

U.S. HOUSE OF REPRESENTATIVES, CITIZEN DISPUTE CENTER

given case. Particularly if the intake officers are skillful in selecting the panels which hear each dispute, the personalities and biases of the hearing officers will tend to balance each other out; the settlement or award which, together, they catalyze or impose may be fairer than the decision any one of them would make alone.

In this context, it should be emphasized that the difference in the legal expertise of the three members of each panel will not reflect or produce any difference in their status or power. Each member of the panel will have equal authority and will contribute equally. If the panel is forced to arbitrate a dispute, the award will be determined by majority vote. Thus, if the system is working properly, the three members of each group will work together and will truly balance each other out. The personality and opinions of the lawyer ought to control neither the development of the hearing nor the content of the decision.

Finally, we recommend that all hearing officers be volunteers. Mediators would be provided with expense money for each hearing session (approximately 4 hours) they attended which would cover the cost of their transportation, child care, and related expenses. They would receive no other compensation.

A few interviewees thought we would have difficulty recruiting and maintaining a pool of volunteer hearing officers. Most of our research, however, indicated that we should not have any problem. Five of the nine centers we

examined are operating successfully with volunteer staffs. One hundred and thirty-five or 61% of the respondents to the questionnaire we sent to members of the Anchorage business community indicated that they or a member of their organizations would be willing to volunteer. And the Anchorage Bar Association has submitted an initial list of about 20 attorneys who are interested in volunteering their efforts. If the members of other sectors of the community are equally enthusiastic, we should have plenty of hearing officers for years to come.

We recommend that each hearing officer receive training in three areas: The nature and objectives of the Citizen Dispute Center; the techniques of mediation and arbitration; and the statutory and common law rules relevant to the types of controversies they will be handling. The Institute for Mediation and Conflict Resolution, a professional educational and consulting organization, has designed and implemented the initial training programs for several established dispute resolution projects. Until such professional expertise is available either from a member of the staff of the Citizen Dispute Center or from some other agency in Anchorage, we recommend that the Institute be employed to train our mediators/arbitrators.

While most of the details of the training program must be left to the discretion of the Institute, we can and should outline the essential elements of the education we envision. The most important and extensive aspect of the

program should be the training in mediation and arbitration skills. Prospective hearing officers should be provided with extensive reading material on those techniques, should observe films of hearings conducted by other projects, and should participate in several practice sessions themselves. Once the center is operational, new mediators/arbitrators should be given the opportunity to observe and then co-mediate sessions with more experienced staff. The officers' exposure to the nature and purpose of the center should include reading this report and engaging in an open discussion with members of the full-time staff. Finally, the mediators' training in the relevant aspects of substantive law should involve a brief review of important "black letter" rules and then some practice in the application of principles to sets of facts. The duration of the total program should be approximately four full days (two weekends) for the lay volunteers and three days for the attorneys; the difference reflects the fact that lawyers could forego the substantive law portion of the program.

PART III: IMPLEMENTATION

The implementation of a citizen dispute center in Anchorage is dependent on three major factors: cooperative support from the courts and police, volunteered support from attorneys and concerned citizens who are to serve as hearing officers, and sufficient funding to enable the program to become effectively established.

Members of Alaska's criminal justice system, including police, district court judges, district attorneys and members of the criminal defense bar have indicated the need for and their support of a system that would allow for the diversion of certain cases now being processed through the district court. Some members of the Anchorage Police Department have indicated that often times situations arise in which prosecution is an ineffectual or inappropriate remedy but occurs nevertheless because it is the only alternative available. In such cases the police have indicated a desire and willingness to direct disputants to a citizens' center. The cooperation of the Alaska Court System will be required to ensure the smooth flow of court-referred cases in criminal matters and to inform disputants in civil matters of this new option.

Concrete indications of volunteered support from both the bar and the Chamber of Commerce have been encouraging. Over twenty attorneys signed a volunteer list when the idea was introduced in the Spring of 1977, and an increased

commitment is expected as procedures and requirements become more clearly defined. In response to a questionnaire, over 60% of the Chamber of Commerce members indicated that they would be willing to serve as hearing officers if a citizen dispute center were established.

Obviously, funding is the critical variable. The estimated cost of such a center for one year, based on caseload of 1000 cases, breaks down as follows:

Operational Costs

- 1) Facilities: A storefront office near the city center-1200 sq. feet (includes hearing rooms and three offices). \$38,000.00
- 2) Supplies: Basic operating materials, copying, and telephone. 9,000.00
\$47,000.00

Staff

- 1) Project Coordinator: A qualified person to manage the program and assume supervisory responsibility for planning, monitoring and evaluating the project \$32,000.00
- 2) Administrative Assistant: A fulltime clerk/typist to handle daily office processes including follow-up contacts and record-keeping. 11,500.00
- 3) Two Staff Officers: Two full-time staff positions are required to share responsibility for drop-in cases, to screen referred cases, to assist hearing officers and coordinate caseload and mediator schedules 34,500.00
\$78,000.00

Mediators

- 1) Expense stipends for hearing officers (approximately \$10 per case per mediator) based on an estimate of 1,000 cases. \$10,000.00

2) Training of mediators by the Institute
for Mediation and Conciliation 15,000.00
\$25,000.00

Total Cost

Operational	\$ 47,000.00
Staff	78,000.00
Hearing Officers	25,000.00
	<u>\$150,000.00</u>

Cost per hearing based on an estimated annual
caseload of 1000 cases \$15 per c

Timetable for Implementation

It is suggested that the sponsoring agency prepare a grant application for implementation to be presented at the January 1978 meeting of the Governor's Commission on the Administration of Justice.⁴⁵ If funding is secured a board of directors could be appointed in the first quarter of 1978. The board could then begin the process of hiring a staff, soliciting and training hearing officers and locating a suitable facility. The staff would establish daily procedures and devise a record-keeping system. It would be advisable to have several cases "run through" the system to ascertain that the program is procedurally sound. Widespread public advertisement of the Center should begin and informational sessions with potential referral source personnel

⁴⁵ The foregoing minimum estimates of program costs are in no way meant to be binding on subsequent grant applicants. For example, as indicated earlier in the report, the recommended staff size is smaller than that utilized in centers of comparable caseload. Estimated implementation costs realistically could range from \$150,000 to \$200,000.

(i.e. police and district attorneys) should commence in the late Spring of 1978.

APPENDIX A

Small Claims Court

Status of Plaintiff(s)

1. 26.7% male individual
2. 8.3% female individual
3. 4.3% two or more individuals
4. 60.8% corporation or association

Status of Defendant(s)

1. 45.8% male individual
2. 17.2% female individual
3. 16.5% two or more individuals
4. 20.3% corporation or association
5. 0.3% state or municipality

Representation

- | | | |
|------------|----|-----------------------------|
| Plaintiff. | 1. | 4.5% had a lawyer |
| | 2. | 95.4% did not have a lawyer |
| Defendant: | 1. | 1.7% had a lawyer |
| | 2. | 98.2% did not have a lawyer |

Type of Action

1. 16.0% promissory note
2. 24.1% debt--for purchase of goods
3. 21.3% debt--for services rendered
4. 3.8% bad check
5. 10.0% damages--auto accident
6. 3.0% damages--other than auto accident
7. 6.8% action by landlord
8. 3.1% action by tenant
9. 8.4% breach of contract
10. 1.1% warranty
11. 2.4% other

Disposition

1. 9.2% dismissal--by plaintiff prior to answer
2. 3.9% dismissal--upon stipulation of parties
 - a. 0.9% with prejudice
 - b. 2.7% without prejudice
 - c. 0.3% unknown
3. 15.2% dismissal--failure to prosecute
 - a. 0.5% with prejudice
 - b. 14.4% without prejudice

- c. 0.3% unknown
- 4. 0.6% judgment on the merits for defendant
- 5. 1.2% defendant recovered on counterclaim
\$214.00 (mean)
\$267.00 (median)
- 6. 19.9% default judgment for plaintiff
\$550.00 (mean)
\$484.00 (median)
- 7. 7.6% judgment on the pleadings for plaintiff
\$532.00 (mean)
\$482.00 (median)
- 8. 8.6% judgment on the merits for plaintiff
\$408.00 (mean)
\$328.00 (median)
- 9. 4.9% defendant opted for formal procedure
- 10. 23.6% pending
- 11. 0.4% change of venue or dismissal for lack of
jurisdiction

Duration of Process

- 1. Elapsed time: 99 days (mean), 68 days (median)
- 2. Time pending: 133 days (mean), 134 days (median)

APPENDIX B

1976 POLICE REPORTS OF ASSAULT AND BATTERY,
DISORDERLY CONDUCT, AND FAMILY DISTURBANCE INCIDENTS

General Information

Living arrangement - (Victim and suspect or primary participants)

1. 53.1% cohabitation
2. 6.5% married but living apart
3. 6.7% neighbors
4. 37.7% separate residences
5. 0.3% other
6. 1.1% unknown

Place of occurrence

1. 79.8% residence
2. 6.5% establishment open to public (bar/restaurant)
3. 2.4% commercial facility (retail store, gas station, etc.)
4. 6.2% "on the street"
5. 5.7% other
6. 1.1% unknown

Type of dispute

1. 15.4% one-sided verbal abuse
2. 26.7% unprovoked physical attack
3. 10.0% argument
4. 7.8% argument resulting in property damage
5. 49.9% argument resulting in physical contact
6. 0.8% public disturbance
7. 3.2% theft
8. 6.5% other
9. 2.2% unknown

Dispute Issue (Source of Dissension)

1. 11.6% money or property between family or friends
2. 10.8% jealousy and infidelity
3. 5.9% control of offspring
4. 1.9% in-law conflicts
5. 12.9% dissolve relationship
6. 5.1% money or property between non-family or strangers
7. 1.1% short term violence to person/property
8. 3.0% long term or recurring violence
9. 30.5% drinking behavior
10. 0.8% employment problems
11. 10.5% other
12. 0.8% authority conflicts (confrontations with police, etc.)
13. 1.1% sex-related
14. 30.7% unknown

Police observation or independent knowledge of incident

1. 8.1% verbal abuse
2. 5.1% threatened physical harm
3. 1.9% attempted physical harm
- Physical harm:
4. 3.8% actual battery but no evident harm
5. 17.8% evident harm but no medical treatment required (or treatment refused)
6. 10.0% single trip to doctor/hospital or first aid rendered
7. 1.1% hospitalization
8. 7.0% property damage or loss
9. 7.2% none
10. 1.3% other
11. 57.4% no observation or independent knowledge

Weapon involved (UCR definitions)

1. 13.2% firearm
2. 5.7% knife or cutting instrument
3. 1.9% other dangerous weapon
4. 79.5% none
5. 1.9% other

Was weapon used (s' . fired, stabbing, etc.)?

1. 4.6% yes
2. 16.4% no
3. 78.7% not applicable
4. 0.3% unknown

Dispositions

1. 11.6% no action
2. 22.4% police unable to act because victim refused to press charges
3. 4.9% victim wanted to press charges but police refused to act
4. 16.7% defendant/suspect couldn't be located
5. 17.0% no action at present--pending further investigation or review by prosecutor
6. 8.9% weapon secured for safekeeping

	V	S	P ₁	P ₂
7.	1.3%	3.0%	0.3%	0%
8.	8.4%	12.9%	2.7%	0.5%

Police talked to party--told him to "cool down"

Police removed party or ordered him to leave

	V	S	P ₁	P ₂	
9.	3.0%	6.5%	1.6%	0.8%	Police warned party against similar future conduct
10.	4.3%	1.6%	0.5%	0%	Police referred party to another agency
11.	3.8%	1.6%	1.1%	0.5%	Police referred party to private attorney
12.	0%	0%	0.3%	0.3%	Citation
13.	1.1%	28.8%	1.1%	0.3%	Arrest
14.	0.3%	2.2%	0.3%	0%	Arrest planned

Total number of parties involved 2.191% (mean)

Had two or more of the participants been previously involved together in similar disturbances?

1. 41.5% yes
2. 3.8% no
3. 59.4% unknown

Was there a statement or definite indication that this situation was likely to reoccur?

1. 46.1% yes
2. 53.4% no

Victim

1. Age: 37.98 (mean)
2. Sex:
 - 25.6% male
 - 70.6% female
3. Race:
 - 65.5% Caucasian
 - 9.2% African-American
 - 18.3% Native
 - 0.5% Mexican-American
 - 1.3% Other
 - 1.3% Unknown

Victim's relationship to other parties.

S	P ₁	P ₂	(Is victim's:)
23.2%	0.8%	0	Wife
8.6%	0.8%	0	Husband
3.2%	0	0	Ex-Wife
1.1%	0.3%	0	Ex-Husband
2.7%	2.4%	0.3%	Parent
2.2%	1.6%	0.3%	Child
1.6%	0.5%	0	Sibling
3.5%	0	0.5%	Other Family
2.7%	0.5%	0	Boyfriend
11.1%	0.5%	0	Girlfriend
18.1%	4.9%	1.9%	Friend
11.3%	2.2%	0.5%	Acquaintance
0.5%	0	0	Employer
0.3%	0	0	Employee
1.3%	0.3%	0	Landlord
0.5%	0	0	Tenant

S	P ₁	P ₂	(Is victim's:)
0.3%	0.3%	0.3%	Policeman
1.3%	0	0	Stranger
2.4%	1.1%	0	Other
1.1%	0	0	Unknown

Attacks on wives, ex-wives, and girlfriends = 37.5%
= 139 (+ log cards)

Victim's story conflicted substantially with the story of:

1. 0% police
2. 15.1% suspect
3. 2.2% participant #1
4. 0% participant #2
5. 4.6% victim did not give a statement
6. 51.5% no other party gave a statement
7. 24.8% stories of all parties coincided

Victim's description of incident (injury claimed).

1. 52.8% verbal abuse
2. 30.5% threatened physical harm
3. 8.6% attempted physical harm
- Physical harm:
 4. 33.4% actual battery but no evident harm
 5. 28.6% evident harm but no medical treatment required (or treatment refused)
 6. 9.7% single trip to doctor/hospital or first aid rendered
 7. 1.1% hospitalization
 8. 14.6% property damage or loss
 9. 0.5% none
 10. 2.4% other
 11. 4.6% unknown

State of mind.

1. Was victim intoxicated?
 - a. 11.1% yes
 - b. 76.0% not indicated and circumstances don't suggest it.

- c. 9.2% not indicated but likely that drinking was involved.
- 2. Was victim on drugs?
 - a. 0.3% yes
 - b. 95.7% not indicated and circumstances don't suggest it.
 - c. 0.3% not indicated but likely that drugs were involved

Had victim previously been involved in similar disturbances?

- 1. 37.7% yes
- 2. 2.4% no
- 3. 56.1% unknown

APPENDIX B-1

Family Dispute

Living arrangement - (Victim and suspect or primary participants)

1. 73.0% cohabitation
2. 17.5% married but living apart
3. 0% neighbors
4. 6.3% separate residences
5. 0% other
6. 1.6% unknown

Place of occurrence

1. 92.1% residence
2. 0% establishment open to public (bar/restaurant)
3. 1.6% commercial facility (retail store, gas station, etc.)
4. 6.3% "on the street"
5. 1.6% other
6. 0% unknown

Type of dispute

1. 17.5% one-sided verbal abuse
2. 12.7% unprovoked physical attack
3. 17.5% argument
4. 9.5% argument resulting in property damage
5. 42.9% argument resulting in physical contact
6. 1.6% public disturbance
7. 0% theft
8. 6.3% other
9. 1.6% unknown

Dispute issue (Source of dissension)

1. 11.1% money or property between family or friends
2. 7.9% jealousy and infidelity
3. 9.5% control of offspring
4. 3.2% in-law conflicts
5. 22.2% dissolve relationship
6. 0% money or property between non-family or strangers
7. 0% short term violence to person/property
8. 3.2% long term or recurring violence
9. 23.8% drinking behavior
10. 0% employment problems
11. 4.8% other
12. 0% authority conflicts (confrontations with police, etc.)
13. 0% sex-related
14. 33.3% unknown

Police observation or independent knowledge of incident

- 1. 3.2% verbal abuse
- 2. 0% threatened physical harm
- 3. 0% attempted physical harm
- Physical Harm:
- 4. 3.2% actual battery but no evident harm
- 5. 11.1% evident harm but no medical treatment required (or treatment refused)
- 6. 6.3% single trip to doctor/hospital or first aid rendered
- 7. 0% hospitalization
- 8. 9.5% property damage or loss
- 9. 3.2% none
- 10. 0% other
- 11. 66.7% no observation or independent knowledge

Weapon involved (UCR definitions)

- 1. 33.3% firearm
- 2. 15.9% knife or cutting instrument
- 3. 4.8% other dangerous weapon
- 4. 57.4% none
- 5. 3.2% other

Was weapon used (shots fired, stabbing, etc.)?

- 1. 12.7% yes
- 2. 34.9% no
- 3. 50.8% not applicable
- 4. 1.6% unknown

Dispositions

- 1. 25.4% no action
- 2. 33.3% police unable to act because victim refused to press charges
- 3. 4.8% victim wanted to press charges but police refused to act
- 4. 6.3% defendant/suspect couldn't be located
- 5. 6.3% no action at present--pending further investigation or review by prosecutor
- 6. 25.4% weapon secured for safekeeping

	V	S	P ₁	P ₂	
7.	4.8%	3.2%	0	0	Police talked to party--told him to "cool down"
8.	7.9%	23.8%	6.3%	0	Police removed party or ordered him to leave

	V	S	P ₁	P ₂	
9.	6.3%	9.5%	6.3%	4.8%	Police warned party against similar future conduct
10.	4.8%	3.2%	0	0	Police referred party to another agency
11.	6.3%	3.2%	1.6%	1.6%	Police referred party to private attorney
12.	0	0	0	0	Citation
13.	1.6%	4.8%	0	0	Arrest
14.	0	0	0	0	Arrest planned

Total number of parties involved

1. 2.127% mean
2. 2.075% median

Had two or more of the participants been previously involved together in similar disturbances?

1. 38.1% yes
2. 1.6% no
3. 60.3% unknown

Was there a statement or definite indication that this situation was likely to reoccur?

1. 36.5% yes
2. 63.5% no

APPENDIX B-2

Disorderly Conduct

Living arrangement - (Victim and suspect or primary participants)

1. 51.8% cohabitation
2. 6.0% married but living apart
3. 10.8% neighbors
4. 43.4% separate residences
5. 0% other
6. 2.4% unknown

Place of occurrence

1. 77.1% residence
2. 7.2% establishment open to public (bar/restaurant)
3. 1.2% commercial facility (retail store, gas station, etc.)
4. 10.8% "on the street"
5. 7.2% other
6. 0% unknown

Type of dispute

1. 31.3% one-sided verbal abuse
2. 12.0% unprovoked physical attack
3. 26.5% argument
4. 12.0% argument resulting in property damage
5. 30.1% argument resulting in physical contact
6. 1.2% public disturbance
7. 2.4% theft
8. 14.5% other
9. 2.4% unknown

Dispute issue (Source of Dissension)

1. 2.4% money or property between family or friends
2. 13.3% jealousy and infidelity
3. 4.8% control of offspring
4. 1.2% in-law conflicts
5. 13.3% dissolve relationship
6. 12.0% money or property between non-family or strangers
7. 1.2% short term violence to person/property
8. 1.2% long term or recurring violence
9. 30.1% drinking behavior
10. 0% employment problems
11. 14.5% other
12. 0% authority conflicts (confrontations with police, etc.)
13. 2.4% sex-related
14. 31.3% unknown

Police observation or independent knowledge of incident

- 1. 24.1% verbal abuse
- 2. 10.8% threatened physical harm
- 3. 4.8% attempted physical harm
- Physical Harm:
- 4. 6.0% actual batter but no evident harm
- 5. 6.0% evident harm but no medical treatment required (or treatment refused)
- 6. 6.0% single trip to doctor/hospital or first aid rendered
- 7. 1.2% hospitalization
- 8. 7.2% property damage or loss
- 9. 0% none
- 10. 6.0% other
- 11. 60.2% no observation or independent knowledge

Weapon involved (UCR definitions)

- 1. 22.9% firearm
- 2. 7.2% knife or cutting instrument
- 3. 1.2% other dangerous weapon
- 4. 67.5% none
- 5. 3.6% other

Was weapon used (shots fired, stabbing, etc.)?

- 1. 4.8% yes
- 2. 31.3% no
- 3. 63.9% not applicable

Dispositions

- 1. 13.3% no action
- 2. 25.3% police unable to act because victim refused to press charges
- 3. 1.2% victim wanted to press charges but police refused to act
- 4. 10.8% defendant/suspect couldn't be located
- 5. 7.2% no action at present--pending further investigation or review by prosecutor
- 6. 13.3% weapon secured for safekeeping

V S P₁ P₂

7.	2.4%	10.8%	1.2%	0
8.	12.0%	31.3%	4.8%	1.2%

Police talked to party--told him to "cool down"

Police removed party or ordered him to leave

	V	S	P ₁	P ₂	
9.	7.2%	20.5%	2.4%	0	Police warned party against similar future conduct
10.	2.4%	1.2%	0	0	Police referred party to another agency
11.	4.8%	2.4%	2.4%	1.2%	Police referred party to private attorney
12.	0	0	0	0	Citation
13.	2.4%	36.1%	1.2%	0	Arrest
14.	0	1.2%	0	0	Arrest planned

Total number of parties involved

1. 2.361% mean
2. 2.180% median

Had two or more of the participants been previously involved together in similar disturbances?

1. 44.6% yes
2. 4.8% no
3. 50.6% unknown

Was there a statement or definite indication that this situation was likely to reoccur?

1. 54.2% yes
2. 44.6% no

APPENDIX B-3

Assault and Battery

Living arrangement - (Victim and suspect or primary participants)

1. 47.6% cohabitation
2. 3.5% married but living apart
3. 7.0% neighbors
4. 45.5% separate residences
5. 0.4% other
6. 0.4% unknown

Place of occurrence

1. 76.4% residence
2. 9.2% establishment open to public (bar/restaurant)
3. 3.1% commercial facility (retail store, gas station, etc.)
4. 4.4% "on the street"
5. 6.1% other
6. 1.7% unknown

Type of dispute

1. 8.7% one-sided verbal abuse
2. 36.2% unprovoked physical attack
3. 1.7% argument
4. 5.7% argument resulting in property damage
5. 59.0% argument resulting in physical contact
6. 0.4% public disturbance
7. 4.4% theft
8. 3.5% other
9. 2.2% unknown

Dispute issue (Source of Dissension)

1. 15.3% money or property between family or friends
2. 10.5% jealousy and infidelity
3. 5.2% control of offspring
4. 1.7% in-law conflicts
5. 10.0% dissolve relationship
6. 3.9% money or property between non-family or strangers
7. 1.3% short term violence to person/property
8. 3.5% long term or recurring violence
9. 32.3% drinking behavior
10. 1.3% employment problems
11. 10.9% other
12. 1.3% authority conflicts (confrontations with police, etc.)
13. 1.3% sex-related
14. 29.3% unknown

Police observation or independent knowledge of incident

- 1. 3.5% verbal abuse
- 2. 4.4% threatened physical harm
- 3. 1.3% attempted physical harm
- Physical Harm:
- 4. 3.1% actual battery but no evident harm
- 5. 23.6% evident harm but no medical treatment required (or treatment refused)
- 6. 12.2% single trip to doctor/hospital or first aid rendered
- 7. 1.3% hospitalization
- 8. 6.1% property damage or loss
- 9. 2.6% none
- 10. 0% other
- 11. 54.6% no observation or independent knowledge

Weapon involved (UCR definitions)

- 1. 3.9% firearm
- 2. 2.2% knife or cutting instrument
- 3. 1.7% other dangerous weapon
- 4. 91.3% none
- 5. 0.9% other

Was weapon used (shots fired, stabbing, etc.)?

- 1. 2.6% yes
- 2. 5.7% no
- 3. 91.7% not applicable

Dispositions

- 1. 7.0% no action
- 2. 18.3% police unable to act because victim refused to press charges
- 3. 6.6% victim wanted to press charges but police refused to act
- 4. 21.8% defendant/suspect couldn't be located
- 5. 24.0% no action at present--pending further investigation or review by prosecutor
- 6. 2.6% weapon secured for safekeeping

	V	S	P ₁	P ₂
7.	0	0	0	0
8.	7.0%	3.1%	0.9%	0.4%

Police talked to party--told him to "cool down"

Police removed party or ordered him to leave

	V	S	P ₁	P ₂	
9.	0.4%	0.4%	0	0	Police warned party against similar future conduct
10.	4.8%	1.3%	0.9%	0	Police referred party to another agency
11.	2.6%	0.9%	0.4%	0	Police referred party to private attorney
12.	0	0	0.4%	0.4%	Citation
13.	0.4%	32.3%	1.3%	0.4%	Arrest
14.	0.4%	3.1%	0.4%	0	Arrest planned

Total number of parties involved

1. 2.166% mean
2. 2.061% median

Had two or more of the participants been previously involved together in similar disturbances

1. 41.0% yes
2. 3.9% no
3. 55.0% unknown

Was there a statement or definite indication that this situation was likely to reoccur?

1. 45.9% yes
2. 53.7% no

APPENDIX C

DISTRICT COURT DISPOSITIONS
OF ARRESTED¹ SUSPECTS

Disorderly Conduct	Assault and Battery	Total
1.9%	30.1%	32.0%
0	3.8	3.8
1.9	1.9	3.8
1.9	0	1.9
0	15.1	15.1
1.9	11.3	13.2
3.8	1.9	5.7
15.1	9.4	24.5
3.8	1.9	5.7
3.8	1.9	5.7
0	3.8	3.8
0	15.1	15.1
1.9	1.9	3.8
32.0	64.1%	96.2
15.1	3.8	8.9
9.4	0	9.4
11.3	13.2	24.5
3.8	13.2	
28.3	41.5	
15.1	15.1	30.2
13.7	28.2	21

Representation

1. Defendant had a lawyer

Disposition

1. Dismissed by prosecutor at arraignment
2. Dismissed by court at arraignment
3. Dismissed by prosecutor at change of plea
4. Dismissed by prosecutor after arraignment on Criminal Rule 43(a)
5. Deferred prosecution
6. Bail forfeited
7. Guilty plea at arraignment
8. Guilty plea at change of plea hearing
9. No contest plea at arraignment
10. Not guilty plea
11. Complainant requested charges be dropped

Finding

1. Finding by court: guilty
2. Not applicable

Sentence

1. Fine - \$25 (3)
\$50 (2)
\$100 (3)
\$200 (2)
2. Fine suspended
3. Jail time imposed 2 days (4)
3-5 days (5)
10-15 days (2)
30 days (2)
4. Jail time suspended 1-15 days (7)
15-30 days (1)
90 days (1)
5. Jail time served 1 day (23)
2 days (7)
5 days (3)
6-15 days (3)
36 days (1)
6. Conditions imposed
Average disposition time (in days)

¹ There were 107 arrests noted on the police reports, but only 53 could be located in the district court files. See footnote 5 in the text.

APPENDIX C-1

A COMPARATIVE DESCRIPTION OF
ARREST AND NO-ARREST INCIDENTS

% of those arrested for disorderly conduct	% of those arrested for assault and battery	% of all incidents reported, whether or not arrest occurred
55	57	53
0	17	7
44	26	38
77	92	78
6	6	7
11	0	6
44	6	15
17	37	27
17	3	10
22	3	8
22	57	50
11	0	7
6	9	12
17	6	11
6	3	6
6	11	13
38	39	31
17	9	11
28	46	31
61	6	8
17	9	5
11	6	2
11	14	4
0	23	18
6	9	10
11	3	7
33	54	57

Living Arrangement

Cohabitation
Neighbors
Separate residences

Place of Occurrence

Residence
Establishment open to public (bar/restaurant)
"On the street"

Type of Dispute

One-sided verbal abuse
Unprovoked physical abuse
Argument
Argument resulting in property damage
Argument resulting in physical contact
Other

Dispute Issue

Money or property between family or friends
Jealousy and infidelity
Control of offspring
Dissolve relationship
Drinking behavior
Other
Unknown

Police Observation or Independent Knowledge of Incident

Verbal abuse
Threatened physical harm
Attempted physical harm
Physical Harm
Actual battery but no evident harm
Evident harm but no medical treatment required (or treatment refused)
Single trip to doctor/hospital or first aid rendered
Property damage or loss
No observation or independent knowledge

% of those arrested for disorderly conduct	% of those arrested for assault and battery	% of all incidents reported, whether or not arrest occurred
6	0	13
6	9	6
83	89	20
6	3	5
17	9	16
78	89	79
72	88	
27	9	
44	34	42
0	3	4
56	63	59
31	44	46
69	50	53
	6	
33 yr	30 yr	38 yr
44	20	26
56	80	71
61	65	66
0	9	9
33	20	18

Weapon Involved

Firearm
 Knife or cutting instrument
 None

Was Weapon Used

Yes
 No
 Not applicable

Total Number of Parties Involved

Two-party
 Three-party

Had Two or More of the Participants Been Previously Involved Together in Similar Disturbances?

Yes
 No
 Unknown

Was There a Statement or Definite Indication That This Situation Was Likely to Reoccur?

Yes
 No
 Unknown

Victim

Age
 Male
 Female

Race

Caucasian
 African-American
 Native

% of those arrested for disorderly conduct	% of those arrested for assault and battery	% of all incidents reported, whether or not arrest occurred
6	3	22
6	0	1
11	11	8
6	0	3
6	0	4
6	3	1
11	0	3
50	3	13
22	0	7
0	0	2
94	97	29
11	23	23
6	20	9
6	3	3
0	3	1
6	0	3
6	6	4
11	14	11
33	9	18
17	14	11
11	17	15
17	0	5
33	57	52
39	26	25

Dispositions

Police unable to act because victim refused to press charges

Victim

Police talked to party--told him to "cool down"

Police removed party or told to leave

Police warned party against similar future conduct

Police referred party to another agency

Arrest

Suspect

Police talked to party--told him to "cool down"

Police removed party or told to leave

Police warned party against similar future conduct

Police referred party to another agency

Arrest

The Victim is Related to the Suspect in the Following Manner

Wife

Husband

Ex-Wife

Ex-Husband

Parent

Other family

Girlfriend

Friend

Acquaintance

Victim's Story Conflicted Substantially with the Story of:

Suspect

Victim did not give a statement

No other party gave a statement

Stories of all parties coincided

% of those arrested for disorderly conduct	% of those arrested for assault and battery	% of all incidents reported, whether or not arrest occurred
50	60	53
33	26	31
11	6	9
11	40	33
0	46	29
22	17	15
17	0	5
6	3	11
72	83	76
22	14	9
100	100	96
33	34	38
61	66	56

Victim's Description of Incident (Injury Claimed)

Verbal abuse

Threatened physical harm

Attempted physical harm

Physical Harm

Actual battery but no evident harm

Evident harm but no medical treatment required
(or treatment refused)

Property damage or loss

Unknown

Was Victim Intoxicated?

Yes

Not indicated and circumstances don't suggest it

Not indicated but likely that drinking was involved

Was Victim on Drugs?

Not indicated and circumstances don't suggest it.

Had Victim Previously Been Involved in Similar Disturbance?

Yes

Unknown

APPENDIX D

Attorney General - Consumer Protection Division
Statistical Summary January-April 1977

There were 528 complaints processed by the agency during this four-month period.

I. 15% Dismissed Complaints (79)

44% no basis (35)
22% factual dispute (17)
9% subject area exempt from statute)
or recovery sought unavailable) (7)
statute)
16% accused out of business (13)
9% unable to locate accused (7)

II. 41% Referrals (218)

25% other Alaska agency (55)
1% post office (2)
5% other attorney general or State
consumer protection organization (11)
67% private attorney (146)
2% other (4)

III. 42% Settled Informally (223)

55% money saved or recovered (123)
26% merchandise delivered or service performed (58)
5% practice discontinued (12)
.04% contract cancelled (1)
13% agreement of parties (28)
.05% other (1)

* There were 2,307 calls to the agency requesting information and 346 "walk-in" complainants.

APPENDIX E

Chamber of Commerce Questionnaire

Please indicate the category which best describes your business or profession.

1. 23.7% professional services (legal, medical, accounting, real estate, data processing)
2. 2.7% bank or financial institution
3. 0.9% collection agency
4. 4.5% construction or maintenance (carpentry, plumbing, electrical work, landscaping)
5. 5.9% transportation (airline, bus charter service, etc.)
6. 7.8% other services
7. 14.2% retail store (except grocery store)
8. 1.8% grocery store
9. 6.4% wholesale distributor
10. 2.7% restaurant, bar, or hotel
11. 0.9% automobile sales
12. 0.5% gas station or auto repair
13. 9.6% other
14. 8.2% no response
15. 9.6% double code

How many people does your business employ?

1. 3.7% one
2. 20.5% 2 to 5
3. 40.2% 6 to 25
4. 33.3% more than 25
5. 1.8% no response

Are most of your receipts in the form of:

1. 7.3% cash
2. 63.5% personal checks
3. 2.3% local credit card
4. 0.5% national credit card
5. 3.2% business checks
6. 17.8% double code
7. 5.5% no response

Please indicate your willingness to use the proposed alternative dispute resolution center to resolve the following types of disputes: (We are not asking for a firm commitment--only an opinion on how you think you would utilize the program.)

Controversies over a debt when the customer refuses to pay because he claims the product or service was defective.

- 1.. 6.8% I think the existing court systems adequately handle this type of dispute.
2. 41.6% I probably would submit disputes of this sort to the proposed center.
3. 26.0% I would be willing to consent in advance to submitting all disputes of this type to which I am a party to the proposed center.
4. 16.4% I am not likely to become involved in a dispute of this type due to the nature of my business.
5. 8.2% double code
6. 0.5% no response

Bad check cases when the customer refuses to make the check good because he claims the product or service was defective.

1. 5.5% I think the existing court systems adequately handle this type of dispute.
2. 36.5% I probably would submit disputes of this sort to the proposed center.
3. 26.5% I would be willing to consent in advance to submitting all disputes of this type to which I am a party to the proposed center.
4. 28.8% I am not likely to become involved in a dispute of this type due to the nature of my business.
5. 0.9% double code
6. 1.8% no response

Consumer protection suits. (A customer wants his money back or wants to recover damages for injuries caused by a defective product or service.)

1. 16.0% I think the existing court systems adequately handle this type of dispute.
2. 31.1% I probably would submit disputes of this sort to the proposed center.
3. 23.3% I would be willing to consent in advance to submitting all disputes of this type to which I am a party to the proposed center.
4. 27.9% I am not likely to become involved in a dispute of this type due to the nature of my business.
5. 0.5% double code
6. 0.9% no response

Shoplifting offenses.

1. 7.8% I think the existing court systems adequately handle this type of dispute.
2. 21.5% I probably would submit disputes of this sort to the proposed center.
3. 13.2% I would be willing to consent in advance to submitting all disputes of this type to which I am a party to the proposed center.
4. 51.1% I am not likely to become involved in a dispute of this type due to the nature of my business.
5. 5.5% no response
6. 0.9% double code

Are there any additional types of disputes which you feel are not being satisfactorily resolved by the existing court systems and which you would like to see incorporated in the proposed program?

1. 16.9% yes
2. 32.9% no
3. 49.8% no response

Approximately how many disputes of the following types have you been involved in during the time periods indicated?

June '76 Jan. '77
-Dec. '76 'June '77

District Court Civil Cases:

Debts.	14.6%	. . . . .	13.7%
Bad Checks	3.7%	. . . . .	4.1%
Consumer Protection.	4.1%	. . . . .	2.7%
Other.	4.1%	. . . . .	2.3%

Small Claims Cases:

Debts.	15.5%	. . . . .	12.3%
Bad Checks	5.9%	. . . . .	5.9%
Consumer Protection.	3.1%	. . . . .	0.9%
Other.	0.9%	. . . . .	1.8%

Criminal Cases:

Shoplifting.	4.1%	. . . . .	2.7%
Bad Checks	2.3%	. . . . .	2.3%
Other.	0.5%	. . . . .	0

Would you or a member of your organization be willing to volunteer to serve as an arbitrator? (You would probably be re-

quired to undergo some training and be asked to arbitrate one case every two or three months.)

1. 61.6% yes
2. 31.5% no
3. 6.8% no response

* Total response basis: 226 questionnaires

APPENDIX F

Summary of the Major Characteristics of Six Citizen Dispute Centers

FEATURES	CITIES					
	Boston	Columbus	Miami	New York City	Rochester	San Francisco
Project Name	Boston Urban Court Project	Columbus Night Prosecutor Program	Black Citizen Dispute Settlement Program	Institute for Mediation & Conflict Resolution Dispute Center	Rochester Community Dispute Service Project	Community Board Program
Start-up Date	9/75	11/75	6/75	6/75	7/75	In planning stages
Community Service Name	Dorchester District Station, Massachusetts	Franklin County, Ohio	Dade County, Florida	Manhattan and Bronx, New York	Monroe County, New York	Selected Sections of San Francisco
Population	Dorchester: 228,000	County: 833,249 Columbus: 840,628	County: 1,287,782 Miami: 334,880	Manhattan: 1,539,333 Bronx: 1,471,701 Total: 3,011,034	County: 711,817 City of Rochester: 286,233	San Francisco: 718,874
Sponsoring Agency Name	Justice Resources Institute (non-profit)	City Attorney's Office, Columbus Ohio (Contractor Capital University Law School)	Administrative Office of the Courts	Institute for Mediation & Conflict Resolution (non-profit)	Rochester Regional Office of the American Arbitration Association (non-profit)	Community Board Program (non-profit)
Source of Funds	Law Enforcement Assistance Administration	Original Law Enforcement Assistance Administration, New City funded	Law Enforcement Assistance Administration	Law Enforcement Assistance Administration	Law Enforcement Assistance Administration	Foundation Funds
Location	Private storefront near the court	Prosecutor's office	Government building which also houses court & district attorney	Office building in Manhattan near court	Courtroom office building near the court	Library to have offices in the neighborhood
Case Criteria General Reference	Generally ongoing relationships among disputants	Generally ongoing relationships among disputants and law checks	Generally ongoing relationships among disputants	Generally ongoing relationships among disputants	Generally ongoing relationships among disputants	Generally ongoing relationships among disputants
FEATURES	CITIES					
	Boston	Columbus	Miami	New York City	Rochester	San Francisco
Case Criteria (continued) Types of Cases	38% family disputes, 20% neighbor, 17% landlord/tenant, 17% miscellaneous	28% intermar, and divorce, 51% bad checks	Statistical data are not currently available. Many matters, neighborhood problems, domestic problems	Statistical data are not currently available. Cases include both misdemeanor and felonies	Approximately 2/3 are interpersonnel criminal matters, 14% city regulations, 5% bad checks & miscellaneous. May begin to process family court cases	Not Applicable
Referral Sources Walk-ins	See Order	(No prosecutor)	20% approximately	8%	1975 14% 1976 18%	(likely to be high)
Fines	3.2%		20% approximately	42%	- 1%	(likely to be high)
Prosecutor	See Bench	most cases received through this office	80% approximately		8% 11%	
Clerk	33.4%			82%	60% 70%	
Bench	87.4% (including district attorney)	10-18% approx.			11%	
Community Organizations	See Order				-	"Third party" referrals will be encouraged
Other	7%				7% 0%	
Screening/Intake Procedures	Staff members at times working at neighborhood community staff and answer calls from bench, immediate consultation at court or district office	Staff members at district attorney's office & intake staff of project refer directly to district. Requests are referred to supervisor of receiving or file clerical charges	Intake staff are located at the district office & receive cases referred to the district from other criminal justice agencies	Cases are received from intake workers at Manhattan court, criminal court, & public defender's office	The project intake worker screens and refers cases to the clerk's office. Walk-in cases are accepted at the project's office	Not Applicable

FEATURES	CITIES		Median	New York City	Riverside	San Francisco	
	Boston	Columbus					
Resolution Techniques Type	Mediation	Mediation	Mediation	Mediation followed by mediation with arbitration in 1978, CTS, Vol. City St. of cases then re-cased in mediation arbitration.	Mediation followed by mediation arbitration in 1978, CTS, Vol. City St. of cases then re-cased in mediation arbitration.	Mediation	
Entirety of Resolutions	Court cases continue pending further mediation.	Disputes are referred to mediation groups and the field if case is not satisfactory re-mediate. Resolutions are occasionally placed on mediation track.	Disputes are referred to mediation groups and the field if case is not satisfactory re-mediate.	Arbitration precedes mediation at the end of all hearings & an arbitration in the civil court.	Arbitration precedes mediation at the end of all hearings & an arbitration in the civil court.	Part proceeds	
Time Per Hearing	2 hours	30 minutes	30 minutes	7 hours	One hour and 45 minutes	Not Applicable	
Availability of Appeal Hearings	Appeal more than two	Appeal used	Very rare	Most cases are completed in 1 session. Some number hours two.	Appeal used	Not Applicable	
Use of Written Resolutions	Yes	Appeal used	Yes	Yes, Resolutions are binding.	Yes, Resolutions are binding.	Yes (untyped ones are punned)	
Hearing Staff Qualifications and Training Type	Diverse group of community members	Law students	Professional mediators	Diverse group of community members	Diverse group of community members	Diverse group of community members	
Form of Recruitment	Workshop approach, group training	Contracted by staff of College University Law School	Through community contacts	Contact with community groups and open houses	Contact with organizations	Historical efforts to contact community members	
Number Used Per Session	2-3	1	1	1-2	1	1	
Rate of Payment	\$7.50 per night	\$2.75 per hour	\$8.00 per hour	\$10 per session	\$25 per case	Not Applicable (for 1st 2 hrs)	
FEATURES	CITIES	Boston	Columbus	Medi	New York City	Riverside	San Francisco
Hearing Staff Qualifications and Training	40 New Working system originally established by the CCA, and now by local staff	12 hours of training conducted by the Educational and Vocational Development Center	Disputes are referred to mediators	40 hour of training conducted by AAA	40 hour of training conducted by AAA	2 day two day system for setting	
Frequency of Appeals/Retrying Availability	Yes, but rare	Appeal used. Disputes can return on new charges	Yes, but rare	Only if both parties agree. Final award under 1978 law if both parties agree or if referred to mediator	Yes, if both parties agree	Previous cases in new cases	
Future Case	Disputes are referred to mediator after hearing and appeal then return to mediator.	Disputes are referred to mediator after hearing to see if resolution is being re-mediate.	No Project cases referred in summer of 1977	Yes, 20-25 cases heard having to do with resolution in being re-mediate.	As part of mediation program.	Some (untyped) cases	
Case Preparation by Dispute Resolution Staff	No	Yes, charging records, if prepared and filed if necessary	Court is contacted regarding mediation	No	No	No	
Case Costs and User Costs	\$100,000***	\$42,000	\$180,000	\$270,000	\$83,000*	\$187,000	
Annual Operating Budget							
Total Annual Personnel Cost/Network	\$300	\$4,000 (1978)	\$4,140 (1978)	\$3,000**	\$63 (1978)	Not Applicable	
Total Annual Hearings Cost/Network	\$83	\$6.00 case in last case	\$28.18	\$78.66	\$28.23	Not Applicable	
	\$371	\$3,478 (1978)	\$1,984 (1978)	\$48,000***	\$87 (1978)	Not Applicable	
		\$12,240 case in 1978 case, for 1978-1979	\$88.28	\$418 (medianly \$270)	\$143	Not Applicable	

FEATURES	CITIES					
	Boston	Columbus	Mass.	New York City	Rockford	San Francisco
Goal Achievement Total Annual Referrals	320	8,409 (inter- com. results in 1978, 10,148 and checks total = 18,975)	4,148 (1978)	3,433 (referred from 15-18 months through November, 1978)	882 (in 1978)	Not Applicable
Percentage Having Hearing	71%	54% of inter- personal disputes	54%	48% hearing sched- uled, 19% held due to clients receiving disputes	69% (in 1978)	Not Applicable
Percentage of Hearings Resulting in Resolutions	89% (i.e. written agreements)	Not Applicable	Final reports 87%	100%, 95% medi- ated, 5% arbitrated	100% due to ar- bitration, 90- 100% mediated, 60% mediated agree- ment, 40% arbi- trated agreement	Not Applicable
Percentage of Failures to Uphold Resolutions	15%	10% (survey of 882 1978 cases)	Not Available	8% according to a follow up	Unknown	Not Applicable
Percentage of "Resolved" Cases Returning to Court	Unknown	2.2%	Not Available	Less than 1%	5% not enforced agreement	Not Applicable
Project Organization Total Number of Project Staff	4	Approximately 5 full-time advo- cates	8	10	6	5*
Administrative	Supervisor	Coordinator, Director	Program Director, Administrative Officer	Executive Direc- tor, Center Direc- tor, Summer Court Supervisor, Legal Officer	Project Director, Coordinator, Tri- bunal Administrator	Project Director, Program Manager
Intake	2 case coordi- nators	8 intake clerks, 6 clerks	3 intake coordinators	Intake Coordinator, Intake Worker, Police Liaison	Intake Worker (partly by Tri- bunal Administra- tor)	2 intake coordinators
Legal Services	Case coordination provide referrals	8 social work graduates students	Social worker	Social worker		

FEATURES	CITIES					
	Boston	Columbus	Mass.	New York City	Rockford	San Francisco
Project Organization (continued) Mediation	Approximately 50	Approximately 30	Approximately 20	Approximately 50	Approximately 70	Will train approxi- mately 50
Climate	Administrative Assistant	None	1 secretary, 1 receptionist	Receptionist Administrative Assistant	Administrative Assistant, Receptionist	Evaluator
Project Models	IMCR Creative Center		Columbus Project: Neighbor Project	Rockford Project: Columbus Project, Jewish Center, Lutheran Youth Project	Philadelphia Ar- bitration As An Alternative Pro- ject	San Francisco Community medi- ation
Additional Services Provided	Dispute resolu- tion program ser- vice component	Program drinker's group, battered women group			Community Group Dispute Resolu- tion, training programs	Community Group Dispute Resolution

NOTES

- * Total budget = \$128,723, including overhead, administrative, community group dispute resolution and community organizational training.
- ** Approximately 1000 cases - had three cases and an additional 10,100 referrals and disputes very little direct case processing time.
- *** Approximately 1000 cases over 18 months of operation through November 30, 1978.
- **** Based on survey of 1000 cases from Court records - referred to the mediation component; case figures are estimates for the corresponding years 1977 - 1978.

* Reprinted from Neighborhood Justice Centers: An Analysis of Potential Models, submitted to Office of Technology Transfer, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, Department of Justice, Washington, D. C., June 6, 1977