

FISH &
GAME

SENTENCING
STUDY

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF FISH AND GAME BOARD OF FISHERIES/BOARD OF GAME

SUBPORT BUILDING
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April 6, 1982

TO: Hon. Jay S. Hammond, Governor
Hon. J. M. Kerttula, Senate President
Hon. J. Duncan, Speaker of the House
Hon. T. Gardiner, Co-Chairman, House Resources Committee
Hon. F. Zharoff, Co-Chairman, House Resources Committee
Hon. B. Fahrenkamp, Chairperson, Senate Resources Committee
Members of the Alaska State Legislature

The Board of Fisheries and the Board of Game have received testimony and reviewed a preliminary report prepared by the Alaska Judicial Council examining sentences imposed for violations of AS 16, the fish and game code. Preliminary findings in that study suggest many problems. These include:

1. lenient sentences for convictions in comparison to the value of the resources involved, especially concerning commercial fishing;
2. sentences that are not sufficient to deter most violations; and
3. potentially disparate sentences imposed by courts in different locations for apparently similar violations.

The primary obligation of each Board is the conservation and development of fishery and game resources. It is not necessary here to recount the lengthy days and nights which each Board spends producing management regulations, and which the public spends participating in the two Boards' decisions. The Boards are deeply concerned that the courts and other justice agencies should appreciate the value of these renewable resources by supporting the management measures adopted by the Boards. The regulatory frameworks developed by the Boards are designed to respond to many different resources and their users. However, without adequate, consistent, and effective enforcement of these regulations the State's resource wealth must suffer.

The Joint Boards of Fisheries and Game respectfully make the following suggestions:

- a. There is a definite need for scientific study of sentence outcomes for violations of the fish and game code (AS 16). The Alaska Judicial Council appears to be the state agency with the most expertise in this area of research and has already conducted a pilot study on the subject.
- b. Problems with the language, organization, and content of Title 16 should be examined with a view to revising and possibly reclassifying certain violations. This should harmonize with Alaska's new Criminal Code. To accomplish this goal, it may be necessary to establish a special interim committee such as the Title 29 revision committee for local and municipal government. In any event, an advisory role should be reserved for affected members of the public such as local fish and game Advisory Committee members, fishing gear groups, subsistence users, sport fishing organizations, the Division of Fish and Wildlife Protection, the Department of Fish and Game, etc.
- c. A concentrated course of education should be established for District and Superior Court Judges, Magistrates, District Attorneys, etc., regarding the importance to the State of our fishery and wildlife resources. This educational material should include an introduction to how resource violations have biological effects that can produce long term changes in the sustained yield of a resource. Since lawyers often lack experience with fishing, trapping, and hunting, the material should also include explanations of key vocabulary, a basic introduction to fishing, hunting, and trapping gear and its operation, as well as the manner in which violations most commonly occur.
- d. The Alaska Legislature should consider and evaluate the findings of a. and b. to take whatever other action appears appropriate.

We are certain that the members of the Legislature share our concern for fish and wildlife. Maintaining the integrity of these resources for future generations is one of our greatest obligations. We hope you agree that sound conservation and management of these resources requires that violations of the law should be equitably punished and that the sentences imposed must be adequate to deter most lawbreakers. The Boards look forward to hearing from you soon with your reaction to these

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suggetions. We would appreciate any opportunity to further discuss these matters with you.

Sincerely,

A handwritten signature in cursive script that reads "Clint Buckmaster". The signature is written in dark ink and has a long, sweeping horizontal line extending to the right from the end of the name.

Clint Buckmaster, Chairman
Joint Boards of Fisheries and Game

For further information, please contact Greg Cook, Executive Director, Joint Boards of Fisheries and Game, 465-4108, 465-4110

April 17, 1981

Proposed Budget:
Study of Fish & Game Sentencings

The purpose of a study of Fish and Game sentencings would be to determine whether unwarranted disparities exist by location or as a result of other variables. A second purpose would be to determine whether penalties for these offenses are commensurate with the seriousness of the violations.

A tentative estimate of the costs of performing such a study is shown below. Detailed breakdowns of these costs can be provided upon request.

Personal Services:

(Includes Project Supervisor, Data Collectors, Computer Programmer (research analyst), and secretarial assistance):
Salaries and Benefits over 12.5 months= \$143,800.00

Travel:

(Includes travel to collect data, plus limited amount of administrative travel. Since data must be obtained from remote locations throughout the state, travel expenses are necessarily a significant portion of the budget):
Travel and Per diem for 12.5 months= \$ 62,160.00

Contractual Services:

(Includes keypunching of data, computer resources, preparation and printing of reports, postage, and phone):
Contractual Services= \$ 14,000.00

Supplies:

(Includes purchase of forms and supplies for data collection, and standard office operating supplies)
Supplies for 12.5 months= \$ 5,000.00

Total Estimated Expenses: \$224,960.00