

HB

7

SENATE COMMITTEE REPORT

0:4137

DATE: 2/17/97

FURTHER: Finance

DATE TURNED IN TO OFFICE: 5-8-98

Judiciary Committee considered CS FOR HOUSE BILL NO. 7(JUD)

VICTIM/JUVENILE OFFENDER MEDIATION

and recommends:

- be replaced with S CS CSHB 7 (JUD)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee:
- further referral to the _____ Committee

- Senate Bill:**
 same title
 new title
House Bill:
 same title
 technical change
 new: SCR# 30

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Jean Hamell</i>	<input checked="" type="checkbox"/>				
<i>Mike Miller</i>	<input checked="" type="checkbox"/>				
<i>Keane</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>John Tala</i>	<input checked="" type="checkbox"/>	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>LAW/CIVIL DIST 1-4</i>	<i>7-2-98</i>	<input checked="" type="checkbox"/>	
<i>HHS - DFYS</i>	<i>1-26-98</i>	<input checked="" type="checkbox"/>	
<i>AS FORTHCOMING</i>		<input checked="" type="checkbox"/>	
<i>Courts</i>	<input type="checkbox"/>		
<i>DOA-OPA</i>	<input type="checkbox"/>		
<i>DOA-PDA</i>	<input type="checkbox"/>		

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

[]

note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

No. 8
Bill Version: SCSCSHB7(JUD)
(S) Publish Date: 5/8/98

Revision Date: 01/23/98
Title: Establish Dispute Resolution Centers
Sponsor: Representative Porter
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: DFYS Central Office
COMPONENT SERIAL NO. 259
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact to the Division if this bill were to become law.

5/25/98
Prepared by: Russ E. Webb, Deputy Commissioner
Division: Family & Youth Services
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3030
Date: 01/26/98

Date: 1/26/98

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FISCAL NOTE

No. 7
 Bill Version: SCS CS HB 7 (TJD)
 BII(S) Publish Date: 5/8/98

STATE OF ALASKA
 1998 LEGISLATIVE SESSION

Revision Date (Note if correction) _____	Dept. Affected <u>Law</u>
Title <u>... authorizing... community dispute resolution</u>	BRU <u>Criminal Division/Civil Division</u>
centers <u>disputes between juvenile offenders and their victims</u>	Component <u>Criminal Division/Civil Division</u>
Sponsor <u>Representative Porter</u>	<u>1st-4th Jud Dist. Human Services</u>
Requester <u>Senate Judiciary</u>	Component Serial No <u>2198-99/2261/79/02/2208</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 0.0

POSITIONS

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Full-time	0	0	0	0	0	0
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 47.12 to authorize entities organized for the purpose of providing community mediation services to establish and operate community dispute resolution centers to resolve disputes between minors who are alleged to have committed offenses and the victims of those offenses. The bill also provides that the disposition of a juvenile court matter may include use of community dispute resolution centers. Use of a center would be voluntary for both juvenile offenders and their victims. Services provided by the centers will be either without charge, or based on the participants' ability to pay.

This bill would not have a fiscal impact on the Department of Law, because community dispute resolution centers would be operated by community entities and because of the voluntary nature of the bill's dispute resolution process.

Prepared by Jean M. Kasson
 Division Attorney General's Office

Approved by Commissioner Bruce M. Botelho, Attorney General
 Agency Department of Law

Phone 465-5370
 Date 2/2/98
 Date 2/2/98

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Legislative Affairs Agency
Fairbanks Legislative Information Office
119 N. Cushman Street ~ Suite 101
Fairbanks, Alaska 99701
(907)452-4448

To: Senate Jud./Sen Taylor Fax: 465 3922 Phone: _____
From: Fairbanks MO

Written comments from Mr Robert Knight on
Sen. Judiciary TC 2/4/98 130pm

Date Sent: 2/4 Time: 2:10 pm

Thank You,
Christie
Christianne L. Zaverl
Information Assistant

Statement of Robert H. Knight, Jr. in Support of Passage of HB-7
Teleconference: Senate Judiciary Committee
Fairbanks, Alaska -- February 4, 1998

My name is Bob Knight. Thank you for the opportunity to testify on behalf of HB - 7. HB - 7 provides for a Victim Offender Mediation Program -- also called VOMP, and it provides for protection from liability for those participating in Youth Court Programs.

Last year, I was privileged to go to the graduation of the Fairbanks Youth Court Programs student advocates and judges. These young people represent some of the most promising individuals in Alaska. HB - 7 will provide a necessary component of support.

VOMP has been around awhile. Nikishka Stewart has run an superb program in Anchorage for some years now. I took the training course there two years ago and was tremendously impressed with the overall concepts, the commitment, and the details.

My active participation in alternative dispute resolution goes back at least 36 years. I was involved in what we now call ADR before it had a name. Interestingly to me in retrospect, I learned the basic principles in the U.S. Marine Corps.

At Yale, Virginia Law, Georgetown Law, as a member of the Virginia and District of Columbia Bar Associations since the 1970's, as a member of the Alaska Bar's ADR section, as a certified American Arbitration Association member and panelist, the Alaska Dispute Settlement Association, the Society of Professionals in Dispute Resolution, the Academy of Family Mediators, and the Association of Family and Conciliation Courts, as well as a participant in formal course work and seminars. I have served as a Reporter for the ADSA Standards Committee and on its Credentialing Committee. Altogether, I think it is fair to say I know at least a little about ADR.

Experientially, I have worked in all three branches of the Alaska State Government. Most recently, I was privileged to serve on Senator Wilken's staff during his first session here. I served as an aide to the Governor and a Division Director at DCRA. In the federal government, I have served on the President's Management Council, the Department of Justice, the Environmental Protection Agency, the Department of the Interior, and the Department of the Treasury. I have spent some time on Capitol Hill and in the federal court system. I was for a while a Special Assistant U.S. Attorney.

My experience in ADR extends to the non-profit and private sectors in Alaska. I have worked in rural Alaska as well as in the railbelt. Currently, I am completing an Interdisciplinary Doctoral program involving Educational Leadership, law, policy, and public administration. My dissertation involves an analysis of the *Tobeluk v. Lind* Settlement sometimes known as the *Molly Hootch* case.

HB - 7 brings with it a \$0 fiscal note. Alaskans have been involved formally in ADR and mediation through ADSA for over ten years. I would urge this Committee and the entire Legislature to sign on as co-sponsors of this legislation. Its unanimous passage in the House last year indicates, I would respectfully suggest, its bipartisan or nonpartisan nature and importance.

Why should Alaska Legislators support this bill?

Mediation is an idea whose time has come. Several years ago, the American Bar Association determined that 86% of Americans did not have access to the American judicial system. Money, distance, and intimidation were the three most important reasons

for that. History shows that orderly dispute resolution is a critical part of any Civil Society from the beginnings of history.

A Civil Society is marked throughout history by a rule of law. Our U.S. Supreme Court building has the words: Equal Justice Under Law stamped over its entrance. ADR, particularly mediation, can bring closure as well as resolution of disputes. Mediation must be voluntary and it must be confidential. Other than that, it has few special rules.

VOMP lets victims and perpetrators communicate about the events which bring them together. It provides an opportunity for closure for the victims of the perpetrators actions. It provides perpetrators an opportunity to deal with the realities of their acts. It brings humanity back into a process which, as much for the sake of efficiency as anything, used to work hard to exclude the human side of the equation

Some lawyers feel mediation will cut into their practice. It does not. Mediation is not a negotiated settlement in the sense lawyers do negotiated settlements. Some judges feel mediation is about the same as a settlement conference like they hold in chambers.

In my view, it is not. Mediation simply brings disputants together to resolve their differences. It does not make things 'all better' nor is it intended to do that. It is a civil process for resolving disputes so that people and society can get on with their lives.

HB - 7 represents a small, but important step toward providing Alaskans with the mechanisms to resolve disputes effectively, efficiently, and at low cost. VOMP training is thorough and effective. Case supervision is more than adequate and effective. VOMP gives both victims and perpetrators the opportunity to put the past behind them.

Mediation is an idea whose time has come. I respectfully urge the members of this Committee to take an active interest in learning as much about it as they can when the opportunity presents itself. ADSA is sponsoring an ADR conference in April. I hope you and your staffs will find time to attend.

You have important mediation resources in Alaska. Suzanne DiPietro on the Judicial Council Staff, Kathy Anderson, Mike Hostina, Julie Smith, MaryAnn Dearborn all of ADSA, and many others are knowledgeable, experienced, and very much involved.

Mediation has many applications which can save the State money and time. The federal government increasingly employs it at significant savings. Negotiated regulation development represents another area in which mediation can save time and money.

Mediators are not advocates, promoters, or marketers. They are professional neutrals: facilitators for problem solving. Many areas of the nation are starting to realize what an incredibly important resource they can be to a community. The District of Columbia Bar is helping develop a strong ADR presence in the District.

The Member of this Committee can, and I believe should, play an important role in advancing ADR in Alaska. Alaska Natives have employed ADR techniques successfully for an awfully long time. Folks like William Uri use it effectively to help resolve tough international disputes. Many types of disputes are often settled effectively through ADR rather than in the Courts. When Alaska's judges and lawyers fully understand the uses and limits of ADR, I believe they too will become advocates for it. Your leadership will help or hinder that development. I hope each of you becomes personally involved for Alaska.

HB -7 provides a small window of opportunity for more Alaskans to get involved with and to utilize ADR mediation in a controlled environment. I respectfully urge you

HB - 7: Knight Statement in Support of Passage -- February 4, 1998

to report the bill favorably and to support its passage in the Senate. At some future date, as your public service careers draw to a close, it will be something to look back at with pride.

Thank you for the opportunity to speak in support of HB - 7's enactment.



STATE OF ALASKA
LEGISLATIVE AFFAIRS AGENCY
DIVISION OF PUBLIC SERVICES

RECEIVED
FEB 6 1998
Ans'd.....

DATE: 2-4-98

Please accept the enclosed original(s) of written testimony
for the Senate Judiciary Cmte teleconference hearing that was
scheduled on 2-4-98.

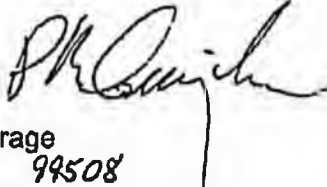
A copy of this testimony was transmitted to your committee via
fax on 2-4-98.

Thank you,

Christanne Zaverl
Info Ass't - Files L10

February 3, 1998

TO: Senate Judiciary Committee
Alaska State Legislature

FROM: Dr. Patrick M. Cunningham 
Associate Professor
University of Alaska Anchorage
3211 Providence Dr. 99508

RE: HB 7 Community Dispute Resolution Centers

TESTIMONY IN SUPPORT OF HB 7

Thank you very much for allowing me the opportunity of providing testimony in support of this important legislation. I am a professor at the University of Alaska Anchorage, a member of the McLaughlin Youth Center Community Advisory Board, and a founding Board member of the Community Dispute Resolution Center in Anchorage. I have also worked as a professional in the juvenile justice system for over ten years. The passage of HB 7 is vital to our continuing efforts to provide restorative justice to victims of crime. Our Center is doing a marvelous service mediating restitution contracts between victims and juvenile offenders, and is a contributing member of the Anchorage "Make a Difference" juvenile anti-crime effort, which is beginning its third year of operation. This legislation is necessary to its continued growth, and the development of similar programs throughout the state.

These programs are low cost and community-based, drawing heavily from dedicated volunteer citizens who want to be active participants in removing crime from their neighborhoods. Much of the financial support for our Anchorage Program has come from the Municipality, University of Alaska Anchorage, Division of Family and Youth Services, community businesses, non-profit organizations, and individual citizens. There are over 200 similar programs in the United States and Canada, and over 100 programs in Europe demonstrating effectiveness as an alternative response to first and second time offenders. Findings from these programs have demonstrated that when a victim is given an opportunity to meet with the offender, over 2/3rds wish to participate. The restitution contract is very durable and many programs have reported over 95% successful completion. Victim appreciation for this justice model is well documented. Offenders are confronted directly with the destructive results of their crime, held accountable, requiring that they take action to "make amends" to victims and the community, and closely monitored to assure that restitution is given. Victims are empowered by having the opportunity of directly participating in the justice process rather than the standard criminal justice process which tends to be an offender-oriented system.

This legislation will institutionalize community dispute mediation centers and set forth standards to be followed. This intervention's strength is that it represents a partnership between government, business, education, voluntary agencies, local communities, and individual citizens to deal with the violence of crime, by emphasizing swift and early intervention, offender accountability, victim's rights, and restorative justice.

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSHB 7 (JUP)

Revision Date (Note if correction) _____	Dept. Affected _____	Law _____
Title <u>... authorizing... community dispute resolution</u>	BRU	Criminal Division/Civil Division
centers... disputes between juvenile offenders and their victims	Component	Criminal Division/Civil Division
Sponsor <u>Representative Porter</u>		1st-4th Jud Dist, Human Services
Requester <u>Senate Judiciary</u>	Component Serial No.	<u>2198-99/2261/79/02/2208</u>

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 0.0

POSITIONS

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Full-time	0	0	0	0	0	0
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

This bill amends AS 47.12 to authorize entities organized for the purpose of providing community mediation services to establish and operate community dispute resolution centers to resolve disputes between minors who are alleged to have committed offenses and the victims of those offenses. The bill also provides that the disposition of a juvenile court matter may include use of community dispute resolution centers. Use of a center would be voluntary for both juvenile offenders and their victims. Services provided by the centers will be either without charge, or based on the participants' ability to pay.

This bill would not have a fiscal impact on the Department of Law, because community dispute resolution centers would be operated by community entities and because of the voluntary nature of the bill's dispute resolution process.

Prepared by Joan M. Kasson
 Division Attorney General's Office
 Approved by Commissioner Bruce M. Botelho, Attorney General
 Agency Department of Law

Phone 465-5370
 Date 2/2/98
 Date 2/2/98

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CS HB7 (JUD)

Revision Date: 01/23/98
 Title: Establish Dispute Resolution Centers
 Sponsor: Representative Porter
 Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: DFYS Central Office
 COMPONENT SERIAL NO. 259
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY99	FY00	FY01	FY02	FY03	FY04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY99	FY00	FY01	FY02	FY03	FY04
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact to the Division if this bill were to become law.



Prepared by: Russ E. Webb, Deputy Commissioner
 Division: Family & Youth Services

Phone: 465-3030
 Date: 01/26/98

Approved by Commissioner: Karen Pecdue, Commissioner
 Agency: Department of Health & Social Services

Date: 1/26/98

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO: HB 7

Revision Date: 01/29/98 Dept. Affected: Public Safety
 Title: ...community dispute resolution centers... between juvenile offenders and victims BRU: Alaska State Troopers
 Sponsor: Rep. Porter Component: _____
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 0799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 98) impact: \$ _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

This bill would not have any significant fiscal impact on AST.

Prepared By: F/Sgt. Don Bowman Phone: 269-5084
 Division: Alaska State Troopers Date: 01/29/98
 Approved by Commissioner: Ronald L. Otte *Ronald L. Otte* Date: 2/2/98
 Agency: Department of Public Safety

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Alaska State Legislature

Representative Brian S. Porter

HOUSE MAJORITY LEADER

MEMBER
HOUSE JUDICIARY COMMITTEE
HOUSE RULES COMMITTEE
HEALTH, EDUC. & SOCIAL SERVICES COMMITTEE
LEGISLATIVE COUNCIL JOINT COMMITTEE



DISTRICT 20

SESSION:
STATE CAPITOL ROOM 216
JUNEAU, ALASKA 99801-1182
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FAX: (907) 465-3834

INTERIM:
16 W. 4TH AVE., SUITE 360
ANCHORAGE, AK 99501-2133
PHONE: (907) 258-8197
FAX: (907) 258-5510

SPONSOR STATEMENT

For

CSHB 7(JUD) COMMUNITY DISPUTE RESOLUTION CENTERS

Victim offender mediation is a process in which trained volunteer mediators bring victims and juvenile offenders face to face to discuss the property loss and emotional damage caused by the crime. The principle goal of this meeting is to obtain an agreement between the victim and the offender on a restitution contract.

Victim offender mediation is part of the larger concept of restorative justice. With this approach offenders take personal responsibility for repairing the damage they have caused.

WHAT ARE THE BENEFITS?

FOR VICTIMS:

- Victims report great satisfaction with mediation process. It allows them to confront the offender with the very real personal impact of their crime.
- Victims report satisfaction with the restitution agreements because they are tailor made to repair their specific loss and their needs for restitution.
- Victims appreciate having their case resolved in a timely and efficient manner with their maximum involvement.

FOR OFFENDERS:

- Offenders have the chance to talk with a victim and to make amends for their crime.
- Offenders are more willing to fulfill the restitution agreements that they helped create.
- Offenders' parents get involved.

FOR THE COMMUNITY:

- The public sees timely and more meaningful responses to juvenile crime.
- Volunteer community mediators have a direct impact on youth.
- National studies of victim offender mediation programs found that offenders committed considerably fewer future crimes.

Alaska State Legislature

Representative Brian S. Porter

HOUSE MAJORITY LEADER

CHAIRMAN

HOUSE SPECIAL COMMITTEE ON TELECOMMUNICATIONS

MEMBER

HOUSE JUDICIARY COMMITTEE

HOUSE RULES COMMITTEE

HEALTH, EDUC. & SOCIAL SERVICES COMMITTEE

LEGISLATIVE COUNCIL JOINT COMMITTEE



DISTRICT 20

SESSION:

STATE CAPITOL, ROOM 214

JUNEAU, ALASKA 99501-1182

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FAX: (907) 258-5510

SECTIONAL FOR CSHB 7(JUD) COMMUNITY DISPUTE RESOLUTION CENTERS

The bill establishes community dispute resolution centers as an alternative for informal resolution and disposition for certain offenses committed by minors. Further, this bill allows judges to use these resolution centers in conjunction with restitution orders made when a minor is adjudicated a delinquent.

Bill section 1, amends AS 47.10.020(a)(1)(A) to authorize referral of a minor to a community dispute resolution center for purposes of informal adjustment or disposition of a matter by the Department of Health & Social Services following preliminary inquiry.

Bill section 2, amends AS 47.10.080(b)(4) to permit a judge who has adjudicated a minor to be a delinquent and ordered the minor in appropriate cases, to pay restitution, to require the minor to use the services of a community dispute resolution center to resolve a dispute involving the amount or manner of payment of the restitution.

Bill section 3, adding a new bill section that would make employees, volunteer and board of directors for youth courts immune from suits in a civil action except in cases of willful or wanton misconduct. Established youth courts, at the present time, are not immune; this section would correct that inequity.

Bill section 4, adding a new bill section, AS 47.10.267, which spells out the procedures by which an entity organized for the purpose of providing community mediation services may operate a community dispute resolution center qualifying under this Act to provide services for minors and the victims of their offenses. Moreover, establishes that all communication within the mediation process is confidential and privileged. Withdrawal from the dispute resolution process either by the offender or the victim is allowed and they may seek judicial or administrative redress. Employees, Volunteers and the board of directors for the dispute resolution center are immune from suit in a civil action except in cases of willful or wanton misconduct.

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 7

Revision Date: _____
Title: Establish Dispute Resolution Centers
Sponsor: Representative Porter
Requestor: House (JUD)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: DFYS Central Office
COMPONENT SERIAL NO. 259
See also (SN#): _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact to the Division if this bill were to become law.

Prepared by: L. Diane Worley, Director *L. Worley* Phone: 465-3191
 Division: Family & Youth Services Date: 01/30/97
 Approved by Commissioner: Karen Perdue, Commissioner *K. Perdue* Date: 1/30/97
 Agency: Department of Health & Social Services

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: HB 7

Revision Date: _____ Dept. Affected: Public Safety
 Title: Victim/Juvenile Offender Mediation. BRU: Alaska State Troopers
 Component: Detachment
 Sponsor: Representative Porter
 Requestor: H. Judiciary COMPONENT SERIAL NO. 0799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

This bill will not have a fiscal impact on the Division of Alaska State Troopers.

Prepared By: Lt. Dan Lowden Phone: 269-5412
 Division: Alaska State Troopers Date: January 10, 1997
 Approved by Commissioner: *Ronald L. Otte* Date: 1/29/97
 Agency: Ronald L. Otte, Department of Public

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 7

Revision Date: _____
Title: Victim/juvenile offender mediation
Sponsor: Rep. Porter
Requestor: House Judiciary

Dept. Affected: Alaska Court System
BRU: Trial Courts
Component: _____
COMPONENT SERIAL NO. 788

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

Fund Source

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: None

Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel
Agency: Alaska Court System
Approved by: Arthur H. Snowden, II, Administrative Director
Agency: Alaska Court System

Phone: 264-8228
Date: 01/29/97
Date: 01/29/97

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Page 1 of 1

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 7

Revision Date: _____
Title: "An Act authorizing establishment of community dispute resolution centers..."

Department Affected: Administration

BRU: Office of Public Advocacy

Component: Office of Public Advocacy

Sponsor: Rep. Porter

Requestor: (H) Jud

COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Office of Public Advocacy.

Prepared by: Brant McGee, Director
Division: Office of Public Advocacy

Phone: (907) 264-1414
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

(Signature)
Date: 1/11/98

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CS HB7 (JUD)

Revision Date: 01/23/98
 Title: Establish Dispute Resolution Centers
 Sponsor: Representative Porter
 Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: DFYS Central Office
 COMPONENT SERIAL NO. 259
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY99	FY00	FY01	FY02	FY03	FY04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0



POSITIONS:

POSITIONS	FY99	FY00	FY01	FY02	FY03	FY04
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact to the Division if this bill were to become law.

 Prepared by: Russ E. Webb, Deputy Commissioner
 Division: Family & Youth Services

 Approved by Commissioner: Karen Pecdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3030
 Date: 01/26/98
 Date: 1/26/98

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STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HR 7

Revision Date: _____
 Title: "An Act authorizing establishment of community dispute resolution centers..."
 Sponsor: Rep. Porter
 Requestor: (H) Jud

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
----------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact on the Public Defender Agency.

Prepared by: Barbara K. Brink, Acting Director
 Division: Public Defender Agency

Phone: (907) 264-4414
 Date: _____

Approved by Commissioner: Mark Bover
 Agency: Department of Administration

Date: _____

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 7

Revision Date: _____ Dept. Affected: Department of Law
 Title: ... authorizing ... community dispute resolution BRU: Criminal Division/Civil Division
centers ... disputes between juvenile offenders and their victims Component: Criminal Division/General Legal Services
 Sponsor: Rep. Por. er
 Requester: House Judiciary COMPONENT SERIAL NO. 2085/2087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 47.12 to authorize entities organized for the purpose of providing community mediation services to establish and operate community dispute resolution centers to resolve disputes between minors who are alleged to have committed offenses and the victims of those offenses. The bill also provides that the disposition of a juvenile court matter may include use of community dispute resolution centers. Use of a center would be voluntary for both juvenile offenders and their victims. Services provided by the centers will be either without charge, or based on the participants' ability to pay.

This bill would not have a fiscal impact on the Department of Law, because community dispute resolution centers would be operated by community entities and because of the voluntary nature of the bill's dispute resolution process.

Prepared by: Joan M. Kasson *Joan M. Kasson*
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General *Bruce M. Botelho*
 Agency: Department of Law

Phone: 465-5370
 Date: 1/24/97
 Date: 1/24/97

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alaska judicial council

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January 22, 1997

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Representative Brian Porter and
Members of the House Judiciary Committee
Alaska Legislature
State Capitol
Juneau, AK 99801

Via FAX: 907/465-3834

Dear Representative Porter and Members of the House Judiciary Committee:

Thank you for your consideration of House Bill 7, which formally establishes procedures under which juvenile offenders and victims can be referred to victim-offender mediation. This bill is necessary and important for a number of reasons:

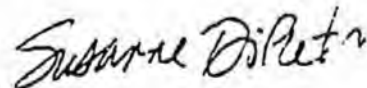
- The bill formally establishes the confidentiality procedures under which juvenile victim-offender mediation programs now operate informally. Without this provision, mediation programs will continue to be vulnerable to expensive and damaging legal challenges. As an example, about a month ago an Anchorage superior court judge issued a subpoena for mediation records from Anchorage's juvenile victim-offender mediation program. The program was forced to hire a lawyer to file a motion to quash the subpoena;
- The bill formally establishes reasonable protection from suit for citizens who volunteer their time to these worthwhile programs. Without this measure of protection, volunteers will continue to be vulnerable to expensive and damaging lawsuits;
- The bill creates a mechanism by which the court system can refer offenders to mediate restitution contracts. No other law of which I am aware explicitly gives the court this valuable option;

SUPPORTING
DOCUMENTS

- The bill will encourage creation of victim-offender programs statewide by clearly establishing the necessary process and standards. I can tell you from experience that creating the Anchorage pilot project involved an enormous amount of volunteer work and coordination between a dozen state agencies and other entities. This bill gives other groups a "running start" which might make the difference between creating a program or not;
- Finally, the bill reserves the victim's right to decide whether mediation is right for him or her. It is important that victims who participate in victim-offender mediation programs do so voluntarily.

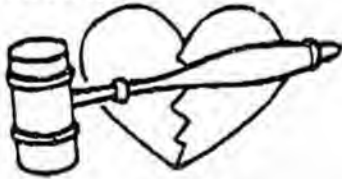
These are just a few highlights of this important legislation. If you have questions or wish to discuss the Anchorage program further, please do not hesitate to call. Thank you for your time.

Sincerely,



Susanne Di Pietro
Staff Attorney

VICTIMS



for Justice 619 East Fifth Avenue • Anchorage, AK 99501
(907) 278-0977 • Fax: (907) 258-0740

January 21, 1997

Dear Representative Brian Porter,

As a founder of Victims for Justice and the Victim-Offender mediation project. I strongly support HB 7 Community Dispute Resolution Centers.

The main purpose of this legislation is to replace the nonparticipative courtroom with a new environment. Crime is viewed as a conflict between two people. Mediation, as process for mutual resolution of conflict, is more likely than a courtroom to allow for participation and reconciliation.

Mediation offers other benefits over and above reaching an agreement on restitution. The victim may feel some healing from the crime. The juvenile may feel more accountable and as a result may be more likely to comply with the restitution agreement. By intervening early, the first-time offender might be less likely to commit future violent acts.

It is anticipated that the Alaska Victim Offender Mediation Project will have a profound impact on future juvenile crime in Alaska and on the victims of crime. Mediation may succeed where juvenile justice has failed in reducing the number of violent youths in our society.

Sincerely,

A handwritten signature in cursive script that reads "Janice Lienhart".

Janice Lienhart, Executive Director
Victims for Justice

**ALASKA DISPUTE SETTLEMENT ASSOCIATION**

P.O. BOX 242922 • ANCHORAGE, AK 99524-2922 • (907) 258-0624

January 20, 1997

By facsimile and US mail

Representative Joe Green
Chair, Judiciary Committee
House of Representatives
Alaska State Capitol
Juneau, AK 99801

Representative Brian Porter
House of Representatives
Alaska State Capitol, Room 216
Juneau, AK 99801

Representatives Mark Hanley and Gene Therriault
Co-Chairs, Finance Committee
House of Representatives
Alaska State Capitol
Juneau, AK 99801

Dear Gentlemen:


Our Board has unanimously directed that I write on their behalf in support of the establishment of community dispute resolution centers under House Bill 7. As a professional association of mediators, arbitrators, educators, hearing officers, and others engaged in dispute resolution processes, we firmly believe our state's communities will only benefit from such a resource

The benefits of these centers, as defined under HB 7, will enhance our state's efforts to deter inappropriate juvenile conduct and bring restitution to victims who have been wronged. We commend you for your support and urge you to pass the bill through committee. Should you need further information concerning alternative dispute resolution processes, their use and application, please do not hesitate to contact us.

Best regards,

ALASKA DISPUTE SETTLEMENT ASSOCIATION

By:



Kathleen G. Anderson,
President

cc: ADSA Board of Directors



UNIVERSITY OF ALASKA ANCHORAGE

3211 Providence Drive
Anchorage, Alaska 99508-8230

DEPARTMENT OF SOCIAL WORK

TO: Representative Brian Porter
Alaska State Legislature

FROM: Dr. Patrick M. Cunningham
Associate Professor
University of Alaska Anchorage

RE: HB 7 Community Dispute Resolution Centers

TESTIMONY IN SUPPORT OF HB 7

Thank you very much for introducing and sponsoring this Bill. I am a founding Board member of the Community Dispute Resolution Center in Anchorage and believe that the passage of HB 7 is vital to our continuing efforts to provide restorative justice to victims of crime. The Center is doing a marvelous service mediating restitution contracts between victims and juvenile offenders, and is a vital member of the city's "Make a Difference" juvenile anti-crime effort. This legislation is necessary to its continued growth, and the development of similar programs throughout the state. Our long range plan is to institutionalize this intervention in both the adult and juvenile criminal justice system.

These programs are low cost and community-based, drawing heavily from dedicated volunteer citizens who want to be active participants in removing crime from their neighborhoods. Much of the financial support for our Anchorage Program has come from the Municipality, University of Alaska Anchorage, community businesses, non-profit organizations, and individual citizens. There are over 200 similar programs in the United States and Canada, and over 100 programs in Europe demonstrating effectiveness as an alternative response to first and second time offenders. Victim appreciation for this restorative justice model is well documented. Offenders are confronted directly with the destructive results of their crime, held accountable, requiring that they take action to "make amends" to victims and the community, and closely monitored to assure that restitution is given. Victims are empowered by having the opportunity of directly participating in the justice process.

I wish you "God speed" in your efforts to reduce crime in our State.

Sincerely yours,

A handwritten signature in cursive script that reads "Patrick M. Cunningham".

Patrick M. Cunningham



Mat-Su Youth Court

1801 Parks Highway, Suite C-06
Wasilla, AK 99654
(907)373-5193 • FAX 373-5393

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Mat-Su Alternative Schools

Coyia Sweet, Drug Free Sch.
Mat-Su School District

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Youth Court Administrator

Ms. Lisa Makar
Probation Officer

Ms. Cheryl Rodriguez
Secretary

February 1, 1997

Hon. Brian Porter
Alaska State Capitol
Juneau, AK 99801-1182

Dear Brian:

I have just completed my review of HB#7 which, among other provisions, would extend immunity from a civil action to board members, employees, and volunteers of a Youth Court when performing their duties in a good faith manner.

This legislation is appropriate. Although the Mat-Su Youth Court has not had an action filed against it, providing immunity as described in the bill makes Youth Courts statewide stronger, enables community leaders to provide support by being a member of its Board of Directors without fear of exposure to a civil action, and finally, does extend protection in the event an action ever is initiated.

Your bill is also very timely. While I am not completely familiar with Dispute Resolution Centers, I do know that Youth Courts are increasing throughout the State, since the State cannot adequately handle the minor, first-time offenders. Formed about five years ago, the Anchorage Youth Court provided the model for us. In addition to the Mat-Su Youth Court, other Youth Courts in varying stages of development have begun during 1996 in Fairbanks, Kodiak, the Kenai, Juneau, Kotzebue, and possibly in Sitka. These programs provide consequences to juvenile offenders that the State cannot do. Your bill providing immunity will strengthen each of these efforts.

Please keep me posted on the progress of HB#7, the committees to which it is assigned, etc., so that we may urge its favorable consideration.

Thank you for your efforts with this bill.

Sincerely yours,

James Messick
Cheryl Rodriguez
M. James Messick

Nikishka Stewart
2440 East Tudor Road, #252 - Anchorage, AK 99507
(907) 563-4975 hm, (907) 274-1542 wk, email: akhsikin@aol.com

April 23, 1997

Senator Robin Taylor
State Capital
Juneau, AK 99801-1182

Dear Senator Taylor:

I am writing this letter in support of CSHB 7 (Jud), "An Act authorizing establishment of community dispute resolution centers to foster the resolution of disputes between juvenile offenders and their victims..." I urge you to move this bill to the Senate floor for consideration before the time runs out on this legislative session.

I write this letter representing only myself, a lifelong Alaskan tremendously invested in and concerned about our state. I am, however, the Executive Director of the Community Dispute Resolution Center in Anchorage and therefore have a front-line understanding of how desperately this legislation is needed.

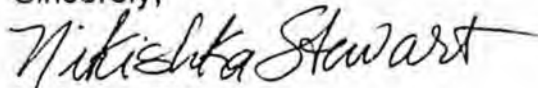
I see firsthand the anger and pain of crime victims and the hopelessness of youth offenders. I know the justice and healing possible when victims and offenders meet face to face to confront the youth and discuss restitution for the victim.

Our Victim Offender Mediation Program has given our community the power to say "NO MORE!" to youth offenders and to offer a healing and helping hand to victims of crime. Victim services like this are so critically needed in Alaska. The passage of this bill will ensure that community centers can be established across our state and that they will have the legislative support necessary to provide quality services for many years to come.

This legislation will provide effective victim services, help reduce youth crime and its impacts, and bring communities together in addressing their problems with their own resources and strengths.

I urge you to communicate your support of community solutions to community problems by moving CSHB 7 (Jud) to the Senate floor immediately. Victims of crime are waiting and youth crime is not going away.

Sincerely,



Nikishka Stewart

Donor News

November 1996

VOMP success rate 95% and up!

What is a successful resolution to a juvenile crime? In the Victim Offender Mediation Program success is a victim of a juvenile crime feeling safer, stronger, and restored after meeting with an offender and discussing what happened and why. Success is an offender taking personal responsibility and being held personally accountable for his or her crime and completing restitution to the victim.

Success is hearing victims say, "I'm glad I did this. I got my peace of mind back as well as my restitution." or "This kid lives in my neighborhood, without mediation I would have been angry and afraid for a long time. Now I feel like we've resolved things permanently."

Success is seeing a young person turn things around and hearing from his or her parent, "My child is back on the right track thanks to going through a victim-offender mediation. I really appreciate your program."

Success is measured in the feeling that volunteer mediators have in giving back to their community and in truly "Making a Difference" in their neighborhoods.

Success is also measured in the **percentage of victim-offender restitution contracts completed annually, 95 - 99%**. As opposed to a court-ordered completion rate in traditional juvenile courts of 20-30%.

From January 1 through September 30, 1996, 47 juvenile offenders were referred to victim offender mediation. Fifty (50) victims received services as a result of those referrals.

Twenty-one (21) mediations were held between victims and offenders and 18 contracts have either been successfully completed or are being monitored for completion. These referrals resulted in a total of 64 cases being evaluated, as a result of multiple victims or offenders in particular crimes.

As a result of mediation, over ~~\$2000.00~~ ^{\$10,000} in restitution has been paid to victims and over 100 hours of community work service has been completed. ^{as of 12/3}

Fifty-four (54) of these cases were diversion level referrals, assisting Juvenile Intake by providing an effective referral option for dealing with an overwhelming caseload. Seven of these cases (7) were probation level offenses where mediation was a component of the adjudication process. One case (1) was a parent-adolescent referral.

The breakdown of the offenses is as follows: 33% were burglary, 25% were youth on youth assaults or conflicts, 24% were criminal mischief, 11% were theft, and 7% were trespass.

The Community Dispute Resolution Center, Inc. has experienced unprecedented client and community support in its Victim Offender Mediation Program. Why it is so effective is because it is a common sense idea based on accountability, responsibility and restitution and it involves and supports victims by meeting their needs to be heard, included, and restored.



"Why did you hit my brother?" - a case study in restorative justice

**The names of participants and certain case details have been changed to protect confidentiality.*

No one can tell a little 8 year old girl that things will be alright after she sees her 11 year old brother assaulted right in front of her.

That was the case when Sara* and her big brother Andrew* were walking home from school one day. Andrew was confronted by an older high school boy. Words were exchanged and the older boy, Stephen*, hit Andrew in the face, breaking his nose and sending the boy to the hospital.

Sara witnessed the assault and was as much a victim of the attack as her brother.

The case was referred to the Victim Offender Mediation Program by Stephen's Probation Officer. The officer had met with Stephen and discussed the crime. Stephen was sorry for what he had done and agreed that if it would help Andrew, he would meet with him in a mediation.

After careful screening and meeting individually with both the offender and young Andrew and his parents, staff at the CDRC agreed that the mediation would proceed. An appointment was scheduled for the following week and volunteer mediators were assigned.

The day of the mediation, however, Andrew was having second thoughts. He told his Mother he did not want to mediate. She called to let the CDRC know.

There is never any obligation on the part of a victim, regardless of age, to participate in a mediation with their offender, so Andrew's mediation was cancelled.

However, unlike a court process which would have identified only Andrew as the victim, staff were aware that Sara had been a witness. Staff had talked to her about what happened and from the beginning she had said she wanted to sit in with her brother during the mediation.

Through Sara's mother, staff asked Sara if she still wanted to meet with Stephen even though her brother didn't want to. Sara said, "Yes, I want to know why he hit my brother."

The day of the mediation, Sara and her parents arrived, with Andrew tagging along, and the whole family met with Stephen and his Father. Since Sara was so young, parents of both children participated in the mediation.

Although young Andrew had said he did not wish to talk to Stephen, he sat in on Sara's meeting.

Drew and Sharon, the two volunteer mediators assigned to the case, opened up the mediation and got the conversation flowing

Sara was very upfront in her questioning asking, "Why did you hit my brother?" Stephen apologized for what he'd done, explained why he got angry, and said he shouldn't have punched

(continued on page 3)

The CDRC welcomes
VECO
as the newest member of our
*CDRC Donor *All-Stars**

Thank you for your
generous support!



I'm a CDRC *All-Star*!

(continued from page 2)

Andrew, that there were other ways to deal with his anger.

The discussion between Sara and Stephen went so well that her parents began to ask questions and talk about their pain, anger, and fear about having their child assaulted.

Stephen did his best to take responsibility for his behavior, although it was obvious to the mediators that hearing about the pain and injury he had caused was difficult.

Toward the end of the mediation, Sara said she had no more questions. At that point, Andrew who had been quiet throughout the process, began to address Stephen directly and ask him questions of his own.

With the support of his parents and the mediators, Andrew told Stephen how the attack had hurt him and about his anger at being assaulted for no reason.

In the course of the discussion, Stephen told Andrew and his parents how he had been harassed earlier in the day by a group of kids from the area. When he was driving home with friends, he saw Andrew and his sister and assumed they were some of the same kids from earlier in the day. They weren't, but Stephen hit Andrew before he knew that.

At that point, Stephen paused and turned to Andrew, moving so he could look him in the face. He said, "I'm sorry I hit you Andrew. I didn't mean to cause you such pain and injury. It was a stupid thing that I shouldn't have done. I'm really sorry."

Andrew sat quietly for a moment, then looked at Stephen and said, "That helps, thanks."

This exchange indicated a turn in the mediation. The mediators let the apology sink in for a few moments then moved the discussion to restitution. They asked the family, "Now you've heard from Stephen what happened and why. What would it take to make this right?"

Andrew's parents presented receipts for his medical expenses that were not covered by insurance.

Because the medical costs were so high, Stephen worked out a payment plan with

Andrew's parents that incorporated some of his earned wages and, because they couldn't wait long to pay the medical bills, it also included part of Stephen's permanent fund check.

At the end of the mediation, after the restitution agreement was signed, Andrew's parents and Stephen's Father looked at each other and smiled. Stephen had done the right thing and worked hard to repair the damage he had done. His Father was proud of his son's ability to make amends, Andrew's parents felt respected, and reassured that neither they or their children were at risk of further conflict.

As both families left the center, they commented on how much better they felt for having gone through the mediation.

Andrew's Mother seemed to sum up everyone's feelings when she said, "I feel so much better. Before we did this I said to my husband, "I'd rather have a root canal!" but now that its over, I realize its the best thing we could have done!"

Little Sara walked out the door with the answer to her question, "Why did you hit my brother?" and with peace of mind that the incident was resolved permanently and she no longer had to be afraid of walking home from school. Andrew was happy he had met with Stephen. He felt better and the apology he received did much to alleviate his fear and apprehension of meeting Stephen in the neighborhood again.

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Statement of Robert H. Knight, Jr. In Support of Passage of IIB-7
Teleconference: Senate Judiciary Committee
Fairbanks, Alaska -- February 4, 1998

My name is Bob Knight. Thank you for the opportunity to testify on behalf of HB - 7. HB - 7 provides for a Victim Offender Mediation Program -- also called VOMP, and it provides for protection from liability for those participating in Youth Court Programs.

Last year, I was privileged to go to the graduation of the Fairbanks Youth Court Programs student advocates and judges. These young people represent some of the most promising individuals in Alaska. HB - 7 will provide a necessary component of support.

VOMP has been around awhile. Nikishka Stewart has run an superb program in Anchorage for some years now. I took the training course there two years ago and was tremendously impressed with the overall concepts, the commitment, and the details.

My active participation in alternative dispute resolution goes back at least 36 years. I was involved in what we now call ADR before it had a name. Interestingly to me in retrospect, I learned the basic principles in the U.S. Marine Corps.

At Yale, Virginia Law, Georgetown Law, as a member of the Virginia and District of Columbia Bar Associations since the 1970's, as a member of the Alaska Bar's ADR section, as a certified American Arbitration Association member and panelist, the Alaska Dispute Settlement Association, the Society of Professionals in Dispute Resolution, the Academy of Family Mediators, and the Association of Family and Conciliation Courts, as well as a participant in formal course work and seminars. I have served as a Reporter for the ADSA Standards Committee and on its Credentialing Committee. Altogether, I think it is fair to say I know at least a little about ADR.

Experientially, I have worked in all three branches of the Alaska State Government. Most recently, I was privileged to serve on Senator Wilken's staff during his first session here. I served as an aide to the Governor and a Division Director at DCRA. In the federal government, I have served on the President's Management Council, the Department of Justice, the Environmental Protection Agency, the Department of the Interior, and the Department of the Treasury. I have spent some time on Capitol Hill and in the federal court system. I was for a while a Special Assistant U.S. Attorney.

My experience in ADR extends to the non-profit and private sectors in Alaska. I have worked in rural Alaska as well as in the railbelt. Currently, I am completing an Interdisciplinary Doctoral program involving Educational Leadership, law, policy, and public administration. My dissertation involves an analysis of the *Tobeluk v. Ltd Settlement* sometimes known as the *Molly Hootch* case.

HB - 7 brings with it a \$0 fiscal note. Alaskans have been involved formally in ADR and mediation through ADSA for over ten years. I would urge this Committee and the entire Legislature to sign on as co-sponsors of this legislation. Its unanimous passage in the House last year indicates, I would respectfully suggest, its bipartisan or nonpartisan nature and importance.

Why should Alaska Legislators support this bill?

Mediation is an idea whose time has come. Several years ago, the American Bar Association determined that 86% of Americans did not have access to the American judicial system. Money, distance, and intimidation were the three most important reasons

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for that. History shows that orderly dispute resolution is a critical part of any Civil Society from the beginnings of history.

A Civil Society is marked throughout history by a rule of law. Our U.S. Supreme Court building has the words: Equal Justice Under Law stamped over its entrance. ADR, particularly mediation, can bring closure as well as resolution of disputes. Mediation must be voluntary and it must be confidential. Other than that, it has few special rules.

VOMP lets victims and perpetrators communicate about the events which bring them together. It provides an opportunity for closure for the victims of the perpetrators actions. It provides perpetrators an opportunity to deal with the realities of their acts. It brings humanity back into a process which, as much for the sake of efficiency as anything, used to work hard to exclude the human side of the equation

Some lawyers feel mediation will cut into their practice. It does not. Mediation is not a negotiated settlement in the sense lawyers do negotiated settlements. Some judges feel mediation is about the same as a settlement conference like they hold in chambers.

In my view, it is not. Mediation simply brings disputants together to resolve their differences. It does not make things 'all better' nor is it intended to do that. It is a civil process for resolving disputes so that people and society can get on with their lives.

HB - 7 represents a small, but important step toward providing Alaskans with the mechanisms to resolve disputes effectively, efficiently, and at low cost. VOMP training is thorough and effective. Case supervision is more than adequate and effective. VOMP gives both victims and perpetrators the opportunity to put the past behind them.

Mediation is an idea whose time has come. I respectfully urge the members of this Committee to take an active interest in learning as much about it as they can when the opportunity presents itself. ADSA is sponsoring an ADR conference in April. I hope you and your staffs will find time to attend.

You have important mediation resources in Alaska. Suzanne DiPietro on the Judicial Council Staff, Kathy Anderson, Mike Hostina, Julie Smith, MaryAnn Dearborn all of ADSA, and many others are knowledgeable, experienced, and very much involved.

Mediation has many applications which can save the State money and time. The federal government increasingly employs it at significant savings. Negotiated regulation development represents another area in which mediation can save time and money.

Mediators are not advocates, promoters, or marketers. They are professional neutrals: facilitators for problem solving. Many areas of the nation are starting to realize what an incredibly important resource they can be to a community. The District of Columbia Bar is helping develop a strong ADR presence in the District.

The Member of this Committee can, and I believe should, play an important role in advancing ADR in Alaska. Alaska Natives have employed ADR techniques successfully for an awfully long time. Folks like William Uri use it effectively to help resolve tough international disputes. Many types of disputes are often settled effectively through ADR rather than in the Courts. When Alaska's judges and lawyers fully understand the uses and limits of ADR, I believe they too will become advocates for it. Your leadership will help or hinder that development. I hope each of you becomes personally involved for Alaska.

HB -7 provides a small window of opportunity for more Alaskans to get involved with and to utilize ADR mediation in a controlled environment. I respectfully urge you

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to report the bill favorably and to support its passage in the Senate. At some future date, as your public service careers draw to a close, it will be something to look back at with pride.

Thank you for the opportunity to speak in support of HB - 7's enactment.