MISC. REPORTS

Alaska Judicial Council

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

STATISTICAL ANALYSIS OF MISDEMEANOR SENTENCES IN ANCHORAGE AND FAIRBANKS

(August 15, 1974 - August 14, 1976)

PRELIMINARY REPORT

November 7, 1979

Prepared By

Michael L. Rubinstein
Executive Director

Nicholas Maroules
Analyst

Teresa White
Research Supervisor

Methodology

This analysis is based on 1795 cases that began as misdemeanor charges and resulted in convictions during the two-year period between August 15, 1974 and August 14, 1976. The data contains offenses against state and municipal codes in Anchorage and Fairbanks. It was originally collected for purposes of our plea bargaining study.

The population source was the Judicial Information System records which are the official records of the Alaska Court System. The Technical Operations office of the court system (Mr. Merle Martin) furnished us with a listing of about 14,000[1/] misdemeanor convictions by case number for the two-year period of interest. On the basis of standard statistical procedures a sample size was determined that would be representative of this population. The size of the total sample was then increased to enhance its representativeness, and, as we will explain below, to allow for the overrepresentation of cases convicted after trials.

1/ Although the official records for the period of the study are no longer available, Merle Martin of Technical Operations estimated that there were approximately 14,400 misdemeanor convictions during this period.

The major hypothesis that was originally to be tested under the federal grant concerned changes, if any, in plea/trial sentencing differentials--differences in sentences received by those convicted after trial vis-a-vis those who pled guilty. We sought to find out whether such differentials were affected by the new plea bargaining policy. Thus, it was important to sample a sufficient number of cases that were convicted after trial. Since proportionately few cases actually went to trial, it was decided that all of the 309 trial cases during the two-year period (309 out of 14,000) should be included in the sample. The remainder of the sample--i.e., the 1486 convictions that involved guilty pleas--were randomly selected from the Judicial Information Systems records using a standard sampling technique. According to this technique cases are selected according to random numbers taken from a table of random numbers. The overweighted trial convictions constituted 17% of the present sample N of 1795 cases, while randomly-selected guilty-plea sentences constituted the remaining 83%.[2/]

The basic outcome variable of "sentence"--both jail and fine--was adjusted to reflect periods of time and sums of money suspended from the sentence. Means (averages) of these adjusted or "net" sentences were then used in breakdown and analysis of variance procedures to

---

2/ The 309 trial cases included 38 Black cases (28.1% of all Black cases in the sample), 37 Native cases (10.8% of all Native cases), and 215 White cases (18.2% of all White cases). This is fairly consistent with findings in our felony plea bargaining study indicating that Blacks go to trial more often that Whites and Natives go to trial least of all among the three groups.

compare sentences across different subpopulations or groups. Thus, for instance, mean sentences can be broken down according to the level of severity of the defendant's prior record, by his racial group, by whether the conviction was by guilty plea or trial, or by several of these variables at once. The likelihood of receiving probation is expressed by the proportion (in per cent) of a subpopulation that receives a zero jail sentence.

For purposes of analysis we classified misdemeanor offenses according to five broad categories that we believed reflected some substantive similarity. These include (1) Property, (2) Street Crimes, (3) Assaults, (4) Traffic and (5) OMVI-DWI offenses. Representative offenses included in each of these categories are listed in footnote 3, infra.

Analysis Across All Five Offense Classes

The tables that follow deal primarily with mean (average) sentences. Jail times are in days and fines in dollar amounts. These mean sentences were computed only for defendants who received active sentences--that is, sentences of at least one day in jail. Thus, cases that received no active time (0 days in jail) are omitted from the computation.

Averaging in all offenses, Natives and Blacks received substantially longer jail sentences than Whites (Table I). The mean jail

term for Natives (13.76 days) is 83% longer than that of Whites (7.53 days). The mean jail term for Blacks (11.06 days) is 68% higher than that of Whites.

TABLE I

OVERALL MEAN JAIL SENTENCES
BY RACE (IN DAYS)

Blacks	11.06	(64)
Natives	13.76	(181)
Other	7.53	(286)

significant at .001

These mean sentences do not take into account the substantive nature of the convicted offenses or any other variables. Table II reflects a breakdown of mean sentences according to the type or class of misdemeanor at conviction.3/

3/ For purposes of this analysis, misdemeanors were classified in five broad groups. These classes are not the same as those we used in the felony analysis. Class I: Property Offenses. Includes petty larceny, malicious destruction, concealment of merchandise, joy riding, credit card theft, and misdemeanor embezzlement. Class II: Street Crimes. Includes disorderly conduct, vagrancy, and prostitution-related offenses, and non-traffic alcohol offenses. Class III: Assaults. Includes simple assault and battery, "misdemeanor" assault with a dangerous weapon and misdemeanor weapons offenses. Class IV: Traffic Offenses. Include reckless driving, negligent driving, and failure to render assistance. Class V: OMVIs and DWI.

TABLE II

MEAN JAIL SENTENCES FOR EACH CLASS OF MISDEMEANOR BY RACE (IN DAYS) (ACTIVE JAIL ONLY)

	BLACKS	NATIVES	WHITES	SIGNIFICANCE
PROPERTY	12.04 (26)	18.30 (78)	7.39 (79)	.001
STREET	13.84 (19)	6.18 (28)	8.66 (53)	NO
ASSAULTS	9.20 (10)	9.43 (23)	8.50 (29)	NO
TRAFFIC	10.00 (1)	20.33 (12)	6.86 (26)	.001
OMVI	3.75 (8)	11.00 (39)	6.94 (100)	.05

The above table indicates that mean Native jail sentences are substantially[4/] longer than those of whites for three of the misdemeanor types: property offenses (148% higher), traffic offenses (195% higher), and OMVI/DWIs (59% higher). Among street offenses, Natives received a less severe mean jail sentence than Whites (29% less than Whites). Black mean sentences are substantially longer than White sentences in two classes of offense--property (63%) and street (60%).

Note that there are no appreciable differences in mean sentences among the three racial groups for misdemeanor assaults. This parallels

---

4/ "Substantial has been operationally defined as a mean sentence 50% greater than the mean sentence for Whites.

the finding of our previous felony sentencing study in which Class 2 (violent) offenses were apparently unaffected by any racial bias.

Another way of representing the overall differences in the sentences received by the three racial groups is to compare the proportion of each population receiving a categorical sentence. Five categories of length of jail sentence were used in this analysis, including (1) no active time (all suspended), (2) one to three days in jail, (3) four to seven days, (4) eight to fourteen days, and (5) over fifteen days.[5/] Table III (a bar graph) represents in graphic form the proportion of Black, Native and White defendants receiving these categorical sentences.

5/ These categories were selected based on a frequency distribution of all misdemeanor sentences. We were interested in utilizing a scheme where each level (or category) would have a substantial number of cases.

TABLE III

PROPORTION OF RACIAL GROUP
(in %)

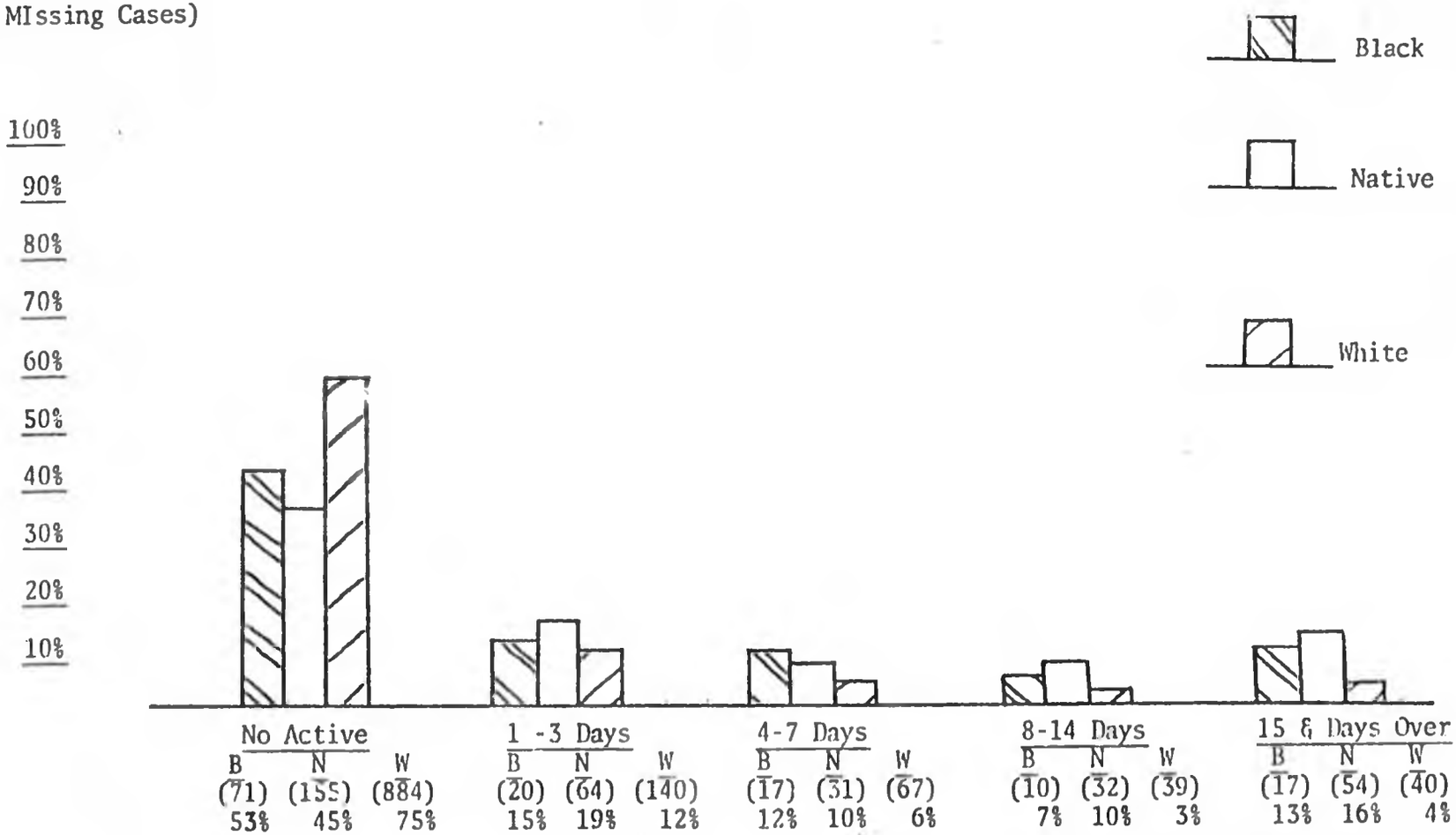
PROPORTION OF RACIAL SUBGROUPS RECEIVING CATEGORICAL SENTENCES

(135 Blacks = 100%)

(342 Natives = 100%)

(1180 Whites = 100%)

TOTAL N= 1657 (138 MIssing Cases)



Prior Record

The severity of the defendant's prior criminal record shows a strong positive association with length of jail sentence. As Table IV shows, mean jail sentence increases as the prior record increases in severity. This table indicates that those defendants with the worse prior misdemeanor records (10 or more prior misdemeanor convictions) received longer mean sentences than those with two or more prior felony convictions.

TABLE IV

MEAN JAIL SENTENCES
BY LEVEL OF SEVERITY OF
PRIOR RECORD
(IN DAYS)
(ACTIVE JAIL SENTENCES ONLY)

All Defendants	10.08	(566)
No prior record	7.42	(188)
1-3 misdemeanors	9.10	(195)
4-9 misdemeanors	10.20	(84)
10/more misdemeanors	19.00	(19)
2/more felonies	17.25	(73)

Given the relationship between severity of prior record and length of jail sentence it is important to consider the distribution of Natives and Whites within the prior-record variable. Perhaps Natives have considerably worse prior records than Whites, and perhaps this difference in prior records explains their longer mean jail sentences.

TABLE V

PROPORTION OF RACIAL GROUP BY LEVEL OF SEVERITY OF PRIOR RECORD (PROPORTION EXPRESSED IN %)

	Natives	Whites
No prior record	28% (97)	53% (623)
1-3 misdemeanors	38% (127)	30% (341)
4-9 misdemeanors	17% (59)	8% (91)
10/more misdemeanors	4% (12)	1% (14)
2/more felonies	13% (43)	8% (89)

significant at .001

Table V, above, indicates that Natives do have worse prior records than Whites. Subsequent tables consider the hypothesis that these worse prior records account for their longer mean jail sentences. Accordingly, mean jail sentences were broken down according to the above levels of severity of prior record for Natives and Whites.

Table VI (below) shows that Natives consistently received longer sentences than Whites among all levels of prior record. 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. Note that Natives with no prior convictions at all received jail sentences almost twice as long as those of similarly situated Whites (11.00 days vs. 6.05 days).

TABLE VI

MEAN JAIL SENTENCES BY
LEVEL OF SEVERITY OF PRIOR
RECORD BY RACE
(IN DAYS)
(ACTIVE JAIL SENTENCES ONLY)

	Natives	Whites	Significance
No prior record	11.00 (41)	6.05 (112)	.005
1-3 misdemeanors	11.82 (65)	6.69 (102)	.05
4-9 misdemeanors	11.96 (38)	9.15 (34)	NO
10/more misdemeanors	26.33 (9)	12.40 (5)	.05
2/more felonies	21.81 (26)	13.57 (30)	.05

However, when mean fines are broken down according to this scheme, the pattern is reversed. (See Table VII). That is, Natives consistently received lower fines than Whites (with the exception of first offenders, where fines are substantially equal).

TABLE VII

MEAN FINES BROKEN DOWN BY LEVEL OF SEVERITY OF PRIOR RECORD BY RACE (IN DOLLARS)

	Natives	Whites	Significance
No prior record	$158.40 (53)	$157.27 (519)	N.
1-3 misdemeanors	$139.69 (65)	$195.11 (282)	NO
4-9 misdemeanors	$189.17 (24)	$216.26 (66)	NO
10/more misdemeanors	$141.67 (3)	$287.50 (8)	NO
2/more felonies	$197.69 (13)	$206.33 (64)	NO

Staying Out of Jail

As noted earlier, all sentences of zero days (no jail time at all) were omitted from the above computations. We will now consider zero sentences separately in order to deal with the following possibility: When jail sentences are handed out Natives are incarcerated for more time, but perhaps this fact is "balanced" by Natives more frequently receiving sentences requiring no time at all, omitted from the previous averaging. Accordingly, Table VIII indicates the proportion of cases that received no jail time, by race, among the five substantive classes of misdemeanors.

TABLE VIII

PROPORTION OF CASES RECEIVING
NO ACTIVE JAIL SENTENCE
BY CLASS OF MISDEMEANOR AND
BY RACE
(PROPORTION EXPRESSED
IN PERCENT)

	Natives	Whites	Significance
Property	25% (26)	52% (87)	.001
Street	62% (46)	78% (191)	.005
Assaults	44% (18)	60% (42)	NO
Traffic	66% (23)	91% (260)	.001
OMVI	55% (47)	76% (314)	.001

Table VIII was compiled to test the alternative hypothesis that more Natives received zero sentences than did Whites, which might have "balanced out" the tendency for Natives to get more active time once the basic incarceration or "in" decision was made. However, Table VIII refutes this hypothesis and actually strenghtens the opposite case. Natives avoided incarceration less often than Whites among all classes of misdemeanor convictions. The numbers of cases in each group are reasonably large. Note that the previously-observed "pro-Native" sentencing differential in street offenses dissipates when the incarceration (in/out) decision is analyzed separately.

Defendants With Clean Records

In an effort to "neutralize" the effect of prior record and simplify comparisons we constructed Table IX, which compares first offense Native and White mean jail sentences for each of the five classes of misdemeanors.

TABLE IX

MEAN JAIL SENTENCES
FOR FIVE CLASSES OF MISDEMEANORS
BY RACE
FIRST OFFENDERS ONLY

	Natives	Whites	Significance
Property	13.00 (11)	4.73 (40)	.01
Street	4.57 (7)	8.62 (21)	NO
Assaults	9.14 (7)	8.33 (9)	NO
Traffic	22.00 (7)	5.25 (12)	.01
OMVI	14.80 (10)	5.69 (29)	.05

As can be seen from this table, the Native-White sentence differentials among property, traffic and OMVI offenses are even greater for first offenders than for defendants generally. Native jail sentences

for property offenses were 175% greater than for Whites, while mean sentences for traffic offenses were 319% longer than the White mean. Finally, Native OMVI sentences were 160% greater than for Whites. However, in street crimes Native first offenders were accorded more lenient treatment than Whites. ("Street" includes prostitution, disorderly conduct, vagrancy, etc.)

Defendants With Bad Records

To contrast with the "clean" first offenders, let us consider a "bad" group of defendants. We selected those with the worst records[6/] (10 or more prior misdemeanor convictions) for analysis. Since the number of cases involved in this table is too small to break down by type of crime, we chose to look at this group on an overall basis, regardless of the nature of the last charge. This seems reasonable, since by the time a person has accumulated a record of over 10 previous convictions, what kind of mischief he has been up to "lately" may not be of overriding importance (if it is still on the misdemeanor level).

6/ As Table IV indicates, overall, defendants with 10 or more prior misdemeanor convictions received the highest mean sentence (19.00 days).

TABLE X

COMPARISON OF NATIVES AND WHITES WITH 10 OR MORE PRIOR MISDEMEANOR CONVICTIONS

	Natives (n=12)	Whites (n=14)
Proportion receiving no active jail	25%	64%
Mean jail sentence	19.75 days	4.43 days
Mean fine	$35.42	$164.29
Mean number of prior misdemeanors	11.5	13.0

N too small for significance tests

As these comparisons indicate, Native sentences persist in being longer than those of Whites, while their likelihood of receiving probation is less. The sizes of the two groups are very comparable, and within this group the Whites actually have somewhat more previous convictions.

Alcohol Intoxication At Time of Arrest

In an effort to obtain information concerning the effect on sentences of alcohol use among the defendants in the sample, the coding instrument included the following item which was to be completed from information on the police report.

What was condition of defendant? (1=Defendant alleged by reporting officer to be under influence of liquor; 2=Defendant alleged by reporting officer to be under influence of drugs; 3=neither or no indication)

While this variable does not provide a perfect measure of the information we seek, it is a fairly good proxy.

Overall, in 37% (n=123) of Native cases and in 47% (n=512) of White cases the reporting police officer said the defendant was under the influence of alcohol at the time of arrest. Information was unobtainable (missing) for 236 defendants (13% of the total N in the sample). A reasonable assumption is that the police reports made no mention of alcohol or drugs in most of the "missing" cases.

TABLE XI

MEAN JAIL SENTENCES
BY RACIAL GROUPS FOR
ALCOHOL INTOXICATION
AT TIME OF ARREST
(IN DAYS)
(ACTIVE JAIL SENTENCES ONLY)

	Natives	Whites
No alcohol	15.13 (124)	8.07 (169)
Alcohol intoxication at arrest	10.79 (57)	6.76 (117)

Table IX indicates that alcohol intoxication at the time of arrest--for those defendants for whom this data was available--was associated with lower mean sentences for both Natives and Whites. However, Native defendants received substantially longer mean jail sentences than Whites, whether or not intoxicated at arrest.

Multiple Regression Analysis

The preceding breakdown tables allow us to consider the relationship between two variables--for example jail time and race--while controlling for variation in other variables, e.g., severity of prior record. However, they do not allow us to control for variation among several variables at once, or to take into account the inter-relationships among these variables. Accordingly, we turned to multiple regression analysis which shows us the independent effect of a single variable on length of sentence, while at the same time controlling for variation among a number of other factors. Multiple regression analysis provides a set of coefficiencs for each of the variables considered in the analysis. These coefficients are an index to the relative contribution of each variable while controlling for the others. Consider the coefficients in Table XII, below.

TABLE XII

MULTIPLE REGRESSION COEFFICIENTS
(ALL OFFENSE CLASSES)

OMVI conviction	-0.789
Native	+2.391
White	-1.400
Each prior misdemeanor conviction	+0.658
Property conviction	+3.811

The above coefficients indicate that a property conviction is the single most important factor associated with a positive jail sentence when the other listed factors (or variables) are controlled for. Moreover, the Native-White disparity noted in the earlier breakdown analysis is confirmed by the coefficients. Whereas being Native has a coefficient of +2.391, being White has a coefficient of -1.400. Any easy (but very crude) way to interpret these coefficients is that, other things being equal (e.g. the number of prior misdemeanor convictions of the defendant and the substantive class of offense) Native defendants receive average jail terms four (4) days longer than Whites.

One hypothesis that we considered earlier concerns the effect of being intoxicated at the time of arrest. Specifically, we ask whether it is Nativeness, in and of itself, that accounts for the higher jail sentences of Natives, or whether these higher sentences are in actuality a function of alcohol intoxication. The following multiple

regression coefficients, which add alcohol intoxication to the list of variables in Table XII, above, allow us to test this hypothesis.

TABLE XIII

MULTIPLE REGRESSION COEFFICIENTS
(ALL OFFENSE CLASSES)

OMVI conviction	-0.818
Native	+2.367
White	-1.420
Each prior misdemeanor conviction	+0.670
Alcohol intoxication	+0.127
Property conviction	+3.852

Table XIII, above, indicates that this hypothesis fails. First, the coefficient for alcohol intoxication at the time of arrest is very small, indicating that its independent contribution to jail sentence is slight. More importantly, the Native-White disparity remains nearly the same. Thus, it is not alcohol intoxication which accounts for the higher Native sentences.

PROPERTY OFFENSES

This section is exclusively concerned with misdemeanor property sentences. These include sentences for petty larceny, malicious destruction, concealment of merchandise, credit card theft, misdemeanor embezzlement and trespass. There were a total of 104 Native and 166 Whites convicted of property offenses.

Table XI indicates the overall mean jail sentence and fines for Natives and Whites convicted of property offenses.

TABLE XIV

MEAN SENTENCES FOR
PROPERTY OFFENSES BY RACE
(IN DAYS AND DOLLARS)
(ACTIVE SENTENCES ONLY)

	Natives	Whites	Significance
Mean Jail	18.30 (78)	7.39 (79)	.001
Mean Fine	$73.27 (26)	$89.20 (94)	NO

Thus, while Native mean jail sentences were 148% longer than those of whites, their mean fines were 18% less.

Differences between Native and White categorical sentences for property offenses are indicated graphically in Table XV. (See the discussion of these categorical sentences in the preceding section).

TABLE XV

PROPORTION OF RACIAL GROUP
RELIEVING CATEGORICAL SENTENCES

PROPORTION OF RACIAL GROUP

(In %)

PROPERTY OFFENSES

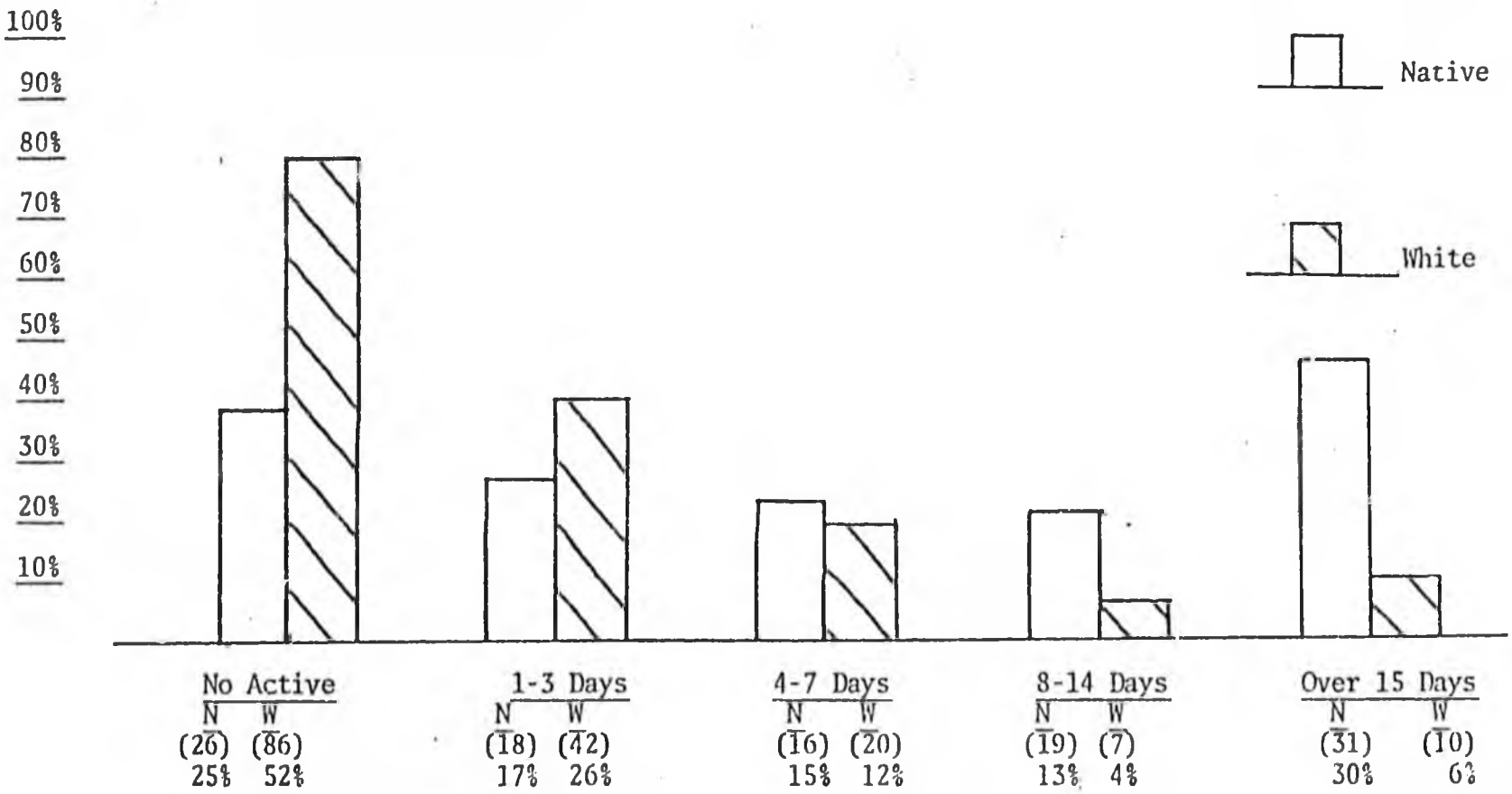


TABLE XVI

PROPORTION OF RACIAL GROUP
BY LEVEL OF SEVERITY OF
PRIOR RECORD
(PROPORTION EXPRESSED IN %)

	Natives	Whites
No prior record	17% (17)	56% (92)
1-3 misdemeanors	38% (39)	28% (45)
4-9 misdemeanors	17% (17)	7% (12)
10/more misdemeanors	6% (6)	1% (2)
2/more felonies	22% (22)	8% (13)

significant at .001

Table XII reflects the distribution of level of severity of prior record ror Natives and Whites. As this table indicates, Natives convicted of property offenses have substantially worse prior records than comparable Whites. The tables that follow consi ler the hypothesis that the worse prior record of Natives account for their longer property-offense sentences.

Tables XVII and XVIII, which follow, indicate the impact of the level of severity of the defendant's prior record on the disparities noted in Table XIV. Zero sentences are not computed.

TABLE XVII

MEAN JAIL SENTENCES FOR PROPERTY OFFENSES BY LEVEL OF SEVERITY OF PRIOR RECORD BY RACE (IN DAYS)

	Natives	Whites	Significance
No prior record	13.00 (11)	4.73 (40)	.01
1-3 misdemeanors	11.36 (25)	8.16 (25)	NO
4-9 misdemeanors	17.73 (15)	10.83 (6)	.05
10/more misdemeanors	41.00	----	
2/more felonies	25.75 (20)	15.75 (8)	.05
Missing	(2)		

TABLE XVIII

MEAN FINES FOR PROPERTY OFFENSES BY LEVEL OF SEVERITY OF PRIOR RECORD BY RACE (IN DOLLARS)

	Natives	Whites	Significance
No prior record	$100.00 (6)	$ 99.14 (58)	NO
1-3 misdemeanors	55.33	78.40	NO
4-9 misdemeanors	75.00 (3)	100.00 (3)	NO
10/more misdemeanors	----	50.00 (1)	
2/more felonies	100.00 (1)	50.00 (5)	NO
Missing	(1)		

As these tables show, Natives receive substantially longer jail sentences than Whites among all levels of severity of prior record. This suggests that severity of prior record does not explain the Native-White jail disparity in property crimes. With regard to fines, Whites in the one-to-three and four-to-nine prior misdemeanor categories received larger fines than comparable Natives, while Natives with prior felony convictions received greater fines than comparable Whites.

The Incarceration Decision

TABLE XIX

PROPORTION OF RACIAL GROUP RECEIVING NO ACTIVE JAIL SENTENCE (PROPORTION EXPRESSED IN %)

	Natives	Whites	
	No Jail	No Jail	Significance
No prior record	35% (6)	57% (52)	.05
1-3 misdemeanors	36% (14)	44% (20)	NO
4-9 misdemeanors	12% (2)	46% (5)	.05
10/more misdemeanors	17% (1)	100% (2)	.05
2/more felonies	9% (2)	39% (5)	NO

Table XIX indicates that White defendants are proportionately much more likely than Natives to avoid going to jail for property offense convictions. Moreover, it indicates that this pattern persists despite differences in the level of severity of the prior record of the defendants.

A potentially significant variable among property offenses is the value of property stolen in applicable cases. Table XX indicates that the mean value of property stolen by Whites was 145% greater than that stolen by Native defendants ($64.95 for Natives compared with $159.04 for Whites).

TABLE XX

MEAN VALUE OF PROPERTY STOLEN AMONG PROPERTY OFFENSES BY RACE (IN DOLLARS)

Natives	$64.96	(99)
Whites	$159.04	(166)
Missing	(5)	

significant at .05

In an effort to control for the impact of differences in the value of property stolen this variable was categorized into a four-level measure. These values include (1) none, (2) $1 to $50, (3) $51 to $100, and (4) over $101.

TABLE XXI

MEAN JAIL SENTENCES
BY CATEGORICAL VALUE OF
PROPERTY STOLEN BY
RACE
(IN DAYS)
(ACTIVE SENTENCES ONLY)

	Natives	Whites	Significance
None	17.67 (9)	5.44 (9)	.05
$1 to $50	16.36 (57)	7.24 (55)	.01
$51 to $100	35.60 (5)	9.83 (6)	.05
Over $101	9.00 (2)	8.67 (9)	NO

Table XXI indicates that except among those cases with the greatest value of property stolen, Natives received substantially longer jail sentences than Whites. It would appear that cases involving stolen property of the greatest value are treated more uniformly by sentencing judges; Native-White differences are greatest when the amounts in question are smallest.

Alcohol Intoxication

Another potentially important factor to consider in analyzing the Native-White sentence disparity concerns alcohol intoxication at the time of arrest. Nine percent of the Natives (n=9) and 7% of the Whites (n=11) were intoxicated at the time of

this arrest for property crimes, according to the police reports. Table XXII indicates two important things: First, alcohol intoxication at the time of arrest is associated with a less severe jail sentence when compared to non-alcohol arrests. Second, Native defendants who were intoxicated at the time of arrest received a mean jail sentence nearly five times as great as comparable Whites.

TABLE XXII

MEAN JAIL SENTENCES BY RACE FOR ALCOHOL INTOXICATION AT TIME OF ARREST AND NO INTOXICATION (IN DAYS) (ACTIVE JAIL SENTENCES ONLY)

	Natives	Whites	Significance
No intoxication	18.53 (72)	7.74 (73)	.05
Alcohol intoxication at arrest	15.50 (6)	3.17 (6)	*

*(N too small for significance test)

To summarize, neither level of severity of prior record, value of property stolen, or alcohol intoxication at the time of arrest appear to explain the disparity of the Native-White jail sentences in property crimes. The analysis will now turn to a consideration of specific offenses within the class of property crimes. Perhaps differences in specific offense of conviction explain the apparent racial sentencing disparity.

Specific Offense

A frequency distribution of specific offenses of conviction reveals no appreciable differences between Native and White offenses. The majority of both groups (n=70, or 67% of Natives and n=87, or 52% of Whites) were convicted of petty larceny (AS 11.20.140). Nearly equal proportions of Natives and Whites were convicted of defrauding an innkeeper (AS 11.20.480) (n=4 or 3.8% of Natives, n=5 or 3.0% of Whites), and unauthorized entry (AS 11.20.135) (n=6 or 5.8% of Natives, n=6 or 3.6% of Whites). Proportionately more Whites (n=29 or 17.5% were convicted of concealment of merchandise (AS 11.20.275) than Natives (n=8 or 7.7%), and of trespass (AS 11.20.630) (n=7 or 6.7% of Natives, n=25 or 15.1% of Whites).

Larceny

Insofar as larceny convictions constitute the majority of Native and White property convictions and also involve some of the longest property sentences we chose to analyze larceny sentences separately.

Table XXIII (below) indicates that the Native mean jail sentence for larceny is 128% longer than that of Whites (17.16 days for Natives compared to 7.54 days for Whites). (No significance tests were computed for the following tables because the numbers were too small).

TABLE XXIII

MEAN SENTENCES FOR
LARCENY CONVICTIONS
BY RACE
(IN DAYS AND DOLLARS)
(ACTIVE SENTENCES ONLY)

	Natives	Whites
Mean Jail	17.16 (58)	7.54 (52)
Mean Fine	$82.67 (15)	$98.93 (42)

However, mean fines for Whites were 19% greater than those for Natives.

Table XXIV reflects a breakdown of larceny sentences by level of severity of prior record, and by race.

TABLE XXIV

MEAN LARCENY SENTENCES BY
LEVEL OF SEVERITY OF
PRIOR RECORD BY RACE
(IN DAYS AND DOLLARS)
(ACTIVE SENTENCES ONLY)

	Natives		Whites	
	Mean Jail	Mean Fine	Mean Jail	Mean Fine
No prior record	10.22 (9)	$100.00 (2)	4.30 (27)	$106.88 (32)
1-3 misdemeanors	13.42 (19)	69.00 (10)	6.13 (16)	79.38 (8)
4-9 misdemeanors	17.10 (10)	100.00 (1)	18.33 (3)	50.00 (1)
10/more misdemeanors	45.00 (3)	----	----	----
2/more felonies	21.87 (15)	100.00 (1)	20.50 (6)	----

Table XXIV indicates that among larceny defendants with no prior records and defendants with one-to-three prior misdemeanors, Natives received substantially longer jail sentences than Whites. Natives with no prior records received mean jail sentences 138% longer than Whites. Further, among those defendants with four-to-nine prior misdemeanor convictions and two or more prior felony convictions mean sentences were nearly uniform. This would tend to indicate that having a severe prior record (over four misdemeanors) is the most important or significant factor for a defendant convicted of larceny. Native-White disparities dissipate among these groups with the more severe prior records (with the exception of the 10 or more prior misdemeanor group).

The Incarceration Decision (In or Out)

Table XXV

PROPORTION OF RACIAL GROUP
RECEIVING NO ACTIVE JAIL SENTENCE
FOR LARCENY CONVICTION
(PROPORTION EXPRESSED IN %)

	Natives	Whites
No active jail	16% (11)	40% (35)

With regard to the incarceration decision, Table XXV indicates that a far greater proportion of White defendants convicted of larceny stayed out of jail than did Natives (40% of Whites compared to 16% of Natives).

Multiple Regression Analysis

In an effort to study Native-White property offense sentence disparities by a more statistically rigorous method, and as a check on the earlier breakdown analysis, we used a multiple regression analysis of sentence length. This procedure tells us the independent impact of a given variable on sentence length while controlling for the effects of (or variation in) other variables. Consider the regression coefficients represented in Table XXVI.

TABLE XXVI

MULTIPLE REGRESSION COEFFICIENTS FOR SIGNIFICANT VARIABLES ON SENTENCE PROPERTY OFFENSES

Native	2.927
White	-4.359
Alcohol intoxication at arrest	-1.009
Each prior misdemeanor conviction	0.810
Each dollar of value stolen	0.001
Larceny conviction	2.154

$R^2 = .24$

Perhaps the best way to consider the above coefficients is to view them relative to one another. Thus, a present conviction of larceny, considered by itself and controlling for the other listed factors, has an impact nearly three times as great as having one prior misdemeanor conviction. The interesting thing to note regarding the Native and White coefficients is the magnitude of the negative White coefficient. An interpretation that we believe is consistent with these values is that, other things being equal (or controlled for), a Native defendant starts with the disadvantage of getting some jail time (+2.8) while a comparable White starts with the advantage of getting "negative" time (4.4). The important point, analytically, is that these coefficients confirm the findings of our breakdown analysis.

METHODOLOGICAL APPENDIX

The following description of the methodology used in collecting and analysing the data for this project is provided to give the reader a general idea of the steps involved in arriving at the tables and text we have presented.

Data Collection

1. Sources. Our previous studies of Alaskan felony and misdemeanor sentences suggested three potential sources of information that had to be consulted thoroughly to understand misdemeanor sentencing patterns: court case files, police reports, and Department of Public Safety records of prior criminal histories. Court case files alone were not sufficient because they generally do not include information about hypothetically important factors such as alcohol use, race, age, prior offenses, and a detailed account of what actually occurred at the time of the offense. On the other hand, the two other sources usually do not contain reliable information about the precise offense of conviction, mode of disposition (plea or trial), the sentence imposed, or conditions of that sentence.

Public Safety Department records of prior offenses are used by prosecutors and police and are reported to court officials as the primary source of information about a defendant's previous contacts with the criminal justice system. Similarly, our other sources of information were also the primary records available to criminal justice personnel. The records for individual defendants tended to vary from one another in completeness; some included many pages of information while others consisted of nothing more than one or two forms that had been sketchily

prepared. In order to maintain the maximum consistency in our information about each defendant we attempted to include only those items of pertinent information recorded for the majority of defendants. We also chose to take our information from specific sources: for example, we coded information about alcohol intoxication only from the police report since this was the record in which it was most consistently recorded. The lack of presentence reports for misdemeanants limited the kinds of socio-economic data which could be included in the study. Prior criminal histories, however, could be (and were) coded in great detail.

2. Coders and Coding. Our coding staff came from various backgrounds. Most had a year or more of college education. Several were graduate students with research experience, and others had worked with the Judicial Council as coders on earlier studies. The coding supervisor had two years of research experience beyond her college degree, and was closely supervised in turn by more experienced Judicial Council staff.

The coding form was designed by Judicial Council staff to meet several needs: it had to be easy for coders to use and understand, structured to maximize efficiency in key-punching, and had to reduce the possibilities for either unwarranted exercise of coder discretion or errors at every step. The entire flow of the data from original records through coders, checkers, key-punchers, and computer programming to final analysis was taken into account during the design of the form. Besides the coding forms themselves, coders were given a detailed instruction manual and supplementary materials such as lists of codes for each offense. The coding supervisor kept a notebook of questions which arose during training and

coding along with the clarifications and explanations given to coders so that neither lapses of memory nor hiring of new coders would change the interpretations of the coding manual or forms. This procedure promoted uniformity.

Two days of training using the actual coding forms and case files preceded work on the court files in Anchorage and Fairbanks. Judicial Council staff conducted the training given for all aspects of coding court files, police reports, and Public Safety records. Coders were given experience in coding, in checking each coding form, and in use of the manual and supplementary materials. To fit their work into context, Council staff also described the criminal justice system, meanings of various terms, and reasons for the study, in detail.

3. Checking. Accuracy, (validity) consistency and (reliability) are crucial in a study of this type. Acceptable error rates for coding data from records have been established through years of experience by scientists in various fields who have not only analysed the data collected in studies but coders and the coding process as well. A five percent error rate has been considered acceptable in many similar studies. Throughout our analysis, we attempted to reduce our error rates below the "acceptable" levels through a series of checking procedures.

Each case in our study was coded by one coder. It was then checked through completely by a second coder. Finally, the coding supervisor and Council staff spot-checked at least every fifth case to make sure that no systematic errors were occurring through coder misunderstanding of instructions. Any errors found during this process were corrected. A

random check of coding forms after coding had been completed suggested that the actual error rate was approximately two percent, well below the acceptable five percent level.

4. Keypunching. The second major step in collection and analysis of data is to transfer information from the coding forms to a tape which can be read by the computer. This process requires a person to read the coding form and type (key-punch) the codes recorded on the form onto either computer cards or magnetic tape. While paper cards have traditionally been used and have some advantages, the Council decided to turn to a more sophisticated approach in which the data is punched directly onto a magnetic tape which can be read immediately by the computer. Paper cards can be lost, damaged, or placed out of order. Each of these problems can be corrected, but all are eliminated with the use of a magnetic tape, thus reducing both cost and chance of errors.

Key-punched cards or tapes can be "verified", a technique for insuring accuracy at this stage of the process. Just as each of our cases was checked completely after having been coded, each record on the magnetic tape was re-done completely by a different operator after having been key-punched. Should the second punching disagree with the first, a signal alerts the key-punch operator to the discrepancy and the work is re-done. This verification procedure was guaranteed by the company employed to key-punch our data to give an error rate of three-quarters of one percent (.75%) or less. Superior Business Services of San Francisco, Inc. performed the work for the Council.

5. Computer Analysis. The computer analysis of the data involved two stages: a final checking for errors in the data, and the actual analysis.

Error checking was performed by printing out each variable in two different ways and looking for mistakes. The first procedure, frequency distributions, shows each bit of information coded and how many times it occurs. For example, race in our study could be coded as "1" (=Black defendant), "2" (=Native), or "3) (=Caucasian or other race). If the frequency distribution showed a code of "4" or "7", this indicated an error at some point. The error would then be corrected by printing out the defendant's number, checking his coding form (if necessary and possible, also checking the original source of information), and entering the correct information onto the computer tape. Frequency distributions served other purposes as well. For example, a frequency distribution of all sentences imposed showed that the most fell between 0 days and 21 days in length. In fact, only 11 sentences were of 150 days or more. Because there were so few of these cases with long sentences (they constituted .6% of the entire sample), their inclusion in the study would have skewed or distorted the more typical sentences given to misdemeanor defendants. After a careful analysis of their effects on the other data, we eliminated them from consideration. 1/

1/ The 11 cases also tend to balance each other out in terms of their effects on our findings of racial disparity. The 11 sentences include the following defendants:

a) 4 sentences were 360 days (1 year), imposed on 1 Black, 1 Native, and 2 Caucasian defendants;
b) 4 were 180 days (6 months), again 1 Black, 1 Native, and 2 Whites;
c) 1 was 176 days (a Native defendant); and
d) 2 were 150 days (5 months), one Native and one White.

The mean sentences among these 11 were 270 days for Blacks, 221.5 days for Natives, and 246 days for whites. Because these means are so close, their exclusion from the study was further justified.

A second procedure for checking the accuracy of our data on the computer was to cross tabulate different variables, for example, type of offense by use of alcohol. Thus, if no defendants convicted of drunken driving had been coded as "intoxicated at arrest", this would have led us to check our key-punching and coding for accuracy. (No cross-tabulations of our variables, however, suggested any such systematic errors). Cross-tabulations also help to describe the defendant population and show relationships among the different variables.

6. Statistical Analysis. We chose to utilize SPSS (Statistical Package for the Social Sciences), an integrated system of computer programs designed for the analysis of social science data. (SPSS was also used in our analysis of the felony plea bargaining data.) SPSS programs are considered to be among the most useful and powerful procedures available for analysis of large aggregations of data. The package provides the researcher with a full range of statistical routines for description and analysis.

The primary purpose of using statistics to analyze information is to identify relationships or associations among different factors (e.g., the relationship between race and trial rates, alcohol use and petty larceny, sentence length and prior record, and so forth). Having identified a certain relationship between or among variables, the researcher must also determine the likelihood that the observed relationship is likely to occur by chance. This second aspect of the analysis, statistical significance, is discussed in b), below.

a) Statistical Methods. We used contingency tables, breakdowns, and multiple regression techniques in order to arrive at the findings of our report. Contingency tables are simply two- or three-way cross-tabulations

of variables (see Table VIII, page 12). Breakdowns allow the researcher to compare the mean sentences imposed for various groups of defendants. Tables constructed from this analysis (such as Table XVII, page 23) can show differences among groups of defendants with regard to one or several variables. Each of these two techniques allows the researcher to look closely at the effects of one or several variables simultaneously while controlling the effects of other variables. Multiple regression however, allows more variables to be considered simultaneously, and gives the independent contribution of each variable to the final outcome (in this case, sentence) while controling for each other variable. (See Table XXVI, page 31 for an example). Multiple regression has different limitations on its usefulness than the other two techniques, but can be considered the most rigorous tests of associations among variables.

b) Statistical Significance. Having established certain relationships between variables and outcomes, it is still necessary to know whether the observed differences are "real" or whether they occurred by chance. We relied upon T-tests, Chi Squares, and analysis of variance tests to measure the significance of observed differences presented in this report. We used the traditional level of .05 significance as our criterion for statistical significance. The .05 level measures that the observed differences could be due to chance in only 5 out of 100 cases. Conversely, the researcher can be confident that the relationship or association noted would be the same in 95 out of 100 samplings. Should the test result in a number greater than .05 (such as .08 or .10), the result is not considered to be statistically significant. Significance levels for the tables included in this report are noted on each table. They range from .001 (1 chance in 1000) to .05 (5 chances in 100), which indicates that there is very little

likelihood that any of the results could have occurred by chance. Where the level of significance is greater than the .05 level "NO" appears for the significance level.

Alaska Judicial Council

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

STATISTICAL ANALYSIS OF SUMMARY OF FINDINGS IN ANCHORAGE AND FAIRBANKS

(August 15, 1974 - August 14, 1976)

PRELIMINARY REPORT

November 7, 1979

Prepared By

Michael L. Rubinstein
Executive Director

Nicholas Maroules
Analyst

Teresa White
Research Supervisor

SUMMARY OF FINDINGS

Purpose of Research

Research on misdemeanor sentences was undertaken at the express request of the Alaska Supreme Court following the July 1978 release by the Judicial Council of findings indicating apparent racial disparity in the felony sentences rendered in Anchorage, Fairbanks and Juneau between 1974 and 1976. Following the publication of these disturbing felony findings the Supreme Court requested that the Council undertake a similar analysis of misdemeanor cases; the attached preliminary report summarizes the Council's findings regarding a sample of misdemeanor sentences.

Data Base

The analysis involved a sample of 1,795 misdemeanor sentences imposed by the District Courts of Anchorage and Fairbanks between 1974 and 1976. These cases were randomly drawn by computer from among some 14,000 misdemeanor sentences rendered during the same period, according to the computerized records of the Alaska Court System. It should be understood that this sample was not originally collected for the purpose of testing for racial sentencing disparity but in order to ascertain the effect of the Attorney General's official abolition of plea bargaining.

Gross Evidence Of Sentencing Differentials

Clear sentencing differences were found among blacks, whites and native Alaskans. For example, considering only those sentences that resulted in some period of incarceration, on the average, whites were sentenced to 7.53 jail days, blacks received 11.06 jail days, and natives received jail sentences averaging 13.76 days, which is 83% longer than the white average. (These are gross averages that do not take into account differences among the kinds of specific offenses involved, the past criminal histories of the defendants, or any other relevant factors.)

Classification of Offenses

All sentences were then divided into five broad offense classes. For the purpose of analysis we created the following groups: (1) property offenses, (2) street offenses, (3) assaults, (4) traffic offenses, and (5) OMVIs and DWIs. In the assault or violent category there was virtually no difference in mean sentences among blacks, whites and natives. (This is of interest, since the Judicial Council's 1978 analysis of felony sentences showed a similar absence of sentence disparity for felonies involving violence.) In the categories of property and street crimes, the jail sentences of black defendants were substantially longer than those of whites. Natives' mean sentences were shorter than white sentences in the class of street crimes. (Prostitution,

vagrancy, etc.) However, native defendants received substantially longer jail sentences than whites in property, traffic and OMVI-DWI cases. The memorandum that follows focuses mainly on the native-white differences, since the presence of a relatively greater number of native cases in this sample provided us with a better basis for detailed analysis than did the smaller number of black cases.

Impact of Prior Criminal Record

In this data jail sentneces increased in length as previous convictions increased in number. It was also true that Alaska native defendants in this sample tended to have more previous convictions than white defendants. (For example, 53% of the white defendants had no prior criminal convictions, while only 28% of the native defendants fell into this category.) Nevertheless, numbers of previous convictions did not adequately explain the sentence differences observed. For example, native defendants with no previous convictions still received much longer sentences than whites with no previous convictions who were convicted of the same kinds of crimes. In fact, when cases were aggregated in groups according to numbers of previous convictions, natives in almost all groupings consistently received substantially longer sentences than whites in the same groups.

Avoidance of Incarceration

The analysis reported above compared differences in length of jail sentence among those defendants who were sentenced to serve at least one day of jail time. In computing these jail sentences we omitted the many cases in which jail time was equal to zero. We subsequently analyzed the data to compare natives and whites with respect to the likelihood of a zero sentence -- avoiding incarceration altogether. We found that there was a substantial difference. For example, in sentences for property crimes only 25% of the native defendants avoided going to jail as compared to 52% of the white defendants. The same general patterns appeared in the other four classes of misdemeanors as well, including the street crime category, the only group in which we had previously observed that natives appeared to receive fewer days in jail than whites. Across all groups of misdemeanor offenses Alaskan natives had a much greater chance of going to jail than whites. As in the previous discussion of mean jail sentences, comparing native and white defendants who had similar numbers of previous convictions, in almost every comparison group natives had a significantly higher rate of incarceration than whites.

Effect of Alcohol Intoxication

In a substantial number of cases police incident reports stated that the defendant was under the influence of alcohol at the time of his arrest. We analyzed these cases

and compared them with those in which no such notation was made in order to determine what effect, if any, intoxication might have on sentence length. We found that intoxication at time of arrest was associated with shorter sentences for both white and native defendants. Because we know that the police do not always include information on intoxication in their reports, we recognize that our data in this respect leave something to be desired. However, from these preliminary findings it would seem that alcohol intoxication does not in itself contribute to harsher penalties. Nor does it seem to explain the native-white disparities in sentencing. Natives and whites who were intoxicated received more lenient treatment than those who were not; but intoxicated or sober, native jail sentences were still consistently longer than those of whites by a substantial margin.

Analysis Of Property Offenses

The second portion of the attached report focuses specifically on sentences in the property group -- mostly petty larceny, shoplifting etc. Property sentences were singled out for separate analysis because they were the most numerous sentences in our sample, they included a substantial number of native defendants, and the white-native sentencing differences in this class were quite large and significant. For example, the average native jail sentence for a property offense was 18.30 days compared with a white mean of 7.39 days, a difference of 148%.

and compared them with those in which no such notation was made in order to determine what effect, if any, intoxication might have on sentence length. We found that intoxication at time of arrest was associated with shorter sentences for both white and native defendants. Because we know that the police do not always include information on intoxication in their reports, we recognize that our data in this respect leave something to be desired. However, from these preliminary findings it would seem that alcohol intoxication does not in itself contribute to harsher penalties. Nor does it seem to explain the native-white disparities in sentencing. Natives and whites who were intoxicated received more lenient treatment than those who were not; but intoxicated or sober, native jail sentences were still consistently longer than those of whites by a substantial margin.

Analysis Of Property Offenses

The second portion of the attached report focuses specifically on sentences in the property group -- mostly petty larceny, shoplifting etc. Property sentences were singled out for separate analysis because they were the most numerous sentences in our sample, they included a substantial number of native defendants, and the white-native sentencing differences in this class were quite large and significant. For example, the average native jail sentence for a property offense was 18.30 days compared with a white mean of 7.39 days, a difference of 148%.

Effect Of Previous Convictions

Native defendants tended to have more previous convictions than whites. For example, while 56% of the white defendants had no previous convictions at all, only 17% of the native property defendants were first offenders. However, among this group of "clean" native defendants the average jail sentence was 13.0 days. Among the comparable group of "clean" whites the average was only 4.73 days. Natives who had up to three prior misdemeanor convictions had a mean sentence of 11.36 days. Whites in the same prior-record group had an average sentence of 8.16 days. (In this category there were exactly 25 whites and 25 natives.)

Avoidance of Incarceration

White defendants consistently managed to avoid incarceration more frequently than natives, and this pattern held true in the comparison of groups who had similar numbers of previous convictions. For example, 35% of the native property offenders who had clean records received sentences involving no jail time at all. By comparison, 57% of the whites in the same category avoided going to jail.

Value Of Property Stolen

On the average, the property taken by white defendants was more than twice as valuable as that stolen by the natives in our sample. ($159.04 versus $64.96) Therefore, natives who stole property that was on average much less valuable than that stolen by whites still received jail sentences which averaged more than twice as long.

Effect of Alcohol Intoxication

Considering only those defendants who received at least one day of jail time, when a native was intoxicated at the time of his arrest (according to the police report) his average property sentence was 15.50 days. This compared with an average sentence of 3.17 days for reportedly intoxicated white. Where no intoxication was indicated the white average was 7.7 days and the native average was 18.5 days.

Effect of Specific Offense

We segregated convictions for petty larceny (AS 11.20.140) from the general class of property offenses. We chose petty larceny since it was both the most common property offense and among the most severly punished in the group. It also included a relatively large number of native defendants which facilitated a comparison with whites. The average native larceny sentence was 17.16 days while the average white sentence for the same offense was 7.54 days. Sixteen percent of the Alaska native defendants convicted of petty larceny avoided going to jail, as compared with 40% of the whites convicted of the same offense.

Conclusions and Implication

Whether the racial differences in sentencing patterns uncovered by this research were caused primarily by judges is not known at this time. In fact, there are strong preliminary indications that the patterns we found were caused by a number of separate discretionary decisions made prior to sentencing, and which may have operated in a cumulative

fashion to place Alaskan natives and blacks at a relative disadvantage compared with the majority of urban whites in this study. For example, there is reason to believe that the operation of the bail system may have an adverse affect on the rural native who has more difficulty being released on his own recognizance prior to trial or plea and may therefore spend more days in jail than his white counterpart. There is also reason to believe that the police decision to arrest, prosecutorial charging decisions, and defense practices by public defenders and other counsel may add to the final result of longer native sentences. Whatever the causes of the problems, there is universal agreement that the sentencing differences uncovered in this research are too large and statistically significant to be ignored by the criminal justice system.

Representatives of the Anchorage District Court have taken a possitive step by meeting with the Advisory Committee on Minority Judicial Sentencing Practices, a legislatively-appointed body consisting of, layman, lawyers and judges, and representing affected minority interests. The Anchorage judges have expressed profound concern over the findings and have agreed to embark on a program of active cooperation with the Minority Committee in an effort to isolate the causes of the problem and to help formulate concrete proposals in the nature of specific legislation, and other action to correct the situation. As of this time there has been discussion of two specific areas: 1) establishment of community work service alternatives to incarceration as authorized by the new criminal code, effective January 1, 1980; and 2) taking a closer look at laws, practices

and procedures relating to bail, to determine whether the bail system places rural natives at a systematic disadvantage. Judicial cooperation efforts of judges and members of the minority committee will probably produce other constructive suggestions in the near future.

MLR

REPORT: Division of Corrections, State of Alaska, Department of Health and Social Services

FROM: Esther Heffernan, Postdoctoral Fellow, Boys Town Center for the Study of Youth Development, Catholic University of America, Washington, D. C.

RE: Women Offenders in the Alaska Criminal Justice System

DATE: Field Visit - June 24, 1979 thru July 2, 1979
Report Date: July 15, 1979

During the nine day field visit with the Division of Corrections in Alaska I had the opportunity to speak with a wide range of persons holding positions within the Department of Health and Social Services and the Division of Corrections; with members of the judicial branch; the governor's office; members of the criminal justice faculty at Anchorage; and with citizens and volunteer groups concerned with corrections in the state. During the period I also visited the probation and parole offices at Anchorage, and the facilities at Eagle River, the Anchorage Annex, Ridgeview, McLaughlin Youth Center and the Juneau Correctional Center. At Eagle River and at Ridgeview, with several visits, it was possible to interview a limited number of both staff and inmates. On June 27, I spoke with the Ridgeview Citizen's Advisory Committee, while on June 26 and June 29, I was able to meet with the newly forming advisory group for planning for the women offender developed by the Division of Corrections.

In every contact, I experienced a real sense of hospitality and cooperation in discussing both the problems and possibilities regarding corrections in general in Alaska, and for women in particular. In addition, I was provided with materials on the composition and backgrounds of the offender population in Alaska, reports on the Eagle River Correctional Center, the portion of the master plan covering female inmates and co-corrections; the Correctional

Academy Program Review: Year Three Report; "Alaska: A Corrections Challenge," by William Huston and Michael Gilbert; the Report of the Statewide Conference on Incarceration and Re-entry Alternatives in 1978, and the 1977 Preliminary Study: The Status of Women in Alaska.

During this period I was continually impressed with the quality of both the persons serving the State of Alaska and of the citizen groups, and of their mutual interest in providing good services within the context of citizen safety and inmate needs and rights. I was also very much aware of different emphasis on priorities among services provided both to the general public and inmates, and on appropriate types and levels of security required. Upon reflection, I realize that this may be a function of the unique responsibilities of the Division of Corrections in Alaska.

Overview and Background:

Alaska's territorial and late statehood status appears not to have provided the same degree of diversity, flexibility and "buffering" in contacts between the division of corrections, the judiciary and local law enforcement agencies present in "the lower forty-eight" states. In most jurisdictions, local law enforcement agencies are responsible for detention facilities and administer both pre-trial and misdemeanant cases. As a consequence there are significant differences between jurisdictions in size, policies and laws enforced, alternative services, and security levels, which relate quite directly to local community, not state or federal standards. In turn, ordinarily, state divisions of corrections deal with a more stable and known felon population on a state-wide basis, with a focus on programs, industries, and a range of facility types, including usually until recently, quite distinct

facilities for women. This is not the case in Alaska.

As a result of Alaska's structural "merging" of responsibility for both local detention and probation and state-wide corrections at the state administrative level, with close connections between law enforcement, corrections, and health and social services, there has been personnel recruitment from all three sectors. As a consequence, there are multiple perspectives within the division of corrections on the appropriate relationships and responsibility to the "public"--including the legislature, the judiciary, police, attorneys, citizen groups, detainees, sentenced prisoners, and their families and friends. It appears that Alaska has a rather unique dual orientation which reflects both the structural and personnel realities of the system. One stance emphasizes public service law enforcement in the context of a high risk, crises environment with the consequent perceived need for highly expensive, totally secure detention facilities as the focus of the correctional system. Concerns of this nature are clearly indicated in the tabulated priority needs expressed for in-service training for correctional officers and other personnel. The other, more traditional corrections and social service orientation, stresses planning diverse and multi-security level programs and facilities, with emphasis on inmate needs and a range of possible income and program support resources. Historically, outside of probation services, with the exception of Palmer and Eagle River, Alaska has been dependent on outside facilities for these programs, particularly for long-term inmates.

However, these dual orientations operate within a division of corrections which, because of historical circumstances, is neither closely related to the very diverse ("bush justice") and widely separated local communities which

form the state of Alaska; nor organized as a highly centralized system with coordinated services, integrated programs and uniform standards. However, within the last years there has been an effort to develop the latter. It appears, based on a range of interviews that the division accurately could be described as a set of probation and parole services closely linked in some areas with law enforcement personnel; and a set of relatively autonomous correctional facilities with a wide range of functions, classification levels, and highly limited space capacity for flexible services and programs. More critically, the discussion encompasses a range of differing policies regarding security needs, inmate-staff relationships, and local community relations, combined with a budget which does not reflect increasing populations, costs, and communication needs, nor changes in programs and responsibilities if the correctional services are to be provided within the state of Alaska.

Within this setting, there is a total capacity for less than fifty women (with fluctuating numbers in arrest and short-time detention), who are placed in small, highly segregated and limited facilities. Ridgeview, as a result of the hard work and creative efforts of a concerned staff and advisory board, has been able to transcend a facility whose construction in every way militates against program potentials which generally have been available in even the most limited women's institutions. While small numbers have tended in most states to restrict women to a single institution, the result has been that women with both misdemeanant and felon status, and with a wide range of sentence lengths, ages and "formal" classification and offense types have often been housed together in minimum security cottage-type facilities without the expensive and unnecessary high-security installations associated in many persons'

minds with male facilities.

The jail/prison combination in Alaska have tended to prevent this tradition from being present in the state, and apparently has led to an either/or dicotomy of release or probation, or high security segregated settings. At present, the options of shared facilities and resources or minimum security camp/cottage environments open to programs and community work and study opportunities are limited. As a consequence in Alaska, women, within a correctional system spending a very high per capita amount on them, paradoxically, receive a discriminatory minimum of services in high restrictive environments. However, the very uniqueness of the situation and the immediate need to address the questions of programming for the woman offender, with the termination of the lease for the Ridgeview facility and the authorization for construction, may be a positive value.

The diversity in Alaska, as well as its still recent "statehood," means that planning and structures can still be in their formative stage. With a relatively small correctional system and the absence of a long tradition and major construction reflecting a particular correctional orientation, it may be possible to lay the groundwork for some very creative structures and programs. A slight historical digression, based on documentary evidence from some research I am completing, may provide some helpful insights into Alaska's situation. Interestingly enough, Alaska's present-day dilemma s and choices reflect some of the same problems faced, from the 1780's to the 1830's, by the then still "organizing" states of the new United States, in the development of their own "criminal justice systems."

It is not so widely known that our present network of jails and prisons are partially the result of the fusion of two quite distinct "institutions"--

the prison and the workhouse--as the consequence of early 19th century taxpayers revolts! The situation should provide present-day legislators and administrators with some consolation that their position is not unique. The local workhouse, which was retained in the movement from colonial to statehood status, often performed three functions for the surrounding towns or counties. It provided employment for the poor and dependent in "public projects" or through contract labor. In times of unemployment or distress, the workhouse was often the major locus of a mixture of "poor relief" efforts in the community and its services were recognized as a preventative alternative to the petty thievery or public disorders which might occur if the poor were not "cared for." At the same time, it was also the facility where the poor, the servants, and the apprentices, convicted of property, debt, or "public order" offenses might "work-off" by servitude, their fines and/or restitution payments; while propertied members of the community who commited the same offenses paid off their "debt" to the community or their victim from their own resources. The same workhouses were often also the local jail, holding persons waiting for trial when courts were not in session. In this form, the workhouses were open institutions, with no distinctions in regard to age, sex or backgrounds, and easily accessible to family and friends. The ordinary daily activities and family contacts (in some cases entire families were present in the workhouse), continued, while food, drink, companionship and recreation were as unrestricted as the poverty or plenty of the "inhabitants" of the workhouse/jail could provide.

Immediately after the revolution, the early state legislatures began to move to codify or place in statutory form those portions of the civil and criminal tradition which they wished to modify or retain from English common

and statutory law. At the same time, in determining the penalties in the criminal law, there was a move on the part of key political, business and religious leaders to experiment with "reforms" in criminal punishment in an effort to restore "law and order" after the revolution in a form which was not fully legitimated or accepted by a significant number of persons of varied political, economic and religious backgrounds.

One of the most important reforms, for future corrections, was the decision to substitute for capital punishment or banishment, imprisonment of the offender in almost totally isolated solitary confinement, stripped of all but the minimum requirements for physical and mental survival. As it was planned, when, as a result of the intense deprivation of solitary imprisonment, there was clear evidence of a "breaking of the will" and the presence of "sincere repentence" within the prisoner, "counselors" or overseers appointed by the legislatures from "philanthropic societies" composed of members drawn from the economic and religious leadership groups of the state, were to recommend the prisoner's release through a request for a pardon to be granted by the governor. This punishment, they argued, would be more "terror-provoking" for both the condemned and for the potentially law-rejecting public than a public execution or banishment, which often evoked sympathy for the condemned from the onlookers, and in some cases, public disorder within the local community. Consequently, the initial legislative intent, expressed at the time of the erection of the state prisons, was that they were to house prisoners who under earlier statutes would have been convicted of offenses which carried a death sentence. However, the building and maintaining of these institutions, which occured in most of the states, involved what was considered in those days immense sums of money--often a major portion of the state budget!

As a result of a rather complex set of factors, in some of the states, particularly Pennsylvania, Massachusetts and New York, workhouses and prisons were combined and set up as centers of contract labor. The state legislatures argued that the local communities could not afford to support the multiplication of local facilities to perform the three functions of the workhouse, when at the same time the taxpayers had sunk their resources into what seemed an enormous investment and constant expense--the state penitentiary. At the same time in the application of the revised codes, the criminal offense of "vagrancy" was often applied to the status of "unemployed," while the practices of gathering from or using the "common lands" was affected by new civil definitions of "private" property, which resulted in additional definitions of what constituted "theft." These re-defined offenses moved some of the "poor and dependent" potential inhabitants of the workhouse into the category of "criminals," eligible for the new workhouse/prisons.

A continuing debate arose as to whether the "new prisons" should be run as workhouses or penitentiaries, or both. In the wake of the constant debate on their purposes and continual changes in administrations and construction, with "conflicting architectures" of solitary cells or congregate areas, the new prisons became centers of constant unrest. Resentful prisoners, who earlier would have worked out their fines or restitution payments within the relatively free environment of the workhouse, found themselves now sentenced to the solitude and deprivation of the prison for the condemned, combined and identified with violent persons mutually feared by both inmates and guards. As a consequence of the prisoners' open and covert resistence to these "new prisons" and their changing administrative policies, the prisoners' behavior often reinforced the public view of their "dangerousness", and the need for

and form of the "prison system" became a fact of life. At the same time, the concept of restitution tended to be lost sight of--since "condemned persons" were in no position to provide payments.

This mixed heritage of prisons as places of "terror," as places to "pay off ones debts," as "social service centers" as well as places for detainees before trial, has continued. Where resources and populations are available, these "multi-functions" are often distinguished by the use of elaborate "classification" systems, with provision for separate facilities and programs based on a wide range of criteria and "rehabilitation needs" often unrelated to the original offense or the situation of the person involved. In other states and localities, where resources or numbers are lacking, the multi-functions are still merged in the single institution. Traditionally this has often been the case for women, always relatively small in number and predominantly from the given "minorities" of the time and place. After initially sharing both the workhouses and the penitentiaries with the men, they were later, as were the children, separated and segregated "for their own protection." In addition, the women were perceived as "more difficult to handle by any but their own sex" and "needing special care."

Alaska, as a "new" state, is now facing all of these dilemmas--with limited resources, facilities and numbers, and with diverse legal and "justice" traditions. But perhaps, with the experience of some of these historical realities available, Alaska, in planning for corrections within the state, may explore some alternative choices.

Recommendations:

Within this context, the following suggestions, based on the field visits

in Alaska, and experience in other jurisdictions concerned with the same issues, may be of help in formulating programs and policies affecting the division of corrections as a whole, as well as more specifically for the woman offender who may be equally or even more affected by the broader operations of the division than her male counterpart.

General Programs and Policies:

1. Development of a liaison structure between the judiciary and the division of corrections to examine:

   a. the potential consequences for the division of corrections of the implementation of the new criminal code.

   b. the availability of or impact on facilities and services of a pattern of sentencing or a particular sentence in a given jurisdiction, as well as the implementation of any court orders directed to the division.

   c. the provision for monitering of the division of correction's response to particular judicial recommendations in sentencing; the feasibility of certain requests for services or programs, and the development of channels for the routine notification of the judge when changes are made in the status of prisoners sentenced in their court.

2. Continued legislative examination of the possibility of decriminalizing, without legalizing, drug abuse and proscribed sexual behavior which does not involve coercion, with a sensitivity to variations in local community standards. These legislative changes could include mandated health and social services, but without the use of the criminal sanction, and the services

and facilities of the division of correction.

3. Development of "client service" arrangements with state health and social services, education and employment agencies which would provide in their budgets and staff time for the more specialized services which persons "commited to the care of the state" have a right to obtain, but which, for small numbers and specialized needs, the division of corrections finds difficult to provide effectively and efficiently. This is particularly the case when, with rising costs, these needs are in "competition" with the more critical obligation of the division of corrections to provide the basic necessities of adequate food, shelter and physical protection. At the same time, particular state services might be placed at a given facility, as a governmental location in the community, to be made available to other clients in the local area. For example, in the Illinois correctional system, the minimum-security facility at Vienna provides space for the local vocational-technical college, shared by both the inmates and the adult population of the educational district in a mutually satisfactory arrangement. It might be noted that the institution is placed in a predominantly white rural southern Illinois county, while a significant number of the inmates are from black and Spanish-speaking upstate urban backgrounds. For a period the institution included both men and a relatively small number of women inmates. The demand for the women's housing unit, which could accomodate a larger number of men from the rapidly increasing male population in the system, led to their withdrawal from the institution.

4. Internal policy formulation by the division of corrections within the following areas-which may require some legislative or administrative code changes as well:

a. Development of classification policies in regard to security levels, eligibility for study, work and community service release, and furlough status, which reflect the flexibility and creativity possible with Alaska's widely diverse and relatively small population. There is little need for the use of system-wide standards developed in other jurisdictions, based on offense-type and time-in-sentence status, which are often justified by statistical probability studies derived from large populations and inappropriately applied to individual cases or dissimilar correctional environments. It is particularly unnecessary in Alaska, given the small number of resources and a more personal knowledge of the offender, to be locked into a rigid classification system.

b. Modification of existing policies in all facilities regarding segregation or "sight and sound" restrictions based on the age or sex of detainees or offenders, in order to provide for sharing of facility programs, services and "common" areas. While ensuring the degree of privacy and personal protection which is the responsibility of any correctional system for all persons, modification of this policy makes possible the shared use of facilities without:

(1) the excessive cost of total duplication of staff, space and program, or

(2) placing juveniles and women as "minorities" in a "competitive" situation with males for limited visiting, recreational or program space; or

(3) total restriction, in some instances, of juveniles and women to highly inappropriate, essentially maximum security solitary

confinement.

The 1977 report on the status of women in Alaska noted the practical consequences in Alaska of the continuation of present "sight and sound" restrictions. Many of these policies regarding segregation by sex or age developed in systems where large number of inmates did not make the duplication of services based on a variety of "classification" criteria prohibitively expensive or excessively restrictive, or where "holding" inmates in solitary confinement was the defined function of the correctional system.

c. Systematic planning for increased availability of telephone contact as well as visiting space and time in order to offset the greater distances between facilities, family members, and home residence than exist in more "compact" jurisdictions. Telephone contact, in particular, can lessen anxiety regarding family, employment, etc., which otherwise can lead to increased security risks and/or medical problems.

d. Development of in-service staff programs to continue the emphasis of the division of corrections on personnel education, but also to provide opportunities to examine, react to and modify suggested changes in policy in the division. At the same time, a variety of public resources should be used to develop public consideration of correctional policies. The excellent example of the Eagle River and Ridgeview advisory committees, and the state wide correctional issues conference should provide resources for the systematic development of volunteers, church and community organization contacts and a cooperative relationship with the mass media and the public press. Changes in policy and programs should also be accompanied

by planning to provide staff choice of positions and programs which reflect most adequately their own orientation to correctional needs. The diverse responsibilities of the division of corrections should be supportive of a range of skills and perspectives. Changes in policy in regard to the use of shared resources requires a consideration of the hiring and job responsibilities for both men and women employees in all of the facilities and positions of the division. The range of court decisions involving both job discrimination and privacy issues may make this a difficult area, but one which should be systematically implemented.

Policy and Programs for the Woman Offender:

The following series of comments and recommendations are addressed to the issues directly affecting the woman offender and are ordered in relation to decision points along the system of criminal justice in Alaska.

1. A judical conference is needed to consider the direct implications of the new criminal code for the woman offender. In other jurisdictions, a decrease in the discretionary power of the judges or the adoption of a policy of sentence equalization, has led to an increasing proportion of women offenders sentenced and commited to prison terms than was the case in the more recent decades before the latest revisions of the criminal codes. Since, with the noted exception of minority-membership women, there has been tendency more frequently to release or place women on probationary status, the introduction of the new code may have a more significant effect on women than men. It is critical that these possible consequences be examined by both the judges and the division of corrections, rather than have a significant change in the number of women commited, without preliminary budgetory, personnel and diver-

sion program/facility planning occuring.

2. It appears, from the interview data, that probation is widely and well used for the woman offender in Alaska. Most of the women for whom it is appropriate are being or have been placed on probation. If policy changes in this area are considered, they might involve greater use of court supervision of restitution arrangements, and a decrease in direct probation supervision. Re-arrest might be defined as the basis for revocation of probation, without the use of probationary supervision except for cases where the nature of the terms of probation make it appropriate. These cases might well involve the use of personnel in alcohol, drug, mental health, employment or family counseling state or community agencies, as well as personnel within the division of corrections itself.

3. As mentioned above, all detention facilities should consider modifying "sight and sound" restrictions to assure the maximum use of all areas, programs and services by both men and women detained there. The present use of a magistrate within or in close contact with the institution to lessen the necessary time of detention is an excellent practice, and should be provided in every jurisdiction. Jail personnel, because of their close contact with a wide range of persons, frequently in crisis situations, should be exceptionally well prepared to meet emergencies while remaining very sensitive to the reactions which may occur in a jail setting. It is probably one of the most demanding positions within the division, and should be considered in that light both in preparation for placement and in job classifications. In the development of the pre-trial facility in Anchorage, and in the modification or construction of new facilities in other parts of Alaska, the planning should require the use of space and materials in such a way that the most "normal" relationships and accommodations are present, with adequate space for visiting,

counseling, recreation, religious services, exercise and dining, as well as provision for privacy and protection. Particular care should be taken to provide medical services, and for social services that can ensure immediate and adequate family contacts.

4. Planning should begin immediately for the development of community correctional centers--or the extension of and close monitoring of present contract half-way houses--to provide three service functions:

a. re-entry houses for women who have been serving sentences in other facilities and need to develop work and community contact in preparation for release.

b. center for the serving of misdemeanant sentences which involve work or community service under supervision and/or residential restrictions.

c. minimum security centers for women with felony convictions, with work, study or community service status.

A center or centers of this type is particularly crucial for the Anchorage area and should be an integral part of any planning connected with the phasing out of the Ridgeview facility. The center might include rooms and services for both men and women, or involve separate residences, and accommodations also for children. An additional alternative for women eligible for study release would be the use of one wing of female cottage at McLaughlin Youth Center, which is presently being restored. The provision for facilities for youth in other parts of the state may lessen the need for the full use of the McLaughlin Center. The use of the resources of the institution for the youthful offenders, within an age range fairly close to the ages of the young

women presently at McLaughlin (or an older woman whose placement there would be appropriate), in close proximity to the educational resources of the community college and the university, is a real advantage. In addition, contact between the adolescents at the youth center and women who have had a more mature experience with the criminal justice system may also provide some effective and positive counseling--as experience in other institutions has shown.

5. Planning should begin immediately for a women's correctional institution for Alaska, for women whose sentences make open community placement inadvisable. In order to share and supplement existing resources and programs, the unit might be placed at either the Eagle River or Palmer correctional centers. At either location, the women's institution should be organizationally distinct, with classification levels, programs and policies developed which reflect the differing functions of the women's institution. However, both men and women's units should be administratively coordinated, with the shared and common use of the existing and expanded food, educational, work, recreational, medical, and program area and services. The choice of either location would require careful planning and organization and extensive in-service staff preparation and inmate cooperation, with policy development to ensure that the changes would not endanger or restrict the present functions and programs of either Palmer or Eagle River, but would provide a greater number of services and resources for both men and women.

At Eagle River, one of the two pre-planned cottage locations could be used for the women's unit. While the present architectural plans include four "wings" in each cottage, each providing housing for ten inmates, the plan could be modified to re-design one of the wings for additional space for internal

program and administrative use, while one of the housing wings might include unobtrusive security provisions which might be needed to provide for the wider range of classification levels in the women's unit.

The Eagle River service areas are already well-designed for supervision, and should not require the use of additional staff nor the development of restrictive policies. Based on field data from other shared facilities, consistent enforcement of general policy regarding appropriate inmate and staff relationships has generally been found to be a sufficient guideline, particularly where there is provision for regular family contacts and a range of programs with community groups to provide relational options.

However, there is also a need for the Division of Corrections to expand the Eagle River facility for the use of a male population, following its original planning and construction. In addition, the continued informal specualtion and more formal discussion of the possible placement of women in the Eagle River facility without clearly delineating procedures, time tables or possible organizational structures, has created apprehensions on the part of staff, inmates and persons concerned with both Eagle River and Ridgeview, which even with careful planning and coordinated effort may be difficult to allay. And, of course, its original architectural planning did not anticipate it possible shared use.

While its location is farther from Anchorage, the use of the resources at Palmer might provide a desirable alternative to consider. In this case, the construction of a needed service area for programs, health, recreation, visiting, dining and educational purposes would be mutually beneficial for both the men and the women. At the same time, an organizational separate but administratively coordinated unit for housing and internal program needs for

approximately twenty women could be designed and constructed, using the resources of the present camp. Again, within the women's unit, careful planning could provide the resources for flexibility in classification and security needs, within the traditionally open environment of the Palmer Camp. There might also be instances when women eligible for work release might find the camp/farm placement more appropriate than the Anchorage community correctional center. As at Eagle River, the educational and community groups in the Palmer area, as well as the Ridgeview's citizen advisory committee should be involved in the program components of the expanded facilities and as integral members of the planning process.

The consideration of both Palmer and Eagle River as a location for the women's unit should provide some opportunity to consider the positive and negative aspects of each location in regard to organizational structures, program resources, community responsiveness, and the future flexible use or expansion of the facilities. Either choice should involve the careful development of policies regarding health care, family contacts, coordination of differing classification levels, program and industries development, staff responsibilities, etc., which will be required in the organizationally more complex shared facilities.

6. Finally, there may be some need to use out-of-state facilities when special needs require it. This may involve situations where the actual residence or post-release placement will be outside the state, or where the resources of a larger or specialized institution may be desirable. However, these placements should be an exception, and long term sentences should never be equated with the need for high security or isolation.

In the development of a time-table for the development of the correctional options for women, the planning and construction times for the Anchorage pretrial detention facility, the community correctional centers, and the women's

correctional unit at either Eagle River or Palmer may not coincide with the phasing out of the multi-functional facility for women at Ridgeview. As far as possible, the planning should provide for as little "temporary" housing and placement as possible. If necessary, pre-trail detention for the short period before the phasing in of the new pre-trail facility might take place at the Anchorage Annex, but only with changes in "sight and sound" restrictions that would assure the full use of the admittedly limited resources of the facility and within the context of an extensive in-service program at the detention center on staff-inmate--public relationships.

Conclusion:

There is a tendency, built into the very nature of report-writing and organizational planning, to obscure the very reality which it is supposed to render intelligible and hopefully make a little better. The "reality," of course, is that a great deal isn't very intelligible We are all--on both "sides" of "the law"--trying to muddle through, with a fair level of good intentions, with limited resources and structures that don't make much sense but which we can't change easily, with differing degrees of fatigue and faith, optimism and pessimism, and the need to have some hope. The "choices" still remain difficult, very little turns out to be "neat and clean," and understanding and compassion are probably the most precious of human gifts. There is real evidence of the latter's presence within "the system" in Alaska, and that is probably the most critical factor in the "success" of the planning for women in corrections in the state.

ALASKA CORRECTIONS MASTER PLAN

Executive Summary

In 1978, the State of Alaska committed itself to the development of a master plan for its corrections system. The planning process was initiated when Moyer Associates, Incorporated, along with the American Foundation and the National Center for Juvenile Justice, were invited by the State to participate in the development of a master plan. Alaska faces, as do many other states, the prospect of a growing offender population and increasingly limited resources with which to confine, reform, or reintegrate them into the law-abiding society. Development of a formal statement of policies and goals based on a comprehensive analysis of available information, i.e., a "master plan" for the future of corrections, was seen as crucial to the resolution of this dilemma. Although this plan cannot, and does not purport to, provide ultimate solutions to corrections problems, it does constitute a framework for action in its statement of goals and policy alternatives.

The consultants and the State have developed this document through a collaborative planning process, in which the consultants have gathered and analyzed information and representatives of the State have developed policies and goals based on the consultants' analyses. It remains the responsibility of those who work in the corrections and criminal justice system of Alaska, along with the

legislature and the citizens of the State, to enact these policies. The translation of policy to action can only occur in an atmosphere of commitment to the plan's broad goals and with a sufficient investment of resources to ensure that these goals can be at least partially achieved. Planning is a continuous process of goal-setting, information-gathering, evaluation and monitoring, and revision of action plans in light of new constraints, resources or goals. This corrections master plan thus is a statement of policies which are considered to be the most desirable and feasible in the year 1979. Although it projects needs and outlines action options through the year 2000, constant refinement and reanalysis of its recommendations will be necessary as the consequences of proposed actions become more apparent. It should thus be viewed not as an end, but rather as a means to effect positive changes in Alaska's corrections system. It is in this spirit that Alaska's Division of Corrections has already begun to develop action strategies based on policies and goals developed in this master plan.

This summary of recommendations is offered as an overview of correctional policy alternatives for the State of Alaska. Some recommendations require only administrative policy changes to enact, while others require additional funding and/or statutory changes as well. Proposals for construction of new facilities and renovation of existing ones will of course require a substantial amount of funding to implement. Wherever possible, the type of action necessary to

implement a given policy or recommendation is indicated; the underlying rationale for each policy statement is to be found in the body of the master plan, to which the reader is referred for detailed information presentations in each topic area.

Philosophy and Goals of Alaska Corrections

The foundation of constructive action to improve corrections practice must be a clear definition of the goals such action is intended to achieve. Policies and recommendations in this master plan have been formulated based on the philosophy summarized below:

1. Incarceration of both presentence and post-sentence offenders should be used as a last resort, and then for as short a period as possible, only for offenders who present a demonstrable risk to public safety and/or who are convicted of crimes for which society demands punishment through imprisonment.

2. In the interest of promoting offender reform and reintegration while holding costs to a minimum, community corrections programs (including probation, parole, work release and restitution) should be utilized for the maximum possible number of offenders.

3. Focusing of resources and support on community corrections programs so that all possible means of maximizing diversion from incarceration can be explored.

4. Renovation or replacement of existing Alaska corrections facilities as necessary to provide normalized, humane and secure environments for all Alaska inmates.

5. Provision of a broader spectrum of work, training and social service opportunities for the benefit of both inmates and community corrections clients.

Organization of Corrections

Both the style and the structure of management of a corrections system determine to a large extent the type and quality of its services. For the most part, changes in the organization of corrections can be accomplished administratively, within the DHSS and the DOC. However, where new positions are required in the revised organizational structure, legislative authorization and funding will be necessary; recommendations for restructuring made in this plan should require only a limited number of additional staff positions.

Two elements of management style which are vital to successful corrections practice are the ability to clearly define the agency's objectives, and an emphasis on participatory management. Management-by-objectives (MBO) is a system which can aid in setting practical objectives and in developing criteria to measure the level of attainment of those objectives. With staff at all levels of the organization participating in this process, internal coordination and staff commitment to achieving the agency's goals and objectives is likely to be enhanced.

To ensure that the organizational structure of Alaska's Corrections Division is consistent with stated philosophies and goals,

the master plan makes several structural recommendations. It is recommended that for the foreseeable future, the Division be retained within the Department of Health and Social Services "umbrella." Within the Division several changes in structure and scope of services are proposed:

1. A Youth Services unit should be created which is separate from adult probation and parole, but retained within the DOC.

2. All staff services, management services, and policy development functions should be administratively consolidated into a Technical Services unit, managed by one administrator. Central management of health services would also fall within this unit, as would facility standard-setting and inspection functions.

3. The Adult Community Services unit should have responsibility not only for probation and parole, but also for pretrial assessments and supervision and for work release and halfway house functions.

4. Within Adult Institutional Services, central policy-making and coordination of three essential functions can be enhanced through designation of three central office positions with policy-making authority: a Classification Coordinator, a Programs Coordinator, and a Prison Industries Coordinator. At least one of these positions is already provided for, but the current Chief of Classification has not had the policy-making authority which is essential to an objective and uniform classification process.

decentral. 3c

5. The Director's office should be provided with sufficient staff to develop a public information function and to ensure that the Division has adequate legal services (through the Attorney General's office).

The Division has already acted on a few of these proposals, but their full implementation must await funding of the few new staff positions required. One recommendation which should be enacted immediately is the appointment of a five-member citizen advisory board for the Division of Corrections. Other advisory groups, for prison industries and for each corrections service area, may also be desirable.

A long-range goal for Alaska's corrections system is the regionalization of service delivery for all corrections services, including incarceration. This must be a long-range goal, since it will necessitate replacement of several rural facilities as well as requiring larger offender populations than some areas of the state now generate to justify provision of a full spectrum of services for each area. In addition, both Youth Services and prison industries as newly constituted functions within the Division, will profit from centralized administration for some time to come. Eventually, fully regionalized service delivery, managed by regional coordinators responsible for all corrections services who report to the Director of the Division, will become more feasible and desirable. For the interim, the current three-region structure of Adult Community Services and Youth Services should be retained. As the quality of adult institutions available throughout the state is gradually improved through renovation and/or replacement, it will become more

feasible to retain sentenced inmates closer to their home communities, and thus regionalize Adult Institutional Services. This will of necessity be a gradual process, and even with a fully adequate system of facilities, totally regionalized housing of sentenced inmates may not be practical due to the very small number of offenders originating from many rural areas.

definition ?

Adult Community Corrections

In many ways, community corrections services offer the brightest hope for the future of corrections. Probation and parole are indisputably less costly than incarceration, and are no less effective in reforming offenders. Work release, although perhaps nearly as expensive as institutionalization in terms of operating costs, may reduce the need for institutional bed space, which in turn can reduce the amount of renovation or new construction required. The capital cost savings obtained through avoidance of construction can be quite substantial. Therefore, improvement or expansion of community corrections services is likely to increase the overall cost-effectiveness of the system.

documentation ?

Many of the community corrections recommendations of the master plan can be implemented through administrative policy changes. There are also several proposals for expansion of services which would require additional staff and/or funds for contractual services, but, as previously noted, the total cost of expanding adult community corrections to serve a larger proportion of Alaska's offender population would be substantially less than the cost of

imprisoning offenders who could be safely and successfully supervised in less restrictive settings.

The master plan advocates the development of more detailed policy and procedure statements by central office staff, to ensure that community corrections services are of uniform quality throughout the state. Some revision of the current policy manual will be necessary to encompass expanded services and changing practices; this presents the opportunity to develop more detailed descriptions of service objectives, preferred methods and general policies for community corrections services.

Revisions in service delivery procedures which are intended to better utilize staff time are recommended and illustrated in the plan. A modified client classification system, which categorizes offenders according to their relative levels of need for supervision and services (intensive, regular or minimum) is suggested. In addition, revisions of the workload weighting system to accommodate this new tri-level supervision system are proposed; this would permit a more precise monitoring of actual staff workloads, and thus more effective use of staff time for clients with greater need for supervision or services.

Other means of increasing the level of services offered to needy clients without necessarily greatly increasing the total community services budget are proposed as well. Increased use of paraprofessionals and trained volunteers should be encouraged; in particular, use of indigenous paraprofessional case aides to

supervise clients in rural areas of Alaska is suggested as a means of improving service delivery to these rural offenders. These case aides would be paid on a case-by-case basis, and would report to full-time professional community services staff who are more centrally located. Community services staff should be strongly encouraged to function as service "brokers" for their clients, directing them to resources, programs and services available from non-correctional sources. An increase in funds available to the Division of Corrections for contractual services would allow community corrections staff to purchase services for their clients as needed.

The Division should provide more appropriate training for community services staff than is now available, focusing less on a lengthy orientation course and more on periodic refresher seminars in specialized topic areas. Training needs for these staff members are quite different from those of institutional security staff due to differences both in educational background and in the demands of the job. It is recommended that the Division not allow the carrying of firearms by community services staff, since their role should not be law enforcement so much as service brokers for their clients. Staff also require adequate office space, with sufficient privacy, space for records storage, and accessibility to their clients' communities.

A major expansion of community corrections services is advocated in two areas: pretrial assessment and supervision, and prerelease and halfway house programs. There are no formal pretrial assessment and release programs now in operation in Alaska,

but given their potential for decreasing unnecessary pretrial detention, they are critical to reducing the institutional bed space needs. Community services staff, who already perform other offender assessments for the courts, the Parole Board and corrections, are best-equipped to assume this new function. Expanded use of prerelease and halfway house settings for selected offenders is another promising means of reducing unnecessary incarceration. This function is also most logically subsumed within community corrections' responsibilities. Implementation of both of these programs will of course require additional staff, and probably additional monies for contractual services (prerelease and halfway houses). Therefore, this expansion should be undertaken on a gradual basis, through pilot programs in one or two urban areas which can be transferred to other regions as more funds become available. This is the process which the Division's existing New Start program has followed; it is recommended that, due to its demonstrated success in Anchorage, it be replicated in other urban areas of the state.

Clearly, community corrections services as here envisioned will have contact with offenders at many crucial decision points, from their initial intake to their final release from community supervision. Therefore, close coordination of community corrections with the other criminal justice system components (law enforcement and the courts) is essential. In addition, community corrections services must work closely with institutional services to ensure that offenders receive consistent treatment as they progress through the system. Finally, community corrections will of necessity be closely affiliated with many other non-correctional community agencies

which provide services to correctional clients.

With an increased emphasis on diverting as many offenders as possible from incarceration, community corrections will assume an ever more central role in the Division of Corrections.

Adult Institutional Services

The Division of Corrections is responsible for the maintenance of control and good order within its confinement facilities. Although the State's first priority should be to minimize the number of offenders confined in corrections facilities, there will continue to be some for whom incarceration is felt to be the only appropriate disposition. For these offenders, the provision of a secure and humane setting which affords them opportunities for self-improvement should be the primary goal of the Division and the State of Alaska.

Because many of the facilities currently in use are seriously deficient with regard to space available, its arrangement and allocation, and even in some instances significant physical deterioration of the buildings, and major system-wide improvements in institutional programming must await renovation or new construction. Thus, although recommendations presented here are applicable to the entire institutional system, many will probably be implemented on a facility-by-facility basis, as replacement facilities or renovations are completed.

Based on a detailed evaluation of the adequacy of existing institutions, the following course of action is suggested:

1. Facilities which should be abandoned and replaced by new construction and/or alternative facilities are:

   a. Ketchikan CC*
   b. Ridgeview CC
   c. Anchorage Third Avenue CC
   d. Nome CC
   e. Bethel CC
   f. Rural jails in Kotzebue, Kodiak, Kenai, and Barrow.

2. Facilities which should be renovated and/or expanded are:

   a. Anchorage Annex* (for eventual use only as a prerelease center)
   b. Juneau CC*
   c. Fairbanks CC
   d. Palmer CC
   e. Eagle River CC (expansion)

The recent bond issue has provided funds for the partial renovation of the Juneau CC and the Anchorage Annex, as well as for replacements for the Annex's present pretrial detention function, for the Ketchikan CC, and for the Bethel CC.

Of the remaining facilities obtaining a replacement for Ridgeview crucially important due to the impending termination of the states' lease on that building. Because of the very small number of female inmates in Alaska, it is strongly recommended that they be housed in a larger institution which also houses men, so that they will have a range of program opportunities not usually feasible to offer in very small facilities. Several alternatives for the housing of female inmates are suggested, including the addition of residency at Eagle River, and provision for a female unit within the new sentenced inmate facility at Anchorage (discussed later). The

* Indicates total or partial funding through the 1978 G.O. bond issue.

latter solution will only be viable in the long run, of course, and given that a short-range alternative must be utilized, the Eagle River option is the most appropriate of those considered.

The potential for expansion of Eagle River was provided for in the original design. Although housing of men and women in the same institutional complex may present management difficulties initially, the benefits are felt to outweigh the disadvantages, particularly if that institution's staff has been adequately trained to cope with the potential problems and to make the most of the positive aspects of co-corrections.

The plan strongly recommends that in the long run, the state should discontinue the practice of housing Alaskan inmates in Federal Bureau of Prisons facilities. Even with maximal use of alternatives to incarceration, this suggested policy of retaining Alaskan inmates in the state, along with the deteriorated condition of the Third Avenue CC, will require the construction of a new facility for sentenced inmates in the Anchorage area. This facility should not be a traditional maximum security prison, but rather should incorporate the progressive design features and building materials utilized in model facilities elsewhere in the nation which confine a wide range of inmates. The capacity of this facility should be determined based on maximal use of alternatives to incarceration, and on the level of regionalization of confinement which is felt to be feasible and appropriate.

Ten potential institutional service areas, each of which now has at least one correctional facility within it, are discussed in the plan. These are viewed as the smallest practical subdivisions of the state for corrections purposes; they could be combined into fewer larger service areas. None of the existing rural facilities (Bethel, Nome, Kotzebue, Barrow, Kodiak, and Kenai), which are the primary corrections facilities in six of the ten service areas, are suitable to house sentenced inmates, so if any level of regionalization is to be achieved, all or some of these facilities must be replaced. However, due to the tremendous cost and the potential for overuse of such new rural corrections facilities, replacement of the existing rural jails should assume a lower priority than recommended renovation or expansion of the more urban state facilities and construction of a sentenced inmate facility in Anchorage. Therefore, although regionalized incarceration is desirable in that it maintains offenders closer to their home communities, it may not be practical in Alaska's areas to any large extent for some time to come.

In general, expansion of the total institutional system's bed space capacity should not outpace the Division's and the State's efforts to maximize diversion from incarceration (both pre- and post-sentence). The State of Alaska should not make the costly mistake of overbuilding to accommodate a temporary "bulge" in the growth rate of the inmate population. Inmate populations may well be reduced (from projected current practice levels) in the future through more aggressive use of alternatives to incarceration coupled with effects of the changing age composition of the general population (fewer persons in the high-risk, crime-prone age range).

The Division, despite present facility limitations, is obligated to provide secure housing and at least minimal program opportunities for its inmates. Therefore, the plan proposes several initiatives in the area of institutional programming. One of the most vital concerns is classification of inmates. The Division must develop an inmate classification system which can be uniformly applied across the system. The designation of a Classification Coordinator with central policy-making authority to develop classification criteria and procedures is an essential step in improving the Division's classification system. Specific definitions of inmate types must be developed, based not only on the type of housing and supervision they require (security considerations), but also on their programming needs. Classification committees within each institution would have responsibility for classifying each inmate at intake and developing a program plan with the individual; this plan, and the inmates' custody level, should be periodically reviewed and revised as necessary. Prerelease programming should be included in the committee's considerations. The Classification Coordinator can thus function as advisor to the committees in the application of criteria and procedures developed by him or her in consultation with institutional administrators and staff; the Coordinator would not have line authority over any institutional staff, but should have policy-making and monitoring responsibilities under the direction of the Adult Institutional Services Administrator. The Coordinator should also hear appeals of inmates regarding decisions of the classification committees.

A full range of services and program opportunities should be

available to all inmates, and particularly to sentenced inmates. Facility limitations have not been accepted by the courts as sufficient rationale for inmate idleness, a pervasive problem in Alaska and elsewhere. Designation of a Program Coordinator at the central office level, who, under the authority of the Adult Institutional Service Administrator, would be delegated responsibility to develop program concepts and monitor their implementation, is recommended. At each institution, one staff member should be given the responsibility of being Program Director, coordinating staff and program availability and working closely with classification committees to ensure that inmates needs are being met. The central Program Coordinator would not have line authority over institutional staff, but would have policy-making and monitoring responsibilities.

The range of programs available to inmates should include education (which should be statutorily specified as the responsibility of the public school system through the 12th grade level), vocational training (to be developed in conjunction with prison industries, discussed later) drug and alcoholism treatment (through the State Office of Alcoholism and Drug Abuse), and library services. In addition, leisure-time activities, and indoor and outdoor recreation, are essential components of any institution, both for security and for programmatic reasons. Counseling, both with regard to specific institutional program opportunities and in relation to more general emotional problems, should be available to all inmates, either through in-house staff or contractual arrangements with other public or private agencies. Community-based

programming, particularly furloughs and work and education release, should be fully developed and utilized for appropriate inmates as a valuable reintegrative tool. Prerelease preparation is essential for inmates making the difficult transition from the institution to their communities.

Development of a system of prison industries is a central recommendation of the master plan. Industries, when efficiently operated, can result in savings to the State in terms of reduced state agency purchasing expenditures, reduced criminal justice costs, and prison industry wages and profits; benefits for the institutions in terms of reduced state agency purchasing expenditures, reduced criminal justice costs, and prison industry wages and profits; benefits for the institutions in terms of reduced numbers of disciplinary infractions and more normalized social atmosphere; and benefits to the inmate worker in terms of ability to provide family support, participate in vocational training, and obtain jobs upon release. The prison-industries approach advocated for adoption in Alaska is the Free Venture model, which emphasizes a realistic work environment (a full work day, inmate wages based on work output, and transferable training and job skills) and self-supporting or profit-making business operations. Alaska offers a unique setting for prison industries, in that there are several product areas in which there is now no in-state private sector involvement. Thus, it is recommended that prison industries manufacture not only state-use goods, but goods to sell on the open market as well. Development of a prison industries system in Alaska will require a substantial initial funding commitment, as

well as statutory authorization. To ensure that the system is developed in a coordinated and planful fashion, a Prison Industries Coordinator should be designated as part of the central office staff under the authority of the Adult Institutional Services Administrator. Institutions recommended as sites for industries are those at Eagle River, Palmer, Juneau and Fairbanks. The proposed new facility for sentenced inmates should also provide space for a full range of industrial operations. Other, smaller Alaskan institutions are not seen as appropriate for full-scale industries, inmates of these facilities could be engaged in more small-scale crafts production or activities such as repairing small engines.

Health care services are essential to the operation of correctional institutions. With the hiring of a central office Health Care Coordinator, the Division of Corrections has taken a major step in the improvement of its health care systems. The master plan endorses the development of detailed, written policies, standards and guidelines for health care, a process in which the Coordinator is now engaged. With the addition of more med. al staff, both in-house and contractual, it is hoped that more consistent treatment can be provided to all inmates in areas such as intake medical screening, drug and alcoholism intervention, mental health, dental services, and routine medical care. Adequate space and necessary equipment must be provided so as to ensure that medical staff can offer high quality care to inmates.

Even within ideally designed and equipped facilities, programs and security will not be adequate without sufficient numbers

of qualified staff to operate the facilities. Four major factors determine the number of staff necessary for a given institution: the number of inmates confined there, their custody or security requirements, the types of program and work opportunities available, and the physical design of the building. All of these factors must be considered in determining both the minimum number of staff necessary to operate the facility and the optimum number of staff desired to develop a full range of program and work options in a secure environment. Sufficient funds must be made available to hire and train the requisite numberof staff; as documented needs change, funding levels should be adjusted. Use of contractual agreements with outside agencies and individuals specializing in particular program areas, as well as encouragement of volunteer involvement, are recommended methods of stretching scarce correctional resources to serve the maximum number of inmates. Corrections must be provided with sufficient numbers of trained staff for its institutions in order to carry out its statutory responsibilities to ensure public safety and promote positive change in offenders.

Youth Services

The Division of Corrections has responsibility for both community and institutional corrections for juveniles. The master plan makes several organizational and policy recommendations for youth corrections services, the most far-reaching of which is the recommendation that a separate Youth Services Unit be created within the Division's organizational structure. This will focus attention on services to juveniles, which is not now as feasible with one administrator having responsibility for both adult probation and

parole and youth services.

The plan strongly recommends that all youth intake functions be operated by the Division of Corrections rather than being shared with the court system. It is also suggested that all juvenile petitions should be written and filed by the Department of Law-rather than by youth services caseworkers.

As with adult corrections, the plan emphasizes the need to focus resources on the development of a range of alternatives to incarceration for youths. Expansion of foster and group homes through contractual arrangements is proposed as a primary means of diverting youths from secure detention and as alternatives for adjudicated juveniles as well.

Because it is anticipated that very few youths will require secure detention while awaiting court processing, if a range of alternatives are available, it is not recommended that Alaska construct any new secure detention facilities for youths. In areas where no specialized juvenile facilities are available, the occasional child who requires secure detention can be held in an adult correctional facility, provided they are separated by sight and sound from confined adults.

The McLaughlin Youth Center's operations and programs for both adjudicated and non-adjudicated youths are exemplary, and should continue to be supported. Current efforts at implementing and evaluating new intervention strategies for institutionalized Alaska youths should also be encouraged and supported.

Staff needs, particularly for community services functions (intake, predisposition studies, community resource development and monitoring, and probation supervision) are likely to grow over the next two decades. Even in 1978, to offer all or the suggested services would have required 60 community services staff, or 50 percent more than were available for such functions. Therefore, additional funding for staff is a prerequisite to expansion of services to Alaskan youths. Expenditures of funds for youth services are well-justified, particularly if it can enhance the effectiveness of rehabilitative and preventive efforts, since this will keep more youths from becoming adult criminals (thus avoiding the costs of their criminal activity to the state and the general public.)

Rural Corrections

Although a relatively small percentage of the offenders for whom the Division is responsible originate in the rural areas of Alaska, the equitable provision of corrections services to rural and urban sectors of the state is a central concern. Because of the cultural diversity, sparse population, and unique nature of Alaska's bush country, development of corrections services for this part of Alaska presents a substantial challenge. However, solutions must be attempted, so that residents of rural Alaska will receive the services to which they are entitled as citizens of the state.

Perhaps because of the remoteness of rural Alaska coupled with a greater community tolerance of deviant behavior, diversion from incarceration (or "community corrections") is practiced with

greater frequency in rural Alaska. This is consistent with the philosophy advocated in this plan, and should be supported through the provision of more adequate probation and parole services. One means of developing this capability is the use of indigenous probation case aides on a fee-for-service basis. This has the dual advantages of providing more supervision to rural clients and involving members of the local communities in the corrections process. This approach can be gradually implemented, with newly sentenced offenders.

Another crucial need in Alaska's rural areas is for adequate alcoholism treatment. Sleep-off centers, which exist now in some communities, should be more widely available. Alcohol abuse is a primary cause of criminal behavior, particularly in rural Alaska, so provision of adequate alcoholism treatment, both through the corrections system and in the communities, should be a high priority.

Jails in rural Alaska are at present generally inadequate, even for short-term detention. However, total replacement of these facilities is neither economically feasible nor philosophically desirable. One less costly means of improving the quality of institutional corrections in rural Alaska is the statutory consolidation of responsibility for all local jail contracts under the Division of Corrections. Responsibility for standard-setting and periodic inspection of these facilities should also be vested in the Division. A much more long-range goal is the regional incarceration of sentenced inmates in rural facilities. This practice could preserve family and cultural ties, and is quite consistent

both with modern correctional practice and with rural Alaskan heritage and tradition. However, full implementation would be prohibitively expensive, and in some instances perhaps not feasible at any price, because inmates confined for lengthy sentences require services and programs which cannot be readily provided in very small facilities. Ten service areas are proposed in the plan, six of which are rural; these areas are the smallest pragmatic divisions of the state in terms of corrections' workload, and could be consolidated into fewer, larger service regions as economics and cultural boundaries dictate. However, until corrections facilities in the hub communities of each rural service area are replaced with new buildings adequate for the housing of sentenced inmates, regional incarceration of Alaskan offenders cannot take place. An interim measure which may alleviate some of the problems faced by offenders returning to rural communities is the development of a network of prerelease housing across the rural areas of Alaska. Returning offenders could be housed closer to their home communities for the last few months of their sentences, in order to ease their transition back to community living. Existing corrections facilities could be utilized for this purpose on a limited basis.

In general, local involvement in the corrections process should be encouraged by the state. Enforcement of local ordinances, and even selected state laws, with non-criminal sanctions such as community service work, should be allowed and reinforced. The appointment of local advisory bodies (called "regional guidance committees" by the University of Alaska Criminal Justice Center's March 1979 report on criminal justice in rural Alaska" is also a

vital means of ensuring that the corrections system will be responsibe to local and cultural priorities.

Technical Services

Along with the three major direct service components proposed for the Division of Corrections (Adult Community Services, Adult Institutional Services, and Youth Services), a fourth component is recommended to provide support for the management of the Division. Although several of the functions proposed to be subsumed within the rubric of Technical Services are already being performed, they are not as coordinated or extensive as they must be to ensure the attainment of the Division's correctional goals.

The Technical Services unit should be administered by one person, reporting to the Director of the Division. Within this administrative unit, Management Services is an essential element. This includes both fiscal management and personnel functions. In order to cope with the increasing complexity of budgeting and financial management, the addition of at least one accountant to the present central office staff will be vitally necessary. The development of a prison industries system may well require an additional full-time accountant devoted only to that function.

A Policy Development unit, with responsibility for all the planning, research and data gathering functions essential to modern management, should be developed within Technical Services. Facility standard setting and inspection should also be the responsibility of this unit, for both state and local facilities. Development of a full-

scale Policy Development unit will require greater emphasis on the refinement of the current corrections information systems (especially with regard to offender profiles), as well as the addition of at least one full-time researcher-planner to the current staff.

Staff services, including training and career ladder development, are another very important component of Technical Services. The Division, with its existing staff trainers, has a solid foundation upon which to build a training strategy which will reinforce the overall service philosophy of the Division of Corrections. The master plan makes several suggestions for the future of Staff Services, many of which involve simply policy changes, but some of which will depend upon increased funding.

To ensure that corrections staff are adequately prepared for the changing demands of their positions, training should: focus on human behavior and communications skills as well as the more traditional security and law enforcement considerations. Although all new staff should continue to receive some type of orientation, it may be appropriate to shorten the length of the training sessions now provided for correctional officer trainees (the Division provides 240 hours of orientation training, while ACA standards require only 160). In this way, resources now expended on lengthier orientation sessions could be redirected at providing periodic refresher and in-service training sessions to experienced staff members.

It is also suggested that in-service or on-the-job training is more appropriate for orienting new community services staff than is the current three-week orientation course offered through the Training Academy. Both administrative and community service staff usually come to their jobs with more extensive educational backgrounds than do most correctional officer trainees, it is therefore appropriate to utilize different training styles with these groups.

In order to enable full development of training opportunities for all levels of staff, it is essential that adequate state funding be provided. It is recommended that funds be allocated to enable the hiring of an additional ten percent of the existing number of authorized staff to cover absences of staff due to on-going training. It is also recommended that the Corrections Training Academy be relocated to Anchorage (probably at Alaska Pacific University) where it would become primarily non-residential. Along with a permanent staff complement of three, the Academy should make extensive use of outside specialists and contract instructors, for which sufficient contractual funds must be available. The development of an advisory training committee comprised of representatives of the Division, the academic community, selected state agencies and the private sector, is recommended as a means of continually monitoring and improving staff training to accommodate changing needs and priorities.

In developing a career ladder for adult institutional personnel, militaristic job titles for non-security staff should be avoided. Both security and treatment personnel should have equal access to promotion to administrative positions in institutions.

Lateral promotion across job types should be available to interested and qualified staff. Upward mobility on the lower rungs of the career ladder can occur within a single institution, but it is suggested that promotion beyond the level of "sergeant" (as defined in the Division's newest career ladder) require the individual's transfer to another institution. Career ladders for community services and youth services staff must be developed which allow flexibility for lateral entry into upper-level positions, and which permit a reasonable substitution of experience for education, and vice versa. The goal of the Division's career ladder structure should be fair and equitable promotion for motivated and qualified staff. The retention of such staff through promotion incentives is crucial to the successful achievement of the Division's correctional goals.

Criminal Justice Decision-making

Decisions made about offenders by agencies other than the Division of Corrections have a profound effect on the Division's ability to accomplish its mission. The master plan discusses three primary decisions in the context of efforts to minimize the use of incarceration: the decision to release or detain those awaiting trial, the sentencing decision, and the parole release decision. Although the Division may influence these decisions through its provision of offender assessments to the decision-makers, ultimate authority rests with the courts, the Parole Board and the Legislature.

The plan strongly recommends the development of a uniform pretrial assessment and release procedure, with responsibility for assessment of arrestees for release eligibility being given to

the Division's Adult Community Services unit. The potential benefit of use of objective criteria to speed the release all non-dangerous persons awaiting trial who can be expected to appear at trial (including those who could not afford to pay a cash bail bond) is substantial in terms of reduced bed-Space needs. Another means of streamlining the pretrial release process, which has already been implemented in Anchorage, is the provision of 24-hour "on call" magistrates who have authority to act on the Division's release recommendations as soon as possible after booking. In Anchorage, this has substantially reduced release delays and thus the pretrial detainee population.

Equity in sentencing is a goal which most would agree is essential. This was a primary motivation for enactment of Alaska's new Criminal Code, which will take effect January 1, 1980, and which provides for determinate sentences (prescribed minimum incarceratory sentences) for selected classes of felons. There is some reason to believe that this new Code will result in an increased prisoner population in the long run, due to increases in average lengths of stay for the affected categories of offenders. The actual impact of the Code should therefore be carefully and continuously monitored to ascertain whether average daily population increases result from its implementation. If so, and if this is considered an undesirable side effect of equity in sentencing, the State should consider several approaches: 1) shortening the length of prescribed minimum sentences for repeat felons, 2) specifying in greater detail the weight (in

months and/or years) which each aggravating or mitigating factor should be given in modifying the prescribed term, and/or, 3) appointment of a Sentencing Commission to develop a "matrix" approach to sentencing which would include consideration not only of current offense and prior record, but also of the risk-level presented by each offender. Sentencing seminars for Alaska judges, particularly after the new code takes effect, are another means of encouraging equitable and appropriate sentencing; it may well be that the courts, through administrative policy decisions, can limit the potential negative impact of the Code by careful exercise of the discretion with the Code still permits the judiciary. In any case, it is essential to balance concerns for equitable punishment with the realistic limits of Alaska's correctional resources (particularly its institutions).

The Parole Board will continue to make release decisions even after the new Criminal Code takes effect, since parole is eliminated only for certain classes of offenders. Therefore, improvement of the Board's functioning is important to sound correctional practice. The master plan recommends several organizational and procedural changes to enhance the Board's decision-making capabilities:

1. The Parole Board should be composed of three full-time members.

2. The staff of the Board should be reorganized and augmented.

3. The Board should prepare and keep up-to-date a detailed manual of policies and procedures.

4. Hearing procedures should be modified, and as soon as the on-going study of options is complete, a matrix criteria system should be adopted.

5. A formal appeals process should be established.

6. Prisoners with maximum sentences of five years or less should be considered for parole eligibility and a tentative release date set within four months of their commitment.

7. The Board should be statutorily authorized to give sentence time credit to selected inmates whose paroles have been revoked, for time served on parole.

8. The Board should be statutorily authorized to discharge parolees from parole status after two years of succe sful performance under supervision.

9. The goals and philosophy of the Board should be closely coordinated with those of the Division of Corrections, to ensure that offenders are treated consistently and equitably.

All of the proposals made regarding pretrial release, sentencing and parole decisions will require actions by agencies outside of the Division of Corrections. Timely and equitable decision-making about offenders, both by the Division and by other agencies (the courts, the Department of Law, the Parole Board, and the Department of Public Safety, as well as other non-criminal justice agencies), can have a profoundly beneficial impact on Alaska's corrections system.

Conclusion

The corrections master plan here summarized charts a course for the future of the Division of Corrections which will influence its practices for many years to come. Many important tasks remain to be accomplished, but the Division has already demonstrated its capability to respond to the challenges which confront it. Translation of the policies developed in this planning process into programs, procedures, buildings and staffing patterns will be a time-consuming and massive undertaking. The Division of Corrections alone cannot accomplish Alaska's correctional goals; the firm support of other criminal justice agencies, of the Department of Health and Social Services, of the legislature and of private citizens will be critical to the success of Alaska's corrections system in reforming offenders and protecting the public.

Alaska Judicial Council

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

STATISTICAL ANALYSIS OF MISDEMEANOR SENTENCES IN ANCHORAGE AND FAIRBANKS

(August 15, 1974 - August 14, 1976)

PRELIMINARY REPORT

November 7, 1979

Prepared By

Michael L. Rubinstein
Executive Director

Nicholas Maroules
Analyst

Teresa White
Research Supervisor

Methodology

This analysis is based on 1795 cases that began as misdemeanor charges and resulted in convictions during the two-year period between August 15, 1974 and August 14, 1976. The data contains offenses against state and municipal codes in Anchorage and Fairbanks It was originally collected for purposes of our plea bargaining study.

The population source was the Judicial Information System records which are the official records of the Alaska Court System. The Technical Operations office of the court system (Mr. Merle Martin) furnished us with a listing of about 14,000[1/] misdemeanor convictions by case number for the two-year period of interest. On the basis of standard statistical procedures a sample size was determined that would be representative of this population. The size of the total sample was then increased to enhance its representativeness, and, as we will explain below, to allow for the overrepresentation of cases convicted after trials.

1/ Although the official records for the period of the study are no longer available, Merle Martin of Technical Operations estimated that there were approximately 14,400 misdemeanor convictions during this period.

The major hypothesis that was originally to be tested under the federal grant concerned changes, if any, in plea/trial sentencing differentials--differences in sentences received by those convicted after trial vis-a-vis those who pled guilty. We sought to find out whether such differentials were affected by the new plea bargaining policy. Thus, it was important to sample a sufficient number of cases that were convicted after trial. Since proportionately few cases actually went to trial, it was decided that all of the 309 trial cases during the two-year period (309 out of 14,000) should be included in the sample. The remainder of the sample--i.e., the 1486 convictions that involved guilty pleas--were randomly selected from the Judicial Information Systems records using a standard sampling technique. According to this technique cases are selected according to random numbers taken from a table of random numbers. The overweighted trial convictions constituted 17% of the present sample N of 1795 cases, while randomly-selected guilty-plea sentences constituted the remaining 83%.[2/]

The basic outcome variable of "sentence"--both jail and fine--was adjusted to reflect periods of time and sums of money suspended from the sentence. Means (averages) of these adjusted or "net" sentences were then used in breakdown and analysis of variance procedures to

---

2/ The 309 trial cases included 38 Black cases (28.1% of all Black cases in the sample), 37 Native cases (10.8% of all Native cases), and 215 White cases (18.2% of all White cases). This is fairly consistent with findings in our felony plea bargaining study indicating that Blacks go to trial more often that Whites and Natives go to trial least of all among the three groups.

compare sentences across different subpopulations or groups. Thus, for instance, mean sentences can be broken down according to the level of severity of the defendant's prior record, by his racial group, by whether the conviction was by guilty plea or trial, or by several of these variables at once. The likelihood of receiving probation is expressed by the proportion (in per cent) of a subpopulation that receives a zero jail sentence.

For purposes of analysis we classified misdemeanor offenses according to five broad categories that we believed reflected some substantive similarity. These include (1) Property, (2) Street Crimes, (3) Assaults, (4) Traffic and (5) OMVI-DWI offenses. Representative offenses included in each of these categories are listed in footnote 3, infra.

Analysis Across All Five Offense Classes

The tables that follow deal primarily with mean (average) sentences. Jail times are in days and fines in dollar amounts. These mean sentences were computed only for defendants who received active sentences--that is, sentences of at least one day in jail. Thus, cases that received no active time (0 days in jail) are omitted from the computation.

Averaging in all offenses, Natives and Blacks received substantially longer jail sentences than Whites (Table I). The mean jail

term for Natives (13.76 days) is 83% longer than that of Whites (7.53 days). The mean jail term for Blacks (11.06 days) is 68% higher than that of Whites.

TABLE I

OVERALL MEAN JAIL SENTENCES
BY RACE (IN DAYS)

Blacks	11.06	(64)
Natives	13.76	(181)
Other	7.53	(286)

significant at .001

These mean sentences do not take into account the substantive nature of the convicted offenses or any other variables. Table II reflects a breakdown of mean sentences according to the type or class of misdemeanor at conviction.[3/]

3/ For purposes of this analysis, misdemeanors were classified in five broad groups. These classes are not the same as those we used in the felony analysis. Class I: Property Offenses. Includes petty larceny, malicious destruction, concealment of merchandise, joy riding, credit card theft, and misdemeanor embezzlement. Class II: Street Crimes. Includes disorderly conduct, vagrancy, and prostitution-related offenses, and non-traffic alcohol offenses. Class III: Assaults. Includes simple assault and battery, "misdemeanor" assault with a dangerous weapon and misdemeanor weapons offenses. Class IV: Traffic Offenses. Include reckless driving, negligent driving, and failure to render assistance. Class V: OMVIs and DWI.

TABLE II

MEAN JAIL SENTENCES FOR EACH CLASS OF MISDEMEANOR BY RACE (IN DAYS) (ACTIVE JAIL ONLY)

	BLACKS	NATIVES	WHITES	SIGNIFICANCE
PROPERTY	12.04 (26)	18.30 (78)	7.39 (79)	.001
STREET	13.84 (19)	6.18 (28)	8.66 (53)	NO
ASSAULTS	9.20 (10)	9.43 (23)	8.50 (29)	NO
TRAFFIC	10.00 (1)	20.33 (12)	6.88 (26)	.001
OMVI	3.75 (8)	11.00 (39)	6.94 (100)	.05

The above table indicates that mean Native jail sentences are substantially[4/] longer than those of whites for three of the misdemeanor types: property offenses (148% higher), traffic offenses (195% higher), and OMVI/DWIs (59% higher). Among street offenses, Natives received a less severe mean jail sentence than Whites (29% less than Whites). Black mean sentences are substantially longer than White sentences in two classes of offense--property (63%) and street (60%).

Note that there are no appreciable differences in mean sentences among the three racial groups for misdemeanor assaults. This parallels

---

4/ "Substantial has been operationally defined as a mean sentence 50% greater than the mean sentence for Whites.

the finding of our previous felony sentencing study in which Class 2 (violent) offenses were apparently unaffected by any racial bias.

Another way of representing the overall differences in the sentences received by the three racial groups is to compare the proportion of each population receiving a categorical sentence. Five categories of length of jail sentence were used in this analysis, including (1) no active time (all suspended), (2) one to three days in jail, (3) four to seven days, (4) eight to fourteen days, and (5) over fifteen days.[5/] Table III (a bar graph) represents in graphic form the proportion of Black, Native and White defendants receiving these categorical sentences.

5/ These categories were selected based on a frequency distribution of all misdemeanor sentences. We were interested in utilizing a scheme where each level (or category) would have a substantial number of cases.

TABLE III

PROPORTION OF RACIAL GROUP
(in %)

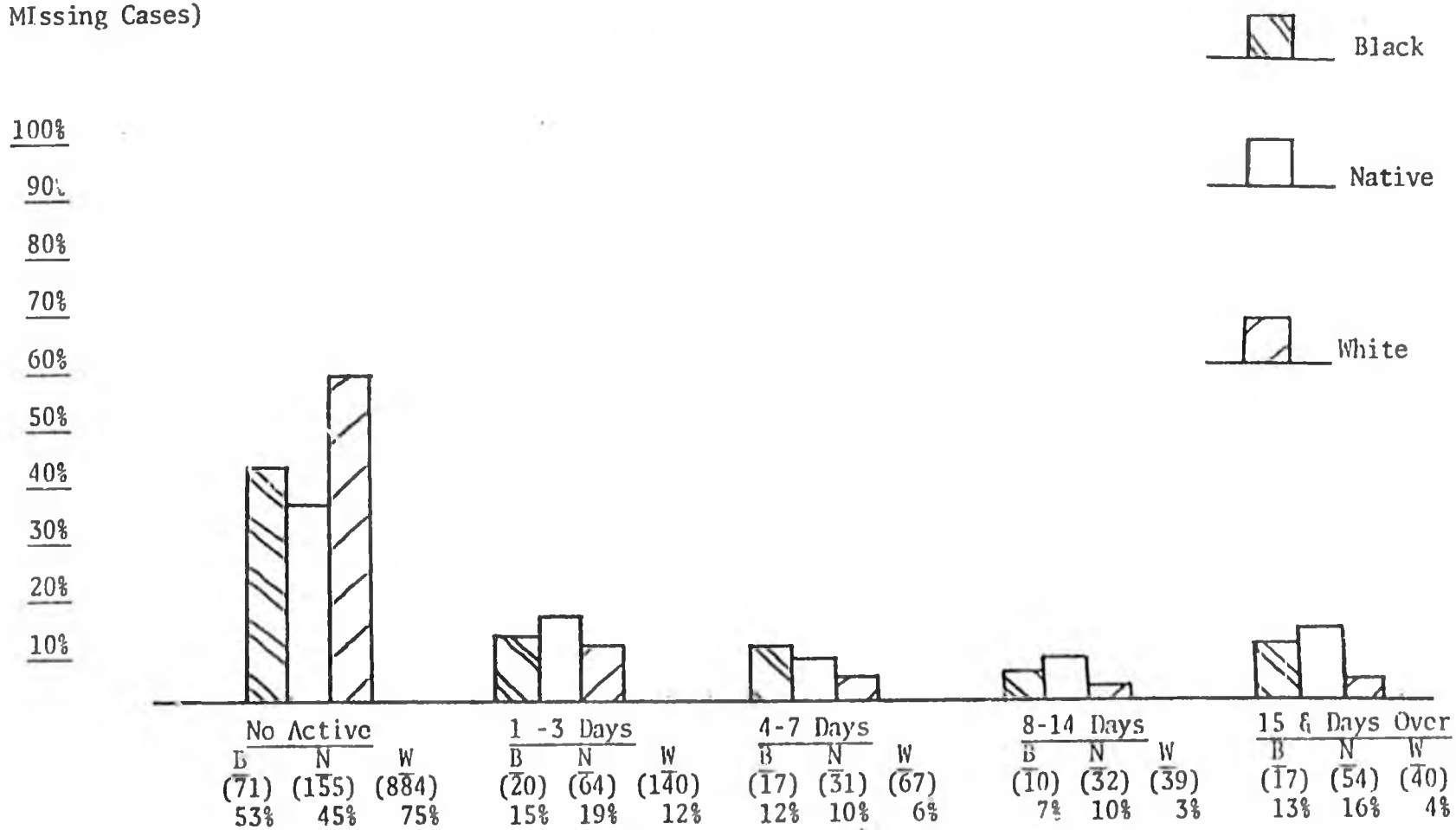
PROPORTION OF RACIAL SUBGROUPS RECEIVING CATEGORICAL SENTENCES

(135 Blacks = 100%)

(342 Natives = 100%)

(1180 Whites = 100%)

TOTAL N= 1657 (138 MIssing Cases)



Prior Record

The severity of the defendant's prior criminal record shows a strong positive association with length of jail sentence. As Table IV shows, mean jail sentence increases as the prior record increases in severity. This table indicates that those defendants with the worse prior misdemeanor records (10 or more prior misdemeanor convictions) received longer mean sentences than those with two or more prior felony convictions.

TABLE IV

MEAN JAIL SENTENCES
BY LEVEL OF SEVERITY OF
PRIOR RECORD
(IN DAYS)
(ACTIVE JAIL SENTENCES ONLY)

All Defendants	10.08	(566)
No prior record	7.42	(188)
1-3 misdemeanors	9.10	(195)
4-9 misdemeanors	10.20	(84)
10/more misdemeanors	19.00	(19)
2/more felonies	17.25	(73)

Given the relationship between severity of prior record and length of jail sentence it is important to consider the distribution of Natives and Whites within the prior-record variable. Perhaps Natives have considerably worse prior records than Whites, and perhaps this difference in prior records explains their longer mean jail sentences.

TABLE V

PROPORTION OF RACIAL GROUP BY LEVEL OF SEVERITY OF PRIOR RECORD (PROPORTION EXPRESSED IN %)

	Natives	Whites
No prior record	28% (97)	53% (623)
1-3 misdemeanors	38% (127)	30% (341)
4-9 misdemeanors	17% (59)	8% (91)
10/more misdemeanors	4% (12)	1% (14)
2/more felonies	13% (43)	8% (89)

significant at .001

Table V, above, indicates that Natives do have worse prior records than Whites. Subsequent tables consider the hypothesis that these worse prior records account for their longer mean jail sentences. Accordingly, mean jail sentences were broken down according to the above levels of severity of prior record for Natives and Whites.

Table VI (below) shows that Natives consistently received longer sentences than Whites among all levels of prior record. 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. Note that Natives with no prior convictions at all received jail sentences almost twice as long as those of similarly situated Whites (11.00 days vs. 6.05 days).

TABLE VI

MEAN JAIL SENTENCES BY
LEVEL OF SEVERITY OF PRIOR
RECORD BY RACE
(IN DAYS)
(ACTIVE JAIL SENTENCES ONLY)

	Natives	Whites	Significance
No prior record	11.00 (41)	6.05 (112)	.005
1-3 misdemeanors	11.82 (65)	6.69 (102)	.05
4-9 misdemeanors	11.96 (38)	9.15 (34)	NO
10/more misdemeanors	26.33 (9)	12.40 (5)	.05
2/more felonies	21.81 (26)	13.57 (30)	.05

However, when mean fines are broken down according to this scheme, the pattern is reversed. (See Table VII). That is, Natives consistently received lower fines than Whites (with the exception of first offenders, where fines are substantially equal).

TABLE VII

MEAN FINES BROKEN DOWN BY LEVEL OF SEVERITY OF PRIOR RECORD BY RACE (IN DOLLARS)

	Natives	Whites	Significance
No prior record	$158.40 (53)	$157.27 (519)	NO
1-3 misdemeanors	$139.69 (65)	$195.11 (282)	NO
4-9 misdemeanors	$189.17 (24)	$216.26 (66)	NO
10/more misdemeanors	$141.67 (3)	$287.50 (8)	NO
2/more felonies	$197.69 (13)	$206.33 (64)	NO

Staying Out of Jail

As noted earlier, all sentences of zero days (no jail time at all) were omitted from the above computations. We will now consider zero sentences separately in order to deal with the following possibility: When jail sentences are handed out Natives are incarcerated for more time, but perhaps this fact is "balanced" by Natives more frequently receiving sentences requiring no time at all, omitted from the previous averaging. Accordingly, Table VIII indicates the proportion of cases that received no jail time, by race, among the five substantive classes of misdemeanors.

TABLE VIII

PROPORTION OF CASES RECEIVING
NO ACTIVE JAIL SENTENCE
BY CLASS OF MISDEMEANOR AND
BY RACE
(PROPORTION EXPRESSED
IN PERCENT)

	Natives	Whites	Significance
Property	25% (26)	52% (87)	.001
Street	62% (46)	78% (191)	.005
Assaults	44% (18)	60% (42)	NO
Traffic	66% (23)	91% (260)	.001
OMVI	55% (47)	76% (314)	.001

Table VIII was compiled to test the alternative hypothesis that more Natives received zero sentences than did Whites, which might have "balanced out" the tendency for Natives to get more active time once the basic incarceration or "in" decision was made. However, Table VIII refutes this hypothesis and actually strenghtens the opposite case. Natives avoided incarceration less often than Whites among all classes of misdemeanor convictions. The numbers of cases in each group are reasonably large. Note that the previously-observed "pro-Native" sentencing differential in street offenses dissipates when the incarceration (in/out) decision is analyzed separately.

Defendants With Clean Records

In an effort to "neutralize" the effect of prior record and simplify comparisons we constructed Table IX, which compares first offense Native and White mean jail sentences for each of the five classes of misdemeanors.

TABLE IX

MEAN JAIL SENTENCES
FOR FIVE CLASSES OF MISDEMEANORS
BY RACE
FIRST OFFENDERS ONLY

	Natives	Whites	Significance
Property	13.00 (11)	4.73 (40)	.01
Street	4.57 (7)	8.62 (21)	NO
Assaults	9.14 (7)	8.33 (9)	NO
Traffic	22.00 (7)	5.25 (12)	.01
OMVI	14.80 (10)	5.69 (29)	.05

As can be seen from this table, the Native-White sentence differentials among property, traffic and OMVI offenses are even greater for first offenders than for defendants generally. Native jail sentences

for property offenses were 175% greater than for Whites, while mean sentences for traffic offenses were 319% longer than the White mean. Finally, Native OMVI sentences were 160% greater than for Whites. However, in street crimes Native first offenders were accorded more lenient treatment than Whites. ("Street" includes prostitution, disorderly conduct, vagrancy, etc.)

Defendants With Bad Records

To contrast with the "clean" first offenders, let us consider a "bad" group of defendants. We selected those with the worst records[6/] (10 or more prior misdemeanor convictions) for analysis. Since the number of cases involved in this table is too small to break down by type of crime, we chose to look at this group on an overall basis, regardless of the nature of the last charge. This seems reasonable, since by the time a person has accumulated a record of over 10 previous convictions, what kind of mischief he has been up to "lately" may not be of overriding importance (if it is still on the misdemeanor level).

6/ As Table IV indicates, overall, defendants with 10 or more prior misdemeanor convictions received the highest mean sentence (19.00 days).

TABLE X

COMPARISON OF NATIVES AND WHITES WITH 10 OR MORE PRIOR MISDEMEANOR CONVICTIONS

	Natives (n=12)	Whites (n=14)
Proportion receiving no active jail	25%	64%
Mean jail sentence	19.75 days	4.43 days
Mean fine	$35.42	$164.29
Mean number of prior misdemeanors	11.5	13.0

N too small for significance tests

As these comparisons indicate, Native sentences persist in being longer than those of Whites, while their likelihood of receiving probation is less. The sizes of the two groups are very comparable, and within this group the Whites actually have somewhat more previous convictions.

Alcohol Intoxication At Time of Arrest

In an effort to obtain information concerning the effect on sentences of alcohol use among the defendants in the sample, the coding instrument included the following item which was to be completed from information on the police report.

What was condition of defendant? (1=Defendant alleged by reporting officer to be under influence of liquor; 2=Defendant alleged by reporting officer to be under influence of drugs; 3=neither or no indication)

While this variable does not provide a perfect measure of the information we seek, it is a fairly good proxy.

Overall, in 37% (n=123) of Native cases and in 47% (n=512) of White cases the reporting police officer said the defendant was under the influence of alcohol at the time of arrest. Information was unobtainable (missing) for 236 defendants (13% of the total N in the sample). A reasonable assumption is that the police reports made no mention of alcohol or drugs in most of the "missing" cases.

TABLE XI

MEAN JAIL SENTENCES
BY RACIAL GROUPS FOR
ALCOHOL INTOXICATION
AT TIME OF ARREST
(IN DAYS)
(ACTIVE JAIL SENTENCES ONLY)

	Natives	Whites
No alcohol	15.13 (124)	8.07 (169)
Alcohol intoxication at arrest	10.79 (57)	6.76 (117)

Table IX indicates that alcohol intoxication at the time of arrest--for those defendants for whom this data was available--was associated with lower mean sentences for both Natives and Whites. However, Native defendants received substantially longer mean jail sentences than Whites, whether or not intoxicated at arrest.

Multiple Regression Analysis

The preceding breakdown tables allow us to consider the relationship between two variables--for example jail time and race--while controlling for variation in other variables, e.g., severity of prior record. However, they do not allow us to control for variation among several variables at once, or to take into account the interrelationships among these variables. Accordingly, we turned to multiple regression analysis which shows us the independent effect of a single variable on length of sentence, while at the same time controlling for variation among a number of other factors. Multiple regression analysis provides a set of coefficients for each of the variables considered in the analysis. These coefficients are an index to the relative contribution of each variable while controlling for the others. Consider the coefficients in Table XII, below.

TABLE XII

MULTIPLE REGRESSION COEFFICIENTS
(ALL OFFENSE CLASSES)

OMVI conviction	-0.789
Native	+2.391
White	-1.400
Each prior misdemeanor conviction	+0.658
Property conviction	+3.811

The above coefficients indicate that a property conviction is the single most important factor associated with a positive jail sentence when the other listed factors (or variables) are controlled for. Moreover, the Native-White disparity noted in the earlier breakdown analysis is confirmed by the coefficients. Whereas being Native has a coefficient of +2.391, being White has a coefficient of -1.400. Any easy (but very crude) way to interpret these coefficients is that, other things being equal (e.g. the number of prior misdemeanor convictions of the defendant and the substantive class of offense) Native defendants receive average jail terms four (4) days longer than Whites.

One hypothesis that we considered earlier concerns the effect of being intoxicated at the time of arrest. Specifically, we ask whether it is Nativeness, in and of itself, that accounts for the higher jail sentences of Natives, or whether these higher sentences are in actuality a function of alcohol intoxication. The following multiple

regression coefficients, which add alcohol intoxication to the list of variables in Table XII, above, allow us to test this hypothesis.

TABLE XIII

MULTIPLE REGRESSION COEFFICIENTS
(ALL OFFENSE CLASSES)

OMVI conviction	-0.818
Native	+2.367
White	-1.420
Each prior misdemeanor conviction	+0.670
Alcohol intoxication	+0.127
Property conviction	+3.852

Table XIII, above, indicates that this hypothesis fails. First, the coefficient for alcohol intoxication at the time of arrest is very small, indicating that its independent contribution to jail sentence is slight. More importantly, the Native-White disparity remains nearly the same. Thus, it is not alcohol intoxication which accounts for the higher Native sentences.

PROPERTY OFFENSES

This section is exclusively concerned with misdemeanor property sentences. These include sentences for petty larceny, malicious destruction, concealment of merchandise, credit card theft, misdemeanor embezzlement and trespass. There were a total of 104 Natives and 166 Whites convicted of property offenses.

Table XI indicates the overall mean jail sentence and fines for Natives and Whites convicted of property offenses.

TABLE XIV

MEAN SENTENCES FOR
PROPERTY OFFENSES BY RACE
(IN DAYS AND DOLLARS)
(ACTIVE SENTENCES ONLY)

	Natives	Whites	Significance
Mean Jail	18.30 (78)	7.39 (79)	.001
Mean Fine	$73.27 (26)	$89.20 (94)	NO

Thus, while Native mean jail sentences were 148% longer than those of whites, their mean fines were 18% less.

Differences between Native and White categorical sentences for property offenses are indicated graphically in Table XV. (See the discussion of these categorical sentences in the preceding section).

TABLE XV

PROPORTION OF RACIAL GROUP
RELIEVING CATEGORICAL SENTENCES

PROPORTION OF RACIAL GROUP

(In %)

PROPERTY OFFENSES

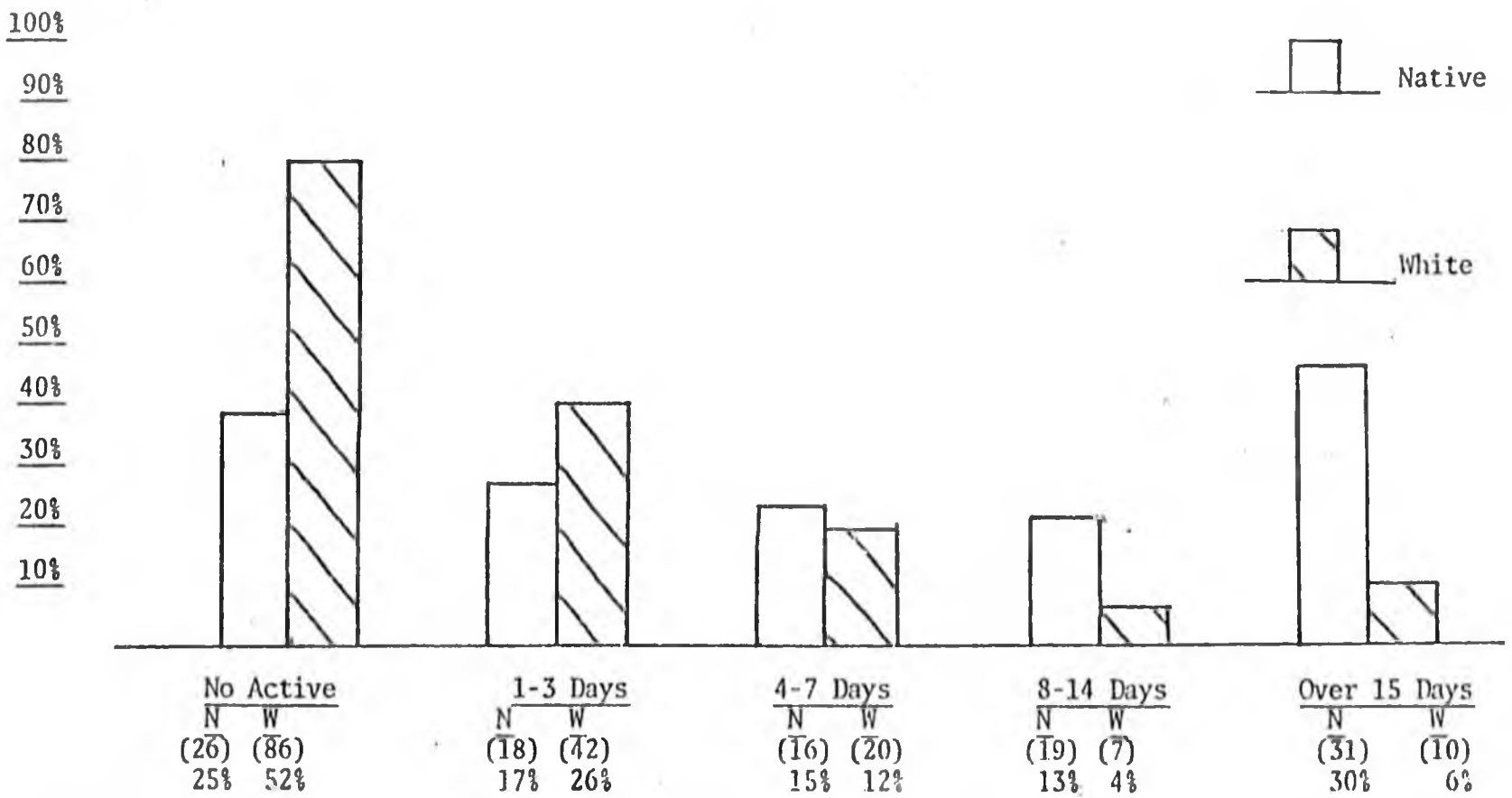


TABLE XVI

PROPORTION OF RACIAL GROUP
BY LEVEL OF SEVERITY OF
PRIOR RECORD
(PROPORTION EXPRESSED IN %)

	Natives	Whites
No prior record	17% (17	56% (92)
1-3 misdemeanors	38% (39)	28% (45)
4-9 misdemeanors	17% (17)	7% (12)
10/more misdemeanors	6% (6)	1% (2)
2/more felonies	22% (22)	8% (13)

significant at .001

Table XII reflects the distribution of level of severity of prior record for Natives and Whites. As this table indicates, Natives convicted of property offenses have substantially worse prior records than comparable Whites. The tables that follow consider the hypothesis that the worse prior record of Natives account for their longer property-offense sentences.

Tables XVII and XVIII, which follow, indicate the impact of the level of severity of the defendant's prior record on the disparities noted in Table XIV. Zero sentences are not computed.

TABLE XVII

MEAN JAIL SENTENCES FOR PROPERTY OFFENSES BY LEVEL OF SEVERITY OF PRIOR RECORD BY RACE (IN DAYS)

	Natives	Whites	Significance
No prior record	13.00 (11)	4.73 (40)	.01
1-3 misdemeanors	11.36 (25)	8.16 (25)	NO
4-9 misdemeanors	17.73 (15)	10.83 (6)	.05
10/more misdemeanors	41.00	----	
2/more felonies	25.75 (20)	15.75 (8)	.05
Missing	(2)		

TABLE XVIII

MEAN FINES FOR PROPERTY OFFENSES BY LEVEL OF SEVERITY OF PRIOR RECORD BY RACE (IN DOLLARS)

	Natives	Whites	Significance
No prior record	$100.00 (6)	$ 99.14 (58)	NO
1-3 misdemeanors	55.33	78.40	NO
4-9 misdemeanors	75.00 (3)	100.00 (3)	NO
10/more misdemeanors	----	50.00 (1)	
2/more felonies	100.00 (1)	50.00 (5)	NO
Missing	(1)		

As these tables show, Natives receive substantially longer jail sentences than Whites among all levels of severity of prior record. This suggests that severity of prior record does not explain the Native-White jail disparity in property crimes. With regard to fines, Whites in the one-to-three and four-to-nine prior misdemeanor categories received larger fines than comparable Natives, while Natives with prior felony convictions received greater fines than comparable Whites.

The Incarceration Decision

TABLE XIX

PROPORTION OF RACIAL GROUP RECEIVING NO ACTIVE JAIL SENTENCE (PROPORTION EXPRESSED IN %)

	Natives	Whites	
	No Jail	No Jail	Significance
No prior record	35% (6)	57% (52)	.05
1-3 misdemeanors	36% (14)	44% (20)	NO
4-9 misdemeanors	12% (2)	46% (5)	.05
10/more misdemeanors	17% (1)	100% (2)	.05
2/more felonies	9% (2)	39% (5)	NO

Table XIX indicates that White defendants are proportionately much more likely than Natives to avoid going to jail for property offense convictions. Moreover, it indicates that this pattern persists despite differences in the level of severity of the prior record of the defendants.

A potentially significant variable among property offenses is the value of property stolen in applicable cases. Table XX indicates that the mean value of property stolen by Whites was 145% greater than that stolen by Native defendants ($64.95 for Natives compared with $159.04 for Whites).

TABLE XX

MEAN VALUE OF PROPERTY STOLEN AMONG PROPERTY OFFENSES BY RACE (IN DOLLARS)

Natives	$64.96	(99)
Whites	$159.04	(166)
Missing	(5)	

significant at .05

In an effort to control for the impact of differences in the value of property stolen this variable was categorized into a four-level measure. These values include (1) none, (2) $1 to $50, (3) $51 to $100, and (4) over $101.

TABLE XXI

MEAN JAIL SENTENCES
BY CATEGORICAL VALUE OF
PROPERTY STOLEN BY
RACE
(IN DAYS)
(ACTIVE SENTENCES ONLY)

	Natives	Whites	Significance
None	17.67 (9)	5.44 (9)	.05
$1 to $50	16.36 (57)	7.24 (55)	.01
$51 to $100	35.60 (5)	9.83 (6)	.05
Over $101	9.00 (2)	8.67 (9)	NO

Table XXI indicates that except among those cases with the greatest value of property stolen, Natives received substantially longer jail sentences than Whites. It would appear that cases involving stolen property of the greatest value are treated more uniformly by sentencing judges; Native-White differences are greatest when the amounts in question are smallest.

Alcohol Intoxication

Another potentially important factor to consider in analyzing the Native-White sentence disparity concerns alcohol intoxication at the time of arrest. Nine percent of the Natives (n=9) and 7% of the Whites (n=11) were intoxicated at the time of

this arrest for property crimes, according to the police reports. Table XXII indicates two important things: First, alcohol intoxication at the time of arrest is associated with a less severe jail sentence when compared to non-alcohol arrests. Second, Native defendants who were intoxicated at the time of arrest received a mean jail sentence nearly five times as great as comparable Whites.

TABLE XXII

MEAN JAIL SENTENCES BY RACE FOR ALCOHOL INTOXICATION AT TIME OF ARREST AND NO INTOXICATION (IN DAYS) (ACTIVE JAIL SENTENCES ONLY)

	Natives	Whites	Significance
No intoxication	18.53 (72)	7.74 (73)	.05
Alcohol intoxication at arrest	15.50 (6)	3.17 (6)	*

*(N too small for significance test)

To summarize, neither level of severity of prior record, value of property stolen, or alcohol intoxication at the time of arrest appear to explain the disparity of the Native-White jail sentences in property crimes. The analysis will now turn to a consideration of specific offenses within the class of property crimes. Perhaps differences in specific offense of conviction explain the apparent racial sentencing disparity.

Specific Offense

A frequency distribution of specific offenses of conviction reveals no appreciable differences between Native and White offenses. The majority of both groups (n=70, or 67% of Natives and n=87, or 52% of Whites) were convicted of petty larceny (AS 11.20.140). Nearly equal proportions of Natives and Whites were convicted of defrauding an innkeeper (AS 11.20.480) (n=4 or 3.8% of Natives, n=5 or 3.0% of Whites), and unauthorized entry (AS 11.20.135) (n=6 or 5.8% of Natives, n=6 or 3.6% of Whites). Proportionately more Whites (n=29 or 17.5% were convicted of concealment of merchandise (AS 11.20.275) than Natives (n=8 or 7.7%), and of trespass (AS 11.20.630) (n=7 or 6.7% of Natives, n=25 or 15.1% of Whites).

Larceny

Insofar as larceny convictions constitute the majority of Native and White property convictions and also involve some of the longest property sentences we chose to analyze larceny sentences separately.

Table XXIII (below) indicates that the Native mean jail sentence for larceny is 128% longer than that of Whites (17.16 days for Natives compared to 7.54 days for Whites). (No significance tests were computed for the following tables because the numbers were too small).

TABLE XXIII

MEAN SENTENCES FOR
LARCENY CONVICTIONS
BY RACE
(IN DAYS AND DOLLARS)
(ACTIVE SENTENCES ONLY)

	Natives	Whites
Mean Jail	17.16 (58)	7.54 (52)
Mean Fine	$82.67 (15)	$98.93 (42)

However, mean fines for Whites were 19% greater than those for Natives.

Table XXIV reflects a breakdown of larceny sentences by level of severity of prior record, and by race.

TABLE XXIV

MEAN LARCENY SENTENCES BY
LEVEL OF SEVERITY OF
PRIOR RECORD BY RACE
(IN DAYS AND DOLLARS)
(ACTIVE SENTENCES ONLY)

	Natives		Whites	
	Mean Jail	Mean Fine	Mean Jail	Mean Fine
No prior record	10.22 (9)	$100.00 (2)	4.30 (27)	$106.88 (32)
1-3 misdemeanors	13.42 (19)	69.00 (10)	6.13 (16)	79.38 (8)
4-9 misdemeanors	17.10 (10)	100.00 (1)	18.33 (3)	50.00 (1)
10/more misdemeanors	45.00 (3)	----	----	----
2/more felonies	21.87 (15)	100.00 (1)	20.50 (6)	----

Table XXIV indicates that among larceny defendants with no prior records and defendants with one-to-three prior misdemeanors, Natives received substantially longer jail sentences than Whites. Natives with no prior records received mean jail sentences 138% longer than Whites. Further, among those defendants with four-to-nine prior misdemeanor convictions and two or more prior felony convictions mean sentences were nearly uniform. This would tend to indicate that having a severe prior record (over four misdemeanors) is the most important or significant factor for a defendant convicted of larceny. Native-White disparities dissipate among these groups with the more severe prior records (with the exception of the 10 or more prior misdemeanor group).

The Incarceration Decision (In or Out)

Table XXV

PROPORTION OF RACIAL GROUP
RECEIVING NO ACTIVE JAIL SENTENCE
FOR LARCENY CONVICTION
(PROPORTION EXPRESSED IN %)

	Natives	Whites
No active jail	16% (11)	40% (35)

With regard to the incarceration decision, Table XXV indicates that a far greater proportion of White defendants convicted of larceny stayed out of jail than did Natives (40% of Whites compared to 16% of Natives).

Multiple Regression Analysis

In an effort to study Native-White property offense sentence disparities by a more statistically rigorous method, and as a check on the earlier breakdown analysis, we used a multiple regression analysis of sentence length. This procedure tells us the independent impact of a given variable on sentence length while controlling for the effects of (or variation in) other variables. Consider the regression coefficients represented in Table XXVI.

TABLE XXVI

MULTIPLE REGRESSION COEFFICIENTS FOR SIGNIFICANT VARIABLES ON SENTENCE PROPERTY OFFENSES

Native	2.927
White	-4.359
Alcohol intoxication at arrest	-1.009
Each prior misdemeanor conviction	0.810
Each dollar of value stolen	0.001
Larceny conviction	2.154

$R^2 = .24$

Perhaps the best way to consider the above coefficients is to view them relative to one another. Thus, a present conviction of larceny, considered by itself and controlling for the other listed factors, has an impact nearly three times as great as having one prior misdemeanor conviction. The interesting thing to note regarding the Native and White coefficients is the magnitude of the negative White coefficient. An interpretation that we believe is consistent with these values is that, other things being equal (or controlled for), a Native defendant starts with the disadvantage of getting some jail time (+2.8) while a comparable White starts with the advantage of getting "negative" time (4.4). The important point, analytically, is that these coefficients confirm the findings of our breakdown analysis.

METHODOLOGICAL APPENDIX

The following description of the methodology used in collecting and analysing the data for this project is provided to give the reader a general idea of the steps involved in arriving at the tables and text we have presented.

Data Collection

1. Sources. Our previous studies of Alaskan felony and misdemeanor sentences suggested three potential sources of information that had to be consulted thoroughly to understand misdemeanor sentencing patterns: court case files, police reports, and Department of Public Safety records of prior criminal histories. Court case files alone were not sufficient because they generally do not include information about hypothetically important factors such as alcohol use, race, age, prior offenses, and a detailed account of what actually occurred at the time of the offense. On the other hand, the two other sources usually do not contain reliable information about the precise offense of conviction, mode of disposition (plea or trial), the sentence imposed, or conditions of that sentence.

Public Safety Department records of prior offenses are used by prosecutors and police and are reported to court officials as the primary source of information about a defendant's previous contacts with the criminal justice system. Similarly, our other sources of information were also the primary records available to criminal justice personnel. The records for individual defendants tended to vary from one another in completeness; some included many pages of information while others consisted of nothing more than one or two forms that had been sketchily

prepared. In order to maintain the maximum consistency in our information about each defendant we attempted to include only those items of pertinent information recorded for the majority of defendants. We also chose to take our information from specific sources: for example, we coded information about alcohol intoxication only from the police report since this was the record in which it was most consistently recorded. The lack of presentence reports for misdemeanants limited the kinds of socio-economic data which could be included in the study. Prior criminal histories, however, could be (and were) coded in great detail.

2. Coders and Coding. Our coding staff came from various backgrounds. Most had a year or more of college education. Several were graduate students with research experience, and others had worked with the Judicial Council as coders on earlier studies. The coding supervisor had two years of research experience beyond her college degree, and was closely supervised in turn by more experienced Judicial Council staff.

The coding form was designed by Judicial Council staff to meet several needs: it had to be easy for coders to use and understand, structured to maximize efficiency in key-punching, and had to reduce the possibilities for either unwarranted exercise of coder discretion or errors at every step. The entire flow of the data from original records through coders, checkers, key-punchers, and computer programming to final analysis was taken into account during the design of the form. Besides the coding forms themselves, coders were given a detailed instruction manual and supplementary materials such as lists of codes for each offense. The coding supervisor kept a notebook of questions which arose during training and

coding along with the clarifications and explanations given to coders so that neither lapses of memory nor hiring of new coders would change the interpretations of the coding manual or forms. This procedure promoted uniformity.

Two days of training using the actual coding forms and case files preceded work on the court files in Anchorage and Fairbanks. Judicial Council staff conducted the training given for all aspects of coding court files, police reports, and Public Safety records. Coders were given experience in coding, in checking each coding form, and in use of the manual and supplementary materials. To fit their work into context, Council staff also described the criminal justice system, meanings of various terms, and reasons for the study, in detail.

3. Checking. Accuracy, (validity) consistency and (reliability) are crucial in a study of this type. Acceptable error rates for coding data from records have been established through years of experience by scientists in various fields who have not only analysed the data collected in studies but coders and the coding process as well. A five percent error rate has been considered acceptable in many similar studies. Throughout our analysis, we attempted to reduce our error rates below the "acceptable" levels through a series of checking procedures.

Each case in our study was coded by one coder. It was then checked through completely by a second coder. Finally, the coding supervisor and Council staff spot-checked at least every fifth case to make sure that no systematic errors were occurring through coder misunderstanding of instructions. Any errors found during this process were corrected. A

random check of coding forms after coding had been completed suggested that the actual error rate was approximately two percent, well below the acceptable five percent level.

4. Keypunching. The second major step in collection and analysis of data is to transfer information from the coding forms to a tape which can be read by the computer. This process requires a person to read the coding form and type (key-punch) the codes recorded on the form onto either computer cards or magnetic tape. While paper cards have traditionally been used and have some advantages, the Council decided to turn to a more sophisticated approach in which the data is punched directly onto a magnetic tape which can be read immediately by the computer. Paper cards can be lost, damaged, or placed out of order. Each of these problems can be corrected, but all are eliminated with the use of a magnetic tape, thus reducing both cost and chance of errors.

Key-punched cards or tapes can be "verified", a technique for insuring accuracy at this stage of the process. Just as each of our cases was checked completely after having been coded, each record on the magnetic tape was re-done completely by a different operator after having been key-punched. Should the second punching disagree with the first, a signal alerts the key-punch operator to the discrepancy and the work is re-done. This verification procedure was guaranteed by the company employed to key-punch our data to give an error rate of three-quarters of one percent (.75%) or less. Superior Business Services of San Francisco, Inc. performed the work for the Council.

5. Computer Analysis. The computer analysis of the data involved two stages: a final checking for errors in the data, and the actual analysis.

Error checking was performed by printing out each variable in two different ways and looking for mistakes. The first procedure, frequency distributions, shows each bit of information coded and how many times it occurs. For example, race in our study could be coded as "1" (=Black defendant), "2" (=Native), or "3) (=Caucasian or other race). If the frequency distribution showed a code of "4" or "7", this indicated an error at some point. The error would then be corrected by printing out the defendant's number, checking his coding form (if necessary and possible, also checking the original source of information), and entering the correct information onto the computer tape. Frequency distributions served other purposes as well. For example, a frequency distribution of all sentences imposed showed that the most fell between 0 days and 21 days in length. In fact, only 11 sentences were of 150 days or more. Because there were so few of these cases with long sentences (they constituted .6% of the entire sample), their inclusion in the study would have skewed or distorted the more typical sentences given to misdemeanor defendants. After a careful analysis of their effects on the other data, we eliminated them from consideration.[1/]

1/ The 11 cases also tend to balance each other out in terms of their effects on our findings of racial disparity. The 11 sentences include the following defendants:

a) 4 sentences were 360 days (1 year), imposed on 1 Black, 1 Native, and 2 Caucasian defendants;
b) 4 were 180 days (6 months), again 1 Black, 1 Native, and 2 Whites;
c) 1 was 176 days (a Native defendant); and
d) 2 were 150 days (5 months), one Native and one White.

The mean sentences among these 11 were 270 days for Blacks, 221.5 days for Natives, and 246 days for whites. Because these means are so close, their exclusion from the study was further justified.

A second procedure for checking the accuracy of our data on the computer was to cross tabulate different variables, for example, type of offense by use of alcohol. Thus, if no defendants convicted of drunken driving had been coded as "intoxicated at arrest", this would have led us to check our key-punching and coding for accuracy. (No cross-tabulations of our variables, however, suggested any such systematic errors). Cross-tabulations also help to describe the defendant population and show relationships among the different variables.

6. Statistical Analysis. We chose to utilize SPSS (Statistical Package for the Social Sciences), an integrated system of computer programs designed for the analysis of social science data. (SPSS was also used in our analysis of the felony plea bargaining data.) SPSS programs are considered to be among the most useful and powerful procedures available for analysis of large aggregations of data. The package provides the researcher with a full range of statistical routines for description and analysis.

The primary purpose of using statistics to analyze information is to identify relationships or associations among different factors (e.g., the relationship between race and trial rates, alcohol use and petty larceny, sentence length and prior record, and so forth). Having identified a certain relationship between or among variables, the researcher must also determine the likelihood that the observed relationship is likely to occur by chance. This second aspect of the analysis, statistical significance, is discussed in b), below.

a) Statistical Methods. We used contingency tables, breakdowns, and multiple regression techniques in order to arrive at the findings of our report. Contingency tables are simply two- or three-way cross-tabulations

of variables (see Table VIII, page 12). Breakdowns allow the researcher to compare the mean sentences imposed for various groups of defendants. Tables constructed from this analysis (such as Table XVII, page 23) can show differences among groups of defendants with regard to one or several variables. Each of these two techniques allows the researcher to look closely at the effects of one or several variables simultaneously while controlling the effects of other variables. Multiple regression however, allows more variables to be considered simultaneously, and gives the independent contribution of each variable to the final outcome (in this case, sentence) while controling for each other variable. (See Table XXVI, page 31 for an example). Multiple regression has different limitations on its usefulness than the other two techniques, but can be considered the most rigorous tests of associations among variables.

b) Statistical Significance. Having established certain relationships between variables and outcomes, it is still necessary to know whether the observed differences are "real" or whether they occurred by chance. We relied upon T-tests, Chi Squares, and analysis of variance tests to measure the significance of observed differences presented in this report. We used the traditional level of .05 significance as our criterion for statistical significance. The .05 level measures that the observed differences could be due to chance in only 5 out of 100 cases. Conversely, the researcher can be confident that the relationship or association noted would be the same in 95 out of 100 samplings. Should the test result in a number greater than .05 (such as .08 or .10), the result is not considered to be statistically significant. Significance levels for the tables included in this report are noted on each table. They range from .001 (1 chance in 1000) to .05 (5 chances in 100), which indicates that there is very little

likelihood that any of the results could have occurred by chance. Where the level of significance is greater than the .05 level "NO" appears for the significance level.

Alaska State Legislature

House of Representatives

Committee on Judiciary

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

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

District Court
State of Alaska

FOURTH JUDICIAL DISTRICT
604 BARNETTE STREET
FAIRBANKS, ALASKA
99701

CHAMBERS OF
MARY ALICE MILLER, JUDGE

November 8, 1979

Honorable Jay Rabinowitz
Chief Justice
604 Barnette Street
Fairbanks, Alaska 99701

Dear Mr. Chief Justice:

The Michael Rubinstein study which has led to charges by the Judicial Council and the Advisory Committee on Minority Judicial Sentencing Practices of racial bias on the part of District Court judges has defects of such magnitude as to cast extreme doubt on the validity of the study.

Specifically, Rubinstein found no evidence of discrimination in assault cases, but in other kinds of cases he did. He made no attempt to analyze the cases to learn what differences there were among the different types of cases to learn why judges who are unbiased in one type of cases appear to be biased in others.

Second, by directing his staff to ignore all indications of liquor involvement other than the police report, he guaranteed a study which minimized and distorted the effect of alcohol on sentencing patterns. As an example, a defendant charged with shoplifting who testified to the consumption of a fifth of whiskey on the day of the arrest who was not entirely sober during the trial, and whose sentence was, by my order, served in major part at the Community Alcohol Program's live-in facility will be shown by the study to have committed a non-alcohol related offense. The police report does not mention liquor. This example is a real case, not a suggestion of what could have happened.

Ms. White, Rubinstein's assistant, explained to me on the telephone that the reason for this was that it was easy and consistent to look only at the police report. She did not explain the direct order to ignore all other indications of alcohol involvement in the file. Persons inexperienced in misdemeanor cases and police reports may not know that it is an extremely rare police report which mentions alcohol unless it is an essential element of the case--as it is in drunk driving, or minor consuming alcohol cases, for instance. But Rubinstein is an attorney who was a public defender for about two years, not one ignorant of police reports.

Rubinstein made no effort to find out from the case file what a defendant's prior criminal record was. Instead, he obtained from Juneau the record kept by the Department of Public Safety of the State of Alaska, of which the sentencing judge might or might not have been aware. (Actually, most of my case files do contain a twix from this Juneau office.) Rubinstein claims not to have known that the Juneau record is woefully incomplete and is useful only in giving Fairbanks judges a knowledge of some offenses committed outside the Fairbanks area. Our own clerk's index is vastly superior for crimes committed locally, and we rely on it.

In one case, for example, the Juneau record showed eleven prior offenses, primarily drunk in public and disorderly conduct, five of which did not occur in Fairbanks, but it failed to show twelve offenses, largely of the same sort, committed in Fairbanks. At the end of the study period, this defendant was 33 years old, and the shoplifting case involved in the report was his fifth shoplifting case in less than a year, all committed when he was drunk or close to it. (The Juneau record shows only one of these four earlier shoplifting convictions.) But Rubinstein says the defendant's prior record is unrelated to the severity of his sentence. This defendant had been sent to at least two live-in alcohol treatment facilities previously by a judge This is another case in which the police report will not mention alcohol, and so the relatively more severe sentence this defendant received is unrelated to either alcohol or his prior record according to Rubinstein. Nonsense.

Rubinstein's method of analyzing prior records is strange. The report uses five categories of prior criminal record: (1) no prior convictions; (2) one to three misdemeanors; (3) four to nine misdemeanors; (4) ten or more misdemeanors; and (5) two or more felonies. Often these categories do not make sense. 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. However, the importance of two felony theft convictions in a subsequent shoplifting ca. is obvious, but neither of the felony cases appears on the Juneau record. This again is a real case, not what might have been.

The study did not include information on prior alcoholic treatment programs given the defendant in other cases. After two or three such treatment programs have been unsuccessful, sobering-up-time in jail seems the only answer, unless we are to encourage the defendant to go die in a snowbank. After a heavy drinking period of weeks or months, delirium tremens and convulsions can occur a week or more after withdrawal from alcohol. 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.

The assignment of people to racial categories is odd. Oriental people are categorized as white. If we are prejudiced, would not the prejudice against natives extend to Orientals with their similar skin color and eye formation?

My analysis of my own cases is far from complete because Rubinstein stalled for two months before giving me a list of the cases I heard which were involved in the study, and he is continuing to stall about other information I have requested. On October 29 I asked for a list of what he considered to be alcohol related cases. On November 8 I received his letter dated November 5 but postmarked November 6, saying it will take another week or two to retrieve this information. He could have sent it the day he received my request--all it takes is to push the button on the computer, and the computer will print it out.

I have examined my OMVI (operating a motor vehicle under the influence of intoxicants) cases fairly carefully. It is true that the average sentence given natives is longer than that given whites. However, of my eight cases involving natives, three had Breathalyzer readings ranging from .28% to .35%. Most people are passed out at that level, and the capacity to function when that drunk indicates serious alcoholism. These three natives received sentences of ten to twenty days' imprisonment. Only two of the 28 whites convicted of OMVI had a Breathalyzer reading of over .25%. One white defendant received a 30-day sentence, and the other was not imprisoned because imprisonment would have meant loss of his job. He is still in the community and has not driven drunkenly since that time. The natives whose blood alcohol levels were in the range of most whites received the same sentences as the whites. The one black defendant on my list received the same treatment as the mid-range whites. But Rubinstein says alcohol involvement resulted in less severe sentences and that natives were unfairly discriminated against. Again, nonsense.

Something of the same sort is shown by my property crime cases, which involved fourteen whites, sixteen natives, and one black. All the natives had prior liquor related offenses (five of them had 20 or more prior convictions) and all the property offenses committed by natives involved some degree of intoxication. Of the whites, five of the fourteen cases involved some degree of intoxication, and only three had any prior record at all. The one black among my property cases received a fifteen-day sentence, and was actually guilty of a felony theft. He received a break before he reached my court, and was not unfairly treated.

It is not newsworthy to say that many 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.

This report is terribly important to me. If my analysis showed that I am a bigot, however unwittingly, I must learn how to recognize that trait in myself and how to rid myself of it.

So far, I find no such indication, but I do find strong evidence that Rubinstein owes the taxpayers who financed his study a refund. He should also be thinking very carefully of his duty as a lawyer to avoid deceptive practices before a tribunal or legislative body, and of his ethical duty to be certain of the merit of his complaints about the judges of this state.

Yours very truly,

Mary Alice Miller

Mary Alice Miller
District Court Judge

MAM/ek

cc: Members, Judicial Council
Members, Advisory Committee
Fairbanks Daily News-Miner

ALASKA 1979

Abused Women's Aid in Crisis, Inc.

November 21, 1979

Hello!

Enclosed is a copy of the Violence in the Home Conference Report, held by Abused Women's Aid in Crisis last June. We have chosen to send this report to you as the most concise way of continuing to keep you informed on the issues of domestic violence in Alaska.

The conferees worked very hard and you will find in Section III a list of recommendations for your consideration.

Sincerely,

Kit Evans

Kit Evans
Executive Director

Community Office
417 W. 8th Avenue
Anchorage, AK 99501
(907) 279-9581

Women's Shelter
POB 4-819
Anchorage, AK 99509
(907) 274-4561

Male Awareness
417 W. 8th Avenue
Anchorage, AK 99501
(907) 279-9581

ALASKA STATEWIDE CONFERENCE

ON

VIOLENCE IN THE HOME

JUNE, 1979

Abused Women's Aid in Crisis, Inc.

Kit Evans, Executive Director

TABLE OF CONTENTS

VIOLENCE IN THE HOME CONFERENCE, 1979

On May 15, 1979, Governor Jay S. Hammond issued the following proclamation.

> Alaska, as a national leader in the effort to secure dignity and equality for women, has engaged in legal reform, established a commission on the status of women, and provided funding for five shelters for battered women and their children.
>
> As a means of continuing this effort to ensure the liberty and safety of the women of our Sate, I, Jay S. Hammond, Governor of the State of Alaska, do hereby proclaim May 28 through June 3, 1979, as
>
> HALT VIOLENCE AGAINST WOMEN WEEK
>
> in Alaska, and encourage all citizens to join in building a society in which women can be freed from terror and violent assault.

It was for this purpose that on Sunday, June 3rd, women and men began gathering from around the state to look at the issues of domestic violence, and to become more educated and more skilled in halting those cycles of violence in the home. Others arrived from Washington, D.C., Wisconsin, Massachusetts and Washington state to share their expertise and experience and to learn from us.

I. CONFERENCE DESCRIPTION

Conference activities were divided into two sections beginning on Monday and going through late Friday afternoon. The first two days focused on training specifically for clergy and lay leaders while the following three days were broad based, open to the public and focused upon expertise sharing rather than training.

The Seminar was arranged and coordinated with AWAIC, Inc, by the office of the Alaska Family Violence Program utilizing LEAA funds, which it administers. Without the efforts of Sema Lederman and her assistant, Jean Faulkner, the seminar could not have happened. For an agenda describing topics covered, see Attachment B.

The workshops were arranged by AWAIC staff and board of directors, residents and ex-residents, utilizing state funds. All speakers, facilitators and panelists donated their time.

CLERGY SEMINAR

On Monday morning the first pre-conference sessions began at St. John's Methodist Church. Twenty clergy from throughout Alaska met with Reverend Marie Fortune and Denise Horman, MSW, from the Prevention of Sexual Violence Project which is based in Seattle and sponsored by the Church Council of Greater Seattle. They provided a two-day session, titled Counseling Issues: Family Violence; a Seminar for Professionals in Ministry, which covered rape, sexual abuse of children and spouse battering within a pastoral counseling framework.

The sessions were perceived by participants as being extremely intense, as well as both troubling and enlightening. Various clergy shared that it could be very difficult to face or even admit to the presence of rape, incest and spouse battering within their congregations. Others mentioned problems with their own feelings when confronted with such things as a member confessing to having sexual intimacies with a daughter, or a pillar of the church finance committee admitting having beaten his wife unconscious. It was a specific intent of this seminar to assist clergy by providing accurate information and counseling tools that could blend effectively with pastoral guidance.

When the clergy joined the statewide conference they commented repeatedly on possessing a new awareness, and feeling they could begin to confront and assist their congregations in facing and dealing with family violence. An immediate result was that several seminar participants returned to their congregations and gave sermons addressing the issue of battering and sexual abuse.

VIOLENCE IN THE HOME WORKSHOPS

The purposes of this second statewide conference on domestic violence were to promote public dialogue examining three major areas of interpersonal violence, the adult female victim, the adult male batterer and the sexually assaulted child, and to provide information and expertise to those professionally and/or personally involved.

These goals were approached by using a variety of compo..ents which included providing written, verbal and audio/visual information and using a participatory model for workshops.

The workshops followed a uniform format -- a general session with a speaker or a panel, followed by small group sessions which explored specific areas of concern. Wednesday opened with an overview on the battered woman, Wednesday afternoons session began with a panel discussing the batterer and Thursday mornings presentation focused on the sexually abused child.

Individuals with expertise were recruited from the community, statewide and nationally to lead and facilitate the workshop sessions as well as to provide introductory panels or speakers in each of the three areas.

These individuals included representatives from such organizations as the Center for Children and Parents, Alaska Legal Services, Municipal Prosecutors office, Pre-Trial Intervention, Providence Hospital, Shelter and Resource Center staffs, state Division of Social Services, Elmendorf AFB and the U.S. Coast Guard.

The following are the leader/participants who joined from out of state:

Bob Wald - EMERGE, A Men's Counseling Service for Batterers; Boston, Mass.

L. Mandy Stellman, Attorney-women's rights advocate, Milwaukee, Wisconsin

Dr. Sam Stellman, University of Wisonsin, author of curriculae for De-Programming the Batterer, Milwaukee, Wisconsin

Francis Purdy, Project Manager, Region X Technical Assistance Domestic Violence Grant and Counseling Consultant, Women's Support Shelter, Tacoma, Washington

Peter Countryman, HAWC, Counseling Center for Batterers, Salem, Mass.

P.J. Marschner, Center for Women's Policy Studies, Washington, D.C.

Kathleen Kennelly, MSW Community Education Coordinator, Harborview Sexual Assault Center; Seattle, Washington

Michael McKay, attorney, King County Prosecutors Office, Seattle, Washington

Officer Rebecca Norton, law enforcement, King County, Washington

Dr. Shirley Cook Anderson, Pediatrician, Harborview Sexual Assault Center, Harborview Medical Center; Seattle, Washington

Denise Horman, MSW, Prevention of Sexual Violence Project, Seattle Washington

Rev. Marie Fortune, Director, Prevention of Sexual Violence Project, Seattle, Washington

Two very special events also took place during the three day period. Each noon, an organization called Women Helping Women, made up of Shelter ex-residents of the AWAIC Shelter provided sack lunches and juice for the conferees. The integration of those who assisted and those who once stood in need of assistance was purposefully symbolic, meant to direct those persons present to a different view of "clients" and "battered women".

The other event was a play Brown Leaves, by Karma Durane, which was presented on the first evening. It was an interpretive dramatization of one woman's violent marital relationship, her life in a shelter, and her murder by her husband. Poetry written by Sue Arnold, a shelter resident who was shot to death in the Fall of 1978 provided a moving context for the scenes which were danced and acted out.

II. DESCRIPTION OF PARTICIPANTS

Over two hundred twenty-five people attended during the three days of the public conference. They came from communities such as Kodiak, Nome, Juneau, Fairbanks, Ketchikan, McGrath-Anvik, Kenai, Bethel and Seward. Many came out of personal interest though the majority had professional concerns as well. The following agencies and groups were some of those represented among the participants:

Public Health Nurses
Anchorage Police Department
Division of Social Services, Juneau
Alaska Public Forum
Community Councils
Catholic Community Services
Anchorage Child Abuse Board
Elemendorf Air Force Base
S.T.A.R. (Standing Together Against Rape)
Alaska Legal Services
Salvation Army
Alaska Foster Parents Association
Center for Children and Parents
Alaska Youth Advocates
North Slope Borough Health and Social Services
U.S. Coast Guard
Fort Richardson, U.S. Army

There was also wide spread representation from crisis centers, rape programs, shelters and safe home networks.

A questionnaire was enclosed in each persons packet which asked about age, occupation, family history related to abuse, reasons for attending and the goals they hoped the conference would achieve.

Twenty five percent of these were completed and turned in. The information gathered is interesting though it would not be reasonable

to draw specific conlusions as there are numerous influencing factors that were not processed.

Occupations: all but three were para-professionals, service professionals or management oriented.

Age: Nineteen to fifty-nine years of age.

Personal experience with violence: 68%
Twenty were victims as an adult, ten had experienced abuse as a child, fourteen had witnessed violence as a child and nine as an adult. Almost half of the respondents in the category had experienced violence in more than one form or at different times in their life.

What people expected the workshop to accomplish fell into some general categories. They wanted to learn intervention and counseling techniques, to become more informed on incest/sexual abuse of children, to learn about batterers, to promote recognition of grass roots social change efforts as effective in delivering quality services, to accomplish a closer networking between agencies and groups and to provide a forum-event that would publicize the issues of domestic violence in the community.

III. CONFERENCE RECOMMENDATIONS

On the last afternoon of the conference the workshop sessions were entitled "Resolution for Systems Change" and participants broke into four working groups with the purpose of formulating how specific systems could improve their services and responses to victims and perpetrators of domestic violence. The following recommendations were brought to the floor during the final general session in the form of priorities reports from each group.

A. Criminal Justice System

1. The Court System

a. Bail setting procedures should include contact with the victim to determine if she/he will be safer if the defendant is restricted from returning to the household or if there are other considerations pertinent to setting bail conditions. The victims should be re-contacted well prior to release and informed what conditions have been set.

b. Ready access is needed to statistics on sentencing in domestic assault and abuse cases to determine if adequate records are being kept and to examine possible patterns in such sentencing with an eye toward uniform sentencing between spousal assault, child abuse, sexual child abuse and non-family violent crimes.

c. Support for H.B. 392 which among other things, mandates giving uniform information to victims on the scene and

allows victims to obtain a restraining order without having to hire an attorney.

2. Police and State Troopers

   a. Mandatory training, devoted to all aspects of battering, abuse and sexual assault of women and children should be provided at the academy level and involve a continuing education requirement.

      It was felt that it is imperative that officers be given the background to view the dynamics of inner family assault realistically, to adopt a more informed view of victimology and to perceive violence in the family as a criminal matter.

   b. Alaska should join those other states pioneering in the revamping of statistical record keeping to include an accurate breakdown of assaults to include domestic violence as a specific category. Such statistics should be accessible to citizens.

3. Prosecution

   a. There should be specific persons within state and local prosecut a units assigned to handle domestic assault, sexual assault and child abuse cases. These persons should be required to assist victims in understanding their rights and alternatives with an eye to prosecution with safety.

   b. Prosecutors should immediately cease the practice of non-persual of criminal charges in cases involving child victims.

c. Alternatives to sentencing and prosecution should be expanded. While emphasizing that the battering of household members is criminal it was believed that such complex behavior could not be sufficiently altered by 30 to 90 days in jail. The following alternatives are recommended.

1. Implementing statewide pre-trial intervention projects such as currently exist in Anchorage which allow the vic im to choose between pursuing the case through court or having the alleged offender offered specialized counseling with any violations returning the person to court.

2. Taking the alleged offender through court where if convicted, the sentence would include brief jail time with the majority suspended, required specialized counseling, with any violations returning the offender to jail.

3. Variations on these basics, full jail time, sentencing but no jail time coupled with rehabilitation programs, etc.

4. Attorneys

a. The bar should re-address the issue of pro-bono work and commit itself to providing legal counsel and representation to victims of violence, child abuse and sexual assault who do not have access to family or other finances.

b. Attorneys should take the responsibility for becoming informed on the effect of personal violence on humans, on victim rights, and on alternatives and resources in

their community that provide assistance, support and safety to victims of domestic violence and sexual assault.

B. Services to Victims

1. Medical Community

a. Emergency room personnel, including doctors, should seek and be provided training regarding battered women, child abuse victims and rape victims.

b. Cases of abuse, specifically violent injury to women, should be documented. A prevailing feeling that doctors particularly avoid ascertaining true cause of injury in female adults was noted.

c. Advocate programs should be established within the hospital structure to assist victims with their physical and mental trauma, in dealing with their families, and, where present, in dealing with the negative responses of other hospital personnel.

d. The establishment of a Sexual Assault Center with a focus on research, public education and treatment for the sexually abusedchild, emphasizing victims of incest.

e. Doctors, in general, should seek training that would enable them to provide more comprehensive skills to victims of violence.

Note: In this final session, medical doctors were seen as the least responsive professional group to the issues of domestic violence. Not a single physician attended the conference despite the presence of a prominent physician from Harborview Medical Center in Seattle as a keynote speaker, and despite

a major emphasis on the sexually abused child in terms of medical interviews and examination. It was discussed that doctors are perceived as not willing to record that a woman has been battered, regardless of the medical evidence, un-willing to build skills in verbal examination of the injuries and, in general, prefer to allow the woman to keep the secret by accepting even the most implausible descriptions of how they received their injuries.

This was viewed as a problem nationwide and as exceptionally serious as doctors may be the only ones from whom middle and upper class women seek help.

2. Counseling

Local mental health professionals were not present the final day to critique their systems nor offer recommendations for improvement. Concerns mentioned in other sessions were:

a. The use of drugs in response to women's coping mecharisms, the prevailing tendency to tranquilize women.

b. The "Good Wife" bias in counseling, focusing on how a woman can be a better wife and mother as a means of stopping the violence in the family.

c. The tendency to view family violence toward women as a symptom of the relationship.

d. The lack of therapists specifically training in dealing with spousal violence.

3. Shelters and related programs

a. Greater emphasis is needed on education, through the media, in the schools, in rural areas.

b. Funding of current shelters on a more adequate and appropriate level with additional funds for crisis centers and volunteer private safe homes systems.

c. Transitional housing arrangements for women leaving shelters and attempting to create a safe home for

themselves, outside the violent relationship.

d. Support groups for women wishing to create a safe home with the previously violent spouse.

e. Creation of, and long term assistance for, support networks and self-help groups of ex-shelter residents.

f. Continued networking of domestic violence and sexual assault programs statewide; the use of special pages in the Alaska Women's Resource Center newspaper, the Sourceline, for information sharing.

g. Support for CSSS H.B. 130, which creates a regionally representative council for distributing state monies to programs and input into regulations.

C. Religious Community

1. The Alaska Conference on Violence in the Home suggests that a program be established for theological reflection on sexual abuse, violence in the home and family life. The program shall be ecumenical in nature and should take special cognizance of social and religious situations unique to Alaska, with a focus upon the native community. Biblical and theological discussion should be undertaken out of which would emerge specific methods for integrating concern for sexual abuse, violence in the home, and family life into the life and practice of the churches. Denominations, ecumenical organizations, academic institutions and foundations should be encouraged to support related programs.

2. Train clergy, including ordained, lay and professed religious, both men and women, the objective being that these people would become trainers able to pass the skills on. In the area of training the following factors were discussed and determined to be essential: a) money, b) an ecumenical effort, 3) ongoing nature, 4) training focused on counseling skills and theological reflections on sexual abuse of children, rape and violence in the home, 5) Establishment of a network to communicate information, 6) The Alaskan Christian Conference should utilize expertise of existing programs and offices dealing with the issues.

D. Men

Statement: If battering is to stop we must deal with the batterer.

1. Initiate a men's task force whose focus will be to halt violence against women.
2. Encourage AWAIC, Inc. (Abused Women's Aid in Crisis) Communi[illegible] Office to act as the initial organizer of this task force and to hold the first meeting by June 20th.

IV. ATTACHMENTS

WELCOME

We're glad you're here! We deeply hope what you observe, share and learn here will help all of us as we continue in our commitment to end violence toward women and violence in the home.

These sessions may differ from business or government workshops you have attended. It was out intent that there be as much individual participation as possible.

We also hope to be able to make provision for spontaneous workshop sessions and to be able to respond to your concerns and interests as they emerge during this conference.

* * *

WEDNESDAY - June 6

8:00-8:45 AM - Registration, coffee and tea

A good time for meeting others and browsing! There will be tables of books, articles, and research materials on domestic violence and order sheets, so you may go home and order whatever you like. The Book Store, Ships, Shoes & Sealing Wax, with an incredible selection of books not available in Alaska, will be there for you. The Alaska Women's Resource Center (AWRC), will have a table as will Abused Women's Aid in Crisis (AWAIC), where both will be selling buttons, T-shirts, newsletters, etc. (The now-famous "Halt Violence Against Women, Alaska 1979" T-shirts will be available!)

These tables will be open each morning prior to the general session, during the lunch hour, and very briefly each evening.

8:45 AM - General Session

Welcome to the Conference -- Kit Evans

A brief history of the movement to halt violence against women in Alaska.

9:00 AM - Overview of Domestic Violence: The Battered Woman - L. Mandy Stellman, Attorney, Milwaukee, Wisconsin.
Ms. Stellman has long championed the cause of equality for women and has fought in the court and through the media to halt the battering of women and to dispel the myths surrounding domestic violence.

9:30 AM - Film - Behind Closed Doors

10:00 AM - Break

10:15 AM - Workshop Session

* Women and the Court System. Should women bother to press charges? If so, why? - Chris Cobb, Executive Director, Pre-Trial Intervention Services, Anchorage; and Karen Russell, Attorney, Municipal Prosecutors Office.

* Women and the Law. Legal reform in Alaska and elsewhere - Don Clocksin, Alaska Legal Services; Liz Werby, Alaska Legal Services; and P.J. Marschner, Center for Women Policy Studies; Washington, D.C.

* Women as Victims: Stereotypes and Helplessness - Frances Purdy, Project Manager, Region X, Technical Assistance Domestic Violence Grant. Woman Abuse and Conjugal Crime Technical Assistance Center, Counseling Consultant, Women's Support Shelter.

* A New Approach to Family Violence Intervention: Women are credible. Lynn Prossick, MSW, past Counseling Director, AWAIC, Inc. Social Worker, Providence Hospital.

* Battered Women: More Realities. A critical analysis of what is and is not available. Meg Cartwright, Counseling Director, AWAIC Shelter.

* Urban and Rural Coordination: Working on connecting and sharing services state-wide.

12:15 PM - Lunch. Sack lunches made by AWIAC Shelter alumni group, Women Helping Women, will be available. A $3.00 donation is requested.

1:30 PM - General Session.

The Batterers: An Overview of Programs dealing with male violence toward women they live with.

Dr. Samuel Stellman, University of Wisconsin
Frances Purdy, Men's and Couples Counseling Program; Tacoma, WN.
Bob Wald, Counselor - EMERGE, a men's counseling service for batterers; Boston, Mass.
Peter Countryman, HAWC, Counseling Center for Batterers, Salem, Mass.
Dick Barber, Counselor for AWAIC, Inc. Male Awareness Program, Anchorage.

Workshop Sessions

The following two workshop topics were seen as so important that we are offering no other sessions at these times. If it turns out that people wish to address these issues in a format different than small workshops, we are very open to suggestions.

2:30 PM - *The Batterer: Common Myths

Facilitators: Frances Purdy, Sam Stellman, Mandy Stellman, Bob Wald, Peter Countryman, Dick Barber.

3:30 PM - Break

3:45 PM -*Can the Violence be Stopped: The Male Responsibility and Community Options

Facilitators: Same as for the 2:30 session.

5:00 PM - Break

5:30 PM - Brown Leaves - a play by Karma Darane

6:30 P.M. - Have a gentle evening.

THURSDAY - June 7

8:30 AM - Registration and coffee. (Please arrive in time to be fully seated before 9:00 AM)

9:00 AM - General Session

Children and Domestic Violence: Victims and Witnesses.

Kathleen Kennelly, MSW, Community Education Coordinator, Harborview Sexual Assault Center, Harborview Medical Center; Seattle, WN
Lynn Ferry, Center for Children and Parents, Anchorage Child Abuse Board; Anchorage
Tom Janidlo, Court Liaison, State Division of Social Services; Anchorage
Michael McKay, Attorney, King County Prosecutors Office; Seattle, WN

10:00 AM - Break

10:15 AM - Workshop Sessions

* The Battered and/or neglected Child - Bob Nelson and Sue Pope, Center for Children and Parents; Anchorage
* Sexual Abuse: Family Dynamics, the Other Parent - Lynn Ferry, Anchorage Child Abuse Board
* Children in Shelter: The Witness is a Victim Too. - Joan Klein, Child Care Specialist, AWAIC Shelter; and Frances Purdy, Region X.
* Interviewing the Sexually Abused Child - Kathleen Kennelly, MSW
* Procedures in Child Abuse: How the Law does and does not operate. Michael McKay & Tom Janidlo; and Michelle Brown, Asst. Attorney General

12: 15 PM - Lunch. Sack lunches made by the AWAIC Shelter alumni group, Women Helping Women, will be available. A $3.00 donation is requested.

1:30 PM - General Session

Slide Show: The Media and Violence Against Women

3:00 PM - Workshop Session

* Sex Role Stereotyping and Clinical Bias - Dr. Dorothy Jones, Counselor and Therapist, AWRC; and Meg Cartwright, Counseling Dir ctor, AWAIC.

* The Police Officer and the Sexually Abused Child - Officer Rebecca Norton, King County, WN

* Interviewing the Sexually Abused Child - Kathleen Kennelly, MSW, Seattle.

* Starting a Helpline and Safe Home Network - Helen Buell, Initiator Safe Home Network, Kodiak; Margaret Childs, Kodiak Women's Resource Center, President.

* Lawyers: The Battered Woman as a Client, Legal Counsel and Counseling - Mandy Stellman, Attorney; Milwaukee, Wisc.; and John Reese, Attorney, Board Member AWAIC, Inc.

5:00 PM - Have a good evening.

FRIDAY - June 8
8:30 AM - Registration

9:00 AM - Workshop Session

* The Sexually Abused Child and the Medical Encounter - Dr. Shirley Cook Anderson, Pediatrician, Harborview Sexual Assault Center, Harborview Medical Center; Seattle, WN.

* The American Male: Exploring Male Sex Roles. A multi-media presentation, Dr. Rolfe Buzzell, past C.R. Leader and Counselor; Anchorage.

* Common Factors in Batterers and their Victims: A discussion of current research - Mary Eddy, MED Counseling Guidance, Ph.D. candidate, Counselor Adult Services, Anchorage Community Mental Health Center.

* Fund Raising in Small Communities - Caren Robinson, Director, Juneau, AK Shelter

* Counseling and Intervention Services for Abused Children
Tom Janidlo, Lynn Ferry, Kathleen Kennelly, and Michael McKay.

* Military Structure and Attitudes: How They Interact with Families and Domestic Violence - Chaplain Richard Flick, U.S. Coast Guard, Kodiak; and Chaplain William Rhoads, Elmendorf AFB, Anchorage.

11:00 AM - Break

11:15 AM - General Session

Religious issues in Domestic Violence - Denise Horman, MSW, Prevention of Sexual Violence Project, Church Council of Greater Seattle.

12:30 PM - Lunch. Sack lunches made by the AWAIC Shelter alumni group, Women Helping Women, will be available. A $3.00 donation is requested.

2:00 PM - Workshop Sessions

* Resolution for Systems Change - the purpose of the following session is individuals with an interest or expertise in the following areas to formulate how these systems can improve their responses and services to the victims and perpetrators of domestic violence. Related groups may choose to meet together. Each group is to define what they feel are the top TWO priorities for action within the area they are addressing.

Counselors and Therapists - Fran Purdy
Private Attorneys - John Reese, Vince Vitale and Mandy Stellman
Court System -
Police - Officer Rebecca Norton
Prosecution and Prosecution Alternative Programs - Chris Cobb and Michael McKay
Medical Professionals - Dr. Shirley Cook Anderson
The Religious Community - Denise Horman
Men in the Community -
Shelter and Safe Homes -

3:45 PM - Break

4:00 PM - Priorities Report - one representative from each small group.

Excellent Films will be shown during the lunch hours on battering, incest, and child abuse. These films are not normally available, nor will they be shown during conference sessions.

Counseling Issues: Family Violence
A Seminar for Professionals in Ministry

Presented by:
The Prevention of Sexual Violence Project

AGENDA

June 4

8:30 am	Introductions and review of seminar agenda
9:00	Overview of sexual violence: rape, the sexual abuse of children
	Film, "Incest, The Victim Nobody Believes"
	Counseling concerns: Victims
	Counseling concerns: Offenders
Noon	Lunch break
1:00 pm	How to tell kids about sexual abuse
2:00	Pastoral concerns re sexual abuse
	Scriptural concerns--small group study
	Pastoral Counseling Framework
	Model role-play
	Debrief and evaluation
5:00	Adjourn

June 5

8:30 am	Overview of domestic violence
9:00 am	Film, "Domestic Violence: Violence Behind Closed Doors"
	Pastoral Concerns re spouse battering
	Scriptural concerns--small group study
	Pastoral Counseling Framework
	Model role play
	Debrief and evaluation
Noon	Lunch break

June 5

1:00 pm	Any left-overs (questions, etc.) about either sexual or domestic violence.
2:00	Utilizing and providing community resources
	Developing a role for church and clergy (clergy network)
	Role-playing
	Focus on education--what can be done in their communities?
	Debrief and evaluation
5:00	Adjourn

We are keeping an alternate agenda in the back of our minds. (as stated in the letter) Let me know if you have any questions about this...or if you feel comfortable with our strategy of alternative agendas, depending on the response we get from the participants.

Denise