

UNITED STATES, PUBLIC HEARINGS

1 330 may be construed to diminish the salaries fixed by law for these
2 officers by reason of absence from duty on account of illness or other-
3 wise;

4 * Sec. 24. AS 39.23.130(2) is amended to read:

5 (2) "judiciary" means justices of the supreme court and
6 judges of the court of appeals, the superior court and the district
7 court [THE SUPERIOR AND DISTRICT COURTS].

8 * Sec. 25. AS 39.35.680(21)(C)(vi) is amended to read:

9 (vi) justices of the supreme court or judges of the
10 court of appeals or of the superior or district courts of
11 Alaska;

12 * Sec. 26. AS 39.50.200(2) is amended to read:

13 (2) "judicial officer" means a person appointed as a justice
14 to the supreme court or as a judge to the court of appeals, superior
15 court, district court, or magistrate court.

16 * Sec. 27. AS 12.55.120(a) is amended to read:

17 (a) A sentence of imprisonment lawfully imposed by the superior
18 court for a term or for aggregate terms of [EXCEEDING] one year or more
19 may be appealed to the court of appeals [SUPREME COURT] by the defendant
20 on the ground that the sentence is excessive. By appealing a sentence
21 under this section, the defendant waives the right to plead that by a
22 revision of the sentence resulting from the appeal he has been twice
23 placed in jeopardy for the same offense.

24 * Sec. 28. AS 12.55.120(b) is amended to read:

25 (b) A sentence of imprisonment lawfully imposed by the superior
26 court may be appealed to the court of appeals [SUPREME COURT] by the
27 state on the ground that the sentence is too lenient; however, when a
28 sentence is appealed by the state and the defendant has not appealed the
29 sentence, the court is not authorized to increase the sentence but may

add not pick up superior + district court why not in same place 180 district court AS 22.15

1 express its approval or disapproval of the sentence and its reasons in a
2 written opinion.

3 * Sec. 29. A judge of the court of appeals is entitled to receive annual
4 compensation equal to 95 per cent of the annual compensation of a supreme
5 court justice, payable in equal monthly installments, from the date upon
6 which he takes office until superseded by payment of compensation resulting
7 from the first salary recommendations made under AS 39.23 for judges of the
8 court of appeals. *Person already judge, prevents them from losing it.*

9 * Sec. 30. A judge of the court of appeals is not required to contribute
10 to the retirement system under AS 22.25.011 if, at the time of his appoint-
11 ment to the court of appeals, he holds a judicial office to which the retire-
12 ment benefits of AS 22.25 apply and to which he was appointed before July 1,
13 1978. *Several who have retired - they shouldn't*
be penalized either. Justice Ivers;

14 * Sec. 31. Notwithstanding the effective date of this Act, operations of
15 the court of appeals shall commence on a date determined by the supreme court
16 after all judges of the court of appeals have taken office.

17 * Sec. 32. The superior court and the court of appeals have concurrent
18 jurisdiction of those pending district court appellate matters set out in
19 AS 22.07.020(b) that are filed in the superior court before the date or which
20 the operations of the court of appeals commence. The supreme court may
21 transfer a matter within the jurisdiction of the court of appeals from the
22 superior court to the court of appeals, including an appellate matter filed
23 before the effective date of this Act. An appellate matter not transferred
24 shall be decided by the superior court. Before operations of the court of
25 appeals commence, a decision of the superior court on an appellate matter
26 within the jurisdiction of the court of appeals under AS 22.07.020 may be
27 appealed to the supreme court and thereafter to the court of appeals.

28 * Sec. 33. Cases pending in the supreme court on the date on which the
29 operations of the court of appeals begin which have been heard by or sub-

1 mitted to the supreme court on the briefs on or before that date shall be
2 retained by the supreme court for decision. The supreme court may transfer
3 to the court of appeals all other pending cases within the jurisdiction of
4 the court of appeals.

5 * Sec. 34. It is the intent of the legislature that the court of appeals
6 commence operations as soon as possible after the effective date of this Act.
7 The administrative director of courts shall immediately take necessary action
8 to provide suitable facilities for the court of appeals. When advised by the
9 supreme court, the judicial council shall meet and submit nominations to the
10 governor for all initial vacancies for judge of the court of appeals.

11 * Sec. 35. The amendments enacted in secs. 5, 8 and 10 of this Act apply
12 only to justices and judges appointed on or after the effective date of this
13 Act.

14 * Sec. 36. This Act terminates July 1, 1981.

*Hugh Corn
Wants*

15 * Sec. 37. Section 17 of this Act takes effect January 1, 1980. The
16 remainder of this Act takes effect July 1, 1979.

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Sec. 44.29.150. [Drug Abuse program coordinator. The drug abuse program coordinator shall carry out the development and implementation of a comprehensive program to prevent and treat the use and abuse of drugs as they affect the people of Alaska. The comprehensive program may include educational activities, research, grants and treatment centers, or any other activities considered effective for prevention or treatment. The drug abuse coordinator is appointed by the governor.] Legislative Purpose. It is the purpose of the legislature in enacting these amendments to the Advisory Board on Drug Abuse statutes to assist local communities in planning, organizing and financing drug abuse prevention and treatment services through locally developed, administered and controlled drug abuse prevention and treatment programs.

Sec. 44.29.160. Duties of the State Office of Drug Abuse. In order to guarantee effective and efficient use of state and/or federal and/or local community dollars, the State Office of Drug Abuse is charged with the following specific responsibilities:

- 1/ To develop a state plan for drug abuse based on locally determined needs;
- 2/ To provide drug abuse prevention and treatment services by means of grants and/or contracts with locally developed, administered and controlled drug abuse prevention and treatment programs;
- 3/ To complete fiscal audits of such programs on at least a yearly basis;

- 4/ To complete contract compliance evaluations for such programs on at least a yearly basis;
- 5/ To provide the legislature with a summary report of the yearly accumulated program audits and evaluations;
- 6/ To establish a fiscal year State Office of Drug Abuse budget which is to include those funds required for providing grants and/or contracts to locally developed, administered and controlled drug abuse prevention and treatment programs.

State Office of Drug Abuse ^{total} costs will not exceed 19% of the total state authorization for drug abuse; *in other words, 85% of total SONDA drug income will be dispersed to direct service programs.*

Sec. 44.29.170. Composition of the State Office of Drug Abuse. In order to comply with Sections 44.29.150 and 44.29.160, the staff of the State Office of Drug Abuse shall be limited to a single position with specific expertise in drug abuse prevention and treatment programming; additional positions shall require expertise in the field of fiscal audit. The primary emphasis of the State Office of Drug Abuse is fiscal and programmatic accountability, and the staff positions shall require such audit and/or contract expertise.

son: Frank Hettie
2 care juvenile.

Eva Hettie
SR Box 80740
Fbx. 99701

House Judiciary Committee Meeting
Nov. 29
Anchorage

- 1. Charles Campbell - because of visits, aware of their problems. Have the master plan summary. Dept. doesn't agree with all the specific recommendations.
 - Roger Erdell - survey of legislation that would have to be created to implement the master plan.
 - reduced # of juveniles (45 to 8-10)
 - out-of-state placement.
 - community alternatives - has rehabilitation worked? Probation and parole no less effective to rehabilitation.

felony stat.

Al. ranked 7th in all states in use of incarceration. Lack of correlation betw. crimes & imprisonment.

total →
170 are outside

→ 780 people serving ~~sent~~ time in Ak. Purpose of code - send to jail those who need to go, but let others go.

12% probation failures and 1/2 of those are technical violations - not crimes.

no real ~~re~~ rehabilitation has been tried, prisons have been tried.

Charles thinks thrust of plan is to save money.

300,000 people serving sentences throughout the country.

1/2 of people in prison could be better dealt with through other alternatives.

Criteria - ~~sent st~~ out-of-state placement - such long sentences - those go out.

30% flat & out-of-state - no real relation to Alaska.

believes that it is a serious problem; restrictiveness of AK. institutions makes inappropriate for long term sentences.

Charlie - didn't think that Bethel and Nome jail facilities needed to be replaced.

Imprisonment not effective way to alter person's character.

2. Ames Luce adminis. of justice, particularly civil side. does mostly trial work - in civil area; calendaring problem in Anchorage - trial & appeal is in shambles. Personal injury - 5 to 6 yrs. finally resolved if appealed.

1975 { Trial setting memorandum - used to be about 3 month. Takes one yr. to prepare case. Appeal 1 yr.

no judicial increase since '74. Pipeline impact.

Criminal cases 120 days; began to take priority.

abolishment of plea bargaining - straw that broke the camel's back.

18 months now - after trial setting conference.

\$50,000 - \$100,000 to defend aircraft cases. Experts from out-of-state > yet when trial comes - then set them trial off. Screw everything up.

disposition of appeals now takes 2 yrs.

T and A bar - attempting to make system more ~~effective~~ effective.

Need: 8,000 - 10,000 ^{civil} cases (backlog)

50 cases - trailing - bumped from trial set.

Trial bar - expansion of judicial resources - Ct. will ask for 2. Bar believes that they need 3.

do keep current with filing - but prob. with \$8,000 - \$10,000

	<u>Judges</u>	
Anchorage	8	- 700 atty.
Flyco.	4	- 80 atty

Chief Justice bringing in 2 judges for 6 months.

Trial bar: wants 20 such "judges"

New type of judge - pro tem adjudicators - part time drawn from trial bar. England has "recorders" who function in similar fashion. ~~Waste~~ Work - 3-4 weeks a yr. \$60 per hour - 1/2 rate in town - use staff + office. Court would have to supply courtrooms. 4 pro tem adjudicators - for one superior court judge.

T & A would have to agree.

Judiciary not like this plan.

This would assist with 8,000 - 10,000 backlog.

Appellate delay - total pt. of appeal on every case.

Every criminal case - appealed on sentence - new crim code. => more increases.

Thinks 3 J. Appellate court is

needed, will free up Sup. Ct. for civil case.

More serious appeal / or cheaper to appeal than pay.

\$100,000 judgment. if invest 15 to 16% rate of return. If delay case make \$15,000 - get Atty to appeal for \$5,000.

Since it now takes 2 yrs. - makes \$4,000 including 8% interest on judgment.

Post judgment interest should be 2% over prime - each 6 months charge.

* Phillips case - debt is owed from time of injury.

Shouldn't be economical to Appeal

was a bill last yr.

Lack of judicial pay raise since '75.

health plans, retirement, honor: are the attractions.

reduce effective pay ^{by} 40% due to inflation.

Campers are were economic dev. + social problems.

Masters - don't handle jury trials. after masters' decision first line of appeal is superior court.

75 - post judgment interest - increased from 6% to 8%.

Luce is a PI's lawyer. Delay - frequently in interest of A. PI not have as much interest in delay. Luce works on contingent basis only.

Plea bargaining going on now, more cases going to trial. Makes system less flexible.

- 3. Bert Campbell - investigating in racial discriminating - Thinks that there is some conscious discrimination going on. Problems with bail practices. More racial bias in North, now, than in South, bec. of awareness in South.

Mich. court study - found racial discrimination against non-whites. Not as great as what going on in Alaska.

2 day work shop - tomorrow & next day - Comm. will put together.

Feb. 1 report due - report will be ready 1st or 2nd week in January.

hiring practices no where come close to EEO requirements. Bert will request cutting off the funds. No agency other than D.P.S. has affirmative action hire.

pre sentence report writers = "
 parole officers - likes private contractors.
 Parole Bd - lack of guidelines - no control over them. agrees with master plans discussion of Parole Bd.

6

Bail practices - pre-trial release - screws the minorities. Because of the conditions in the statutes. District court judges said that statutes give rise to problems.

Judicial Qualifications - no one knows where to file complaints against judges.

Last yr. got 15 complaints against judges. 112 of them didn't fall w/in jurisd.

Invest. 3, one is ~~one~~ on-going now. poster in every courtroom - Charlie's idea.

75% of Council = Judges.

Reason for increase in budget -

4. Kit Evans

HB 392 - no current law protect women in battered situation.

Sees bill as appropriate intervention.

abuse them of rts. Police thinks will cut into discretion.

TRO - must have atty. > generally take a day. must get a judge to sign it; if not there, issues a bench warrant > 1st.

violation of emergency order \Rightarrow misdemeanor.

Notice \leftrightarrow

doesn't think so.

S. Tom Barton |

Agent in charge DEA - 3 special agent, office here in Anchorage.

Reduction in trafficking heroin, narcotic, Heroin. ~~definitive~~ cocaine, Heroin pot.

Believe most of drugs. * Cocaine - highest use in AK. via Ca. or Seattle by airplane. Through Anchorage - used resource - Anchorage Airport unit.

Forced to close DEA Fbxs. office. Disparity betw. Fed. & State Law. - one problem.

Take lot of manpower to go after the top level wholesaler.

legally not way to prosecute - ongoing criminal enterprise.

1. ongoing criminal enterprise.

RECO

Legislation - definition of crime poss.

conspir. to possess
magf9.
precursors.

quantities not defined -

all, but two included conspir. - pretty successful. with conspiracy charges but never used ongoing criminal enterp.

dog - heroin, coke, pot.

Anchorage - police Dept. has dog

Dilaudid - sym. nact. - most potent.

\$ 60 tab - disolved + shot w/ heroin
scab tite.

legitimate MD. use;

Q.

should law-regulated legit. Drug industry
be regulated more thoroughly than in fed.
Control. Sub. Act.

piperidine used for PCP.
new drug used to mfg.

present req. of legit. drug industry industry; is
sufficient.

need

more resources
improved state statute.

deferred imposition of sentence used frequently
in fed. cases.

70 - no knock provision - originally
contained; not worth having in
statute bec. of gen. public attitude.
not use No-knock - not feel
handicapped

6. Fraiser + TURNER

state level - 5 officers - teams FBYs,
Kenai, Anchorage.

(9)

Q. \$ 40,000 - \$ 50,000 Drug purchaser
Ketchikan -

more marijuana now bec. of
new drug laws.

Q possess with intent to distribute.
Thinks something more than 50%
successful.

21 homicides were drug related last #
1 yr.

6 or 7 03. - charge dismissed.
indiff. probable cause - warrant -
also dismissed in Anchorage
Sitka - dismissed.

Dillingham - Fraizer -
drug related deaths → found drugs
on them, in homes, witnesses, but not
confirmed by blood streams, autopsy.

Traffic M. Arnold
4000 - 5000 - 500 trials ;
cases

Title 28 - finding guilty of infraction -
no effect on civil cases.

Commerce code - weight + measures -
resp. of agencies.

: Criteria - Parole Bd.

I. Statutes first

II. background

time done

what's his plan

where going

what doing

been on parole or probation before

14 or 15 criteria go by.



if lazy in prison - that is a factor too,
has to ~~be~~ be motivated.

whether guilty or not - doesn't make any
difference to Parole Bd.

must do at least 1/3 before Parole Bd.
has authority.

They are working on guidelines
now.

going over for printing > Annual Rep. of Parole Bd.

2% absconded * higher rate than national.

6% convicted

17% technical violation

75% still on ~~prob~~ parole.

mandatory 1/3 est in 1974.

early next spring, guidelines will be est, then
no need for "1/3".

old case - Drug people in F.D.S.; fear that
professional testimony not being considered.

Parole Bd. did not walk out on "Gold" Fbks
Case. Disputed facts of case.

most paroles violation within first two years.
Ykt AK. law requires Parolees to remain
on parole. Parole Bd. thinks this is a
waste of time for DOC staff.

Recidivism rate - system not setup to compare
parole / pure freedom. Fla. example cited by
Campbell yesterday.

Chief Anderson

\$ 329 people Anchorage Police Report.
175,000 for training.

use of fire arms - warning shots?

How much credit do officers get APSC

3 days of training - 120,000 cost due to overtime.

Primary crime prob. - violence seem to be escalating.
most are drug related; rape & statutory
rape - real concern.

with other polices, Natl and state

< consistent > reason too dangerous, may
cause injury to someone. Not a safe practice.

shoot
&
no shoot

Mr. John E. Angel

5 days - [3] yet Angel says 24 hours.

need for training - system wide improvement needed.

Gov. Camp - law -> Criminal Justice
Training
Agency

Should not be put other way the
unit - Dept. of Law, etc. DOC, Courts.

regions - made out of unorganized Borough -
Law enforcement, Superior Court, Corrections.

11 regions with centrally located facility. -
Court should vide Circuit within regions.

Emergency communication facility is very
poor.

Grant in addition to revenue sharing,
which is inadequate now.

15 to 20 million facilities
grants 10 mill. per year

Mr. Justin - terminates Sept. 80 - if report
indicates problems - please consider
continuing it - to monitor the
implementation. While report is
required by statute - it doesn't
require recommendations.

Supports activities - rural etc. - stuff
mentioned by Hugel.

Coastal management programs -
local concerns and policies. Same scheme
might be developed for other items.

Stally (unleg. Affairs) study.

Mike Rubenstein -

intake does bail in AK.

Roger Endell

40% of those on probation ≠ New Crim. Code
probation. failure 12% '12. of which =
technical.

Perck

Ketchikan, Alaska
November 9, 1978
2:00 P.M.

H. B. 412 Sister Barbara H. - Act providing minimum standards for care. Believes industry already over-regulated. This bill would increase hospital costs by \$200,000 - \$250,000. Poor piece of legislation.

Paul Winger, retired grocer - litter control bill very successful in Washington. Cleans up 2/3 of litter. Voters turned down a bottle bill in Washington. SB 2, SB 231 patterned very closely after Washington law and witness supports this bill.

Sister Barbara H. would like to see Guardianship legislation. Says there is a need for this.

Will Sellsen - goes to court frequently - witness is a reporter. Lack of public understanding of court justice system - has created a closed society. Not many people of general public don't ever go. Witness has no real suggestion as to how to solve, thinks that press is good.

Lawyer.
 Jim Bruce - now working for P.D. had been a prosecutor. Concerned about jails being filled with "down and outers" → Natives.
 No individual seems to practice ~~such~~ overt discrimination. White middle class norms prevail.

If commits forgery - cashing bad checks at bars to get booze.

Draconian penalties in new criminal code - will really hit the Natives.

* *

2nd and 3rd offenses.

Q Integrated bar - doesn't care.

Q Court of Appeals - no real position

Code spells out what presumptive sentence will be - puts pressure on judges to put people in jail.

Natives may walk into services crimes - just to get a bottle of booze.

Underlying events for these crimes are ~~not~~ not very serious, but crimes are.

Overworked at P.D.; Plea bargaining not effect DA's, but did affect P.D. System is somewhat out of balance.

Cut by 22% for travel - last years P.D. budget. Air Charter is up double.

Richard Gaspin - HB. 375
Supports - municipalities providing
some support to P.D. city misdemeanors,

Court of Appeals - Thinks it
should be established.

Sept. 78 Argued \Rightarrow decision 15 months
later.

Jim Bruce - burden in P.D.'s office
some provision would have to
be made for those communities
which couldn't afford.

Domestic Violence is a problem.

Sealing
Confidentiality ^{HB.} ~~378~~ - by Gardner -
of Arrest records 490 Witness supports.

Saturday - November 10

Georgia Booth - Dept. Clerk. Kechikan Borough
245 - Recall section -

Sponsor

subscribers

Recall Committee

} not consistent
throughout bill.

general election - changing it to 'regular'

341 - majority elections

pg. 1, line 10; supports bill

384 - Apportionment of - SB 137

Dr. Wilson - Physician, since 1933.

HB. 412 - 40 bed break pt. in bill.
minimum standards for
hospital care, doc must be there.
Ketchikan Hosp. 44 beds - Doc. in
emergency call each day, rotation;
would result in increased costs;
Bill has no merits.

Oscar Erickson 37 Limited Entry -
ground fishing.

Limited Entry for Wand Trolling

HB 345 - relating to Public Officials
recalling borough and city officials

2 B2 Letter - Colletta's bill. Wants
to support it; 5M case for any case
of beer; 5M case for any case of
whiskey - Interstate Commerce Clause.

Lillian H. W.

had contacted Mr. Campbell re: Foster
son; had taken care of delinquent children
23yr. old. got into trouble - stabbed one of friends
friend was

PO officer had foot on him. J. Shultz-
if go into training. Mr. Collins says wasn't
fit for him. Rejected from Skill Center bec.
Collins said no.

Real complaint against PO.
Guy is full blooded Aleut, ^{Paul} changing 23.
P.O. won't let guy see letter. Hunk's P.O.
should rotate.

Carr House is Alz. treatment center - Mr. Yasmin
is his atty. & has worked very hard.

Awaiting to go to Skill Center - but needs
\$ from Cedit.

Cory Rador - Chairperson Bld. of Directors
Women in Safe Homes

01-650 (A) ← arrest authority
12.25.030(b) ↓

Berck

* 650 b(5) Atkacher arrested
check to confirm - warrant ~~less~~
arrest. of violator Restraining Orders
[filing fees]
[indigency]

one year waiting list in Ketchikan -
this provision won't help them.

pub. Emergency funds available at Skiltons -
for immediate needs. OR shorten time
for Public Asst.

Arlene Barrett - Ex Dir. Women in Safe Homes.

thinks that arresting portion of the bill is really helpful.

Blind to other women's problems -
rt. to become pregnant.

16 units of low income problems -
in Ketchikan - not think that
this would be too helpful

Reason too unenforceable, need to get
a warrant to make an arrest takes time.

98 cases

15 sent back to lower 48

54 case July - Oct. this year

July - July 28-79

Anchorage Community Center

325 Ames Ave

E. Third. Mr. Jarvis > would like
Anchorage Police Dept - Chief
Charles Anderson

- list
of people

Burton

> send list to committee.

~~to the community,~~

Mr. Ric. Yospin, Atty.

HB 479 elimination of possession with intent
to sell. Likes that idea.

Can see some problems - distribution
of every schedule - 50 or more,
no account for purity of substances.
This could be a problem. Might have
to make it ^{specific} substance - such one
in list

2 offenses at same time - shouldn't be aggregated to make one strong offense.

SALE is illegal, but possession

270 - possession + distribution -
things - legal amounts should be
same.

hash oil
THC
hashish } in same schedule
but vary the penalties

State Correctional Center At Ketchikan

*24 - but one juvenile
one adult female
all of which are at sentencing*

average 33

The State Correctional Center at Ketchikan was built in 1936 in part of the fifth and sixth floors of the Ketchikan Federal Building in the commercial section of the City. It has extremely limited space with 2,000 square feet of usable area often serving dual purposes. 12 full-time Division of Corrections employees staff the facility.



CAPACITY AND POPULATION CHARACTERISTICS

Ideal capacity at the Center is no more than 21 persons. A maximum of 32 individuals can be accommodated. The Center is the intake facility for all adult men detained by State, Federal and City law enforcement officials in Ketchikan, on Annette Island and the towns of Craig, Klawock, and Wrangell. Medium security housing is provided for offenders, who usually serve sentences of six months or less. Maximum security detention facilities are also available.

HOUSING

ADULT MEN- One, 22-bed dormitory, is supplemented by two, two-bed security units; one single unit, and one small alcohol detoxification unit. A trustee dormitory on the sixth floor houses up to five persons. Meals are served in a central dining room.

INSTITUTIONAL WORK PROGRAM

Up to five individuals are employed in general maintenance trustee positions.

MEDICAL SERVICES

A locally contracted physician performs examinations and treatment at the institution two days each week, and is on day or night emergency call. A public health nurse administers laboratory tests twice monthly. Local physicians are provided by the institution for dental and ocular care. Hospitalization for offenders is available at the Ketchikan General Hospital.

RELIGIOUS SERVICES

Non-denominational religious services are conducted each week by volunteer clergymen through the Ketchikan Ministerial Association. Local clergy also visit the Center for denominational services or informal personal counseling.

RECREATIONAL FACILITIES

The Center's main dormitory and trustee areas each contain a television. A small library is maintained in the attorney's interviewing room. Table games are available and a motion picture is screened once each week. Weight lifting equipment is provided and commissary items are distributed weekly. An extremely small rooftop area functions as an outdoor exercise area in the summer months.

RECREATIONAL ACTIVITIES

No ongoing recreation program is available to offenders due to lack of sufficient space.

INSTITUTIONAL PROGRAMS

ACADEMIC EDUCATION- Instruction in basic education and high school level classes under the General Equivalency Diploma program are conducted at the Ketchikan Detention Home for all interested individuals three evenings each week. No tuition is required.

VOCATIONAL EDUCATION- No ongoing vocational education program is available to individuals at the Center.

COUNSELING- Group or individual therapy, and alcoholism or drug counseling sessions are conducted one day each week by Gateway Community Health Center representatives.

The Ketchikan Alcoholic Recovery House provides individual alcoholism counseling at no charge at the institution. An alcoholism education class is planned to begin at the institution in 1974 through the K.A.R.H.

COMMUNITY RESOURCES

Resources listed below require a release program for participating offenders.

ACADEMIC EDUCATION- Classes in academic and various vocational skills are offered at the Ketchikan Community College. Tuition must be provided by students or a sponsoring agency. The Correctional Center will provide tuition in poverty cases.

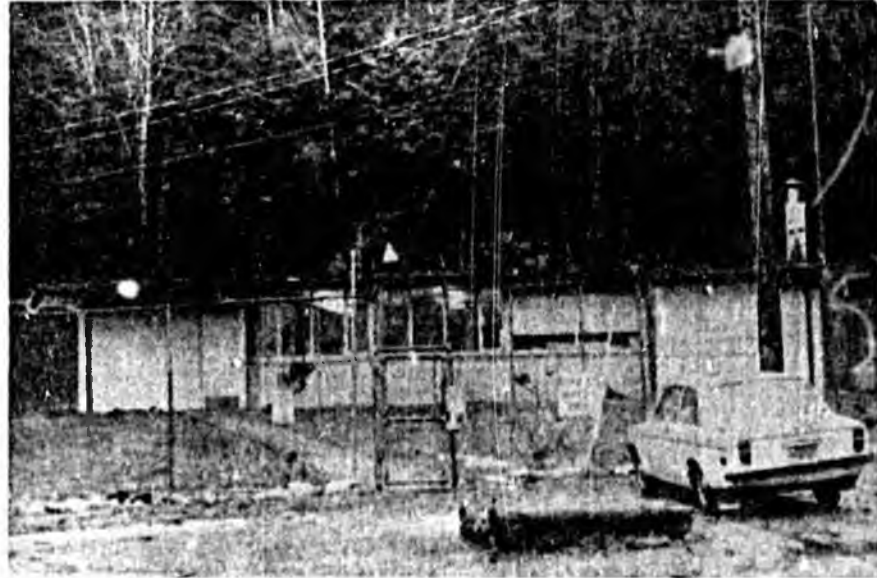
VOCATIONAL EDUCATION- (see above)

COUNSELING- A 30-day alcoholism treatment program is available at the Ketchikan Alcoholic Recovery House. Participants receive therapy, alcoholism education, civics instruction and counseling. A \$700 fee is required from clients able to pay. Treatment is available to poverty level clients through a fee scale based on a percentage of income or in extreme cases, treatment is provided free of charge.



Booking Desk

State Detention Home At Ketchikan



The State Detention Home at Ketchikan was built in 1957 through the joint efforts of the State of Alaska and the City of Ketchikan. It is administered by the Superintendent of the State Correctional Center at Ketchikan. The one story structure occupies a 30-by-60 foot lot near a residential section of the community approximately one mile from the Correctional Center. The Detention Home was originally designed as an informal institution with a modified residential floor plan. A more secure, but hospitable atmosphere is presently maintained by a staff of five female Correctional Officers.

CAPACITY AND POPULATION CHARACTERISTICS

The Detention Home serves as the intake facility for children and adult women from the Ketchikan area. Temporary, medium or maximum security housing is provided for juveniles and youthful offenders. Medium security detention for adult women is provided for periods before and after adjudication, including short term misdemeanor sentences.

HOUSING

Four, 4-bed units may be used for boys, girls, or women as need arises. One single room serves as a reception unit. Adult offenders are segregated from juveniles. Meals are served in the living units, or family style, at a central dining table.

INSTITUTIONAL WORK PROGRAM

No organized institutional trustee work program is available at the Detention Home.

MEDICAL SERVICES

All medical services available at the State Correctional Center at Ketchikan are provided for individuals at the Detention Home.

RELIGIOUS SERVICES

No organized religious services are conducted at the Home, however, local clergy are available for individual services or informal counseling.

RECREATION FACILITIES

A combination lounge, classroom, library and television room is available to all individuals at the Detention Home. A 30-by-60 foot outdoor grassed yard surrounding the Home is available for exercise and games, however, space limitations prohibit organized field sports. Table games, a Ping-Pong table, tumbling mats and weight lifting equipment are also supplied.

RECREATIONAL ACTIVITIES

Children's arts and crafts, games and outdoor sports are supervised by volunteer Ketchikan Probation Office and State Correctional Center staff on an informal non-scheduled basis.

INSTITUTIONAL PROGRAMS

All educational, vocational, and counseling programs at the State Correctional Center at Ketchikan are open to adult women offenders at the Detention Home.

ACADEMIC EDUCATION- Children's instruction is provided by a part-time teacher each evening from elementary through high school levels.

VOCATIONAL EDUCATION- No vocational education program is available for children at the Detention Home.

COUNSELING- Children may request individual counseling on legal or personal problems from representatives of the Ketchikan Mental Health Center, the Juvenile Probation staff and Ketchikan Youth Advocate organization at no cost. Public School counselors provide educational and personal counseling.

COMMUNITY RESOURCES

Programs listed below require participation outside the Detention Home. All community resources in academic education, vocational education or counseling available to individuals at the State Correctional Center at Ketchikan are open to adult women at the Detention Center.

ACADEMIC EDUCATION- Children at the Detention Home may receive instruction at various schools within the Ketchikan school district.

VOCATIONAL EDUCATION- No community vocational education program is available to children at the Detention Home.

COUNSELING- The Ketchikan Mental Health Center offers therapeutic classes in arts and crafts once each week at the K.M.H.C. No fee is required for participation.

Berch

From Ketchikan

Introduced: 3/14/79
Referred: Judiciary

BY MALONE, ANDERSON, COTTEN,
DUNCAN, HAYES, MEEKINS, MILLER,
PARR, ROGERS, SCHAEFFER AND
GARDINER

1 IN THE HOUSE

2 HOUSE BILL NO. 392

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to domestic violence; and amending
7 Rules 3, 65, and 76, Rules of Civil Procedure."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 09.55 is amended by adding new sections to read:

10 ARTICLE 9. DOMESTIC VIOLENCE.

11 Sec. 09.55.650. DUTIES OF PEACE OFFICERS. (a) If a peace officer
12 has reason to believe that an adult or an emancipated minor is a victim
13 of domestic violence, the officer shall use all reasonable means to
14 prevent further domestic violence and to assure the safety of the
15 victim, including

16 (1) remaining on the scene of the domestic violence as long
17 as there would be a danger to the physical safety of the victim without
18 the presence of the peace officer;

19 (2) assisting the victim in obtaining emergency medical
20 treatment if necessitated by an assault, including transportation to the
21 emergency room of the nearest hospital or to the nearest health
22 provider;

23 (3) assisting the victim in removing to a safe place nearby,
24 or to the nearest facility offering shelter to victims of domestic
25 violence;

26 (4) giving the victim immediate notice of rights provided
27 under this section and of the existence of the nearest facility offering
28 shelter to victims of domestic violence;

29 (5) arresting the assailant

1 (A) if the peace officer has reasonable cause to believe
2 that the assailant has committed domestic violence which is a
3 felony,

4 (B) if domestic violence which is a misdemeanor is
5 committed in his presence, or

6 (C) under the circumstances set out in AS 12.25.030(b).

7 (b) The notice required in (a)(4) of this section includes the
8 following written statement which the peace officer shall read and give
9 to the victim:

10 "As a victim of domestic violence you have the right
11 under law to demand that the officer present do the following
12 things:

13 (1) stay as long as needed to make sure that you are safe;

14 (2) take you to the nearest hospital or health provider
15 if you need medical care;

16 (3) take you to a place nearby where you will be safe if
17 you want to leave here; and

18 (4) tell you how to contact the nearest organization that
19 offers aid or shelter to victims of domestic violence.

20 You have the right to ask the court to issue an order to
21 do any or all of the following things:

22 (1) order your attacker to stop hurting or threatening
23 you or your children;

24 (2) order your attacker to get out of the house;

25 (3) order your attacker not to communicate with you
26 in any way;

27 (4) give you temporary custody of your children;

28 (5) order your attacker to pay for your costs which
29 result from the attack, including medical and moving costs,

1 loss of earnings or support, or other costs for injuries you
2 or your children received.

3 If your attacker does not obey a court order to get out
4 of the house or to leave you alone, your attacker can be
5 arrested immediately. To get a court order contact the
6 superior court in (name of place) and they will help you.
7 You must do this within 10 days. To get an order quickly
8 in an emergency, you may also contact the district court
9 in (name of place) or (name of magistrate).

10 The court order is designed to protect You also
11 have the right to file a criminal complaint against your
12 attacker."

13 (c) If the victim does not understand English, the officer shall
14 make reasonable efforts to explain the rights provided in this section
15 in a language the victim understands.

16 Sec. 09.55.660. ORDER FOR RELIEF. (a) A victim of domestic
17 violence who is an adult or an emancipated minor may, within 10 days of
18 the act of domestic violence, petition a superior court or, if the
19 circumstances described in (c) of this section exist, petition a dis-
20 trict judge or magistrate under (c) of this section for an order

21 (1) restraining the assailant from subjecting the petitioner
22 to domestic violence;

23 (2) directing the assailant to vacate the home of the peti-
24 tioner;

25 (3) restraining the assailant from contacting the petitioner;

26 (4) directing the assailant to pay support for the petitioner
27 or for the minor children in the care of the petitioner if there is an
28 independent legal obligation of the assailant to support the petitioner
29 or the children;

without
warrant →

1 (5) awarding temporary custody of a minor child to the peti-
2 tioner;

3 (6) directing the assailant to pay the petitioner for losses
4 suffered as a result of the domestic violence, including medical and
5 moving expenses, loss of earnings or support, and other out-of-pocket
6 losses resulting from injuries sustained.

7 (b) Upon receiving a petition under (a) of this section, the
8 superior court shall schedule a hearing and shall provide at least three
9 days notice to the respondent of the hearing and of the respondent's
10 right to appear and to be heard either in person or by attorney. If,
11 after the hearing, the superior court finds that the petitioner has been
12 subjected to domestic violence by the respondent, the superior court may
13 issue any of the orders for relief described in (a) of this section or
14 any other order the superior court determines to be necessary for the
15 protection of the health, safety and welfare of the petitioner or of a
16 minor child in the care of the petitioner.

17 (c) The superior court or a district judge or magistrate may issue
18 a temporary order without following the notice and hearing requirements
19 of (b) of this section if (1) the petitioner demonstrates a substantial
20 likelihood of immediate danger from the respondent to the health, safety
21 or welfare of the petitioner or of a minor child in the care of the
22 petitioner; and (2) the court or district judge or magistrate determines
23 that the order is necessary to protect the petitioner or a minor child
24 in the care of the petitioner. Immediately after issuing a temporary
25 order under this subsection or upon receiving notice of an order issued
26 by a district judge or magistrate under this subsection, the superior
27 court shall notify the respondent and give the respondent an opportunity
28 to be heard as soon as possible, but in no event later than 10 days,
29 after the order is issued on the question of continuing the temporary
30

1 order.

2 (d) Relief granted by a superior court under this section shall be
3 for a fixed period of time not to exceed 45 days; however, upon motion
4 by the petitioner and after hearing, the superior court may issue an
5 order for an additional period of time as it considers necessary to
6 protect the petitioner from domestic violence. The superior court may
7 modify its order at any time upon petition of either party.

8 (e) Proceedings under this section do not preclude any other
9 available civil or criminal remedies.

10 Sec. 09.55.665. FORMS FOR FILING PETITION. The Alaska court
11 system, in cooperation with interested persons and organizations, shall
12 prepare forms and instructions for the use of persons seeking an order
13 for relief under AS 09.55.660, including forms for waiving filing fees
14 on the basis of indigency. The forms shall conform to the requirements
15 of AS 09.55.660 and the Alaska Rules of Civil Procedure, except that
16 information on the forms may be filled in by legible handwriting. The
17 office of the clerk of each superior court shall make the forms and
18 instructions available to the public.

19 Sec. 09.55.670. NOTIFICATION TO LAW ENFORCEMENT AGENCIES. If a
20 superior court, district judge or magistrate issues an order described
21 in AS 09.55.660(a)(1), (2) or (3), the superior court, district judge or
22 magistrate shall transmit a copy of the order to the appropriate local
23 law enforcement agency. Law enforcement agencies shall establish pro
24 cedures adequate to inform their peace officers of the existence and
25 terms of orders transmitted to the law enforcement agencies under this
26 section. Peace officers shall use every reasonable means to enforce the
27 orders.

28 Sec. 09.55.680. TRAINING OF PEACE OFFICERS. Law enforcement
29 agencies shall establish training procedures for peace officers, or

1 shall include training in existing training procedures for peace offi-
2 cers, which acquaint peace officers with the rights of the victim of
3 domestic violence, the types of orders which may be issued under AS 09.-
4 55.660, and techniques for handling incidents of domestic violence which
5 promote the safety of the victim and reduce the likelihood of recur-
6 rence.

7 Sec. 09.55.690. CRIMINAL PENALTIES. (a) Violation of an order
8 described in AS 09.55.660(a)(1), (2) or (3) is a misdemeanor punishable
9 by imprisonment for up to 60 days, or by a fine of up to \$500, or by
10 both. A second violation of an order described in AS 09.55.660(a)(1),
11 (2) or (3) is punishable by no less than three days imprisonment.

12 (b) A peace officer shall arrest and detain a person found by the
13 peace officer to be in violation of an order described in AS 09.55.660-
14 (a)(1), (2) or (3) if the order is in full force and effect.

15 Sec. 09.55.700. DEFINITIONS. For the purposes of AS 09.55.650 -
16 09.55.700,

17 (1) "domestic violence" means the intentional perpetration of
18 any of the following acts by a person against a household member, a
19 spouse, former spouse, or blood relative of the person:

20 (A) attempting to cause or causing physical harm to the
21 other person or to a minor child in the care of the other person;

22 (B) placing the other person or minor child in the
23 care of the other person in fear of imminent serious physical harm;

24 (C) causing the other person to engage involuntarily in
25 sexual relations by force, threat of force or duress;

26 (2) "facility offering shelter to victims of domestic vio-
27 lence" includes facilities offering programs which provide emergency or
28 short-term lodging or housing for adults who are victims of domestic
29 violence and their children.

1 * Sec. 2. AS 18.55.330 is amended to read:

2 Sec. 18.55.330. PREFERENCE TO VETERANS AND TO VICTIMS OF DOMESTIC
3 VIOLENCE. (a) The authority shall initially offer 50 per cent of the
4 dwelling units in a housing project for rent or sale to veterans. The
5 offer shall be by publication of reasonable notice in a newspaper cir-
6 culated in the area in which the housing project is located. The autho-
7 rity shall set aside these units for rental or sale to veterans for at
8 least 30 days following first publication of the notice before making
9 them available to other residents. If, after an additional 30 days a
10 unit remains unassigned, the authority may rent or sell it to any person
11 in the state, provided that victims of domestic violence who move from
12 their homes to avoid further domestic violence [RESIDENTS] have first
13 preference and other residents have second preference.

14 (b) Victims of domestic violence who move from their homes to
15 avoid further domestic violence have first preference for dwelling units
16 in a housing project not set aside for veterans under (a) of this sec-
17 tion.

18 (c) The authority shall adopt regulations in accordance with the
19 Administrative Procedure Act (AS 44.62) to implement the preference in
20 this section for victims of domestic violence. The regulations shall
21 include criteria for determining when a person is a victim of domestic
22 violence based upon the criteria in AS 09.55.650 - 09.55.700.

23 * Sec. 3. AS 22.15.100 is amended by adding a new paragraph to read:

24 (9) to issue a temporary order in domestic violence cases as
25 provided in AS 09.55.660(c); the district judge or magistrate shall
26 notify the superior court immediately upon issuance of the temporary
27 order.

28 * Sec. 4. Section 1 of this Act has the effect of amending Rule 3, Alaska
29 Rules of Civil Procedure, by allowing courts to proceed upon the filing of a

1 petition rather than a complaint, and Rule 76, Alaska Rules of Civil Pro-
2 cedure, by allowing the courts to accept for filing petitions which are hand-
3 written in part. Section 1 of this Act also has the effect of amending Rule
4 65, Alaska Rules of Civil Procedure, by establishing an alternate procedure
5 for obtaining orders for relief from domestic violence.

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Beruk

Beruk Hearing
Oct. 5, 1979
Friday

1. Jackie Rhuman TUC (Tundra Q Coalition)
HB392 *

HB 130

Some reservations as to HB392;
* Not ~~affected~~^{speaks} to some of rural prob.
prob. of communications in village.
no contacts in village - can't put
her name over drum.

Police officer may be friend of
"batterer."

not enough police officers in
village - training program -
turn over; not sensitive
enough to prob.

Client comes to Beruk - 5 day
stay. If trying to make
transition. Very difficult
to make transition.

no place for kids - no emergency
child care.

no low income housing
available - no pref. for ASHA -
they really need in a week
to 2 weeks.

Criminal justice not work for ♀
had to leave her home +
find safe place away from
husband

In hall
she
knows
but
need
at
last

instead of jail sentence - opt. for rehabilitation. Most women not want to see husbands go to jail.

Need: training for ♀; job skills; assertiveness training.

Questions from committee members:

day care → Bethel Social Service 41 - Children Pre school programs [this is full.]

Thelma's: provider has to be licensed. Revolving loan fund - CRA - dept. of Comm & Eco. Dev.

Police training - talking about local village police officers.

Martin: healthy villages ~~are~~ dealt with those problems in past, but many villages are not healthy anymore, they lack leadership.

immediately get out of jail if go to jail;

Parr. women aren't willing to prosecute them why not send them to jail. DA. not there for arraignment, cop decides on the charge - it is wrong - then it gets thrown out of court. Not enough DA's here in Bethel. They don't want to send Husband Father, brother to jail. Half cases ~~are~~ never go to jail - fear of retaliation

Why not mandatory that batterer has to get counseling?
Come out of jail more angry.
Believes that that person is sick.
It would have to be mandatory.
Knew that police wouldn't do anything.

Dan Branch: PHS phone system not available for village use. Can't rely on village - may feel she shouldn't leave her husband.

Some villages arrest batterers
Put in jail - effect since often under alcohol influence 5 or 6 villages have these kinds of facilities.
HSC was in the TRC biz.

A+B
Charges
! This is on the increase

Bail - H. not batter or visit wife.

Spend night in jail - sometimes they are fined, may not be constitutional.

Most cases are alcohol related.

TRC - not terribly effective. Lucky if able to find person to respect paper. Pre by. needs services of process.

Bob Buttone: Alz Treatment Center.

Believes that person should be put in jail if law says that. But ~~cannot~~ ~~overriding~~ needed in addition

3 days in jail - for driving while intoxicated. - But this need law also requires counseling. He thinks that is great!

Is it a deterrent. ~~Witness~~ Witness says yes.

Par: indications are it is not working. Jones not connecting.

Alz Programs not work

Witness - says yes they do work

Side 2
of tape
#1

Ben Ch - City Atty. Comes sub 'antial' majority arise from Alz problems. Hands are tied to prevent problems earlier. Uniform Alz Treatment Act - Fed Law. - how long term treatment is forced involuntary - const. rts must be protected, but still problem. Difficult to deal with public intiv. because of this statute - use of word "incapacitated" term of art defined in act.

Large scale bootlegging - running into problems - need to control use of public carriers + mail order shipments. One of provisions of 2005 old bill - not fully met, but allow local liquor store. Put 8 that bootleggers make into city for programs.

State statutes port immunity is very slim. - municipalities must be very careful They must be broader

Municipal
port
immunity

Under present scheme - ban sale or not - within municipal boundaries^{ies} - ABC Board handles licensing. Needs the middle ground possibility.

Bootleg - Title 4 - state violation - 7 or 8 - 16 arrests during the last year. Conviction is very low.

Interstate carrier - when, difficult to control, since federal regs. Thelma says was a quit, but Wein get off - said just delivering freight.

Parv: intg, sale, + ~~interstate~~ transportation -> old prohibition law. Do state statutes only permit the city to prevent sales? Preemption - State - Title IV:

Increase in drug use over past 2 yrs.

Gitto Long - disease; illness, yet still strong - 112 job problems. Should have devotion in heart. oppressed + non oppressed segments of society. most people don't believe it is a disease. drunk + alcoholic distinction.

Dianne Carpenter - Tundra Coalition.

11B
302

Problems of village Q - strongly support, but only 1st step used resources. Arrest procedures inadequate, very unlike that attack will occur in presence. In one to go to in some villages.

Village Councils are in terrible position - called on to enforce the law
if there is a cop to call - ineffective.
Gets out of jail quick

HB. 392

provision that calls for:
probable cause -

needs to be training of law enforcement officers for domestic violence
claim is in the bill

Need for more positive programs - education in the schools. (this is NOT in bill.)

Problem of emergency child care.

Child Care Assst. Program - C.R.A. Dept.
cant help unless give custody to Family Services.

Nix's Hickey - not working - 3 day mandatory
Omni sentences; More arrested than before in Fox.

Jalyn Parks

* [ALSC - conflict] & Flores decision ^{is at stake}
court appt. atty - ~~state~~ - state as guardian w/ item appointments in terms of pay.
authority to Appoint any officer of court

Divorce - cant do in conflict situation

ALSC not representing Flores - who claimed need for ATTORNEY. > not right.

need to check.

John Anguak, Ceda Director, Bethel

nineteen graduates - Public Safety Officers program joint with DPS. Majority are related to others in village. Piece of paper means a great deal in the village.

Standard uniforms - Public Safety officer - is being designed now. Over one month of training.

State Trooper - how he responds to village. If not available - then no response from village. State needs to work with village. Can be set free on technical grounds - if accused of crime.

Will report crime as it is - not where person will get off on technical grounds. Bootlegger gets off by paying to. Legal ~~stuff~~ jargon throws up a barrier.

Ceda program is not an answer. Not going to be used for turnover problems. Who is going to pick them up when 18 months is over.

"DPS-VN Manpower" to train public safety officers.

Marijuana problem going out into the villages - that drug alone tremendous psychological problems faced by villages as a result

April - 50 people to Bethel
43 people for one week here were certified.

May - 25 sent to Sitka, 19 graduated. One to each of 19 villages - there are 50 villages in area of Bethel.

John Parke Jail -

3 mill allocated
2 mill used in const
\$800,000 for design.
30 / sometimes in summer.
once = 60 people.

DOC has study say only needs 23 beds.
15% excess capacity for emergency.

Budget - ~~Model~~ - no recreation
decision in Anchorage

Executive Summary of Corrections -
Master plan

one case year for trial in
Anchorage
one case Bethel - 7 months

<Rt. to Speedy trial>

* average cost 20 beds for 2 mill. actual 3 mil.

Actual detainees - can't be held in
Anchorage - judge's order - deprives
of right to counsel.

Saturday, Oct. 6, 1979 Bethel.

Judge Cook,

Consolidated judicial position - small claims, plus felonies, & civil matters. By Dec 3yrs. in position as judge - superior court. Presiding for Bethel service area. 4th & 2nd Districts - overlaps.

District + Superior combined in Sitka & Bethel - good way to provide judicial services in rural areas. Kotzebue Post following same type. Prisoner that none will be handled in same way.

'78 Legislature - Mag. + Law Clerk post set for Bethel. Heard an eskimo woman who had worked with P.D.s, but does not have a law degree. Working out fine. \$25,000 - \$26,000, didn't require admission to AK Bar had 26 applications - most were lawyers P.D. etc. shouldn't take the first one that comes along - a lot of interest in Bush lawyer job

questions

~~case~~ case load - primarily criminal; Criminal case filing 100 per month 1150 year. - plus year 1300. high # of felony + misdemeanor trials.

Last year 8 felony trials
20-25 misdemeanor trials

Don't have as much court cases as traffic but have high incident of violent crimes or felonies.

not too much being done, of anything
fees = sale of put as appeal. &
other things

Justice - community service
instead of fine or imprisonment, but
need to have trial in village
They educational Pie-consulting reports
ordinary - only on ground several
times.

Court of Appeals

there is no need for this, question
of priorities - trial delays in Andhra.

Appellate division of Supreme Court judges -
all administrative requirements & district
court judgments. Proposed submitted
by J. Sankar. Preemptive norm of
sentences under new criminal code -
3 judges that way they would
have that experience. July 2 of 5
Supreme Ct judges have trial
experience. New permanent way
to give it a chance.

Court committal being est. & will set legislative
priorities of court system.

Quota Appeals Problems → delays. Take. Yet to hear one
that was intimidating for it. That is
superior Ct. judges.

Judges have a role to play in terms
of setting deadlines. Does the language
delay the case? Take not the new answer
other than rate of judges

Misdemeanor - 60 days
felonies - 90 - 100 days } go to trial in Bethel.

Sentencing + disposition may take some time,

Criminal Code - people won't know about it, cops, DA's then judges Dept. of Law never contacted by Cooke - said would send supplements - but never gotten.

only 20 trained on Criminal Code in Sitka - other stuff trained too.



take a look at this

Concerns about presumptive sentences - very harsh. Natives that have felony record Assault w. Dangerous Weapon - because of disparity in Native sentencing - real problem here.

DCC does nothing, no rehabilitation - leads to warehousing. Intolerable in corrections system.

Plea bargaining - success or failure - Cooke - not rigidly adhered to in Bethel. Thinks good, but shouldn't be rigidly followed

Circuit riding judge - would like to see this, to supplement magistrates there. 1st priority proceeding cases. Magistrate Adversary programs wants this. Although, rec. Superior Ct judge - could use dist. of judge. 1st. as pilot program. Process based in villages

myth - that is hard to get convictions in villages.

Jesse Foster

arrestment within 48 hours. Hard to meet here in Bethel - bec of weather + communications systems. Person can get off.

Would like to see AI2 put into drug laws. AI2 is #1 problem in Bethel Area.

DPS understaffed. 25% of all Alaskan villages in Bethel area. Response time - several days.

2nd class cities. \$12 per head for police protection. No funds to take care of problem.

(*) Check Law on this pt. Const. Problem I believe in making this a crime.

Drunkenness in public - can only keep in jail while sober up.

Second class city ~~can't~~ see how we can have judicial system. 30 days

all get out of it was more to. IRA - can have own judicial system via Councils.

can have sales tax, but only generates \$1500 - \$2000.

say would have to pay PD to defend city ordinance violations.

wants \$ for cop + then own judges + courts

(5)

Training program -
drunk bec. Can get away with it.

Rosey Porter

pressure within village - does cause certain things to happen. lenient sentencing. Good idea to have trials in villages - education process.

bootleggers \Rightarrow misdemeanor charge. Need authority to adopt higher penalties. Needs more teeth in laws.

Title IV changes - excluded from teleconferencing on this issue

Norma Swens

abused child - returns to same situation and abuse continues.

Study - harsh penalties for burglary, not prob here. Crimes here are against persons and 97% are alcohol related. Gt to see a homicide that not include 1/2 abuse.

Bootlegging - maybe person who keeps should be misdemeanor. Want's felony for illegal trading for people. Should be more magistrates.

Reconciliation bread - would like to see it back in with court support. Without going to court. She had it in several villages. In villages. Needs encouragement from

Court system. Small things - broken windows.

[Otto Link]

Mandatory 1 yr. sentence under misdemeanor.

Should also make purchaser liable for misdemeanor offense.
D. Busy letter number of P's coalition

[BAR ASSN] Union of Lawyers - Judges, prosecution, defense lawyers

Marjuana grown openly in some of villages.

In favor of de-integrating the BAR ASSN. O

[Anger Massey] works with AISE

in favor of bill on domestic violence.
Don't do TRO at Bethel Office
only option is to pursue criminal charges.

Stronger offense to pursue
Do your own TRO - no useless in rural areas - since not enough officers - not real help Bethel.

Preference for housing, in 3/2
not real help Bethel since not enough housing.

Allotments would conflict divorce cases.

Wally Richardson

education out in villages
on A12 problems

State Trooper Bethel - housing
allowance discount.

↳ Troopers in Bethel, one
is F&W. Can't afford to live
here without allowance.

Required to pay own utilities.

← → in K with state - which
has provision stating state is to
pay utilities.

APEA + Com. of Ad. entered into
an agreement recently, but troopers
not in APEA.

Eagle River Meeting September 13, 1979

Mr. Stumacorus - foster parents, bought a bike, issued citation - couldn't afford a lawyer 5 days in jail; \$200 fine; thought rough 18 yr. old native; 1st offense. J. Brewer sentenced; dirt bike - no helmet, no license; tried to run - never did get the bike back - wrote to govt, Roddy & wrote to Judge Faberowitz. No funds to get a lawyer. 10 points against him; felt that he was native.
 Let Sam go. | Sentence appeal not available since not a 45 day sentence

Paul Fowler
 HB 392 could be correlated into program > sentence to A2 program. Palmer Correctional Camp.

Mr. Hilderman | poor → free | rich can get | middle class can't afford.
 Public def. should be available to all - regard less of income.
 Judges - should be elected by people.
 Thinks that all judges should be elect
 lifetime sup. Superior ct 12 yrs.
 6 yr. district court
 A2 should be elected too.

Yail Dial | drug bills - Parr + Dankworth's Bill
 0 no knock provisions - rt. of privacy.
 0 provisions for confiscations of violators. of spouses car.

? follow drug laws = Amount →
 fashion show

Selling graduate penalties book at him
 Legal in your own home > friendly seller - middle ground.
 user - least of all

Roger Endell

Justice system. Too often corrections over looked. Master plan. Need a balanced systems.

No where in rural Alaska - are there const. facilities. Retention of Alaskans in Alaska. Impact - sentencing portion of new criminal code. 2, 3rd offenders no parole.

Impact of new drug laws. No one is looking at the whole system.

Anchorage - doubled its force.

Office of Alcoholism - pass thro. grant body.

Against 3 day mandatory sentences. Juries refusing to convict.

Favors restitution program. For the property crimes offender.

Billings - draft prison industry bill.

Ranks 13th in nation for incarceration rates.

Court Appeals - ~~(Hunted position - no one knows)~~

Endell - Rabinowitz - overcrowded; 3 yrs. before get to Supreme Ct.; how much Δ need under it.

Larry Haden - favors prison industries.

Violent crimes - wants suit.
Compensation

Jacobs - Personal growth program. no state funds.

~~single~~

Borch

Anchorage Public Hearing 9/15/79

John Nilson - research scientist. Will submit something in writing.

Verta Maria Jones - spent two years studying problems of AK Bar Assn. on their examinations. Power of Bar - from Sup. Ct.; Sup. Ct. has not functioned to see that examination is fair. Recent exam. more than 100 candidates - many failed 3rd. time. Native people & Blacks difficulty in passing. Problem - Anchorage has too many attys., enough of them - don't want anyone policing themselves. Contra. to their financial interests. Tom Fuh never

Person Ca.
AK.

Multi state - under great contest now. Whether answers are correct. Throw out in Wash. Ore asked to remove. Can't return the paper^(answers) back so invalid. Questions have leaked out in Penn.

Ca. - in AK. must ~~pass~~ be be a graduate of recog. Law School.

AK. quest. not as well thought out, not graded as well.

Grading of exam is big problem. In Utah - need 60%, 58.4% asked for right to see answers - Utah Sup. Ct. agreed.

It's impossible to grade essay questions to that exacting nature. One AK. person missed by 6/10 of pt.

Who grades & when grading makes a great deal of difference. Possibility to take an appeal - before AK. Bar Assn. -

Serious problems with AK. Bar Assn. Witness looking over for last 2 years.

Leg. in NY - every exam. Dr. Lawyer - reason for giving the question.

Problems - of appealing case - De McKinnon's Bill. Appeal for Bd. to have case. Peterson Case - rt. to answers. Bar Assn. refused to hear appeal. Chuck Webber(?) is aware of;

Ask Sup. Ct. to do their duty. People who do exam shouldn't be harassed in AK. Bar. Assn. Oregon is asking that it be removed. Utah admits upon diploma.

Karen Hunt, Anchorage. Atty. Member of Board of Gov. - suggestion without knowing how Bar specifically handles.

Entire procedures - confidential, use of members.

Standing Committee - set up ~~procedures~~ procedures to assure that it is not culturally biased.

3 parts when averaged - then results in ~~the~~ 6/10 of pt.

regarding ~~procedures~~ procedure utilized in

Some cases.

Question of exams if going to
validity. Opt all across country
use theme - since public must be
assured of competency. Public
service.

No matter who does it, always subject
to criticism.

Nota: Competence of legal profession is
subject to alot of quest.

Disciplinary procedure + rule -
code of profes. reg. self imposed;
if person is subject to problem -
just file a complaint. That is
investigated. Self time atty -
disciplinary matters + full time
in house staff.

Complaint → Hearing panel
70x, SE, technology - either
or both sides - rep. before brd.
Hearing with evidence. Funding of
fact + rec. - depend. upon vent.
Atty has vt. to appeal. 1st to
Brd. of Gov. - Both sides have
appeal. In oral agree. - then
appeal to At. Sup. Ct.
informally

Suspension
disbarment

public or private censure.

have many action - have many disbared -
need to check record. Disbar by Sup. Ct. →
aware of 2 maybe. called to make information available.

if serious crime info. sent to Supreme Ct. - suspended - hearing process goes on during suspension.

200 take exam. ~~Each exam section~~ each year. 70% passed.

Q: Protection of public - reason for Ham. What validation process has AK Bar Assn. do.

A: Not assure competency to be trial lawyer.

'73 or '74 > multi-state invalid. The validity of that portion looked into then. Result of litigation. Ca. Exam under constant review. AK Bar portion -

[Not a state agency. Bar \$60,000 via Court budget.

Rosemary Spenser - housewife.

Involved Parents Assn. Mother of 5 children. Concerned with drugs.

Peace Officers Drug Law. Heard of Governor's Bill. Wants a very strong drug. Wants punishment.

HB 479 not sufficient. Wants amounts to go down + punishment to go up.

= Basic attempt to do a gradation. user punished more, + seller should be punished more.

Jenna Leberman HB 392 Domestic
Violence

Network worked hard with
AB 392 - get portion of bill left out;

Probable cause misdemeanor ~~act~~
arrest.

Get out on bail.

Police won't do anything - has
to get a citation - if ♀ had T.R.O.

ALSC - closed + won't handle T.R.O.s.

fact that can arrest only if

Sec. left out;

Beverly Basinson

Involved Parents Assn.

Peace Officers Bill - no knock cause
w/ rep.

Drugs - Pot ~~most~~ ^{more} dangerous than
some of other drugs listed.

Wants a strong drug bill.

Martha Johnson

Thinks any amount hurts.

not want recreational drugs

William D. -

drug situation - NY. had one of strictest
drug laws - in country. Policeman got killed.
now repealing - no deterrent - nothing to lose.
Booze very dangerous.

Delta Junction - opened school lockers -
look drugs out; want to put
dogs in school & stripe kids in
schools. Law Enforcement + Teachers.

Pat Jasper

200 other parents -
pass a stiff drug law
doctors who dispense drugs over the
lines of legality.

Mark Bell

Children's cases not open to the public.
thinks should be investigated.

Not agree with P.O. who serve the A's.
thinks should have legal insurance.
Pre-paid legal insurance.

Lawyer should belong to Chambers
of Commerce.

Judiciary Committee should belong to
Chambers of Commerce.

should it have 20 to 30 yr. terms -
not used to normal life.

"Have you been convicted of crime" on
job applications.

A's shouldn't be appointed. Wants him
to be elected.

Sylvia Short

AK. Bar Assn. member.
opposed to correctional system.

highest incarceration rate + crime rates.
do not do enough to rehabilitate in
jails. Most are repeaters. When make
more severe penalties - someone will fill
shoes - so long as market exist.

embittered, no jobs. Only learned
what learned from other inmates.

Believes in Free enterprise. Advertise.
People know what pay. Should be
admitted to bar even if can't pass
just to give them a chance. Natives
hard to get in.

Should look at alternatives. Too many
crimes. Different tribunals than courts
with different sanctions.

Attys → relaxed some of strict standard -
permit those who graduated from
school - to practice in some areas.
Revise thinking as to testing - specialization.
Law in disciplinary - in-house - public
Integrated / nonintegrated bar ⇒ fears
to much power & residing in either
State or private agency.

Quittance
malpractice - Ins. companies - not
done very much.

Key Flowers - father of 4
Youth for Christ, etc.

Concerned: drugs - strong one - he denied.
Volunteers in correctional facility.

Burt Campbell - Minority Sentencing
Committee.

Educational funds used to buy
barbed wire. Contended by E. R.
Inmates.

Inmates - main concern - no educational
programs.

Wants us to check on corrections
budgets.

Violence in institution, 6th & C.
said no violence. Paul Tanenbaum.
Yet inmates say otherwise. Would
like us to investigate. Between
guards + prisoners.

Judicial Qualification

7 or 8 complaints. One judge-
formal hearing + found guilty -
during past 6 months.

Believes true - only 2000 people know
account. Mr. Campbell - asked chair
of commission to publicize its purpose.

Mr. Burt Campbell - wants copies of Legal Representation
of Indigents.
29th 402 > 10:30 AM

John Angell - 4 children; don't want
children ~~to~~ dealt with by law enforcement,
courts, etc.; he wants to deal with that
himself and not send them off to jail.

Separate and unequal rural / urban
areas. Don't have records in those areas.

Crime Statistics - only from urban areas.

Much higher [homicide, rapes, suicides / not
crime] in rural areas. Sometime 10x5.

Appropriate
for
Rocky
since
she
has
corrections

5 day to 3 day response time
by state trooper.

① Special attn. to rural areas of state
decentralization of Public Safety -
so rural area can have input in law enforcement.

② Prime need for improving communications.

③ Record keeping ~~exp~~ systems so can
identify crimes in rural area.

Stop transporting A12 into Village. Local
option AREA.

A12 related to crime, but may not be
any different than urban areas.

Public Safety Officers in rural area -
Nix's Concept. Fire, emergency medical,
Health & Social Services. Improves
image > to get more interested in job.

Village Council - 2nd CLASS cities;
don't have resources.

Drugs

MS. HAY -

Better Education Group.

disagrees with record keeping remarks by
Ansell.

Point of entry much of state = Anchorage.

SB65

101

Rep Parr

Gov's Bill

Organization will take position in Nov.
Drug Report by DPS

Made civil offense - case of fine rather than criminal action.

Make copies of correspondence - about this - claim that no citation system exists.

Last woman - Ms Brodley

limited exams + specialization. want broad base.

Domestic ~~act~~ violence - thrown in jail. doesn't think that is the solution.

Committed crime - convicted, in jail - serves time; stigma attached.

Don Fordo

Drug bill - what problem is in Anchorage Area + entire state.

drug law
→ Police officer.

HR 479 doesn't solve problem, if anything makes drug law more liberal. Still feeling effect of marijuana drug laws. All over schools.

Let's not say you can have so much. If Congress make it a ~~strict~~ severe crime. 15 homicides drug related. Put drug law with teeth in it. ~~it~~ May set limits in sales to avoid more harsh penalties. This is an attraction to the drug dealer. Police Assn. support SB 65.

No knock policy -

doesn't like slang terms.

quantity amounts on drugs -
gets you into problems.

Met lab tested in Anchorage.

Slang - ordinary person.

Onaiki ^{said} Hawaii one of strangest; note: this is probably not; intent to permit average person know.

Ms Jones

V.P. of Bd. of Soc. > Believes

that lay person should be on the Bar.

Barrier - Court System

SB 104

Criteria for indigents - why not
accounts for debts owed - .

Rabinowitz mentioned ABA study -
utilized. Have you found it yet.

House Finance Study - interim - recommended
that 2 additional justices be added to
supreme court - . ~~that~~ \$30,000 for
travel. They would travel to major
cities in Alaska.

Nome Hearing
11/2/79 Friday

Borch

1 Andy Edge

City Utility Manager
State Chairman of Democratic Party.

Law Enforcement in the Rural areas.

Serious drug problems in this area.
Not receiving asst. from State Police.
Need people who are familiar w.
apprehension of drugs. Getting acid
and hard drugs. Coke, LSD, Pep
pills are on the local scene.

cut out picking up tuition while at the
academy. LEAA funds - APSC.

City pay salary while policeman is
there.

Beginning to get violence, resulting
from drugs. Pat laced with
something stronger - jumped through
window.

Bush has high rates of violence,
high rates of suicide.

Have a drug problem in Nome and in
the villages. Just as severe.

Two foreign ships trading boog for fish/
ivory etc. Thinks other trade too.

Rural and Urban police - AST - should be split.

Nome Hearing
11/02/79

Charlie's all agreed that bills on drugs will not
solve problem, need enforcement. (From drug
hearing in Anchorage, yesterday.)

Alz related crime - 90%, 99% - from jailor
and judge. Edge - 99% of crime affected
by some mind affecting drugs.

- 1 Police Protect
 - 2 Alz
 - 3 Bilingual
 - 4 Education
- } Problem identified from
village in Bethel.

~~Summary~~

2. Glen Martin - Juvenile Division Program -
Status offenders; received referrals
from various agencies. Drug problem/
juvenile delinquency. Vary displeased
with drug problems here. Fund CTPA -
state funds; part of Nome Community
Center. *NIOT DA. funds from them too.

Part
suite
of
Drug
Abuse.

many children arrested -

* recidivism rate of 10% ; decrease of juvenile
crime, but increase in drug and Alz abuse.

2ct LSD
cases
3 hosp.
cases

1 hosp. cases - Child "o-d" on LSD.

Should have local police department
walking beat on front St.

getting funds for drug and Alz education
program - at Teen Center - for those
kids & families sent from Court.

he thinks → Nome Police Depart - 6 officers he thinks.
AST - 3-4

10 clients

22 clients for yr.

32 since program began

2 counselors, M.F.

Status offenders - drugs, Alz, burglary & court system,
High school, Social Services, hospital.

Courts + probation office - screen on what
children get sent where. he gets 1/3.

Q. does child receive your programs counseling
in lieu of probation.

Q. what other alternatives are available here
in Nome? Group home closed + need.

Q. statistics: P. Dep. Jan-Aug. 78 209 Arrests
Jan. Aug 77 126
79 82

→ 1 One probation officer for Nome + Kozebue
he is over worked, child's family
does have to see the probation officer
as well as this program.

2 Aside from this program, there are
no other programs in Nome, Group home
closed down due to not enough kids;

3. Fred Angstrom AST

Shishnuff → St. Michael - 2-3 weeks response time.

or delay created by weather.
no one to go.

Wed call dead ~~St. Hope~~ Pt. Hope
got in today Friday at noon.

less than 10% is weather problem.
Rest of time - no one to send.

of troopers -

witnesses area → Pt. Lay down Stevens - Nome + Kotzebue.

- has 4 working troopers.

how many need to give rapid response time -

more people: { 4 Nome
3 Kotzebue

has a plane + pilot (included in 4)

→ and one more plane or 2 more
one in Kotzebue another one in
Nome.

In area - he is resp. for every
village has a village police officer.

one week intro.

4 or 5 week course EM } Public Safety
Officer.

will be able to handle misdemeanor crimes.

Continual teach P50 from AST when AST is there.

⊕ Officers have to arrest in villages - where are they detained until AST get there. Some have holding facilities, other places - Chain to trees.

Village Police Officers - from villages in his area; this is a problem

Public Safety Officers ⊕ villages consulted to develop training + curriculum - consulted with in Anchorage, Village Councils + Native Corp.

Constable Program - getting out of home village - can transfer.

Contrary to local control Pilot Program in Nana Region as resp. to Trooper as opposed to Village Council.

↳ 150c unalaklet

4. George Edwards DA 2nd Judicial Dist. St. Michael Skellin → Pt. Hope on North.

Crimes stem from A12 no facilities to handle A1 people here in Nome.

charge screening - very careful; since no plea bargaining. Believes that the great majority of time charging is appropriate.

"Charge bargaining" - "Screening"

with Plea bargaining - maximum charge knowing that could later reduce.

Now since no plea bargaining - must be more careful in fixing charge.

People out on release - not high repeaters.

Edwards - Abuse of A₂ Root of Problems

Treatment facilities - in house - sentence, involuntary + voluntary placement.

Since 1960 - one DA > all before PD, Miranda;

Question: Case load (trial case loads)

Not going to bother - Borins felony misdemeanor

now compare to Nalt Standards

3 P.D.'s - contract firm. - not going to do next year.

Private Atty - handles complaints, other since - must get one from Anchorage.

Sentence. Appeals > rules of Sup. Ct >

5. Judge Saunders - Superior Ct Judge. 2nd Judicial Dist. including Bethel + Barrow.

they have 4 one now Foxs.

now => NOME & Kotzebue

NEED #I → Need: Judiciary in Barrow. Superior or District Court Judge.

NEED #II → [f.ppt. PD+DA - for Kotzebue.]
[since got judge, now needs this.]

need so that can travel to villages as a unit Δ.

NEED #III ⇒ Alz Problems - Minority Sentencing Commission
Alz abuse; no facility to send other than jail - Shocked the Com. &
Need: facility

#IV. Juvenile Problem - try to keep in this area, last resort is to send to Anchorage.
Reason: more sophisticated at McLaughlin. ^{Pot Drugs}
NEED - DETENTION facility here in Nome.

#V Keeps caseload down to minimum; Hunk's doing good job.
Village Policemen - turnover - not enough pay.

Juvenile Diversion - use it almost everytime; More successes than losses.

- hopes to increase minorities in legal careers. all magistrates, except one here in Nome, are Native people.

under [Title 47 lock up - 12 hours - pretty good luck; no one frozen this calendar yr.]
mandatory commitment - would use if had facility.

Court of Appeals - Not many appeals in this area - None; we don't have enough criminal appeals - not affect area. Has a lot of civil Appeals. No objection, but not one of their priorities. Would be a priority if speeded up civil Appeals.

John Larsen - 69 Atty; been in private practice '74. P.D. contract services Nome + Kotzebue area.

1. Additional Judicial Services

Need magistrate in Kotze additional - Superior Court to travel to villages. To hear civil + criminal cases in Nana Region. Need more police in every village. one full time police officer - in each.

DA in Kotzebue. } people there not
PD in Kotzebue. } getting enough

1 Probation officer - need more.

Should use existing village structures.

* Sup. Ct. - length of time - extremely long supports Intermediate Court of Appeals.

Integrated BAR ASSN - local bar - meets informally - no contact with statewide BAR. Little contact with statewide bar.

Person in Nome would not know where to take complaint. Problems with contract - \$.

Conflicts - not as significant in Nome, as Bethel.

6 Paul Barolet-AST

doesn't think that village police officers will ever work if from village, bec. of family relatives.

woud't have a job if A1/2 wasn't here.

17 villages in areas - two troopers - other ones (troopers) are administrative.

Where councils are strong - no problems.

→ Some have voted to go dry. ie Samble.

* Berck - review + send memo to Charlie re: grand jury indictments, preliminary hearings, arraignment. - initial criminal process. Check court rules. Sanders 10 days preliminary hearing.

Strengthen the village councils -

State trailers - personal quarters - \$300.00 pay increase over Fhrs.

7. Gene Schaefer^{stafer} - probation officer.

training for village councils - villages need education.

Things need to solve their own problems.

Division Program - unique to NOME; likes it very much.

1/3 ref. to Division Program. Reason not more -
Div. Program limited to NOME.

5th.

Freda Nicle Bering Sea Women's Shelter
thinks is a very good bill.

Police protection - don't want to
return to the scene to permit
woman to get her things.

Woman here last night was
kept captive and children kept
captive. Police wouldn't respond
to call.

Witness would like protection
from police so that she could
return to home to get possession
of things.

65% of ♀ return to home next day

35% get TRO

~~smaller~~ smaller no. get divorces

68% of cases in last year - were Native.

Cultural acceptance of violence.

Girls under 18 are battered. Shelter can't
offer them anything. Where can they
go. They can go to the receiving
home, but don't want to go there.

Told by DA that harboring child would
be kidnapping

* DSS - Receiving home had rape -
refused to allow police to investigate.

2
not licensed as Foster Care - by
State.

10% - 15% might be juveniles.

Maximum stay = 30 days in home.
waiting list for ASHA housing

HB.130 will send comments on to me.

Bob Lewis, A. Atty.

I. Administ. of civil + criminal
justice in Kotzebue. Placement of P.D +
DA needed in Katz. bec. of new judgeship
there.

II. Possible state support for ALSC. new home
atty will be on contractual basis.
2 in Kotzebue - 50/75% of population
eligible for ALSC services on Seward
Peninsula.

No atty in home for 4-5 months.
New ALSC atty. won't have sec.

Home ALSC Office needs 2-3 attys. One atty.
won't cut it.

3 private attys in Nome Region.
him, one in Kotz. & Van Winkle firm.

*
Q. trial situation - thinks understandable ^{to} people
Q. Bar Asso. due to flight.

Q. state gives \$; state wants some control.
Difficulty in representing Native Corp. &
villages. Leg. objects to some of ALSC
Activities. Could use restricted funds.



no opinion.

Intermediate Court of Appeals
thinks overworked, but not sure it would
solve problem. He doesn't think crucial or
necessary.