

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672

1436 SCOMM 52: JOINT SPEC. COMMITTEE ON LOCAL OPTION LAWS 1985-86

Community support, measured by support from city council, church, school, police, advisory board, relatives and friends, ranges from non-existent in one case to lukewarm in five, and very strong in three.² Although all counselors have a local alcohol advisory board, as encouraged by YKHC staff, appointed by city council, there are considerable differences in the functioning of these groups. In one village, where the counselor has strong support, the board acts as a lobby with the city council. Members of the board act in a counseling capacity if called on by the counselor. The strongest boards are those that were formed with the direct involvement of the counselor. With one exception, counselors reported difficulty ranging from disinterest or lack of organization to hostility in communities other than their own. Travel is also seen as detracting from the strength of a program in a person's home community and periodically leaves clients without the support they might need.

The service model definitely creates problems for nearly all the counselors. In spite of dedicated persistence on the part of the counselors in meeting obligations outside their home community, there are little data to suggest program development outside the home communities for nearly all counselors, with the exception of one.

In addition to the specific comments on training, mentioned above, counselors emphasized the benefit of discussion and observation during training sessions. The first year of this training program, conducted without the benefit of a translator, was nearly a total loss for some of the participants, and all future training should include a Yupik translator. More recent sessions, deemphasizing a lecture approach, taught by a person perceived by the counselors as knowledgeable about villages, have been well received.

²The sociopolitical position of a counselor in his/her home village may, of course, be a critical factor in marshalling program support. Given the circumstances of this study, we were unable to thoroughly explore the relation of this variable to degree of community support.

Discussion

A comparison of the findings, reported here, with those based on work with the RurAL CAP counselors (Shinkwin and Book 1982) document a similarity in experience by Alaska Native counselors who are trying to develop alcohol programs in their villages, irregardless of the cultural-linguistic background of the village. With very few exceptions, alternative activities directly associated with alcohol or drug abuse, have no appeal. Some viable alternatives have been reported here. Counseling, as a new concept in village culture, does not receive much local support. Counselors have to seek clients and most are referrals. Counseling in a formal setting (office) is rare. Counseling style is always non-confrontational. The disease model of alcoholism is not viewed as significant in treatment approaches and group therapy is not a relevant approach. The effects of alcohol education presentations are not obvious and one counselor in this study has emphatically rejected this activity since he cannot identify any positive responses.

Some differences in the results of the two studies are also apparent and the reasons for these differences are important. While the RurAL CAP counselors all reported crisis intervention as a major activity, no counselor in this study mentioned it. It is impossible to relate its absence to a lack of crises in these villages, since we know they occur. Rather, these counselors view this activity as inappropriate. In this region, this may reflect a more rigid differentiation between the police, which handle crises in these villages, and the alcohol counselor. In one village, crisis intervention is a function of the chairman of the alcohol advisory board who manages a safe homes program.

The counselors in both studies relate difficulties in the acceptance of a counselor-client relationship in their villages to a communication style that traditionally did not encourage people to discuss serious, personal problems, especially

in a non-family context. However, these counselors, unlike those in the Rural CAP program, do not describe the counseling role in negative terms and they do not suggest that talking about things makes them worse. In large part, this must be related to a cultural difference in language use between Yupik Eskimos and Athabascans, where this attitude was most obvious.

Although all counselors in both studies have difficulty in attracting clients, two in the YKHC region have walk-in clients and a third reports voluntary visits by people with problems, for this development took time--about two years in two cases and three in the third. While the walk-in clients are limited in number, their existence can be viewed as an indication of an attitude change at least on the part of a few people. How this has been accomplished in three village programs deserves close attention.

A comparison of the approaches of the three counselors with each other and with those described by other counselors suggests that they share an approach that distinguishes them from the rest of the counselors, and is in contrast with their training. Each spends considerable time educating people about their role as a counselor rather than focusing on basic facts about alcohol abuse when talking with people. Two directly discuss with local people some of the aspects of their traditional culture that operate against acceptance of counseling. In these discussions, they emphasize how difficult it is to learn to talk about problems or feelings. One is also educating clients about treatment approaches in individual client meetings, preparing clients to try group therapy. There is obviously a large difference between organizing group therapy by establishing a group and placing clients in it and spending months talking to clients individually about the possibilities and meaning of group therapy before using the technique. The experiences of these counselors suggest that they are changing people's perceptions about their role by directly addressing the topic and increasing understanding of the whole concept of counseling in the same fashion.

Comparison of the context withi which these three counselors operate illustrates the potential significance of a network of support in one's village. In two villages, the counselors have extraordinary support from local groups, such as city council, police, church, and alcohol advisory board. These alcohol advisory boards were selected by the city councils with input from the counselors. Although this factor alone does not seem to be sufficient for changing individual perceptions, it has certainly made these village programs among the strongest in the region.

The implications of program analysis for training are several. First of all, analysis demonstrated that individuals employed as counselors in this program perform many functions in addition to counseling. Although there have been some obvious changes in several villages recently, it is unlikely that counseling will occupy large amounts of time for most counselors in the near future. The fact that these practitioners are called "counselors" reflects the significance attached to this activity in dealing with alcohol abuse by health providers in the majority culture rather than their major functions which are diverse. It has serious practical results in that a training program with curriculum content reflecting specific competency requirements is dictated by state requirements for certification of counselors. This curriculum, which contains massive amounts of technical information, much of which is presented in words hardly understandable to many of the counselors, does not address the reality of village alcohol programs. Whether or not village alcohol programs have any future is an open question but they certainly will not be successful if initially modelled on an approach developed for another culture. Perhaps these "counselors" should be called alcohol program co-ordinators. In fact, they are "developers", but the term can have a negative connotation.

Second, the analysis suggests that the creation of local support groups is very important. Since this is basically a political process, training about its significance alone cannot overcome local objections. However, counselors can be

alerted to possible strategies they might use to strengthen their support base. The process of developing a support network itself will increase understanding of the role of an alcohol counselor in the village.

Third, since the development of counseling skills is a need, identified by the participants, in the study a major task of training will be to identify relevant approaches. Since it is not known yet what those approaches might be, a period of trial and error must be anticipated. Training should provide counselors with models they can test. The use of movies showing various techniques, as well as further observation at the treatment center in Bethel, could create an excellent base from which to discuss what might or might not work. These discussions combined with follow-up reports on the results of local experimentation is a process that might prove fruitful.

Lastly, and perhaps most importantly, the analysis implies that an explicit recognition in training that alcohol programs represent an example of introduced, directed culture change in these communities is essential. Counselors should not be cast into a system that is not in focus. From an anthropological perspective, program participants should be taught to recognize that they are agents of change. As such, counselors themselves must play a major role in curriculum design for training. This can be accomplished, in part, by structured group discussions of the sort mentioned above, led by the trainer. At this point in time, a continuing conscious evaluation of what works and what fails in village alcohol programs is critical. Some counselors in this training program already recognize this process.

Reference

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1982 Alaska Native Counselors: An Inside View. Manuscript,
University of Alaska, Fairbanks, Anthropology Program.

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Alaska Misdemeanor Sentences: 1981

December, 1983

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Alaska Judicial Council

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ALASKA MISDEMEANOR SENTENCES: 1981

December 1983

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ACKNOWLEDGMENTS

Many people cooperated with the Judicial Council in preparation of this report on 1981 misdemeanors and collection of the data reported. We would like to thank the court staff, police departments, and Department of Public Safety for their frequent and patient assistance in locating records. A number of judges, attorneys, and other criminal justice system personnel have also helped by providing thoughtful discussions and possible interpretations of the study's findings.

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ALASKA MISDEMEANOR SENTENCES: 1981

December, 1983

EXECUTIVE SUMMARY

This report presents an analysis of sentences imposed by Alaskan judges and magistrates in misdemeanor cases during 1981. The purposes of the study were to determine whether sentencings varied by court or defendant, and to explain why such variations did (or did not) occur. The study was funded by the state's legislature as part of its continued monitoring of state sentencing patterns.

The study looked at two types of relationships:

- 1) between defendant characteristics and sentence length; and
- 2) between community characteristics and sentence length.

Although we found that physical characteristics of the defendant such as age, race and sex did not affect sentences, the defendant's prior criminal history and past failure to complete treatment for alcohol problems had very significant effects. Financial status was also tied to sentence length, with less wealthy offenders receiving slightly longer sentences for vehicular and disorderly conduct offenses.

A second set of important findings related sentence length to community characteristics. The study found that sentences for certain types of offenses committed by similarly-situated defendants varied somewhat from urban (Anchorage, Fairbanks, and Juneau) to rural areas (Barrow, Bethel, Kodiak, Nome and Sitka). However, this factor did not play as large a role in sentence length as did the defendants' past histories of criminal behavior and alcohol treatment.

Specific findings include:

- 1) There is a direct relationship between alcohol abuse and a pattern of continuing criminal conduct. 86.6% of misdemeanor defendants with prior alcohol problems also had a record of prior convictions.

2) In general, defendants with alcohol problems who had either not been referred to, or who had not completed alcohol treatment programs in the past, received substantially longer sentences for most types of offenses than defendants who had no alcohol problems or who had completed a treatment program. On the other hand, the data suggests that among defendants with prior alcohol problems, those who had successfully completed prior alcohol treatment were least likely to be recidivists.

3) Nearly two-thirds of misdemeanor offenders (65.2%) were sentenced to at least one day in jail. All persons convicted of driving while intoxicated spent at least 3 days in jail.

4) The effect of community characteristics was most noticeable for violent and vehicular offenses. Defendants convicted of violent misdemeanors in rural areas were more likely to go to jail and had longer sentences than those in urban areas. On the other hand, Anchorage and Fairbanks defendants convicted of vehicular misdemeanors tended to receive slightly longer jail sentences than those in smaller communities.

Fines appeared to follow a different pattern. For all types of offenses except vehicular, defendants in Bethel, Nome, and Barrow were considerably less likely to have a fine imposed than in the other communities studied. The fines required of defendants in these areas tended to be lesser amounts than those imposed on defendants in other communities, for all types of offenses.

(Interviews with judges, attorneys, and other criminal justice system personnel suggest that our findings of variation in sentencing by community are at least partially due to both consideration of community values and to the amount and type of justice system resources which were available in these areas during the period studied. Significant changes which have occurred during the intervening two years in both the level of resources available and community values could mean that the reasons for some 1981 variations may no longer exist.)

CONCLUSIONS AND RECOMMENDATIONS

Our conclusions from these findings are, first, that despite justice system changes, some patterns appear to be extremely stable, notably the relationship among alcohol problems, treatment, and criminal offenses. Second, the combination of factors which do affect sentences considered in light of those which do not (such as race and sex) suggest that both the judiciary and other criminal justice system personnel are attempting to enforce the law in a manner which is both responsive to society's need for protection as well as to the differing cultural and administrative resources and needs among different areas of the state.

Based on our findings, we recommend that:

- 1) The judiciary, Department of Corrections, and other criminal justice agencies work together to assure uniform and quick access to alcohol treatment programs for convicted defendants, as a means of reducing recidivism. At the same time, the justice system must recognize that reduction of legal and administrative barriers to admission to alcohol treatment programs should be accompanied by the kinds of incentives which will motivate offenders to complete treatment.

- 2) The effects of "local option" laws, increased legislative sanctions for DWI, and other relevant attempts to reduce the incidence of alcohol-related crime which do not involve the treatment of offenders should be monitored and evaluated during the next two years in terms of their cost-effectiveness, ability to motivate offenders, and effectiveness in reducing recidivism. The legislature, executive branch agencies administering these programs, and municipal governments need such evaluations as the basis of future policy decisions. In the long run, resources should be focussed on programs and practices which motivate offenders to change patterns of behavior.

3) Guidelines for misdemeanor sentences which recognize the value of incentives such as expungement of criminal records following the successful completion of alcohol treatment should be developed by the judiciary. Such guidelines should be flexible enough to permit judges to take legislative intent, community and defendant characteristics, jail capacity, and treatment program alternatives into consideration when imposing sentence. Development and publication of these guidelines would benefit both the judiciary and the public by providing a clear statement of factors relevant to sentencing and consequences of conviction.

ALASKA MISDEMEANOR SENTENCES: 1981

PART I

Narrative Summary

I. INTRODUCTION

Evidence of possible racial disparity in the sentencing of misdemeanants was found in a study of state judicial sentencing patterns published by the Council in 1979. The legislature responded by directing the Council to continue monitoring misdemeanor sentencing patterns to determine the extent to which such disparities were persisting. (Council studies of felony sentencing patterns had found evidence of racial and other disparities, although these patterns gradually decreased from 1974 through 1979, until a study of 1980 felonies showed no evidence of them.) However, even the 1980 felony study--as well as the present misdemeanor study--show continuing variation in sentencing patterns from community to community*, with the variations tending to emphasize a distinction between urban and rural areas of the state.

Based on the findings of the earlier studies, 1981 misdemeanor sentences were analyzed to determine to what extent variations which occurred were attributable to some combination of the following factors:

- 1) Characteristics of the defendants, such as age, sex, race, income, alcohol use history, etc.;
- 2) Characteristics of the offense, such as harm to the victim, property damage, and type of offense; or
- 3) Characteristics of the judicial process, such as type of bail, type of attorney and judge, and whether state or municipal law was the basis for the charge.

* Variations also continue to occur by offense types as they have in past studies, with some factors being statistically significant for one set of offenses but unimportant in determining sentence length for other types of crime. These differences are discussed in more detail throughout the report.

The report which follows provides a narrative summary and discussion of findings and preliminary recommendations. Detailed discussion of the data collection procedures, statistical methodologies, and results obtained from analysis can be found in Part II of this report. Part II also contains lists of variables, copies of coding forms and other documents, and additional descriptive and analytical tables.

II. METHODOLOGY

A. Data Collection

During the second half of 1981, some state court judges and magistrates participated in a court-sponsored program to obtain more information about misdemeanor offenders. The program involved preparation of a "misdemeanor sentencing information sheet" containing brief questions about the defendant's race, alcohol use and treatment, and prior criminal history. In 1983, Council staff used the court case files and police reports for defendants sentenced during this period as the sources for data on 1,366 offenders convicted in eight selected communities. The communities studied were Anchorage, Barrow, Bethel, Fairbanks, Juneau, Kodiak, Nome and Sitka. From 21% (Anchorage and Fairbanks) to 95% (Barrow) of all the misdemeanor convictions in each community were analyzed to obtain suitable sample sizes.

The data collection form was similar to those employed in other Council studies. It included questions about the defendant, the offense, and the case processing characteristics. Research assistants under the supervision of senior Council staff spent between one and two hours with each case, using a series of double-coding and checking procedures designed to insure accuracy and objectivity. Finally, the data were key-punched, verified, and transferred to magnetic tape for analysis using the statistical programs on the University of Alaska's computer.

B. Analysis

Standard procedures for verifying the raw data were performed as the first step in analysis. Missing or apparently incorrect information was checked and corrected. Data which could not be used in its raw form was re-calculated.

Next, several analytical decisions were made. Data were analyzed by defendant, rather than by charge (as had been the case in earlier studies). About 85% of all defendants were convicted of only one offense. For the remaining 15%, details about the most serious charge were combined with an "aggregate" sentence for all of the charges to form a composite description of the offender's charge and sentencing. Then, specific offenses of all defendants were grouped into six general categories: violent; property; vehicular; disorderly conduct; alcohol or drug law offenses; and miscellaneous.* Finally, the dependent variables, or "outcomes", were defined as net sentence length (or active jail time) and net fine. Other aspects of sentences, such as conditions imposed by the judge, were treated as independent variables which could have influenced the severity of outcome penalty.

Multiple regression was used to examine the effect of "explanatory" variables on active jail sentences. Variation in jail sentence or fines may be due to differences in case processing, in defendant characteristics or past problems or in specifics of the offense. Multiple regression is able to account for all "explanatory" variables simultaneously, and estimate the independent (relative to other variables in the model) contribution of each of these factors to the outcome variable.

* The last category included only 38 defendants who were convicted of gambling, prostitution-related, public indecency, and several other types of misdemeanors. None could be analyzed separately because of the small number of cases.

The analysis of the data required two major steps. The first set of multiple regression "runs" used the full set of independent variables. Some of the most significant factors affecting length of sentence (such as community and bail status) appeared, after further analysis, to be very strongly intercorrelated with other variables. As a result, two indices (described below, page 17) were constructed to summarize the interrelated variables, and a second set of multiple regression analyses were performed for each type of offense. Where they assist in explaining the study's findings, data from the first stage of analysis may be used. Otherwise, the results which follow are based on the second set of multiple regression analyses.

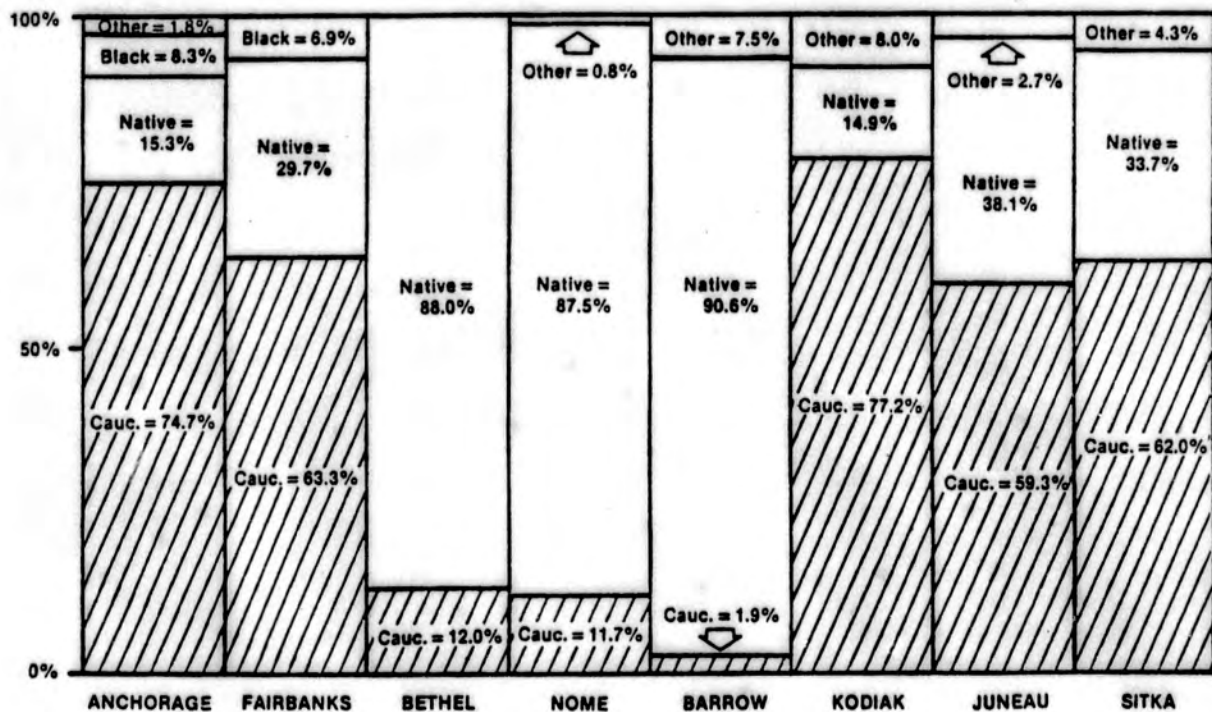
III. DISCUSSION

A. Defendants & Offenses

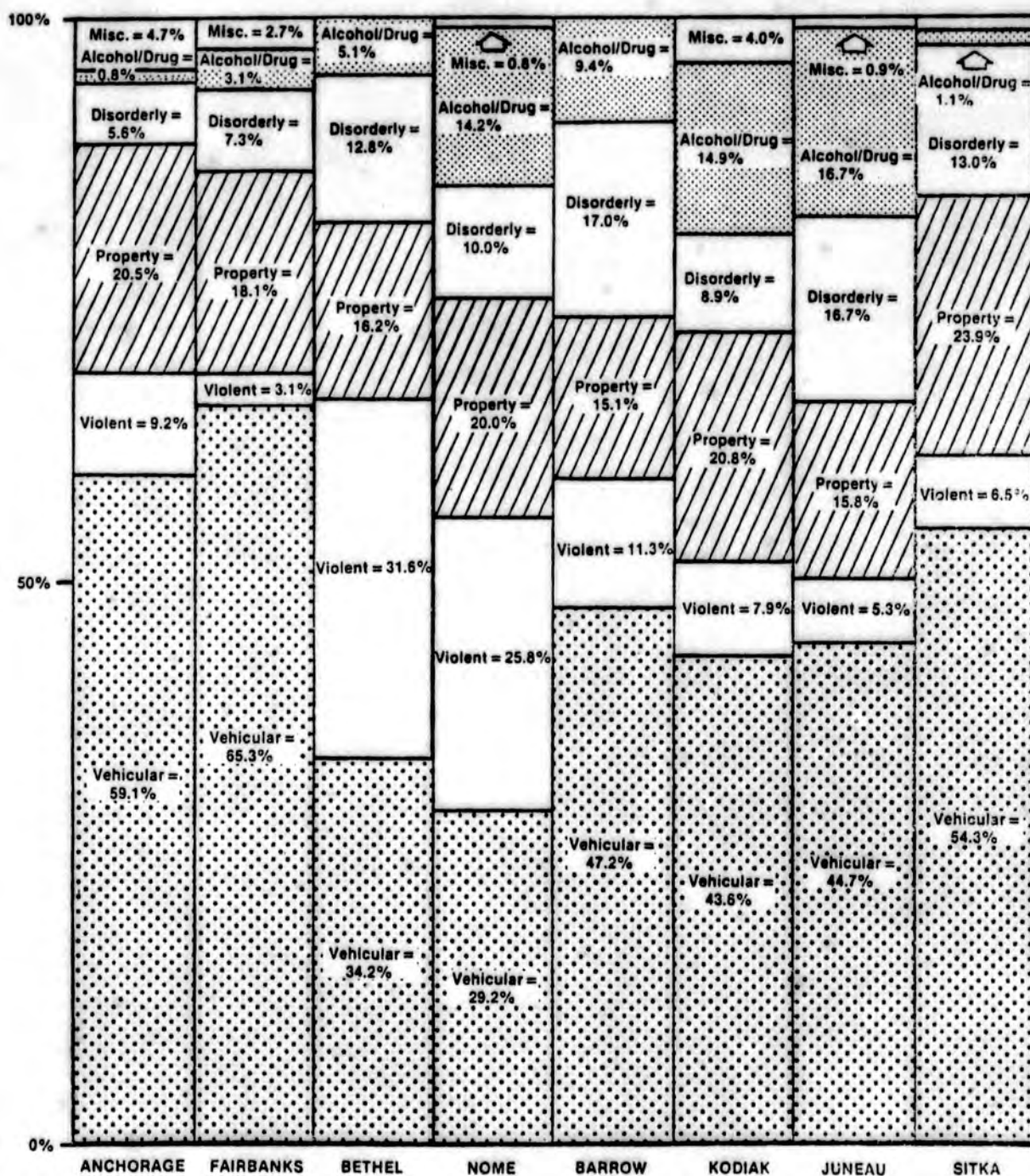
The typical misdemeanor defendant in 1981 could be described as a caucasian (56.8%) or native (36.7%) male. He was likely to be under the age of 31 (66.0%), and to have used alcohol at the time of his offense (73.2% used alcohol, drugs, or both, but the great majority used only alcohol). Over half (56.7%) of the defendants had a record of prior convictions, mostly misdemeanors. The percentage rose to 86.6% for defendants with a history of alcohol problems.

Individual communities showed some variations among defendants. Kodiak, for example, had the highest proportion of female defendants (17.8%), while Bethel, Barrow and Nome defendants tended to be native (over 85%). See Graph 1. Juneau had the most youthful defendants (40.2% under 22); Fairbanks had the oldest (45.5% over 30).

GRAPH 1
(1981 Misdemeanor Sentences)
DEFENDANT'S RACE BY COMMUNITY



GRAPH 2
(1981 Misdemeanor Sentences)
DISTRIBUTION OF OFFENSES



Type of offense also differed by community*, although vehicular offenses were the most common offense in all communities, ranging from 65% of the Fairbanks and 59% of the Anchorage convictions to about 29% in Nome (see Graph 2). Property offenses were the next most frequent offense in Anchorage, Fairbanks, Kodiak and Sitka; however, violent convictions were the next most frequent group in Bethel (31.6%) and Nome (25.8%). In Barrow and Juneau, where vehicular offenses constituted nearly half of the convictions (47.3% and 44.7%, respectively), the remaining convictions were fairly evenly divided among the other four major offense types (disorderly conduct, alcohol-drug violations, property, and violent).

B. Interactions Among Defendants, Offenses, and Case-Processing

Communities differed noticeably in the ways in which the criminal justice process interacted with defendants and their offenses (see Graph 3). In Anchorage and Fairbanks, most cases were heard by district court judges, while most defendants were represented by an attorney and pled "not guilty" at arraignment. About 11% of convictions in these cities followed a trial; most, however, occurred when the defendant changed his plea some time between arraignment and trial. Most defendants (87%) were not in jail at the time of sentencing.

* Whether the offense was charged under state law or municipal ordinance varied by community as well. For example, in Fairbanks, property offenses were generally charged under municipal ordinances, but vehicular offenses were almost always charged under state law. In Sitka and Anchorage, most vehicular offenses were municipal charges; in other areas, all types of offenses tended to be state charges. (Police and prosecutorial charging decisions thus appear in some communities to reflect the ability of the community to afford the costs of prosecuting offenses charged under municipal ordinances. In other areas, prosecutors may be charging one type of offense under municipal codes because of a local attempt to "crack-down" on specific types of crime.)

Bethel and Nome were similar to each other but different from Anchorage and Fairbanks. Cases in those communities were heard by either magistrates (33% & 23%) or superior court judges, rather than by district court judges. About one-third of the defendants represented themselves without an attorney; about one-third (not necessarily the same group) pled guilty at the time of their arraignment. About one-quarter of these defendants were in jail at the time of sentencing.

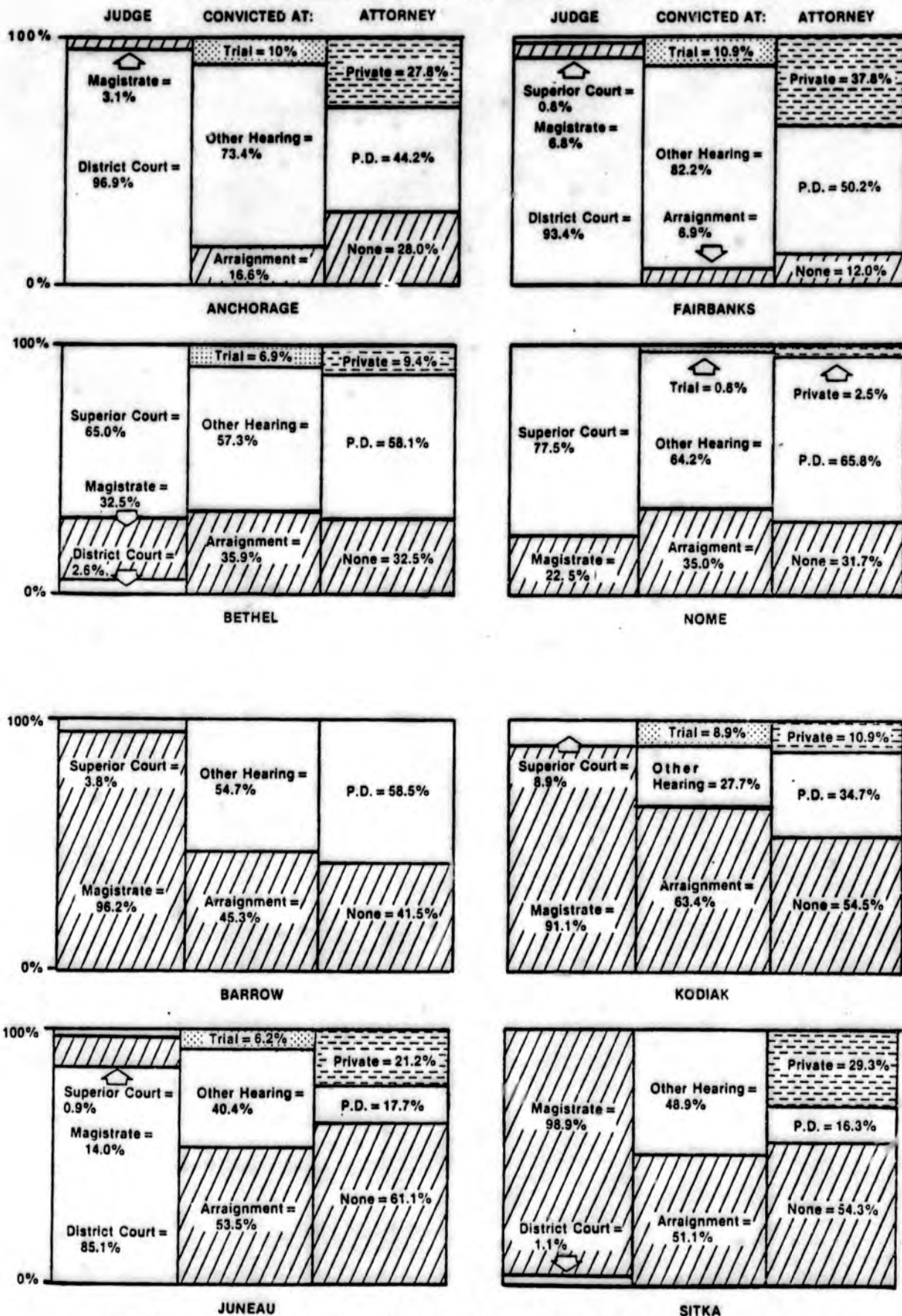
The four remaining communities, Juneau, Kodiak, Sitka, and Barrow--could not be as easily patterned. All four towns were different from either the urban areas or the western Alaska communities of Bethel and Nome. For example, while Juneau cases were primarily heard by a district court judge (85.1%), cases in the other three areas were handled by magistrates over 90% of the time. In all of these courts, there was a much higher incidence of defendants representing themselves without an attorney, and all had a high rate of guilty pleas entered at arraignment. Juneau and Sitka had fairly low rates (around 20%) of defendants jailed at the time of sentencing, while Barrow and Kodiak had the highest (31% and 37%, respectively) rates among the communities studied.

Nearly half of the convictions (49.3%) occurring before magistrates were of defendants not represented by counsel who entered a plea of guilty or no contest at the time of arraignment. Only 14.8% of convictions before all district court judges but one,* and 23.5% of those before superior court judges fell into this category. These strong relationships among type of plea, type of judge, and representation by an

*The exception is Juneau. There, about 85% of convictions were handled by district court judges, but 53.5% of defendants pled guilty at arraignment. The great majority of these (93%) were not represented by counsel.

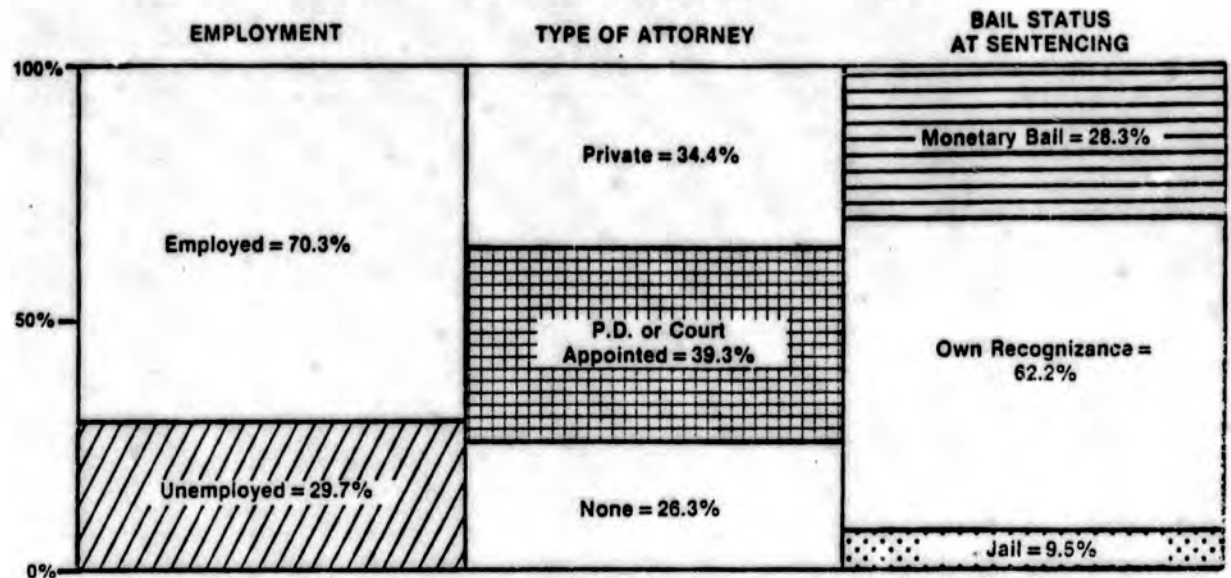
GRAPH 3 (1981 Misdemeanor Sentences)

RELATIONSHIPS AMONG CASE-PROCESSING CHARACTERISTICS

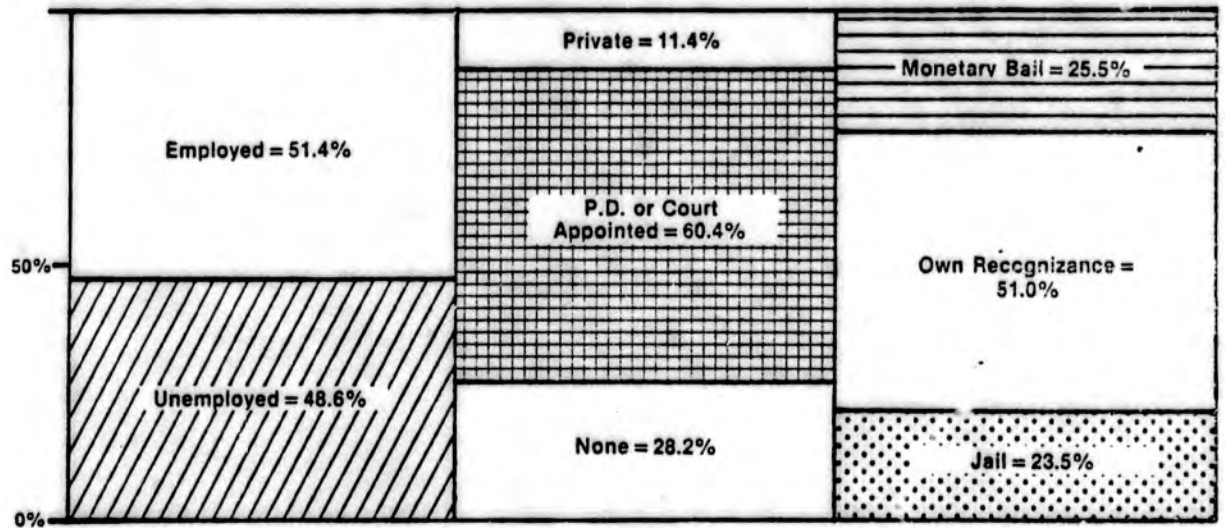


NOTE: "P.D." on this graph refers to both defendants represented by a Public Defender and to those represented by a court-appointed private attorney.

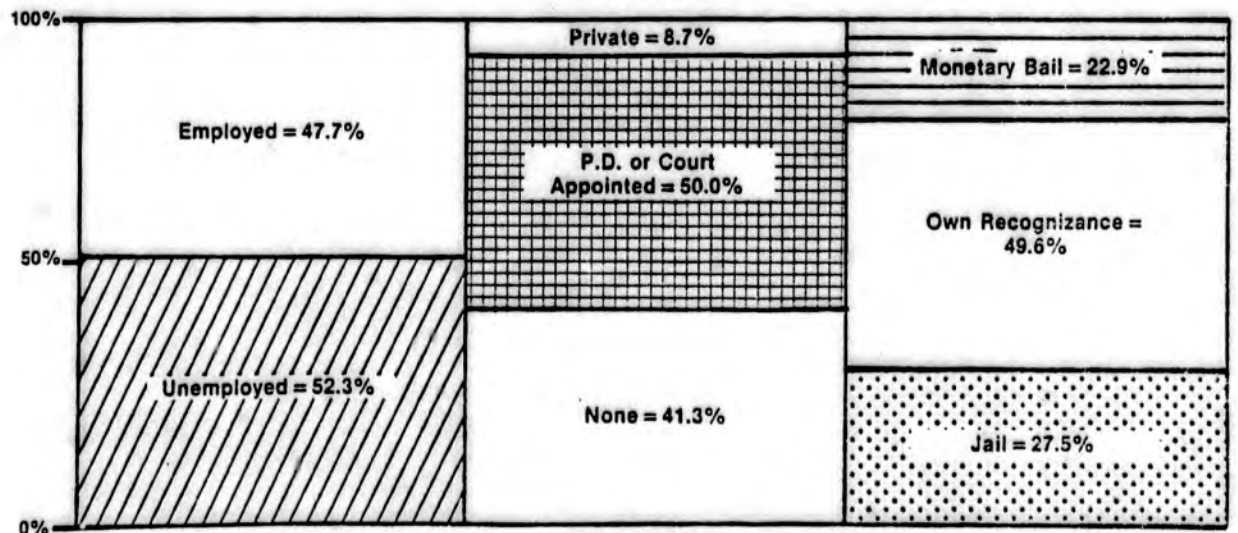
GRAPH 4
(1981 Misdemeanor Sentences)
DEFENDANT AND CASE-PROCESSING INTERACTIONS



VEHICULAR



VIOLENT



PROPERTY

attorney (or lack thereof) did not appear to have direct effects on sentencing (except violent offenses--see page 17). However, they are worthy of note because they so clearly demonstrate the differences in the ways misdemeanors are handled in different communities.

One possible explanation for the distinctions would be that magistrates and judges heard different types of cases. However, an examination of offense types showed no significant differences in the types of misdemeanor cases assigned to the different levels of court. In several areas, notably Sitka, Kodiak, and Barrow, over 90% of all misdemeanor convictions, covering the same range of offense types as was found in the other areas, occurred before a magistrate. In Bethel (1/3) and Nome (1/4) magistrates played a much smaller role, with superior court judges handling the majority of the cases. But, again, no differences were found in the types of offenses handled by each level of court.

However, type of offense* was related to a defendant's general willingness to plead guilty at arraignment, as well as to a defendant's characteristics. Property offenders were by far the most likely to enter a guilty plea at this point; vehicular offenders were least likely to do so. The latter group tended to plead not guilty, to obtain counsel (from 92.7% in Fairbanks to 46% in Juneau and Sitka) even if they had to pay (nearly half of the Fairbanks offenders were represented by private attorneys, and about one-third of Anchorage, Juneau, and Sitka defendants), and to go to trial (10%) more frequently than for other types of offenses (violent 8.1%, property 4.6%).

* For purposes of comparing defendants, we looked at the three largest groups of offenders: violent (assaults and weapon offenses); property (theft, fraud, trespass and mischief); and vehicular (driving while intoxicated, license violations, reckless or negligent driving, and failure to report accident).

Other characteristics of the defendant also appeared to be correlated with the type of offense. On a "financial" continuum, (Graph 4), defendants convicted of vehicular offenses had a greater likelihood of being employed and of being represented by a private attorney than defendants convicted of other offenses. They were less likely to be in jail at the time of sentencing and slightly more likely to be released on their own recognizance (indicating sufficient community ties to assure the judge they would appear for trial). Property defendants were at the lower end of this continuum. Fewer than average were employed; many could not post bail, and remained in custody until their sentencing. About half of the violent offenders were employed, and their rates of own-recognizance release at the time of sentencing were about average when compared to the overall custody status rates for each area.

C. Sentencing Factors

Factors reflecting the defendant's economic status and personal problems, and those reflecting case processing differences from urban to rural communities directly affected sentence lengths for certain types of offenses. In general, however, variables related to defendant characteristics such as age*, race, and sex were not significantly correlated with sentences imposed for the misdemeanors studied. This finding, of lack of relationship between age, race, sex and sentence length, contrasts with two prior Council studies of

* The one exception is a slight increase in sentence length for older defendants convicted of alcohol/drug offenses. See Graph 7.

misdemeanors, both of which found such disparities.* Another set of variables, those related to harm caused by the offense, also appeared to be unrelated to sentence length. While sentences did vary from one offense category to another, within those categories, variables such as property damage and harm to a victim did not have a statistically significant effect on sentences.

1) Court and Community Characteristics

The importance of relationships among the defendant, the community and the case-processing characteristics which were discussed above in sections A and B is emphasized by the findings shown on Graphs 5, 6 and 7.

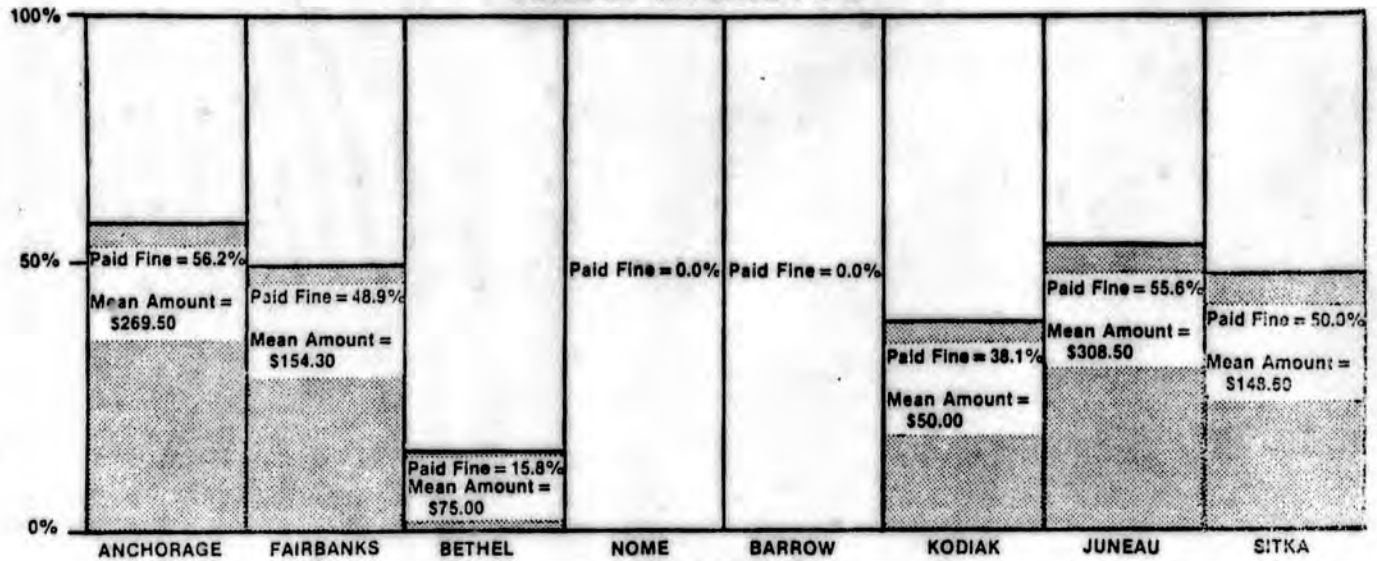
Graph 5 outlines the variations in net fines imposed by community for each of the five offense groups. Except for vehicular offenses, fines were required far less frequently of defendants in Bethel, Nome, and Barrow than in other areas. The actual fines paid also tended to be lower, even for vehicular offenses. However, Graph 6 indicates that defendants in Bethel and Nome were more likely to serve time in jail than defendants in the other communities.

Besides reviewing the likelihood that a defendant would pay a fine or go to jail, the analysis considered factors affecting the length of a jail sentence. The relationships between length of sentence and statistically significant factors are shown on Graph 7. These factors were especially noticeable in vehicular offenses. Defendants convicted after a jury trial of a vehicular offense served about 13.2 days extra

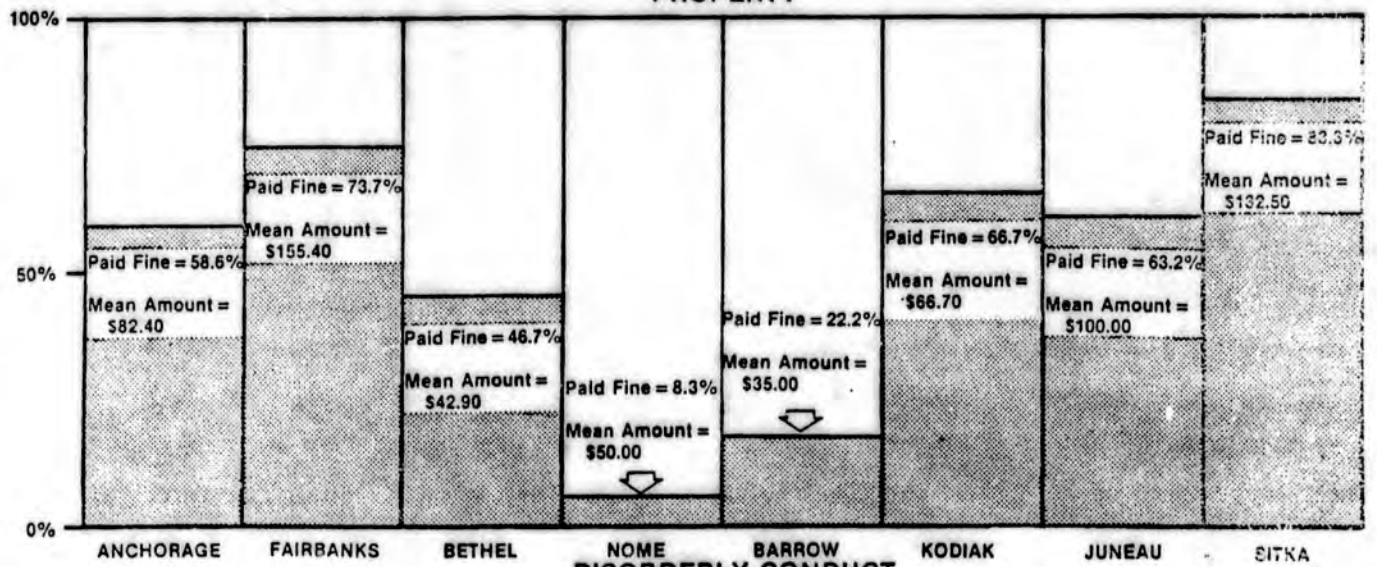
* The studies were Statistical Analysis of Misdemeanor Sentences in Anchorage and Fairbanks (Aug. 15, 1974 - Aug. 14, 1976), published in 1979 which found large sentence increases for Native and Black defendants, and Alaska Fish and Game Sentences: 1980-1981, which found that women and defendants under the age of 21 received smaller fines for commercial fishing misdemeanors than those imposed on other similarly-situated defendants.

GRAPH 5
(1981 Misdemeanor Sentences)

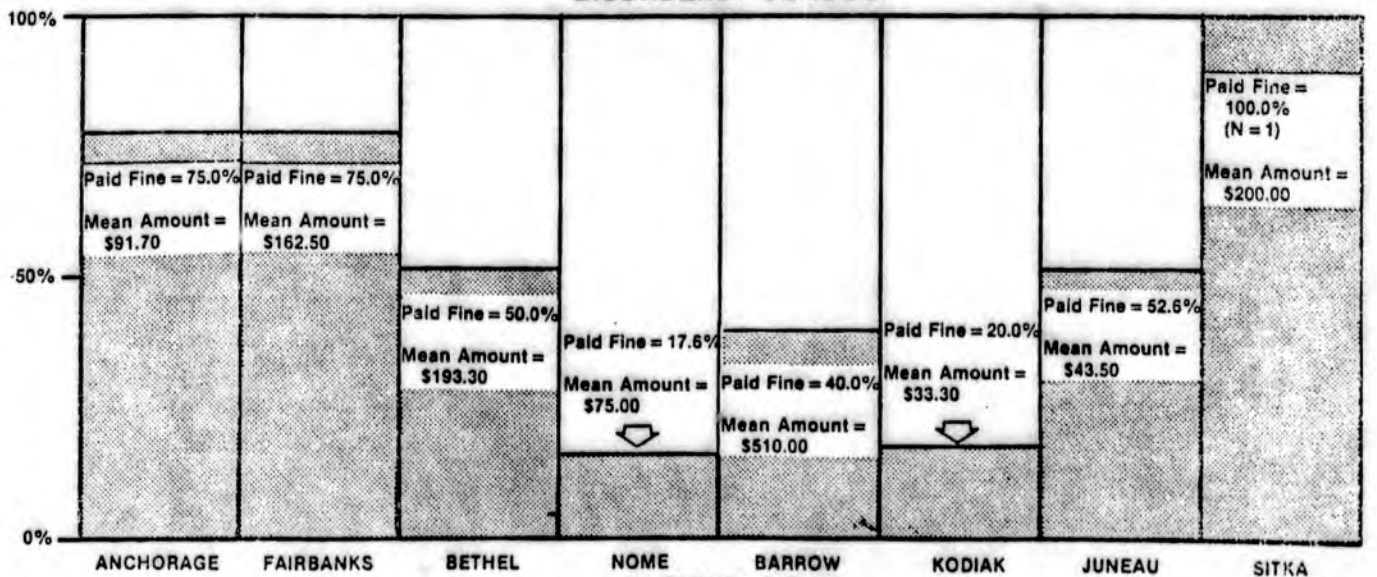
FINES BY OFFENSE TYPE



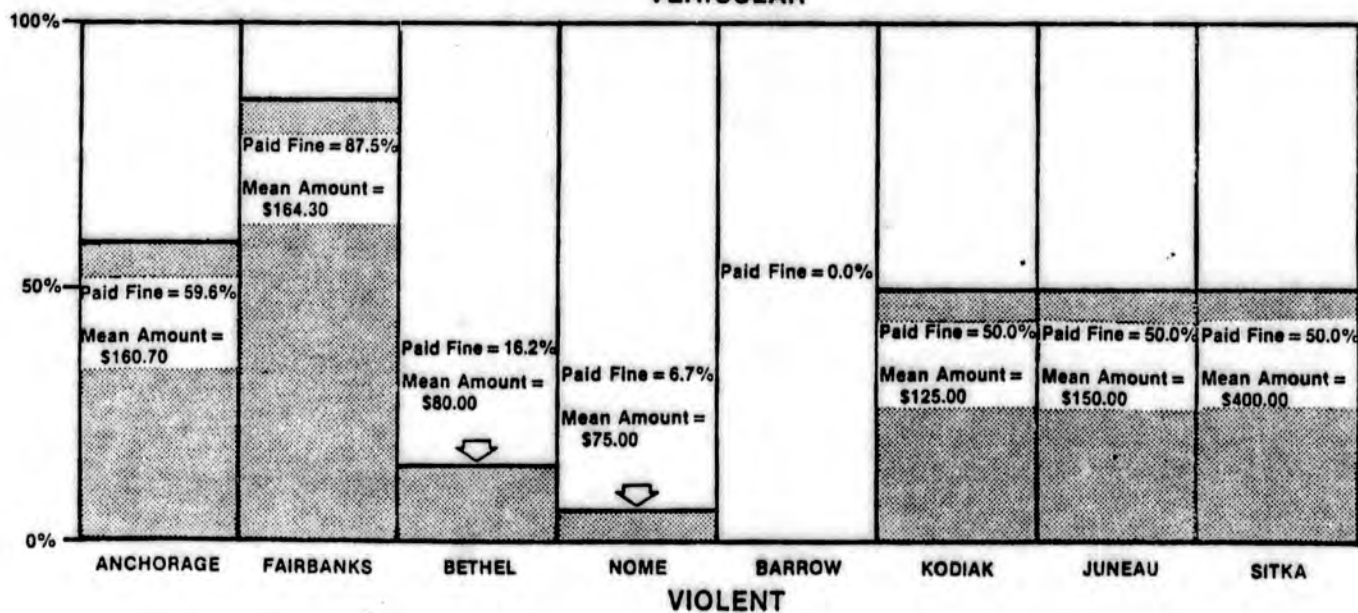
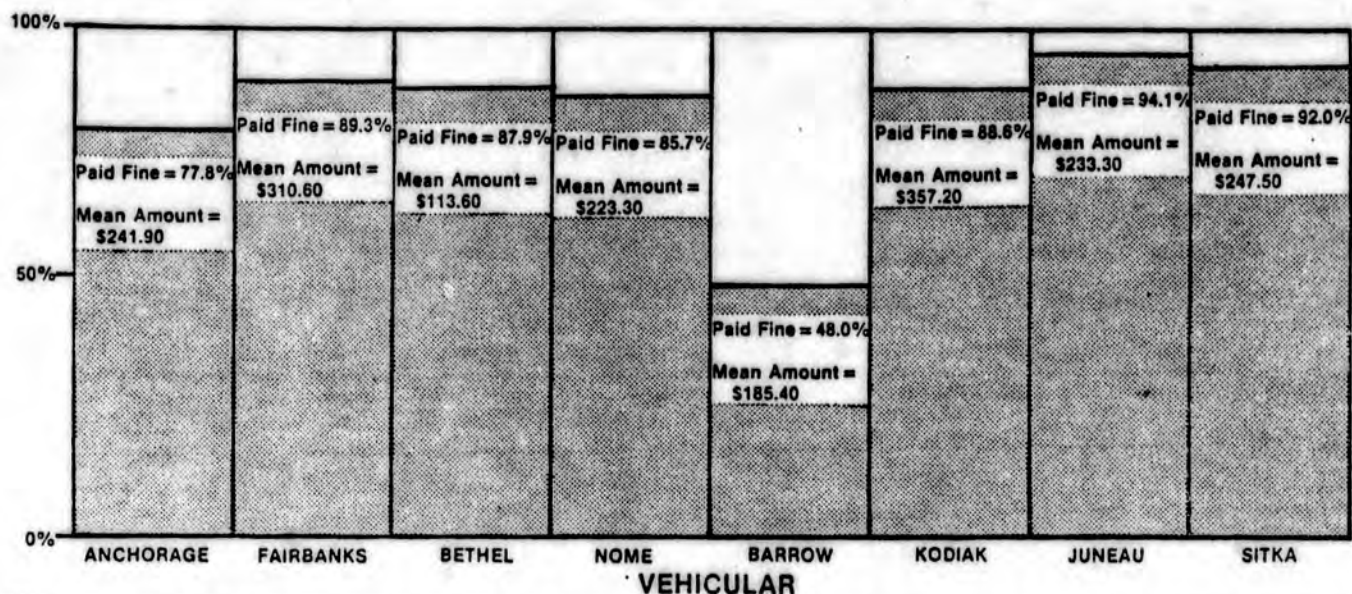
PROPERTY



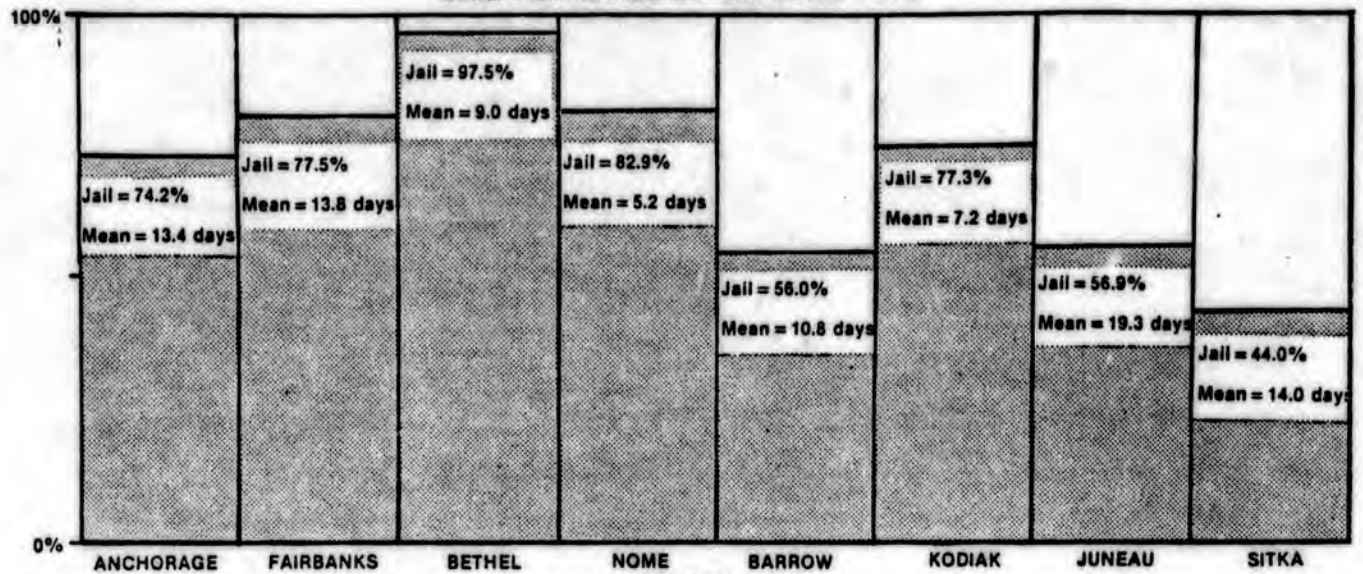
DISORDERLY CONDUCT



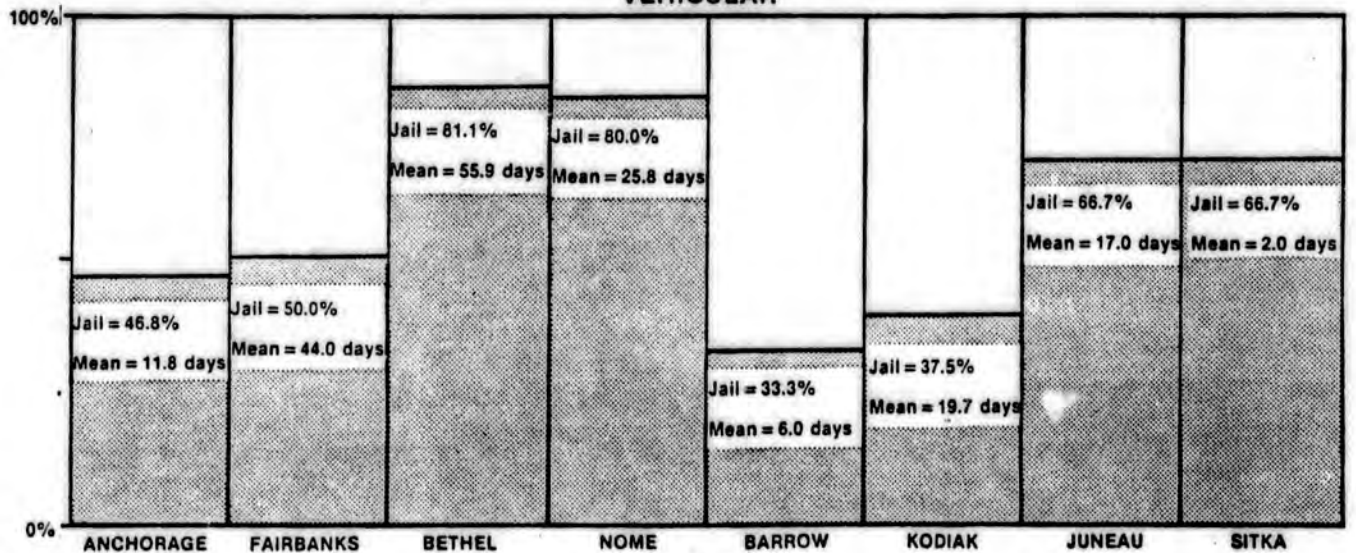
ALCOHOL/DRUG



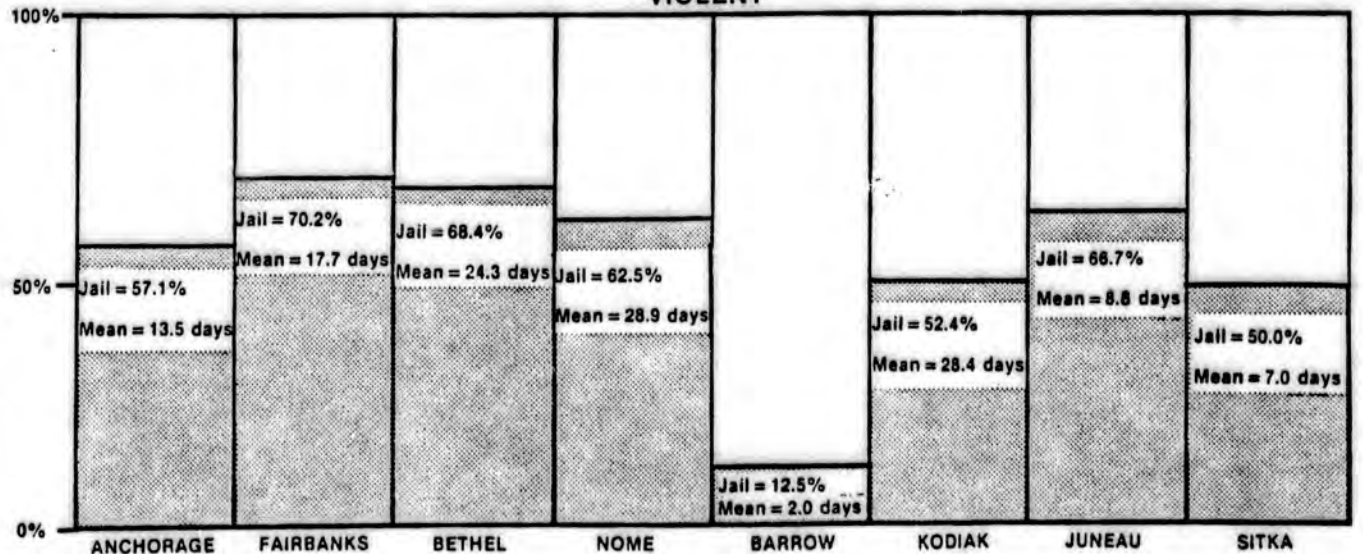
GRAPH 6
(1981 Misdemeanor Sentences)
JAIL PENALTIES BY OFFENSE TYPE



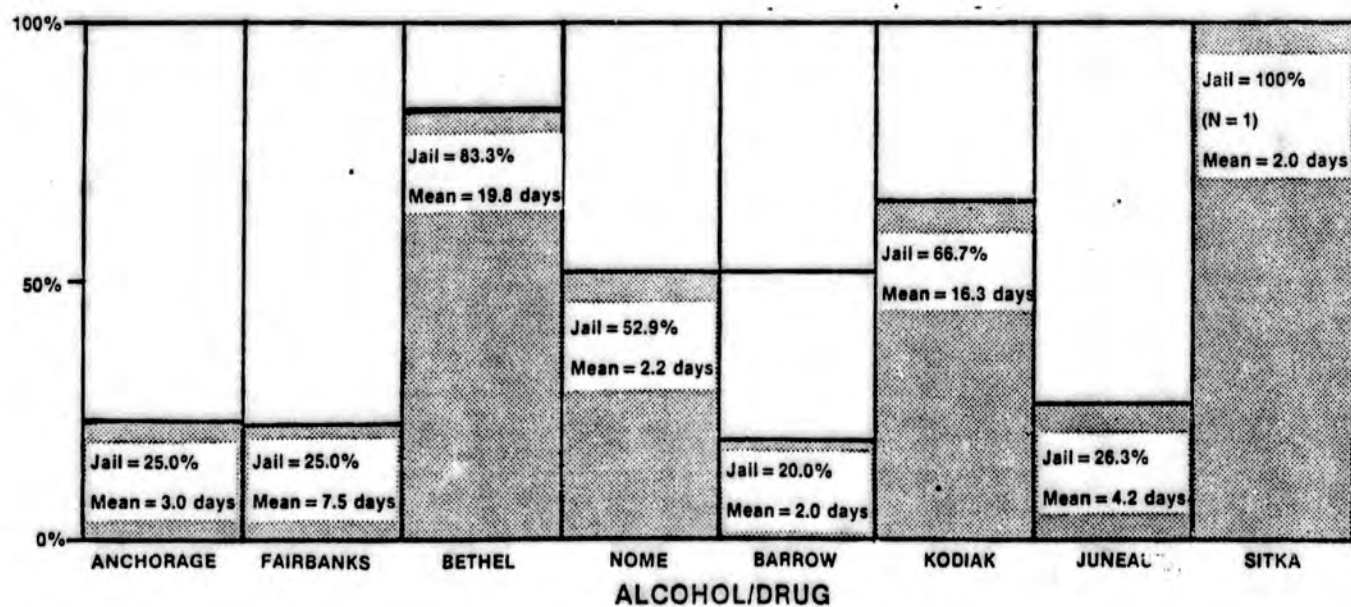
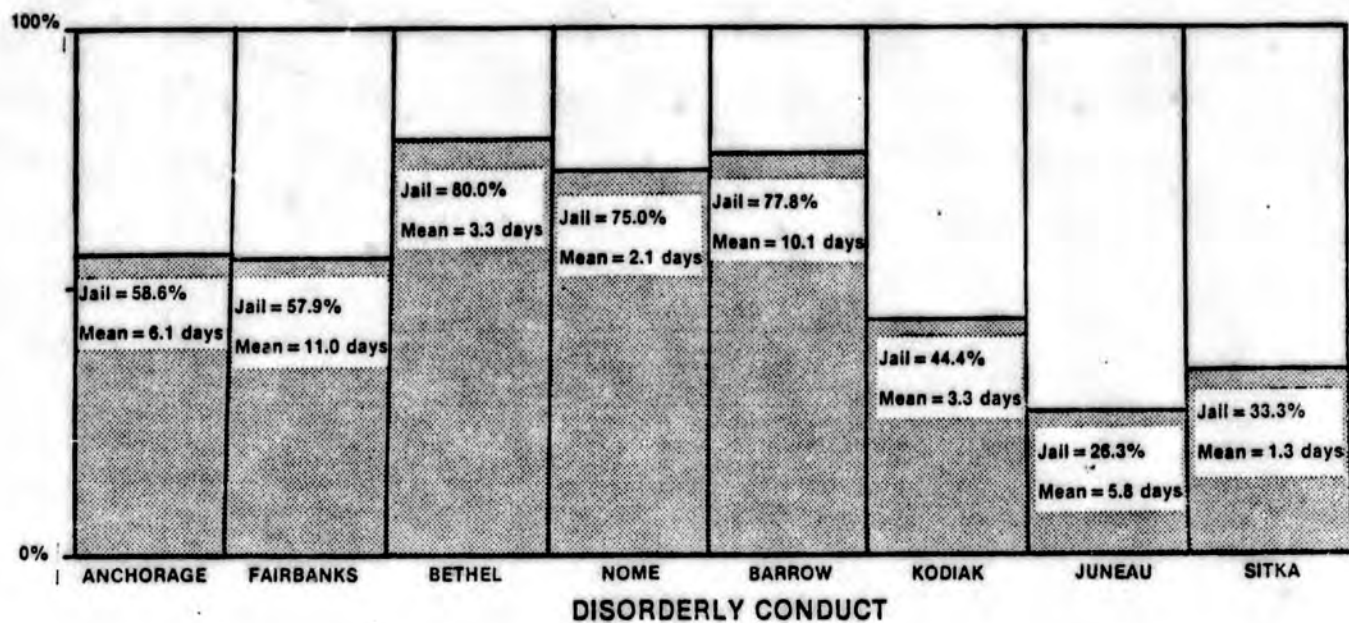
VEHICULAR



VIOLENT



PROPERTY



GRAPH 7
(1981 Misdemeanor Sentences)
FACTORS AFFECTING LENGTH OF SENTENCE

	VEHICULAR	VIOLENT	PROPERTY	DISORDERLY CONDUCT	ALCOHOL/DRUG
COURT AND COMMUNITY CHARACTERISTICS					
Case Description Index	+ 0.9 days**	- 2.3 days***			- 0.5 days*
Proceeding at which Convicted					
1) Other than Arraignment		+ 12.1 days**			
2) Jury Trial	+ 13.2 days***				
Concurrent Counts	+ 15.5 days***				
Specific Offense (if DWI)	+ 10.8 days***				
Additional Cond. on Sentence		- 11.1 days**			
Net Fine (Increase or decrease in days served, per dollar of fine paid)	- 0.01 days*			+ 0.04 days***	+ 0.03 days***
DEFENDANT CHARACTERISTICS					
Age					+ 0.1 days* ⁺
Financial Index	+ 1.3 days**			+ 1.6 days***	
Prior Felonies		+ 22.4 days***	+ 58.7 days***		
Prior Misdemeanors				+ 3.2 days**	
Alcohol Treatment					
1) Never Referred			+ 21.3 days**		
2) Referred, no Attendance	+ 10.0 days***				+ 7.0 days***
3) Attended, no Completion	+ 49.0 days***	+ 24.6 days***			
4) Currently in Treatment	+ 20.4 days***				

⁺ Asterisks represent the degree of significance of each coefficient.
The smaller the P, the less likelihood that this effect is due to
chance or random variation.

* = 0.10 > P ≥ 0.05
** = 0.05 > P ≥ 0.01
*** = P < 0.01

as a result. If the defendant was convicted of more than one offense, sentence length was increased (by 15.5 days for each additional charge). If convicted of DWI rather than "operator action" or another vehicular offense, sentence length increased by 10.8 days. However, there was a trade-off: for every dollar of fine the defendant was required to pay for this type of offense, the jail sentence decreased by 0.01 days.

Case-processing characteristics remained important for offenses other than vehicular, although they appeared less frequently. Fines were correlated with the length of sentences imposed on disorderly conduct and alcohol/drug offenses. For every additional dollar of fine paid, the defendant also served another 0.04 days (disorderly conduct) or 0.03 days (alcohol/drug) in jail. Violent offenders were sentenced to an average of 12.1 days more if they pled guilty at a proceeding other than arraignment. However, if additional conditions (besides jail and/or fine) were imposed, they spent 11.1 days less in jail.

Specific reference needs to be made at this point to the "Case Descriptor Index*" noted on Graph 7, which essentially assigned "points" to more rural (0 to -6 points) or more urban (0 to +6 points) defendants. An urban defendant convicted of a vehicular offense received a sentence of 0.9 days more per index point (up to 5.4 days); a rural defendant, by comparison, received .9 days less per index point. Thus, a defendant at the most "urban" end of the index scale received 10.8 days more for a vehicular offense than a defendant at the most "rural" end of the scale.

* The case-descriptor index summarizes information about several inter-related variables, including the defendant's race, the community in which the case was processed, the type of judge hearing the case, and whether the offense was charged under state or municipal laws. For a detailed description of the construction of the index, see part II, pp. 38-46.

2) Defendant Characteristics

Three types of defendant characteristics played important roles in determining the length of sentence: financial status,* prior criminal history, and prior or current treatment for alcohol or drug problems. (See Graph 7) Less wealthy defendants tended to receive longer sentences for vehicular (1.3 days additional for each point increase on the financial index) and disorderly conduct (1.6 days per index point) offenses. The defendant's financial status did not affect sentences imposed for violent, property or alcohol/drug offenses.

Prior criminal history and treatment for alcohol or drug problems, however, contributed more to sentence length than did financial status. Over half of the defendants studied had been convicted at least once before. Defendants charged with violent crimes were least likely to have had a prior record (only 44.3%); those convicted of vehicular offenses were most likely (62.8%) to be repeat offenders. Most defendants with prior offenses had committed misdemeanors in the past; about 5% of all defendants had been convicted of prior felonies. Those few, however, received considerably longer sentences if convicted of a violent or property offense. The presence of prior felonies added 22.4 days to a violent offense sentence and 58.7 days to a property sentence.

The other defendant characteristic closely associated with sentence length was a history of referral to, or treatment

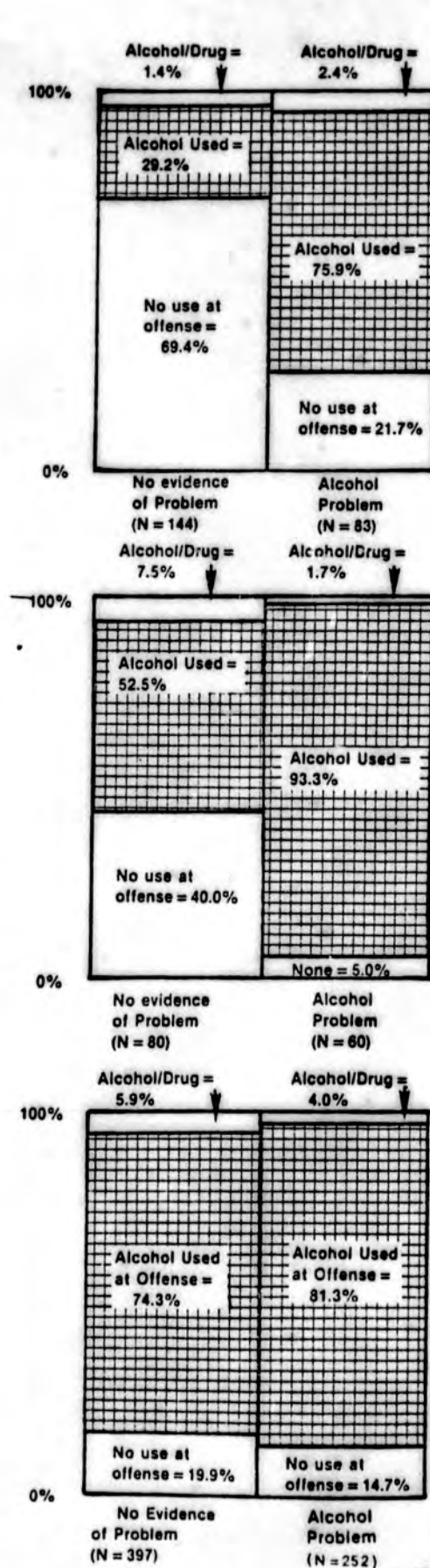
* Financial status was also measured by an index, which included information about the type of attorney representing the defendant, his employment status, and his bail or custody status at the time of sentencing. The index assigned "points" to more (0 to -3) or less (0 to +3) financially able defendants. For more detailed information, see Part II, page 46.

in, alcohol programs.* Alcohol use at the time of the offense or a history of alcohol problems were not associated with sentence lengths, although these variables were correlated with additional conditions of sentence such as the requirement of alcohol treatment. Rather, judges appeared to be taking into account what the defendant had done (or not done) in the past to solve his problems.

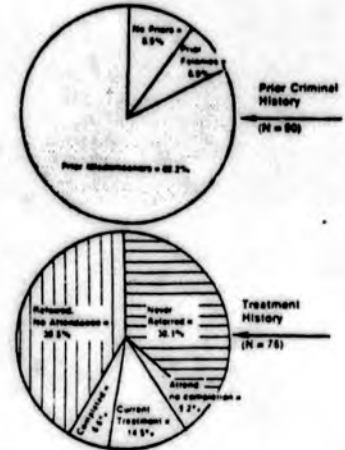
Because of the very high correlation between a history of alcohol problems and a history of prior convictions, especially for misdemeanors (see Graph 8), we hypothesize that much of the prior treatment may have been a condition of an earlier sentence. Thus, when a judge saw that a defendant had been referred for alcohol treatment, but had not attended the program (or attended, but did not complete it), he may have concluded that the defendant had not complied with previous court orders. Whatever the reason, these defendants received significantly longer jail sentences for violent (24.6 days), vehicular (49.0 days), and alcohol/drug (7.0 days) offenses.

* Two caveats about this variable are in order. The first is that data regarding a defendant's referrals or treatments was usually available only if the judge had been participating in the special court program for misdemeanor sentencings in the second half of 1981. The information sheets used in this program were present less frequently in Anchorage case files than in other areas. Thus, our data may underestimate the effects of this variable. Second, even when information was available, the judge's or clerk's notes tended to be quite brief. We know only that defendants had a history of alcohol problems, and that they were referred to, attended or completed alcohol treatment programs. Data about the types of programs, reasons for non-attendance, or past sanctions by the court for failure to comply with treatment requirements were not available consistently enough to record for our study. Although such data is routinely collected by the Alcohol Safety Action Program (ASAP) that data was not integrated into the formal court files, and thus was not available for use in this study.

GRAPH 8
(1981 Misdemeanor Sentences)
DEFENDANTS WITH PRIOR ALCOHOL PROBLEMS

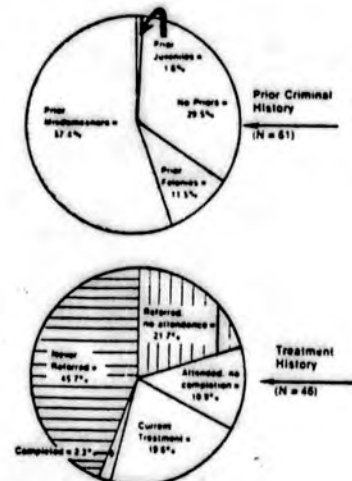


PROPERTY



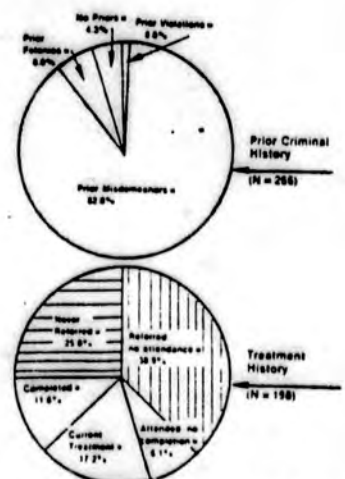
Property Defendants with Prior Alcohol Problem

Violent



Violent Defendants with Prior Alcohol Problem

VEHICULAR



Vehicular Defendants with Prior Alcohol Problem

Defendants with alcohol problems who had never been referred to a treatment program (at least as far as the court records showed) received longer sentences (21.3 days) for property offenses, and those who were in a treatment program at the time of sentencing were required to spend more time in jail for vehicular offenses (20.4 days).

Graph 8 shows how many defendants with alcohol problems in each of the three major offense groups (vehicular, violent, and property) actually had completed alcohol treatment in the past. The largest group (11.6%) is found in vehicular offenses; smaller proportions of violent (2.2%) and property (6.6%) offenders with alcohol problems had finished an alcohol treatment program. Overall, only 31 defendants (2.2%) of the 1,366 studied had completed alcohol treatment. When compared with the numbers reported to have an alcohol problem (370, or 27.0% of 1,366), the data suggest* that completion of treatment may have resulted in a dramatically lower rate of recidivism. Thus, insistence by the courts that a defendant complete treatment for alcohol problems may be more effective in reducing recidivism than increasing lengths of sentences or imposition of other sanctions for repeat offenders. The findings point to a need for further analysis on which policy decisions by courts, state agencies and the legislature could be firmly based.

* We cannot compare convicted defendants who have been referred to, or who have completed, alcohol treatment with all persons referred to (or completing) treatment programs, so our finding is suggestive rather than conclusory.

D. Sanctions Imposed

The preceding discussion of the factors which affect sentence length provides the basis for a brief review of the sentences actually imposed. To summarize: the defendant's prior convictions or history of unsuccessful treatment for alcohol problems had the largest effect on sentence length. His community and case-processing factors played significant roles as well, but characteristics such as age (except the small effect for alcohol/drug offenses), sex, and race did not lengthen or decrease his sentence.

1) Jail and Fines

Both length of sentence and likelihood of receiving a jail or fine sentence varied by the type of crime as well as by community. Graphs 5 and 6 showed the differences by area; Graphs 9 and 10 show them by type of crime.

The mean (average) sentences for those who served at least one day in jail ranged from 31.0 days for violent offenses to 16.9 days for property convictions, 12.6 days for vehicular offenses and 9.6 (alcohol/drug) or 5.8 days (disorderly conduct) for less serious offenses. The likelihood that a misdemeanor would go to jail rather than receive probation or a wholly-suspended sentence also varied by the type of offense. All offenders convicted of drunk driving spent at least three days in jail. Over half of most other offense types received jail sentences, ranging from 62.8% for violent offenses to 55.6% for disorderly conduct convictions. Only alcohol/drug offenders had a better-than-even chance of probation (45.3% went to jail for at least one day).

Fines were imposed in addition to, and occasionally in lieu of jail time, for all offense types. Fines were imposed for over half of the defendants committing vehicular and disorderly conduct misdemeanors. The highest rate (83.2%) and amount (\$259.90), not surprisingly, was for vehicular offenses. Next highest in amount were fines for property

Offense Category	Jail Percentage
VEHICULAR	72.9%
VIOLENT	62.8%
PROPERTY	59.1%
DISORDERLY CONDUCT	55.6%
ALCOHOL/DRUG	45.3%

[REDACTED] (Alcohol/Drug, 9.6 Days)

[REDACTED] (Disorderly Conduct, 5.8 Days)

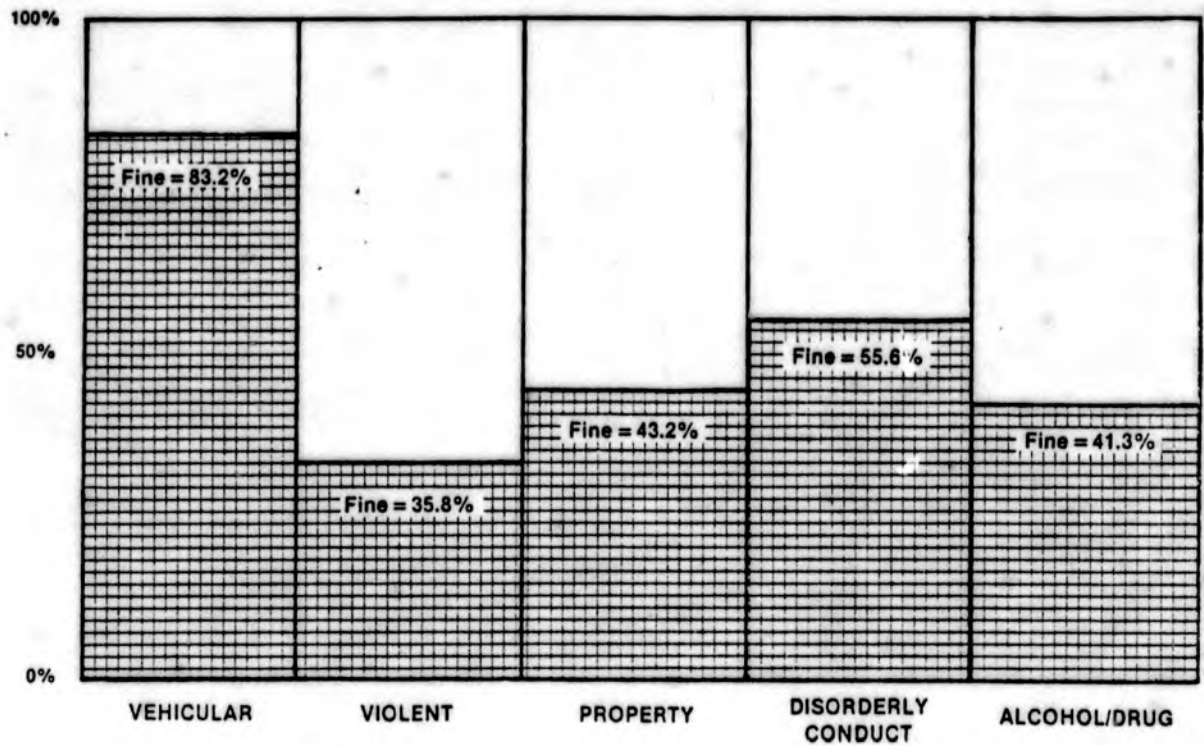
[REDACTED] (Property, 16.9 Days)

[REDACTED] (Violent, 31.0 Days)

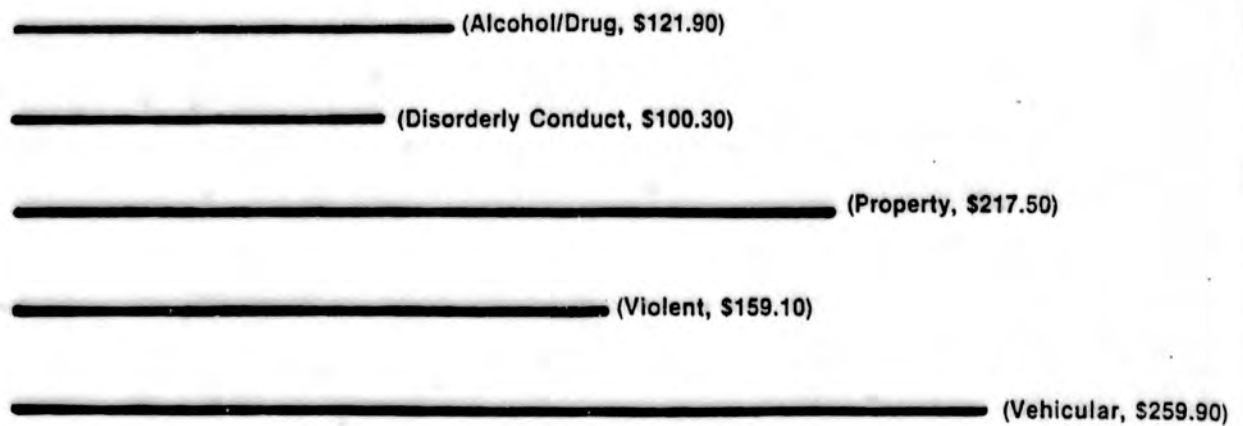
[REDACTED] (Vehicular, 12.6 Days)

Mean Sentences, in DAYS, for Defendants Serving at Least One Day in Jail

GRAPH 10
(1981 Misdemeanor Sentences)
LIKELIHOOD OF FINES BY OFFENSE TYPE



Percentage of Defendants Paying at Least \$1.00 Fine



\$0 \$100.00 \$200.00 \$300.00

Mean Fines, in DOLLARS, for Defendants Fined at Least \$1.00

(\$217.50) and violent (\$159.10) offenses. However, only 43.2% of property offenses and 35.8% of violent defendants received a fine.

2) Other Conditions

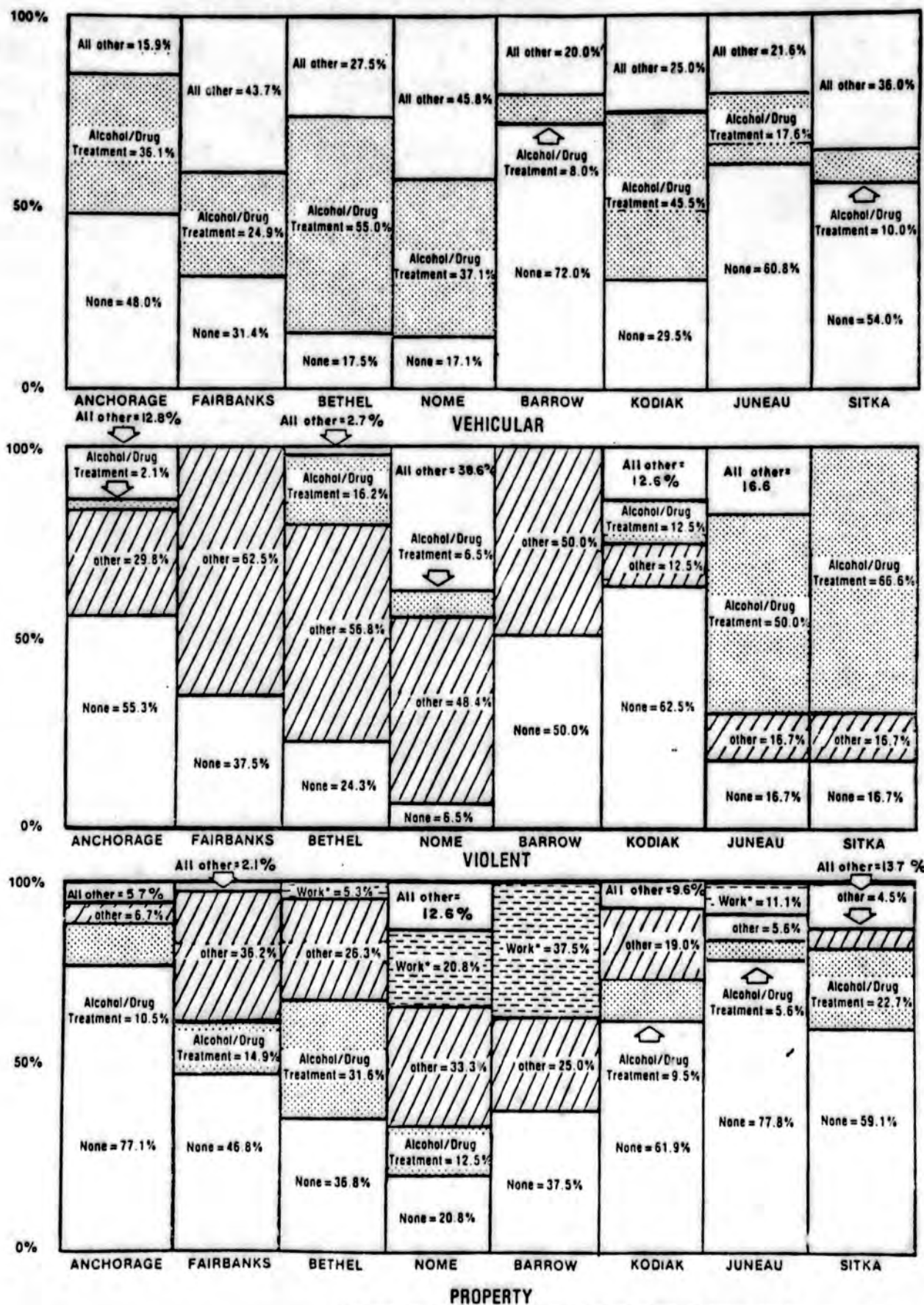
Besides imposing fines and jail terms,* judges required defendants to meet additional conditions. These included receiving treatment or counseling for problems, getting and holding a job, and forfeiture of a weapon. Nearly two-thirds (66.4%) of all violent offenders had such conditions imposed. Through multiple regression analysis, the use of such conditions was associated with a decrease of 11.1 days in the sentence length for violent offenses. Most Nome (93.5%) and Bethel (75.7%) defendants in this category were required to meet conditions such as forfeiture of a weapon, no use of alcohol, and alcohol treatment. Fewer Anchorage defendants (only 44.7%) were required to comply with imposed conditions as part of their sentence.

Vehicular offenders--who were the most likely to spend time in jail and the most likely to be fined-- also had a high rate of imposition of additional conditions. 58.1% of them were required to receive drug or alcohol treatment, education, or some combination of various conditions. Such conditions were least likely to be used in Barrow, Juneau and Sitka, and were most frequently employed by judges in Nome and Bethel.

While use of alcohol at the time of offense did not appear to affect either the length of a sentence or the likelihood of going to jail, it correlated closely with additional conditions imposed. Two-thirds (66.9%) of defendants using alcohol were assigned some condition or combination of

* Restitution was required in less than 14% of all cases, and was not significantly related to any offense type or community.

GRAPH 11
(1981 Misdemeanor Sentences)
CONDITIONS ON SENTENCE BY OFFENSE TYPE



* "Work" is defined as a requirement that the defendant acquire and/or maintain a job.

requirements. These included alcohol treatment, education (a requirement to obtain a G.E.D. or attend classes other than alcohol information), and "other" conditions such as no use of alcohol or restrictions on contact with certain persons or places. By contrast, over three-quarters (76.9%) of defendants who did not use alcohol at the time of their offenses were not required to comply with additional conditions of a sentence.

E. Final Notes: Follow-up Interviews

The findings reported in this study are indicators of reasons for variations in sentencing patterns. Statistical analysis is useful for reporting specific facts such as sentence lengths, and for determining factors--such as alcohol treatment--which are significantly associated with sentencing decisions. However, it cannot account for all of the variation in sentences. In this study, the data collected from court case files and police reports explained about 25-30% of the differences among sentences.

These percentages are fairly typical for multiple regression analyses of this type of data. The remaining variation may be due to chance or to information that was not included in case files or not recorded for the study. In an effort to account for some of the remaining variation, and to explain the findings related to community and type of judge, we interviewed several judges and attorneys.

Both a consideration of community values and the availability of justice system resources were stressed during the discussions of the study's findings. Judges said that violent offenses in rural areas, even relatively minor offenses, were considered to be serious by members of the communities in which they occurred. Thus, following the Supreme Court guidelines set out in Chaney*, the judges in these areas tended

* State v. Chaney, 477 P.2d 441 (1970) and other Alaska Supreme court cases cite "community condemnation" of the offender or of certain types of crime as one of the criteria to be used by judges in imposing sentence.

to impose fairly lengthy sentences. Their decisions were also affected by the availability of treatment programs. For example, the Nome alcohol treatment program made its own decisions about who could enter the program. If a defendant was not acceptable, the judge was forced to consider other sentencing alternatives.

Such factors pervaded every decision made about case-processing and sentences imposed in the urban and rural areas of the state. A lack of public defender attorneys in areas such as Barrow, Kodiak, and Sitka in 1981 was one explanation given for the high rates of guilty pleas entered at arraignments in those areas*. In Fairbanks and Anchorage, a public defender attorney is typically present at most misdemeanor arraignments, perhaps making it simpler for judges to encourage the defendant to consult with an attorney before entering a guilty plea.

Those interviewed also emphasized the changes which have occurred in community resources since 1981 which may have affected misdemeanor sentencing patterns. Rapid technological advances--such as the widespread presence of telephones in villages which may have had only one village phone in 1981--allow better communication for judges in small communities. This may allow more frequent contact with defendants, opening up more options for alternatives to jail sentences. A new community service program is being tested in Anchorage for sentenced misdemeanants. Superior court judgeships have been created in Barrow, Palmer, Wrangell, and

* However, this fact cannot adequately explain the situation, since Graph 3 indicates that the Public Defender represented 58.5% of the Barrow defendants, and 34.7% of Kodiak defendants. By contrast, Juneau defendants were represented by the Public Defender or a court-appointed attorney only 17.7% of the time, despite the fact that the community had a full-time assistant public defender.

Valdez which may alter sentencing patterns. Public defenders are available in Barrow and Kodiak in 1983, but were not easily accessible in 1981. The very rapid rate of change in laws, court resources, and general technological and economic factors suggest that caution should be used in generalizing from 1981 misdemeanor sentences to future years.

ALASKA MISDEMEANOR SENTENCES: 1981

PART II

Detailed Methodology, Findings, & Tables

I. STATISTICAL METHODOLOGY

A. Data Collection

1) Sample

The Judicial Council's data base consisted of a sample of misdemeanor offenses committed by defendants who were sentenced during the last 6 months of 1981 in Anchorage, Barrow, Bethel, Fairbanks, Juneau, Kodiak, Nome and Sitka. The Alaska Court system provided Council with computer lists of misdemeanor cases which came within the time criteria for each community. From the various lists, a sequential sample by court file number was drawn. Cases were excluded if they came under the following categories:

- no statutory jail penalty for offense
- involved a juvenile
- deferred prosecution cases
- dismissed offenses
- diverted offenses
- defendants convicted but not yet sentenced
- original court charge was known to be a felony
- Fish and Game offenses
- failure to satisfy, pay fine, or answer bench warrant
- probation or parole violation

For Anchorage (500 cases) and Fairbanks (250 cases), sample sizes were predetermined. In other communities, all misdemeanor cases were coded except those which were excluded by the restrictions listed above.

The selected cases represented 21% to 95% of the total number (Table 1) of convicted defendants from the eight study areas during that time frame.

2) Data Coding Instrument

Development of the data coding instrument began in October 1982. Many variables used in the Council's 1974/76 Anchorage and Fairbanks Misdemeanor Study were also used in the present study. However, to ensure that the maximum amount of information was collected, 1981 Anchorage misdemeanor case files and police department reports were thoroughly reviewed to identify additional variables.

Based upon the review of misdemeanor case files and police department reports, a defendant and charge questionnaire was constructed by the end of November, 1982, and was ready for pre-test. In conjunction with development of the defendant and charge questionnaire, a coding manual was constructed.

During November and December, 1982, Council research staff submitted the questionnaire and manual to a rigorous pre-test. This test involved the actual coding of 100 Anchorage misdemeanor cases, and resulted in changes to both questionnaire and manuals. Finally, by the end of December, 1982, the operational questionnaire (Appendix A) was ready for use.

3) Data Sources

The data for the misdemeanor study was collected from three sources, misdemeanor case files, police reports, and Department of Public Safety reports. If a case could not be coded completely using the misdemeanor case file, the corresponding police report was then used. If, after using these two sources, the questionnaires still contained missing information, such as race or prior criminal record, Department of Public Safety finger print files were used to complete the coding.

The three data sources were used to ensure accuracy of information gathered. The misdemeanor case file was useful in obtaining approximately 85% of the information coded on both

defendant and charge questionnaires, the remaining 15% was obtained using secondary sources. The following were some basic problems which occurred with use of misdemeanor case files:

- files lacked log notes
- log notes (original copies) illegible
- judgment forms missing
- sentence inconsistencies between log notes and judgment forms
- statute violation number did not correspond with actual charge
- variations in a single case file as to a defendant's birthdate, race, prior criminal history

One source of information which was not consistently available in the misdemeanor case file was the Misdemeanor Sentencing Information Sheet* (MSIS). Use of the MSIS varied from community to community. Most communities failed to use the form or information present on the form conflicted with misdemeanor case file log notes. Of the eight areas, one location did use the form correctly and consistently.

4) Coding

Four coders were utilized for data collection in this study. Three of the coders had been involved in previous Judicial Council research projects, and were familiar with data collection procedures.

* During the last six months of 1981 many of the state's judges and magistrates participated in a special court program designed to obtain more information about misdemeanants at the time of sentencing. A Misdemeanor Sentencing Information Sheet was developed by Council personnel in order to collect data which previously has been difficult to gather (e.g., information on the defendant's race, alcohol use at offense, history of alcohol treatment and previous criminal history). The MSIS, as it was called, was designed to measure the judge's perceptions of the defendant at the time of sentencing. Following a two-week period of pretesting in March and April 1981, the operational MSIS (Appendix B) was to be completed by judges and included in the misdemeanor case file for cases sentenced during the last six months of 1981 to facilitate coding for the present study.

To insure uniform and accurate coding of misdemeanor case files, the Council research staff underwent four weeks of intensive training in the use of the defendant and charge questionnaire. Time was also spent with court personnel, who explained the various forms and language used in misdemeanor case files. Similar attention was given to the Anchorage Police Department report material.

Coding for the study was conducted between December, 1982, and April, 1983. The average time involved in coding was approximately twenty minutes per case. This did not include double coding, the checking process, or gathering police department information, which added another 40 minutes per case.

The actual process of coding a misdemeanor case centered around establishing a minimal error rate. In order to accomplish this, the following procedure was used for each case. If the case met the established criteria for selection, the case was coded. Once the case was initially coded, it was then independently coded by another coder. Finally, a third coder would check both sets of coded questionnaires for discrepancies. If any discrepancies were found, the person checking would review the misdemeanor case file to determine the correct code. In addition, the coding supervisor would randomly select coded cases and check for accuracy of the coding and checking process.

Because of the nature of the data source, coders were often required to use discretionary judgement in coding, which led to coding differences in a single case. When this occurred, the on-site supervisor would resolve the question. If a disagreement in coding surfaced, which in the view of the on-site coding supervisor would have had a significant impact upon the study, a senior Council analyst in Anchorage would be immediately contacted.

The final phase of data collection was to assign each coded case an identification number. The numbers were used to insure maximum confidentiality of the defendants in the cases coded.

5) Keypunching and Verification

Data was keypunched, verified and transferred to magnetic tape for analysis by statistical programs available on the University of Alaska's Computer Network. Missing or apparently incorrect information was checked against the original forms and corrected.

B. Definitions

. The 1,366 selected defendants were convicted on a total of 1,655 counts. Unlike previous Judicial Council studies, the unit of analysis in this study is the defendant and the aggregate penalty received. This approach eliminated some potential statistical problems (e.g., lack of independence of sample units) which could arise when a "count" is used as the unit of analysis. However, in order to capture some of the effects of being sentenced on more than one charge, penalties were aggregated. This aggregate penalty is defined as the total penalty assigned for all counts against one defendant. For consecutive sentences, the aggregate penalty is the sum of sentences imposed on all pertinent counts. When sentences were required to be served concurrently, which is the far more typical situation, the most serious charge (defined as the one with the most severe sentence) was used to characterize all of the charges against the defendant.

Data was divided into six broad misdemeanor categories (i.e., violent misdemeanors, property offenses, vehicular offenses, drunk and disorderly convictions, alcohol/drug law

TABLE 1
(1981 Misdemeanors)

Sample Composition
of Misdemeanor Data

Community	Total Number of Cases	Cases in Study	Percent of Total	Counts in Study
Anchorage	2402	511	21.3	658
Barrow	56	53	94.6	56
Bethel	148	117	79.1	134
Fairbanks	1222	258	21.1	294
Juneau	491	114	23.2	147
Kodiak	270	101	37.4	120
Nome	138	120	87.0	146
Sitka	174	92	52.9	103
Total	4901	1366	27.8	1655

TABLE 2
(1981 Misdemeanors)

Description of
Misdemeanor Offense
Categories and Sub-Categories

Violent

Assault:

Assault and battery; assault and battery upon police officer; assault; assault 4⁰; assault 3⁰; child abuse

Weapons:

Discharge of firearm in public; carrying concealed weapon; misconduct with weapons 2⁰; misconduct with weapons 3⁰; possessing firearm while under the influence.

Property

Trespass:

Criminal trespass; criminal trespass 1⁰; criminal trespass 2⁰; trespass; unauthorized entry.

Mischief:

Criminal mischief; criminal mischief 3⁰; criminal mischief 4⁰; malicious mischief; malicious destruction of property; damaging property of other; tampering with vehicle.

Theft:

Larceny; shoplifting; theft 2⁰; theft 3⁰; theft 4⁰; theft of vehicle; joyriding.

Fraud:

Theft by receiving; false statement for unemployment; issuing bad checks; forgery 3⁰; defrauding an innkeeper.

Vehicular

DWI:

DWI; OMVI; operating watercraft while intoxicated; operating vehicle while in possession of marijuana; DWI and another substance; operating vehicle and possession of hallucinogenic.

Reckless:

Reckless driving; negligent driving.

License:

Driving while license suspended; operation of vehicle, no license; permitting unlicensed operator to operate; unlawful use of operator's license.

TABLE 2
(1981 Misdemeanors)

Description of
Misdemeanor Offense
Categories and Sub-Categories
(Continued)

Vehicular (cont.)

Operator Action: Immediate notification of accident; action of operator after accident; failure to remain at scene; duty upon striking fixture; leaving scene of property damage; failure to notify-unattended motor vehicle accident; leaving scene involving unattended vehicle; failure to stop at non-injury accident; duty to stop; failure to yield; leaving scene; operating motor vehicle in closed area; fleeing or attempt to elude; false info; false reports.

Alcohol/Drug Law Violations

Intoxicating liquor to minor; possession/consumption under age; consumption restrictions; access of intoxicated person to licensed establishment; access of person under 19; license or permit required; sale of alcohol without license; contributing to delinquency of minor; prohibited contraband in 2nd; possession of hallucinogenic; possession of amphetamines.

Disorderly Conduct

Disorderly conduct; resisting arrest; drunk on roadway; consuming liquor in public place.

Miscellaneous

Obtain false ID; indecent exposure; public indecency; urinating in public; soliciting for prostitution; remaining in place of prostitution; loitering for prostitution; assignation; advancing gambling activities; harassment; official misconduct; interfering with police officer; hindering prosecution 20; failure to provide info; contempt of court; minor curfew; unauthorized animals; discharge of sewage on land.

violations and miscellaneous offenses*). As noted above, it was necessary to select one charge to characterize each defendant. Since approximately 85% of all defendants were convicted of only one offense, the selection process was used for only a small proportion of misdemeanants. For those defendants convicted of more than one misdemeanor, the most serious charge against the defendant was chosen. In a separate process, the total sentence imposed on the defendant was determined, as described above. Thus, the combination of charge and sentence for a defendant convicted of more than one offense represents a composite of the information available.

Examples as to offenses in each misdemeanor category are presented in Table 2. For the purposes of regression analysis, violent, property and vehicular offenses were further divided into subcategories in order to analyze the effect of charge subcategories on sentence length.

The primary dependent or outcome variables analyzed in this study are sentences, defined as active** jail sentence and net fine. Suspended monies were subtracted from gross fines to determine "net" fine. If the entire sentence was suspended or if no fine or jail time was imposed, the net fine amount or active jail length were treated as zero.

C. Geographic Relationships

For this data set, many variables were highly related. For example, if the data is divided on a urban (Anchorage, Fairbanks, Juneau) and rural basis (Barrow, Bethel, Kodiak, Nome, Sitka) there is a strong relationship between the

* The category "miscellaneous" included only 38 defendants who were convicted of gambling, prostitution-related, public indecency, and several other types of misdemeanors. None could be analyzed separately because of the small number of cases.

** "Active" jail time is that amount that the defendant must served as of the time of sentencing. The number of days suspended is subtracted from the total sentence imposed, giving the net or active jail time.

geographic distinction and type of judge presiding over the case, race of the defendant, type of offense (state or municipal) and presence or absence of a negotiated plea. The majority of urban defendants were caucasian (70%), tried by District Court judges (94%) and charged with municipal offenses (58%); rural defendants were typically native (Indian or Eskimo) (64%), tried by magistrates (62%) or Superior Court judges (37%) and charged with state offenses (84%). In addition, 89% of the negotiated pleas occurred in urban areas. With the high multicollinearity among these variables, it is possible that, for example, the presence of a "District Court judge" could be significantly related to the outcome penalty in a regression model for one class of misdemeanor offenses, and "urban defendant" in a regression model for another class of offenses. In actuality, it is impossible to distinguish the "causal" factor among those variables that are so highly correlated.

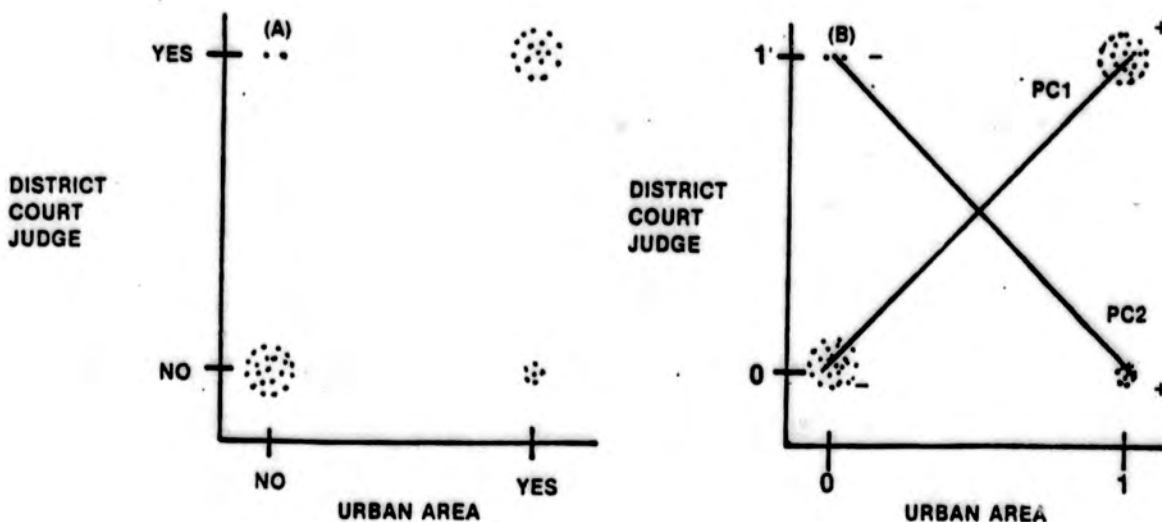
To overcome this problem, a "case descriptor" index (CDI) was created to account for the underlying relationships among these factors. The CDI is the first "principal component" (a statistical measure) for all these variables. Factors that entered into computation of the index included urban (Anchorage, Fairbanks, and Juneau) or rural (Barrow, Bethel, Kodiak, Nome, Sitka) community, judge type (magistrate, District or Superior Court judge), offense type (state or municipal), presence or absence of negotiated plea and race (caucasian, native-indian, black).

For any set of variables, there are the same number of principal components. Each component is a linear combination of the original variables, such that decreasing amounts of variation (measured in "n-dimensional" space, where "n" is the number of variables) are explained by each component, and the information (or variation) contained in each component is unrelated to any other.

For example, Graph 12A represents a cross-categorization of cases by judge type (district court judge or not a district court judge (i.e., a magistrate or superior court judge)) and community (urban or not urban (i.e.,

GRAPH 12

EXAMPLE OF CROSS-CATEGORIZATION (A) AND
PRINCIPLE COMPONENT ANALYSIS (B) OF MISDEMEANOR DATA



rural)).* Each dot represents a case with the attributes of the cross-categorization. As noted above, the majority of "urban" cases were tried before a district court judge; the majority of "rural" cases were tried by a magistrate or superior court judge. However, a few urban cases were tried by a magistrate or superior court judge, and a few rural cases were tried by a district court judge.

The method of principal components calculates components (i.e., new reference axes) that encompass decreasing amounts of variation, and each component is unrelated to any other. For this example (Graph 12B), the first principal component (PC1) "measures" differences between defendants from urban areas tried before district court judges and defendants from rural areas not tried before district court judges. (Note that a "yes" answer for an attribute received a "score" of 1 (one), and a "no" answer received a score of 0 (zero) on each variable.) A second, minor component (PC2) measures differences between defendants not measured on PC1.

Additional variables may be analyzed, but the alignment of the principal component axes is more difficult to perceptualize. However, the computational aspects remain the same. First, each case's score on a variable must be "standardized" (i.e., the mean value for that variable is subtracted from the "raw score," and the resulting difference is divided by the standard deviation of the variable). This

* Nominal variables must be separated into a series of dichotomous factors (i.e., the case does or does not have the attributes of the factor). For variables with three "named" levels (e.g., "A," "B," "C"), two dichotomous factors are created. The first factor indicates whether a case has the attributes of level A. The second factor indicates whether a case has the attributes of level B. If a case has the attributes of level C, it is noted by having null scores on the first and second factors. The procedure is similar for variables with four or more "levels."

standardized score is multiplied by a "factor loading," which is analagous to transforming a score from one of the original axes to a score on the principal component. The procedure is repeated for each variable of the index, and the sum of the "transformed" scores for each variable equals the index score.

Means, standard deviations and factor loadings for each variable that constituted the CDI are presented in Table 3. For a rural defendant who was native, who did not plea bargain, who was convicted of a state offense and who was tried before a superior court judge, the CDI was -5.6023. The computation is as follows:

$$\text{INDEX} = \text{SUM} ([(\text{LOADING}) * (\text{SCORE} - \text{MEAN}) / (\text{SD}))]$$

$$\begin{aligned} \text{CDI} &= [(-0.88605) * (1 - 0.3536) / (0.4783)] (\text{"RURAL"}) \\ &+ [(-0.58060) * (1 - 0.3661) / (0.4819)] (\text{"NATIVE"}) \\ &+ [(0.24302) * (0 - 0.0470) / (0.2116)] (\text{not "BLACK"}) \\ &+ [(0.42247) * (0 - 0.1614) / (0.3680)] (\text{no "PLEA BARGAIN"}) \\ &+ [(0.63181) * (0 - 0.4307) / (0.4954)] (\text{not "MUNICIPAL OFFENSE"}) \\ &+ [(-0.69142) * (1 - 0.1343) / (0.3411)] (\text{"SUPERIOR COURT JUDGE"}) \\ &+ [(0.87336) * (0 - 0.6126) / (0.4873)] (\text{not "DISTRICT COURT JUDGE"}) \\ &= -5.6023 \end{aligned}$$

In effect, the use of principal components is an attempt to summarize information contained in many variables into a few components, which then may be used as indices. The chosen principal component measured the maximum amount of information contained in the set of variables that had been used to form the index.

TABLE 3
(1981 Misdemeanors)

Means, Standard Deviations (SD)
and Factor Loadings for Variables
Used in Computing the Case
Descriptor Index

CASE DESCRIPTOR INDEX
(N=1363)

	MEAN	SD	LOADING
Community (REF=URBAN)			
Rural	0.3536	0.4783	-0.88605
Race (REF=CAUCASIAN)			
Native	0.3661	0.4819	-0.58060
Black	0.0470	0.2116	0.24302
Plea Bargain (REF=NO)			
Yes	0.1614	0.3680	0.42247
Offense Type (REF=STATE OFFENSE)			
Municipal	0.4307	0.4954	0.63181
Judge Type (REF=MAGISTRATE)			
Superior C.	0.1343	0.3411	-0.69142
District C.	0.6126	0.4873	0.87336

TABLE 4
(1981 Misdemeanors)

Means, Standard Deviations (SD)
and Factor Loadings for
Variables Used in Computing
the Financial Index

FINANCIAL INDEX
(N=1363)

	<u>MEAN</u>	<u>SD</u>	<u>LOADING</u>
Lawyer type (REF=NONE)			
PD	0.4531	0.4980	0.75133
PA	0.2374	0.4256	-0.81446
Custody Status (REF=OR-3RD PARTY)			
Bail	0.2574	0.4374	-0.19967
Jail	0.1732	0.3786	0.36841
Employment Status (REF=EMPLOYED)			
Unemployed	0.3913	0.4882	0.59678

TABLE 5
(1981 Misdemeanors)

Interpretation of Scores on Case
Descriptor & Financial Indices

A. Case Descriptor Index			
(-6) Lower Scores		Higher Scores (+6)	
Community: Rural (Ba, Be, Ko, No, Si)		Urban (An, Fa, Ju)	
Race:	Native	Caucasian, Black	
Offense:	State	Municipal	
Plea Bargain:	No	Yes	
Judge Type:	Superior Court	Magistrate	District Court

B. Financial Index			
(-3) Lower Scores		Higher Scores (+3)	
Attorney Type:	Private Attorney	None	PD, Crt-Appointed, Private Attorney
Custody Status at Sentencing:	Monetary Bail	OR/3rd Party	Jail
Employment Status:	Employed	Unemployed	

The first principal component of the above factors accounted for 42.9% of the variation contained in all the variables (Table 5A). Cases tried in a rural community, with a native defendant, without a negotiated plea, charged as a state offense and tried by a Superior Court judge or magistrate would have a lower score on the index; cases tried in an urban community, with a white or black defendant, with a negotiated plea, charged as a municipal offense and tried by a District Court judge would have a higher score on the index. Index scores ranged from -6 to +6.

D. Financial Relationships

Similarly, a financial index was created (Table 5B). This index attempts to measure the financial well-being of the defendant. Factors that are included in the index are the defendant's employment status (employed, unemployed), type of legal representation (no counsel, public defender or court appointed private attorney, private attorney) and custody status at sentencing (own recognizance or released to a third party (OR/3rd party), monetary bail, jail). Means, standard deviations and factor loadings for these variables are shown in Table 4.

The index captures 35.2% of the variation contained in the set of variables. Defendants who were employed, represented by a private attorney and released on monetary bail received low scores on the index; defendants who were unemployed, represented by the public defender or a court appointed private attorney and in jail custody status (at the time of sentencing) received high scores on the index. Defendants not represented by counsel or who were released OR/3rd party at time of sentencing would have intermediate scores on the index. Index scores ranged from -3 to +3.

E. Analytical Methods

Multiple regression was used to examine the effect of "explanatory" variables on active jail sentences. Variation in jail sentence or fines may be due to differences in case processing, in defendant characteristics or past problems or in specifics of the offense. Multiple regression is able to account for all "explanatory" variables simultaneously, and estimate the independent (relative to other variables in the model) contribution of each of these factors to the outcome variable.

In order to carry out this task, categorical explanatory variables were transformed into a series of "dummy" or "indicator" variables. Under this procedure, each category of a nominal variable (that is, one made up of "named" information, rather than numerical or ordinal information) is treated as a separate factor by assigning the value of one (1) or zero (0) for each case, depending on whether or not it belongs in that category. Thus, prior record is effectively divided into five separate prior record variables. The categories are prior felonies, prior misdemeanors, prior juvenile offenses and prior violations, all of which can be compared to a "reference" category, no prior record. The advantage of this approach is that it allows the regression coefficients or "effect" of the explanatory variables to be interpreted in units of the dependent variable, such as days of jail imposed.

Regression models were created in three steps. First, only those levels (e.g., male, female) of nominal variables (e.g., sex) for which there were suitable sample sizes were selected for a "preliminary" regression model. Second, the preliminary regression model was created and the independent significance of each of the explanatory variables was tested relative to all variables under consideration. Those variables

that contained at least one level significant at the 0.20 level were selected for entry into a "reduced" model. Finally, a "reduced" model was created and analyzed to detect factors which were related to active jail sentence at the 0.05 level of significance.

Cautions that should be made about regression analysis include:

(1) Regression models only used cases for which a full complement of explanatory and dependent variables were present. Therefore, each multiple regression was based on a subset of the original data. As the regression model changed from a preliminary to a reduced model, the number of cases analyzed could increase because the smaller number of variables being considered meant that more cases had all the necessary information.

(2) Estimation of regression coefficients is dependent on other variables in the model. Therefore, the numerical value of the coefficient may change from the preliminary to reduced model. Coefficients that do not change may indicate that the "information" contained in the pertinent variable is unrelated to the information contained in any other variables.

(3) Regression coefficients are estimates and not precise values. Coefficients that were statistically different from zero (i.e., a "significant" effect) were noted. Emphasis should be placed on this significance and not the numeric value of the coefficient.

(4) Coefficients of determination (R^2) define the amount of variation in the dependent variable that can

be explained by the model. The amount of variation that was explained was often less than the portion that was not explained. Explanations for this "lack of fit" include errors of measurement in the variables used, failure (or inability) to identify and include other important variables and purely random variation that must be expected.

Distributional characteristics of variables and associations between variables were analyzed with contingency tables. When test assumptions concerning expected cell values could not be met (e.g., no more than 20% of the expected cell frequencies have a value less than 5.0), a constant was added to each cell in order to meet the minimum requirement. This procedure tends to make the significance test slightly conservative (i.e., the null hypothesis, "no difference," will be unduly supported).

Statistical significance for contingency tables and other analyses was set at the 0.05 level. That is, an inference was made with at least 95% certainty that observed differences were not due to chance variation.

II. OVERALL FINDINGS FROM THE DATA

A. Offense Types

Table 6 displays the distribution of the 1,366 defendants by most serious offense and community. Vehicular is the most frequent offense category from each community. The proportion of defendants with vehicular offenses range from about 30% (in Nome) to 65% (in Fairbanks).

The next most frequent misdemeanor category varies by community. In Bethel (32%) and Nome (26%), violent misdemeanors were the next most common. In other areas, fewer than 11% of the defendants had a violent misdemeanor as their most serious offense. Property, disorderly conduct or alcohol/drug law violations were more common in these areas.

TABLE 6
(1981 Misdemeanors)

Distribution of Defendants
by Most Serious Offense
Category and Community

	Total	Violent		Property		Vehicular		Disorderly Conduct		Alc/Drug Violations		Miscellaneous	
	N	n	(%)	n	(%)	n	(%)	n	(%)	n	(%)	n	(%)
Anchorage	511	47	(9.2)	105	(20.5)	302	(59.1)	29	(5.6)	4	(0.8)	24	(4.7)
Barrow	53	6	(11.3)	8	(15.1)	25	(47.2)	9	(17.0)	5	(9.4)	0	
Bethel	117	37	(31.6)	19	(16.2)	40	(34.2)	15	(12.8)	6	(5.1)	0	
Fairbanks	258	8	(3.1)	47	(18.1)	169	(65.3)	19	(7.3)	8	(3.1)	7	(2.7)
Juneau	114	6	(5.3)	18	(15.8)	51	(44.7)	19	(16.7)	19	(16.7)	1	(0.9)
Kodiak	101	8	(7.9)	21	(20.8)	44	(43.6)	9	(8.9)	15	(14.9)	4	(4.0)
Nome	120	31	(25.8)	24	(20.0)	35	(29.2)	12	(10.0)	17	(14.2)	1	(0.8)
Sitka	92	6	(6.5)	22	(23.9)	50	(54.3)	12	(13.0)	1	(1.1)	1	(1.1)
Total	1366	149	(10.9)	264	(19.3)	716	(52.4)	124	(9.1)	75	(5.5)	38	(2.9)

TABLE 7
(1981 Misdemeanors)

Demographic Characteristics
of Defendants by Community

	Anchorage n (%)	Barrow n (%)	Bethel n (%)	Fairbanks n (%)	Juneau n (%)	Kodiak n (%)	Nome n (%)	Sitka n (%)	Total n (%)
RACE									
Caucasian	380 (74.7)	1 (1.9)	14 (12.0)	164 (63.6)	67 (59.3)	78 (77.2)	14 (11.7)	57 (62.0)	775 (56.8)
Native-Indian	78 (15.3)	48 (90.6)	103 (88.0)	76 (29.5)	43 (38.1)	15 (14.9)	105 (87.5)	31 (33.7)	499 (36.6)
Black	42 (8.3)	0	0	18 (7.0)	0	3 (3.0)	1 (0.8)	0	64 (4.7)
Other	9 (1.8)	4 (7.5)	0	0	3 (2.7)	5 (5.0)	0	4 (4.3)	25 (1.8)
SEX									
Male	447 (87.5)	48 (90.6)	113 (97.4)	219 (84.6)	98 (86.7)	83 (82.2)	104 (86.7)	80 (87.0)	1192 (87.3)
Female	64 (12.5)	5 (9.4)	3 (2.6)	40 (15.4)	15 (13.3)	18 (17.8)	16 (13.3)	12 (13.0)	173 (12.7)
AGE (YRS)									
18-21	155 (30.3)	17 (32.1)	31 (26.5)	42 (16.3)	45 (40.2)	22 (21.8)	36 (30.0)	30 (32.6)	378 (27.8)
22-25	98 (19.2)	9 (17.0)	23 (19.7)	54 (20.9)	20 (17.9)	24 (23.8)	27 (22.5)	21 (22.8)	276 (20.2)
26-30	89 (17.4)	11 (20.8)	26 (22.2)	44 (17.1)	16 (14.3)	24 (23.8)	26 (21.7)	10 (10.9)	246 (18.0)
31-45	126 (24.7)	11 (20.8)	29 (24.8)	77 (29.8)	21 (18.8)	20 (19.8)	16 (13.3)	25 (27.2)	325 (23.8)
45	43 (8.4)	5 (9.4)	8 (6.8)	41 (15.9)	10 (8.9)	11 (10.9)	15 (12.5)	6 (6.5)	139 (10.2)
EMPLOYER STATUS									
Employed	381 (61.9)	23 (74.2)	65 (59.1)	142 (56.6)	66 (60.6)	72 (72.0)	62 (54.4)	51 (63.0)	761 (60.9)
Unemployed	173 (38.1)	8 (25.8)	45 (40.9)	109 (43.4)	43 (39.4)	28 (28.0)	52 (45.6)	30 (37.0)	488 (39.1)

B. Demographic Characteristics of the Defendants

Several of the demographic characteristics of the defendants differed significantly between communities (Table 7). The majority of defendants in Anchorage (74.7%), Fairbanks (63.6%), Juneau (59.3%), Kodiak (77.2%) and Sitka (62.0%) were caucasian; the majority of defendants in Barrow (90.6%), Bethel (88.0%), and Nome (87.5%) were native. A significant number of black defendants was found only in Anchorage (42 defendants) and Fairbanks (18 defendants).

The majority of defendants in each community were male (87.3% of the total number of cases). Bethel (97.4%) had the highest proportion of defendants who were male; Kodiak (17.8%) had the highest proportion of female defendants.

The most likely age-class was 18-21 years (27.8%). 20.2% of the defendants were between 22 and 25 years old, 18.0% between 26 and 30, 23.8% between 31 and 45 and 10.2% over 45 years of age. 45.7% of Fairbanks defendants were older than 31 years of age. In other communities less than 34% of the defendants were older than 31 years. 40.2% of Juneau defendants were between 18 and 21 years old; the proportions of defendants in this age group from other areas was 30% or less.

Employment status of defendants did not significantly ($P=0.09$) differ between communities; 60.9% of the total number of defendants were employed at the time the offense was committed.

Thus, the typical defendant in most communities was an employed, caucasian male under 26 years old. In Juneau, he was likely to be somewhat younger than average; in Fairbanks, he was more likely to be over 30 years old. In the three western-Alaska communities of Bethel, Barrow and Nome, he was probably native rather than caucasian.

TABLE 7
(1981 Misdemeanors)

Demographic Characteristics
of Defendants by Community

	Anchorage n (%)	Barrow n (%)	Bethel n (%)	Fairbanks n (%)	Juneau n (%)	Kodiak n (%)	Nome n (%)	Sitka n (%)	Total n (%)
RACE									
Caucasian	380 (74.7)	1 (1.9)	14 (12.0)	164 (63.6)	67 (59.3)	78 (77.2)	14 (11.7)	57 (62.0)	775 (56.8)
Native-Indian	78 (15.3)	48 (90.6)	103 (88.0)	76 (29.5)	43 (38.1)	15 (14.9)	105 (87.5)	31 (33.7)	499 (36.6)
Black	42 (8.3)	0	0	18 (7.0)	0	3 (3.0)	1 (0.8)	0	64 (4.7)
Other	9 (1.8)	4 (7.5)	0	0	3 (2.7)	5 (5.0)	0	4 (4.3)	25 (1.8)
SEX									
Male	447 (87.5)	48 (90.6)	113 (97.4)	219 (84.6)	98 (86.7)	83 (82.2)	04 (86.7)	80 (87.0)	1192 (87.3)
Female	64 (12.5)	5 (9.4)	3 (2.6)	40 (15.4)	15 (13.3)	18 (17.8)	16 (13.3)	12 (13.0)	173 (12.7)
AGE (YRS)									
18-21	155 (30.3)	17 (32.1)	31 (26.5)	42 (16.3)	45 (40.2)	22 (21.8)	36 (30.0)	30 (32.6)	378 (27.8)
22-25	98 (19.2)	9 (17.0)	23 (19.7)	54 (20.9)	20 (17.9)	24 (23.8)	27 (22.5)	21 (22.8)	276 (20.2)
26-30	89 (17.4)	11 (20.8)	26 (22.2)	44 (17.1)	16 (14.3)	24 (23.8)	26 (21.7)	10 (10.9)	246 (18.0)
31-45	126 (24.7)	11 (20.8)	29 (24.8)	77 (29.8)	21 (18.8)	20 (19.8)	16 (13.3)	25 (27.2)	325 (23.8)
45	43 (8.4)	5 (9.4)	8 (6.8)	41 (15.9)	10 (8.9)	11 (10.9)	15 (12.5)	6 (6.5)	139 (10.2)
EMPLOYER STATUS									
Employed	381 (61.9)	23 (74.2)	65 (59.1)	142 (56.6)	66 (60.6)	72 (72.0)	62 (54.4)	51 (63.0)	761 (60.9)
Unemployed	173 (38.1)	8 (25.8)	45 (40.9)	109 (43.4)	43 (39.4)	28 (28.0)	52 (45.6)	30 (37.0)	488 (39.1)

B. Demographic Characteristics of the Defendants

Several of the demographic characteristics of the defendants differed significantly between communities (Table 7). The majority of defendants in Anchorage (74.7%), Fairbanks (63.6%), Juneau (59.3%), Kodiak (77.2%) and Sitka (62.0%) were caucasian; the majority of defendants in Barrow (90.6%), Bethel (88.0%), and Nome (87.5%) were native. A significant number of black defendants was found only in Anchorage (42 defendants) and Fairbanks (18 defendants).

The majority of defendants in each community were male (87.3% of the total number of cases). Bethel (97.4%) had the highest proportion of defendants who were male; Kodiak (17.8%) had the highest proportion of female defendants.

The most likely age-class was 18-21 years (27.8%). 20.2% of the defendants were between 22 and 25 years old, 18.0% between 26 and 30, 23.8% between 31 and 45 and 10.2% over 45 years of age. 45.7% of Fairbanks defendants were older than 31 years of age. In other communities less than 34% of the defendants were older than 31 years. 40.2% of Juneau defendants were between 18 and 21 years old; the proportions of defendants in this age group from other areas was 30% or less.

Employment status of defendants did not significantly ($P=0.09$) differ between communities; 60.9% of the total number of defendants were employed at the time the offense was committed.

Thus, the typical defendant in most communities was an employed, caucasian male under 26 years old. In Juneau, he was likely to be somewhat younger than average; in Fairbanks, he was more likely to be over 30 years old. In the three western-Alaska communities of Bethel, Barrow and Nome, he was probably native rather than caucasian.

C. Alcohol Use and Prior Criminal History

Nearly three-fourths (73.2%) of the convicted defendants in this study had used alcohol, drugs, or a combination of both at the time of their offense. Statewide, 68.2% of the convicted defendants used alcohol at offense, 26.8% did not use alcohol or drugs and the remaining 5.0% used drugs, drugs and alcohol or drugs/alcohol, not specified. A breakdown by community of alcohol and/or drug use at offense is presented in Table 8. The proportion of defendants who used alcohol at offense differed significantly ($P=0.05$) between communities. Anchorage defendants used alcohol (52.5%) less frequently than the other communities (77.0% combined), which were not significantly different from each other. The highest rates of alcohol use at offense occurred in Barrow (86.0%), Bethel (88.5%) and Nome (87.2%).

These figures indicate that alcohol and drug use are as frequent among persons committing misdemeanors as those convicted of felonies. For example, the Council's study of felony convictions from mid-1976 through mid-1979 found that nearly half of the "urban" (Anchorage, Fairbanks, and Juneau) offenses had occurred while the defendant was under the influence of alcohol or drugs. As in our present study of misdemeanors, the proportion of felonies committed in rural areas while under the influence of intoxicants was even higher. The Council's study of 1980 felonies made the same findings.

Defendants who used alcohol at offense were more likely to have prior alcohol problems (45.5% of them did) than defendants who did not use alcohol at offense (20.0%). However, the alcohol treatment backgrounds (i.e., contact with treatment programs) of defendants with prior alcohol problems did not significantly ($P=0.14$) differ between defendants who used alcohol at offense and those that did not (Table 9). Nearly one third (30.0%) of the defendants with prior alcohol problems ($N=320$) had no previous contact with alcohol treatment programs, 7.8% had completed treatment and 17.3% were currently

TABLE 8
(1981 Misdemeanors)

Breakdown by Community of
Alcohol and/or Drug Use
at Offense

	No Evidence		Alcohol		Drugs		Alcohol & Drugs		Alc/Drugs (Not Spec.)	
	n	(%)	n	(%)	n	(%)	n	(%)	n	(%)
Anch.	193	(42.2)	240	(52.5)	2	(0.4)	13	(2.8)	9	(2.0)
Barrow	5	(10.0)	43	(86.0)	0		2	(4.0)	0	
Bethel	12	(10.6)	100	(88.5)	1	(0.9)	0		0	
Fair.	55	(21.7)	177	(70.0)	3	(1.2)	12	(4.7)	6	(2.4)
Juneau	22	(21.6)	74	(72.5)	0		6	(5.9)	0	
Kodiak	21	(21.6)	72	(74.2)	1	(1.0)	3	(3.1)	0	
Nome	13	(11.1)	102	(87.2)	0		2	(1.7)	0	
Sitka	21	(23.6)	64	(71.9)	1	(1.1)	2	(2.2)	1	(1.1)
Total	342	(26.8)	872	(68.2)	8	(0.6)	40	(3.1)	16	(1.3)

TABLE 9
(1981 Misdemeanors)

Breakdown of Alcohol Use at Offense
by Prior Alcohol Treatment History

Alcohol Treatment History	Alcohol Use at Offense				Sub Total	Total*		
	Alcohol Not Used		Alcohol Used					
	N	(%)	n	(%)	n	(%)		
Never Referred	12	(22.2)	102	(33.4)	114	(31.8)	120	(30.0)
Referred, No Attend Attend, No Complete	29	(53.7)	131	(43.0)	160	(44.6)	150	(45.0)
Current	7	(13.0)	54	(17.7)	61	(17.0)	69	(17.3)
Completed	6	(11.1)	18	(5.9)	24	(6.7)	31	(7.8)

* Information about alcohol use at offense missing; information about alcohol treatment available.

undergoing treatment. The largest portion (45.0%) of defendants with alcohol problems had been previously referred to, but did not attend (or attended, but did not complete) an alcohol treatment program.

A low number (31) of defendants with prior alcohol problems who had completed a treatment program were subsequently convicted of a misdemeanor. This may suggest that completion of a program significantly reduces the likelihood that a person with an alcohol problem will commit an offense. We do not have sufficient data to compare the treatment histories of convicted and non-convicted persons who have completed alcohol treatment programs. Thus, we cannot say for sure that treatment alone reduces recidivism, or results in a lower likelihood of criminal behavior. However, the comparison of actual numbers of defendants with alcohol problems who have completed programs (31) with all those who have a prior problem (370) suggests that this may be the case. In addition, although we lack data on all people referred to alcohol programs (which would include those not convicted of any crimes), it appears that a very high proportion (45%) are not actually complying with requirement of the treatment programs.

A third set of relationships of interest are those between prior alcohol problems and prior criminal convictions. The Council's earlier felony studies also found a close relationship between these two factors. The same extremely strong relationship is found in the present study.

Table 10 provides a breakdown of cases by prior criminal history and alcohol use at offense. Statewide, 56.7% of the defendants had prior criminal convictions, primarily misdemeanors (45.0% of all defendants). There was no significant ($P=0.39$) relationship between prior criminal history and alcohol use at offense. However, there is a significant ($P=0.000$) relationship between prior criminal history and a prior alcohol problem (Table 11). Defendants without an alcohol problem were more likely (62.5%) to have no

TABLE 10
(1981 Misdemeanors)

Breakdown of Prior Criminal
Record by Alcohol Use at Offense

Prior Criminal Record	Alcohol Use at Offense				TOTAL	
	NO		YES			
	n	(%)	n	(%)	N	(%)
None	148	(44.4)	370	(43.0)	518	(43.3)
Violations	27	(8.1)	47	(5.5)	74	(6.2)
Juvenile Offenses	2	(0.6)	5	(0.6)	7	(0.6)
Misdemeanors	143	(42.9)	394	(45.8)	537	(45.0)
Felonies	13	(3.9)	45	(5.2)	58	(4.9)

TABLE 11
(1981 Misdemeanors)

Breakdown of Prior Criminal Record
By Prior Alcohol Problem

Prior Criminal Record	Prior Alcohol Problem				TOTAL	
	NO		YES			
	n	(%)	n	(%)	N	(%)
None	504	(62.5)	67	(13.4)	571	(43.7)
Violations	79	(9.8)	3	(0.6)	82	(6.3)
Juvenile Offenses	5	(0.6)	3	(0.6)	8	(0.6)
Misdemeanors	191	(23.7)	392	(78.2)	583	(44.6)
Felonies	27	(3.3)	36	(7.2)	63	(4.8)

prior criminal record than defendants with a problem (13.4%). When they did have a record, it tended to include minor violations, rather than more serious misdemeanors or felonies. Defendants with an alcohol problem were more likely to have committed misdemeanors (78.2%) and felonies (7.2%) than defendants with no problem (23.7% and 3.3%, respectively). The combination of these three findings about alcohol and criminal behavior suggests that successful treatment of alcohol problems could significantly reduce recidivism.

D. Sentencing for "Time Served"

Table 12 presents a breakdown by community of the proportion of defendants that were assigned a jail term of at least one day and sentenced to "time served". Typically, this situation occurs when a defendant has spent time in jail prior to entering a guilty plea or being convicted after trial. The defendant receives credit for the number of days he has already spent against any jail sentence imposed. If the sentence imposed equalled the days already served, it was considered a sentence to "time served."

Overall, 13.4% of the defendants were sentenced to time served. However, there were significant ($P=0.0002$) differences between communities in the rates at which defendants were sentenced to time served. 40.0% of the defendants in Barrow were sentenced to time served. This was significantly ($P=0.05$) higher than the proportion of defendants sentenced to time served in Anchorage (10.1%) or Juneau (3.6%). The proportion of defendants in Bethel (13.1%), Fairbanks (13.6%), Kodiak (19.0%), Nome (20.9%) and Sitka (11.9%) that were sentenced to time served did not differ significantly from either extreme.

TABLE 12
(1981 Misdemeanors)

Breakdown by Community of Defendants
Who Served at Least 1 Day in Jail
and Were Sentenced to "Time Served"

Sentenced to Time Served	Community								Total
	Anchorage	Barrow	Bethel	Fairbanks	Juneau	Kodiak	Nome	Sitka	
	n (%)	n (%)	n (%)	n (%)	n (%)	n (%)	n (%)	n (%)	n (%)
No	301 (89.9)	15 (60.0)	86 (86.9)	159 (86.4)	51 (96.4)	51 (81.0)	68 (79.1)	37 (88.1)	770 (86.6)
Yes	34 (10.1)	10 (40.0)	13 (13.1)	25 (13.6)	2 (3.6)	12 (19.0)	18 (20.9)	5 (11.9)	119 (13.4)