

1011

HJ

INTERIM FILES,

GENERAL

- QUESTIONNAIRE

Michael Rubenstein
March 29, 1979
Page 2

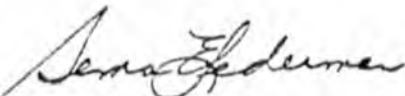
The conviction rate for rape in Anchorage is very high, close to 90%, with only 10 - 12 cases tried each year. This would seem to indicate that only "sure" cases are accepted for prosecution, although once a case is accepted, the District Attorney's office does a credible job of trying it.

Our concern is that the screening criteria are not very clear, and it would be beneficial for the morale of police, for S.T.A.R. volunteers, and especially for witness/victims if they understood why a case is turned down when it is. S.T.A.R. would, naturally, like to see more cases prosecuted even if, in the short run, this means a lower conviction rate. We would like to know if rape cases are more finely screened than other felonies, and if so, why.

One last area you may be interested in investigating is that of judicial attitude: are grossly sexist statements admitted in court records where analagous racist statements are ruled out? Do judges' instructions to jurors prejudice the jury against the victim? (Cf. Cochrane trial, Judge Madsen).

I would be pleased to cooperate in whatever way possible with any research you decide to undertake. S.T.A.R. will probably have a full time researcher, beginning in May, who may be able to devote considerable time to helping if you need additional staff.

Sincerely,



Sema E. Lederman, Acting Director
S.T.A.R.

sm

Alaska State Legislature



IN SESSION!
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4646

BOX 142
EAGLE RIVER, ALASKA
99577

Representative Randy Phillips HOUSE DISTRICT 8

March 28, 1979

The Honorable Charles Parr, Chairman
House Judiciary Committee
Pouch V, Mail Stop 3100
Anchorage, AK 99811

RE: YOUR MEMO TO ME OF MARCH 29, 1979 CONCERNING
INTERIM PARTICIPATION

Thank you for your memo dated March 29, 1979.

In answer to your questions:

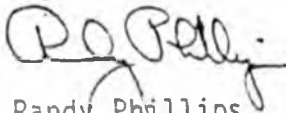
1. Yes, I do wish to participate.
2. I work during the summer months and it is hard for me to get away to attend meetings during that time. For me, the best month is probably November; however, if adequate notice is given, I could make arrangements to attend meetings.
3. Specific matters to be investigated: Selection of jury and judges as a whole; slowness of the process; administration of court system in Anchorage.
4. Names of groups of individuals to be notified: Lee Jordan, Editor, Chugiak-Eagle River Star, PO Box 1007, Eagle River, AK 99577; Robbie Robinson, Chugiak Community Council, Box 309, Chugiak, AK 99567; Bob Johnson, Eagle River Community Council, PO Box 456, Eagle River, AK 99577; Stephen Dunning, Eagle River Valley Community Council, Box 1644, Anchorage, AK 99510; Tom Henry, Birchwood Community Council, SRA Box 760, Chugiak, AK 99567; Rex Campbell, North Mt. View Community Council, 819 N. Klevin, Anchorage, AK 99504; Fred Selkregg, Northeast Anchorage Community Council, 5811 Radcliffe, Anchorage, AK 99504; Gene Buck, Russian Jack Park Community Council, 5222 East 24th Avenue, Anchorage, AK 99504; Kathleen Bush, 6631 East Eighth, Anchorage, AK 99504; The Brown Family, 442 South Flower, Anchorage, AK 99504; Clifford and Jane Bissell, Box 656, Eagle River, AK 99577; Marion E. Daley, PO Box 108, Chugiak, AK 99567; Mike Briggs, Esq., Ely, Guess & Rudd, 510 L Street, Anchorage, AK 99501.

The Honorable Charles Parr, Chairman
March 28, 1979
Page 2

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

If you need further information, please do not hesitate to contact me.

Best Regards,



Randy Phillips
State Representative

RP:js

REPRESENTATIVE
NELS A. ANDERSON, JR.
EOX 234
DILLINGHAM, ALASKA 99576
HOME PHONE 842-5302



REPRESENTING DISTRICT '6
BRISTOL BAY — LOWER KUSKOKWIM

HOUSE MAJORITY LEADER
VICE CHAIRMAN, JUDICIARY COMMITTEE
MEMBER, RULES COMMITTEE
MEMBER, SPECIAL COMMITTEE
ON SUBSISTENCE

WHILE IN JUNEAU
PULCH V
JUNEAU, ALASKA 99811
PHONE 465-3736 CR 3739
HOME PHONE 789-7897

House of Representatives

March 28, 1979

MEMORANDUM

TO: Representative Charlie Parr, Chairman
FROM: Representative Nels A. Anderson, Jr.
SUBJECT: Interim Committee Activity

1. I do wish to participate in an interim investigatory review of the entire law enforcement and justice system.
2. July and August would be difficult for me.
3. a) We should conduct an oversight review of the Judicial Sentencing Study to assure ourselves that legislative intent is being followed if HB 195 and HB 196 pass and are approved by the Governor.
- b) We should follow the history of several cases from the time of arrest through to final sentence and place of confinement.
- c) We should determine whether or not judges recommendations for rehabilitation are being followed after incarceration.
- d) We should visit the policemen, judges, public defenders, district attorneys, law clerks, correctional officers, and the public Safety and Health and Social Services Commissioner.

Check with lawsuit Assoc - Juneau

4. Groups to contact:
- Anchorage Black Caucus
 - Anchorage Native Caucus
 - Fairbanks Native Association
 - Alaska Federation of Natives
 - Non-profit Regional Native Associations
 - Human Rights Commission
 - Ombudsman

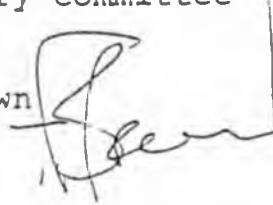
cc: Judiciary Committee Members
NAA/ah

April 4, 1979

M E M O R A N D U M

TO: Rep. Charlie Parr
Chairman
House Judiciary Committee

FROM: Rep. Fred Brown



SUBJECT: Interim Committee Activity

In response to your inquiry regarding Interim activities, I offer the following considerations:

I am very interested in some Interim activities of the committee. As you know I have my private law practice and business matters to attend, and there will no doubt be some meetings I would miss. Also, I am intending that the House Commerce Committee also have some Interim activities, particularly during the months of November and December.

In general, I would urge relatively light scheduling during the months of June through August, because of various considerations involving my personal and business scheduling.

In general, I concur with the recommendations in Item 3 in the memorandum from Nels Anderson. With regard to some of those matters, it may be possible to get support from the staff of the Alaska Judicial Council. At least an inquiry in that direction seems appropriate.

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

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

Rep. Charlie Parr

-2-

April 4, 1979

I wish I presently knew my conflicts would be in the last four months of 1979: However, that information is not available to me. Some conflicts will arise involving dates for court appearances and also Interim activities of the House Commerce Committee, the Alaska Legislative Council, the Alaska Code Revision Commission, and related obligations.

FB:kfw

cc: Members, House Judiciary Committee



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

August 13, 1979

MEMORANDUM

TO: HOUSE JUDICIARY COMMITTEE MEMBERS
FROM: ROCKY PLOTNICK *Rocky*
SUBJECT: INTERIM ACTIVITY

I am sure you have been wondering what and when the interim activity will be. Currently, Peggy Berck and myself are spending our time collecting information on various subjects and coordinating interim activity. A tentative schedule has been set and I am in the process of firming up hearing locations. You will all be sent another schedule when all information is complete. For now, I need to know which trips you plan on attending so I can figure how many travel requests are needed. Please let me know as soon as possible which ones you plan to attend. Hotel reservations will not be made unless you ask me to do so. As noted on the enclosed schedule, the first committee get-together is set for September 13 in Anchorage. Our office is upstairs of the legislative info. office, but I don't know the room number yet. Peggy and I will be based in Anchorage by Sept. 5th. Please stop by and see us when you're in town. Legislative information at 278-3668 will know our new telephone and room number.

HOUSE JUDICIARY COMMITTEE - TENTATIVE INTERIM SCHEDULE

8/9/79

September 5th Anchorage

Charlie, Peggy and Rocky - work session

September 13th Anchorage

Committee Briefing - 9:00a.m. - Legislative Information Office

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

September 14th Anchorage

Committee Tour of
Correctional Facilities - Time TBA*- Facilities: Ridgeview, McLaughlin,
Third Ave., Sixth Ave.

September 15th Anchorage

Public Hearing - 9:00a.m. - Place TBA

October 5th Bethel

Committee Tour of Bethel Jail - Time TBA

Public Hearing - 2:00p.m. - Place TBA

October 6th Bethel

Public Hearing - 9:00a.m. - Place TBA

October 19th Fairbanks

Committee Tour of Fairbanks Jail - Time TBA

Public Hearing - 2:00p.m. - Place TBA

Party - Hosted by Parr's - Time TBA - 6½ Mile Chena Hot Springs Road

* TBA = TO BE ANNOUNCED

October 20th Fairbanks

Public Hearing - 9:00a.m. - Place TBA

November 2nd Nome

Committee Tour of Nome Jail - Time TBA

Public Hearing - 2:00p.m. - Place TBA

November 3rd Nome

Public Hearing - 9:00a.m. - Place TBA

November 9th Ketchikan

Committee Tour of Ketchikan Jail - Time TBA

Public Hearing - 2:00p.m. - Place TBA

November 10th Ketchikan

Public Hearing - 9:00a.m. - Place TBA

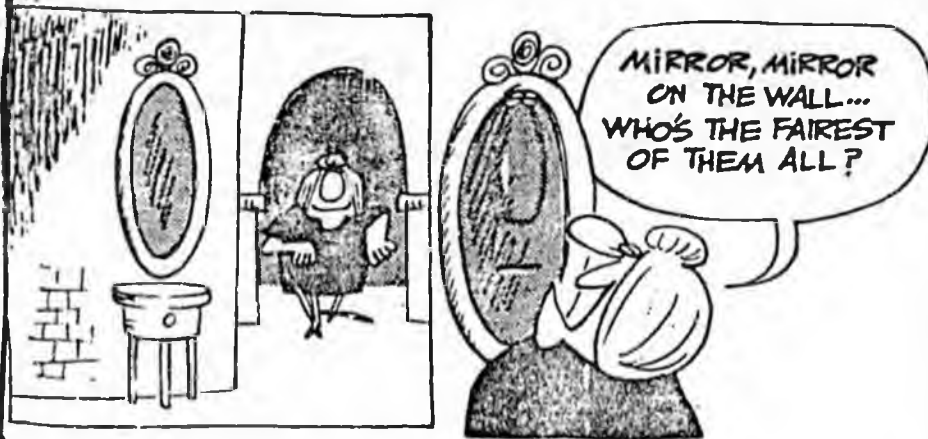
November 29th Anchorage

Committee Hearing with
Invited Persons/Groups - 9:00a.m. - Place TBA

November 30th Anchorage

Committee Work Session &
Wrap-up so final report
can be written 9:00a.m. - Legislative Information Office

The Wizard of Id



was graceless. The proposed rule on reciprocity bordered on malpractice. The consideration of a rule amendment regarding the use of firm names bordered on the criminal. Notable in our nonfeasance was the failure of the association to address many of the serious issues which are before the bar, both nationally and in the state. I offer a bill of particulars and some recommendations.

Floor Resolutions Fumbled

While the charge that members of the board of governors were using the bank accounts of the association as their own personal BankAmericards was undeniably entertaining to all but those facing the point of the spear, this phrasing laid the foundation for excesses of antagonism in addressing these issues. The group of resolutions addressing board procedures and practices were not drafted with great care as indicated by several comments and seat-of-the-pants amendments necessary to bring them up to some kind of shape. Some member of the board of governors could be found to respond to every suggestion with poor grace. The parties seemed automatically to fall into an adversary posture. The debate was sometimes one-sided as the presiding officer engaged in argument, mike in hand, with persons proposing and addressing resolutions, a practice frowned upon under Robert's Rules.

Admissions Reciprocity Ruined

A proposed rule on reciprocity in admission, which has specifically been declared unconstitutional under the due process clause of the Constitution of the United States in *Application of Houston* 378 P2d 644 (1963), was advanced by one committee for final floor action.

Firm Names Flubbed

A proposed rule on firm names was proposed, apparently by an ad hoc committee appointed by the board. The rule displayed not only commerce clause and equal protection problems under state and federal constitutions but also demonstrated inept draftsmanship which may or may not reflect similar ineptitude on the part of the brotherhood in New Jersey from which it was said the language came. The proposed rule fails to reflect the fact that a large proportion of the bar now practices through professional corporations. By its special application to out-of-state firms, the proposal raises question whether the proponents are not more concerned about protecting themselves from competition than the protection of the public.

Apparently, despite the volatility of the question, the association did not see fit to have the draft rule change prepared by a committee re-

Random Potshots

The Business of Lawyers

By John Havelock

From:
July, 1979
BAR RAG

One had the sense at our recent convocation at Sitka that with a change of names and titles, we might as well have been attending the annual convention of the cosmetologists and hairdressers. In fact, that group might well conduct its business affairs with more efficiency and regard for form than our own.

With one notable exception, evidence of the craft which lawyers are supposed to demonstrate in the handling of human affairs was absent.

bit worse.

This observation is not intended to attach to any particular individual or to the board or its officers. With few exceptions, the board, the officers and the members of the association stumbled through the proceedings with the professional class of Inspector Clouseau. The membership is not excluded. In the preparation and presentation of their resolutions, their non-attendance and general floor participation, they, too, exhibited an unbecoming casualness

Random Potshots

The Business of Lawyers

By John Havelock

From:
July, 1979
BAR RAG

One had the sense at our recent convocation at Sitka that with a change of names and titles, we might as well have been attending the annual convention of the cosmetologists and hairdressers. In fact, that group might well conduct its business affairs with more efficiency and regard for form than our own.

With one notable exception, evidence of the craft which lawyers are supposed to demonstrate in the handling of human affairs was absent. The meticulous research which our profession is said to bring to the aid of the public was not in evidence. In short, lawyers do not seem to be able to handle their own business in any better fashion than the general run of mankind and perhaps do a

bit worse.

This observation is not intended to attach to any particular individual or to the board or its officers. With few exceptions, the board, the officers and the members of the association stumbled through the proceedings with the professional class of Inspector Clousseau. The membership is not excluded. In the preparation and presentation of their resolutions, their non-attendance and general floor participation, they, too, exhibited an unbecoming casualness towards the serious business of the bar.

The evidence for these observations lies both in what we did do and what we did not do. The handling of concerns regarding the management procedures of the board

STAFF

Harry Branson.....	Editor in Chief
William T. Ford.....	Managing Editor
Wev Shea.....	Advertising Director
Wm. W. Garrison.....	Bar Editor
Donna C. Willard.....	Copy Editor

Contributing Editors

John Havelock	Wayne Anthony Ross
Rand Dawson	Russ Arnett
Barbara Schuhmann	Bernard Trink
Richard Whittaker	Andy Kleinfeld

Copyright 1979 by the Bar Rag. Contents of the Bar Rag may not be reproduced in any manner, in whole or in part, without written permission from the Bar Rag.

The Bar Rag is published monthly. Mail received at Box 3576, Anchorage, AK 99510.

The Bar Rag is available to non-lawyers by subscription for \$10 a year, or may be purchased from the Alaska Bar Association office, 360 "K" Street, Anchorage, AK 99501 for \$1.00 a copy. Display and classified advertising rates are available.

Application of Houston 376 F2d 641 (1963), was advanced by one committee for final floor action.

Firm Names Flubbed

A proposed rule on firm names was proposed, apparently by an ad hoc committee appointed by the board. The rule displayed not only commerce clause and equal protection problems under state and federal constitutions but also demonstrated inept draftsmanship which may or may not reflect similar ineptitude on the part of the brotherhood in New Jersey from which it was said the language came. The proposed rule fails to reflect the fact that a large proportion of the bar now practices through professional corporations. By its special application to out-of-state firms, the proposal raises question whether the proponents are not more concerned about protecting themselves from competition than the protection of the public.

Apparently, despite the volatility of the question, the association did not see fit to have the draft rule change prepared by a committee representing several points of view on the matter. Nor, apparently was any member of this ad hoc committee present to state the committee's views as to the necessity or the form of the proposal. The board was left holding the bag and its handling was at best flustered.

Board Action Bobbled

The action actually taken by the board on the proposal was to recommend the rule for publication. But this fact, with the help of floor discussion, was soon completely lost. For most persons in attendance, the board's recommendation on publication became confused with the board's supposed unanimous endorsement of the merits of the proposal. The board had in fact been split on the merits.

Someone made a reference to a committee report. Another mention was made of the legal research done in support of the rule. There was neither. In possibly the most outrageous public statement of the entire proceedings, one lawyer seriously suggested that meetings of the board of governors should not

(continued on page 9)

Potshots

[continued from page 4]

be recorded lest better evidence should thereby be gathered of a criminal conspiracy in restraint of trade.

In retrospect, the board in fact erred in advancing this proposal for publication. When such obvious legal problems lie, where in fact the entire Bar Association may be laid open to potential civil and criminal liability, the board should do what its members supposedly recommend to their clients: seek prophylactic legal advice before doing anything.

Malpractice Mastered

These and lesser examples of merely sloppy draftsmanship and procedure stood in sharp contrast to the highly professional way in which the whole matter of malpractice insurance was handled. In that case, the homework had been done, the drafting was highly skilled as was the presentation. If anything, the issue suffered from overkill.

Tough professional malpractice is of intense interest to the members of the association, other matters which surely should have received attention were totally ignored.

Intermediate Court Ignored

The establishment of an intermediate appellate court, which very nearly came to pass this last session of the legislature, certainly ranks among the top two or three innovations in justice administration proposed in this state over the last ten years. Yet there was no committee of the bar addressing this issue and the bar ended up adopting a major and perhaps fatal change in the court's proposal upon little consideration.

Some committees of the association, presumably set up to address serious concerns, did not report. Other committee reports were inconsequential to the point that one might wonder whether the committee need exist at all.

The committee on legal educational opportunities filed a distinguished report as early as March suggesting to the board that many of the matters in it were important enough to be taken before the convention. The report was considered by the board, but no report came to the convention.

Director Dumped

The board had no report on current or contemplated litigation. There was no report on a matter of major interest to the membership, the vacancy in the office of Executive Director. The membership was obliged to rely on published newspaper reports of dissension regarding that office. Conceding that detailed discussion of this matter might not be appropriate in the light of the possibility of litigation, nevertheless the membership is entitled to basic information regarding events and the board's position.

Sunset Silence

The Alaska Bar Association, under the "sunset" review law, is apparently soon to come up for consideration for continuance. It might be said that various matters arising at the Sitka convention gave

rise to a basis for special legislative interest. In fact, considering the popularity of lawyers generally, all members of the bar need to be better informed on this issue and an adequate position prepared for the association.

Proposals Proffered

A number of specific recommendations regarding both procedures by which the association conducts its business and the substance of it might merit consideration by the board.

1. The board should appoint a special committee, representing divergent points of view, to review the workload of the Supreme Court of Alaska, to measure the incidence of delay, the effect on the public, and possible solutions including but not limited to the establishment of an intermediate appellate court.

2. Most committees of the bar should be treated in the same manner as sections of the American Bar Association. Any member having an interest in the topic should be able to join (the establishment of a small, supplemental fee to meet committee expenses should also be considered). The chairman of such a committee (section) could appoint or the section elect an executive committee for management purposes. However, the participation of a wide group of members would be more likely to assure divergency in the points of view represented and would create opportunities, particularly for the newer and younger members of the bar, to contribute and get themselves better acquainted professionally and personally by a variety of colleagues. It is disappointing that the association, of late years, seems to have discouraged the participation of such members. Frequently these are the members

who can do the research and who have the enthusiasm that assures an active committee. Membership on at least one committee of the bar should be a professional obligation of every member.

3. Any committee of the bar should be able to advance a resolution to the floor after its consideration by the board of governors. The board should notify the committee chairman in a timely fashion of action taken or to be taken on a proposal so members of the committee have the option, if they are dissatisfied, to move the resolution to the convention by petition.

4. All pre-filed resolutions should be referred to the appropriate, topical standing committee of reference. That committee should consider such resolution and report on it to the convention. This should be the first order or presentation if clearance is obtained from a committee on style and drafting.

5. Every committee of the bar, unless specially excused, should arrange to meet at the time of the convention. At least a two-hour period should be set aside at the convention on the first day for committee meetings. To the extent that its members are prevented from attending the annual convention, each committee should at least arrange for an authorized executive

committee of the committee to meet at the convention. Thus the committees would be in a position to give a preliminary review of extraordinary resolutions presented to the convention in addition to making their regular presentations to the convention. Each committee should be given five minutes to present its regular report to the convention.

6. There should be established, in anticipation of the convention, a committee on style and drafting (or on resolutions) authorized to discuss with proponents of various resolutions or actions drafting issues in the resolution and to report to the convention a substitute resolution reflecting the general intent of the resolution but not necessarily its particulars.

7. The chairman of the convention shall be nominated and elected from the floor of the convention by those in attendance. The chairman of the convention shall not be a member of the board, a current candidate for a board seat, a board member-elect, or a person who has served on the board within the preceding two years. This recommendation is not aimed at any particular presiding officer. It is clear that any member of the board is in an impossible position in refereeing floor resolutions relating to the business of the association when the board member is also duty-bound to respond on the merits to virtually every resolution.

8. The board should designate a disinterested committee to consider and report to the board on all matters relating to the Federal Trade Commission investigation, the application of anti-trust laws to the association and the rules and by-

laws of the bar association, with authority to review rules changes proposals and similar matters from this perspective. One would assume that the membership of this committee would tend to include people with more than ordinary experience in anti-trust litigation.

Attendance Attenuated

Actually, from a personal perspective, one might hope that the association make no changes in the way it goes about its business for these events and nonevents did provide a rich foundation for satire, whimsy, banter, gibe, and other forms of humor, such as is seldom displayed at, for example, the well-ordered affairs of the American Bar Association. It is unfortunate that a larger membership does not attend to revel in these riches.

Solicitor Suffocated

Attendance at the convention was subject to some hospitality room disagreement, but in this observer's soggy recollection, even while membership of the association has grown several fold, attendance at the convention (which has always rotated around the state) has held steady, at best, for a decade or more. Further, those who were around at the beginning of that decade or earlier seem to represent a disproportionate share of the attendance roster. The bar should take a more concerned and aggressive look at association participation, from the perspective of survival if not public responsibility. I am sure that it is understandable if many conventioners flattered by this month's column suggest that the ratio would be improved were the author drowned in a honey bucket before the next one.

THE FOLLOWING PAGES WERE TREATED AS
A UNIT IN THE ORIGINAL FILE.

DRAFT

NOT FOR RELEASE OR PUBLICATION

Alaska Corrections Master Plan:
A Preliminary Draft Summary

Prepared for the

Alaska State Legislature

House of Representatives

Committee on Finance

Chairman: Representative Russ Meekins

by

Roger Endell

University of Alaska

Criminal Justice Center

July 11, 1979

INTRODUCTION

The following summary of the Alaska Correctional Master Plan has been prepared in order to facilitate a more easily digestible overview of the various sections of the plan prior to the final meeting of the joint Master Plan Advisory Committee.

Because the plan itself is not yet in final approved form, this summary only reflects the plan as it exists prior to finalization. Certain potential weaknesses may be inherent in any summary of a major planning document which attempts to provide a comprehensive blueprint for public policy action over the next twenty year period. At stake are costs, or savings, to Alaska taxpayers of tens of millions of dollars and goals and objectives for the humane and secure treatment of Alaskan offenders.

It is suggested that reviewers begin with reading the section titled "Criminal Justice Decision Making" before reading other sections of the summary.

Finally, the summary makes every attempt to provide to the reader the essence of the material in objective fashion for each section. It is possible that fine details and supportive arguments contained in the master source document are essential to full understanding of the summary sections.

TABLE OF CONTENTS

PHILOSOPHY, GOALS AND OBJECTIVES.	1	e
CORRECTIONS MANAGEMENT.	1	e p
ADULT COMMUNITY CORRECTIONS SERVICES.	2	
ADULT INSTITUTIONAL SERVICES -- INTRODUCTION.	4	
SENTENCED INMATE PROFILE.	5	
PRISONER CLASSIFICATION	7	
INSTITUTIONAL PROGRAMS.	7	
PRISON INDUSTRY	10	
INSTITUTIONAL HEALTH SERVICES	14	
FEMALE INMATES AND CO-CORRECTIONS	17	
STAFFING ALASKA'S CORRECTIONAL INSTITUTIONS	17	
EXISTING FACILITIES:	20	
Third Avenue, Anchorage	20	
Anchorage Annex	20	
Eagle River	21	
Juneau.	21	
Fairbanks	21	
Ketchikan	21	
Palmer.	22	
Rural Facilities.	22	
FACILITY CAPACITY NEEDS UNDER VARIOUS POLICY OPTIONS.	26	
FACILITY RECOMMENDATIONS.	26	
1978 BOND ISSUE PACKAGE	27	
JUVENILE CORRECTIONS.	29	
RURAL CORRECTIONS	32	
TECHNICAL SERVICES.	35	
CRIMINAL JUSTICE DECISION MAKING.	38	
PAROLE DECISION MAKING.	40	

PHILOSOPHY, GOALS AND OBJECTIVES

The planners have presented a historical perspective of the evolution of the Alaska Division of Corrections. The D.O.C. philosophy and goals are stated with emphasis on cost effectiveness, diversion from incarceration, least possible custody and community interaction and involvement.

Based upon the mandate of the Alaska Constitution (article 1, section 12): "[P]enal administration shall be based upon the principle of reformation and upon the need for protecting the public," it is stressed that protection of the public can be accomplished through focusing on rehabilitation of convicted offenders as well as through an emphasis on institutional security. A reintegrative approach is recommended based on five "moderate" but basic principles which will "help to maximize the root effectiveness of a corrections system through limiting use of correctional institutions" without detracting from the overall good of protecting the public.

CORRECTIONS MANAGEMENT

This section emphasizes participatory management concepts in order to implement a management by objectives (MBO) strategy. Recommended are that the D.O.C. remain located in the DHSS, elimination of the current deputy director and the creation of four units under the director, each headed by an administrator: technical services, youth services, adult community services and adult institutional services (responsibilities and supervision of each defined).

The D.O.C. should take over all jail contracts and eliminate Public Safety entirely from this activity; regionalize (three regions) superintendents (Anchorage, Juneau, Fairbanks) who manage all institutions including jail contracts; create prison industry coordinator, program coordinator, legal counsel (assistant attorney general), public information officer, citizens' advisory board for D.O.C. (five members), prison industries advisory board, citizens' advisory boards for three major regional areas.

The management structure should not be statutorily prescribed but authority should be given to the director of D.O.C. to organize and reorganize as necessary. Restructuring as recommended in the management scheme can form the basis for translating philosophy into action.

ADULT COMMUNITY CORRECTIONS SERVICES

The D.O.C. should reorganize current field services (probation/parole) units to include probation and parole supervision, restitution and community services monitoring, presentence assessments and investigation, pretrial release assessments and supervision, and pre-release programs and facilities based on regionalization (three regions: Anchorage, Fairbanks, Juneau).

Included is an analysis of probation and parole personnel, clients and practices. Within the discussion of pretrial assessment and supervision is the critical statement that "the overall statewide impact of speedier pretrial release is potentially quite significant." The report goes on to state:

Because construction and operation of facilities to house pretrial detainees is so much more expensive than the salaries of community corrections staff who would operate the pretrial release screening services to reduce the needed capacity of these facilities, the implementation of such a program in Anchorage, Fairbanks, Juneau and Ketchikan certainly seems justifiable. Further legislation prescribing a uniform policy and procedure will be necessary to initiate such a program. Particularly needed is a uniform method of screening and investigating persons waiting trial as to their suitability for pretrial release, and provision for the supervision of any persons granted pretrial release who are deemed to require it. Beyond authorizing community corrections staff to undertake this added responsibility, adequate funds to obtain needed staff must also be appropriated.

There must be transitional programs provided as pre-release mechanisms available to about-to-be-released and released offenders through community residential centers. Approximately 18 percent (100 persons) of the present inmate population were found to be eligible for pre-release program status, i.e.: an obvious impact on critical institutional space, particularly in Anchorage (45) and Fairbanks (24).

Development of programs which would enable the courts to sentence offenders directly to community residential centers should also be carefully considered. Halfway Houses could be used as an alternative to total incarceration for those who would otherwise be imprisoned but should not be used for persons who are now successfully placed on probation. It is suggested that the D.O.C.'s community corrections staff focus its efforts on developing pre-release, transitional programs for inmates.

Central Office Community Services staff must be increased in order to design, implement and administer these programs (two people).

From 15 to 24 additional probation line staff may be required but may be added on a prioritized sequential basis as programs develop.

Consider converting the Annex to use as a pre-release facility and housing for Anchorage adult community services staff in that facility.

"Community corrections centers" which would include in one complex the various facilities required for all correctional purposes -- probation and parole staff offices, secure confinement of offenders and even halfway house sectors -- provides a promising proposal for smaller communities and may be particularly cost effective where new institutional construction seems indicated (e.g., Ketchikan, Bethel and Barrow). The planners state:

The reductions in the incarcerated population (and thus the capacity required to be provided in facilities) to be attained through even partial or gradual implementation of expanded community service programs are substantial enough to justify addition of needed staff and funds for providing and contracting for services. The long-term cost benefits of maximal use of alternatives to incarceration, particularly in Alaska where new construction can potentially be minimized or avoided, are undeniable (emphasis added).

ADULT INSTITUTIONAL SERVICES -- INTRODUCTION

It is anticipated and recommended that the state will not continue the practice of placing sentenced inmates with long sentences in Federal Bureau of Prisons facilities. Alaska faces the prospect of replacing or renovating most of its major state correctional facilities in order to house inmates in accordance with national and state program and facility standards.

SENTENCED INMATE PROFILE

Of the 547 total sentenced offenders incarcerated in Alaska's state operated facilities (including 134 state offenders incarcerated in federal institutions) on August 9, 1978: 94 percent were male; one-half of the inmates were Caucasian; 70 percent were under age 30; 62 percent had never been married; 53 percent had obtained a high school diploma or equivalent; 80 percent had no vocational training; only 25 percent had been employed full-time at intake; 25 percent were not considered to have been in the labor force; 43 percent were considered unemployed; 31 percent were reported to have a drug abuse problem; alcohol abuse was a problem for 53 percent and especially among older inmates and among both Eskimos and Indians (82 percent). There is a high correlation between unemployment and being sentenced to a term of incarceration and between alcohol and drug abuse and unemployment.

Nearly 85 percent of the inmates had been arrested at least once prior to being arrested for the current offense. About one-third of all inmates had no prior misdemeanor convictions, and nearly one-half had no prior felony convictions. Sixty percent of female inmates had never been incarcerated prior to their current offense. The single most serious current offense of the largest proportion (54 percent) of sentenced inmates could be classed as assaultive felony. Non-assaultive felony offenses were characterized by 37 percent of the inmates.

In general, it is apparent that females are incarcerated for relatively less serious offenses than are males. The presence of

either an alcohol or drug abuse problem does not appear to be associated with the likelihood of committing an assaultive felony.

Despite the generally low level of educational achievement, the lack of vocational training and the high levels of intake unemployment and alcohol abuse among Alaskan inmates, few were reported to be participating in any self-improvement programs during their current incarceration. Fully 28 percent of the total state inmate population did not have a current work assignment and were not participating in any program. This represents nearly one-third of the total Alaskan sentenced inmate population who apparently had no productive way to use their time while incarcerated.

The majority of Alaska inmates (60 percent) are either low or very low assaultive risks while about the same proportion (62 percent) are low property risks. Among female inmates an even larger proportion (73 percent) are low or very low assaultive risks while a slightly smaller proportion (58 percent) are low property risks. Fully one-third of Alaska inmates have a 64 percent or better chance for success on parole. An even larger proportion of female inmates (43 percent) have at least a 64 percent chance of success.

Utilizing an approach to custody classification of sentenced inmates developed by Moyer Associates as applied to the 547 inmates surveyed, it was found that 181 persons would be housed in maximum security, 175 persons in medium security, 93 in minimum security and 98 in work release statewide with obvious implication for types of facilities and programs.

Ten correctional service areas are defined and the offender group profile originating from each service area is described with obvious resulting implications for facility and program needs.

PRISONER CLASSIFICATION

In Alaska the development of an effective classification policy and procedure is impeded by a preoccupation with custody; the needs of individual prisoners have low priority and, in any event, programs intended to meet potential needs are rudimentary. Substantial improvements in policy and procedure can be made.

Eleven recommendations are made for improving the Division's classification policies and procedures, many of these to be implemented through relatively simple changes in current practices and increased authority given to the chief classification officer.

INSTITUTIONAL PROGRAMS

Characteristically, prison programs exist more on paper than in reality. They are usually badly underfunded and equipment and space are often inadequate. The desirability of prison rehabilitation programs is obviously agreed to by the State of Alaska. The state constitution provides for them and they are reflected in the Alaska Administrative Code and the regulations of the Division of Corrections. They are also substantially supported by the citizens of Alaska.

The institutional programs of the Division of Corrections are seriously deficient, the budget is inadequate and most of the

facilities are severly limited in their capabilities, actual or potential.

Various reports, standards, manuals and the Alaska Administrative Code as well as each institution are analyzed with regard to the provision of program services, i.e.: education, vocational training, counseling, substance abuse, recreation, libraries, work and pre-release programs.

The realization of the full potential for the development of programs in Alaskan institutions must await new construction (because of presently inadequate facilities). Certain steps can be taken by the Division in the near future that will bring about some measure of improvement. Among them: 1) the central office of D.O.C. should be allocated funds for development and staffing of the position of chief of programs to furnish leadership and direction for program development within the institutional system; 2) each institution should be authorized a program director; 3) sufficient funds should be requested and budgeted each year to support program development and operation including personnel, equipment and contractual program arrangements, on the basis of annual plans prepared by the chief of programs in consultation with the institutional program directors; 4) a process evaluation at least every three years of institutional programs by an outside agency, public or private; 5) the emphasis in program development should be in the direction of community, i.e., education and work release, furloughs, halfway houses; 6) consideration should be given to legislation which would assign to the public school

system the responsibility for providing educational instruction through the 12th grade within correctional institutions (contracting with local colleges and universities should be retained and, where possible, expanded); 7) budgetary provision should be made for the early development of fully equipped and adequately staffed vocational training programs at Eagle River and Palmer; 8) the counseling program is in immediate need of revamping and counseling positions should be established at Nome and Ketchikan; 9) there should be a concerted effort to provide alcoholism treatment to all inmates requiring such care, services should be provided to inmates by the State Office of Alcoholism and Drug Abuse (with additional funds allocated to this office for this specific purpose); 10) the chief of programs should address recreation needs at all institutions; 11) improve existing library services through contracting with local public libraries or the state library; 12) major improvement is required in effective implementation of pre-release programming including furloughs for educational and vocational training purposes, work release and halfway houses; 13) when new institutions are constructed the existing institutions that are unable to develop organized work programs due to unalterable physical plant limitations or an inmate population that is too small should not be used for very long-term prisoners, and a newly enacted federal law (Revenue Act of 1978, Targeted Jobs Tax Credit provision which modifies the Tax Reduction and Simplification Act of 1977) which provides that liberal dollar credits

may be granted employers who hire persons in seven specified categories, including ex-offenders, should be fully advertised and utilized.

Only with the appropriation of adequate funds to provide for inmate treatment and rehabilitation programs will the Division be able to fulfill the mandate of the state constitution which asserts that reformation of offenders should be a primary aim of the corrections system.

Not addressed by the plan are the Rust and the Abraham Alaska Supreme Court decisions which mandate treatment for arrested persons with alcohol or other treatment problems.

PRISON INDUSTRY

The analysis indicates that prison industries would be appropriate in Alaska and it is recommended that such operations be introduced to a number of facilities by the Division of Corrections. Long term centralized facilities seem to be most appropriate as settings for medium or large scale industrial shops while short term rural facilities are appropriate as settings from which to operate community service and/or public works projects.

Recommendations linking specific product/service lines with the most appropriate institutional sites for prison industry operations in Alaska are as follows:

	Eagle River	Fairbanks	Juneau	Palmer	New Centralized Facility
1. Highway signs				X	X
2. Office furniture					X
3. Decals/ stickers	X				X
4. Laundry			X		
5. Tire recapping				X	
6. Keypunch			X		
7. Janitorial supplies					X
8. Furniture refinishing					X
9. Agriculture				X	
10. Dairy				X	
11. Small engine repair	X	X	X	X	
12. Handicrafts	X	X	X	X	X

Before an industrial operation can be implemented in Alaska's prisons enabling legislation should be passed by the state legislature to give the D.O.C. authority to market prison industry products and services. Enabling statutes should address the following issues:

1. establishment of a "Prison Industry Advisory Board" whose members should be appointed by the Governor,

2. establishment of a "Prison Industry Revolving Fund";
3. authority to sell prison industry goods on the open market;
4. authority to lease prison facilities and grounds to private businesses which would employ prisoner workers;
5. exemption of prison industry workers from the \$3.00 per day ceiling on wages established in law by AS 33.30.225.

Short range (startup) and long range staffing recommendations offered are:

Staffing -- <u>Short Range</u>	<u>Long Range</u>
Industry Director	Salesperson
Cost Accountant	Industrial Engineer
Shop Supervisor	Planner/Analyst
	Assistant Accountant
	Industry Manager

The planners recommend that wage plans be styled so as to be incentive for maximum production. Five goals are recommended for adoption: 1) financial self-sufficiency for the total industrial operation; 2) enhanced employability for prison workers; 3) autonomy of operation for industry management within the legitimate constraints of a total institution; 4) protection of the human rights of prisoner workers, i.e., prison industry employment should not be used for punishment, compensation should be at a level sufficient to encourage and sustain high levels of productivity and serve as a motivating force, employment should be voluntary, the work environment should meet prevailing safety and health standards; and, 5) expansion of productive work opportunities within the institution, i.e., meaningful work, no featherbedding.

An initial market and profitability analysis has been included on each of the recommended products/services and their potential institutional location. Jails and correctional facilities in such places as Barrow, Bethel, Kotzebue and Nome, while not appropriate as hosts for prison industry projects, should offer an institutional work orientation reflecting the Native Alaskan lifestyle of the area in which the facility is located. Natives should become involved in the design of work programs in rural facilities. The IKAJURTRUVIK program at the Baffin Correctional Center in Canada's Northwest Territories is cited as an example to follow in rural Alaska, stressing in three phases, cross-cultural adaptation, alcohol management and counseling and pre-release community interaction.

The Division of Corrections could make a substantial contribution to the development of Alaska's agricultural potential by providing labor to that industry during the summer months. Representatives of the D.O.C., Department of Agriculture, Rural Development Council and Native Alaska corporations should meet to discuss what role the D.O.C. could play in Alaska's agricultural development.

Properly supervised public work crews can provide a number of benefits to the institution, the offender and the public.

Among the benefits are:

1. offender public work crews offer a cost effective way of providing services to a community which otherwise might be constrained or neglected due to state and/or local budget constraints;
2. offenders are given the opportunity to provide general restitution to the community;

3. positive relations can be developed between the correctional facility and other state and local government agencies;
4. good relations can be fostered between the correctional institution and the surrounding community.

Specific issues to consider in drafting legislation are detailed as are issues in general management and organization and prisoner worker pay plans. It is strongly recommended that the legislature is not the appropriate place to fix prisoner wages. However, the specific purposes for which prisoners' wages can be disbursed should be spelled out in prison industry legislation, including:

1. support of the prisoners' dependents;
2. reimbursement to the state for an award made for violent crimes compensation;
3. payment of a court award;
4. reimbursement to the state for room and board, but the amount should not exceed the average daily cost of incarceration;
5. purchase of clothing and commissary items;
6. enforced savings to assure that funds will be available upon release.

INSTITUTIONAL HEALTH SERVICES

This section describes the health care now being provided in each of the Division's institutions. Following that are a series of recommendations concerning staffing needs, written policies, service delivery systems, space needs and information needs for health care with particular attention to the guidelines of the American Correctional Association and the American Medical Association.

Since the Commissioner of Health and Social Services has had reporting to that office the director of Corrections, the director of Mental Health, the director of Public Health and the director of Social Services, all of which are under the Commissioner's management, a significant sharing of professional talent could be realized. The State Office of Alcoholism and Drug Abuse could provide needed assistance in developing drug and alcohol programs. It is recommended that the resources for the delivery of services flow through the Division of Corrections.

In terms of personnel needs, it is recommended that a full time health professional (physician or public health administrator) be identified as the manager of the health delivery system within the central staff (technical services unit) of the Division of Corrections. In addition to general health services, it is recommended that this individual (already hired by D.O.C.) also manage the mental health intervention and the drug and alcohol programs. The remainder of needed physicians should be placed under contract for coverage of each facility. A full time registered nurse should be assigned to each facility. A system-wide dietician or nutritional specialist should be available under contract.

The Anchorage area medical resources are singled out for attention including the potential resources of the School of Nursing at the University of Alaska. "It is evident that the medical community in Anchorage needs to be convinced that their professional interests would be well served by responding to the needs of the correctional client."

Especially noteworthy and of current interest is a reference to a 1975 study of the impact of alcoholism in Alaska which points out that the cost of alcohol related crime to Alaska's criminal justice system during that year was \$15.2 million. The study points out that "funds spent on effective treatment and rehabilitation for alcohol offenders would ultimately save the criminal justice system money" by "contributing to the prevention of future offenses that would not occur without the excessive consumption of alcohol."

Funds for alcohol and drug treatment should be provided so that the medical manager can contract with available drug and alcohol intervention services to provide treatment for offenders.

This treatment should not be limited to only incarcerated offenders, but should involve community corrections clients (probationers, parolees, work releases) as well.

The study urges greater cooperation between courts, alcohol treatment and rehabilitation agencies and corrections in order to develop systematic sanctions that would enable early identification of individual problems and designation of available treatment resources. It is essential that all inmates entering the system be evaluated, not only from a medical standpoint but also from a psychological standpoint.

Personnel needs, written policy/procedures, service delivery and space needs are addressed. Significantly, the Alaska Supreme Court decisions in the Rust and the Abraham cases which mandate/empower the Commissioner to provide treatment services are not mentioned by the master plan consultants.

FEMALE INMATES AND CO-CORRECTIONS

[Unfortunately, this appears to be one of the weakest sections of the correctional master plan. It is suggested that the evaluation of women offender needs in Alaska now being completed by criminologist/consultant Esther Heffernan be included here as soon as it is available.]

In general the master plan consultants conclude that although coeducational corrections facilities may experience unique problems, their advantages in Alaska would outweigh any potential difficulties, particularly if facilities are designed, staffed and programmed with co-corrections in mind.

In the short run, temporary modular housing for women inmates (sentenced and unsentenced) on the grounds of Eagle River offers the best solution to the problem posed by an imminent need to vacate Ridgeview. The most optimal long term housing of female inmates could be accomplished through designing both the new pretrial detention facility and the proposed new sentenced inmate institution to accommodate unsentenced and sentenced women, respectively.

STAFFING ALASKA'S CORRECTIONAL INSTITUTIONS

In general, the number of security and program staff required to operate a given correctional institution is determined by the number of inmates to be housed there, the custody level(s) to be provided them, the programs to be offered and the physical design of the facility. In Alaska, security staff-to-inmate ratios vary

across the nine major facilities from a low of 1:5 at Fairbanks and Juneau to a high of 1:2 at Eagle River, Ridgeview and Ketchikan. The table below summarizes the number of correctional officer positions authorized for each institution on August 1, 1978, the total number of inmates confined as of October 30, 1978 and the resultant staff-inmate ratios (rounded to the nearest one inmate):

Institution	Correctional Officers Authorized	Inmate Population 10/30/78	Security Staff: Inmate Ratio 10/30/78	Inmate* Population 3/28/79	Security Staff:* Inmate Ratio 3/28/79	
	<u>Total</u>	<u>Ave./ Shift</u>				
Juneau	25	5	115	1:5	111	1:4
Fairbanks	33	6	160	1:5	105	1:3
Anchorage	17	3	69	1:4	79	1:5
Anchorage Annex	31	6	94	1:3	88	1:3
Nome	10	2	25	1:2	21	1:2
Palmer	17	3	36	1:2	50	1:3
Eagle River	39	8	81	1:2	85	1:2
Ridgeview	15	3	27	1:2	22	1:2
Ketchikan	15	3	26	1:2	28	1:2
			<u>633</u>		<u>589</u>	

*In order to assess fluctuations in security staff -- inmate ratios, a second date not included by master plan consultants, are used here to demonstrate impact on final staff through changes in inmate housing or transfer policies. Source: Institutional weekly count sheets, D.O.C.

The average number of correctional officers on duty during each of the three shifts (second column) is perhaps even more informative than the general ratios. It must also be kept in mind that the actual staffing pattern varies with more officers on duty during the day and in the evening than on the night shift and that at least one officer is normally confined to a secure control center.

Each facility, no matter how small, should have one full time staff member who is given the responsibility of being program director for that institution. It is essential that classification decisions, contractual and in-house program offerings, and work programs all be coordinated and administered by one individual in each facility. Full time program staff should continue to be supplemented with community agency and/or volunteer part time personnel who provide program opportunities for inmates. Contractual arrangements with other agencies and programs already providing such services should also be continued and expanded.

A systematic method for determining reasonably accurate numbers of security staff required to operate each institution safely and effectively is included. Such a priority rating system, which rates positions according to how essential they are to institutional operations, can allow more rational budget preparation. Providing institutional management with the opportunity to project optimal staffing needs (rather than simply the minimal necessary to operate a facility) can encourage planning for future flexibility.

EXISTING FACILITIES

All corrections facilities presently utilized by the Alaska Division of Corrections have been assessed in order to establish the extent to which these facilities are adequate to serve both present and projected need under a variety of policy options. As a result, it is possible to estimate the level of capital resource requirement which is generated under the various policy options. A multitude of national standards have been utilized to evaluate these existing facilities as well as the recent Alaska court decision (Moseley v. Beirne). In summary form the following conclusions are drawn:

Third Avenue, Anchorage: This facility is totally inadequate in its present utilization for the housing of sentenced inmates. The functional obsolescence of this building would not be significantly alleviated by redefining its conditions of use. It is recommended that this facility not be considered for major renovation or improvement for long term utilization although the property upon which this building is located might be viewed favorably for the construction of a pre-release or work release center.

Anchorage Annex: Although this facility was built as recently as 1956 the Annex fails to comply with recognized requirements for correctional facilities today. Various short range improvements should be made to provide a more satisfactory accommodation of inmates under the present conditions, but this facility should not be viewed as providing acceptable secure bedspace for the

long term future. It is recommended that this facility be considered for future use as a pre-release center (a potential pre-release clientele in the Anchorage area of between 70 and 113 individuals has been identified). Current expenditures made possible by the November 1978 bond package would have long term validity under this option and additional funds for more extensive improvements to this facility would not be required.

Eagle River: This facility is wholly in compliance with virtually all current standards for correctional facilities -- it is viewed as exemplary. A limited amount of construction is necessary in order to accommodate a work program.

Juneau: Spaces provided for the various support functions are basically adequate. Dormitory housing is, however, inadequate for the proper surveillance of medium or maximum security inmates. An option suggested is to upgrade the housing portions of the physical plant so that they can accommodate the number of inmates at various security levels which the rest of the facility components are designed to provide for, i.e., construction of new single room residency and dayroom spaces as well as the construction of program space is less expensive than it is to establish equivalent bedspace at other locations where the support component must also be constructed.

Fairbanks: Improved housing, consistent with current standards is recommended. The same mixture of components is found at Fairbanks as in Juneau and the same observations are suggested.

Ketchikan: This facility is totally unsuitable for its present use in the housing of sentenced or unsentenced inmates.

Further, its age and the general inadequacy of total space availability preclude any recommendation for its renovation, expansion, or recycling.

Palmer: The facility is an excellent candidate for a potential expansion by the D.O.C. of its inmate programs and industries. The Division should consider increasing Palmer's capacity and range of programs through construction of additional housing and work facilities.

Rural Facilities: Bush facilities are uniformly inadequate for the safe, secure and humane housing of accused or sentenced individuals. In no instance were any of the existing facilities found to be suitable for correctional functions.

FACTORS AFFECTING CORRECTIONS POPULATIONS

The size and characteristics of offender populations in a corrections system should determine the policies and practices of that system. The average number of inmates in a prison (or on probation or parole) is directly related to the number of offenders admitted and their average length of stay in the facility or program. In Alaska, the average monthly inmate population has grown from 440 in 1972 to approximately 720 at the end of 1978; this represents a nearly 65 percent increase in the size of the inmate population. The increase in inmate population is apparently attributable to an interaction between increased admissions and increased length of stay for at least a proportion of these admissions. The probation/parole average monthly caseload has grown approximately 36 percent in the same time period.

The number of admissions to a corrections facility or program is dependent upon the crime rate, the arrest rate, the conviction rate and sentencing statutes and practices.

The average length of stay of convicted offenders in corrections programs or facilities is a direct result of sentencing statutes and practices, paroling statutes and practices, and "good-time" statutes and practices.

It is apparent that corrections population levels are the end result of a complex series of decisions, most of which fall outside the jurisdiction of corrections systems. Reasons advanced for the spiraling increases in prison populations reflect the impact of external forces. Prominent among these are rising crime rates and unemployment levels, improved law enforcement, more efficient court processing, tougher attitudes toward offenders, and the age group composition of the (general) population. Some factors to consider:

1. the rise in crime rates may in fact be abating;
2. in Alaska, the violent crime rate showed a decline from 1975 to 1976;
3. crime rates have historically had little or no correlation with incarceration rates;
4. future unemployment levels cannot be accurately predicted so they cannot be reliably utilized as indicators for prison population projection;
5. a changing attitude toward offenders can affect both statutory and discretionary aspects of criminal justice decision making (the Revised Criminal Code recently enacted in Alaska is likely to increase the average daily inmate population by nearly 50 percent);
6. in the realm of corrections population levels, small changes in any of a number of (these and other) factors can have a resounding impact.

?
?
?
?
?
?

Because substantial increases in Alaska's prison population are placing increasing pressure on many of the state's older and more deteriorated facilities, it may well be that a decrease in the inmate population is both necessary and desirable so as to minimize the need for new construction.

It is possible to pinpoint the factors which can reasonably be manipulated. A decrease in prison admissions can be accomplished through decriminalization of selected victimless or minor offenses, ^{OMVI} increased use of diversion options prior to sentencing, more efficient presentence release programs and increased use of non-incarcerating sentences.

A decrease in the average length of stay of prison inmates can be achieved through a reduction in the maximum sentences imposed for crimes and an increase in the release rate (parole rate, good-time rate, pre-release programs).

A lengthy discussion of inmate population projections is offered in the plan. Two national studies are cited which indicate that Alaska holds one of the top prison population ratios ^{5th} (incarcerations per 100,000 population) in the nation, ranking ^{7th} fifth in one study and seventh in the other (among all 50 states). It is concluded that Alaska's prison population ratio will undoubtedly continue to move towards the national average over the next several decades. Since the Alaska ratio is currently very high ^{with} it is most likely to fall moderately rapidly towards the national ^{New Code??} average (77:100,000). Any long term projections for Alaska's population should reflect a gradually declining prison population

ratio rather than a rising ratio due to "normalizing" of the age and sex distribution of Alaskan population. The planners conclude:

It is our firm conclusion that Alaska's prison population ratio is likely to decline consistently from a high of about 150 in 1980 towards a rate in the year 2,000 which should begin to approximate that of the total U. S. A conservative estimate of this trend leads us to expect a ratio of 150 in 1980 dropping slowly to a ratio of 130 in the year 2,000.

*Alaskans
are young*

However, due to monthly and even daily fluctuations in corrections populations (as much as 20% of the average figure on given occasions) considerable attention could be given to either providing temporary additional holding capacity or to management programs which seek to damp out the daily and monthly variations instead of attempting to provide the maximum number of cells for the highest possible number of prisoners.

The impact of three major policy changes, i.e., the Revised Criminal Code, increased use of pre-release programming for selected inmates, and more efficient use of pretrial release and recognition, was evaluated in arriving at year 2,000 inmate population projections (including all female inmates, a presumption that all Alaska prisoners will be housed in-state and only those who would require minimum, medium or maximum security housing in state operated facilities -- both sentenced and unsentenced).

The planners conclude:

If the alternative diversion programs were to be fully and immediately implemented, the current population of about 740 would be substantially reduced. With more efficient ROR, the total inmate population could be as low as 500; with only pre-release programs being implemented, the secure housed population could decrease to about 600. If both programs were implemented, the secure housed inmate population could be as low as 360 (including females and those federally housed (emphasis in original)).

FACILITY CAPACITY NEEDS UNDER VARIOUS POLICY OPTIONS

The impact of three major policy changes, the new Criminal Code, release on recognizance (ROR), and maximal use of pre-release programs, is translated from statewide average daily population (ADP) estimates into regional estimates of inmate population to be expected by the year 2,000.

Eleven tables are presented indicating estimated average daily populations for the year 2,000 for each of the ten service areas under the three policy changes. Service areas are: Ketchikan, Juneau, Anchorage, Kenai, Kodiak, Bethel, Nome, Fairbanks, Kotzebue and Barrow.

FACILITY RECOMMENDATIONS

In view of the condition of Alaska's existing corrections facilities and the projected capacity needs for the year 2,000 under a range of possible policies, some general proposals for facility replacement or renovation and accompanying new construction are recommended. The existing facilities have been classified into three categories: those which must be replaced and can serve no alternative correctional functions, those which require major renovation to meet standards and fulfill their proposed functions, and those which can be recycled with relatively minor physical modifications.

The facilities which must be replaced are: Ketchikan, Ridgeview, Anchorage Third Avenue and Nome.

The two facilities which require major renovation are Juneau and Fairbanks.

Those facilities requiring only minor additions or renovations are: Anchorage Annex, Eagle River and Palmer (the latter two for industries programs).

Facilities now in use in rural areas are generally inadequate, particularly if regional housing of some sentenced inmates is to be implemented. This implies a need for new facilities, potentially in all five of the remaining service areas defined and not now served by state facilities (i.e., Bethel, Kodiak, Kotzebue, Barrow and Kenai). At a minimum, a replacement facility is needed in Bethel.

The construction of two major new facilities and at least two smaller ones is proposed: a new pretrial facility in Anchorage, a new sentenced inmate facility in Anchorage and new regional facilities in Ketchikan and Bethel. Only the sentenced inmate facility has not been funded at all (emphasis added).

1978 BOND ISSUE PACKAGE

Under the bond issue package approved in November 1978 by the state's voters, correctional funding was allocated as follows (includes master planners comments):

<u>PROJECT</u>	<u>LOCATION</u>	<u>AMOUNT</u>	<u>PLANNERS' COMMENTS</u>	
Construct and equip pre-trial jail facility	Anchorage	\$12,367,000	Concur, full required	OK
Construct and equip a regional jail facility	Ketchikan	1,992,700	Concur, fully required	OK
Construct youth facility	Fairbanks	2,400,000	Plan specifically recommends a direction which would <u>not</u> require this facility	

PROJECT	LOCATION	AMOUNT	PLANNERS' COMMENTS
Renovate 6th Avenue Jail Annex facility	Anchorage <i>Court says yes</i>	\$ 1,421,800	Concur, but would not substantially renovate for continued jail use
Construct youth residence center	Nome <i>right + sound requirement</i>	792,000	Cannot be supported by the analysis of youth services needs contained in the plan
Construct McLaughlin youth facility gymnasium	Anchorage <i>ok</i>	1,300,000	Concur, well-justified
Construct state jail recreation and program facilities	Juneau <i>✓</i>	1,300,000	Concur, however, housing and program "spare-trade" should receive simultaneous coordination
Construct classroom and learning lab	Juneau <i>✓</i>	200,000	Concur, well founded, coordinate with above
Construct correctional facility	Bethel	3,129,000	Concur, clearly warranted
TOTAL (of correctional projects authorized)		<u>\$24,902,500</u>	

In addition, the planners print out that \$1.5 million had previously been allocated for a juvenile/women's facility in Juneau. (Note: the Legislature has also allocated two million dollars for correctional use to house women offenders in anticipation of the closing of the Ridgeview Center in Anchorage.)

Capital cost forecasts are provided in a series of tables which indicate budget requirements under various policy options. The forecasts are offered primarily for the significance which they have in considering these policy options. It is apparent that implementing ROR and pre-release programming can substantially reduce the need for new construction, thereby saving the state of Alaska tens of millions of dollars.

Considering the relatively low cost of staffing and operating such programs, the benefits in terms of capital cost savings alone far outweigh the program costs. The policy choice remains with the State of Alaska, but the capital cost consequence of each course of action seems clear.

The capital costs of accommodating all Alaska inmates in standards-complaint facilities range from \$24,854,000, if maximum ROR and pre-release options were immediately implemented and the current population dropped from the current 740 inmates to an estimated 533, to a maximum projected capital improvements cost of \$130,224,200 in the year 2,000 under the Revised Criminal Code and no ROR or pre-release programs.

JUVENILE CORRECTIONS

Alaska, unlike the majority of states, has taken a strong leadership role in developing statutes and Rules of Procedure which emphasize the objectives of reforming the child and protecting society and require that these objectives be equally weighted. The Rules further require that the medium used to achieve these objectives be that of "providing care equivalent to that which should have been provided by the child's parents." The statute clearly distinguishes between the remedies the state may impose for children in need of aid and for delinquent children. The former has been made the responsibility of the Division of Social Services and the latter the responsibility of the Division of Corrections, both administered by the Department of Health and Social Services.

The present juvenile system is described and problems of divergent practices and procedures are analyzed including arrest, intake, detention and residential services (both private and public), in and out of state.

The following listing of issues and policy recommendations have been presented:

- ° The Alaska Department of Health and Social Services should actualize the purpose clause of the Children's Code and Rules as guiding principles for developing juvenile justice services in the state.

At the moment, institutions are the major medium of service for children who are removed from their family's custody. Foster care is used sparingly, group foster care is not used at all, and basic care group home services are used infrequently.

- ° Juvenile correctional services should remain within the Division of Corrections but should be located in a separate bureau.

- ° The functions of initial receiving and screening of delinquency referrals should be unified within juvenile correction. This service should operate on a twenty-four hour basis. The services provided by this function should be screening for detention and petition and crisis intervention.

- ° The Alaska Department of Law should be the petitioner in all children's matters.

- ° Intake screening and receiving should be solely responsible for the initial detention decision.

- ° The use of contract services as a means of providing services to children in their homes and communities should be greatly expanded.

Shipping children long distances within the state to receive service or, in many instances, transporting them to other states should come to a halt. In the envisioned reorganization of

services. the Bureau's major division would be a community intake, probation and contract services division.

- ° An adolescent residential treatment facility with a capacity of 15 beds should be developed either at API or at McLaughlin. If developed at McLaughlin, it should utilize existing capacity rather than increase the capacity of that facility.

- ° A small group residential facility with a capacity of 20 beds should be developed to serve the Fairbanks community. Preference should be given to contracting these services as that would enable more flexibility in specialization.

- ° Development of a child-based transactional information system should be taken immediately.

- ° Alternatives to detention -- the Alaska Division of Corrections should launch a major initiative immediately to develop alternatives to detention for children awaiting court dispositions.

Alaska is presently detaining at the rate of 15.6 per 1,000, not including that group of children who are detained less than 24 hours. If they were included, the rate would escalate to 44 per 1,000 (national rates are 9.8 per 1,000). "Alaska does seem to have a penchant for detention, no matter what standard you use for comparison," according to the planners. If the state does not pursue alternatives, the planners project that 120 secure detention beds will be needed by 1980. There are now 35 (MYC). A major building program will be required if alternatives to detention are not developed.

- ° The Alaska State Police and local law enforcement agencies should develop training in the use of discretion and diversion by police officers in handling juveniles.

- ° The Division of Corrections should immediately increase its efforts to develop alternative detention and correctional resources, especially in the Second Judicial District.

Staff requirements to perform DOC juvenile corrections functions by judicial districts are estimated for 1978, 1990 and the year 2,000. It is recommended that reorganization of juvenile service within the Division of Corrections and the staffing of community services functions be the first priority. Once that step is accomplished, alternative care should receive top priority, followed by alternative services for children in committed status.

Juneau and Fairbanks have both had bond issues passed approving the construction of juvenile detention facilities. Juneau clearly does not need a secure detention facility for children, neither should the Fairbanks community construct a secure juvenile detention facility. Fairbanks might develop as an alternative a generic facility with intensive programming not to exceed 20 beds in capacity and should not be a maximum security facility. (Elsewhere the planners have also recommended that no juvenile facility be built in Nome as permitted with passage of the 1978 bond issue.)

RURAL CORRECTIONS

This portion of the plan commences with two succinct statements: "the problems confronting corrections in rural Alaska are enormous," and "solutions in any instance must be unique in Alaska." Various geographic, climatic, cultural and economic problems are cited with a major focus on alcohol abuse. The

problems are more fully analyzed by examining standards, reports, studies and policies dating back more than a decade.

In Alaska, because of the significant differences between urban and rural life styles, regionalized service delivery to the extent it is economically feasible seems essential to a reintegrative or community based approach to corrections. There can be no easy or inexpensive solutions to the problems of corrections in rural Alaska. Compromises will be necessary and, at best, even the compromises will be expensive. The full range of correctional resources cannot be made available to all communities desiring them. Most communities are too small and their requirements for these resources are too limited to permit economical or efficient operations. Difficult decisions must be made requiring justification from the perspective of policy, needs and cost (both capital and operational).

A "partial regionalization" plan is promoted by the planners as the best compromise toward meeting inadequate facility needs. (However, the term is not well defined nor are there any priorities identified.) The planners feel that the need for formal diversionary alternatives and resources is substantially less in rural Alaska since "informal alternatives already exist and are relatively widely used."

Probation aides hired on a part time fee-for-services basis are recommended for increasing probation alternatives and supervision for rural clients while providing a meaningful mechanism for involving local communities in the corrections process.

Although alcohol plays an important role in rural crime, the planners recommend that the public drunk should not be the responsibility of the corrections system. The resources of the system should be reserved only for those charged or convicted of criminal offenses. The public drunk should be diverted to other agencies, both local and state. The legislature should authorize the State Office of Alcoholism and provide necessary appropriations to establish sleep-off centers in all communities where state operated correctional institutions or contract jails are now being used for persons detained under the 12 hour law. A plan similar to that of the North Slope Borough, but associating the use of the 12 hour law with a sleep-off center rather than jail confinement, should be adopted elsewhere. The Office of Alcoholism should be allowed full authority to design and operate alcoholism treatment programs, both in correctional institutions and in the community.

The Governor's order to set up advisory boards for state operated or contract correctional facilities in local areas should be promptly implemented. Local participation and community involvement should be achieved through the development of a highly cooperative relationship between the state and the communities. These measures would give local citizens opportunities for significant roles in the correctional process of their own communities and a means of providing input in the development of policies and programs in the state system as they affect offenders from rural areas.

Also recommended is that the legislature should clarify the authority of rural communities to enforce their own ordinances administratively with noncriminal sanctions, the courts should take action to enable the local communities to adopt the conciliation board concept, and corrections should develop standards for institutions and carry out a continuing program of inspection and enforcement.

TECHNICAL SERVICES

Although management style and structure are basic to the achievement of correctional goals, maintenance of adequate quality and quantity of staff at all levels of the organization is also essential. In order to attain this objective, corrections staff must receive adequate training for their positions and they must be encouraged through appropriate career ladders and salary incentives to maintain a professional involvement with the corrections field.

A current "staff profile" of the Division of Corrections is provided which includes various demographic characteristics, education and training levels, an analysis of staff morale and job satisfaction factors.

Staff training is discussed in some detail following the comment that correctional agencies have traditionally been granted low priority within state government budgets and "personnel training programs are all too often regarded as an unaffordable luxury, left unfunded or given only token funding. Alaska has in the past been no exception."

Various national standards as well as local task force, commission, plan and grand jury reports are analyzed for their focus on correctional training. The basic training issues outlined by the planners include: questions concerning the most appropriate type of training for each staff member, the context of training needed which varies with the level of education of the staff member, the amount of work experience in the corrections field, type of responsibilities of the job, location of the statewide training academy, residential vs. nonresidential approach to corrections staff training, and the balance between the use of in-house corrections training staff and tapping outside training resources.

A summary of recommendations would include: a move of the residential form of academy at Sitka to a nonresidential setting in Anchorage (Alaska Pacific University), a balancing of first year training hours to meet national correctional standards of 160 hours (down from DOC present 240 hour academy), a balancing of curriculum so that the emphasis on security does not obscure the need for other knowledge and services in working effectively with correctional clientele, participation of personnel from other sections of the criminal justice system in corrections training (Public Safety, Parole Board, Judiciary, Department of Law, Mental Health, Social Services, Office of Alcoholism and Drug Abuse), preparation of Division-wide annual training plans, formation of an Advisory Training Committee, on-the-job and in-service training programs, and legislative support for personnel and funds.

break up
the 160
hours -

A long discussion is presented on a corrections career ladder which effectively destroys a militaristic component or functional unit concept which had previously been proposed by the Division of Corrections. The planners stress the necessity for career ladder structure which is available to all correctional employees. Lateral transfers among the three major service units of the Division, lateral entry at any level from outside the system, the use of paraprofessionals, and a reasonable degree of flexibility in substituting education for experience requirements (or vice-versa) are recommended.

Police development and management support services are explored with particular attention focused on an effective computerized corrections information system. The policy development unit should include a unit head and a staff of two researcher-planners and at least one full time inspector (all correctional facilities -- contract and local jails -- statewide). Management services include fiscal and budget personnel and clerical support. The addition of an accountant to this unit is recommended.

The fiscal management staff of the Division should work closely with the researcher-planners of policy development to ensure that anticipated policy and work changes are accommodated in the budgeting process. Funding should be tied to evaluation performance so that cost effectiveness can be maximized.

Similarly, personnel management is closely related to staff development and training and should be closely coordinated.

Career ladder issues, in particular, affect personnel management within the Division. All of the administrative support services planned within the Technical Services unit (including health care) seem as being very closely related functions.

CRIMINAL JUSTICE DECISION MAKING

Criminal Justice
corrections
Although ~~each~~ ^{its components are} is in a separate branch of government, the ~~corrections~~ system is really the instrument of the courts and effective use of a corrections system is therefore highly dependent on the quality of sentencing. Imprisonment is the most serious and most costly of the sentencing alternatives. Unfortunately, offenders have frequently been required to undergo both an inequitable sentencing process and an inconsistent parole process. In addition, the courts largely determine the size of the unsentenced prisoner population detained in Alaska's corrections facilities.

The planners explore various issues in pretrial release and recommend that there is a substantial need to explore more fully the potential for expanded use of summons in felony cases as an alternative to arrest and booking and that legislation should be undertaken to create a uniform pretrial release procedure for Alaska.

Sentencing issues are explored in detail citing several recent research studies, reports and Commission policy statements.

This section's primary focus is on the impact of the Revised Criminal Code. The Code directly affects the sentencing

process and therefore the corrections system. The primary aim of the Code is to increase equity in sentencing while also protecting the public from and punishing multiple offenders. In this regard, the Code is quite consistent with the philosophy of corrections outlined in the first chapter of this plan. The section provides a brief summary of the Code and discusses a method of estimating the impact of the Code on the size of the sentenced inmate population. This type of impact estimate must form the basis for future correctional facility planning for the State of Alaska.

For the corrections system, the consequences of the new Criminal Code would appear to be the substantial reduction in the use of parole and an increase in the average time served and, therefore, an increase in prisoner population. Conclusions are drawn that indicate:

1. the current average length of stay of sentenced felons (including murderers) is 36 months;
2. the minimum average length of stay of sentenced felons (a conservative estimate of impact) may rise to 62 months under the Revised Criminal Code.

The difference in average lengths of stay represent a 72 percent increase in the sentenced inmate average length of stay (ALS) attributable to the new Criminal Code.

The capacity requirements for correctional institutions thus could increase substantially over the next several years due to implementing the Revised Criminal Code. The cost implementation of this increased inmate population, both in capital

and operating expenditures, are significant. The unintended consequence of enacting the Revised Criminal Code may well be to inflate the sentenced inmate population of Alaska's correctional institutions to extraordinarily high levels (emphasis added). Unfortunately, the Code may not go far enough to eliminate sentencing disparity and may go too far in imposing lengthy sentences on recidivist felons.

Implementing any sentencing reform requires the highest level of cooperation between the judiciary, the legislature, law enforcement and the Division of Corrections. Corrections alone cannot hope to improve Alaska's sentencing or pretrial release practices; only with cooperation of the other decision makers involved can true and lasting improvements be achieved. In the relationship between corrections and the courts, corrections planning necessarily must become criminal justice system planning as well.

PAROLE DECISION MAKING

Parole policies and practices have as direct an effect on corrections as do court actions in pretrial release and sentencing decisions. Parole policies determine, within statutory and judicially determined limits, the length of time a sentenced inmate serves in prison, and the type of conditions that are imposed on his or her parole. Even if a sentencing guidelines model is adopted and the need for parole as a means of adjusting for sentencing disparities disappears, parole reintegration

services should not be discontinued. Pre-release programs operated by the Division of Corrections, such as work release and furloughs, will become even more critical if parole is abolished. However, it is not likely that parole decision making will be abolished in Alaska in the near future. It may also prove to be necessary to statutorily provide for some portion of the end of every sentence to incarceration to be served under community supervision (similar to the mandatory release law now in effect).

Given that the Parole Board will continue to function in Alaska for the foreseeable future, it is important that the Parole Board's policies and practices are consistent with the state's overall corrections philosophy and that the Board is provided with sufficient resources and authority to efficiently accomplish its responsibilities.

At present, the Board hears about 300 cases annually, although there may be a considerable variation in number by quarter, from about 60 to 100 or more. On the average, prisoners serve nearly half their terms before being released on parole, approximately two-thirds are eventually granted parole and at any one time there are about 200 offenders on parole.

The planners offer a lengthy discussion of current Alaska Parole Board practices in comparison to the American Correctional Association Accreditation Commission's "Manual of Standards for Adult Parole Authorities" and arrive at the following recommendations:

1. the Alaska Board of Parole be composed of three full time professional members with salaries equivalent to that of a superior court judge.

2. The staff of the Board should be reorganized and augmented.
3. Hearing procedures should be changed upon initiation of a full time Board.
4. A formal prisoner or parolee appeals process should be established.
5. The Board should adopt a parole guideline or matrix system, to be considered as a long term project and the guidelines, based on research, should be used as an aid to decision making and should not entirely replace the discretion of Board members.
6. The Board should prepare and keep up-to-date a manual of policy, rules and procedures, and an administrative manual subject to the provisions of the Alaska Administrative Procedures Act.
7. Legislation should be considered to allow the Board to give credit to parolees whose paroles have been revoked for "time on the street," i.e., under written policy criteria for allowing or disallowing credit for time served in the community.
8. The Board should be authorized by legislation to discharge parolees from parole status at any time after two years of successful community reintegration.
9. Consideration should be given to legislation, and/or changes in Board procedure, under which the Board would conduct initial hearings in the case of prisoners with maximum sentences of five years or less within four months of their commitment, for the purpose of setting a presumptive release date. Prisoners with maximum terms of more than five years would be heard within a month prior to the completion of their ~~maximum~~ ^{minimum} terms.
10. A mechanism should be established within the Department of Health and Social Services to assure that the Board of Parole and the Division of Corrections function under a common correctional philosophy and policy.

THE PRECEDING PAGES WERE TREATED AS
A UNIT IN THE ORIGINAL FILE.

QUESTIONNAIRE



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

Memorandum

To: House Judiciary Committee

From: Rochelle Plotnick *Rocky*

Date: November 28, 1979

Subject: Questionnaires

INTRODUCTION

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

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

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

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

LAW ENFORCEMENT QUESTIONNAIRE

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

Question #1

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

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

Question #2

Are Alaska's laws adequate to handle these problems?

No	45
Yes	26

Question #3

Is prosecution of crime effective?

No	44
Yes	26

Question #4

Do you think the Alaska Court System is fair?

No 32

Yes. 32

Too liberal. . . 13

Question #5

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

Yes. 70

No 7

Question #6

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

Yes. 67

No 7

Question #7

Should criminal justice agencies increase their affirmative action hiring efforts?

No 42

Yes. 26

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

Question #8

How do you see yourself as a law enforcement officer?

Equal to all - frustrated - enforces laws in an apathetic

society - never arrested an "innocent" person - help people -

wants more training than currently provided - fair and

compassionate - confused, ineffective - educator to bush -

high standards and professionalism - held back by liberal

laws - ineffective, frustrated, no time to properly investigate -

Question #8 (Continued)

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

Question #9

What do you think of the Alaska Public Defender?

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

Question #10

Do you think shelters for battered women are effective?

Yes. 56

No 7

Question #11

What should we do with juvenile delinquents? Jail?

Jail 30

Rehabilitation
Treatment Center . 17

Restitution/
Responsibility . . 9

Deal with
Parents. 8

Question #12

Do you have any other comments?

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

This project is worth the time and effort.

Prosecutors don't treat everyone equal.

Traffic codes need to be updated.

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

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

Handle traffic court at night by trained laymen.

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

Want more mandatory sentencing.

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

More District/Supreme Court judges.

More jails including a long-term correctional facility.

Jury is not a representation of society at large.

Need more money.

Should create an appellate court.

Terrific survey - hope it does some good.

Tighter controls on alcohol sales.

Change "joyriding" to "grand theft auto".

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

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

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

Question #12 (Continued)

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

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

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

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

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

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

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

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

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

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

GENERAL PUBLIC QUESTIONNAIRE

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

Question #1

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

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

Question #2

How do you feel about Alaska's laws?

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

Question #2 (Continued)

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

Question #3

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

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

The jury is never given information about suspect's previous record - Served on a grand jury and it was not handled fairly.

The people on the jury were manipulated by the prosecutors because they were not familiar with the grand jury power -

When I served on a jury in Valdez, we were told the judge would give us the law and we were to decide the facts.

Juries are our only defense against undesirable laws once legislated. Therefore, juries should be told of their responsibilities to judge the law as well as the facts.

Question #4

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

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

Question #4 (Continued)

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

Question #5

What do you think of the Alaska State Troopers?

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

Question #6

Do you think the Alaska Court System is fair?

Yes	31
No.	31
Too lenient	22

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

Criminals out on bail too soon.

Question #6 (Continued)

Too lenient on Alaska Natives.

Money talks too loud for justice.

Small Claims Court is a joke.

Under political pressure.

Inequitable treatment of Natives and women.

Habitual criminals get off easy.

Hell no, it violates the rights of society.

Too conservative.

Fair, but slow.

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

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

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

Question #7

Should judges be elected?

Yes 72

No. 27

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

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

One suggested local judicial advisory councils be set up.

Question #8

Should Alaska establish an Intermediate Court of Appeals?

Yes 45

Don't know. 29

No. 26

Question #9

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

Fair-poor. 25

Good 16

Greedy 10

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

Question #10

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

Yes 82

No. 12

Question #11

What should we do with juvenile delinquents? Jail?

Yes 42

No (educate/rehabilitate) 35

Work farms. 8

Make parents responsible. 6

Restitution 6

Give names to media 3

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

Give them more to do. 2

Question #12

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

No. 47

Yes 45
(racial, juvenile, criminals)

Question #13

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

Yes 59

No. 35

Question #14

Do you have any other comments or questions?

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

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

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

We need a "get tough" policy.

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

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

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

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

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

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

Question #14 (Continued)

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

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

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

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

More programs to combat alcoholism and drugs may be beneficial.

Replace all judges every 2 years.

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

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

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

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

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

More alcohol rehabilitation programs are needed.

CONCLUSION

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

1. What do you see as the major crime problem in Alaska?
2. What do you see as the major crime problem in your community?
3. Are Alaska's law adequate to handle these problems?
4. Is prosecution of crime effective?
5. If not, do you have any suggested alternatives?
6. Do you think the Alaska Court System is fair?
7. Do you know of any biases in the law enforcement system?
8. Would you be willing to participate in any racial/cultural bias test?
9. Would you be willing to participate in any bias awareness training?
10. Should criminal justice agencies increase their affirmative action hiring efforts?
11. How do you see yourself as a law enforcement officer?
12. What do you public opinion of law enforcement officers is and do you think that opinion is justified?
13. What do you think of the Alaska Public Defender?
14. What do you think of court appointed attorneys?
15. Do you think shelters for battered women are effective?
16. What should we do with juvenile delinquents? Jail?
17. How do Supreme Court decision/opinions effect law enforcement?

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

stamp

ALASKA STATE LEGISLATURE
HOUSE JUDICIARY COMMITTEE
POUCH V
JUNEAU, ALASKA 99811



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

THE HOUSE JUDICIARY COMMITTEE OF THE ALASKA LEGISLATURE IS SEEKING PUBLIC INPUT ON MATTERS CONCERNING THE CRIMINAL JUSTICE SYSTEM. WE WILL HOLD PUBLIC HEARINGS THROUGHOUT THE STATE THIS FALL. CURRENTLY WE ARE SENDING OUT A QUESTIONNAIRE. PLEASE TAKE A FEW MINUTES TO ANSWER THE QUESTIONS AND SEND IT BACK TO US. WE HOPE TO RECEIVE ALL ANSWERS BY THE END OF SEPTEMBER. THANK YOU FOR YOUR COOPERATION.

HOUSE JUDICIARY COMMITTEE MEMBERS:

Charlie Parr, Chairman

Nels Anderson, Vice-Chairman

Fred Brown

Hugh Malone

Thelma Buchholdt

Pat O'Connell

Ramona Barnes

Terry Martin

Randy Phillips

STAFF:

Margaret Berck

Rochelle Plotnick

ALASKA PEACE OFFICERS ASSOCIATION



State APOA Office
P.O. Box 4-2170
Anchorage, Ak 99509
Phone: 277-1154

August 20, 1979

Dear Member:

Attached is a letter and questionnaire from the House Judiciary Committee. The questions being asked are the kind the police community should welcome the opportunity to comment on.

It is not necessary that your name be on the questionnaire. Your response to each question is all that is solicited.

As president of the Alaska Peace Officers Association, I encourage you to take a few minutes of your time and candidly respond to the questions. The Association will be provided a copy of the results for publication in the Law Man.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

William H. Huston
President

Alaska Peace Officers Association
Box 309
Juneau, Alaska 99802
(phone 586-6070)

Comments from
Bill Houston