

1014 HJ INTERIM FILES, INTERIM ACTIVITY-BERCH CORRES. 19

their experience? Many Alaskans feel the small high school program produced the world's most expensive high schools and the most poorly educated high school students fluent and literate in neither English or their Native languages. The Committee will determine how true this may be, but it will also seek to learn what is good about the small high school program, and how it can be improved.

- 8) Youth Centers. The Committee will respond to the continuing requests for a State-supported youth center program. Many communities throughout Alaska, both urban and rural, feel the need for stability and direction -- it is felt a good youth center program could provide to increasingly unemployed and unemployable young people both in and out of school. Youth Centers are being advanced more as community education and guidance programs rather than as merely recreation and social centers. At a time when Alaska must sharply restrict budget growth, what is the proper policy we should adopt regarding State support of community youth center construction and operation? The Committee will seek to determine if Alaska's social and education investment should provide for community youth centers.
- 9) Adult Basic Education. Increasing educational program failure produces increased need for adult basic education, an activity now shared between the University of Alaska and several non-profit corporations especially in rural Alaska. The Committee will review Adult Basic Education in Alaska to determine how it might be improved to mitigate increasing failure to properly educate children. It may be that we must face up with the necessity to provide for local District ABE programs.
- 10) Community Schools Program. Slated for termination as a State-funded program, the Community Schools Program proved to have a large and effective constituency able to convince this Committee to extend the program's support one more year, with the understanding the Legislature would study the Community Schools Program to make recommendations about its future. The Committee has noted the great political popularity of Community Schools, but has also noted apparent abuses of Program funds by some administrators.
- 11) University of Alaska Research Programs. As the industrialization of knowledge develops throughout Alaska, the role of the University of Alaska as a subsidized competitor in the private knowledge market must be fairly defined and possibly restricted if the market benefits of free enterprise are to be realized by our State. Professional businessmen throughout the State have argued they should not

have to compete with the University of Alaska for consultant planning, program evaluation, industrial, economic, and environmental analysis, architectural and engineering, and other services. Yet many of our University's best programs flourish because of their involvement in the real competitive world of private industry. Should restrictions be placed on this involvement? Should the University of Alaska be allowed to compete with private industry for State contracts? If so, under what terms? This is a public policy question of growing importance, and the Committee will work to prepare a policy recommendation.

PROPOSED BUDGET

Personal Services

1 Administrative Assistant 20C			
\$2,598/mo. X 7 mos.		18,186.00	
10.63% benefits		<u>1,933.00</u>	
		20,119.00	<u>20,119.00</u>
1 Researcher 17A			
\$1,934/mos. X 7 mos.		13,538.00	
10.63% benefits		<u>1,439.00</u>	
		14,977.00	<u>14,977.00</u>

Travel & Per Diem

R/T air fares from Anchorage to selected REAA's and Borough schools X Committee members			<u>20,210.00</u>
Short term per diem X Committee members/staff		16,794.00	
Long term per diem X members		<u>1,750.00</u>	
		18,544.00	<u>18,544.00</u>

Commodities

2,000.00

Contractual

Office equipment; telephone		3,000.00	
Youth Multipurpose Centers Needs Assessment		25,000.00	
School foundation equalization: consumer profile/education costs		<u>50,000.00</u>	
		78,000.00	<u>78,000.00</u>

TOTAL:

\$153,850.00

REPORTS—
GENERAL
INFORMATION

5. Legal Representation of Indigents

- Call Court*
- A. Bert Campbell wants a copy of my reports on this issue. *given 9/17/79*
 - < B. Charlie wants me to check with the Court System as to why they don't have any indigency guidelines. Asked Barrier for this information on 9/15.
 - U. Committee requested me to furnish (H) and (S) Finance with copies of my report on the Court appointed attorneys in the State court. Also send to Budget and Audit. *information sent 9/19/79.*

6. Juvenile Justice in Alaska

- relative*
- A. How long kept at McLaughlin? Both for juveniles committed as well as detained.
 - B. Are the due process rights of juveniles protected to the same extent as Adults?
 - C. Furnish Committee with copies of the flow chart given to me by Warner.
 - D. Charlie wants information on the publication of juvenile names.
 - E. Call Endell at Criminal Justice Center to confirm that he is working on juvenile intake criteria.
 - F. Organize the statistics furnished by Corrections and Social Services.
 - G. Find out about DOT reduction to Gym appropriation for McLaughlin.

7. Integrated and Nonintegrated Bar Associations

- request out*
review state's prior meeting
- A. Investigate the ability of the Legislature to regulate the Legal profession outside of the courtroom. *requested memo* Get Clocksin's memo on the practice of law *BACK IN ANCHORAGE ON THURSDAY, Sept. 20.* definition proposed by the Board of Governors. (What about leg. affairs & Depart. of Law attorneys who don't go into the courtroom.)
 - B. Review statutes furnished by Leg. Affairs on nonintegrated states to see how would work in Alaska.

8. Drug Laws

- A. get sentencing guidelines proposed by the judges. Call Judge Shultz in Ketchikan, to get permission to get from Terry White. Notify Judge Shultz of Judiciary Committee Hearing in Ketchikan. *done 9/19/79. Shultz is to mail materials to me.*
- B. Send letter to the Judicial Council making a formal request for quantity information. C. Research the administrative Search portion.
- D. Include in Members' files HB 101.
- D. Coordinate those who will testify at last hearing session in Anchorage on Drugs. Karl Frasier, AST, Dillingham, Bristol Bay area-Nels wants to be there. Expert, lawyer, that Ruby mentioned, Charlie said to consider him.
- E. *Include in members's files Gov's Proposed Bill.*
-

Sunset Review:

1. Alaska Bar Association-request budgets, request statistics on grievance porcedure, outline the greivance procedure for committee.
 2. Juvenile Institutions-Confirm what this includes exactly.
-

NEED: Sources for all reports.

Requests generated by the Bethel Hearing:

1. Anticipate letter from Ben Esh, City Atty., Bethel, regarding municipal immunity (Note see my memo to Charlie last session on this matter, its in Juneau)
2. Get information about the Public Safety officers-19 trained out of the villages surrounding Bethel. See Nix about in Juneau. *sent for from APSC APSC ref. to Nix*
3. Court of Appeals-check statistics for district court appeals and administrative agencies; find out about J. Singleton's proposal for an appeallate division of Superior Court Judges to handle dist. ct. appeals and administrative appeals. *Barrier said about 1 yr. ago*
4. Powers of the Second Class City, fines, jail sentences, who does this in terms of judges, PD, and DA functions

Requests generated by the Fairbanks hearing:

1. Dean Ferris- would like the jury to decide the law and the facts. See cases that the witness cited: George v. Braillesford , 3 Dal 1 (1794), a John Jay decision & US v. Dougherty, 473 F. 2d 1113, 1116
2. Carla Slaughter, says that DA's Office in Fairbanks contends that child stealing is not a criminal matter. I said at the hearing that it was a crime. Sent Charlie a memo on this and said would follow up with more info from Juneau about the DA's apparent policy. *(W) spoke to Dean in Juneau* Also need to check to see if the Child Support Enforcement Agency has exclusive jurisdiction over child support matters.
3. Fred Brown stated that he wanted some information on the Chicago jury selection system.
4. Wants portion of the trial tape that Clem Stevenson was held in contempt of court.
5. Wants an investigation of Frank Heffle --- need a release from parents and child. Could just send to Mr. Stevenson as he is the child's atty.

EIA Heffle
SR Box
OK Box 80740

Fairbanks, ALASKA 99701

SON: FRANK Heffle
2 juvenile cases.

*send release forms to Mr. MS. Heffle
and 11/21/99*

TO: Charlie Parr, Chairman, and Members of the House Judiciary Committee

FROM: Margaret W. Berck, Administrative Assistant

DATE: August 6, 1979

RE: A Six-Week Status Report on Interim Projects Assigned to Berck.

1. Law Enforcement: I have obtained the 1978 budgets for the following law enforcement agencies: Nome Police Department; Fairbanks Police Department; Anchorage Police Department, Juneau Police Department, and the Alaska State Troopers. Furthermore, I have completed a preliminary draft of an analysis of these budgets.

I have obtained a copy of the "use of force" and "use of deadly force" policies for the following law enforcement agencies: Anchorage Police Department, Juneau Police Department, and the Alaska State Troopers. Requests have been made to obtain these policies from the Nome Police Department and the Fairbanks Police Department. Furthermore, I have completed a preliminary draft of an analysis of these policies. This analysis relates these policies to the "Philip Moore Shooting" (I have obtained a copy of the recently released Department of Law's investigation of this matter.) and the statutory changes resulting from the new criminal code.

I intend to compile and report on the following additional issues: priorities; personnel and training; cooperation among the various law enforcement agencies; and compliance with LEAA requirements.

2. Legal Representation of Indigents: I have obtained a copy of the budget for the Public Defender's Office and have made a request for similar information from Alaska Legal Services Corporation. Additionally, I intend to request budgetary information from the court system pertaining to court appointed attorneys for both conflict situations and guardian ad litem.

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I have obtained a copy of the recently amended court rule which limits the attorney fees awards in criminal appointments. Furthermore I have obtained a copy of Judge Moody's Order effective for the Third Judicial District which establishes a mandatory list of all attorneys in that district to be available for such appointments. I am familiar with the Juneau Bar Association's position on this issue and am awaiting the state bar's position which will be determined at their September Board meeting.

*Back
Business*

Alaska Exemption Act: I have obtained a great deal of background information on this bill including: statutory references for current Alaska law on this subject; the Uniform Exemptions Act and comments thereto; a matrix comparing current Alaska law with the bill, Oregon law and Washington law; a lengthy sectional analysis of the bill done by Legislative Affairs; a sectional analysis of the bill done by Alaska Legal Services Corporation; and a memorandum on the Interrelationships of Income on Public Assistance Eligibility done by Legislative Affairs.

I have requested Legislative Affairs to provide a legal memorandum on the status of the newly revised Bankruptcy Act, a matter cited by the Commissioners on Uniform State Laws as necessitating a uniform exemptions law for the states.

I intend to write a condensed sectional analysis of the bill.

4. Integrated - Nonintegrated Bar Associations: I have obtained one memorandum on this issue from Legislative Affairs and have requested the following additional information from Legislative Affairs: a memorandum on the constitutionality of the legislature deintegrating the Alaska Bar Association and the statutory mechanisms utilized by nonintegrated states for handling discipline and admissions.

I have completed a report on the Annual Meeting of the Alaska Bar Association which covers this issue in part. I intend to obtain a copy of Legislative Audit's investigation of the Alaska Bar Association in conjunction with its sunset review of this organization when this is available. I also intend to determine from the court system

the amount and nature of state funding currently being provided to the court system. Finally I intend to review the Alaska Integrated Bar Act and the legislative history of this enactment, as well as the current grievance procedures, a matter of which I have already heard complaints about.

5. Product Liability: I have obtained a copy of the tentative draft to be introduced into Congress. Although the final draft was to be completed by the end of June, this will not be done until sometime after Labor Day. I have requested Legislative Affairs to provide a memorandum comparing the final draft with current Alaska law.

6. Juvenile Court/ Justice: I have read a great deal of national materials on this issue. As a result of this reading, I have requested certain statistical information from the Department of Health and Social Services number, location, and costs of juvenile placement. Along this line I have obtained a copy of a 1979 memorandum prepared for Legislative Finance and am awaiting the October release of a performance audit being conducted by Legislative Audit. I am in the midst of reviewing Alaska law on this subject. After completing this review I intend to compile additional information via discussions with probation, law enforcement, McLaughlin, and court system personnel. Furthermore I intend to determine what number of juvenile delinquents are being diverted into the newly established Adventure Based Education Program. Finally I intend to determine what alternatives to incarceration are being implemented throughout the country, the results of these programs, and the feasibility of establishing similar programs in Alaska.

7. Drugs:

Continue research on HB 479.

Review research done by LAA-covering other state laws.

Research the constitutionality of delegating authority to advisory committee.

Re-fine the amounts.

Enforcement-who does what-Coast Guard, State, Feds.

Law enforcement procedures.

Get studies being done by Sentencing Commission-Judicial Council;

Terry White.

REGARDING

8. Crimes: (Misdemeanors and felonies)

Number of crimes in Alaska
Number of arrests
Number of convictions.
Types of sentences given.
How does the defendant get classified.
Minorities
Personal histories of several cases.
Effect of New Criminal Code
Length of cases
Segments of population involved- social-economic.
Cost average per case.

Review statistics compiled by Sharmon.
Contact Charlie Adams-Criminal Justice Planning.

9. Sentencing and Bail Practices: (Minorities)

Sentencing practices: oversight review of Judicial Sentencing Study-to be certain that the intent of HB 195, HB 196 is followed. Furthermore, determine what the court system is doing in this area. What is the effect of the new criminal code. What about SIS.

Bail practices: bail, bail bondsman, ROR, How are amounts set for specific crimes.

10. Court of Appeals: I intend to obtain the following: ABA report cited by Rabinowitz at Bar Meeting ^{AND} Finance Committee report on court system budget. I have completed a report on the Alaska Bar Association meeting which covers this issue in part. Furthermore I have requested Legislative Affairs to provide a legal memorandum on the difference, if any, between a legislative and a constitutional court.



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

May 5, 1979

Charlie:

Attached is a tentative schedule of interim activities up to the time the Committee starts fall hearings.

Peggy and I have broken up the subject responsibilities as follows:

Peggy

Law Enforcement ✓
Sentencing/Probation/Bail ✓
Crimes ✓
Juvenile Court ✓
Drugs ✓
Free Attorneys ✓
Integrated Bar ✓
Product Liability ✓
Alaska Exemption Act (HB56) ✓
COURT OF APPEALS

Rocky

Judges
Jury System
Citizen Dispute
Center/Small Claims
Domestic Violence
Corrections
Committee Coordination, etc.

This work division is flexible and Peggy and I expect to help each other.

My Juneau mailing address is Box 578, Douglas, Alaska 99824 and my phone number is 586-6938, or leave a message at my folks place, 364-3177.

Peggy will use Pouch V, Juneau, Alaska 99811 as her mailing address and the phones in this office will be left connected. Those numbers are 465-3882 and 465-3718.

Interim House Judiciary Committee Projects Assigned to Berck.

1. Law Enforcement.

Priorities, how set and by whom, rationale.

How is the defendant's charge determined.

Cooperation with-local police, FBI, Federal marshalls,
probation officers.

Recruitment and Training-curriculum, qualifications, minorities.

Budget-state, Federal, local, LEAA (note LEAA requirements-
whether in compliance.) Break out in budget-personnel/
equipment.

Weapons policy and other Police ethics.

Send questionnaire to police officers.

2. Free Attorneys.

workload, verification of indigency, are indigent clients getting
fair representation. Questions should be directed to: ALSC, PD,
Court Appointed Attorneys, Federal Appointments. Query does the
Court system ever seek reimbursement for certain appointments, ie
attorneys for children.

How much time is spent by atty. with client before and during
trial. Follow up during imprisonment. Judges recc.

Cost average per case-for PD and Private atty. Results of PD
versus private attorney.

Public Defender Concept: does it result in equal justice? Can costs
be controlled? Are qualifications for indigency realistic?

How are complaints against PD, ALSC, DA handled. Ombudsman?

Verdicts obtained, % of appeals, % of sentence appeals.

Case law.

3. Alaska Exemption Act.

Do a sectional analysis of HB 56 for the Committee

4. Integrated versus Non-integrated Bar Associations.

See report prepared by Dick Bradley, LAA.

The following states have non-integrated bar associations:
Arkansas; Colorado; Connecticut; Delaware; Hawaii; Illinois;
Indiana; Iowa; Kansas; Vermont; Maine; Maryland; Massachusetts;
Michigan; Minnesota; New Jersey; New York; Ohio; Pennsylvania;
and Tennessee. Need to check local laws in these states to
determine the methods by which admissions and discipline are
handled.

What is the Alaska history on this issue. Dick says that in the old
days discipline was handled by the judiciary and AG controlled
admissions. This was prior to the integrated bar association in AK.

Note: Letter from Kull indicates that AK Bar is to a degree
subsidized for admission and disciplinary actions. Dick indicates
that money is obtained from the court system for disciplinary
activities. How much is this?

5. Product Liability.
Charlie received a questionnaire re: to a bill in Congress or a new uniform act. I can't find this correspondence.

Review the status of AK Law. Review other states and possibility of the uniform act.

6. Drugs.
Continue research on HB 479.
Review research done by LAA-covering other state laws.
Research the constitutionality of delegating authority to advisory committee.
Re-fine the amounts.
Enforcement-who does what-Coast Guard, State, Feds.
Law enforcement procedures.
Get studies being done by Sentencing Commission-Judicial Council; Terry White.

7. Juvenile Court.
McLaughlin Youth Center.
Number of Children sent outside the state.
Effects of the new criminal code.
Local facilities in Alaskan communities.
Probation services.
Alternatives to incarceration.
Appointment of Counsel.
Costs-does court seek reimbursement.
Minorities.

8. Crimes. (Misdemeanors and felonies)

Number of crimes in Alaska
Number of arrests
Number of convictions.
Types of sentences given.
How does the defendant get classified,
Minorities
Personal histories of several cases.
Effect of New Criminal Code
Length of cases
Segments of population involved-social-economic,
Cost average per case.

Review statistics compiled by Sharmon.
Contact Charlie Adams-Criminal Justice Planning.

8. Sentencing, Probation, Bail.

Sentencing practices: parole, probation, SIS, bail,
bail bondsman, ROR.

Effect of new criminal code.

Is parole system functioning effectively as a re-entry program?

Minorities.

How is bail set for specific crimes.

Parole Board- criteria for releasing inmate for parole;
quality and quantity of decisions.

Oversight review of Judicial Sentencing Study-to be certain that
legislative intent of HB 195, HB 196 is followed (Did those
pass?)

Status Report by Berck of Materials to be submitted to Committee on Sept 13.

Date: Sept. 2, Sunday

Sources

1. Law Enforcement

- A. Alaska Police Standards Council Report ✓
- B. Department of Public Safety Report ✓
- C. Budget Analysis of Sample Law Enforcement Agencies

xerox →

D. Use of Force Policies - A report on this will be submitted at a later date.

2. Legal Representation of Indigents

- A. Alaska Legal Services Report ✓
- B. Alaska Public Defender Agency Report
- C. Court Appointed Counsel Report ✓
 - 1. Conflicts ✓
 - 2. Guardian ad Litem ✓

D. Federal Appointments

3. Alaska Exemptions Act ✓

- 1. Sectional Analysis by Baldwin - COVER LETTER - REALINE sections & xerox
- 2. Bankruptcy Memorandum by Baldwin - xerox

4. Integrated versus Nonintegrated Bar Associations Report.

5. Juvenile Justice in Alaska Report

CALL Endell at Criminal Justice Center

Cover letter

statistics + chart

4 Coac memos
sources
xeroxing
+
what to stay
only

6. Drug Law in Alaska ✓

- 1. Bills currently in the Legislature
- 2. Analysis of the major drug bills in the Legislature, via matrixes
- 3. Overview of HB 479

~~COVER MEMO + HB 479 & SB 65~~

7. Crimes ✓

include chart ✓

- 1. Memorandum done by Legislative Research * ~~copy~~ + cover letter
- 2. Copy of the Crime Report issued by Criminal Justice Planning

8. Sentencing and Bail Practices **NEED DATA TO PREPARE COVER MEMO**

- 1. Brief report on the Sentencing Studies being conducted by various agencies

- 2. Bail Report hold up.

A. Misdemeanor Bail Schedule for Anchorage, other judicial districts will be forthcoming.

9. Court of Appeals ✓

ready to put in files ✓

- 1. Portion of report done by House Finance

Intend to spend rest of time:

- 1. gathering whatever additional information the Committee may request once they have digested the materials submitted in Sept. 13.
- 2. Coordinate additional information on Drugs, primarily of a statistical nature.
- 3. Complete use of force report, as soon as I get the revised policy.
- 4. Conduct further research on the Court of Appeals Issue.

CHARLIE PARR

ALASKA LEGISLATURE

S. R. Box 50599
Fairbanks, Alaska 99701
456-5029

Pouch V
Juneau, Alaska 99811
465-3797

June 28, 1979

Senator George Hohman, Chairman
Alaska Legislative Council
Pouch V
Juneau, Alaska 99811

Dear Senator Hohman:

I am sorry for the delay in replying to your request for a work sheet (your undated memo of early June). In keeping with the House leadership decision to fund interim committees on an austerity basis Committee staff was funded only for six months and Committee action planned only for the period Sep 1 - Dec 31.

The Committee is casting its net widely, investigating matters in the law enforcement, courts, and corrections areas. (Chairmen of the State Affairs and Health, Education and Social Services committees have concurred as far as their jurisdictions are affected.) It is the Committee's intent to secure the widest possible input from the general public, as past experience indicates that testimony in Juneau is too often confined to that from executive branch agencies, court system administrators, and attorneys.

General topics of investigation are:

Law enforcement: priorities; agency budgets, personnel and training, weapons use policies; domestic violence; crime, arrest, conviction, and sentence data; drugs.

Courts: selection and compensation of judges, selection and use of jurors, representation of indigent defendants, need for a court of appeals, integrated bar.

Corrections: alternatives to incarceration, facilities, handling of juveniles, effectiveness of probation and parole.

I had planned the following overall schedule:

July 1 - Aug 31 Research

Sep 1 - Dec 1 Committee meetings and hearings (Anchorage, Fairbanks, Nome, Bethel, Ketchikan)

Dec 1 - Dec 31 Preparation of reports and draft legislation

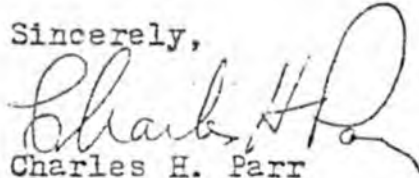
Senator George Hohman (June 28)

This schedule is no longer practicable. Abolition of the Legislative Research Division will require that obtain funding from the Legislative Council for the necessary research, and it is my understanding that mid-July will be the earliest possible date for such funding. This is a significant time-slippage.

The Governor's announced plan for a special session beginning Aug 6 further interferes with my plan of work. If the session drags on, or blows up and a second session is called (both of these are strong possibilities unless the Haul Road is funded year-round) the work of the Committee will be further delayed.

Although I will try to furnish the monthly reports requested in your memo, it is obvious that much cannot be expected until late fall.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles H. Parr".

Charles H. Parr

TO: Charlie Parr, Chairman, and Members of the House Judiciary Committee

FROM: Margaret W. Berck, Administrative Assistant

DATE: August 6, 1979

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See Nix.

See: Lindley

See: Clerk of Federal District Court

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drop out, until session begins

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JUNEAU
Sec:
(Wasson)

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REGARDING

* *
JUNEAU
Sec:
Probation
+
Fred Alley

7. Drugs:

- Continue research on HB 479.
- Review research done by LAA-covering other state laws.
- Research the constitutionality of delegating authority to advisory committee.
- Re-fine the amounts.
- Enforcement-who does what-Coast Guard, State, Feds.
- Law enforcement procedures.
- Get studies being done by Sentencing Commission-Judicial Council; Terry White.

drop:

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JUNE 14
Sec:
CHARLIE
ADAMS

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Brief

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JUNE 14
Sec:
FINANCE
COMMITTEE

- Rest of time
- 1. Drugs
- 2. Court of Appeals
- 3. Sunset items:
juvenile confinement
BAR ASSOCIATION

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

LAW ENFORCEMENT REPORT-----CONTENTS-----

1. Alaska Police Standards Council - *completed*
2. Department of Public Safety - *completed*
3. Budget Analysis for Sample Law Enforcement Agencies - *need to storage to be prepared to look on Sept. 9.*
4. Use of Force and Use of Deadly Force Policies

Conclusions to reports

most important data base

shorten reports.

Call Rocky + have stuff sent to
Leg. Information Office

This phone
5668

Barry
Stern

1. need to get preliminary draft of upcoming "force" use of "de-legal force" - Barry Stern. 279-7424 Monday call

state local monies - need to send request.

2. confirm facts with Nix + Meyer

ABA

Profiles
Hadden

272-943 (3) call Clocksin - HSC - Budget info.
10:00 AM TOMORROW

264-0416 Et. Rich Barrier > vacation til Aug 31st.

4. Court system stuff - next week

Mr. Bob Fisher
264-0561
Accountant

Guardian addition
Conflicts situation
court system solicited bids in contracts.
involvement of Bar ISSU.
John Dir. Kohff

juvenile mistakes
ABA Report - Ct. of Appeals
juvenile caseloads
GRANT Kello

5. Janet Sates - statistics from HSS - clup

77 final bills not in what final figures?

Leann
264-0542

6. Appt. with Rubenstein - Sentencing Staff

Children
Jay Warner
264-0442
0423
0424

now contracted with two people - final approval yet to come; <statute>

Wintalked to.

Anchorage Fairbanks Kenai Court Palmer Valdez

over - need to check Regs.,
Juvenile Confinement.

Use of foster homes by Dept.
of Corrections + Social Services.

Visit McLaughlin - Y. Center

Dentist
~~size sheet~~

Dr. Sharp - office 276-5173

one filling

confirm that he provides

money - payment

when ~~provide~~ appt.

2231 Northern - 10th Sept.

Sept
< Monday 17th 9:00 >
pay bring \$70,00

Margaret
Beck //

2221 E. Northern Lights Blvd.
Suite 212



ANCHORAGE - IMMEDIATE WORK

1. LAW Enforcement

today; after
**READY TO
WRITE**
confirmation of facts

1. Budget analysis* - completed
2. "Use of force" analysis - NEED
3. Interview Notes - Nix, MAYER

need some additional info. on state / local monies.

2. Legal Representation of Indigents

after Fisher
**READY
TO
WRITE**

1. Budget & statistics from P.D. - have
- got to 2. Budget & statistics from ALSC - NEED.
3. Court System - NEED - budget info. on court appt. attop & guardian ad litem.
4. Court Rule on Conflicts Situation
conflict solicitation

Additional intake >

3. Integrated v. Nonintegrated BAR ASSN.

Rule 4
informal - don't have
since prejudice
**READY TO
WRITE**
after Fisher

1. Memo from Leg Affairs - have
2. Memo from Leg. Affairs - (const. & statutory mechanisms) - NEED.
3. Court System's Budgetary Involvement - NEED.
4. Review Integrated BAR Act & Legislative Hist. of that Act - have.

Not
know
what P.O.
does;

Not heard of movement back to P.O.

Some states have a point-
system

no policies or
procedures,
criteria - hire
people - use own
direction >

4. Juvenile Justice

call today
**NEED
MORE
INFOR-
MATION**
after team
+ site invest.

1. statistical information from HSS - NEED.
2. Review of AK statutes
3. Need interviews: McLaughlin ;
Court system; P.D.
4. Adventure Based Education
5. National alternatives

~~Send~~ ~~Chochsin~~ - Bankruptcy; Schedule

5. CRIMES

READY TO WRITE

- 1. Alaska and Federal Crime Reports
- 2. Memo from Leg. Research

Need; set Appt.

NEED MORE INFORMATION

6. Sentencing AND BAIL Practices

- 1. Need to talk to Rubenstein and Terry White, Court system
- 2. Need to read Bail Practices Materials.
- 3. Need to send for other districts + get Anchorage's schedule.

7. Court of Appeals

NEED MORE INFORMATION

- 1. ABA report - get from Court System
- 2. Leg Affairs Memo - NEED.
- 3. Finance Report - Judith Panero - have administrative APPEALS - should go to Sup. Ct.

8. Exemptions Act

9. Drugs

ask Rocky

final status

Bills - drugs, court of appeals APSC.



SAT. News
{
- Oum. Justice
- in Bush

5. Integrated Bar vs. Non-integrated Bar. I have a report which was done during the session by research-legal. I was able to gather additional information and comments at the Bar Meeting and those will be included in my report on the Bar Meeting. Leg. Research was to write those 20 some states that have non-integrated bars to determine the methods by which discipline and admissions are handled. as the first report lacked ~~any details~~ any details. Because of their situation they said that they were going to write the letters and request that the information be sent directly to me. I don't know if they did this.

6. Product Liability. I got a copy of the proposed legislation and sent off to DC for additional information. A new version is contemplated to be published in June in the Federal reister. I intend to review this (as well as the Alaska case law in the area-there were three major opinions this past year from the AK. Supreme court) while I am in Florida. I expect that the draft I do in Florida will require additional supplements upon my return for I intend to solicit comments from those Alaskan attorneys who are in involved in this area. I was able to identify one such attorney at the Bar Meeting.

7. Drugs. I hope to research the consitutionality of the delegation issue while in Florida and also review the ~~xxxxx~~ 4 binders of materials that Research was able to compile for me prior to their termination. I also plan to complete the over-view of HB 479 which is in rough presently.

8. Juvenile Court-I have just recently obtained a "cost of keeping in insitution" study done by finance and Health and Social services last year. These materials will be reviewed while I am in Florida. I have also found out that Legislative Audit is presently doing a performance audit on the juvenile sytem. I hope to get in touch with them about that upon my return to the state.

9. Crimes. I have the statistics done by research while the session was on and will review these in Florida. I have other materials which I obatined during the judicial conference to incorporate.

10. Sentencing. The judicial conference provided some information and materials useful for this report. I hope to get the Judiciary's sub-committee's report on sentencing and drug offense upon my return to the state. Furthermore at the conference I found out that the Human Right Commssion's , Mr. Kemp, is studing pre-sentencing reports. I hope to get that as well upon my return.

My vacation plans are to leave tomorrow and to return to Juneau on July 11. I had made these plans prior to the decision about Research. I feel ~~xxxxxx~~ guilty about leaving, but am hesitant to change my plans because I got a money saving deal on the advance ticketing procedure. For that reaso. I am planing on doing as much as possible while I am home. If I believe that our project will suffer, I will return earlier than planned and just pay the extra. Some of that will depend upon how quickly I am able to get through with the work I am taking.

My address in Florida is: P.O. Box 182, Gulf Breeze, Florida 32561. My phone is 904-932-2870.

I hope that you can read this letter. Please excuse the errors, but I don't ~~want~~ want to waste the time to re-type it.

Upon my return to Juneau I plan to hire a typist to type the work I plan to do in Florida. I will send these to you for your comments.

One thing you should note. Someone at the Judicial Conference asked me if you were going to be ~~involved~~ involved in the selection of certain members on the sentencing commission established by HB 195 and 196. I believe that three members of the commission were to be selected by the Legislature.

I trust that you and ~~Pat~~ Pat are having a nice summer.

Sincerely yours,



Margaret W. Berck

FINAL REPORTS



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

January 14, 1980

Senator George Hohman
Chairman
Legislative Council
Pouch V
Juneau, Alaska 99811

Dear Senator Hohman:

I am pleased to present you with the House Judiciary Committee's report on its interim activity. Basically, the report is a summary of what the Committee did and a list of recommendations, based on the Committee's findings. Various reports and memos prepared by Committee staff are attached. The Committee will be happy to furnish more information if the Legislative Council wishes.

Sincerely,

A handwritten signature in cursive script that reads "Charles H. Parr".

Charles H. Parr
Chairman

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- (2) Agenda for Meeting November 29 & 30
- (3) Report on Law Enforcement, including:
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 - Department of Public Safety
 - The Use of Force/Deadly Force by a Peace Officer
- (4) Report on Legal Representation of Indigents, including:
 - Court Appointed Attorneys for Indigents in the Alaska Court System
 - Alaska Public Defender Agency
 - Alaska Legal Services Corporation
 - Legal Representation of Indigents in the Federal Court System
- (5) Report on Integrated and Nonintegrated Bar Associations
- (6) Report on the Annual Meeting of the Alaska State Bar Association
- (7) Report on the Bail System in Alaska
- (8) Report on the Alaska Judicial Conference
- (9) Report on the Questionnaires
- (10) Letters to Avrum Gross, Attorney General

- (11) Letters to Arthur Snowden, Administrative Director,
Alaska Court System
- (12) Letter to Helen Beirne, Commissioner, Department of
Health & Social Services
- (13) Letter to Brian Shortell, Director, Alaska Public
Defender Agency
- (14) Letter to William Nix, Commissioner, Department of
Public Safety

I. Interim Activity of the House Judiciary Committee

To plan the House Judiciary Committee's interim activities, each Committee member was asked to submit a list of his or her particular concerns. Staff compiled the requests and it was decided interim work would cover a broad area - all aspects of the criminal justice system.

Work began by staff attending the annual meeting of the Alaska State Bar Association and the Judicial Conference in June. Reports on these meetings have been written and distributed to Committee members.

Public hearings in various Alaskan communities were another focus of interim activities. The Committee traveled to Eagle River, Anchorage, Fairbanks, Bethel, Nome and Ketchikan. The purpose of the public hearings was to give Alaskans a chance to express their concerns, as it is difficult for many of them to come to Juneau during the session. Many expressed their appreciation and thanked the Committee for coming.

The staff researched many different topics including law enforcement, drugs, court appointed attorneys, judges, the Alaska State Bar Association, domestic violence, the Division of Corrections, juries, bail practices, citizen dispute centers, probation and parole. Various reports and memos on some of these topics are available in the Committee's office or House Research upon request. A listing of the specific reports available is included in the appendix section of the table of contents.

In addition, staff prepared two questionnaires. One was sent to the general public, statewide. Another was sent to members of the Alaska Peace Officers Association. The results of both questionnaires have been compiled and available upon request.

In conjunction with the public hearings, the Committee visited the correctional facilities everywhere it traveled. In Anchorage, the Sixth Avenue Annex, Third Avenue, McLaughlin Youth Center, and Ridgeview Women's Facility were toured. The Committee also toured facilities in Fairbanks, Nome, Bethel, and Ketchikan. To summarize the Committee's findings, Alaska Statutes in correctional centers were outdated and lacking the new criminal code which is effective January 1980. While there is a wide range of quality throughout the state, facilities and programs for women were not comparable to those for male inmates. Inadequate visitor facilities and attorney conference areas were noted. Some facilities were overcrowded and had inadequate exercise space.

While each community has its individual problems, there were several concerns that came up everywhere the Committee traveled. The abuse of alcohol and its influence on crime was mentioned by many. Though drugs were also mentioned, alcohol was the dominant of the two. Another item that frequently appeared was a widespread dissatisfaction with the criminal justice system. There seems to be an information gulf or distrust for lawyers and judges, and to a lesser extent, a feeling that district attorneys do not do an adequate job of prosecuting. Further, the Committee noted that the information gulf is a two-way lack of understanding, both among the general public and the lawyers and judges. The final problem the Committee encountered, was how widespread domestic violence is in Alaska. The scope of the problem is quite large, as everywhere the Committee went testimony told of a high rate of domestic violence.

During the interim the House Judiciary Committee was given several "sunset" assignments. Some preliminary work was done on the Alaska State Bar Association and the Alaska State Parole Board. The State Commission on Human Rights will be reviewed by the Committee during the session, in addition

to the other two.

II. Recommendations of the House Judiciary Committee

Based upon the findings of the House Judiciary Committee developed during the course of its interim activity, the House Judiciary Committee makes the following recommendations for the improvement of justice in Alaska.

(1) In order to insure that juries are composed of a fair cross-section of local communities, the House Judiciary Committee recommends that the current exemption system be thoroughly examined. Consideration should be given to the removal of various occupational exemptions so that juries might be made more representative of the public at large. A bill for this purpose is presently in the Committee.

(2) During 1977 Alaska had the highest rape rate in the nation. In both Nome and Bethel, citizens testified that young rape victims suffer severe emotional or mental strain if required to testify in open court. In order to insure effective prosecution of these offenses while preserving the accused's right to due process of the law, the House Judiciary Committee will propose legislation that would permit the introduction into evidence of video-taped testimony of young rape victims.

(3) The Committee heard testimony from various citizens throughout the state that 90 to 95 percent of all crimes in Alaska are associated with alcohol abuse. To address this critical problem, the House Judiciary Committee will propose legislation that would amend Title 4 in two respects. First, the bill provides a broader range of remedies which local communities might establish through the local option election process. These alternatives include a restriction on the transportation

and possession of alcohol. Second, the bill would amend the existing law by providing state felony and misdemeanor offenses for transportation and sales offenses and a state misdemeanor offense for possession offenses in those communities which have adopted such prohibitions. Felony and misdemeanor offenses for transportation and sales offenses would depend on the volume of alcohol involved. Additionally, the Committee will introduce legislation that would make drunkenness in public a misdemeanor offense.

(4) Currently state law enforcement response time for serious criminal offenses in rural Alaska is often five days. Some communities in rural Alaska have no on-site village police officers. In order to insure adequate law enforcement services to all Alaskans, the Committee will request the Department of Public Safety to prepare a comprehensive plan for providing satisfactory police protection in rural Alaska. This plan may include provision for village police officer services as well as additional Alaska State Trooper rural support services.

(5) The House Judiciary Committee has found that there exists a lack of confidence by the general public in the Alaska judiciary. To increase general public awareness of, and use of the Commission on Judicial Qualifications, the Committee will consider revising the membership and public notice requirements of the commission.

(6) The House Judiciary Committee has found that citizens residing in rural Alaska have little understanding of the Anglo-American system of justice which governs their lives. To address this problem the Committee will request the Alaska Court System to develop a proposal providing for circuit riding judges to conduct trials in rural communities. This plan may include the establishment of additional rural magistrates.

(7) The 1979 legislature created a new superior court judgeship in Kotzebue. Testimony indicates that such a judicial position cannot effectively exist in isolation. Additional justice support systems are needed. Citizens in Nome have requested the creation of one district attorney and one public defender for Kotzebue. The House Judiciary Committee will request the Alaska Court System, the Department of Law and the Public Defender to submit their comments and recommendations as to this request. Furthermore, the Alaska Court System will be requested to comment as to the need for a new facility or for the remodeling of existing structures to accommodate this new judicial position.

(8) In order to redress prisoner idleness existing in Alaska correctional facilities, the House Judiciary Committee recommends that consideration be given to the establishment of a comprehensive prisoner work program.

(9) The House Judiciary Committee has found current Alaska drug laws to be archaic and recommends that such laws be revised during the 1980 legislative session. The Committee will propose legislation to increase law enforcement resources involved in drug enforcement.

(10) In order to alleviate the current Alaska Supreme Court caseload, the House Judiciary Committee recommends that post-judgment interest rates be increased. The Committee will propose legislation to increase such interest rates from the current 8% to two points above the prime interest rate, with mandatory adjustment review every six months.

(11) The House Judiciary Committee heard testimony on Senate Bill 104 - Creating an Intermediate Court of Appeals, and feels the bill needs further amending.

III. Appendix

(To supplement the House Judiciary Committee's 1979 interim report)



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

December 4, 1979

TO: Rep. Martin
FROM: Margaret W. Berck

Enclosed you will find a copy of the report which I wrote on the annual meeting of the Alaska Bar Association which took place in Sitka last June. The other report which you requested--Report on the Judicial Conference--was written by Rocky and she will send you a copy of that report.

I trust that you will have a pleasant holiday season.

cc Rocky



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

Memorandum

TO: Legislative Affairs Agency
FROM: Margaret W. Berck, Counsel to the House Judiciary Committee
RE: Requests for the Drafting of Bills to be Introduced by the House Judiciary Committee during the 1980 Legislative Session.
DATE: December 4, 1979

1. The House Judiciary Committee hereby requests that a bill be drafted that would permit the use of video-taped testimony by young victims of rape. "Young" should be defined as a child of the age of 11 or younger. The bill should insure the permission of the introduction into evidence of such testimony in lieu of live testimony at criminal trials. Furthermore to insure the due process rights of the defendant, the defendant or the defendant's attorney, as the case may be, should be permitted to cross-examine such witness during the taping. The trial judge should preside during the taping and shall rule on the questions as if at trial.

Similar legislation was enacted in the state of Florida. A copy of the Florida law is attached for your reference.

2. The House Judiciary Committee requests that a bill be drafted that would make drunkenness in public a misdemeanor offense.

3. The House Judiciary Committee hereby requests that a bill be drafted that would increase post judgment interest from 8% to two points above the prime interest rate. This bill should have a mechanism whereby the interest rate would be reviewed and adjusted accordingly every six months.

Note: 4. The House Judiciary Committee hereby requests that a bill be drafted that would amend Title 4 by providing a greater range of alternatives that might be established by local communities and by revising the penalties ascribed to such acts by existing state law. Current law, AS 04.10.430, provides that incorporated towns may by local election prohibit the sale of alcohol. The bill requested would provide additional remedies that local communities might obtain under the local option election process. The additional remedies made available to the community by the requested bill are as follows: (A) To prohibit the transportation of alcohol into the community; (B) To prohibit the possession of alcohol in the community.

on this one Charlie made a personal request for such a bill; Leg. Aff. is going to Under existing law, AS 04.15.110, the penalty for selling alcohol in a community that has voted to go dry is a misdemeanor. The penalty for this offense should be amended by the requested bill. Pursuant to the bill the penalty for this offense should be maintained as a misdemeanor for small amounts of alcohol involved in the transaction but made a felony for the sale of large amounts of alcohol. Although the Committee

Change to a Committee sponsored bill, but will remain the same work order, ie #7503

did not suggest an appropriate amount to distinguish the felony offense, I would suggest using a case of hard liquor, two cases of wine, and five cases of beer. Thus the sale of less than a case of hard liquor would be a felony, but the sale of a case or more would be a felony offense.

Finally, the requested bill requires further amendment to AS 04.15.110 so that penalties are provided for the additional remedies a community might establish. The penalty for the transportation of alcohol into the community should be made a misdemeanor or felony dependant upon the amount of alcohol being transported. I would suggest using the same amounts as those provided in sales penalties, i.e., one case of hard liquor, two cases of wine, and five cases of beer. The penalty for the possession of alcohol should be made a misdemeanor.

The purpose of the bill is to permit local communities a broader range of alternatives and a increase in the penalty for sale than is provided in existing law to address alcohol problems. The same format, i.e., the petition process, percentages for successful elections, and the incorporation into state law of penalties, as is currently required by Alaska law is desired in this requested bill. Under bill a local community should be able to select one, all, or any combination of the alternatives made available.

DEADLINE: The House Judiciary Committee desires that the above bills be available to attach to its final interim report which must be submitted to the Legislative Council prior to the commencement of the 1980 legislative session. For that reason the Committee requires that the bill be completed no later than Jan. 4, 1979.

Should you desire to communicate with staff on these drafting requests please note: I will be in the office in Juneau through and including Dec. 6. I also plan to be in the office for several days completeing other tasks sometime between Dec. 27 through Jan. 4. If you are unable to get in touch with me at that time you may call me at home 364-3437. Ms. Plotnick's schedule is tentative at the moment, but I believe that she will be in the Juneau office at least through the week of Dec. 10.

Thank you for the prompt consideration of these requests.

cc Charlie Parr

CHAPTER 79-69

Senate Bill No. 85

An act relating to criminal prosecutions; adding a subsection to s. 794.022, and creating s. 827.045, Florida Statutes, permitting the video-taping of the testimony of certain minors in cases involving sexual battery or child abuse, respectively; repealing Rule 3.190(j), Florida Rules of Criminal Procedure, insofar as the rule conflicts with the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (3) is added to section 794.022, Florida Statutes, to read:

794.022 Rules of evidence.--

(3)(a) Upon application to the court and reasonable notice to the defendant, the state may apply for an order to video-tape out of open court the testimony of a child 11 years of age or younger who has been the victim of a sexual battery under s. 794.011. The court may grant an order to video-tape testimony as provided herein only if it finds that:

1. The victim of the offense is a child 11 years of age or younger; and

2. There is a substantial likelihood that such child will suffer severe emotional or mental strain if required to testify in open court.

(b) The trial judge shall preside at such proceeding and shall rule on all questions as if at trial.

(c) The application referred to in section (3)(a) shall be made prior to trial, and the video-taping of the testimony shall be made only after the trial has commenced. The video-taped testimony shall be admissible as evidence in the trial of the cause.

Section 2. Section 827.045, Florida Statutes, is created to read:

827.045 Rules of evidence.--

(1) Upon application to the court and reasonable notice to the defendant, the state may apply for an order to video-tape the testimony of a child 11 years of age or younger who has been the victim of aggravated child abuse under s. 827.03 or child abuse under s. 827.04. The court may grant an order to video-tape testimony as provided herein only if it finds that:

(a) The victim of the offense is a child 11 years of age or younger; and

(b) There is a substantial likelihood that such child will suffer severe emotional or mental strain if required to testify in open court.

(2) The trial judge shall preside at such proceeding and shall rule on all questions as if at trial.

(3) The application referred to in section (3)(a) shall be made prior to trial, and the video-taping of the testimony shall be made only after the trial has commenced. The video-taped testimony shall be admissible as evidence in the trial of the cause.

Section 3. Rule 3.190(j), Florida Rules of Criminal Procedure, is hereby repealed insofar as it is inconsistent with the provisions of this act.

Section 4. This act shall take effect upon becoming a law, except that section 3 shall take effect only if passed by a two-thirds vote of the membership of each house of the Legislature.

Approved by the Governor May 22, 1979.

Filed in Office Secretary of State May 23, 1979.

This public document was promulgated at a base cost of \$13.50 per page for 1,500 copies or \$.0090 per single page for the purpose of informing the public of Acts passed by the Legislature.

Notes for final report

By Berck

Date: Dec. 31, 1979

1. Legislative Bill Drafting Requests:

1. Public Drunkenness--Rec'd.
2. Post Judgement interest bill--Rec'd, but requires a response as to whether pre-judgement interest should be calculated at the same rate. I would make the interest rates the same. Confirm with Charlie, prior to adding this to the bill.
3. Video-taped testimony of young rape victims--Rec'd, but send copy to Charlie of the new legal position taken by Ms. Pegues.

Need the following as of this date:

1. Bill making new penalties for the possession, transportation and sale of alcohol in those local communities that have made such conduct illegal pursuant to the local option election process. Call Gutherie, work order 7503.
-

2. Letters to be issued in conjunction with the Report:

1. Letter to the Department of Public Safety requesting that they draft and submit to the committee a comprehensive plan to establish police protection and law enforcement services in rural Alaska. This plan may include additional village policemen as well as additional Alaska State Troopers.
2. Letter to Art Snowden requesting that the Alaska Court System draft and submit to the committee a proposal that would establish circuit riding judges for rural Alaska. This plan may include the establishment of additional rural magistrates.
3. Letters to the Department of Law-Criminal; the Office of the Public Defender; and Art Snowden--requesting that they consider and then submit their comments and recommendations to the committee regarding whether the new superior court judgeship in Kotzebue creates additional needs for PD and DA positions in that community. Furthermore whether the existing court facility in Kotzebue is adequate for this new judicial position.

I need to check with Rocky to see whether she drafted the above letters.

4. Letter to the Department of Law -- re: legal opinion by DA in Nome which stated that Bering Sea Women's Group would be liable for kidnapping or harboring a juvenile charge if they took in minor

single or married females--this letter has been drafted.

5. Letter to Com. Helen Beirne re: rape in receiving home in Nome and the resulting lack of community trust in that facility. --- this has been drafted.

Other tasks assigned to Berck

1. draft and complete the Heffle report.
2. draft and complete report of criminal justice problem raised by black female witness in Ketchikan.

Because some of my reports were really of a memo form, ie, report on drugs was merely a memo with all bills attached, I would recommend that on those reports of my with some substance be attached to master copies. Rocky may wish to do the same. Furthermore I recommend that the exact titles of these reports be identified in the body of the Introductory section of the final report with the indication that a copy of the appendix containing such reports was submitted to Legislative Counsel and the House Research Division, as well as being maintained by the House Judiciary Committee. Furthermore I would recommend that the following reports of mine be attached to the final committee report on the Interim.

1. Law Enforcement Report: components: Alaska Police Standards Council;
Department of Public Safety;
The Use of Force and Use of Deadly
Force by a Peace Officer;
1978 Budgets for Certain Law Enforcement agencies.
2. Integrated and Nonintegrated Bar Associations
3. Legal Representation of Indigents: components: Court Appointed Attorneys
for Indigents in the Alaska State Court system; Alaska Public Defender Agency;
Legal Representation of Indigents in the Federal Court System; Alaska Legal Services Corporation.

5. Report on the Annual Meeting of the Alaska Bar Association.

6. Bail Practices in Alaska

Note need to respond to Art Snowden letter.



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

December 4, 1979

TO: Charlie Parr
FROM: Peggy Berck

*not sent - bec. no time to change
held for file information*

This date I submitted the Committee's bill drafting requests to Legislative Affairs. A copy of those requests are enclosed. If I made any errors please let Rocky or Legislative Affairs know as I plan to be in the office here only through Thursday. During the next three days I plan to write and have typed the Recommendations Section of the final report together with the requested letters to the various agency as the Committee directed. Rocky is to write the introductory section of the report. Upon Rocky's return to the Juneau office next week, she will be put both parts together as well as attaching the letters and mail them to the Committee members for their possible objections. (This will be done, after she sends the report and letters to you for your review.)

Upon my return from my honeymoon, I plan to work several days to do the following:
1. complete Heffle report; 2. review and write a report on the case materials given to me by that black female witness in Kethiikan; 3. confirm the fact that the final report is all in order, with necessary copies and attachments (Note: that John Sund asked that we furnish a master copy to Duncan Reed--I told him that the Committee had already directed me to do that) and 4. make sure that Legislative Affairs has completed the bill drafting requests & then attach copies of those bills to the master copies of the reports AND 5. be responsible for delivering final copies of the reports to the Council, Research.

If Rocky has mailed the final copies of the reports to the Committee members prior to my return, which I believe would be appropriate, so that they are aware of any changes that were made, I will send to committee members copies of the bills as soon as I get them from Leg. Affairs.

I trust that this schedule is OK with you. If not, let Rocky know.

Have a nice Christmas and I will see you in Jan. 80.

Also enclosed is that child stealing memo.

cc Rocky



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

December 6, 1979

Honorable Avrum Gross
Attorney General
State of Alaska
Pouch K
Juneau, Alaska 99811

Dear Attorney General:

The House Judiciary Committee conducted a series of public hearings throughout the fall. While the Committee was in Nome, testimony was presented by representatives from the Bering Sea Women's Group that the local district attorney had advised such group against providing shelter for minor women regardless of marital status. The local district attorney stated that such activity might lead to "harboring a juvenile" or kidnapping prosecution.

The House Judiciary Committee requests your department's response and comments to this testimony. The Committee is particularly interested in legal arguments supporting such advice.

Sincerely,

Charles H. Parr
Chairman



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

December 6, 1979

TO: Rep. Phillips

From: Peggy Berck

Enclosed please find a copy of the Summary of the new sentencing study. You had requested this at the Committee meeting on December 1.

I trust that you will have a happy holiday season.

II. RECOMMENDATIONS OF THE HOUSE JUDICIARY COMMITTEE.

Based upon the findings of the House Judiciary Committee developed during the course of its interim public hearings and studies, the House Judiciary Committee makes the following recommendations for the improvement of justice in Alaska.

1. In order to insure that juries are composed of a fair cross-section of local communities, the House Judiciary Committee recommends that the current exemption system be thoroughly examined. Consideration should be given to the removal of various occupational exemptions so that juries might be made more representative of the public at large.

2. During 1977 Alaska had the highest rape rate in the nation. In both Nome and Bethel, citizens testified that young rape victims suffer severe emotional or mental strain if required to testify in open court. In order to insure effective prosecution of these offenses while preserving the accused's right to due process of the law, the House Judiciary Committee will propose legislation that would permit the introduction into evidence of video-taped testimony of young rape victims.

3. The House Judiciary Committee heard testimony from throughout the state by various citizens that 90 to 95 percent of all crimes in Alaska are associated with alcohol abuse. To address this critical problem, the House Judiciary Committee will propose legislation that would amend Title 4 in two respects. First the bill provides a broader range of

remedies which local communities might establish through the local option election process. These alternatives include a restriction on the transportation and possession of alcohol. Second, the bill would amend the existing law by providing state felony and misdemeanor offenses for transportation and sales offenses and a state misdemeanor offense for possession offenses in those communities which have adopted such prohibitions. Felony and misdemeanor offenses for transportation and sales offenses would depend on the volume of alcohol involved.

Additionally, the House Judiciary Committee will introduce and give consideration to legislation that would make drunkenness in public a misdemeanor offense.

4. Currently state law enforcement response time for serious criminal offenses in rural Alaska is five days. Some communities in rural Alaska have no on site village police officers. In order to insure adequate law enforcement services to all Alaskans, the House Judiciary Committee requests that the Department of Public Safety prepare a comprehensive plan to provide satisfactory police protection in rural Alaska. This plan may include provision for village police officer services as well as additional Alaska State Trooper rural support services.

5. The House Judiciary Committee has found that there exists a lack of confidence by the general public in the Alaska judiciary. To increase general public awareness of and participation in the Commission on Judicial Qualifications, the House Judiciary Committee will consider revising the membership and public notice requirements of the commission.

6. The House Judiciary Committee has found that citizens residing in rural Alaska have little understanding of the Anglo-American system of justice which governs their lives. To address this problem the House Judiciary requests the Alaska State Court System to develop a proposal to provide for circuit riding judges to conduct trials in rural communities. This plan may include the establishment of additional rural magistrates.

7. The 1979 legislature created a new superior court judgeship in Kotzebue. Testimony indicates that such judicial position cannot effectively exist in isolation. Additional justice support systems are needed. Citizens in Nome have requested the creation of one district attorney and one public defender for Kotzebue. The House Judiciary Committee requests the Alaska Court System, the Department of Law and the Public Defender to submit their comments and recommendations as to this request. Furthermore the Alaska State Court System is requested to comment on whether the construction of a new facility or the remodeling of existing structures are required to accommodate this new judicial position.

8. In order to redress prisoner idleness existing in Alaska correctional facilities, the House Judiciary Committee recommends that consideration be given to the establishment of a comprehensive prisoner work program.

9. The House Judiciary Committee has found current Alaska drug laws to be archaic and recommends that such laws be revised during the 1980 legislative session. Furthermore the House Judiciary Committee will propose legislation to increase law enforcement resources involved in drug enforcement.

10. In order to alleviate the current Alaska Supreme Court caseload, the House Judiciary Committee recommends that post judgement interest rates be increased. The House Judiciary Committee will propose legislation to increase such interest rates from 80% to two points above the prime interest rate with mandatory adjustment review every six months.

II. RECOMMENDATIONS OF THE HOUSE JUDICIARY COMMITTEE.

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Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

December 15, 1979

Dr. Helen D. Beirne
Commissioner
Department of Health and Social Services
Pouch H-01
Juneau, Alaska 99811

Dear Dr. Beirne:

The House Judiciary Committee conducted a series of public hearings throughout the state during this past fall. While the committee was in Nome, testimony was presented by citizens, that a rape offense had occurred in the Nome Receiving Home. For that reason young girls in Nome currently fear placement there. Because this fear may deter child abuse charges, the citizens of Nome are very concerned about this situation.

The House Judiciary Committee requests your response and comments regarding this testimony. The Committee is particularly interested in, if in fact the rape incident occurred, what steps the Department has taken to restore community confidence in the Nome receiving Home.

Sincerely,

Charles H. Parr
Chairman

December, 1979

Notes from Dec 1 meetings

Query - send reports - that everyone already has.

(1)

Tasks:

1. Check out fact that casefiles in Juneau are incomplete - mentioned by Michael Rubenstein - Mary Alice Miller says incomplete. Rocky will do.

2. Huffle complaint

Kidney + acid

3. Harboring Juvenile / Home Receiving home - rape - legal opinion - Shelter - letter to Commissioner Beirne - Bering Sea Women Group.

format of report



Intro. I. what committee intended to do asked each committee member what he wanted combined these - law enforcement courts, corrections was a deliberate choice. where did have hearings - schedule, including this last one.

Note: Judiciary committee rarely held public hearings outside of Juneau. before single subject narrow issues, but no opportunity for general testimony.

next part - we (staff) did research between end of session + 1st meeting questions and research. Copies of reports should be attached to the report.

* Jail visited - in every place name ones

(over)

- 1 Paragraph discussion of jails.
- Statutes out-of-date.
 - wide range of quality
 - facilities ^{+ programs} for Women are not compared able to men.
 - visitor facilities + attorney (conference areas) client - unsatisfactory
 - overcrowded
 - exercise areas - inadequate
 - saw that prisoners had very little to do - few involved in self-improvement programs or work assignments

Also: Ah Bar meeting
 Judicial Conference
 * Domestic Violence
Conference } include in beginning introduction.

II.

Brief and general A about overall concerns:

- 1. Alcohol
- 2. Drugs

3. Tremendous gulf between lay people and Bench and Bar - are distrusted, often hated. Gulf of information and confidence. Crisis of confidence + misinformation. Disapproval, distrust + lack of confidence.

* Two way thing

Court + lawyers have misunder. as to people's criticism.

Last night Times

Must negative feelings against lawyers.

Widespread dissatisfaction with Criminal Justice system.

to a lesser extent

D.A.'s don't do adequate job in prosecuting.

AB.392

4. Test. at every hearing - widespread problem, most test. wide range of individual - only issue that came to attention of committee through ~~organ~~ organized effort.

98 cases last yr. in Ketchikan.

54 since July 1

such by volume.

700 } last two years

1000 }

scope & magnitude of no.

24 per month in Fairbanks.

10 days to respond

Emphasize the scope of problem

lack of criticism of police officers + P.O. - Kasper have a lot of respect. (But for, domestic violence)

General Paragraph. Com. pleased 104 but acted on Poor H.S.O. taken position on it, heard testimony - present form not satisfactory needs further amendments.

* Remind Fred - procedure individual appellant - petition to Sup. Ct. to have Sup. Ct; let petitioner have authority to get up not just court on its motion) if any two justices its goes up.

Karla Slaughter - 11 Child Stealing
Cases.

Legislative Council - 14 copies
1 with attachments - master copy
to Committee Judiciary.
13 other
copies

BERCH'S

INTRIM

CORRESPONDANCE

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF CORRECTIONS

POUCH H-03
JUNEAU, ALASKA 99811

August 21, 1979

Rochelle Plotnick
Administrative Assistant
House Judiciary Committee
Pouch V
Juneau, Alaska 99811

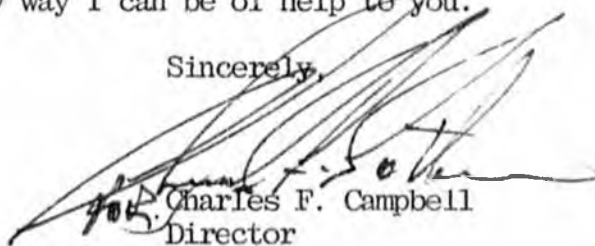
Dear Rocky:

At this point your proposed schedule looks satisfactory from our point of view. Needless to say, I am pleased about the prospect of the Committee's looking into our situation at the confinement facilities. Enclosed are two documents which might be useful.

When I have analyzed it, I will send you a copy of a staffing study of the institutions financed by the National Institute of Corrections.

Please let me know of any way I can be of help to you.

Sincerely,



Charles F. Campbell
Director

CFC:db
Enclosures



UNIVERSITY OF ALASKA
CRIMINAL JUSTICE CENTER
3211 PROVIDENCE AVENUE
ANCHORAGE, ALASKA 99504

August 14, 1979

Interim House Judiciary Committee
Room 124, State Capitol
Pouch V
Juneau, Alaska 99811

Attention: Rocky Plotnick

Dear Rocky:

Does the reestablishment of legislative research mean no contract work? If so, too bad. I do not see such an agency having anything like the capability we do to address the questions raised in our conversation.

I am attempting to budget for the time of our staff members from now to the end of the year and it would be helpful if you could give me some idea of what's going on.

Best wishes.

Sincerely yours,

John E. Havelock
Director
Criminal Justice Center

JEH:pb
Enclosure

MEMORANDUM

TO: File
FROM: JEH
DATE: June 29, 1979
RE: Conversation with Parr and Plotnick

There is a possibility of contracting with the House Judiciary Committee depending upon whether funds devolve to the Committee as a result of the dismemberment of the legislative research service. The following specific projects were mentioned:

1. a study of police training with regard to the use of deadly force and related matters to include a code of ethics for police officers;
2. a study of juvenile institutions needs for halfway houses and alternatives to incarceration, but only to the extent that this does not duplicate work already under way in the Master Plan, etc.
3. A study of possible structural discrimination in corrections against minorities including hiring practices, the existence of EEO programming, and other matters;
4. a study of the cost effectiveness of the Public Defender's office using existing Public Defender data. As far as I can make out this is basically a cost efficiency study of case management although it has obvious implications for public defense conflict cases.
5. a study of dispute resolution centers;

Rocky is going to send me their request memos to the

legislative research agency, now defunct, and will request as available any budget information already developed such as time staff allocations.

We will analyze these proposals and make recommendations as to how and when we might handle them to the extent of our capability.

JEH:pb



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

August 10, 1979

Betsy Warrior
46 Pleasant Street
Cambridge, MA 02139

Dear Ms. Warrior:

I am doing a research project on domestic violence for the Alaska Legislature. I understand you have written a book titled "Working on Wife Abuse". Please send me a copy C.O.D. or send me the price and I'll get a check in the mail right away (extra will be included for postage).

If you can suggest other publications that might be helpful please do so. Alaska has a growing network of shelters and a good deal of the funding comes from the legislature. However, there are some skeptics who question the need for shelters and do not realize the problem that exists.

Your help will be appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Rochelle Plotnick".

Rochelle Plotnick
Administrative Assistant
House Judiciary Committee
Pouch V
Juneau, Alaska 99811
(907) 465-3782



UNIVERSITY OF ALASKA
CRIMINAL JUSTICE CENTER
3211 PROVIDENCE AVENUE
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Interim House Judiciary Committee
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Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

August 14, 1979

Arthur H. Snowden, II
Administrative Director
Alaska Court System
303 "K" Street
Anchorage, Alaska 99501

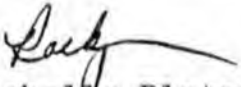
Dear Art:

This letter is to confirm the use of room 402 in the Alaska Court Building for a hearing on September 15th. Chairman Parr would like the hearing to begin at 9:00 a.m. so the building should be open by 8:00 a.m. As mentioned in our telephone conversation, we will need to pay for building security, since the hearing is on a Saturday. Please send that bill to:

Legislative Affairs Agency
Pouch Y
Juneau, Alaska 99811
ATTN: Pat Costello

Thank you very much for your assistance.

Sincerely,


Rochelle Plotnick
Administrative Assistant
House Judiciary Committee

RP

cc: Pat Costello

file