems in rural Alaska and correctional programs and facilities.

On September 14, the committee made on-site inspections of the following correctional facilities located in Anchorage: Sixth Avenue Annex, Third Avenue, Ridgeview, and the McLaughlin Youth Center.



Alaska State Legislature

House of Representatives

Committee on Judiciary

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

September 5, 1979

Mr. John Lohff
Executive Director
Alaska Bar Association
P.O. Box 279
Anchorage, Alaska 99510

Dear Mr. Lohff:

It has come to my attention that on September 6, 1979, the Board of Governors intends to develop a position regarding the recent ombudsman subpoena. As a matter of courtesy I wish to inform the Board of Governors of forthcoming informational requests of a similar nature.

Recently the House Judiciary Committee was informed by the Speaker of the House that the House Judiciary Committee would be the committee of referral in the House regarding the 1980 sunset review of the Alaska Bar Association. Advance notice of this intended referral was provided in order that committee staff might have sufficient time to collect the data necessary for such review. As staff to the committee, I have been assigned this project.

As you are probably aware, the Alaska sunset law, AS 44.66.010, et seq., requires the House committee of referral to submit to the Speaker, not later than the 60th day of the legislative session, a detailed report on the activities of a board or program under sunset review. In accord with this statutory requirement, I wish to inform the Board of Governors that I intend to request information, similar to that requested by the ombudsman, that is, financial records, together with statistical reports concerning grievances filed with the association. Furthermore, additional data will be requested as the sunset law requires.

Within the next several weeks, I intend to request from the association the specific data that the committee will require for its sunset review of the association.

I feel certain that, working together on this matter, we will be able to provide the legislature with sufficient information to conduct a thorough and fair sunset review of the association.

Sincerely yours,



Margaret W. Berck
Counsel to House Judiciary Committee

cc: Rep. Charlie Parr, Chairman

hand delivered Sept. 5th



UNIVERSITY OF ALASKA
CRIMINAL JUSTICE CENTER
3211 PROVIDENCE AVENUE
ANCHORAGE, ALASKA 99504

December 26, 1979

The Honorable Charles H. Parr
Chairman, Judiciary Committee
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Mr. Parr:

Thank you again for permitting me to testify before the House Judiciary Committee on November 30th. I am enclosing a summary of my remarks as you requested.

You and our other legislators have my best wishes for a productive 1980 session. As a citizen I am grateful for the tremendous amount of work which you and many other legislators have done in preparing for this session. The legislative actions taken this year may well be the most significant in the history of our State, and I hope the public safety and justice problems of rural Alaska will be addressed in an appropriate fashion.

If we can assist you, please don't hesitate to contact me.

Respectfully,

A handwritten signature in cursive script that reads "John".

John E. Angell
Director

JEA:pb
Enclosure

TESTIMONY GIVEN BEFORE THE HOUSE JUDICIARY COMMITTEE
ON NOVEMBER 30, 1979
IN ANCHORAGE, ALASKA

by John E. Angell
University of Alaska, Justice Center

The role of the Justice Center is to provide independent, objective research, education and public service directed toward the improvement of public safety and justice services, particularly in the State of Alaska.

I personally speak from a background of over 20 years working in and attempting to improve justice operations in the United States. The last five years I have worked as a faculty member and researcher with the Justice Center on public safety related problems in Alaska.

I have found that public safety and justice operations in Alaska can be characterized as reflecting qualitative extremes.

The state system of justice operations is, in many respects, the most rationally organized and efficiently arranged of any system in the United States.

The court system is centralized under the control of the Supreme Court. Judges are selected by a modified Missouri system. Approximately three separate agencies have responsibility for evaluation of court operations (i.e., Judicial Council, Commission on Judicial Qualifications and Criminal Justice Planning Agency).

The legal services provided by the state are organized in a fashion consistent with the most recently established national standards.

The Alaska Department of Public Safety provides police and emergency services in all areas of the state. There is no fragmentation nor competition caused by county sheriffs and elected township constables.

Emergency police services and justice operations in the more populated urban areas of the state range from excellent to at least adequate.

However, public safety and justice operations in the unorganized borough of Alaska are a disgrace. I can state flatly and unequivocally, the situation in rural Alaska ranks among the worst I have ever seen in the United States.

It is not possible in the time available to review in depth the public safety situation in predominately Native communities of the unorganized borough of Alaska. However, the rate of deaths from accidents and suicides in rural areas of the state are approximately four times those of urban areas. The fire loss rate is reported to be over five times that of urban areas. The homicide and rape rates are two to three times as high as urban areas. The aggravated assault rate is nearly a third higher in rural areas. The alcoholism rate is at least as high and the narcotics problem seems to be growing at a much faster pace in the rural areas.

The public safety situation is, at best, only slightly better than during territorial days and in some respects may be worse because of the withering away of the traditional social control methods. A majority of the Native communities do not have so much as a fire extinguisher. Approximately 1/2 of the 200 communities do not have resident police or public safety officers. Communities facing public safety emergencies which are beyond their control often cannot communicate their situation to State Troopers, and when they do get messages through the response time of State Troopers is frequently well over 24 hours. In fact, I am told the Department of Public Safety is working to get their average response time down to 24 hours. Nearly all of the rural Native communities of the state claim to have no resident legal people and most have not been visited by a state lawyer, judge or corrections official within the past year. Corrections officers do presentence investigations and probation supervision by telephone, radio or correspondence. It is doubtful that urban constituents would tolerate these problems. Why is it tolerated in rural Alaska?

Almost none of the communities have the financial resources to improve their own lots. The State of Alaska is obligated by the Constitution to provide equal protection of the law to all citizens. The Constitution also places on the state the responsibility for providing essential governmental services to people living in the "unorganized boroughs" of the state. The Alaskan legislature is specifically responsible for serving as the legislative body for the unorganized borough area of the state.

During the past few years, the state level public safety and justice officials have become acutely aware of this situation and the Governor's Commission on the Administration of Justice has formally designated the improvement of justice in rural Alaska as its top priority and I encourage this committee and the Alaska legislature to provide support for ~~this~~ ^{the} Commission's efforts.

Identification of problems is often easier than developing or instituting appropriate action programs to address them, however,

in this instance there are reasonable options that can be instituted given adequate commitment of the legislature and justice officials. I suggest four general courses of action.

1. There is a need for a strong overall planning and coordination group which has the authority and power to insure that system-wide improvements are initiated. Among existing agencies of state government there are a number of possibilities but the most logical is the Governor's Commission on the Administration of Justice and its administrative arm, the Alaska Criminal Justice Planning Agency. This agency has in the past been supported almost entirely by Federal Law Enforcement Administration money. The legislature should give consideration to increasing the state support for this operation. If possible, it should be located in a position independent of the direct control of any existing criminal justice component (i.e., courts, Department of Law, Department of Public Safety or Division of Corrections).
2. The state should be divided into approximately 11 regions, each with an internal homogeneity of situations. State justice agency operations should be decentralized with each component of public safety and justice services assigning sufficient services to handle the support needs within the region. With a few exceptions these regions should be consistent with the Native corporation boundaries. Each region should have a centrally located public safety facility with space for a state public safety office, a Superior court and a corrections office. At least one trooper, Superior court judge and corrections officer should be assigned to each central facility and charged with responsibility for serving the region.
3. Emergency communications between every community in a region and the public safety facility should be established. Every community should be able to obtain assistance in an emergency within hours. Minor convicted offenders and offenders returning from state institutions elsewhere should be held at these central facilities.
4. The legislature should provide a foundation justice grant to each incorporated community of the state. This grant should, as a minimum, provide for one public safety position, operating expenses for the position and a corrections allocation. This grant should be either a supplement to or in lieu of revenue sharing. The local community should have the authority to use the funds in a manner most appropriate for its needs. It should be authorized to purchase services from other agencies, pool

resources for services or supplement its grant with local funds. In order to encourage communities to handle their own problems the state should charge for services it provides in the corrections and public safety area.

The total cost of instituting these proposals would be in the range of \$10 million to \$20 million capital investment for facilities and approximately \$10 million each year for the Foundation Justice Grants. The Criminal Justice Planning Agency should be responsible for handling the grants.

These steps will not solve all of the justice problems in rural areas, however, they will establish the minimum operations needed for relatively equal protection under the law and they will insure that communities can begin to address their public safety and justice problems.



Alaska State Legislature

House of Representatives

Committee on Judiciary

Official Business

Fourth V
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Juneau, Alaska 99801

AGENDA FOR SEPTEMBER 13th WORK SESSION

9:00 a.m. 1016 West 6th Ave.
Suite 201, Anchorage

Introduction - Charlie Parr

Crimes - Peggy Berck

Law Enforcement - Peggy

Domestic Violence - Rocky Plotnick

Citizen Dispute Centers - Rocky

Integrated vs. Non-integrated Bar - Peggy

DRUGS - PEGGY

Sentencing - Peggy

LUNCH BREAK

Corrections - Rocky

Parole Board - Rocky

Legal Representation of Indigents - Peggy

Juvenile Justice - Peggy

Judges - Rocky

Juries - Rocky

Court of Appeals - Peggy

Exemption Act - Peggy

Questionnaires - Rocky

Time for each topic will depend on the wishes of committee members.



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
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Juneau, Alaska 99811

MEMORANDUM

TO: Charlie Parr

FROM: Rocky Plotnick *Rocky*

SUBJECT: Interim

DATE: May 24, 1979

Peggy and I came into the office today to make arrangements for our Sitka trip. Pat Costello needs authorization from you approving our signatures on necessary papers and Kathy Martinson needs approval so she can pay us. Kathy Martinson said the pay for A.A.'s is 13.30 an hour. Please sign the enclosed memos and if you want to add anything, just write it on the bottom. Peggy and I are going camping next week but will be in the office Monday, June 4, 1979. We leave for Sitka on the 6th.

I hope your business is doing okay and that you are happy to be back home. I'll send another memo either right before we leave for Sitka or right after the trip and let you know what happened. We'll write up a report of what happens there anyway. Please sign and return the memos.

Rocky



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Alaska State Legislature

House of Representatives

Committee on Judiciary

1016 West 6th Ave., Suite 201
Anchorage, Alaska 99501
277-7540 or 277-7549

Pouch V
State Capitol
Juneau, Alaska 99811

October 24, 1979

Charles Campbell, Director
Division of Corrections
Pouch H-03
Juneau, Alaska 99811

Dear Mr. Campbell:

As previously discussed, the House Judiciary Committee will hold a meeting on November 29th and 30th to wrap up interim work. Since one of the topics under discussion is corrections, we would like to invite you to attend.

Please let us know which day would be more convenient for you. The meeting will be held at the Anchorage Community Center, 325 East 3rd Ave. at 9:00a.m. on both days.

I will look forward to your reply.

Sincerely,

A handwritten signature in cursive script that reads "Rochelle Plotnick".

Rochelle Plotnick
Administrative Assistant

cc: Helen Beirne, Commissioner
Health & Social Services

Charlie Parr, Chairman
House Judiciary Committee ✓



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary

1016 West 6th Ave., Suite 201
Anchorage, Alaska 99501
277-7540 or 277-7549

Pouch V
State Capitol
Juneau, Alaska 99811

October 24, 1979

Sam Trivette, Executive Director
Alaska State Parole Board
Pouch H-01E
Juneau, Alaska 99811

Dear Sam:

On November 29th and 30th the House Judiciary Committee will hold a final meeting in Anchorage to wrap up its interim work. As administrative assistant for the Committee, I would like to invite you and possibly the chairman of the Parole Board to that meeting.

Please let me know which day would be more convenient for you to attend. Since the House Judiciary Committee is responsible for the sunset review of the Parole Board, it is most anxious to hear from you. I will be available for any questions or comments prior to the meeting.

The meeting location is:

The Anchorage Community Center
325 East 3rd Ave.
Anchorage Time 9:00a.m.

Sincerely,

A handwritten signature in cursive script that reads "Rochelle Plotnick".

Rochelle Plotnick

cc: Helen Beirne, Commissioner
Health & Social Services

Charlie Parr, Chairman
House Judiciary Committee



Official Business

Alaska State Legislature

House of Representatives

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Pouch V
State Capitol
Juneau, Alaska 99811

HOUSE JUDICIARY COMMITTEE - INTERIM SCHEDULE

3/22/79

September 6th Anchorage

Charlie, Peggy and Rocky - work session at office: 1016 W. 6th Ave.
Suite 201

September 13th Anchorage

Committee Briefing - 9:00a.m. - office: 1016 W. 6th Ave. Suite 201

Public Hearing - 7:30p.m. - Eagle River Public Library

September 14th Anchorage

Committee tour of correctional facilities - Time TBA - Ridgeview, McLaughlin
Third Ave. (Sixth Ave time
permitting)

September 15th Anchorage

Public Hearing - 9:00 a.m. - Alaska Court Building, 303 "K" st. rm 402

October 5th Bethel

Committee tour of Bethel jail - Time TBA

Public Hearing - 2:00 p.m. - Legislative Information Office, Kuskokwim Inn
Annex

October 6th Bethel

Public Hearing - 9:00 a.m. - Legislative Information Office, Kuskokwim Inn
Annex

October 19th Fairbanks

Committee tour of Fairbanks jail - Time TBA

Public Hearing - 2:00 p.m. - City Council Chambers, 410 Cushman St.

October 20th Fairbanks

Public Hearing - 9:00 a.m. - Borough Assembly Chambers, 520 5th Ave.

November 2nd Nome

Committee tour of Nome jail - Time TBA

Public Hearing - 2:00 p.m. - Nome City Hall

November 3rd Nome

Public Hearing - 9:00 a.m. - Nome City Hall

November 9th Ketchikan

Committee tour of Ketchikan jail - Time TBA

Public Hearing - 2:00 p.m. - 3rd Floor District Court Room, 415 Main St.

November 10th Ketchikan

Public Hearing - 9:00 a.m. - 3rd Floor District Court Room, 415 Main St.

November 29th Anchorage

Committee Hearing with invited persons - 9:00 a.m. - Place TBA

November 30th Anchorage

Committee work session & wrap-up for final report - 9:00 a.m. - office:
1016 W. 6th Ave.
Suite 201

PUBLIC HEARINGS WILL INCLUDE ALL MATTERS IN THE JUSTICE SYSTEM:

COURTS, LAW ENFORCEMENT, CORRECTIONS, DISCRIMINATION, DOMESTIC VIOLENCE,

LAWYERS, AS WELL AS SPECIFIC BILLS: SB 104, HB 392, HB 252, HB 479

Catagories: Attys, enforcement, judicial and corrections

Enforcement: 36 metro officers with six squad cars and three helicopters descended on a marijuana-growing mat nuska farmer. They broke the windows of the home to throw down on the man and his wife with machine guns as she canned fruit and he played with the children on the floor. *A state officer had told them growing was legal. The family had to sell their home to pay legal fees.

*POSSESSION OF ANY AMOUNT OF MARIJUANA IS NOT A CRIMINAL OFFENSE!!!!

(See the attached cover letter and report which includes copy of the "Letter of Intent" Alaska State Legislature and court decisions.)

THE SALE OF MARIJUANA IS ALSO NOT A CRIMINAL OFFENSE, "as long as there is no present or future intended profit" (from the "Letter of Intent"). If this ruling were properly applied it would remove the danger of "street dope" sold by unethical, criminal-type people who have added "angel dust" and other chemicals to make low quality grass STRONGER. These additives to "illegal" grass have caused mental deterioration in many and especially in the teen-age group. The hard-core, criminal-type drug pusher can also introduce habit-forming drugs to unsuspecting buyers in this manner in order to gain "captive" customers AND DO GREAT HARM TO THE "CAPTIVE".

The laws against use and trafficking of heroin have been strong for a long time, and seemingly justifiably so because HEROIN DOES KILL. However the real question would seem to be "Is heroin the cause, or the symptom of the cause?" We have not succeeded in stamping out heroin usage with the strongest of laws. Why not look for another answer rather than follow the same, tired, old, unsuccessful method?

IN CONTRAST, also on the drug scene. A custodian saw two men carrying revolvers on hips removing objects from student lockers and replacing with another commodity. She remained hidden until the men left the school and wrote their auto license number down & reported the incident

Hard druss
No TGI-255
to "Amol" Duss

to local police. (There had been a drug problem in the school and two of this ladies' children were dis-oriented for two weeks, requiring hospitalization and psychiatric treatment.)

When she informed the police she was told, "Those people are the small frye. We want to wait and catch the big guys." No arrests were made.

ENFORCEMENT, (Item 2) Three times, during the years 1977-8 an Anchorage lady's daughter was the subject of attempted kidnappings. The last time there was a complete description of the kidnapers and their auto. When she reported the incident to police and asked why something wasn't done about this sort of thing the officer said, "We have more serious problems to take care of."

IN CONTRAST, a young man with a record of service to the community since residence in Anchorage was accused of rape by a 15-year-old hooker on Fourth Avenue. Her police record dated from the age of 7 when she rolled Fourth Avenue drunks to 1978 when it seemed obvious she had "set up" an attempted armed robbery that ended in murder. In the murder case the assistant district attorney refused to consider her as a witness because she was "unreliable"... YET in the accusation of rape by this young woman although her testimony was proven false and at the preliminary hearing ^{and} she admitted living with her 24-year old pimp, the ^{same} asst. D.A. filed yet another charge of "Attempted statutory rape", in anger at the defendant. When asked why he didn't file rape charges against her pimp he said, "I'm not after _____. I'm after _____". Testimony at the preliminary hearing had indicated NO RAPE OR ATTEMPTED RAPE.

To get an attorney to handle this young man's case the family had to sign over an \$8,000. piece of property. (Because only an attorney can defend in court we are "captive" customers and the Judge, D.A., Lawyer combo has the middle-class citizenry at its mercy.)

Please note the cost of attorney fees in defense of the two mentioned cases. Yet it took this researcher, W. Don Nilsson, only three hours work in the public law library and a letter to one of our most responsive statesmen, Mike Bradner, and the truth about the status of marijuana was evident. Yet I would not be allowed to defend another in court because I do not have a degree in law nor have I taken the bar exam. The ABA protects Just as do the American Medical Association and American Medical Association --- not the public but the members!!!

You will note that the case for which Nilsson researched was in 1976, February 19th. Although the defendants had been arrested with one pound of marijuana in their possession the case was dismissed immediately after Nilsson's information was presented by Attorney Hugh Fleischer. The total cost for Mr. Fleischer's efforts was \$268. The public defenders office has expressed appreciation for receipt of the information.

Attorneys are researchers just as am I. The only difference between me and SOME attorneys is that I care more about people than I do about money.

A 20-year old man was stopped for going 10 miles over the speed limit. The arresting officer searched the car and found marijuana and two cases of beer. He physically searched the four young occupants and poured the beer and marijuana on the ground though there was no evidence smoking or drinking was going on and the driver was not drunk

High school students have been forced to undergo the humiliation of stripping to be searched when schools SUSPECTED they were carrying drugs.

One person in history that was subjected to such an injustice was caught in a fine collecting "speed trap". It was the turning point in his life. The triggered resentment caused him to begin robbing, then murdering until he was machine -gunned. His name was Pretty Boy Floyd. The city got its pound of flesh but society paid dearly for it. Admittedly, this personality was ready to be "triggered" into violence. How close are we pushing these "stripped" youngsters into the same or similar actions?

Relative to Attorneys and Judges, the large problem would seem to be the union of the Bar Association. ---A 21-year old Anchorage man, charged with his first felony waited about 7 months in jail while his older cohorts with criminal records were out on bail. ---The Bar fights furiously to control by dangling carrots in front of judges --salary increases, better aides,

Page 4 of report to House Judiciary Committee, 9/15/79

better retirement and pensions. So, if the courts do not give favorable reactions or decisions to the law firms, the judges become vulnerable.

RELATIVE TO CORRECTIONS - So much research has been done on this subject. Findings are: incarceration without positive motivation while incarcerated PROMOTES homosexuality, disorientation and violence in individuals. More important than PUNISHMENT and revenge would seem to be restitution and re-orientation.

IF ONE DESIRES MORE OF WHAT IS MENTIONED HERE IN THE WAY OF INJUSTICES THE WAY TO GET MORE OF THESE INJUSTICES IS TO PASS MORE AND MORE STRINGENT LAWS!!!! There is such a thing as too much law and not enough judgment or wisdom. Texas has long been heavy on law and order and warehousing of convicts rather than working at positive re-orientation. Three months ago the state approved \$77,115,000. to expand their Texas Department of Corrections because their jails were overcrowded. If being heavy on law and order enforcement is the answer, why then, does Texas find it necessary to build more and more jail space; more jail space by 500% than is the population increase since 1975. (The exact percentage is unknown but the figure of 500% can be easily checked with further research.)

The Alaska State Penitentiary is recognized as the "White Hope" of the prison systems by serious students of "Correction" facilities because of its openness and positive motivation, but professionals recommend that even more personal attention to positive exposures would bring even greater benefits to the occupants and the State of Alaska.

I just scanned House Bill #479 and hereby request a personal conference with Dr. Parr.

-30-

personal message to the committee - as I said this morning, it is good the committee is investigating the atty, judge, enforcement, corrections systems. This is a very delicate area and an understanding of human behavior, mores and the social atmosphere in general is necessary to reach maximumly beneficial conclusions. I do not envy your position of super-responsibility. However, I would be happy to offer whatever we might have in our office to aid in final review, or to be commissioned to garner any research you might feel would be helpful to you.

W. DON NILSSON
825 Irwin Street
Anchorage, Ak., 99504
February 19, 1976

The confusion attendant to decriminalization of marijuana and apparent inequitable application by some members of enforcement and judicial departments prompts the offer of the following research and personal observations in an effort to assist in avoiding inequities.

Enclosed are (1) a copy of the "Letter of Intent", Alaska State Legislature, May 15, 1975, regarding the currently effective Marijuana legislation, (2) excerpts from the Alaska Supreme Court decision in the case of *Ravin v State of Alaska* concerning rights of privacy, including a most impressively intuitive, definitive statement by Justice Boochever, (3) the published recommendation of Dr. Robert DuPont, Head of the National Institute of Drug Abuse, dated February 13, 1976, (4) an article relative to marijuana-alcohol usage by young people and causes of need as expressed by Dr. Morris E. Chafetz, Director of the Federal Alcoholism Institute, 3/4/75. (An oft-repeated plea by those who have studied us closely - "Behavioralists") and (5) a copy of a report and recommendation for legalization of marijuana by the Alaska State Medical Association, dated April 20, 1972.

A background resume is submitted also to assist in evaluation of the following personal, relative observations.

My cause for concern is that some enforcement and members of the

2-marijuana, quantity, possession for sale

judiciary apparently feel that a felony charge of "Possession with intent to sell" can be based solely on the amount of marijuana involved.

Charges so based, are in direct conflict with paragraph four of the "Letter of Intent", Alaska State Legislature, which states, "Private possession or control of any amount of marijuana, when such possession or control is only for one's own use, is punishable by the new civil penalty imposed by sub section (e)."

A further indication of the probability of incidents of injustices to the public is made obvious when it is considered that "possession for resale" is only one of several reasons a large amount of marijuana or a derivative might be "in possession". Some of these are (1) for reason of economy—a purchase of two pounds of marijuana costs about 40¢ per ounce, of what a one ounce purchase would be. (2) the quality (strength) of marijuana varies greatly. Potent marijuana will be purchased in quantity because the opportunity to buy "good grass" might not occur again for some time. (The greater the concentration of delta-hydrocannabinol, a principle ingredient of marijuana, the less smoking necessary to relieve tension, or, if it is the desire of the smoker, to become euphoric (high). Some strains of marijuana are so weak it is impossible to become even slightly "turned on" without smoking uncomfortably large amounts). (3) Though possession has been ruled legal by the Alaska State Supreme Court, the process of purchasing exposes to the possibility of a legal "hassle". A large purchase decreases multiplicity of exposures, chance of endangering reputation (because of stigma) and/or even loss of freedom. (4) Marijuana is not always readily available. A large purchase assures availability. And (5), friends share commodities, recreations or ideas

3-marijuana, quantity, possession for sale

mutually enjoyed. The sharing between marijuana smokers is no different, unless it is that there is an increased intensity of sharing because of the comradere in the marijuana culture. Therefor, "smokers" will buy for the purpose of sharing with their friends.

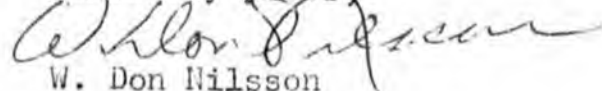
One of the first offers of hospitality a "smoker" extends to a visiting friend is usually fruit juice (apple juice most often preferred) and/or a "joint". --Just as every person offers their own differing type of "hospitality".

The state Supreme Court has ruled on marijuana. The legislature has researched, acted and explained resulting legislation in a Letter of Intent jointly endorsed by the House of Representatives and the Senate. These, it should seem, would answer the question, "Is a charge of 'Possession with intent to Sell' (at a profit) lawful and in the interest of and for the protection of society when the charge is based on quantity alone; or might there be a preponderance of miscarriages of Justice.

From the Ravin v State of Alaska case, "It should be noted that 81% of persons arrested for marijuana-related crimes have never been convicted of any crime in the past..."

From the "Report of a Joint Meeting of Alaska State Medical Association Legislative Committee and Alaska State Medical Association Mental Health Committee", ..."Alaska can survive marijuana. It cannot survive without rule of law that is fair enough to be respected and upheld by society." 4/20/72,

Sincerely yours,


W. Don Nilsson

one leaves the home. There are certain aspects of personal autonomy which one carries with him even when he ventures out of the home, though the claim to privacy diminishes in proportion to the extent that one's person and one's activities impinge upon other persons. But, in order to trace the contours of the right to privacy, it will be

¹ The right to privacy which received protection in *Roe v. Wade*, 410 U.S. 113, 35 L. Ed. 2d 147 (1973), has nothing to do with the locus of the home, and for the most part, is concerned with matters occurring outside the home.

drivers under the influence of marijuana, standing alone, creates a close and substantial relationship between the public welfare and control of ingestion of marijuana or possession of it in the home for personal use. Thus we conclude that no adequate justification for the state's intrusion into the citizen's right to privacy by its prohibition of possession of marijuana by an adult for personal consumption in the home has been shown. The privacy of the individual's home cannot be breached absent a persuasive showing of a close and substantial relationship of the intrusion to a legitimate governmental interest. Here, mere scientific doubts will not suffice. The state must demonstrate a need based on proof that the public health or welfare will in fact suffer if the controls are not applied.

The state has a legitimate concern with avoiding the spread of marijuana use to adolescents who may not be equipped with the maturity to handle the experience prudently, as well as a legitimate concern with the problem of driving under the influence of marijuana. Yet these interests are insufficient to justify intrusions into the rights of adults in the privacy of their own homes. Further, neither the federal or Alaska constitution affords protection for the buying or selling of marijuana, nor absolute

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69. We do not intend to imply that the right of privacy in the home does not apply to children. See *Breese v. Smith*, 501 P.2d 159, 167 (Alaska 1972). We note that distinct government interests with reference to children may justify legislation that could not properly be applied to adults.

REPORTS OF STANDING COMMITTEES

The Judiciary Committee has had HOUSE BILL NO. 105 (adopting the Uniform Hold Harmless Act) under consideration and a majority of the members of the Committee recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 105 (Judiciary)

HB 105

"An Act relating to hold harmless agreements."

and that it do pass. The report was signed by Mr. Gardiner, Chairman, and concurred in by Gardiner, Bradley, Ellason, Specking, Cotten and Brown.

HOUSE BILL NO. 105 was referred to the Rules Committee for placement on the calendar.

UNFINISHED BUSINESS

Mr. Miller moved and asked unanimous consent that the House rescind the previous action taken in approving the Journal for the 117th day and moved and asked unanimous consent that the Free Conference Committee report on HOUSE COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 350 amended by the House (penalties for unauthorized possession and control of certain drugs) and SPONSOR SUBSTITUTE FOR SENATE BILL NO. 350 amended (pages 1223-1224 of the Journal) be changed to incorporate the letter of intent which was inadvertently not transmitted to the House by the Senate. There being no objection, the Journal for the 117th day with the insertion of the following letter of intent was approved.

HCS SSSB 350 am H SSSB 350 am FCCS HCS SSSB 350

May 15, 1975

Letter of Intent

The Conference Committee (with powers of Free Conference) which has had SPONSOR SUBSTITUTE FOR SENATE BILL 350 and HOUSE COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR SENATE BILL 350 AMENDED IN THE HOUSE (An Act relating to penalties for unauthorized possession and control of certain drugs) under consideration, offers the following report:

The Free Conference Committee has taken action to omit one provision added in the House, which is objectionable to members of the Senate, the new subsection (g), which appears at lines 25 and 26 on page 2 of the bill as it was amended on the floor of the House. The present law, which states that a "gift" of marijuana may be considered a "sale" in certain instances has never been nor was ever intended to be applied to cases where amounts of marijuana have been transferred with no present or future profit motive in mind, and the Committee believes that no specific amendment to the law is necessary.

FCCS HCS SSSB 350

The conferees have also amended the language in the House Bill relating to possession of any amount of marijuana or one's person while operating a motor vehicle or airplane. The conferees feel that the language "on his person" in this section should be omitted. Otherwise a person in violation of this section could be openly smoking marijuana while driving, and then could quickly place the marijuana cigarette in the ash tray of the automobile or on the seat or floor, when approached by a police officer. He would then argue that he was not in violation of this section.

Except for the changes noted above, the conferees have approved the language of House CS for SS SB 350 as in the House. Generally, the bill has established a four-tier penalty provision regarding use and sale of marijuana. Sale of marijuana or possession for the purpose of sale would still result in felony convictions. Actual use of marijuana in public, possession of any amount of marijuana while operating a motor vehicle or airplane, or possession of more than one ounce of marijuana in public would all result in misdemeanor convictions. Private possession or control of any amount of marijuana, when such possession or control is only for one's own use, is punishable by the new civil penalty imposed by subsection (e).

While it may appear that the bill establishes criminal treatment of juveniles who possess, control or use any amount of marijuana, the conferees are of the view that AS 47.10 and the Supreme Court's Rules of Children's Procedure will certainly apply, so that those under the age of 18 who are in violation of this law will be treated in the same manner as any juveniles who have committed acts which, were they adults, would be prosecuted as misdemeanors. The conferees consider this section akin to present laws regarding the use of alcohol by minors or laws regarding minors on the premises of establishments where alcoholic beverages are sold.

To avoid possible confusion, the conferees believe that one ounce should be considered 30 grams for the purposes of prosecutions under this Act.

Senate Members

House Members

Senator Terry Miller, Chairman

Rep. Terry Gardiner, Chairman

Senator Robert Ziegler

Rep. Fred Brown

Senator George Hohman

Rep. Michael Belrne

**ALASKA STATE
MEDICAL ASSOCIATION**

1135 W 8TH AVE. SUITE 6 ANCHORAGE ALASKA 99501 TELEPHONE 277-6891



**REPORT OF JOINT MEETING OF ALASKA STATE MEDICAL ASSOCIATION LEGISLATIVE COMMITTEE
AND ALASKA STATE MEDICAL ASSOCIATION MENTAL HEALTH COMMITTEE
APRIL 20, 1972**

The committee finds widespread use of marihuana among school children, blue-collar, white collar, and professional groups. Use is heaviest among teenagers and young adults, but older individuals use it too.

Contrary to popular opinion there is an enormous medical literature concerning the chemistry, pharmacology, and physical and psychological effects of marihuana, but much of it is of poor scientific quality. Good studies are now coming from this country sponsored by the National Institutes of Health using Cannabis sativa grown on U. S. Government farms.

The committee finds that the drug is remarkably safe. The therapeutic index, for example, of delta-hydrocannabinol (a principal ingredient of marihuana) is 4,000 times that of ethyl alcohol or secobarbital. Physical dependence has not been demonstrated in man or animals. Regular use, by definition, is a habit; psychologic dependence more than this apparently does not occur. Evidence shows that marihuana does not cause persons to become aggressive sexually or otherwise.

Many well-adjusted minors use marihuana apparently without harm to themselves. The committee, however, believes that the use of any agent which clouds or alters ego functions, such as reality testing, object relations, time orientation, and level of consciousness, is damaging during that period of life when personality function and development of ego strength are critical.

There is no sound information to date that the occasional use of marihuana is harmful physically or psychologically. It is possible that long-term, heavy use may be shown to be damaging.

Since a user of marihuana victimizes no one, except possibly himself and others he may neglect when under its heavy influence, it is unreasonable to impose penalties on a consumer of marihuana. Society is not benefitted in any significant way by penalizing a user.

The committee, therefore, recommends that:

the possession of small amounts of marihuana for personal use be legal in Alaska.

If this recommendation were adopted, State and local law enforcement agents would be released from the difficult and unproductive task of applying the present misdemeanor statute. Their efforts could then be concentrated on the apprehension of purveyors of "hard" drugs.

Alaska can survive marihuana; it cannot survive without rule of law that is fair enough to be respected and upheld by society.

Rodman Wilson, M. D.
Co-Chairman, Legislative Committee

Aron Wolf, M. D.
Co-Chairman, Mental Health Committee

RW/AM:md

W. Colby

CIA Said Still Best

WASHINGTON (UPI)—CIA Director William Colby says despite all the exposures and denunciations of the agency in 1975, "we still produce the best intelligence in the world."

"You can't possibly go through a year such as this of denunciations all around the world, accusations of all sorts of things, exposure of our operations, exposure of the names of our people, without causing foreigners who worked with us and foreign intelligence services to draw back and evidence fear of being involved with us," Colby commented recently.

Yet, he said, the agency still produced the world's best intelligence.

After nearly a year of disclosures about CIA assassination plots and secret operations, the federal government now is moving to bind the wounds and reform the American intelligence community.

Sen. Abraham Ribicoff, chairman of the Government Operations Committee, has called eight days of hearings, beginning Wednesday, to consider specific legislation.

The White House reportedly favors legislation similar to the British Official Secrets Act which would impose criminal sanctions for unauthorized disclosure of secrets.

Colby has recommended all intelligence operatives be subjected to sanctions for revealing such secret information as that disclosed by former agent Philip Agee in his book "Inside the Company."

Doctor finds 35% of police dangerous

SAN FRANCISCO (AP)—A psychiatrist who has screened and counseled thousands of police officers over the last 13 years says 35 per cent of all police now on duty are "really dangerous."

The conclusion is drawn by Dr. Edward Shev of Sausalito, Calif., author of a newly published book entitled "Good Cops-Bad Cops."

Shev, 57, says that interviews and consultations with some 6,700 police officers and applicants in 20 California communities have convinced him that "natural cops constitute only 5 per cent of all police, men and women, who know intuitively how to handle both the work and pressures of being a cop."

Shev, who practices in San Francisco and is chief of neurology at Marshall Hale Memorial Hospital here, says 60 per cent of all police are "treatable" in that they perform their duties well most of the time but have a breaking point under pressure.

"But the really dangerous police are the 35 per cent who make up the third category. These are the 'untreatable' men and women—the bad cops. Their personalities are not suited to police work, and they are unable to learn about themselves or accept treatment that would allow them to function adequately as police officers," Shev said.

"We give a man or woman probably the widest discretionary authority to put us in jail, to shoot us, to crowd-control us, to take away our liberties—without understanding how stable that individual is," he added.

Shev began working with police in his own town, across the bay from San Francisco, in 1965. Still at it, he screens prospective policemen, conducts psychological sessions and counsels individual officers.



MAUDLIN
©1975 Chicago Sun-Times

"...PHONES TAPPED, MAIL OPENED, DOORS KICKED DOWN.... I GUESS ALL THIS IS THE PRICE WE GOTTA PAY FOR LIVING IN THE FREE WORLD."

Are Grand Juries Getting Out of Line?

Not only minorities say that the answer is "Yes." Pillars of the establishment, too, are beating the drums for reform.

A centuries-old bulwark against government oppression—the American grand-jury system—is coming under increasing fire both in state capitals and in Congress.

The result is a drive by critics to abolish or reform an institution that is misunderstood by millions of Americans. Many people believe the sole job of grand juries is to bring criminal charges against possible wrongdoers. What they often forget is that grand jurors have another, equally vital, task: to shield fellow citizens from being unjustly subjected to a criminal trial.

In recent years, this shield has slipped badly, according to critics, who include judges, lawyers and religious groups. Grand juries are accused of acting too often as "rubber stamps" for overzealous or unscrupulous prosecutors who:

- Bludgeon witnesses into providing information the government isn't entitled to.
- Gather flimsy, insubstantial evidence that sometimes is leaked to the press, sometimes is made the basis for prosecutions with little chance of success.
- Harass or intimidate racial or political minority groups.
- Unnecessarily invade the privacy of witnesses.

"Total captive." Grand juries, normally made up of 23 persons without special skills in the law, have long been vulnerable to manipulation by prosecutors.

The problem has been growing worse in recent years because of the increasing complexity of criminal statutes and criminal cases. "Today, the grand jury is the total captive of the prosecutor who, if he is candid, will concede that he can indict anybody, at any time, for almost anything, before any grand jury," declares U.S. District Court Judge William J. Campbell of Chicago.

In past decades, complaints of abuses by grand juries came most frequently from political radicals, civil libertarians and others out of step with the majority of citizens. Today, complaints are still coming from these groups. But new voices have been added. Some of the country's leading corporations have protested grand-jury actions, and such pillars of respectability as the National Council of Churches and the American Bar Association are backing a push in the states and in Congress for a spate of reforms.

Many prosecutors and judges are resisting the reform move. They warn that new limits on grand juries would undermine le-

gitimate crime fighting. But both opponents and backers of reform agree that grand juries sometimes abuse their powers. Cited as examples are cases in recent years involving a wide range of people from corporation officials to civil-rights and religious activists.

One celebrated case involved a potential misuse of the criminal powers of a grand jury to aid the government in a civil case against a major company. The dispute stemmed from General Motors Corporation's 1972 income-tax return—audited by the Internal Revenue Service in 1975. After many months of wrangling with GM, an IRS attorney active in the dispute convinced the Justice Department to begin a criminal tax investigation. The trouble came when the same IRS employe was designated by Justice officials to help direct the grand-jury probe.

In April, a three-judge federal appeals panel stopped the investigation. The judges, in a 2-to-1 ruling, concluded that the arrangement was an invitation to misuse grand-jury powers. The court noted GM's concern that the IRS employe "has an ax to grind and is more interested in justifying his previous investigations, his recommendations and the conduct of IRS agents than in protecting GM against unfounded criminal prosecution."

A Blizzard of Indictments

Political corruption, whether real or merely suspected, has been an even more fertile field for aggressive prosecutors and grand juries in recent years. Many investigations of public officials have been conducted responsibly and led to the conviction of scores of crooked officeholders. In other instances, critics charge, grand juries led by egotistical or politically ambitious prosecutors have churned out indictments supported by only the flimsiest underpinnings of evidence.

The record of the New York special prosecutor's office is sometimes cited by critics of grand-jury practices. Between the establishment of the office in 1972 and 1976, the grand



Grand juries, which usually consist of 23 persons without legal training, are easily controlled by overzealous prosecutors, critics charge.

jury working with the special prosecutor approved a steady stream of indictments against officeholders. More than 250 persons were charged, but only 17, almost all of them low-level police officers, were convicted and served sentences. All other cases, including those against 10 judges, ended with dismissal of the charges, acquittals or reversals of convictions by appeals courts.

On top of the harm to reputations caused by the prosecutions, there have been frequent leaks of grand-jury testimony to the press. One celebrated leak, occurring in the midst of the 1973 mayoral race, is blamed for severely damaging the campaign of a leading candidate, Representative Mario Biaggi (D-N.Y.).

Targeting Minorities

In other instances, the targets of alleged grand-jury harassment are minorities or dissidents whom the prosecutors, and perhaps the grand jurors themselves, find abhorrent.

A recent case in point occurred in Byhalia, Miss. Members of a black civil-rights group, the Marshall County United League, protested the fatal shooting of a black man by police and denounced as a "farce" the grand-jury investigation conducted by a local prosecutor.

When a judge ordered a second probe, the grand jury summoned members of the black group to testify. The grand jury disposed of the shooting incident with a few perfunctory questions and then quizzed the black witnesses at great length about their organization's membership and its activities.

A federal appeals court in March found that these questions were asked solely to harass group members. "This abuse of the grand-jury process cannot be tolerated in a free society," the court said, adding: "It would be a sorry day were we to allow a grand jury to delve into the membership, meetings, minutes, organizational structure, funding and political activities of unpopular organizations on the pretext that their members might have some information relevant to a crime."

In some cases of alleged harassment of dissident organizations, citizens have decided to go to jail rather than testify about colleagues. This is what happened in a case involving two women lay ministers of the National Commission on Hispanic Affairs, a New York organization funded by the Episcopal Church. Last year, the two were subpoenaed before a federal grand jury investigating bombings and other activities of a self-styled Puerto Rican terrorist group.

The women said publicly that they had no knowledge of the terrorist group. At the same time, they refused to testify about Hispanic-commission activities, contending that their testimony would violate the trust of community people working with the commission.

For this refusal, at the request of a federal prosecutor, the women were jailed for contempt of court in March, 1977. They were freed last January after winning a court order for their release. Seven other persons were jailed for an average of seven months after denying any knowledge of the terrorist group and refusing to answer questions before the grand jury.

This investigation, which is still under way, prompted the

governing board of the National Council of Churches to pass a resolution last year condemning misuse of grand-jury powers. William P. Thompson, council president, observes: "It is not the hardened criminals, nor even those with knowledge about crimes, who are the main victims of the modern grand jury, but often idealistic members of ethnic groups or dissident movements who for reasons of principle or loyalty refuse to name their associates—who in most instances have no connection with any crime. They are the ones who sit in jail rather than betray their friends."

Numerous groups with unorthodox or unpopular political views have charged they have been targets of improper grand-jury actions in recent years. Among them: the Vietnam Veterans Against the War, the Black Panther Party, the Irish Northern Aid Society, left-wing Catholic groups, the women's movement and labor organizations.



Complaints of grand-jury harassment come most often from minorities and political dissidents.

Roots of Reform

Despite the documented cases of abuse, changes in the grand-jury system have been slow in coming.

For many years, grand-jury critics relied entirely on the courts to check injustices. Judges, who have the power to halt or overturn improper grand-jury actions, sometimes act quickly to correct the most blatant abuses, as in the GM and Mississippi cases. But critics contend that judges far too often take a hands-off approach.

"The courts don't exercise enough authority over grand juries, either because they're not concerned or because they're reluctant to go up against the prosecutors," says Seymour Glazer, one of the original Watergate

prosecutors now in private law practice.

Making matters worse, from the critics' standpoint, the Supreme Court has cut back the rights of grand-jury witnesses in a series of rulings since 1972.

Faced with this trend, grand-jury critics have headed in two directions: abolition and reform.

A minority of the critics favor abolition. They note that England, where the grand-jury concept originated in 1166, eliminated grand juries in 1948. Even some grand jurors have joined the cause of abolition. Last year, for example, members of a Maryland grand jury—charging that they were merely "pawns" of the prosecutor and a "token citizen involvement" in the judicial process—urged that their role be abolished.

Actually, as things stand today, most states use grand juries mainly for major criminal investigations. Twenty-nine states, including California and Illinois, allow charges to be brought without use of the grand jury. In routine cases in these states, prosecutors file a charge. A judge, after giving the defendant and his lawyer a chance to oppose it, decides whether a trial should be held.

Five states, Michigan, Wisconsin, Connecticut, Kansas and Washington, use another method, "one-man grand juries," each consisting of a judicial officer who has most of the usual grand-jury powers.

The Federal Picture

Adopting such procedures at the federal level, however, would be difficult. It would take a constitutional amend-

ment to nullify the Fifth Amendment's requirement that all serious federal charges be heard by a grand jury.

Most critics aren't interested in abolishing grand juries. What they want are new safeguards against the misuse of their powers.

Proposals being pushed in the state legislatures and in Congress would require that:

- Grand-jury witnesses be told what the investigation is about and given a list of their rights.

- All subpoenas be approved formally by a majority of the grand jurors, not through informal assent to the prosecutor's wishes.

- Prosecutors tell the grand jury about evidence that might favor the defendant.

- Judges instruct new grand jurors that they have the authority to call their own witnesses and to make an inquiry independent of the prosecutor.

- A transcript be made of everything that occurs in a grand-jury hearing, including remarks by the prosecutor, a practice already followed in 31 states.

The key issues, however, in the view of reformers, are two other proposals. One would give a witness the right to be accompanied by a lawyer when appearing before a grand jury. Reformers argue that without a lawyer by their side, witnesses often are vulnerable to a prosecutor's trick questions and high-pressure tactics.

The reformers have made impressive headway in the states on this question. The right to a lawyer now is provided in 11 states, 10 of which have acted since 1970.

The other key proposal being pushed by reformers is to impose new limits on the state and federal procedures through which witnesses can be given immunity from prosecution. Under the current system, grants of immunity are to be used to obtain testimony that a witness otherwise could withhold by invoking the Fifth Amendment's protection against self-incrimination.

If a person given immunity still refuses to answer questions, he or she can be jailed for contempt of court. All too

often, critics charge, this threat is employed by prosecutors to force witnesses to talk about personal associations and other private matters that may go well beyond the legitimate scope of the investigation. It also can be used in conjunction with an effort to confuse witnesses into giving answers that may technically constitute perjury.

Accordingly, many critics of grand-jury practices want to require that a grant of immunity be given only with the consent of the witness.

Those pushing for changes of various kinds in grand-jury practices have swelled in recent years from a small band of civil libertarians into a movement that includes not only powerful groups, like the American Bar Association and the National Council of Churches, but also many prominent judges and prosecutors. At the center of the drive is the Coalition to End Grand Jury Abuse, a national alliance of 21 legal, civil-liberties, labor and religious groups.

Are Critics Overreacting?

Arrayed against these forces are other powerful and respected forces, including not only many federal and state prosecutors and judges but the Justice Department as well.

Lawyers in the grand-jury room, they contend, will disrupt and delay proceedings by repeatedly objecting to questions. Judges will have to rule on these objections, and "minutials" will result. Attorney General Griffin Bell denounces the proposal as "the lawyer's relief act."

Restricting immunity, prosecutors argue, would greatly impede investigation of organized crime and other conspiracy cases.

"We should be careful to avoid an overreaction to past abuses in a way which unduly hampers efficient, fair law-enforcement efforts in the future," warns Robert J. Del Tufo, U.S. attorney for New Jersey.

Del Tufo and other prosecutors argue that law-enforcement people can prevent abuses by writing and enforcing guidelines of their own. When he was a New Jersey official, Del Tufo helped draft such rules. Other states have done this, too, and the Justice Department issued regulations last December barring techniques that might smack of harassment.

Despite action in some of the states and steady pressure from those demanding reforms, Congress has been moving slowly. A House subcommittee has held extensive hearings over the last two years, but the Senate Judiciary Committee has given the matter no attention. Reform advocates are optimistic, however, that the picture will quickly brighten next year when Senator Edward M. Kennedy (D-Mass.), a staunch reform advocate, is scheduled to become committee chairman.

In the meantime, backers are doing their best to organize grass-roots support. They see citizen interest as crucial.

U.S. District Judge Marvin E. Frankel and Gary P. Naftalis, a former New York prosecutor, conclude in their recent book on grand-jury reform: "The most important link of all is the one between the grand jury and the citizen who both staffs it and is touched by it. The safeguard of paramount value, for the grand jury, as for other agencies of a democratic society, is the steady concern and attention of the people" □

Publicity from flimsy indictments or leaks of grand-jury testimony to the press can damage the reputations of officials or citizens.



This report was written by Associate Editor David F. Pike.

STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

August 21, 1979

SUBJECT: Distinction between a "legislative court" and a
"constitutional court" (Work Order 7307)

TO: Charles Parr, Chairman
House Judiciary Committee

FROM: Richard A. Bradley *B*
Legislative Counsel

The Judiciary Committee has asked that I explain the difference, if any, between a "legislative court" and a "constitutional court". The Committee is concerned with the question whether a legislative court possesses the same inherent powers as a constitutional court. Finally, the Committee asked that the various existing courts be characterized as either constitutional or legislative. [These questions may be asked in the context of SB 104, the "court of appeals" bill, but they do not depend upon the content of that bill for their meaning.]

I. The Differences.

The constitutional frameworks present in the United States and in the States of the Nation typically establish courts; the constitutions also typically grant to the legislature the authority to establish other courts.

Under the Federal Constitution, judges of constitutional courts, who exercise "the judicial Power of United States", are appointed under Art. III, §1. Judges of legislative courts are appointed under the power granted to Congress by Art I, §8, ¶9 to constitute tribunals inferior to the Supreme Court. On limited occasions Congress blends its authority and the "judicial power of the United States" is conveyed to courts established under Art I. 1/ The Territorial courts

1/ Since the "judicial power of the United States" is not granted to courts established under Art. I, the full logic of Federal cases does not apply to the Alaska situation. Compare Art. IV, §1 of the Alaska Constitution.

in Alaska prior to Statehood were courts of this blended character. American Insurance Company v. Canter, 1 Pet. (U.S.) 511 (1828).

The Alaska Constitution contains similar though different concepts. Thus, Art. IV, §1 of the Alaska Constitution provides:

The judicial power of the State is vested in a supreme court, a superior court, and the courts established by the legislature. The jurisdiction of courts shall be prescribed by law. 2/

A constitutional court is, then, a court established in the constitution in specific particulars; a legislative court is one where its establishment and responsibilities are discretionary with the legislature. An implied corollary of this principle recognizes that the constitutional courts very likely will enjoy constitutional protections which may or may not be extended to other courts not established in the Constitution. Art. IV has a number of provisions reflecting this principle.

Thus, Supreme Court justices and Superior Court judges shall be

"citizens of the United States and of the State, [and] licensed to practice law in the State

Judges of the constitutional courts [the Supreme and Superior Courts] must be nominated by the judicial council and appointed from those nominees by the governor. Art. IV, §5. These judges are subject to electoral confirmation on a nonpartisan ballot under §6. They are retired under the provisions of §11 and they may be removed only by impeachment under §12 [or by rejection under §6]. Their compensation is protected under §11. They are restricted in their activities during the time they hold office by §14.

2/ Notwithstanding this suggestion that the jurisdiction of courts shall be prescribed "by law", it seems that in a broad sense, the constitution of the state establishes the jurisdiction of the Supreme court ["the highest court of the State, with final appellate jurisdiction." Art. IV, §2(a)] and of the Superior court ["the trial court of general jurisdiction." Art. IV, §3].

In opposition to all this judges of legislatively established courts [all courts except for the Supreme and Superior Courts]

shall be selected in a manner, for terms, and with qualifications prescribed by law. Art. IV, §4.

I think it is significant to note that the determination whether the constitutional protections are extended to judges not specified in the constitution is, in the constitutional framework, not accidental. The constitution could well have extended these listed protections to any member of the judiciary, whether or not the court on which the member sits is constitutionally defined. 3/

The history of the District Court since Statehood is perhaps the best example of this principle at work. The court was established in 1959 by Ch. 184. Initially it was described as the "district magistrate court". Ch. 24, SLA 1966 shortened the name to its present form. Initially, a district magistrate was appointed by a superior court judge, served at the judge's pleasure, and was not required to be an attorney. Under present law, a district judge is appointed under a legislative formulation that follows the constitutional formula of Art. IV, §5 for judges of the supreme and superior courts. And the procedure has received constitutional review and approval in Delahay v. State, 476 P.2d 908 (1970). The judge is subject to retention elections which parallels the provisions of Art. IV, §6.

And while the question is presently academic, it is likely that the legislature could in its discretion abolish the present scheme for the district judges without constitutional problems. While the legislature may embellish, clarify, and interpret the general framework established in the constitution for the Supreme and the Superior courts, it seems clear

3/ Another way of stating this conclusion is that I resist the suggestion implied, perhaps, in your request, that there is any general doctrine of law applicable to constitutional courts. Rather, any discussion of the implications of these terms simply raises questions of constitutional interpretation which are unique to each jurisdiction. If the matter is covered in the constitution, its statements establish the law. If the matter is not stated in the constitution, the legislature may prescribe the law.

that these courts themselves may not have their character altered in a fashion inconsistent with the constitutional provisions.

These then are the differences between the two kinds of courts. For a constitutional court, the legislature is limited in its ability to experiment by the character of the framework established in the constitution.

For a legislative court, the legislature may follow a constitutional pattern in its establishment of legislative courts, but it is under no obligation to do so. Thus, the legislature may establish a court and provide that the members of the court serve for life, at the pleasure of the governor, are confirmed by the legislature, are elected on partisan, competitive ballots, may have their compensation reduced during tenure. Judges can be attorneys or non-attorneys; can be full-time or part-time.

In short, the legislature may exercise broad discretion in its establishment of legislative courts. Lopez v. Anchorage, ___ P.2d ___ (No. 1863, Alaska, June 22, 1979).

II. Inherent powers.

The Committee asked whether a legislative court would possess the same inherent powers as a constitutional court.

The answer to the question must be viewed as somewhat tentative because of certain ambiguities in the constitution as well as in the question itself.

The constitution is somewhat ambiguous. It provides that "the jurisdiction of [all] courts shall be prescribed by law". Art. IV, §1. This phrase would otherwise suggest that the powers of the court, inherent or otherwise, derive from legislative enactment.

At the same time, the constitution establishes the larger part of the Supreme and Superior court jurisdiction: "The supreme court shall be the highest court of the State, with final appellate jurisdiction." [Art. IV, §2(a)]. "The superior court shall be the trial court of general jurisdiction...." [Art. IV, §5].

AS 22.05 and AS 22.10 contain very few provisions not directly implied in the constitutional provisions relating to the Supreme and Superior Court. As a result, the Alaska Constitution is the primary source of the jurisdiction of the two courts.

The question itself is ambiguous because many of the powers of a court that are viewed by attorneys as inherent to a court's basic operation are the result of statute. Thus the power of the courts to issue writs in aid of their jurisdiction would logically be implied if it did not exist by statute. However, it does exist by statute [AS 22.05.010(a); 22.10.020(a)] and is therefore arguably not an inherent power.

There are a number of concerns of a court that may be viewed as inherent.

1. Finality of judgement. In Hayburn's Case, 2 Dall. 409 (1792), the Federal courts refused to act on a petition for a pension since the Act of Congress granting the responsibility to the district courts allowed the Secretary of War and the Congress to review the decision. This review function was viewed as making the administration of the law non-judicial in nature and therefore not within the "judicial power of the United States".

To a large extent the question of granting non-judicial powers to courts is politically moot; I am unaware of any law invalidated or left unenforced by the Alaska courts because of this requirement.

Note that Art. IV, §1 grants the judicial power not only to the Supreme and Superior courts, but also to courts established by the legislature. I assume that a legislative court would therefore possess this requirement.

2. The contempt power. It seems that it is unarguable that all courts in Alaska possess by their nature the power to sanction contempts. Civil Rule 90 suggests this conclusion.

And if there is any doubt on the question, venerable language of the U.S. Supreme Court is instructive:

The power to punish for contempts is inherent in all courts; its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders, and writs of the courts, and consequently to the due administration of justice. The moment the courts of the United States were called into existence and invested with jurisdiction over any subject, they became possessed of this power." Ex parte Robinson, 19 Wall. (U.S.) 505 (1874). 4/

3. Issuance of writs. In Federal courts, the power to issue writs has historically been granted by Congress. Section 13 of the 1789 Judiciary Act was the original source. While the Act gave the power to issue writs under common law principles, the Federal courts have traditionally concurred in the view that an act of Congress is necessary to confer the judicial power to issue writs.

Note that the Supreme court and the Superior court are specifically granted the power to issue writs. AS 22.05.010(5) and 22.10.020(a) both authorize the issuance of "all writs" necessary to the courts' jurisdiction. The district court is implicitly denied the authority to issue writs by the denial to it of equitable jurisdiction. AS 22.15.050(2).

4. Admission and discipline of attorneys. The generally recognized principle of the common law holds that "it rests exclusively with the Court to determine who is qualified to become one of its officers, as attorney and counsellor, and for what cause he ought to be removed." Chief Justice Taney in Ex parte Secombe, 19 How. (U.S.) 9, 13 (1857).

In Alaska, the Supreme Court has the "inherent and final power and authority to determine standards for admission to the practice of law in this State". In re Stephenson, 511 P.2d 136 (Alaska 1973). Only that court has the power to suspend an attorney from the practice of law. Weaver v. Superior

4/ The power of contempt in the Federal system has had statutory derivation since §17 of the Judiciary Act of 1789, 1 Stat. 73, 83. In Michaelson v. United States, 266 U.S. 42 (1924), Justice Sutherland questioned the authority of the Congress to qualify the contempt power: "the attributes which inhere in that power and are inseparable from it can neither be abrogated [by Congress] nor rendered [by it] practically inoperative." (Bracketed material added.)

Court, 572 P.2d 425 (Alaska 1977); Esch v. Superior Court 577 P.2d 1039, 1043-1044 (Alaska 1978). The control that the Supreme Court and other courts in Alaska have over those appearing before them is the power of contempt. There is no question whether any state court possesses this power, supra.

III. Status of present courts.

The Supreme Court and the Superior Court in Alaska are constitutional courts as that phrase has been used in this memorandum.

They are the only two courts that can ever claim that designation under the present provisions of Art. IV of the Constitution.

Any other court presently in existence or hereafter created in the context of existing constitutional provisions will necessarily be a legislative court. The district court established under AS 22.15 is a legislative court and the proposal for an intermediate appellate court -- the court of appeals -- will be a legislative court.

RAB:slk



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

May 5, 1979

Charlie:

Attached is a tentative schedule of interim activities up to the time the Committee starts fall hearings.

Peggy and I have broken up the subject responsibilities as follows:

Peggy

Law Enforcement
Sentencing/Probation/Bail
Crimes
Juvenile Court
Drugs
Free Attorneys
Integrated Bar
Product Liability
Alaska Exemption Act (HB56)

Rocky

Judges
Jury System
Citizen Dispute
Center/Small Claims
Domestic Violence
Corrections
Committee Coordination, etc.

This work division is flexible and Peggy and I expect to help each other.

My Juneau mailing address is Box 578, Douglas, Alaska 99824 and my phone number is 586-6938, or leave a message at my folks place, 364-3177.

Peggy will use Pouch V, Juneau, Alaska 99811 as her mailing address and the phones in this office will be left connected. Those numbers are 465-3882 and 465-3718.

Rocky 5-6-79



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

TENTATIVE INTERIM SCHEDULE

June 1-5	pack-up stuff going to Anchorage
June 6-12	Peggy & Rocky go to Sitka for Bar Convention & Judges Conference
June 13-30	VACATION!
July 1-4	Rocky back in Juneau packing for Anchorage
July 5	Rocky leaves for Anchorage
July 9	Rocky in Anchorage Office Peggy in Juneau Office
August 15 (?)	Rocky goes to Juneau to meet with Peggy
September 4	Peggy in Anchorage
September 6	Meeting of the Minds (Charlie, Peggy & Rocky) in Anchorage
September ?	Committee Pow Wow in Anchorage

TO BE ANNOUNCED:

Nome Trip
Bethel Trip
Fairbanks Trip
Anchorage/Eagle River Hearings

1. Committee members wishing to participate:

Thelma Buchholdt
Terry Martin
Pat O'Connell
Randy Phillips
Ramona Barnes
Nels Anderson
Fred Brown

2. Times when members will not be able to attend meetings:

Thelma Buchholdt	June 16-30 July 1-13 August 20-26 September 16-30 October 1-6 November 21-24 December 22-31
Pat O'Connell	September thru December
Randy Phillips	June thru October
Ramona Barnes	when she has her operation (?)
Nels Anderson	July and August
Fred Brown	November & December - light scheduling during June thru August

3.

Specific matters to be investigated:

POLICE: Ethics, Recruitment, Training, Organization, Funding Source.

Because of the importance of public confidence in our policemen/state troopers, we must be sensitive to how the general public views our police. Working with respected policemen from all parts of Alaska, the Committee should review police behavior, recruitment policy, training programs and staffing, working relations of local and state officers, budgetary needs and sources.

Additionally, the Committee should become familiar with law enforcement priorities, and how such priorities get set.

PRISON: Public policy in Alaska has historically opposed the construction of a maximum security prison, and prison classification staff has awesome power to transfer men and women to outside facilities. Is this power being used wisely? Because of the importance of public confidence in fair and just punishment, the Committee should discuss prisoner classification with respected correctional officials with a view of recommending appropriate legislative action.

The Committee should also research ways at expanding reliable alternatives to institutionalizing convicted felons, including penitential employment on public works projects.

PAROLE: Parole is the most commonly-used alternative to jail, and our parole system should be reviewed by the Committee to see if it is functioning effectively as a re-entry program.

EQUAL JUSTICE: We know from recent judicial studies that certain groups of people wind up in jail faster than others. The Committee should strive to determine the degree to which justice now obtains in law enforcement, in the courts, and in the correctional institutions.

There is that hope in the New Criminal Code which may help to correct previous inequities in the system. But the Committee should maintain that there is plenty of work yet to be done to straighten out the problems spelled out in the sentencing studies.

(2)

Judiciary Committee Interim Activity

Questions Need Answers

- Police Ethics: Are Alaskan police behaving as they should?
Hear and review complaints about police behavior and administration.
- Police Training: Review of training programs and opportunities.
What can be learned of police attitudes from training curricula and training staff?
- Police Organization: Relationships between local police and state troopers; probation officers; federal marshall and other law enforcement officers (FBI, etc.)
Communication systems; cooperation between agencies.
- Police Funding Sources: Personnel; equipment; state and federal budget;(LEAA, Peace Officers groups, etc.)
- Law enforcement priorities: How crimes get classified (when does it suit the victim, the offender?);
How are police handling narcotic-related crimes(alcohol-related crimes) in order of priorities?
- Public Defender Agency: How much time is spent by a Public Defender with his client during pre-trial, during trial, etc.
- Judges: qualifications; selection; early retirement incentives(?);
Constitutional changes on salary schedule; etc.
- Bails: how set are they for specific crime; bail bonding agencies;
- Parole Board: criteria in releasing an inmate for parole;
quality of decisions made by the board.
- Jury: how much influence on punishment for crime committed;
selection, certain groups of people seem to be serving more often than others (except those excused due to professional constraints).
- General Public: What is the public perception of certain crimes and appropriate punishment; priorities in law enforcement.

- a) Does the public want an elected attorney general or justices?
- b) Does the Supreme Court need to be under one roof?
- c) Would conferences with the police on the beat at different locations be helpful?
- d) Would the public accept seven Supreme Court Justices with the division of responsibilities by criminal (4) and civil (3) cases?
- e) Is the probation system sound and effective?
- f) Should a judiciary committee attend the criminal code education sessions in Sitka or Anchorage for the twelve hour course?
- g) Regarding the juvenile justice system- would a talk and hearing at the McLaughlin Youth Center be beneficial?
- h) Would it be profitable for the Urban area minority justice problems to hold meetings in the Mountain View Community Center?
- i) What about an indepth statistical analysis of crime, length of cases, types of crime, segments of the population involved, by percentage, economic levels, cost average per case, and cost and results of private attorney versus public defenders?

a. Public Defender concept:

- (1.) Does it result in equal justice?
- (2.) Can costs be controlled?
- (3.) Are qualifications for indigency realistic?

b. Salary & Compensation of Judges

This may not be proper subject for interim review by the committee; however, I feel the many comments received in testimony this session suggest need for review in this area.

- c. In addition to the above, I suggest a committee tour of state correctional facilities, including but not necessarily limited to state jail facilities in Anchorage & Palmer, API, and the home for mentally ill.

Specific matters to be investigated: Selection of jury and judges as a whole; slowness of the process; administration of court system in Anchorage.

Ridgeview Women's Center
(4)

- a) We should conduct an oversight review of the Judicial Sentencing Study to assure ourselves that legislative intent is being followed if HB 195 and HB 196 pass and are approved by the Governor.
- b) We should follow the history of several cases from the time of arrest through to final sentence and place of confinement.
- c) We should determine whether or not judges recommendations for rehabilitation are being followed after incarceration.
- d) We should visit the policemen, judges, public defenders, district attorneys, law clerks, correctional officers, and the public Safety and Health and Social Services Commissioner.

4. Groups o. individuals to contact:

In my experiences as a practicing attorney, the various local bar associations in Alaska vary widely in their views and attitudes towards justice matters and public issues. As a courtesy to them, whenever a meeting is held in the Interim in a community with an active bar (Fairbanks, Anchorage, Juneau, Sitka, Ketchikan and Nome) members of the local bar association should be notified.

To the extent that matters arise in public hearings involving complaints against various individuals in the criminal justice system, we should be an active referral system. Many people don't know the existence of the Commission on Judicial Qualifications, and many people do not know the procedures for pursuing complaints against District Attorneys, Public Defenders, and so forth. In this light, it might be helpful to have some participation in our hearings from the Office of the Ombudsman.

Anchorage Black Caucus
Anchorage Native Caucus
Fairbanks Native Association
Alaska Federation of Natives
Non-profit Regional Native Associations
Human Rights Commissior
Ombudsman

Names of groups of individuals to be notified: Lee Jordan, Editor, Chugiak-Eagle River Star, PO Box 1007, Eagle River, AK 99577; Robbie Robinson, Chugiak Community Council, Box 309, Chugiak, AK 99567; Bob Johnson, Eagle River Community Council, PO Box 456, Eagle River, AK 99577; Stephen Dunning, Eagle River Valley Community Council, Box 1644, Anchorage, AK 99510; Tom Henry, Birchwood Community Council, SRA Box 760, Chugiak, AK 99567; Rex Campbell, North Mt. View Community Council, 819 N. Klevin, Anchorage, AK 99504; Fred Selkregg, Northeast Anchorage Community Council, 5811 Radcliffe, Anchorage, AK 99504; Gene Buck, Russian Jack Park Community Council, 5222 East 24th Avenue, Anchorage, AK 99504; Kathleen Bush, 663i East Eighth, Anchorage, AK 99504; The Brown Family, 442 South Flower, Anchorage, AK 99504; Clifford and Jane Bissell, Box 656, Eagle River, AK 99577; Marion E. Daley, PO Box 108, Chugiak, AK 99567; Mike Briggs, Esq., Ely, Guess & Rudd, 510 L Street, Anchorage, AK 99501.

Parents- natural or foster
School Personnel
Campus Life- Anchorage
Concerned People for Better Education- (ALERT)
Mountain View Community Center

GROUPS TO BE NOTIFIED OF HEARINGS:

Commission on the Status of Women
League of Women Voters
Alaska Legal Services
N.A.A.C.P.
Alaska Black Caucus
All Alaska Native organizations
PTA groups
AkPIRG
Other minority group organizations
In District 9 for hearings in Anchorage:

Spenard Community Council (Myron Igtanloc)
Turnagain Community Council (Wilda Marston)

Other information: I would like to have hearings at following areas in House District 8 -- Eagle River, Mt. View, Muldoon, Nunaka Valley.

what happens between the arresting officer and the suspect, I believe, may determine the trend that follows thereafter to the defendant, the inmate, the parolee.

Needless to say, public confidence with the correctional/judicial system has to be maintained, perhaps restored.

Ken Jarvis - Alaska Bar

(7)

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907-465 3800

June 19, 1979

The Honorable Charlie Parr, Chairman
House Interim Judiciary Committee
SR Box 50599
Fairbanks, AK 99701

Dear Representative Parr:

The Research Division of the Legislative Affairs Agency was dissolved by the Legislative Council at its Tuesday, June 12, 1979 meeting in Sitka. The division had in process work which you had requested. The work orders are attached to this letter for your reference. We request your direction regarding the further processing of this work. Various sources may be available for completion of the work including

Legislative Finance Division
House Interim Judiciary Committee

Please contact me at 465-3500 if you have any questions regarding your research requests. We would be happy to assist in channeling your work requests to the source you designate, or, if you should prefer to do so, cancelling the requests.

Thank you for your cooperation in this matter.

Sincerely,



Myrton R. Charney
Executive Director

Attachments

WORK ORDER REQUEST FORM

Nº 7288

KEYWORDS: corrections
minors

ASSIGNED TO Helton

REQUEST FOR: BILL RESOLUTION RESEARCH OTHER

SUBJECT Juvenile Corrections Systems

REQUESTED FOR House Judiciary Committee BY Peggy Berck EXT. 3718

* DELIVER TO Berck for House Interim Judiciary Committee TAKEN BY Helton

INSTRUCTIONS, EXPLANATIONS

Provide information regarding other states' innovative correctional institutions for juveniles and their alternatives to juvenile incarceration.

All material given to Rocky Plotnick, House Judiciary Committee, 6/15/79. Mh

OBTAIN

*Rui'd
6-15-79
Rocky*

SPECIAL DRAFTING INSTRUCTIONS ATTACHED

AUTHORIZED TO CONFER WITH _____

Anyone

RETURN _____

TO REQUESTER

APPROVED: _____ Director, Legal Services

GKE Director, Research

REVIEWED _____

IN 6/4 DUE September

TYPED - Draft _____ DATE _____

Final _____ DATE _____

PROOFED _____ DELIVERED _____

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

DRAFT

FINAL

WORK ORDER REQUEST FORM

Nº 7289

KEYWORDS: defenders, public
public finance

ASSIGNED TO Helton

REQUEST FOR: BILL RESOLUTION RESEARCH OTHER

SUBJECT Alaska Public Defender Agency

REQUESTED FOR House Judiciary Committee BY Peggy Berck EXT. 3718

* DELIVER TO Berck for House Interim Judiciary Committee TAKEN BY Helton

INSTRUCTIONS, EXPLANATIONS Provide a breakdown of budget for Alaska Public Defender Agency; cost average per case (compare with cost of private attorney); outline of steps required of indigent person for legal assistance through PDA; list of services available; breakdown of verdicts obtained, percent of appeals, percent of sentence appeals; process breakdown of making a complaint against PD, ALSC, DA -- whether Ombudsman handles; outline of follow-up by PD on convicted clients. All material given to Rocky Plotnick, House Judiciary Committee, 6/15/79. Jkh

OBTAIN

*Rec'd
6-15-79
Rocky*

SPECIAL DRAFTING INSTRUCTIONS ATTACHED

AUTHORIZED TO CONFER WITH _____

RETURN _____

TO REQUESTER

APPROVED: _____ Director, Legal Services

GKE Director, Research

REVIEWED _____

IN 6/4 DUE _____

TYPED - Draft _____ DATE _____

Final _____ DATE _____

PROOFED _____ DELIVERED _____

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

DRAFT

FINAL

WORK ORDER REQUEST FORM

Nº 7290

KEYWORDS: law enforcement
public finance

ASSIGNED TO Helton

REQUEST FOR: BILL RESOLUTION RESEARCH OTHER

SUBJECT State Troopers and Municipal Police Departments

REQUESTED FOR House Judiciary Committee BY Peggy Berck EXT. 3718

* DELIVER TO Berck for House Interim Judiciary Committee TAKEN BY Helton

INSTRUCTIONS, EXPLANATIONS Provide a breakdown of the budget for personnel and equipment from state, federal, local, LEAA (note LEAA requirements -- whether in compliance) sources to Alaska State Troopers and municipal police departments in Anchorage, Nome, and Juneau. Also, state the weapons policy and police ethics standards for state troopers and municipal police departments above.

*All material given to Rocky Plotnick,
House Judiciary Committee, 6/15/79. Mh*

OBTAIN

*Draft
6-15-79
Rocky*

SPECIAL DRAFTING INSTRUCTIONS ATTACHED

AUTHORIZED TO CONFER WITH _____

RETURN _____

_____ TO REQUESTER

APPROVED: _____ Director, Legal Services

GKE Director, Research

REVIEWED _____

IN 6/4 DUE _____

TYPED - Draft _____ DATE _____

Final _____ DATE _____

PROOFED _____ DELIVERED _____

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

DRAFT

FINAL

CHARLIE PARR

ALASKA LEGISLATURE

S. R. Box 50599
Fairbanks, Alaska 99701
456-5029

Pouch V
Juneau, Alaska 99811
465-3797

June 3, 1979

Senator George Hohman, Chairman
Alaska Legislative Council
Pouch V
Juneau, Alaska 99811

Dear Senator Hohman:

I am sorry for the delay in replying to your request for a work sheet (your undated memo of early June). In keeping with the House leadership decision to fund interim committees on an austerity basis, Committee staff was funded only for six months and Committee action planned only for the period Sep 1 - Dec 31.

The Committee is casting its net widely, investigating matters in the law enforcement, courts, and corrections areas. (Chairmen of the State Affairs and Health, Education and Social Services committees have concurred as far as their jurisdictions are affected.) It is the Committee's intent to secure the widest possible input from the general public, as past experience indicates that testimony in Juneau is too often confined to that from executive branch agencies, court system administrators, and attorneys.

General topics of investigation are:

Law enforcement: priorities; agency budgets, personnel and training, weapons use policies; domestic violence; crime, arrest, conviction, and sentence data; drugs.

Courts: selection and compensation of judges, selection and use of jurors, representation of indigent defendants, need for a court of appeals, integrated bar.

Corrections: alternatives to incarceration, facilities, handling of juveniles, effectiveness of probation and parole.

I had planned the following overall schedule:

July 1 - Aug 31 Research

Sep 1 - Dec 1 Committee meetings and hearings (Anchorage, Fairbanks, Nome, Bethel, Ketchikan)

Dec 1 - Dec 31 Preparation of reports and draft legislation

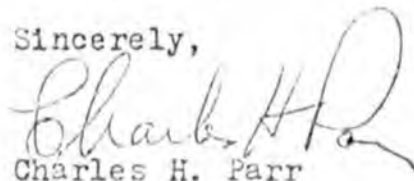
Senator George Hohman (June 28)

This schedule is no longer practicable. Abolition of the Legislative Research Division will require that obtain funding from the Legislative Council for the necessary research, and it is my understanding that mid-July will be the earliest possible date for such funding. This is a significant time-slippage.

The Governor's announced plan for a special session beginning Aug 6 further interferes with my plan of work. If the session drags on, or blows up and a second session is called (both of these are strong possibilities unless the Haul Road is funded year-round) the work of the Committee will be further delayed.

Although I will try to furnish the monthly reports requested in your memo, it is obvious that much cannot be expected until late fall.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles H. Parr".

Charles H. Parr

OUTLINE OF ROCKY'S PROJECTS FOR INTERIM JUDICIARY COMMITTEE 1979

I. Corrections

A. The Master Plan

1. report on summaries by Moyer and Endell
2. existing organizational charts and with suggestions of the master plan
3. effects of master plan on Criminal Justice System
4. sub-committee on hush justice

Read

Draft for Charlie

B. Parole

1. Parole Board
2. effectiveness
3. criteria
4. recommendations of master plan

C. Probation

1. caseloads
2. effectiveness
3. criteria
4. recommendations of master plan

D. Classification

1. transfer of prisoners
2. out-of-state prisoners
3. recommendations of master plan
4. proposed changes by Div. Corrections

E. Facilities

1. committee tour
2. recommendations of master plan
3. current status and plans

F. Correctional & Probation Officers

1. recruitment
2. training
3. qualifications
4. salaries
5. minority distribution
6. affirmative action
7. recommendations of master plan

G. Prison Industry

1. public works projects
2. recommendations of master plan
3. current status

H. Alternatives to Imprisonment

- 1. current plans
- 2. recommendations of master plan

I. Correction Ombudsman

Leno Barrill

- 1. caseload
- 2. types of complaints
- 3. effectiveness

II. Questionnaire

A. General Public

- 1. compile responses in a report

B. Law Enforcement Officers

- 1. obtain mailing list
- 2. send questionnaire
- 3. compile results

*CJPA
Police Standards Council*

III. Juries

A. qualification

B. selection

C. payment

D. exceptions

- 1. current
- 2. proposed

IV. Judges

A. qualification

B. selection

C. report on Judicial Conference

*1) Rocky
2) Judges evaluation of Conference*

D. salaries

E. magistrates

- 1. geographic distribution
- 2. duties
- 3. qualifications
- 4. selection
- 5. salaries
- 6. "acting" magistrates

- F. National Center for State Courts
 - 1. elected judges
 - 2. appellate courts
- G. Commission on Judicial Qualification
 - 1. function
 - 2. authority
 - 3. membership
- H. Judicial Council
 - 1. purpose
 - 2. authority
 - 3. membership

V. Domestic Violence

- A. shelters
 - 1. geographic distribution
 - 2. frequency of use
 - 3. funding
 - 4. staff
 - 5. effectiveness
- B. penalties
 - 1. current law/ordinances
 - 2. proposed changes
- C. police
 - 1. policy
 - 2. use of shelters
 - 3. cooperation with district attorneys
 - 4. who?
- D. alcohol/drug related? *prosecution of D.V.*
 - 1. statistics
 - 2. shelter staff
- E. public awareness *(sensitivity training?)*
 - 1. office on drug abuse
 - 2. shelters
 - 3. women's groups

Federal Legislation

publications:

- need to obtain*
- "Working on Wife Abuse"*
 - "Programs Providing Services to Battered Women"*
 - "Services to Battered Women: Program Dev. in the U.S."*
 - have! -> "The Battered Women"*

VI. Small Claims Court

- A. current system
 - 1. court locations
 - 2. criteria
 - 3. procedure
- B. complications
 - 1. complaints
 - 2. time lag
 - 3. caseloads
- C. alternatives
 - 1. citizen dispute centers
 - 2. explore other areas

VII. Citizen Dispute Centers

- A. what, where they are
- B. how they work
- C. used for
 - 1. domestic violence
 - 2. landlord-tenant differences
 - 3. small claims
- D. Alaskan history
 - 1. Judicial Council
 - 2. Alaska Court System
 - 3. Criminal Justice Planning

*contact:
Ray Preston
Bruce Bortello*

VIII. Miscellaneous Documents

- A. Alaskan Village Justice: An Exploratory Study
- B. 1978 Alaska Court System Annual Report
- C. Plea Bargaining Ban Report
- D. Neighborhood Justice Center Program Models
- E. The New Justice: Alternatives to Conventional Criminal Adjudication
- F. Preliminary Draft Summary of the Master Plan
- G. Jury Procedure Manual

this list continues and should be included with the appropriate topics

Films?

TO PEGGY IN KETCHIKAN
FROM DEBI IN FAIRBANKS
FOR TERRY GARDINER
FROM CHARLIE PARR

IN ANSWER TO YOUR LETTER OF JUNE 18 ON RESEARCH PROJECTS IN LIMBO BECAUSE
LEGISLATIVE RESEARCH DIVISION WIPED OUT. JUDICIARY COMMITTEE HAS FIVE:

DOMESTIC VIOLENCE-

HOW WIDESPREAD IS DOMESTIC VIOLENCE IN ALASKA? ARE POLICE RESOURCES
SIGNIFICANTLY TIED UP BY IT? WHAT ARE THE MOST COMMON KINDS OF CASES? DO
POLICE HAVE LEGAL AUTHORITY AND TRAINING TO HANDLE INCIDENTS? IS THERE A
NEED FOR CHANGES IN STATUTES, FOR A SPECIALIZED AGENCY, OR FOR A PUBLIC INFOR-
MATION EFFORT?

CORRECTIONS-

HOW WELL IS THE CLASSIFICATION SYSTEM WORKING? IS THERE ANY INDICATION OF
RACIAL OR SEX DISCRIMINATION, TO INCLUDE INSTITUTIONAL? WHAT ARE THE
"SUCCESS RATIOS" OF PROBATION AND PAROLE SYSTEMS? SHOULD THEY BE EXPANDED?
WHAT ABOUT ALTERNATIVES - RESTITUTION AND WORK PLANS, FOR EXAMPLE?

ALASKA PUBLIC DEFENDER AGENCY

PROVIDE A BREAKDOWN OF BUDGET FOR ALASKA PUBLIC DEFENDER AGENCY; COST AVERAGES
PER CASE (COMPARE WITH COST OF PRIVATE ATTORNEY); OUTLINE OF STEPS REQUIRED
OF INDIGENT PERSON FOR LEGAL ASSISTANCE THROUGH PDA; LIST OF SERVICES AVAILABLE;
BREAKDOWN OF VERDICTS OBTAINED, PERCENT OF APPEALS, PERCENT OF SENTENCE APPEALS
PROCESS BREAKDOWN OF MAKING A COMPLAINT AGAINST PD, ALSC, DA -- WHETHER OMBUD-
MAN HANDLES; OUTLINE OF FOLLOW-UP BY PD ON CONVICTED CLIENTS

PEGGY, IM AFRAID OF A RUN AWAY MESSAGE SO WILL CONTINUE IN A MOMENT.
DEBI
EOM

LA21 0050 13.09 LA21 0033 13.10 07/05/79

TO PEGGY IN KETCHIKAN
FROM DEBI IN FAIRBANKS
FOR TERRY GARDINER
CONTINUATION OF MESSAGE FROM CHARLIE PARR

JUVENILE CORRECTIONS SYSTEMS -

PROVIDE INFORMATION REGARDING OTHER STATES' INNOVATIVE CORRECTIONAL
INSTITUTIONS FOR JUVENILES AND THEIR ALTERNATIVES TO JUVENILE INCARCERATION.

STATE TROOPERS AND MUNICIPAL POLICE DEPARTMENTS-

PROVIDE A BREAKDOWN OF THE BUDGET FOR PERSONNEL AND EQUIPMENT FROM STATE,
FEDERAL, LOCAL, LEAA (NOTE LEAA REQUIREMENTS -- WHETHER IN COMPLIANCE)
SOURCES TO ALASKA STATE TROOPERS AND MUNICIPAL POLICE DEPARTMENTS IN
ANCHORAGE, NOME, AND JUNEAU. ALSO, STATE THE WEAPONS POLICY AND POLICE
ETHICS STANDARDS FOR STATE TROOPERS AND MUNICIPAL POLICE DEPARTMENTS
ABOVE.

SUGGEST CRIMINAL JUSTICE CENTER, UAA ANCHORAGE BE AGENCY TO CONDUCT. HAVE
HAD PRELIMINARY TALK WITH JOHN HAVELOCK BUT NO IDEA YET OF TIME AND COST.
CHARLIE PARR.

PEGGY,
PLEASE ACKNOWLEDGE THIS MESSAGE AS SOON AS YOU RECEIVE IT AS I HAVE HAD
TROUBLE WITH MY TERMINAL TODAY
THANKS
DEBI
EOM

Anch of Rocky 6/26/79

W.O. # 7290 ^{have}
Budget Troopers, Nome, Juneau.
need rest

WO # 7289 have state budget for Pub Def, steps required
need rest.

WO # 7288 have nothing yet

Domestic Violence

Corrections -

Classification

data { McLaughlin
Ridgeview

Racial discrimination

Domestic Violence:

1- How widespread is domestic violence in Alaska? Are police resources significantly tied up by it? What are the most common kinds of cases? Do police have legal authority and training to handle incidents? Is there a need for changes in statutes, for a specialized agency, or for a public information effort?

Corrections: How well is the classification system working? Is there any indication of racial or sex discrimination, to include institutional? What are the "success ratios" of probation and parole systems? Should they be expanded? What about alternatives - restitution and work plans, for example?

Terry Gardini

In answer to your letter ^{of June 18} ~~on~~ ~~budget~~ research projects in links because Reg. Research Div. wiped out. Judiciary Commission has five:

Suggest Criminal Justice Center, UAA Anchorage be agency to conduct. Have had preliminary talk with John Howlock but no idea yet of time and cost.

WORK ORDER REQUEST FORM

AP 7289

KEYWORDS: defenders, public
public finance

ASSIGNED TO Helton

REQUEST FOR: BILL RESOLUTION RESEARCH OTHER

SUBJECT Alaska Public Defender Agency

REQUESTED FOR House Judiciary Committee BY Jeggy Berck EXT. 3710

* DELIVER TO Berck for House Interim Judiciary Committee TAKEN BY Helton

INSTRUCTIONS, EXPLANATIONS Provide a breakdown of budget for Alaska Public Defender Agency; cost average per case (compare with cost of private attorney); outline of steps required of indigent person for legal assistance through PDA; list of services available; breakdown of verdicts obtained, percent of appeals, percent of sentence appeals; process breakdown of making a complaint against PD, ALSC, DA -- whether Ombudsman handles; outline of follow-up by PD on convicted clients.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED

AUTHORIZED TO CONFER WITH _____

RETURN _____

TO REQUESTER

APPROVED: _____ Director, Legal Services

GKE Director, Research

REVIEWED _____

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

IN 6/4 DUE _____

TYPED - Draft _____ DATE _____

Final _____ DATE _____

PROOFED _____ DELIVERED _____

DRAFT

FINAL

WORK ORDER REQUEST FORM

N^o 7288

KEYWORDS: corrections
minors

ASSIGNED TO Nelton

REQUEST FOR: BILL RESOLUTION RESEARCH OTHER

SUBJECT Juvenile Corrections Systems

REQUESTED FOR House Judiciary Committee BY Peggy Barck EXT. 3718

* DELIVER TO Barck for House Interim Judiciary Committee TAKEN BY Nelton

INSTRUCTIONS, EXPLANATIONS _____

Provide information regarding other states' innovative correctional institutions for juveniles and their alternatives to juvenile incarceration.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED

AUTHORIZED TO CONFER WITH _____

Anyone

RETURN _____

TO REQUESTER

APPROVED: _____ Director, Legal Services

GCE Director, Research

REVIEWED _____

IN 6/1 DUE September

TYPED - Draft _____ DATE _____

Final _____ DATE _____

PROOFED _____ DELIVERED _____

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

DRAFT

FINAL

WORK ORDER REQUEST FORM

177 7290

KEYWORDS: law enforcement
public finance

ASSIGNED TO Helton

REQUEST FOR: BILL RESOLUTION RESEARCH OTHER

SUBJECT State Troopers and Municipal Police Departments

REQUESTED FOR House Judiciary Committee BY Peggy Barch EXT. 3718

* DELIVER TO Barch for House Interim Judiciary Committee TAKEN BY Helton

INSTRUCTIONS, EXPLANATIONS) Provide a breakdown of the budget for personnel and equipment for state, federal, local, LEAA (note LEAA requirements -- whether in compliance) sources to Alaska State Troopers and municipal police departments in Anchorage, Nome, and Juneau. Also, state the weapons policy and police ethics standards for state troopers and municipal police departments above.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED

AUTHORIZED TO CONFER WITH _____

RETURN _____

TO REQUESTER

APPROVED: _____ Director, Legal Services

GKE Director, Research

REVIEWED _____

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

IN C/A DUE _____

TYPED - Draft _____ DATE _____

Final _____ DATE _____

PROOFED _____ DELIVERED _____

DRAFT

FINAL

8/7/79

Charlie,

This pertains to
the Bar Assn. Meeting.
Despite the fact that
I have not obtained
permission to Xerox, I
thought that you
would be interested in
Mr. Hancock's comments.

Peggy

TO: Charlie Parr, Chairman, and Members of the House Judiciary
Committee

FROM: Margaret W. Berck, Administrative Assistant

DATE: August 6, 1979

RE: A Six-Week Status Report on Interim Projects Assigned to Berck.

1. Law Enforcement; I have obtained the 1978 budgets for the following law enforcement agencies; Nome Police Department; Fairbanks Police Department; Anchorage Police Department, Juneau Police Department, and the Alaska State Troopers. Furthermore, I have completed a preliminary draft of an analysis of these budgets.

I have obtained a copy of the "use of force" and "use of deadly force" policies for the following law enforcement agencies: Anchorage Police Department, Juneau Police Department, and the Alaska State Troopers. Requests have been made to obtain these policies from the Nome Police Department and the Fairbanks Police Department. Furthermore, I have completed a preliminary draft of an analysis of these policies. This analysis relates these policies to the "Philip Moore Shooting" (I have obtained a copy of the recently released Department of Law's investigation of this matter.) and the statutory changes resulting from the new criminal code.

I intend to compile and report on the following additional issues: priorities; personnel and training; cooperation among the various law enforcement agencies; and compliance with LFAA requirements.

2. Legal Representation of Indigents: I have obtained a copy of the budget for the Public Defender's Office and have made a request for similar information from Alaska Legal Services Corporation. Additionally, I intend to request budgetary information from the court system pertaining to court appointed attorneys for both conflict situations and guardian ad litem.

I have obtained the following substantive information from the Public Defender's Office: caseload statistics; eligibility requirements/verification; mechanisms for complaints; and am awaiting similar information from Alaska Legal Services Corporation.

I have obtained a copy of the recently amended court rule which limits the attorney fees awards in criminal appointments. Furthermore I have obtained a copy of Judge Moody's Order effective for the Third Judicial District which establishes a mandatory list of all attorneys in that district to be available for such appointments. I am familiar with the Juneau Bar Association's position on this issue and am awaiting the state bar's position which will be determined at their September Board meeting.

3. Alaska Exemption Act: I have obtained a great deal of background information on this bill including; statutory references for current Alaska law on this subject; the Uniform Exemptions Act and comments thereto; a matrix comparing current Alaska law with the bill, Oregon law and Washington law; a lengthy sectional analysis of the bill done by Legislative Affairs; a sectional analysis of the bill done by Alaska Legal Services Corporation; and a memorandum on the Interrelationships of Income on Public Assistance Eligibility done by Legislative Affairs.

I have requested Legislative Affairs to provide a legal memorandum on the status of the newly revised Bankruptcy Act, a matter cited by the Commissioners on Uniform State Laws as necessitating a uniform exemptions law for the states.

I intend to write a condensed sectional analysis of the bill.

4. Integrated - Nonintegrated Bar Associations: I have obtained one memorandum on this issue from Legislative Affairs and have requested the following additional information from Legislative Affairs: a memorandum on the constitutionality of the legislature deintegrating the Alaska Bar Association and the statutory mechanisms utilized by nonintegrated states for handling discipline and admissions.

I have completed a report on the Annual Meeting of the Alaska Bar Association which covers this issue in part. I intend to obtain a copy of Legislative Audit's investigation of the Alaska Bar Association in conjunction with its sunset review of this organization when this is available. I also intend to determine from the court system

the amount and nature of state funding currently being provided to the court system. Finally I intend to review the Alaska Integrated Bar Act and the legislative history of this enactment, as well as the current grievance procedures, a matter of which I have already heard complaints about.

draft Fed Law

5. Product Liability: I have obtained a copy of the tentative draft to be introduced into Congress. Although the final draft was to be completed by the end of June, this will not be done until sometime after Labor Day. I have requested Legislative Affairs to provide a memorandum comparing the final draft with current Alaska law.

REGARDING

6. Juvenile Court/ Justice: I have read a great deal of national materials on this issue. As a result of this reading, I have requested certain statistical information from the Department of Health and Social Services number, location, and costs of juvenile placement. Along this line I have obtained a copy of a 1979 memorandum ^{probation services} prepared for Legislative Finance and am awaiting the October release of a performance audit being conducted by Legislative Audit. ^{placement with not probation} I am in the midst of reviewing Alaska law on this subject. After completing this review I intend to compile additional information via discussions with probation, law enforcement, McLaughlin, and court system personnel. Furthermore I intend to determine what number of juvenile delinquents are being diverted into the newly established Adventure Based Education Program. Finally I intend to determine what alternatives to incarceration are being implemented throughout the country, the results of these programs, and the feasibility of establishing similiar programs in Alaska.

7. Drugs:

Continue research on HB 479.

Review research done by LAA-covering other state laws.

Research the constitutionality of delegating authority to advisory committee.

Re-fine the amounts.

Enforcement-who does what-Coast Guard, State, Feds.

Law enforcement procedures.

Get studies being done by Sentencing Commission-Judicial Council;

Teriy White.

8. Crimes: (Misdemeanors and felonies)

Number of crimes in Alaska
Number of arrests
Number of convictions.
Types of sentences given.
How does the defendant get classified.
Minorities
Personal histories of several cases.
Effect of New Criminal Code
Length of cases
Segments of population involved-social-economic.
Cost average per case.

Review statistics compiled by Sharmon.
Contact Charlie Adams-Criminal Justice Planning.

9. Sentencing and Bail Practices: (Minorities)

Sentencing practices: oversight review of Judicial Sentencing Study-to be certain that the intent of HB 195, HB 196 is followed. Furthermore, determine what the court system is doing in this area. What is the effect of the new criminal code. What about SIS.

Bail practices: bail, bail bondsman, ROR, How are amounts set for specific crimes.

10. Court of Appeals: I intend to obtain the following: ABA report cited by Rabinowitz at Bar Meeting ^{AND} Finance Committee report on court system budget. I have completed a report on the Alaska Bar Association meeting which covers this issue in part. Furthermore I have requested Legislative Affairs to provide a legal memorandum on the difference, if any, between a legislative and a constitutional court.



CJ MONITOR

a review of criminal justice issues in the states

VOL. II, NO. IV

July, 1979

CRIMINAL RESTITUTION

Restitution is the payment by an offender to a victim for losses incurred as the result of a crime. Traditionally, losses to victims of crime have not been a function of the criminal court. In the past, victims had two alternatives to recover losses: to initiate a civil action; and to receive compensation through an insurance company. Recent legislation and new programs have encouraged the use of criminal restitution as a condition of sentencing or as an alternative sentence in criminal law.

Restitution is often confused with victim compensation. Victim compensation describes public compensation of crime victims rather than repayment by the offender. Approximately 25 states have passed legislation to establish such programs which generally make awards to victims of violent crime. To avoid double payment, most state legislation provides that any monies paid by the offender to the victim be recovered up to the amount paid out by the program.

Restitution can be made either through a monetary payment or direct services rendered from the offender to the victim. In some instances, the offender will make restitution by performing services to the community. The type and amount of restitution to be made depends on the principal goal to be achieved. Whether that goal is victim restoration, punishment, or offender rehabilitation, it is important that the intent of a law or program be clear. If the main goal to be achieved is offender rehabilitation, partial restitution to the victim may be satisfactory. If the primary purpose of restitution is to restore victim loss, full restitution may be more appropriate.

The success of restitution, either in forcing the offender to take responsibility for his or her actions or compensating the victim, depends on several factors. These include:

1. The offender's willingness to make restitution.
2. The offender's present financial situation.
3. The offender's ability to maintain employment.

It is important these factors be considered and that the amount of restitution ordered be reasonable. Inability to pay is not grounds for revocation and imprisonment.



National Conference
of State Legislatures
Earl S. Mackey/Executive Director

Criminal Justice Project
1405 Curtis Street, 23rd Floor
Denver, Colorado 80202
Phone: 303/623-6600

Critics of restitution often argue that imposing a financial condition as a term of probation, parole or suspended sentence may hinder rehabilitative efforts by discouraging the offender or "setting that person up for failure." Probation and parole officers often comment that pressure to collect restitution may interfere with the client-officer relationship and may disrupt other requirements of supervision. Victims of crime have the right to initiate a civil action to recover losses which should remain a function of the civil court.

Restitution statutes differ in application and approach among the states. Some states specifically provide that restitution be used as a term and condition of either probation or parole or both. Others provide restitution as an alternative sentence and a few have established restitution centers. A handful of states also have provisions for restitution in their juvenile codes. Among the states that have restitution laws are ARKANSAS, COLORADO, CONNECTICUT, OHIO, IDAHO, IOWA, NEW YORK, MISSISSIPPI, NEW MEXICO, NORTH CAROLINA, TENNESSEE, VIRGINIA and MAINE. Restitution is most commonly ordered for property loss and damage and certain medical expenses. Losses such as pain and suffering are normally not considered.

Although only a few state juvenile codes mention restitution, most allow the court to impose appropriate conditions upon disposition. A 1977 survey by the Institute of Policy Analysis in Eugene, Oregon, entitled, "Restitution Requirements for Juvenile Offenders: A Survey of the Practice in American Juvenile Courts," found that 86 percent of juvenile courts randomly sampled support the use of restitution.

NEW YORK provides that juveniles may be required to make monetary restitution up to \$1,000 as a condition of placement, probation or suspended sentence. The New York Family Court Act also allows juveniles to perform community service work. In CONNECTICUT, the court may order the juvenile to perform community service work or make restitution to the victim. In MISSISSIPPI, restitution is to be paid out of the child's assets through either direct services or monetary payments, or both, to the victim.

In NORTH CAROLINA, restitution may be made a condition of probation, work release or parole at the time of sentencing an adult. Restitution can include community service or other activities which aid the defendant's rehabilitation. When community service is ordered, the type of work done most often is related to either the crime committed or the skills of the offender. An appropriate community service order for an offender convicted of vehicular assault would be 10 hours of work in the emergency ward of a community hospital for a specified number of weeks.

Both NEW MEXICO and IOWA law provide that restitution may be used as a condition of probation. NEW MEXICO extends this condition to those persons on parole. In both states, the defendant must submit a restitution plan to the court. If the court modifies the amount of restitution owed, the court must submit a written statement indicating the reasons for the departure.

CONNECTICUT law provides that restitution specialists, upon order of the court, investigate and report on the victim's loss and the defendant's financial situation when imposing a sentence of probation or conditional discharge.

Restitution may be a condition of any sentence imposed in MAINE. The Court in making an order of restitution is mandated to consider the conduct of the victim, failure to report the crime within 72 hours without good cause, and the offender's ability to pay.

TENNESSEE passed legislation in 1976 to establish residential restitution centers inside or outside of the state prison. Only felony offenders whose sentence is five years or less are eligible. Offenders are allowed to work to reimburse victims for losses and are required to pay room and board. Restitution centers are similar to work release centers, but the main goal to be achieved is the payment of restitution.

In 1976, COLORADO passed legislation allowing restitution to be used as a condition of parole. As a result of the law, the LEAA funded the Colorado Crime Victims Restitution Program as one of the seven projects to study offender behavior, victim attitude and cost effectiveness. Colorado law also allows restitution to be used as a condition for probation.

The LEAA has funded several restitution programs which operate at different points in the criminal justice system and involve different target populations. For information on Adult Restitution Programs, contact:

Office of Criminal Justice Programs
LEAA
633 Indiana
Washington, D.C. 20531

NCSL ANNUAL MEETING

The NCSL Annual Meeting will be held July 23-27, 1979, at the San Francisco Hilton Hotel. NCSL is expecting the largest attendance to date at an NCSL Annual Meeting --- 3,000 delegates.

Two concurrent sessions on criminal justice issues will be held; a session on arson is scheduled on Wednesday, July 25, and a session on sentencing guidelines will be held on Thursday, July 26. General conference speakers include Senator Howard Baker, Governor Jerry Brown and Lou Harris.

LEAA REORGANIZATION: MATCHING FUNDS

Federal legislation to reorganize the LEAA (Justice System Improvement Act of 1979) has passed the U.S. Senate and should come up for consideration in the House this month. The new legislation will replace the Crime Control and Safe Streets Act which expires September 30, 1979.

The legislation provides that planning and administrative funds for State Planning Agencies (SPAs) be matched by the state on a 50/50 basis rather than 90/10 provided under the existing act. Under the new legislation, the majority of action funds will then be match-free. In preparing FY 80 budgets, a limited number of SPAs submitted budgets to their legislatures which reflected the matching ratios in the new legislation.

LEAA has since implemented a limited policy to waive the 90/10 requirement and allow those SPAs to escalate implementation of the new legislation by matching administrative and planning funds on a 50/50 basis. In order for the existing guidelines (90/10) to be waived, SPAs must present "clear evidence of prior legislative commitment" to LEAA by July 31, 1979. Legislators should be aware the LIAA is not encouraging SPAs to request matching funds on a 50/0 basis for FY 80. After the legislation is passed, all SPAs will be required to request funds on a 50/50 basis for FY 81 in order to meet the requirements of the new act.

"This project is supported by Grant Number 79-DF-AX-0038, awarded by the Law Enforcement Assistance Administration, United States Department of Justice. Points of view or opinions stated in this publication are those of the National Conference of State Legislatures and do not necessarily represent the official position of the United States Department of Justice."

NCSL Criminal Justice Project Staff: Lanny Proffer, Director; Mary Fairchild, Research Assistant; Alice Anneberg, Administrative Assistant. Subscription price for non-legislative subscribers is \$10 per year.

LA 11 0015 15.04 LA21 0015 15.04 06/28/79

TO TRUDY FBX
FR CHARITY ANCH

THE FOLLOWING IS FOR REP. PARR

PLEASE CALL HIM AT 456-5029 THANKS

QUESTIONS FOR THE GENERAL PUBLIC

1. WHAT DO YOU SEE AS THE MAJOR CRIME PROBLEM IN ALASKA?
 2. WHAT DO YOU SEE AS THE MAJOR CRIME PROBLEM IN YOUR COMMUNITY?
 3. DO YOU THINK ALASKAN LAWS ARE ADEQUATE?
 4. IF NOT, WHY, AND WHAT ALTERNATIVES DO YOU SUGGEST?
 5. IF YOU HAVE SERVED ON A JURY IN THE PAST 3 YEARS, WAS IT HANDLED FAIRLY?
 6. DO YOU THINK ANYONE SHOULD BE EXCUSED FROM JURY SERVICE? IF SO, WHO?
 7. HOW DO YOU PERCEIVE LAW ENFORCEMENT OFFICERS?
 8. DO YOU FEEL THE NUMBER OF LAW ENFORCEMENT OFFICERS IN ALASKA AND YOUR COMMUNITY IS ADEQUATE?
 9. IF NOT ADEQUATE, WHAT CHANGES DO YOU SUGGEST?
 10. DO YOU FEEL THE ALASKA COURT SYSTEM OFFERS FAIR, IMPARTIAL TREATMENT?
 11. SHOULD ALASKAN JUDGES BE ELECTED?
- (MORE TO FOLLOW EOM

LA 11 0016 15.17 LA21 0016 15.17 06/28/79

12. DO YOU THINK THE ALASKA PUBLIC DEFENDER AGENCY REPRESENTS ITS CLIENTS ADEQUATELY? DOES ALASKA LEGAL SERVICES? DO COURT APPOINTED LAWYERS?
13. SHOULD ALASKA ESTABLISH AN INTERMEDIATE COURT OF APPEALS?
14. WHAT DO YOU THINK OF THE QUALITY OF ALASKA'S PRIVATE LAWYERS?
15. DO YOU THINK NEIGHBORHOOD DISPUTE CENTERS ARE USEFUL ALTERNATIVES TO THE JUDICIAL SYSTEM?
16. DO YOU THINK WOMEN'S SHELTERS ARE USEFUL FOR BATTERED WOMEN?
17. IF NOT, WHAT ALTERNATIVES DO YOU SUGGEST?
18. WHAT DO YOU THINK OF THE JAIL SYSTEM IN ALASKA?
19. DO YOU PERSONALLY KNOW OF ANYONE INVOLVED IN A DOMESTIC DISTURBANCE?
20. ARE YOU AWARE OF ANY CULTURAL OR RACIAL BIASES IN THE CRIMINAL JUSTICE SYSTEM?
21. SHOULD JUVENILES BE PLACED IN JAIL?
22. IF NOT, WHAT ALTERNATIVES WOULD YOU SUGGEST?

END OF FIRST QUESTIONNAIRE

LA 11 0017 15.29 LA 21 0017 15.29 06/28/79

THIS IS SECOND QUESTIONNAIRE (PART ONE)

QUESTIONS FOR LAW ENFORCEMENT OFFICERS

1. WHAT DO YOU SEE AS THE MAJOR CRIME PROBLEM IN ALASKA?
2. WHAT DO YOU SEE AS THE MAJOR CRIME PROBLEM IN YOUR AREA?
3. DO YOU FEEL EXISTING LAWS ARE ADEQUATE TO HANDLE THIS PROBLEM?
4. IS PROSECUTION OF CRIME EFFECTIVE?
5. IF NOT, DO YOU HAVE POSSIBLE ALTERNATIVES?
6. DO YOU FEEL THE ALASKA COURT SYSTEM OFFERS FAIR, IMPARTIAL TREATMENT?
7. ARE YOU AWARE OF ANY CULTURAL OR RACIAL BIASES WITHIN THE LAW ENFORCEMENT SYSTEM?
8. WOULD YOU BE WILLING TO PARTICIPATE IN CULTURAL OR RACIAL AWARENESS TRAINING?
9. WHAT WOULD THE POSITIVE AND NEGATIVE EFFECTS OF AWARENESS TRAINING BE?
10. DO YOU THINK IT IS IMPORTANT FOR CRIMINAL JUSTICE AGENCIES TO INCREASE THEIR AFFIRMAATIVE ACTION HIRING EFFORTS?
11. HOW DO YOU PERCEIVE YOURSELF AS A LAW ENFORCEMENT OFFICER?
12. HOW DO YOU THINK THE PUBLIC PERCEIVES LAW ENFORCEMENT OFFICERS AND DO YOU THINK THAT PERCEPTION IS JUSTIFIED?

MORE TO FOLLOW EOM

LA 11 0018 15.40 LA 21 0018 15.41 06/28/79

13. DO YOU THINK THE ALASKA PUBLIC DEFENDER AGENCY GIVES ADEQUATE REPRESENTATION TO ITS CLIENTS? WHAT ABOUT COURT APPOINTED LAWYERS?
14. WHAT DO YOU THINK OF SHELTERS FOR BATTERED WOMEN?
15. DO YOU HAVE ANY OTHER SOLUTIONS TO AID BATTERED WOMEN?
16. DO YOU THINK NEIGHBORHOOD DISPUTE CENTERS ARE USEFUL ALTERNATIVES TO THE JUDICIAL SYSTEM?
17. SHOULD JUVENILES BE INSTITUTIONALIZED?
18. IF NOT, WHAT ALTERNATIVES DO YOU SUGGEST?

END OF QUESTIONS

CHARLIE, I AM STILL IN ANCHORAGE. WILL MEET WITH CITY POLICE TOMORROW TO GET PHILIP MOORE FOLLOW UP AND MAILING LIST FOR QUESTIONNAIRE. I AM ALSO GETTING STATEWIDE TELEPHONE BOOKS TOMORROW. PLEASE CALL THE LEG INFO OFFICE AT 2 P.M. FRIDAY CALL COLLECT 278_3668 OR 274_9518 I ~~will~~ *will be* here to discuss the questions. Bye. Rocky.



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

June 13, 1979

Charlie Parr
S.R. Box 50599
Fairbanks, Alaska 9907701

Dear Charlie:

As Rocky and I returned from Sitka yesterday after attending the Bar Association Meetings and the Judicial Conference and I will be leaving tomorrow to visit my mother in Florida, I wanted to briefly let you know the status of the interim projects assigned to me.

Prior to leaving for Sitka, I did quickly outline the various issues contained in each of my projects. These various issues ~~XXXXXXXXXX~~ were obtained ^{from} by the remarks submitted by the committee members, conversations with you and a few of my own ideas. I enclose that outline for your comments. After compiling this outline, I discussed the various items with Legislative Research staff and we agreed as to what items they would handle and what I would handle on my own. Shortly thereafter, Legislative council determined to de-fund that research arm and that decision was later confirmed in Sitka yesterday. At the Legislative Council meeting in Sitka it was stated by Sen. Hohman that those research projects that the Research arm was in the midst of doing would be taken care of. I don't know if the projects that I assigned Research were on his list or if in fact ~~the status will be gone to found time~~ ^{that will be gone}. I have heard no word from Research as to the re-assignment of my projects or what they were able to complete before their termination. I will try to determine that information today.

My status report is as follows:

1. I plan to write 4 reports on the meetings in Sitka. This work will be completed while I am in Florida.
2. Law Enforcement-I was unable to speak with the head of training in Sitka while I was there as he was out of town. Legislative Research indicated that they had the budget and just had to type it up ~~for~~ in a report form. I have not heard from them on this point.
3. Free Attorneys-I have received some materials from ALSC, and have requested more information. This ~~is~~ ^{is} expect to have in the office upon my return. Legislative Research ~~were~~ ^{was} to compile the PD stuff, but I don't know ~~what~~ ^{if} they were able to do ~~it~~ ^{anything}.
4. Alaska Exemption Act-I had obtained all the commentary while the session was on, and intend to do a sectional analysis while I am in Florida.

P2994

5. Integrated Bar vs. Non-integrated Bar. I have a report which was done during the session by research-legal. I was able to gather additional information and comments at the Bar Meeting and those will be included in my report on the Bar Meeting. Leg. Research was to write those 20 some states that have non-integrated bars to determine the methods by which discipline and admissions are handled as the first report lacked ~~xxxxxxxxxxxxxxxxxxxxxxxx~~ any details. Because of their situation they said that they were going to write the letters and request that the information be sent directly to me. I don't know if they did this.

P2994

6. Product Liability. I got a copy of the proposed legislation and sent off to DC for additional information. A new version is contemplated to be published in June in the Federal reister. I intend to review this (as well as the Alaska case law in the area-there were three major opinions this past year form the AK. Supreme court) while I am in Florida. I expect that the draft I do in Florida will require additional supplements upon my return for I intend to solicit comments from those Alaskan attorneys who are in involved in this area. I was able to identify one such attorney at the Bar Meeting.

7. Drugs. I hope to research the consitutionality of the delegation issue while in Florida and also review the ~~xxxxx~~ 4 binders of materials that Research was able to compile for me prior to their termination. I also plan to complete the over-view of HB 479 which is in rough presently.

8. Juvenile Court-I have just recently obtained a "cost of keeping in insitution" study done by finance and Health and Social services last year. These materials will be reviewed while I am in Florida. I have also found out that Legislative Audit is presently doing a performance audit on the juvenile sytem. I hope to get in touch with them about that upon my return to the state.

9. Crimes. I have the statistics done by research while the session was on and will review these in Florida. I have other materials which I obatined during the judicial conference to incorporate.

P2994

10. Sentencing. The judicial conference provided some information and materials useful for this report. I hope to get the Judiciary's sub-committee's report on sentencing and drug offense upon my return to the state. Furthermore at the conference I found out that the Human Right Commssion's , Mr. Kemp, is studing pre-sentencing reports. I hope to get that as well upon my return.

My vacation plans are to leave tomorrow and to return to Juneau on July 11. I had made these plans prior to the decision about Research. I feel ~~xxxxxx~~ guilty about leaving, but am hesitant to change my plans because I got a money saving deal on the advance ticketing procedure. For that reason I am planing on doing as much as possible while I am home. If I believe that our project will suffer, I will return earlier than planned and just pay the extra. Some of that will depend upon how quickly I am able to get through with the work I am taking.

My address in Florida is: P.O. Box 182, Gulf Breeze, Florida 32561. My phone is 904-932-2870.

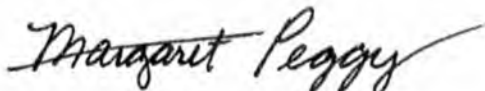
I hope that you can read this letter. Please excuse the errors, but I don't ~~want~~ want to waste the time to re-type it.

Upon my return to Juneau I plan to hire a typist to type the work I plan to do in Florida. I will send these to you for your comments.

One thing you should note. Someone at the Judicial Conference asked me if you were going to be ~~involved~~ involved in the selection of certain members on the sentencing commission established by HB 195 and 196. I believe that three members of the commission were to be selected by the Legislature.

I trust that you and Karen are having a nice summer.

Sincerely yours,

A handwritten signature in cursive script that reads "Margaret Peggy".

Margaret W. Berck

Interim House Judiciary Committee Projects Assigned to Berck.

1. Law Enforcement.

Priorities, how set and by whom, rationale.

How is the defendant's charge determined.

Cooperation with-local police, FBI, Federal marshalls,
probation officers.

Recruitment and Training-curriculum, qualifications, minorities.

Budget-state, Federal, local, LEAA (note LEAA requirements-
whether in compliance.) Break out in budget-personnel/
equipment.

Weapons policiy and other Police ethics.

Send questionnaire to police officers.

2. Free Attorneys.

workload, verification of indigency, are indigent clients getting
fair representation. Questions should be directed to: ALSC, PD,
Court Appointed Attorneys, Federal Appointments. Query does the
Court system ever seek reimbursement for certain appointments, ie
attorneys for children.

How much time is spent by atty. with client before and during
trial. Follow up during imprisonment. Judges recc.

Cost average per case-for PD and Private atty. Results of PD
versus private attorney.

Public Defender Concept: does it result in equal justice? Can costs
be controlled? Are qualifications for indigency realistic?

How are complaints against PD, ALSC, DA handled. Ombudsman?

Verdicts obtained, % of appeals, % of sentence appeals.

Case law.

3. Alaska Exemption Act.

Do a sectional analysis of HB 56 for the Committee.

4. Integrated versus Non-intergrated ba Associations.

See report prepared by Dick Bradley, LAA.

The following states have non-integrated bar associations:
Arkansas; Colorado; Connecticut; Delaware; Hawaii; Illinois;
Indiana; Iowa; Kansas; Vermont; Maine; Maryland; Massachusetts;
Michigan; Minnesota; New Jersey; New York; Ohio; Pennsylvania;
and Tennessee. Need to check local laws in these states to
determine the methods by which admissions and discipline are
handled.

What is the Alaska history on this issue. Dick says that in the old
days discipline was handled by the judiciary and AG controlled
admissions. This was prior to the integrated bar association in AK.

Note: Letter from Kull indicates that AK Bar is to a degree
subsidized for admission and disciplinary actions. Dick indicates
that money is obtained from the court system for disciplinary
activities. How much is this?

Peggy

Peggy

5. Product Liability.
Charlie received a questionnaire re: to a bill in Congress or a new uniform act. I can't find this correspondence.

Review the status of AK Law. Review other states and possibility of the uniform act.

6. Drugs.
Continue research on HB 479.
Review research done by LAA-covering other state laws.
Research the constitutionality of delegating authority to advisory committee.

Re-fine the amounts.

Enforcement-who does what-Coast Guard, State, Feds.

Law enforcement procedures.

Get studies being done by Sentencing Commission-Judicial Council; Terry White.

7. Juvenile Court.
McLaughlin Youth Center.
Number of Children sent outside the state.
Effects of the new criminal code.
Local facilities in Alaskan communities.
Probation services.
Alternatives to incarceration.
Appointment of Counsel.
Costs-does court seek reimbursement.
Minorities.

8. Crimes. (Misdemeanors and felonies)

Number of crimes in Alaska

Number of arrests

Number of convictions.

Types of sentences given.

How does the defendant get classified.

Minorities

Personal histories of several cases.

Effect of New Criminal Code

Length of cases

Segments of population involved-social-economic.

Cost average per case.

Review statistics compiled by Sharmon.

Contact Charlie Adams-Criminal Justice Planning.

8. Sentencing, Probation, Bail.

Sentencing practices: parole, probation, SIS, bail,
bail bondsman, ROR.

Effect of new criminal code.

Is parole system functioning effectively as a re-entry program?

Minorities.

How is bail set for specific crimes.

Parole Board- criteria for releasing inmate for parole;
quality and quantity of decisions.

Oversight review of Judicial Sentencing Study-to be certain that
legislative intent of HB 195, HB 196 is followed (Did those
pass?)

June 28, 1979

Senator George Hohman, Chairman
Alaska Legislative Council
Pouch V
Juneau, Alaska 99811

Dear Senator Hohman:

I am sorry for the delay in replying to your request for a work sheet (your undated memo of early June). In keeping with the House Leadership decision to fund interim committees on an austerity basis Committee staff was funded only for six months and Committee action planned only for the period Sep 1 - Dec 31.

The Committee is casting its net widely, investigating matters in the law enforcement, courts, and corrections areas. (Chairmen of the State Affairs and Health, Education and Social Services committees have concurred as far as their jurisdictions are affected.) It is the Committee's intent to secure the widest possible input from the general public, as past experience indicates that testimony in Juneau is too often confined to that from executive branch agencies, court system administrators, and attorneys.

General topics of investigation are:

Law enforcement: priorities; agency budgets, personnel and training, weapons use policies; domestic violence; crime, arrest, conviction, and sentence data; drugs.

Courts: selection and compensation of judges, selection and use of jurors, representation of indigent defendants, need for a court of appeals, integrated bar.

Corrections: alternatives to incarceration, facilities, handling of juveniles, effectiveness of probation and parole.

I had planned the following overall schedule:

July 1 - Aug 31 Research

Sep 1 - Dec 1 Committee meetings and hearings (Anchorage, Fairbanks, Nome, Bethel, Ketchikan)

Dec 1 - Dec 31 Preparation of reports and draft legislation

Senator George Hohman (June 28)

This schedule is no longer practicable. Abolition of the Legislative Research Division will require that obtain funding from the Legislative Council for the necessary research, and it is my understanding that mid-July will be the earliest possible date for such funding. This is a significant time-slippage.

The Governor's announced plan for a special session beginning Aug 5 further interferes with my plan of work. If the session drags on, or blows up and a second session is called (both of these are strong possibilities unless the Haul Road is funded year-round) the work of the Committee will be further delayed.

Although I will try to furnish the monthly reports requested in your memo, it is obvious that much cannot be expected until late fall.

Sincerely,

Charles H. Parr

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE COUNCIL

POUCH V - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

MEMORANDUM

To: LEGISLATIVE INTERIM COMMITTEES
From: GEORGE HOHMAN *G.H.*
Re: REQUEST FOR INFORMATION

The Legislative Council is preparing a series of information packets on issues confronting Alaskans.

The packets will be available to legislators and other interested parties and will provide material for a presentation on the issue selected.

These packets will be the first elements in the Council's program to develop a bank of information that will be available to inform Alaskans on key issues confronting them and requiring resolution through appropriate action.

To assist the Council in preparing these packets, I am requesting that each interim committee complete the attached WORK SHEETS by JUNE 15, 1979 and forward them, along with any appropriate back-up materials, to:

Senator George Hohman, Chairman
Alaska Legislative Council
Pouch V
Juneau, Alaska 99811

Having reviewed proposed interim committee action, I anticipate that committee work will facilitate and expedite workings of the 1980 legislative session.

I expect that proposed legislation will result from the work of most interim committees. In order to insure maximum benefit from committee work I am requesting the following information:

- A. Written MONTHLY progress reports on committee work.
- B. Progress report presentation to the Legislative Council at the ~~SEPTEMBER~~ SEPTEMBER 1979 Council meeting.
- C. Presentation of proposed legislation to the Legislative Council at the ~~DECEMBER~~ DECEMBER 1979 Council meeting.

Written material should be submitted to:

Senator George Hohman, Chairman
Alaska Legislative Council
Pouch V
Juneau, Alaska 99811

If you have any questions, please contact me at

465-3880 or
465-4849

Thank you for your help.

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE COUNCIL

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

WORK SHEET

SUBJECT OF COMMITTEE'S WORK:

HISTORICAL PERSPECTIVE: (Please outline the historical development of the issue being addressed by the committee. Include an inventory of any other efforts to address the issue you are studying.)

CURRENT STATUS: (Please outline the current status of the issue/problem being addressed by the committee. Include an inventory of all governmental and private involvement in the issue at this point.)

OTHER PERSPECTIVES: (Please include an inventory of efforts by governmental, private or other entities to address the general issue/problem being considered by the committee.)

DIRECTIONS: (Please outline any appropriate recommendations for action on the issue being addressed.)

Please include complete information, including appropriate back-up material, on all areas listed on the WORK SHEET. I am attaching an (Example) WORK SHEET as a general outline of what I am asking for.

Thank you for your cooperation.



Alaska State Legislature

House of Representatives

Committee on Judiciary

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

AGENDA FOR SEPTEMBER 13th WORK SESSION

9:00 a.m. 1016 West 6th Ave.
Suite 201, Anchorage

Introduction - Charlie Parr

Crimes - Peggy Berck ✓

Law Enforcement - Peggy ✓

Domestic Violence - Rocky Plotnick ✓

Citizen Dispute Centers - Rocky ✓

Integrated vs. Non-integrated Bar - Peggy

Drugs - Peggy

Sentencing - Peggy

LUNCH BREAK 1:30

Corrections - Rocky ✓

Parole Board - Rocky

Legal Representation of Indigents - Peggy

Juvenile Justice - Peggy

Judges - Rocky ✓

Juries - Rocky

Court of Appeals - Peggy

Exemption Act - Peggy

Questionnaires - Rocky

Time for each topic will depend on the wishes of committee members.



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Peggy,

Here are my topics for the report to Legislative Council:

✓ Domestic Violence - will report on Conference - HB 392 is it the answer?

Corrections

- classification
- facilities
- monitoring the Master Plan
- educational funding
- Committee tours of institutions

✓ Citizen Dispute Centers

Judges

- Commission on Judicial Qualifications - complaints
- Travel of the Supreme Court
- Judicial Conference in Sitka
- Will attend Justice Innovations Conference

✓ Parole Board

- sunset
- discrimination
- criteria: violations, parole granted, denied, or revoked

Questionnaires

- general public
- Alaska Peace Officers
- getting good responses

Sunset review of Human Rights Commission(haven't done anything)

Public Hearings in Eagle River, Anchorage, Bethel, Fairbanks, Nome, and Ketchikan



Alaska State Legislature

House of Representatives

Committee on Judiciary

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

May 5, 1979

Charlie:

Attached is a tentative schedule of interim activities up to the time the Committee starts fall hearings.

Peggy and I have broken up the subject responsibilities as follows:

Peggy

- X Law Enforcement ✓
- Sentencing/Probation/Bail ✓
- Crimes ✓
- Juvenile Court ✓
- Drugs ✓
- X Free Attorneys ✓
- X Integrated Bar ✓
- X Product Liability ✓
- X Alaska Exemption Act (HB56) ✓
- Court of Appeals*

Rocky

- Judges
- Jury System
- Citizen Dispute Center/Small Claims
- Domestic Violence
- Corrections
- Committee Coordination, etc.

This work division is flexible and Peggy and I expect to help each other.

My Juneau mailing address is Box 578, Douglas, Alaska 99824 and my phone number is 586-6938, or leave a message at my folks place, 364-3177.

Peggy will use Pouch V, Juneau, Alaska 99811 as her mailing address and the phones in this office will be left connected. Those numbers are 465-3882 and 465-3718.

June 13 somewhat
appearing

Interim House Judiciary Committee Projects Assigned to Berck.

1. Law Enforcement.

- * Priorities, how set and by whom, rationale.
- * How is the defendant's charge determined.
- Cooperation with-local police, FBI, Federal marshalls, probation officers.
- Recruitment and Training-curriculum, qualifications, minorities.
- Budget-state, Federal, local, LEAA (note LEAA requirements-whether in compliance.) Break out in budget-personnel/equipment.
- Weapons policy and other Police ethics.
- Send questionnaire to police officers.

FY78 full yr.
Arizona
NONE
JANUARY

Police standards pg. 7 ARE EMPLOYEES
BPDE - Police ASSN.

2. Free Attorneys. * 6/4/79 - sent off to ALSC for info.

- workload, verification of indigency, are indigent clients getting fair representation. Questions should be directed to: ALSC, PD, Court Appointed Attorneys, Federal Appointments. Query does the Court system ever seek reimbursement for certain appointments, ie attorneys for children.
- How much time is spent by atty. with client before and during trial. Follow up during imprisonment. Judges recc.
- Cost average per case-for PD and Private atty. Results of PD versus private attorney.
- Public Defender Concept: does it result in equal justice? Can costs be controlled? Are qualifications for indigency realistic?
- How are complaints against PD, ALSC, DA handled. Ombudsman?
- Verdicts obtained, % of appeals, % of sentence appeals.
- Case law.

PD - Budget -
Verification
Employment
ALSC

3. Alaska Exemption Act.

FIA. - Do a sectional analysis of HB 56 for the Committee.

4. Integrated versus Non-integrated Bar Associations. See report prepared by Dick Bradley, LAA.

The following states have non-integrated bar associations: Arkansas; Colorado; Connecticut; Delaware; Hawaii; Illinois; Indiana; Iowa; Kansas; Vermont; Maine; Maryland; Massachusetts; Michigan; Minnesota; New Jersey; New York; Ohio; Pennsylvania; and Tennessee. Need to check local laws in these states to determine the methods by which admissions and discipline are handled.

Send *
letters
before I
leave.

What is the Alaska history on this issue. Dick says that in the old days discipline was handled by the judiciary and AG controlled admissions. This was prior to the integrated bar association in AK.

Note: Letter from Kull indicates that AK Bar is to a degree subsidized for admission and disciplinary actions. Dick indicates that money is obtained from the court system for disciplinary activities. How much is this?

Request legal opinion re: whether legislature has authority under AK. Const. to de-integrate;

* FIA. → NEED TO GET AK LAW ON SUBJECT

5. Product Liability,
Charlie received a questionnaire re: to a bill in Congress or a new uniform act. I can't find this correspondence.

Review the status of AK Law. Review other states and possibility of the uniform act.
found act in Fed reg + sent off to N.C.S.L. for additional materials. 6/14/79.

6. Drugs.
Continue research on HB 479.
FIA. → Review research done by LAA-covering other state laws.
FIA. → Research the constitutionality of delegating authority to advisory committee.
Re-fine the amounts.
Enforcement-who does what-Coast Guard, State, Feds.
Law enforcement procedures,
Get studies being done by Sentencing Commission-Judicial Council; Terry White.

will tomorrow *need to get
↑
Leg. Audit - Jerry Wilkerson
mdrpt - performance Audit

Wednesday

Corrections
+ Div of Social Services
Kids centers

7. Juvenile Court,
McLaughlin Youth Center,
Number of Children sent outside the state.
Effects of the new criminal code,
Local facilities in Alaskan communities,
Probation services,
Alternatives to incarceration.
Appointment of Counsel,
Costs-does court seek reimbursement,
Minorities.

Bob Schoeder - Leg Finance
Costs of Kids in Institutions.
Walt Jones - div. of CORRECTIONS
Adventures in Education
CRA - Bill out this session

8. Crimes. (Misdemeanors and felonies)

Number of crimes in Alaska
Number of arrests
Number of convictions.
Types of sentences given.
How does the defendant get classified,
Minorities - Sharmon - minority committee
Personal histories of several cases,
Effect of New Criminal Code
Length of cases
Segments of population involved-social-economic,
Cost average per case.

Before leave -
Review Sharmon's Report

Ward Statter
Figures given to sample corrections
Mar. 4/7 3980
↓
obtained

Review statistics compiled by Sharmon.
Contact Charlie Adams-Criminal Justice Planning.

9. Sentencing, Probation, Bail.

Sentencing practices: parole, probation, SIS, bail, bail bondsman, ROR.

Effect of new criminal code.

Is parole system functioning effectively as a re-entry program? Minorities.

How is bail set for specific crimes.

Parole Board- criteria for releasing inmate for parole; quality and quantity of decisions.

Oversight review of Judicial Sentencing Study-to be certain that legislative intent of HB 195, HB 196 is followed (Did those pass?)

10. Court of Appeals



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

MEMORANDUM

TO: Charlie Parr
FROM: Rocky Plotnick
DATE: September 17, 1979

Over the weekend I read the report, Women Offenders in the Alaska Criminal Justice System. It is easily read so I have enclosed a copy for you. Also, I found an article on F.O.I. and am sending that. Happy reading.

In case you don't have any, I have enclosed a per diem claim sheet. Terry Martin came by the office this morning to fill out his and I am sending the other members that participated theirs.

Do you want me to send any of the packets I prepared to members or should I hang on to them? In the meantime I am going to write up what I already have (that wasn't done last week) and concentrate on the Committee's interests. From my notes I made this tentative

- list:
- 1) domestic violence - concentrate on HB 392 - what does it do? - is there a need for change in the law? - (Does this mean I shouldn't go to the conference on domestic violence in Seattle?)
 - 2) citizen dispute centers - send for information in San Francisco - success rates - does the court system need legislation to establish?

- 3) corrections - write up summary of Master Plan - how are prisoners currently classified, including outside the state - is there a breakdown on the classification of minorities? - who or how are the locations of correction facilities determined? - is there a category for race in job applications for corrections? - what about the funds for education at Ridgeview/Eagle River?
- 4) judges - get the travel time for Supreme Court Judges in the past year (fiscal or calendar) - how much was spent on travel and where did they go? - confirm the number of complaints the Judicial Qualifications Committee receives and the action taken - how are they planning to "advertise" or let the public know they exist?
- 5) parole board - find out exactly what technical violations are with specific examples - are there any statistics on minorities in terms of paroles granted, denied, or revoked? - how does the board determine character witnesses? - what specific factors are taken into account to determine granting of parole? - what is "good time" and how does it play a part in parole? - get some past board members to testify at invitational hearing - follow-up on Nel's question about parole being granted before 1/3 of the sentence - obtain copies of audit's report and mail to members

A N N O U N C E M E N T

The House Judiciary Committee is holding a series of public hearings and you are invited to testify.

The Committee is particularly interested in your comments on the Criminal Justice System in Alaska. If you have had contact with law enforcement officers, the court system or correctional facilities, the Committee is interested in hearing about your experience.

Furthermore, the Committee is interested in Discrimination, Domestic Violence, Lawyers, as well as, specific Bills: SB 104, the Court of Appeals; HB 392, Domestic Violence; HB 252, Selection of Jurors; HB 479, Drug Law; and HB 56, Rights of Debtors and Creditors.

House Judiciary Committee Members

Charlie Parr, Chairman
Nels Anderson, Vice-Chairman
Ramona Barnes
Fred Brown
Thelma Buchholdt
Hugh Malone
Terry Martin
Pat O'Connell
Randy Phillips

Interim Project

I. Court System

statistics: most of info. now relates to appellate time frames

need info on trial court time frames

Court System

Judicial Council

Center for Criminal Justice (Bonnie Boedeker)

Public Defender

(John Havelok)

II. Law Enforcement

no. of crimes; no. of arrests. try to determine trends, ie increases in murders, decreases in armed robberies, etc.

Look back for last 4 or 5 yrs.

CS PD (Roger Reeves)

Public Safety

Dept. of Law

City Police Depart.

III. Corrections

info on parole and probations; violations.

H#35
Public Safety

Info needed to present to committee at first Sept. meeting
Need to get with Rocky to decide what can be done in Juneau
and what should be handled in Anchorage.

cc. to Rocky



Alaska State Legislature
House of Representatives

Berck

April 2, 1979

To Rep. Charlie Parr
From Rep. Thelma Buchholdt *Thelma*
Subject Judiciary Committee Interim Activity

Yes, I'd like to participate in the interim work of the House Judiciary Committee.

I'll be available to attend hearings in and out of the state, except during the following:

- June 16-30; July 1-13; August 20-26; September 16-30;
- October 1-6; November 21-24; December 22-31.

Specific topics that I want considered include the following:

POLICE: Ethics, Recruitment, Training, Organization, Funding Source.

Because of the importance of public confidence in our policemen/state troopers, we must be sensitive to how the general public views our police. Working with respected policemen from all parts of Alaska, the Committee should review police behavior, recruitment policy, training programs and staffing, working relations of local and state officers, budgetary needs and sources.

Additionally, the Committee should become familiar with law enforcement priorities, and how such priorities get set.

PRISON: Public policy in Alaska has historically opposed the construction of a maximum security prison, and prison classification staff has awesome power to transfer men and women to outside facilities. Is this power being used wisely? Because of the importance of public confidence in fair and just punishment, the Committee should discuss prisoner classification with respected correctional officials with a view of recommending appropriate legislative action.

The Committee should also research ways at expanding reliable alternatives to institutionalizing convicted felons, including penitential employment on public works projects.

PAROLE: Parole is the most commonly-used alternative to jail, and our parole system should be reviewed by the Committee to see if it is functioning effectively as a re-entry program.

EQUAL JUSTICE: We know from recent judicial studies that certain groups of people wind up in jail faster than others. The Committee should strive to determine the degree to which justice now obtains in law enforcement, in the courts, and in the correctional institutions.

There is that hope in the New Criminal Code which may help to correct previous inequities in the system. But the Committee should maintain that there is plenty of work yet to be done to straighten out the problems spelled out in the sentencing studies.

GROUPS TO BE NOTIFIED OF HEARINGS:

Commission on the Status of Women
 League of Women Voters
 Alaska Legal Services
 N.A.A.C.P.
 Alaska Black Caucus
 All Alaska Native organizations
 PTA groups
 AkPIRG
 Other minority group organizations
 In District 9 for hearings in Anchorage:
 Spenard Community Council (Myron Igtanloc)
 Turnagain Community Council (Wilda Marston)

Note: I'm particularly interested in working on the topics listed on the first page, as what happens between the arresting officer and the suspect, I believe, may determine the trend that follows thereafter to the defendant, the inmate, the parolee.

Needless to say, public confidence with the correctional/judicial system has to be maintained, perhaps restored.

Here's to hard labor during the interim!

Judiciary Committee Interim Activity

Questions Need Answers

- Police Ethics:** Are Alaskan police behaving as they should?
Hear and review complaints about police behavior and administration.
- Police Training:** Review of training programs and opportunities.
What can be learned of police attitudes from training curricula and training staff?
- Police Organization:** Relationships between local police and state troopers; probation officers; federal marshalls and other law enforcement officers (FBI, etc.)
Communication systems; cooperation between agencies.
- Police Funding Sources:** Personnel; equipment; state and federal budget; (LEAA, Peace Officers groups, etc.)
- Law enforcement priorities:** How crimes get classified (when does it suit the victim, the offender?);
How are police handling narcotic-related crimes (alcohol-related crimes) in order of priorities?
- Public Defender Agency:** How much time is spent by a Public Defender with his client during pre-trial, during trial, etc.
- Judges:** qualifications; selection; early retirement incentives(?);
Constitutional changes on salary schedule; etc.
- Bails:** how set are they for specific crime; bail bonding agencies;
- Parole Board:** criteria in releasing an inmate for parole;
quality of decisions made by the board.
- Jury:** how much influence on punishment for crime committed;
selection, certain groups of people seem to be serving more often than others (except those excused due to professional constraints).
- General Public:** What is the public perception of certain crimes and appropriate punishment; priorities in law enforcement.

The Role of the Judicial Council

Membership:

Seven members: three attorney members appointed by governing body of the organized state bar and three nonattorney members appointed by the governor. The latter are subject to confirmation by a majority of the members of the legislature in joint session. /1

Appointed for six years. /1

Chief justice of the supreme court is ex officio the seventh member and chairman. /1

Duties:

Conducts studies for improvement of the administration of justice and makes reports and recommendations to the supreme court and to the legislature at intervals of not more than two years. /2

Nominates two or more persons for a vacancy in an office of supreme court justice or superior court judge, district court judge, and public defender. /3

Performs other duties assigned by law. /4

Conducts evaluations of justices and judges for each retention election and provides information and recommendations to the public or the justices and judges before the retention election. /5

-
- /1 Sec. 8, art. IV, Constitution of the State of Alaska
/2 Sec. 9, art. IV, " "
/3 Sec. 5, art. IV, Constitution of the State of Alaska
and AS 22.05.080, 22.10.100, 22.15.170 and 18.85.030.
/4 Sec. 9, art. IV, Constitution of the State of Alaska
/5 AS 22.05.100, 22.10.150, 22.15.195

ALASKA JUDICIAL COUNCIL

Michael Rubenstein
Executive Director

Chief Justice Rabinowitz
Chairman Ex Officio

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Law Members:

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PATRICK M. O'CONNELL
 REPRESENTATIVE
 DISTRICT 13



ROUTE 2, BOX 743
 SOLECKTNA, ALASKA 99669
 (907) 262-4216

WHILE IN JUNEAU
 POUCH V
 JUNEAU, ALASKA 99811

House of Representatives

28 March 1979

Rep. Charlie Parr, Chairman
 House Judiciary Committee
 Pouch V State Capitol
 Juneau, Alaska 99811

Mr. Parr:

In response to your memo relating to interim work for the Judiciary Committee, I offer the following:

1. Yes -- I am interested in participating.
2. The months of July and August would be best for me; the months of September through December would be difficult as I expect to be teaching at Kenai Central High School first semester next fall.
3. Some areas of concern which I would like to see investigated:
 - a. Public Defender concept:
 - (1.) Does it result in equal justice?
 - (2.) Can costs be controlled?
 - (3.) Are qualifications for indigency realistic?
 - b. Salary & Compensation of Judges
 This may not be proper subject for interim review by the committee; however, I feel the many comments received in testimony this session suggest need for review in this area.
 - c. In addition to the above, I suggest a committee tour of state correctional facilities, including but not necessarily limited to state jail facilities in Anchorage & Palmer, API, and the home for mentally ill.

our facilities

Very respectfully,

Patrick M. O'Connell
 Patrick M. O'Connell
 Representative

Alaska State Legislature

REPRESENTATIVE
TERRY MARTIN
DISTRICT 8



3960 REKA DRIVE - B6
ANCHORAGE, AK 99504
PHONE (907) 333-2432

DURING LEGISLATURE
POUCH V
STATE CAPITOL
JUNEAU, AK 99811
PHONE (907) 465-4943

March 29, 1979

MEMORANDUM

TO: Judiciary Chairman- Representative Charlie Parr
FROM: Representative Terry Martin
SUBJECT: Judiciary Interim Committee Activity

1. I think it is most apropos that the judiciary committee devote time during the interim to do indepth study, and review, observation, and investigation of many aspects of the judiciary system, law enforcement agencies and correction or rehabilitation facilities.
2. I would do my best to attend all meetings because something of this nature is greatly needed in Alaska. Just the fact that the system is receiving an indepth overview will greatly alleviate the anxieties, frustrations and misunderstandings that the public has of the system.
3.
 - a) Does the public want an elected attorney general or justices?
 - b) Does the Supreme Court need to be under one roof?
 - c) Would conferences with the police on the beat at different locations be helpful?
 - d) Would the public accept seven Supreme Court Justices with the division of responsibilities by criminal (4) and civil (3) cases?
 - e) Is the probation system sound and effective?
 - f) Should a judiciary committee attend the criminal code education sessions in Sitka or Anchorage for the twelve hour course?
 - g) Regarding the juvenile justice system- would a talk and hearing at the McLaughlin Youth Center be beneficial?
 - h) Would it be profitable for the Urban area minority justice problems to hold meetings in the Mountain View Community Center?
 - i) What about an indepth statistical analysis of crime, length of

Page Two
Representative Charlie Parr
March 29, 1979

cases, types of crime, segments of the population involved,
by percentage, economic levels, cost average per case, and
cost and results of private attorney versus public defenders?

4. Groups to contact (in addition to Phillips-Anderson reports):

Parents- natural or foster
School Personnel
Campus Life- Anchorage
Concerned People for Better Education- (ALERT)
Mountain View Community Center

cc: Judiciary Committee Members

TM/sb

S T A R

Standing Together Against Rape

P.O. Box 3356

Anchorage, Alaska 99510

(907) 277-2467

March 29, 1979

Mr. Michael Rubenstein
Alaska Judicial Council
303 K Street
Anchorage, AK 99501

Dear Mr. Rubenstein:

It has recently come to my attention that the Alaska Judicial Council may have an interest in researching how rape is investigated and prosecuted in Alaska. As this is an interest strongly shared by S.T.A.R., I urge you to devote the considerable expertise of the Judicial Council to this research.

Two issues are primary: the "unfounded" rate of rape cases, and screening practices by the District Attorney.

Law enforcement determines that approximately 17% of forcible rapes in Alaska are unfounded each year, or four times the usual 4% unfounded rate for all Part I offenses. As there are no clear guidelines for determining an unfounded case, the determination often seems spurious: dependent on a law enforcement officer's perception of the victim, her relationship with the offender, her occupation, etc. Any officer along the line, apparently, from the initial investigator, to the detective, to the person who fills out reports, can determine that a case is unfounded.

The cumulative effect of an unreasonable "unfounded" rate is that of reinforcing a stereotype which has plagued women for millennia, that women will "cry rape" for revenge or for a lark. Our own experience in counseling rape victims, most of whom do not report the incident to police, is that only a very few, mentally disturbed individuals will report a rape when none has occurred.

Police attitudes which precipitate a high unfounded rate may, in part, be responsible for the low rate of cases reported.

In a very cursory study of rapes reported to the Anchorage Police Department, I found that over half of the reported cases were Native women. It is my suspicion that cultural considerations militate against Native women reporting a rape, and thus that the rate of rape among Native women is even higher. Further, I would suspect that the "unfounded" rate is higher among Native victims than white.

I know that you are studying racism in the criminal justice system, and suggest that the treatment Native women receive as victims of either rape or domestic assault is a legitimate area of inquiry vis-a-vis racism.

Michael Rubenstein
March 29, 1979
Page 2

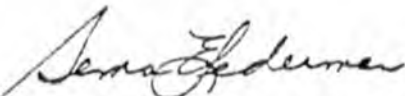
The conviction rate for rape in Anchorage is very high, close to 90%, with only 10 - 12 cases tried each year. This would seem to indicate that only "sure" cases are accepted for prosecution, although once a case is accepted, the District Attorney's office does a credible job of trying it.

Our concern is that the screening criteria are not very clear, and it would be beneficial for the morale of police, for S.T.A.R. volunteers, and especially for witness/victims if they understood why a case is turned down when it is. S.T.A.R. would, naturally, like to see more cases prosecuted even if, in the short run, this means a lower conviction rate. We would like to know if rape cases are more finely screened than other felonies, and if so, why.

One last area you may be interested in investigating is that of judicial attitude: are grossly sexist statements admitted in court records where analagous racist statements are ruled out? Do judges' instructions to jurors prejudice the jury against the victim? (Cf. Cochrane trial, Judge Madsen).

I would be pleased to cooperate in whatever way possible with any research you decide to undertake. S.T.A.R. will probably have a full time researcher, beginning in May, who may be able to devote considerable time to helping if you need additional staff.

Sincerely,



Sema E. Lederman, Acting Director
S.T.A.R.

sm

Alaska State Legislature



IN SESSION!
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4646

BOX 142
EAGLE RIVER, ALASKA
99577

Representative Randy Phillips HOUSE DISTRICT 8

March 28, 1979

The Honorable Charles Parr, Chairman
House Judiciary Committee
Pouch V, Mail Stop 3100
Anchorage, AK 99811

RE: YOUR MEMO TO ME OF MARCH 29, 1979 CONCERNING
INTERIM PARTICIPATION

Thank you for your memo dated March 29, 1979.

In answer to your questions:

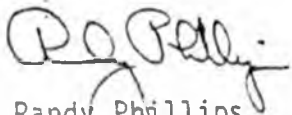
1. Yes, I do wish to participate.
2. I work during the summer months and it is hard for me to get away to attend meetings during that time. For me, the best month is probably November; however, if adequate notice is given, I could make arrangements to attend meetings.
3. Specific matters to be investigated: Selection of jury and judges as a whole; slowness of the process; administration of court system in Anchorage.
4. Names of groups of individuals to be notified: Lee Jordan, Editor, Chugiak-Eagle River Star, PO Box 1007, Eagle River, AK 99577; Robbie Robinson, Chugiak Community Council, Box 309, Chugiak, AK 99567; Bob Johnson, Eagle River Community Council, PO Box 456, Eagle River, AK 99577; Stephen Dunning, Eagle River Valley Community Council, Box 1644, Anchorage, AK 99510; Tom Henry, Birchwood Community Council, SRA Box 760, Chugiak, AK 99567; Rex Campbell, North Mt. View Community Council, 819 N. Klevin, Anchorage, AK 99504; Fred Selkregg, Northeast Anchorage Community Council, 5811 Radcliffe, Anchorage, AK 99504; Gene Buck, Russian Jack Park Community Council, 5222 East 24th Avenue, Anchorage, AK 99504; Kathleen Bush, 6631 East Eighth, Anchorage, AK 99504; The Brown Family, 442 South Flower, Anchorage, AK 99504; Clifford and Jane Bissell, Box 656, Eagle River, AK 99577; Marion E. Daley, PO Box 108, Chugiak, AK 99567; Mike Briggs, Esq., Ely, Guess & Rudd, 510 L Street, Anchorage, AK 99501.

The Honorable Charles Parr, Chairman
March 28, 1979
Page 2

3. Other information: I would like to have hearings at following areas in House District 8 -- Eagle River, Mt. View, Muldoon, Nunaka Valley.

If you need further information, please do not hesitate to contact me.

Best Regards,



Randy Phillips
State Representative

RP:js

REPRESENTATIVE
NELS A. ANDERSON, JR.
EOX 234
DILLINGHAM, ALASKA 99576
HOME PHONE 842-5302



REPRESENTING DISTRICT '6
BRISTOL BAY — LOWER KUSKOKWIM

HOUSE MAJORITY LEADER
VICE CHAIRMAN, JUDICIARY COMMITTEE
MEMBER, RULES COMMITTEE
MEMBER, SPECIAL COMMITTEE
ON SUBSISTENCE

WHILE IN JUNEAU
PULCH V
JUNEAU, ALASKA 99811
PHONE 465-3736 CR 3739
HOME PHONE 789-7897

House of Representatives

March 28, 1979

MEMORANDUM

TO: Representative Charlie Parr, Chairman
FROM: Representative Nels A. Anderson, Jr.
SUBJECT: Interim Committee Activity

1. I do wish to participate in an interim investigatory review of the entire law enforcement and justice system.
2. July and August would be difficult for me.
3. a) We should conduct an oversight review of the Judicial Sentencing Study to assure ourselves that legislative intent is being followed if HB 195 and HB 196 pass and are approved by the Governor.
- b) We should follow the history of several cases from the time of arrest through to final sentence and place of confinement.
- c) We should determine whether or not judges recommendations for rehabilitation are being followed after incarceration.
- d) We should visit the policemen, judges, public defenders, district attorneys, law clerks, correctional officers, and the public Safety and Health and Social Services Commissioner.

Check with lawsuit Assoc - Juneau

4. Groups to contact:
- Anchorage Black Caucus
 - Anchorage Native Caucus
 - Fairbanks Native Association
 - Alaska Federation of Natives
 - Non-profit Regional Native Associations
 - Human Rights Commission
 - Ombudsman

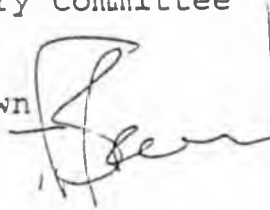
cc: Judiciary Committee Members
NAA/ah

April 4, 1979

M E M O R A N D U M

TO: Rep. Charlie Parr
Chairman
House Judiciary Committee

FROM: Rep. Fred Brown



SUBJECT: Interim Committee Activity

In response to your inquiry regarding Interim activities, I offer the following considerations:

I am very interested in some Interim activities of the committee. As you know I have my private law practice and business matters to attend, and there will no doubt be some meetings I would miss. Also, I am intending that the House Commerce Committee also have some Interim activities, particularly during the months of November and December.

In general, I would urge relatively light scheduling during the months of June through August, because of various considerations involving my personal and business scheduling.

In general, I concur with the recommendations in Item 3 in the memorandum from Nels Anderson. With regard to some of those matters, it may be possible to get support from the staff of the Alaska Judicial Council. At least an inquiry in that direction seems appropriate.

In my experiences as a practicing attorney, the various local bar associations in Alaska vary widely in their views and attitudes towards justice matters and public issues. As a courtesy to them, whenever a meeting is held in the Interim in a community with an active bar (Fairbanks, Anchorage, Juneau, Sitka, Ketchikan and Nome) members of the local bar association should be notified.

To the extent that matters arise in public hearings involving complaints against various individuals in the criminal justice system, we should be an active referral system. Many people don't know the existence of the Commission on Judicial Qualifications, and many people do not know the procedures for pursuing complaints against District Attorneys, Public Defenders, and so forth. In this light, it might be helpful to have some participation in our hearings from the Office of the Ombudsman.

Rep. Charlie Parr

-2-

April 4, 1979

I wish I presently knew my conflicts would be in the last four months of 1979: However, that information is not available to me. Some conflicts will arise involving dates for court appearances and also Interim activities of the House Commerce Committee, the Alaska Legislative Council, the Alaska Code Revision Commission, and related obligations.

FB:kfw

cc: Members, House Judiciary Committee



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

August 13, 1979

MEMORANDUM

TO: HOUSE JUDICIARY COMMITTEE MEMBERS
FROM: ROCKY PLOTNICK *Rocky*
SUBJECT: INTERIM ACTIVITY

I am sure you have been wondering what and when the interim activity will be. Currently, Peggy Berck and myself are spending our time collecting information on various subjects and coordinating interim activity. A tentative schedule has been set and I am in the process of firming up hearing locations. You will all be sent another schedule when all information is complete. For now, I need to know which trips you plan on attending so I can figure how many travel requests are needed. Please let me know as soon as possible which ones you plan to attend. Hotel reservations will not be made unless you ask me to do so. As noted on the enclosed schedule, the first committee get-together is set for September 13 in Anchorage. Our office is upstairs of the legislative info. office, but I don't know the room number yet. Peggy and I will be based in Anchorage by Sept. 5th. Please stop by and see us when you're in town. Legislative information at 278-3668 will know our new telephone and room number.

HOUSE JUDICIARY COMMITTEE - TENTATIVE INTERIM SCHEDULE

8/9/79

September 5th Anchorage

Charlie, Peggy and Rocky - work session

September 13th Anchorage

Committee Briefing - 9:00a.m. - Legislative Information Office

Public Hearing - 7:30p.m. - Eagle River Public Library

September 14th Anchorage

Committee Tour of
Correctional Facilities - Time TBA*- Facilities: Ridgeview, McLaughlin,
Third Ave., Sixth Ave.

September 15th Anchorage

Public Hearing - 9:00a.m. - Place TBA

October 5th Bethel

Committee Tour of Bethel Jail - Time TBA

Public Hearing - 2:00p.m. - Place TBA

October 6th Bethel

Public Hearing - 9:00a.m. - Place TBA

October 19th Fairbanks

Committee Tour of Fairbanks Jail - Time TBA

Public Hearing - 2:00p.m. - Place TBA

Party - Hosted by Parr's - Time TBA - 6½ Mile Chena Hot Springs Road

* TBA = TO BE ANNOUNCED

October 20th Fairbanks

Public Hearing - 9:00a.m. - Place TBA

November 2nd Nome

Committee Tour of Nome Jail - Time TBA

Public Hearing - 2:00p.m. - Place TBA

November 3rd Nome

Public Hearing - 9:00a.m. - Place TBA

November 9th Ketchikan

Committee Tour of Ketchikan Jail - Time TBA

Public Hearing - 2:00p.m. - Place TBA

November 10th Ketchikan

Public Hearing - 9:00a.m. - Place TBA

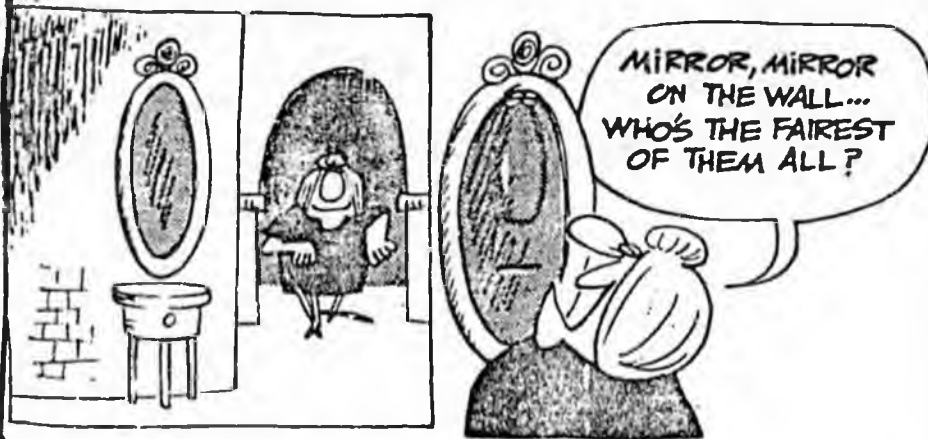
November 29th Anchorage

Committee Hearing with
Invited Persons/Groups - 9:00a.m. - Place TBA

November 30th Anchorage

Committee Work Session &
Wrap-up so final report
can be written 9:00a.m. - Legislative Information Office

The Wizard of Id



was graceless. The proposed rule on reciprocity bordered on malpractice. The consideration of a rule amendment regarding the use of firm names bordered on the criminal.

Notable in our nonfeasance was the failure of the association to address many of the serious issues which are before the bar, both nationally and in the state. I offer a bill of particulars and some recommendations.

Floor Resolutions Fumbled

While the charge that members of the board of governors were using the bank accounts of the association as their own personal BankAmericards was undeniably entertaining to all but those facing the point of the spear, this phrasing laid the foundation for excesses of antagonism in addressing these issues. The group of resolutions addressing board procedures and practices were not drafted with great care as indicated by several comments and seat-of-the-pants amendments necessary to bring them up to some kind of shape. Some member of the board of governors could be found to respond to every suggestion with poor grace. The parties seemed automatically to fall into an adversary posture. The debate was sometimes one-sided as the presiding officer engaged in argument, mike in hand, with persons proposing and addressing resolutions, a practice frowned upon under Robert's Rules.

Admissions Reciprocity Ruined

A proposed rule on reciprocity in admission, which has specifically been declared unconstitutional under the due process clause of the Constitution of the United States in *Application of Houston* 378 P2d 644 (1963), was advanced by one committee for final floor action.

Firm Names Flubbed

A proposed rule on firm names was proposed, apparently by an ad hoc committee appointed by the board. The rule displayed not only commerce clause and equal protection problems under state and federal constitutions but also demonstrated inept draftsmanship which may or may not reflect similar ineptitude on the part of the brotherhood in New Jersey from which it was said the language came. The proposed rule fails to reflect the fact that a large proportion of the bar now practices through professional corporations. By its special application to out-of-state firms, the proposal raises question whether the proponents are not more concerned about protecting themselves from competition than the protection of the public.

Apparently, despite the volatility of the question, the association did not see fit to have the draft rule change prepared by a committee re-

Random Potshots

The Business of Lawyers

By John Havelock

From:
July, 1979
BAR RAG

One had the sense at our recent convocation at Sitka that with a change of names and titles, we might as well have been attending the annual convention of the cosmetologists and hairdressers. In fact, that group might well conduct its business affairs with more efficiency and regard for form than our own.

With one notable exception, evidence of the craft which lawyers are supposed to demonstrate in the handling of human affairs was absent.

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This observation is not intended to attach to any particular individual or to the board or its officers. With few exceptions, the board, the officers and the members of the association stumbled through the proceedings with the professional class of Inspector Clouseau. The membership is not excluded. In the preparation and presentation of their resolutions, their non-attendance and general floor participation, they, too, exhibited an unbecoming casualness

Random Potshots

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With one notable exception, evidence of the craft which lawyers are supposed to demonstrate in the handling of human affairs was absent. The meticulous research which our profession is said to bring to the aid of the public was not in evidence. In short, lawyers do not seem to be able to handle their own business in any better fashion than the general run of mankind and perhaps do a

bit worse.

This observation is not intended to attach to any particular individual or to the board or its officers. With few exceptions, the board, the officers and the members of the association stumbled through the proceedings with the professional class of Inspector Clousseau. The membership is not excluded. In the preparation and presentation of their resolutions, their non-attendance and general floor participation, they, too, exhibited an unbecoming casualness towards the serious business of the bar.

The evidence for these observations lies both in what we did do and what we did not do. The handling of concerns regarding the management procedures of the board

Application of Houston 376 F.2d 641 (1963), was advanced by one committee for final floor action.

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Apparently, despite the volatility of the question, the association did not see fit to have the draft rule change prepared by a committee representing several points of view on the matter. Nor, apparently was any member of this ad hoc committee present to state the committee's views as to the necessity or the form of the proposal. The board was left holding the bag and its handling was at best flustered.

Board Action Bobbled

The action actually taken by the board on the proposal was to recommend the rule for publication. But this fact, with the help of floor discussion, was soon completely lost. For most persons in attendance, the board's recommendation on publication became confused with the board's supposed unanimous endorsement of the merits of the proposal. The board had in fact been split on the merits.

Someone made a reference to a committee report. Another mention was made of the legal research done in support of the rule. There was neither. In possibly the most outrageous public statement of the entire proceedings, one lawyer seriously suggested that meetings of the board of governors should not

(continued on page 9)

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Potshots

[continued from page 4]

be recorded lest better evidence should thereby be gathered of a criminal conspiracy in restraint of trade.

In retrospect, the board in fact erred in advancing this proposal for publication. When such obvious legal problems lie, where in fact the entire Bar Association may be laid open to potential civil and criminal liability, the board should do what its members supposedly recommend to their clients: seek prophylactic legal advice before doing anything.

Malpractice Mastered

These and lesser examples of merely sloppy draftsmanship and procedure stood in sharp contrast to the highly professional way in which the whole matter of malpractice insurance was handled. In that case, the homework had been done, the drafting was highly skilled as was the presentation. If anything, the issue suffered from overkill.

Tough professional malpractice is of intense interest to the members of the association, other matters which surely should have received attention were totally ignored.

Intermediate Court Ignored

The establishment of an intermediate appellate court, which very nearly came to pass this last session of the legislature, certainly ranks among the top two or three innovations in justice administration proposed in this state over the last ten years. Yet there was no committee of the bar addressing this issue and the bar ended up adopting a major and perhaps fatal change in the court's proposal upon little consideration.

Some committees of the association, presumably set up to address serious concerns, did not report. Other committee reports were inconsequential to the point that one might wonder whether the committee need exist at all.

The committee on legal educational opportunities filed a distinguished report as early as March suggesting to the board that many of the matters in it were important enough to be taken before the convention. The report was considered by the board, but no report came to the convention.

Director Dumped

The board had no report on current or contemplated litigation. There was no report on a matter of major interest to the membership, the vacancy in the office of Executive Director. The membership was obliged to rely on published newspaper reports of dissension regarding that office. Conceding that detailed discussion of this matter might not be appropriate in the light of the possibility of litigation, nevertheless the membership is entitled to basic information regarding events and the board's position.

Sunset Silence

The Alaska Bar Association, under the "sunset" review law, is apparently soon to come up for consideration for continuance. It might be said that various matters arising at the Sitka convention gave

rise to a basis for special legislative interest. In fact, considering the popularity of lawyers generally, all members of the bar need to be better informed on this issue and an adequate position prepared for the association.

Proposals Proffered

A number of specific recommendations regarding both procedures by which the association conducts its business and the substance of it might merit consideration by the board.

1. The board should appoint a special committee, representing divergent points of view, to review the workload of the Supreme Court of Alaska, to measure the incidence of delay, the effect on the public, and possible solutions including but not limited to the establishment of an intermediate appellate court.

2. Most committees of the bar should be treated in the same manner as sections of the American Bar Association. Any member having an interest in the topic should be able to join (the establishment of a small, supplemental fee to meet committee expenses should also be considered). The chairman of such a committee (section) could appoint or the section elect an executive committee for management purposes. However, the participation of a wide group of members would be more likely to assure divergency in the points of view represented and would create opportunities, particularly for the newer and younger members of the bar, to contribute and get themselves better acquainted professionally and personally by a variety of colleagues. It is disappointing that the association, of late years, seems to have discouraged the participation of such members. Frequently these are the members who can do the research and who have the enthusiasm that assures an active committee. Membership on at least one committee of the bar should be a professional obligation of every member.

3. Any committee of the bar should be able to advance a resolution to the floor after its consideration by the board of governors. The board should notify the committee chairman in a timely fashion of action taken or to be taken on a proposal so members of the committee have the option, if they are dissatisfied, to move the resolution to the convention by petition.

4. All pre-filed resolutions should be referred to the appropriate, topical standing committee of reference. That committee should consider such resolution and report on it to the convention. This should be the first order or presentation if clearance is obtained from a committee on style and drafting.

5. Every committee of the bar, unless specially excused, should arrange to meet at the time of the convention. At least a two-hour period should be set aside at the convention on the first day for committee meetings. To the extent that its members are prevented from attending the annual convention, each committee should at least arrange for an authorized executive

committee of the committee to meet at the convention. Thus the committees would be in a position to give a preliminary review of extraordinary resolutions presented to the convention in addition to making their regular presentations to the convention. Each committee should be given five minutes to present its regular report to the convention.

6. There should be established, in anticipation of the convention, a committee on style and drafting (or on resolutions) authorized to discuss with proponents of various resolutions or actions drafting issues in the resolution and to report to the convention a substitute resolution reflecting the general intent of the resolution but not necessarily its particulars.

7. The chairman of the convention shall be nominated and elected from the floor of the convention by those in attendance. The chairman of the convention shall not be a member of the board, a current candidate for a board seat, a board member-elect, or a person who has served on the board within the preceding two years. This recommendation is not aimed at any particular presiding officer. It is clear that any member of the board is in an impossible position in refereeing floor resolutions relating to the business of the association when the board member is also duty-bound to respond on the merits to virtually every resolution.

8. The board should designate a disinterested committee to consider and report to the board on all matters relating to the Federal Trade Commission investigation, the application of anti-trust laws to the association and the rules and by-

laws of the bar association, with authority to review rules changes proposals and similar matters from this perspective. One would assume that the membership of this committee would tend to include people with more than ordinary experience in anti-trust litigation.

Attendance Attenuated

Actually, from a personal perspective, one might hope that the association make no changes in the way it goes about its business for these events and nonevents did provide a rich foundation for satire, whimsy, banter, gibe, and other forms of humor, such as is seldom displayed at, for example, the well-ordered affairs of the American Bar Association. It is unfortunate that a larger membership does not attend to revel in these riches.

Solicitor Suffocated

Attendance at the convention was subject to some hospitality room disagreement, but in this observer's soggy recollection, even while membership of the association has grown several fold, attendance at the convention (which has always rotated around the state) has held steady, at best, for a decade or more. Further, those who were around at the beginning of that decade or earlier seem to represent a disproportionate share of the attendance roster. The bar should take a more concerned and aggressive look at association participation, from the perspective of survival if not public responsibility. I am sure that it is understandable if many conventioners flattered by this month's column suggest that the ratio would be improved were the author drowned in a honey bucket before the next one.

THE FOLLOWING PAGES WERE TREATED AS
A UNIT IN THE ORIGINAL FILE.

DRAFT

NOT FOR RELEASE OR PUBLICATION

Alaska Corrections Master Plan:
A Preliminary Draft Summary

Prepared for the

Alaska State Legislature

House of Representatives

Committee on Finance

Chairman: Representative Russ Meekins

by

Roger Endell

University of Alaska

Criminal Justice Center

July 11, 1979

INTRODUCTION

The following summary of the Alaska Correctional Master Plan has been prepared in order to facilitate a more easily digestible overview of the various sections of the plan prior to the final meeting of the joint Master Plan Advisory Committee.

Because the plan itself is not yet in final approved form, this summary only reflects the plan as it exists prior to finalization. Certain potential weaknesses may be inherent in any summary of a major planning document which attempts to provide a comprehensive blueprint for public policy action over the next twenty year period. At stake are costs, or savings, to Alaska taxpayers of tens of millions of dollars and goals and objectives for the humane and secure treatment of Alaskan offenders.

It is suggested that reviewers begin with reading the section titled "Criminal Justice Decision Making" before reading other sections of the summary.

Finally, the summary makes every attempt to provide to the reader the essence of the material in objective fashion for each section. It is possible that fine details and supportive arguments contained in the master source document are essential to full understanding of the summary sections.

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PHILOSOPHY, GOALS AND OBJECTIVES

The planners have presented a historical perspective of the evolution of the Alaska Division of Corrections. The D.O.C. philosophy and goals are stated with emphasis on cost effectiveness, diversion from incarceration, least possible custody and community interaction and involvement.

Based upon the mandate of the Alaska Constitution (article 1, section 12): "[P]enal administration shall be based upon the principle of reformation and upon the need for protecting the public," it is stressed that protection of the public can be accomplished through focusing on rehabilitation of convicted offenders as well as through an emphasis on institutional security. A reintegrative approach is recommended based on five "moderate" but basic principles which will "help to maximize the root effectiveness of a corrections system through limiting use of correctional institutions" without detracting from the overall good of protecting the public.

CORRECTIONS MANAGEMENT

This section emphasizes participatory management concepts in order to implement a management by objectives (MBO) strategy. Recommended are that the D.O.C. remain located in the DHSS, elimination of the current deputy director and the creation of four units under the director, each headed by an administrator: technical services, youth services, adult community services and adult institutional services (responsibilities and supervision of each defined).

The D.O.C. should take over all jail contracts and eliminate Public Safety entirely from this activity; regionalize (three regions) superintendents (Anchorage, Juneau, Fairbanks) who manage all institutions including jail contracts; create prison industry coordinator, program coordinator, legal counsel (assistant attorney general), public information officer, citizens' advisory board for D.O.C. (five members), prison industries advisory board, citizens' advisory boards for three major regional areas.

The management structure should not be statutorily prescribed but authority should be given to the director of D.O.C. to organize and reorganize as necessary. Restructuring as recommended in the management scheme can form the basis for translating philosophy into action.

ADULT COMMUNITY CORRECTIONS SERVICES

The D.O.C. should reorganize current field services (probation/parole) units to include probation and parole supervision, restitution and community services monitoring, presentence assessments and investigation, pretrial release assessments and supervision, and pre-release programs and facilities based on regionalization (three regions: Anchorage, Fairbanks, Juneau).

Included is an analysis of probation and parole personnel, clients and practices. Within the discussion of pretrial assessment and supervision is the critical statement that "the overall statewide impact of speedier pretrial release is potentially quite significant." The report goes on to state:

Because construction and operation of facilities to house pretrial detainees is so much more expensive than the salaries of community corrections staff who would operate the pretrial release screening services to reduce the needed capacity of these facilities, the implementation of such a program in Anchorage, Fairbanks, Juneau and Ketchikan certainly seems justifiable. Further legislation prescribing a uniform policy and procedure will be necessary to initiate such a program. Particularly needed is a uniform method of screening and investigating persons waiting trial as to their suitability for pretrial release, and provision for the supervision of any persons granted pretrial release who are deemed to require it. Beyond authorizing community corrections staff to undertake this added responsibility, adequate funds to obtain needed staff must also be appropriated.

There must be transitional programs provided as pre-release mechanisms available to about-to-be-released and released offenders through community residential centers. Approximately 18 percent (100 persons) of the present inmate population were found to be eligible for pre-release program status, i.e.: an obvious impact on critical institutional space, particularly in Anchorage (45) and Fairbanks (24).

Development of programs which would enable the courts to sentence offenders directly to community residential centers should also be carefully considered. Halfway Houses could be used as an alternative to total incarceration for those who would otherwise be imprisoned but should not be used for persons who are now successfully placed on probation. It is suggested that the D.O.C.'s community corrections staff focus its efforts on developing pre-release, transitional programs for inmates.

Central Office Community Services staff must be increased in order to design, implement and administer these programs (two people).

From 15 to 24 additional probation line staff may be required but may be added on a prioritized sequential basis as programs develop.

Consider converting the Annex to use as a pre-release facility and housing for Anchorage adult community services staff in that facility.

"Community corrections centers" which would include in one complex the various facilities required for all correctional purposes -- probation and parole staff offices, secure confinement of offenders and even halfway house sectors -- provides a promising proposal for smaller communities and may be particularly cost effective where new institutional construction seems indicated (e.g., Ketchikan, Bethel and Barrow). The planners state:

The reductions in the incarcerated population (and thus the capacity required to be provided in facilities) to be attained through even partial or gradual implementation of expanded community service programs are substantial enough to justify addition of needed staff and funds for providing and contracting for services. The long-term cost benefits of maximal use of alternatives to incarceration, particularly in Alaska where new construction can potentially be minimized or avoided, are undeniable (emphasis added).

ADULT INSTITUTIONAL SERVICES -- INTRODUCTION

It is anticipated and recommended that the state will not continue the practice of placing sentenced inmates with long sentences in Federal Bureau of Prisons facilities. Alaska faces the prospect of replacing or renovating most of its major state correctional facilities in order to house inmates in accordance with national and state program and facility standards.

SENTENCED INMATE PROFILE

Of the 547 total sentenced offenders incarcerated in Alaska's state operated facilities (including 134 state offenders incarcerated in federal institutions) on August 9, 1978: 94 percent were male; one-half of the inmates were Caucasian; 70 percent were under age 30; 62 percent had never been married; 53 percent had obtained a high school diploma or equivalent; 80 percent had no vocational training; only 25 percent had been employed full-time at intake; 25 percent were not considered to have been in the labor force; 43 percent were considered unemployed; 31 percent were reported to have a drug abuse problem; alcohol abuse was a problem for 53 percent and especially among older inmates and among both Eskimos and Indians (82 percent). There is a high correlation between unemployment and being sentenced to a term of incarceration and between alcohol and drug abuse and unemployment.

Nearly 85 percent of the inmates had been arrested at least once prior to being arrested for the current offense. About one-third of all inmates had no prior misdemeanor convictions, and nearly one-half had no prior felony convictions. Sixty percent of female inmates had never been incarcerated prior to their current offense. The single most serious current offense of the largest proportion (54 percent) of sentenced inmates could be classed as assaultive felony. Non-assaultive felony offenses were characterized by 37 percent of the inmates.

In general, it is apparent that females are incarcerated for relatively less serious offenses than are males. The presence of

either an alcohol or drug abuse problem does not appear to be associated with the likelihood of committing an assaultive felony.

Despite the generally low level of educational achievement, the lack of vocational training and the high levels of intake unemployment and alcohol abuse among Alaskan inmates, few were reported to be participating in any self-improvement programs during their current incarceration. Fully 28 percent of the total state inmate population did not have a current work assignment and were not participating in any program. This represents nearly one-third of the total Alaskan sentenced inmate population who apparently had no productive way to use their time while incarcerated.

The majority of Alaska inmates (60 percent) are either low or very low assaultive risks while about the same proportion (62 percent) are low property risks. Among female inmates an even larger proportion (73 percent) are low or very low assaultive risks while a slightly smaller proportion (58 percent) are low property risks. Fully one-third of Alaska inmates have a 64 percent or better chance for success on parole. An even larger proportion of female inmates (43 percent) have at least a 64 percent chance of success.

Utilizing an approach to custody classification of sentenced inmates developed by Moyer Associates as applied to the 547 inmates surveyed, it was found that 181 persons would be housed in maximum security, 175 persons in medium security, 93 in minimum security and 98 in work release statewide with obvious implication for types of facilities and programs.

Ten correctional service areas are defined and the offender group profile originating from each service area is described with obvious resulting implications for facility and program needs.

PRISONER CLASSIFICATION

In Alaska the development of an effective classification policy and procedure is impeded by a preoccupation with custody; the needs of individual prisoners have low priority and, in any event, programs intended to meet potential needs are rudimentary. Substantial improvements in policy and procedure can be made.

Eleven recommendations are made for improving the Division's classification policies and procedures, many of these to be implemented through relatively simple changes in current practices and increased authority given to the chief classification officer.

INSTITUTIONAL PROGRAMS

Characteristically, prison programs exist more on paper than in reality. They are usually badly underfunded and equipment and space are often inadequate. The desirability of prison rehabilitation programs is obviously agreed to by the State of Alaska. The state constitution provides for them and they are reflected in the Alaska Administrative Code and the regulations of the Division of Corrections. They are also substantially supported by the citizens of Alaska.

The institutional programs of the Division of Corrections are seriously deficient, the budget is inadequate and most of the

facilities are severely limited in their capabilities, actual or potential.

Various reports, standards, manuals and the Alaska Administrative Code as well as each institution are analyzed with regard to the provision of program services, i.e.: education, vocational training, counseling, substance abuse, recreation, libraries, work and pre-release programs.

The realization of the full potential for the development of programs in Alaskan institutions must await new construction (because of presently inadequate facilities). Certain steps can be taken by the Division in the near future that will bring about some measure of improvement. Among them: 1) the central office of D.O.C. should be allocated funds for development and staffing of the position of chief of programs to furnish leadership and direction for program development within the institutional system; 2) each institution should be authorized a program director; 3) sufficient funds should be requested and budgeted each year to support program development and operation including personnel, equipment and contractual program arrangements, on the basis of annual plans prepared by the chief of programs in consultation with the institutional program directors; 4) a process evaluation at least every three years of institutional programs by an outside agency, public or private; 5) the emphasis in program development should be in the direction of community, i.e., education and work release, furloughs, halfway houses; 6) consideration should be given to legislation which would assign to the public school

system the responsibility for providing educational instruction through the 12th grade within correctional institutions (contracting with local colleges and universities should be retained and, where possible, expanded); 7) budgetary provision should be made for the early development of fully equipped and adequately staffed vocational training programs at Eagle River and Palmer; 8) the counseling program is in immediate need of revamping and counseling positions should be established at Nome and Ketchikan; 9) there should be a concerted effort to provide alcoholism treatment to all inmates requiring such care, services should be provided to inmates by the State Office of Alcoholism and Drug Abuse (with additional funds allocated to this office for this specific purpose); 10) the chief of programs should address recreation needs at all institutions; 11) improve existing library services through contracting with local public libraries or the state library; 12) major improvement is required in effective implementation of pre-release programming including furloughs for educational and vocational training purposes, work release and halfway houses; 13) when new institutions are constructed the existing institutions that are unable to develop organized work programs due to unalterable physical plant limitations or an inmate population that is too small should not be used for very long-term prisoners, and a newly enacted federal law (Revenue Act of 1978, Targeted Jobs Tax Credit provision which modifies the Tax Reduction and Simplification Act of 1977) which provides that liberal dollar credits

may be granted employers who hire persons in seven specified categories, including ex-offenders, should be fully advertised and utilized.

Only with the appropriation of adequate funds to provide for inmate treatment and rehabilitation programs will the Division be able to fulfill the mandate of the state constitution which asserts that reformation of offenders should be a primary aim of the corrections system.

Not addressed by the plan are the Rust and the Abraham Alaska Supreme Court decisions which mandate treatment for arrested persons with alcohol or other treatment problems.

PRISON INDUSTRY

The analysis indicates that prison industries would be appropriate in Alaska and it is recommended that such operations be introduced to a number of facilities by the Division of Corrections. Long term centralized facilities seem to be most appropriate as settings for medium or large scale industrial shops while short term rural facilities are appropriate as settings from which to operate community service and/or public works projects.

Recommendations linking specific product/service lines with the most appropriate institutional sites for prison industry operations in Alaska are as follows:

	Eagle River	Fairbanks	Juneau	Palmer	New Centralized Facility
1. Highway signs				X	X
2. Office furniture					X
3. Decals/stickers	X				X
4. Laundry			X		
5. Tire recapping				X	
6. Keypunch			X		
7. Janitorial supplies					X
8. Furniture refinishing					X
9. Agriculture				X	
10. Dairy				X	
11. Small engine repair	X	X	X	X	
12. Handicrafts	X	X	X	X	X

Before an industrial operation can be implemented in Alaska's prisons enabling legislation should be passed by the state legislature to give the D.O.C. authority to market prison industry products and services. Enabling statutes should address the following issues:

1. establishment of a "Prison Industry Advisory Board" whose members should be appointed by the Governor,

2. establishment of a "Prison Industry Revolving Fund";
3. authority to sell prison industry goods on the open market;
4. authority to lease prison facilities and grounds to private businesses which would employ prisoner workers;
5. exemption of prison industry workers from the \$3.00 per day ceiling on wages established in law by AS 33.30.225.

Short range (startup) and long range staffing recommendations offered are:

Staffing -- <u>Short Range</u>	<u>Long Range</u>
Industry Director	Salesperson
Cost Accountant	Industrial Engineer
Shop Supervisor	Planner/Analyst
	Assistant Accountant
	Industry Manager

The planners recommend that wage plans be styled so as to be incentive for maximum production. Five goals are recommended for adoption: 1) financial self-sufficiency for the total industrial operation; 2) enhanced employability for prison workers; 3) autonomy of operation for industry management within the legitimate constraints of a total institution; 4) protection of the human rights of prisoner workers, i.e., prison industry employment should not be used for punishment, compensation should be at a level sufficient to encourage and sustain high levels of productivity and serve as a motivating force, employment should be voluntary, the work environment should meet prevailing safety and health standards; and, 5) expansion of productive work opportunities within the institution, i.e., meaningful work, no featherbedding.

An initial market and profitability analysis has been included on each of the recommended products/services and their potential institutional location. Jails and correctional facilities in such places as Barrow, Bethel, Kotzebue and Nome, while not appropriate as hosts for prison industry projects, should offer an institutional work orientation reflecting the Native Alaskan lifestyle of the area in which the facility is located. Natives should become involved in the design of work programs in rural facilities. The IKAJURTRUVIK program at the Baffin Correctional Center in Canada's Northwest Territories is cited as an example to follow in rural Alaska, stressing in three phases, cross-cultural adaptation, alcohol management and counseling and pre-release community interaction.

The Division of Corrections could make a substantial contribution to the development of Alaska's agricultural potential by providing labor to that industry during the summer months. Representatives of the D.O.C., Department of Agriculture, Rural Development Council and Native Alaska corporations should meet to discuss what role the D.O.C. could play in Alaska's agricultural development.

Properly supervised public work crews can provide a number of benefits to the institution, the offender and the public.

Among the benefits are:

1. offender public work crews offer a cost effective way of providing services to a community which otherwise might be constrained or neglected due to state and/or local budget constraints;
2. offenders are given the opportunity to provide general restitution to the community;

3. positive relations can be developed between the correctional facility and other state and local government agencies;
4. good relations can be fostered between the correctional institution and the surrounding community.

Specific issues to consider in drafting legislation are detailed as are issues in general management and organization and prisoner worker pay plans. It is strongly recommended that the legislature is not the appropriate place to fix prisoner wages. However, the specific purposes for which prisoners' wages can be disbursed should be spelled out in prison industry legislation, including:

1. support of the prisoners' dependents;
2. reimbursement to the state for an award made for violent crimes compensation;
3. payment of a court award;
4. reimbursement to the state for room and board, but the amount should not exceed the average daily cost of incarceration;
5. purchase of clothing and commissary items;
6. enforced savings to assure that funds will be available upon release.

INSTITUTIONAL HEALTH SERVICES

This section describes the health care now being provided in each of the Division's institutions. Following that are a series of recommendations concerning staffing needs, written policies, service delivery systems, space needs and information needs for health care with particular attention to the guidelines of the American Correctional Association and the American Medical Association.

Since the Commissioner of Health and Social Services has had reporting to that office the director of Corrections, the director of Mental Health, the director of Public Health and the director of Social Services, all of which are under the Commissioner's management, a significant sharing of professional talent could be realized. The State Office of Alcoholism and Drug Abuse could provide needed assistance in developing drug and alcohol programs. It is recommended that the resources for the delivery of services flow through the Division of Corrections.

In terms of personnel needs, it is recommended that a full time health professional (physician or public health administrator) be identified as the manager of the health delivery system within the central staff (technical services unit) of the Division of Corrections. In addition to general health services, it is recommended that this individual (already hired by D.O.C.) also manage the mental health intervention and the drug and alcohol programs. The remainder of needed physicians should be placed under contract for coverage of each facility. A full time registered nurse should be assigned to each facility. A system-wide dietician or nutritional specialist should be available under contract.

The Anchorage area medical resources are singled out for attention including the potential resources of the School of Nursing at the University of Alaska. "It is evident that the medical community in Anchorage needs to be convinced that their professional interests would be well served by responding to the needs of the correctional client."

Especially noteworthy and of current interest is a reference to a 1975 study of the impact of alcoholism in Alaska which points out that the cost of alcohol related crime to Alaska's criminal justice system during that year was \$15.2 million. The study points out that "funds spent on effective treatment and rehabilitation for alcohol offenders would ultimately save the criminal justice system money" by "contributing to the prevention of future offenses that would not occur without the excessive consumption of alcohol."

Funds for alcohol and drug treatment should be provided so that the medical manager can contract with available drug and alcohol intervention services to provide treatment for offenders.

This treatment should not be limited to only incarcerated offenders, but should involve community corrections clients (probationers, parolees, work releases) as well.

The study urges greater cooperation between courts, alcohol treatment and rehabilitation agencies and corrections in order to develop systematic sanctions that would enable early identification of individual problems and designation of available treatment resources. It is essential that all inmates entering the system be evaluated, not only from a medical standpoint but also from a psychological standpoint.

Personnel needs, written policy/procedures, service delivery and space needs are addressed. Significantly, the Alaska Supreme Court decisions in the Rust and the Abraham cases which mandate/empower the Commissioner to provide treatment services are not mentioned by the master plan consultants.

FEMALE INMATES AND CO-CORRECTIONS

[Unfortunately, this appears to be one of the weakest sections of the correctional master plan. It is suggested that the evaluation of women offender needs in Alaska now being completed by criminologist/consultant Esther Heffernan be included here as soon as it is available.]

In general the master plan consultants conclude that although coeducational corrections facilities may experience unique problems, their advantages in Alaska would outweigh any potential difficulties, particularly if facilities are designed, staffed and programmed with co-corrections in mind.

In the short run, temporary modular housing for women inmates (sentenced and unsentenced) on the grounds of Eagle River offers the best solution to the problem posed by an imminent need to vacate Ridgeview. The most optimal long term housing of female inmates could be accomplished through designing both the new pretrial detention facility and the proposed new sentenced inmate institution to accommodate unsentenced and sentenced women, respectively.

STAFFING ALASKA'S CORRECTIONAL INSTITUTIONS

In general, the number of security and program staff required to operate a given correctional institution is determined by the number of inmates to be housed there, the custody level(s) to be provided them, the programs to be offered and the physical design of the facility. In Alaska, security staff-to-inmate ratios vary

across the nine major facilities from a low of 1:5 at Fairbanks and Juneau to a high of 1:2 at Eagle River, Ridgeview and Ketchikan. The table below summarizes the number of correctional officer positions authorized for each institution on August 1, 1978, the total number of inmates confined as of October 30, 1978 and the resultant staff-inmate ratios (rounded to the nearest one inmate):

Institution	Correctional Officers Authorized	Inmate Population 10/30/78	Security Staff: Inmate Ratio 10/30/78	Inmate* Population 3/28/79	Security Staff:* Inmate Ratio 3/28/79	
	<u>Total</u>	<u>Ave./ Shift</u>				
Juneau	25	5	115	1:5	111	1:4
Fairbanks	33	6	160	1:5	105	1:3
Anchorage	17	3	69	1:4	79	1:5
Anchorage Annex	31	6	94	1:3	88	1:3
Nome	10	2	25	1:2	21	1:2
Palmer	17	3	36	1:2	50	1:3
Eagle River	39	8	81	1:2	85	1:2
Ridgeview	15	3	27	1:2	22	1:2
Ketchikan	15	3	26	1:2	28	1:2
			<u>633</u>		<u>589</u>	

*In order to assess fluctuations in security staff -- inmate ratios, a second date not included by master plan consultants, are used here to demonstrate impact on final staff through changes in inmate housing or transfer policies. Source: Institutional weekly count sheets, D.O.C.

The average number of correctional officers on duty during each of the three shifts (second column) is perhaps even more informative than the general ratios. It must also be kept in mind that the actual staffing pattern varies with more officers on duty during the day and in the evening than on the night shift and that at least one officer is normally confined to a secure control center.

Each facility, no matter how small, should have one full time staff member who is given the responsibility of being program director for that institution. It is essential that classification decisions, contractual and in-house program offerings, and work programs all be coordinated and administered by one individual in each facility. Full time program staff should continue to be supplemented with community agency and/or volunteer part time personnel who provide program opportunities for inmates. Contractual arrangements with other agencies and programs already providing such services should also be continued and expanded.

A systematic method for determining reasonably accurate numbers of security staff required to operate each institution safely and effectively is included. Such a priority rating system, which rates positions according to how essential they are to institutional operations, can allow more rational budget preparation. Providing institutional management with the opportunity to project optimal staffing needs (rather than simply the minimal necessary to operate a facility) can encourage planning for future flexibility.

EXISTING FACILITIES

All corrections facilities presently utilized by the Alaska Division of Corrections have been assessed in order to establish the extent to which these facilities are adequate to serve both present and projected need under a variety of policy options. As a result, it is possible to estimate the level of capital resource requirement which is generated under the various policy options. A multitude of national standards have been utilized to evaluate these existing facilities as well as the recent Alaska court decision (Moseley v. Beirne). In summary form the following conclusions are drawn:

Third Avenue, Anchorage: This facility is totally inadequate in its present utilization for the housing of sentenced inmates. The functional obsolescence of this building would not be significantly alleviated by redefining its conditions of use. It is recommended that this facility not be considered for major renovation or improvement for long term utilization although the property upon which this building is located might be viewed favorably for the construction of a pre-release or work release center.

Anchorage Annex: Although this facility was built as recently as 1956 the Annex fails to comply with recognized requirements for correctional facilities today. Various short range improvements should be made to provide a more satisfactory accommodation of inmates under the present conditions, but this facility should not be viewed as providing acceptable secure bedspace for the

long term future. It is recommended that this facility be considered for future use as a pre-release center (a potential pre-release clientele in the Anchorage area of between 70 and 113 individuals has been identified). Current expenditures made possible by the November 1978 bond package would have long term validity under this option and additional funds for more extensive improvements to this facility would not be required.

Eagle River: This facility is wholly in compliance with virtually all current standards for correctional facilities -- it is viewed as exemplary. A limited amount of construction is necessary in order to accommodate a work program.

Juneau: Spaces provided for the various support functions are basically adequate. Dormitory housing is, however, inadequate for the proper surveillance of medium or maximum security inmates. An option suggested is to upgrade the housing portions of the physical plant so that they can accommodate the number of inmates at various security levels which the rest of the facility components are designed to provide for, i.e., construction of new single room residency and dayroom spaces as well as the construction of program space is less expensive than it is to establish equivalent bedspace at other locations where the support component must also be constructed.

Fairbanks: Improved housing, consistent with current standards is recommended. The same mixture of components is found at Fairbanks as in Juneau and the same observations are suggested.

Ketchikan: This facility is totally unsuitable for its present use in the housing of sentenced or unsentenced inmates.

Further, its age and the general inadequacy of total space availability preclude any recommendation for its renovation, expansion, or recycling.

Palmer: The facility is an excellent candidate for a potential expansion by the D.O.C. of its inmate programs and industries. The Division should consider increasing Palmer's capacity and range of programs through construction of additional housing and work facilities.

Rural Facilities: Bush facilities are uniformly inadequate for the safe, secure and humane housing of accused or sentenced individuals. In no instance were any of the existing facilities found to be suitable for correctional functions.

FACTORS AFFECTING CORRECTIONS POPULATIONS

The size and characteristics of offender populations in a corrections system should determine the policies and practices of that system. The average number of inmates in a prison (or on probation or parole) is directly related to the number of offenders admitted and their average length of stay in the facility or program. In Alaska, the average monthly inmate population has grown from 440 in 1972 to approximately 720 at the end of 1978; this represents a nearly 65 percent increase in the size of the inmate population. The increase in inmate population is apparently attributable to an interaction between increased admissions and increased length of stay for at least a proportion of these admissions. The probation/parole average monthly caseload has grown approximately 36 percent in the same time period.

The number of admissions to a corrections facility or program is dependent upon the crime rate, the arrest rate, the conviction rate and sentencing statutes and practices.

The average length of stay of convicted offenders in corrections programs or facilities is a direct result of sentencing statutes and practices, paroling statutes and practices, and "good-time" statutes and practices.

It is apparent that corrections population levels are the end result of a complex series of decisions, most of which fall outside the jurisdiction of corrections systems. Reasons advanced for the spiraling increases in prison populations reflect the impact of external forces. Prominent among these are rising crime rates and unemployment levels, improved law enforcement, more efficient court processing, tougher attitudes toward offenders, and the age group composition of the (general) population. Some factors to consider:

1. the rise in crime rates may in fact be abating;
2. in Alaska, the violent crime rate showed a decline from 1975 to 1976;
3. crime rates have historically had little or no correlation with incarceration rates;
4. future unemployment levels cannot be accurately predicted so they cannot be reliably utilized as indicators for prison population projection;
5. a changing attitude toward offenders can affect both statutory and discretionary aspects of criminal justice decision making (the Revised Criminal Code recently enacted in Alaska is likely to increase the average daily inmate population by nearly 50 percent);
6. in the realm of corrections population levels, small changes in any of a number of (these and other) factors can have a resounding impact.

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Because substantial increases in Alaska's prison population are placing increasing pressure on many of the state's older and more deteriorated facilities, it may well be that a decrease in the inmate population is both necessary and desirable so as to minimize the need for new construction.

It is possible to pinpoint the factors which can reasonably be manipulated. A decrease in prison admissions can be accomplished through decriminalization of selected victimless or minor offenses, ^{OMVI} increased use of diversion options prior to sentencing, more efficient presentence release programs and increased use of non-incarcerating sentences.

A decrease in the average length of stay of prison inmates can be achieved through a reduction in the maximum sentences imposed for crimes and an increase in the release rate (parole rate, good-time rate, pre-release programs).

A lengthy discussion of inmate population projections is offered in the plan. Two national studies are cited which indicate that Alaska holds one of the top prison population ratios (incarcerations per 100,000 population) in the nation, ranking ^{5th} fifth in one study and seventh in the other (among all 50 states). It is concluded that Alaska's prison population ratio will undoubtedly continue to move towards the national average over the next several decades. Since the Alaska ratio is currently very high ^{with} it is most likely to fall moderately rapidly towards the national average (77:100,000). Any long term projections for Alaska's population should reflect a gradually declining prison population ^{New Code??}

ratio rather than a rising ratio due to "normalizing" of the age and sex distribution of Alaskan population. The planners conclude:

It is our firm conclusion that Alaska's prison population ratio is likely to decline consistently from a high of about 150 in 1980 towards a rate in the year 2,000 which should begin to approximate that of the total U. S. A conservative estimate of this trend leads us to expect a ratio of 150 in 1980 dropping slowly to a ratio of 130 in the year 2,000.

*Alaskans
are young*

However, due to monthly and even daily fluctuations in corrections populations (as much as 20% of the average figure on given occasions) considerable attention could be given to either providing temporary additional holding capacity or to management programs which seek to damp out the daily and monthly variations instead of attempting to provide the maximum number of cells for the highest possible number of prisoners.

The impact of three major policy changes, i.e., the Revised Criminal Code, increased use of pre-release programming for selected inmates, and more efficient use of pretrial release and recognition, was evaluated in arriving at year 2,000 inmate population projections (including all female inmates, a presumption that all Alaska prisoners will be housed in-state and only those who would require minimum, medium or maximum security housing in state operated facilities -- both sentenced and unsentenced).

The planners conclude:

If the alternative diversion programs were to be fully and immediately implemented, the current population of about 740 would be substantially reduced. With more efficient ROR, the total inmate population could be as low as 500; with only pre-release programs being implemented, the secure housed population could decrease to about 600. If both programs were implemented, the secure housed inmate population could be as low as 360 (including females and those federally housed (emphasis in original)).

FACILITY CAPACITY NEEDS UNDER VARIOUS POLICY OPTIONS

The impact of three major policy changes, the new Criminal Code, release on recognizance (ROR), and maximal use of pre-release programs, is translated from statewide average daily population (ADP) estimates into regional estimates of inmate population to be expected by the year 2,000.

Eleven tables are presented indicating estimated average daily populations for the year 2,000 for each of the ten service areas under the three policy changes. Service areas are: Ketchikan, Juneau, Anchorage, Kenai, Kodiak, Bethel, Nome, Fairbanks, Kotzebue and Barrow.

FACILITY RECOMMENDATIONS

In view of the condition of Alaska's existing corrections facilities and the projected capacity needs for the year 2,000 under a range of possible policies, some general proposals for facility replacement or renovation and accompanying new construction are recommended. The existing facilities have been classified into three categories: those which must be replaced and can serve no alternative correctional functions, those which require major renovation to meet standards and fulfill their proposed functions, and those which can be recycled with relatively minor physical modifications.

The facilities which must be replaced are: Ketchikan, Ridgeview, Anchorage Third Avenue and Nome.

The two facilities which require major renovation are Juneau and Fairbanks.

Those facilities requiring only minor additions or renovations are: Anchorage Annex, Eagle River and Palmer (the latter two for industries programs).

Facilities now in use in rural areas are generally inadequate, particularly if regional housing of some sentenced inmates is to be implemented. This implies a need for new facilities, potentially in all five of the remaining service areas defined and not now served by state facilities (i.e., Bethel, Kodiak, Kotzebue, Barrow and Kenai). At a minimum, a replacement facility is needed in Bethel.

The construction of two major new facilities and at least two smaller ones is proposed: a new pretrial facility in Anchorage, a new sentenced inmate facility in Anchorage and new regional facilities in Ketchikan and Bethel. Only the sentenced inmate facility has not been funded at all (emphasis added).

1978 BOND ISSUE PACKAGE

Under the bond issue package approved in November 1978 by the state's voters, correctional funding was allocated as follows (includes master planners comments):

<u>PROJECT</u>	<u>LOCATION</u>	<u>AMOUNT</u>	<u>PLANNERS' COMMENTS</u>	
Construct and equip pre-trial jail facility	Anchorage	\$12,367,000	Concur, full required	OK
Construct and equip a regional jail facility	Ketchikan	1,992,700	Concur, fully required	OK
Construct youth facility	Fairbanks	2,400,000	Plan specifically recommends a direction which would <u>not</u> require this facility	

PROJECT	LOCATION	AMOUNT	PLANNERS' COMMENTS
Renovate 6th Avenue Jail Annex facility	Anchorage <i>Court says yes</i>	\$ 1,421,800	Concur, but would not substantially renovate for continued jail use
Construct youth residence center	Nome <i>right + sound requirement</i>	792,000	Cannot be supported by the analysis of youth services needs contained in the plan
Construct McLaughlin youth facility gymnasium	Anchorage <i>ok</i>	1,300,000	Concur, well-justified
Construct state jail recreation and program facilities	Juneau <i>✓</i>	1,300,000	Concur, however, housing and program "spare-trade" should receive simultaneous coordination
Construct classroom and learning lab	Juneau <i>✓</i>	200,000	Concur, well founded, coordinate with above
Construct correctional facility	Bethel	3,129,000	Concur, clearly warranted
TOTAL (of correctional projects authorized)		<u>\$24,902,500</u>	

In addition, the planners print out that \$1.5 million had previously been allocated for a juvenile/women's facility in Juneau. (Note: the Legislature has also allocated two million dollars for correctional use to house women offenders in anticipation of the closing of the Ridgeview Center in Anchorage.)

Capital cost forecasts are provided in a series of tables which indicate budget requirements under various policy options. The forecasts are offered primarily for the significance which they have in considering these policy options. It is apparent that implementing ROR and pre-release programming can substantially reduce the need for new construction, thereby saving the state of Alaska tens of millions of dollars.

Considering the relatively low cost of staffing and operating such programs, the benefits in terms of capital cost savings alone far outweigh the program costs. The policy choice remains with the State of Alaska, but the capital cost consequence of each course of action seems clear.

The capital costs of accommodating all Alaska inmates in standards-complaint facilities range from \$24,854,000, if maximum ROR and pre-release options were immediately implemented and the current population dropped from the current 740 inmates to an estimated 533, to a maximum projected capital improvements cost of \$130,224,200 in the year 2,000 under the Revised Criminal Code and no ROR or pre-release programs.

JUVENILE CORRECTIONS

Alaska, unlike the majority of states, has taken a strong leadership role in developing statutes and Rules of Procedure which emphasize the objectives of reforming the child and protecting society and require that these objectives be equally weighted. The Rules further require that the medium used to achieve these objectives be that of "providing care equivalent to that which should have been provided by the child's parents." The statute clearly distinguishes between the remedies the state may impose for children in need of aid and for delinquent children. The former has been made the responsibility of the Division of Social Services and the latter the responsibility of the Division of Corrections, both administered by the Department of Health and Social Services.

The present juvenile system is described and problems of divergent practices and procedures are analyzed including arrest, intake, detention and residential services (both private and public), in and out of state.

The following listing of issues and policy recommendations have been presented:

- ° The Alaska Department of Health and Social Services should actualize the purpose clause of the Children's Code and Rules as guiding principles for developing juvenile justice services in the state.

At the moment, institutions are the major medium of service for children who are removed from their family's custody. Foster care is used sparingly, group foster care is not used at all, and basic care group home services are used infrequently.

- ° Juvenile correctional services should remain within the Division of Corrections but should be located in a separate bureau.

- ° The functions of initial receiving and screening of delinquency referrals should be unified within juvenile correction. This service should operate on a twenty-four hour basis. The services provided by this function should be screening for detention and petition and crisis intervention.

- ° The Alaska Department of Law should be the petitioner in all children's matters.

- ° Intake screening and receiving should be solely responsible for the initial detention decision.

- ° The use of contract services as a means of providing services to children in their homes and communities should be greatly expanded.

Shipping children long distances within the state to receive service or, in many instances, transporting them to other states should come to a halt. In the envisioned reorganization of

services. the Bureau's major division would be a community intake, probation and contract services division.

- ° An adolescent residential treatment facility with a capacity of 15 beds should be developed either at API or at McLaughlin. If developed at McLaughlin, it should utilize existing capacity rather than increase the capacity of that facility.

- ° A small group residential facility with a capacity of 20 beds should be developed to serve the Fairbanks community. Preference should be given to contracting these services as that would enable more flexibility in specialization.

- ° Development of a child-based transactional information system should be taken immediately.

- ° Alternatives to detention -- the Alaska Division of Corrections should launch a major initiative immediately to develop alternatives to detention for children awaiting court dispositions.

Alaska is presently detaining at the rate of 15.6 per 1,000, not including that group of children who are detained less than 24 hours. If they were included, the rate would escalate to 44 per 1,000 (national rates are 9.8 per 1,000). "Alaska does seem to have a penchant for detention, no matter what standard you use for comparison," according to the planners. If the state does not pursue alternatives, the planners project that 120 secure detention beds will be needed by 1980. There are now 35 (MYC). A major building program will be required if alternatives to detention are not developed.

- ° The Alaska State Police and local law enforcement agencies should develop training in the use of discretion and diversion by police officers in handling juveniles.

- ° The Division of Corrections should immediately increase its efforts to develop alternative detention and correctional resources, especially in the Second Judicial District.

Staff requirements to perform DOC juvenile corrections functions by judicial districts are estimated for 1978, 1990 and the year 2,000. It is recommended that reorganization of juvenile service within the Division of Corrections and the staffing of community services functions be the first priority. Once that step is accomplished, alternative care should receive top priority, followed by alternative services for children in committed status.

Juneau and Fairbanks have both had bond issues passed approving the construction of juvenile detention facilities. Juneau clearly does not need a secure detention facility for children, neither should the Fairbanks community construct a secure juvenile detention facility. Fairbanks might develop as an alternative a generic facility with intensive programming not to exceed 20 beds in capacity and should not be a maximum security facility. (Elsewhere the planners have also recommended that no juvenile facility be built in Nome as permitted with passage of the 1978 bond issue.)

RURAL CORRECTIONS

This portion of the plan commences with two succinct statements: "the problems confronting corrections in rural Alaska are enormous," and "solutions in any instance must be unique in Alaska." Various geographic, climatic, cultural and economic problems are cited with a major focus on alcohol abuse. The

problems are more fully analyzed by examining standards, reports, studies and policies dating back more than a decade.

In Alaska, because of the significant differences between urban and rural life styles, regionalized service delivery to the extent it is economically feasible seems essential to a reintegrative or community based approach to corrections. There can be no easy or inexpensive solutions to the problems of corrections in rural Alaska. Compromises will be necessary and, at best, even the compromises will be expensive. The full range of correctional resources cannot be made available to all communities desiring them. Most communities are too small and their requirements for these resources are too limited to permit economical or efficient operations. Difficult decisions must be made requiring justification from the perspective of policy, needs and cost (both capital and operational).

A "partial regionalization" plan is promoted by the planners as the best compromise toward meeting inadequate facility needs. (However, the term is not well defined nor are there any priorities identified.) The planners feel that the need for formal diversionary alternatives and resources is substantially less in rural Alaska since "informal alternatives already exist and are relatively widely used."

Probation aides hired on a part time fee-for-services basis are recommended for increasing probation alternatives and supervision for rural clients while providing a meaningful mechanism for involving local communities in the corrections process.

Although alcohol plays an important role in rural crime, the planners recommend that the public drunk should not be the responsibility of the corrections system. The resources of the system should be reserved only for those charged or convicted of criminal offenses. The public drunk should be diverted to other agencies, both local and state. The legislature should authorize the State Office of Alcoholism and provide necessary appropriations to establish sleep-off centers in all communities where state operated correctional institutions or contract jails are now being used for persons detained under the 12 hour law. A plan similar to that of the North Slope Borough, but associating the use of the 12 hour law with a sleep-off center rather than jail confinement, should be adopted elsewhere. The Office of Alcoholism should be allowed full authority to design and operate alcoholism treatment programs, both in correctional institutions and in the community.

The Governor's order to set up advisory boards for state operated or contract correctional facilities in local areas should be promptly implemented. Local participation and community involvement should be achieved through the development of a highly cooperative relationship between the state and the communities. These measures would give local citizens opportunities for significant roles in the correctional process of their own communities and a means of providing input in the development of policies and programs in the state system as they affect offenders from rural areas.

Also recommended is that the legislature should clarify the authority of rural communities to enforce their own ordinances administratively with noncriminal sanctions, the courts should take action to enable the local communities to adopt the conciliation board concept, and corrections should develop standards for institutions and carry out a continuing program of inspection and enforcement.

TECHNICAL SERVICES

Although management style and structure are basic to the achievement of correctional goals, maintenance of adequate quality and quantity of staff at all levels of the organization is also essential. In order to attain this objective, corrections staff must receive adequate training for their positions and they must be encouraged through appropriate career ladders and salary incentives to maintain a professional involvement with the corrections field.

A current "staff profile" of the Division of Corrections is provided which includes various demographic characteristics, education and training levels, an analysis of staff morale and job satisfaction factors.

Staff training is discussed in some detail following the comment that correctional agencies have traditionally been granted low priority within state government budgets and "personnel training programs are all too often regarded as an unaffordable luxury, left unfunded or given only token funding. Alaska has in the past been no exception."

Various national standards as well as local task force, commission, plan and grand jury reports are analyzed for their focus on correctional training. The basic training issues outlined by the planners include: questions concerning the most appropriate type of training for each staff member, the context of training needed which varies with the level of education of the staff member, the amount of work experience in the corrections field, type of responsibilities of the job, location of the statewide training academy, residential vs. nonresidential approach to corrections staff training, and the balance between the use of in-house corrections training staff and tapping outside training resources.

A summary of recommendations would include: a move of the residential form of academy at Sitka to a nonresidential setting in Anchorage (Alaska Pacific University), a balancing of first year training hours to meet national correctional standards of 160 hours (down from DOC present 240 hour academy), a balancing of curriculum so that the emphasis on security does not obscure the need for other knowledge and services in working effectively with correctional clientele, participation of personnel from other sections of the criminal justice system in corrections training (Public Safety, Parole Board, Judiciary, Department of Law, Mental Health, Social Services, Office of Alcoholism and Drug Abuse), preparation of Division-wide annual training plans, formation of an Advisory Training Committee, on-the-job and in-service training programs, and legislative support for personnel and funds.

break up
the 160
hours -

A long discussion is presented on a corrections career ladder which effectively destroys a militaristic component or functional unit concept which had previously been proposed by the Division of Corrections. The planners stress the necessity for career ladder structure which is available to all correctional employees. Lateral transfers among the three major service units of the Division, lateral entry at any level from outside the system, the use of paraprofessionals, and a reasonable degree of flexibility in substituting education for experience requirements (or vice-versa) are recommended.

Police development and management support services are explored with particular attention focused on an effective computerized corrections information system. The policy development unit should include a unit head and a staff of two researcher-planners and at least one full time inspector (all correctional facilities -- contract and local jails -- statewide). Management services include fiscal and budget personnel and clerical support. The addition of an accountant to this unit is recommended.

The fiscal management staff of the Division should work closely with the researcher-planners of policy development to ensure that anticipated policy and work changes are accommodated in the budgeting process. Funding should be tied to evaluation performance so that cost effectiveness can be maximized.

Similarly, personnel management is closely related to staff development and training and should be closely coordinated.

Career ladder issues, in particular, affect personnel management within the Division. All of the administrative support services planned within the Technical Services unit (including health care) seem as being very closely related functions.

CRIMINAL JUSTICE DECISION MAKING

Criminal Justice
corrections
Although ~~each~~ ^{its components are} is in a separate branch of government, the ~~corrections~~ system is really the instrument of the courts and effective use of a corrections system is therefore highly dependent on the quality of sentencing. Imprisonment is the most serious and most costly of the sentencing alternatives. Unfortunately, offenders have frequently been required to undergo both an inequitable sentencing process and an inconsistent parole process. In addition, the courts largely determine the size of the unsentenced prisoner population detained in Alaska's corrections facilities.

The planners explore various issues in pretrial release and recommend that there is a substantial need to explore more fully the potential for expanded use of summons in felony cases as an alternative to arrest and booking and that legislation should be undertaken to create a uniform pretrial release procedure for Alaska.

Sentencing issues are explored in detail citing several recent research studies, reports and Commission policy statements.

This section's primary focus is on the impact of the Revised Criminal Code. The Code directly affects the sentencing

process and therefore the corrections system. The primary aim of the Code is to increase equity in sentencing while also protecting the public from and punishing multiple offenders. In this regard, the Code is quite consistent with the philosophy of corrections outlined in the first chapter of this plan. The section provides a brief summary of the Code and discusses a method of estimating the impact of the Code on the size of the sentenced inmate population. This type of impact estimate must form the basis for future correctional facility planning for the State of Alaska.

For the corrections system, the consequences of the new Criminal Code would appear to be the substantial reduction in the use of parole and an increase in the average time served and, therefore, an increase in prisoner population. Conclusions are drawn that indicate:

1. the current average length of stay of sentenced felons (including murderers) is 36 months;
2. the minimum average length of stay of sentenced felons (a conservative estimate of impact) may rise to 62 months under the Revised Criminal Code.

The difference in average lengths of stay represent a 72 percent increase in the sentenced inmate average length of stay (ALS) attributable to the new Criminal Code.

The capacity requirements for correctional institutions thus could increase substantially over the next several years due to implementing the Revised Criminal Code. The cost implementation of this increased inmate population, both in capital

and operating expenditures, are significant. The unintended consequence of enacting the Revised Criminal Code may well be to inflate the sentenced inmate population of Alaska's correctional institutions to extraordinarily high levels (emphasis added). Unfortunately, the Code may not go far enough to eliminate sentencing disparity and may go too far in imposing lengthy sentences on recidivist felons.

Implementing any sentencing reform requires the highest level of cooperation between the judiciary, the legislature, law enforcement and the Division of Corrections. Corrections alone cannot hope to improve Alaska's sentencing or pretrial release practices; only with cooperation of the other decision makers involved can true and lasting improvements be achieved. In the relationship between corrections and the courts, corrections planning necessarily must become criminal justice system planning as well.

PAROLE DECISION MAKING

Parole policies and practices have as direct an effect on corrections as do court actions in pretrial release and sentencing decisions. Parole policies determine, within statutory and judicially determined limits, the length of time a sentenced inmate serves in prison, and the type of conditions that are imposed on his or her parole. Even if a sentencing guidelines model is adopted and the need for parole as a means of adjusting for sentencing disparities disappears, parole reintegration

services should not be discontinued. Pre-release programs operated by the Division of Corrections, such as work release and furloughs, will become even more critical if parole is abolished. However, it is not likely that parole decision making will be abolished in Alaska in the near future. It may also prove to be necessary to statutorily provide for some portion of the end of every sentence to incarceration to be served under community supervision (similar to the mandatory release law now in effect).

Given that the Parole Board will continue to function in Alaska for the foreseeable future, it is important that the Parole Board's policies and practices are consistent with the state's overall corrections philosophy and that the Board is provided with sufficient resources and authority to efficiently accomplish its responsibilities.

At present, the Board hears about 300 cases annually, although there may be a considerable variation in number by quarter, from about 60 to 100 or more. On the average, prisoners serve nearly half their terms before being released on parole, approximately two-thirds are eventually granted parole and at any one time there are about 200 offenders on parole.

The planners offer a lengthy discussion of current Alaska Parole Board practices in comparison to the American Correctional Association Accreditation Commission's "Manual of Standards for Adult Parole Authorities" and arrive at the following recommendations:

1. the Alaska Board of Parole be composed of three full time professional members with salaries equivalent to that of a superior court judge.

2. The staff of the Board should be reorganized and augmented.
3. Hearing procedures should be changed upon initiation of a full time Board.
4. A formal prisoner or parolee appeals process should be established.
5. The Board should adopt a parole guideline or matrix system, to be considered as a long term project and the guidelines, based on research, should be used as an aid to decision making and should not entirely replace the discretion of Board members.
6. The Board should prepare and keep up-to-date a manual of policy, rules and procedures, and an administrative manual subject to the provisions of the Alaska Administrative Procedures Act.
7. Legislation should be considered to allow the Board to give credit to parolees whose paroles have been revoked for "time on the street," i.e., under written policy criteria for allowing or disallowing credit for time served in the community.
8. The Board should be authorized by legislation to discharge parolees from parole status at any time after two years of successful community reintegration.
9. Consideration should be given to legislation, and/or changes in Board procedure, under which the Board would conduct initial hearings in the case of prisoners with maximum sentences of five years or less within four months of their commitment, for the purpose of setting a presumptive release date. Prisoners with maximum terms of more than five years would be heard within a month prior to the completion of their ~~maximum~~ ^{minimum} terms.
10. A mechanism should be established within the Department of Health and Social Services to assure that the Board of Parole and the Division of Corrections function under a common correctional philosophy and policy.

THE PRECEDING PAGES WERE TREATED AS
A UNIT IN THE ORIGINAL FILE.