

ALASKA LEGISLATURE COMMITTEES 1900-1900

4018 **JUD** **COMPARABLE WORTH - CRIMINAL JUSTICE WORKING GROUP** 894

Effect of amendments. — The 1975 changes in marital status, pregnancy, parenthood, inserted "credit and financing," "other," and "marital status."

NOTES TO DECISIONS

Cited in *Loomis Electronic Protection, Inc. v. Schaefer*, Sup. Ct. Op. No. 1262 (File No. 2684), 549 P.2d 1341 (1976).

Sec. 18.80.220. Unlawful employment practices. (a) It is unlawful for

(1) an employer to refuse employment to a person, or to bar him from employment, or to discriminate against him in compensation or in a term, condition, or privilege of employment because of his race, religion, color or national origin, or because of his age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood when the reasonable demands of the position do not require distinction on the basis of age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood;

(2) a labor organization, because of a person's sex, marital status, changes in marital status, pregnancy, parenthood, age, race, religion, color or national origin, to exclude or to expel him from its membership, or to discriminate in any way against one of its members or an employer or an employee;

(3) an employer or employment agency to print or circulate or cause to be printed or circulated a statement, advertisement, or publication, or to use a form of application for employment or to make an inquiry in connection with prospective employment, which expresses, directly or indirectly, a limitation, specification or discrimination as to sex, marital status, changes in marital status, pregnancy, parenthood, age, race, creed, color or national origin, or an intent to make the limitation, unless based upon a bona fide occupational qualification;

(4) an employer, labor organization or employment agency to discharge, expel or otherwise discriminate against a person because he has opposed any practices forbidden under AS 18.80.200 — 18.80.280 or because he has filed a complaint, testified or assisted in a proceeding under AS 18.80.010 — 18.80.300;

(5) an employer to discriminate in the payment of wages as between the sexes, or to employ a female in an occupation in this state at a salary or wage rate less than that paid to a male employee for work of comparable character or work in the same operation, business or type of work in the same locality; or

(6) a person to print, publish, broadcast or otherwise circulate a statement, inquiry or advertisement in connection with prospective employment which expresses directly, a limitation, specification or discrimination as to sex, marital status, changes in marital status,

Since
1949

COMPARABLE WORTH PROJECT

WORKING FOR PAY EQUITY IN
SEX-SEGREGATED OCCUPATIONS

488 41st Street, No. 5, Oakland, CA 94609

(415) 658-1808

Virginia Dean
Patti Roberts
Coordinators

Selected, Annotated Comparable Worth Bibliography - February 1982

1. The American Promise: Equal Justice and Economic Opportunity, final report, National Advisory Council on Economic Opportunity, 1981, 120 pp.

This report does an outstanding job of linking occupational segregation and low pay for women workers to the growing "feminization of poverty," concluding that the traditional "job" solution to poverty doesn't work for women because the pay rates which accompany women's work keep women in poverty. Available for \$4.50 from Superintendent of Documents, Government Printing Office (GPO), Washington, DC 20402, Stock No. 041-008-000-19-9. To be published in paperback early in 1982 by Transaction Books, New Brunswick, NJ 08903.

2. Bargaining for Equality: A guide to legal and collective bargaining solutions for workplace problems that particularly affect women. Women's Labor Project, 1980, 141 pp.

An excellent guide to federal and local legal remedies and collective bargaining approaches to workplace issues for women and to their interrelationship. Includes information on comparable worth and a glossary and a resource list. Available from National Labor Law Center, Suite 615, 2000 P St., NW, Washington, DC 20036. \$5.50, individual copies, \$4.40, 10 or more copies, plus 15% postage and handling.

3. Beyond Equal Pay for Equal Work: Comparable Worth in the State of Washington, Taber, Gisela and Helen Remick, 1976, 25 pp.

Describes historical and technical aspects of the grandmother of all comparable worth studies conducted in 1974 in the State of Washington which determined that predominantly female job classifications earned 20 to 25% less than predominantly male job classifications which were ranked at the same level of complexity. Available from Helen Remick, University of Washington, Affirmative Action for Women, 101 Lewis Hall, DW-08, Seattle, WA 98195.

4. "Beyond the Equal Pay Act: Expanding the Wage Differential Protections under Title VII," Loyola University Law Journal, 8 (1977), 723-766, Gitt, Cynthia E. and Marjorie Gelb.

This law review article provides good background information for legal perspectives on the comparable worth issue and an excellent history of equal pay legislation in the United States, including the application of comparable pay concept by the National War Labor Board during World War I.

5. Comparable Worth Project Newsletter, Comparable Worth Project, January 1981 to the present.

Quarterly publication with articles and updates on comparable worth/pay equity activities and issues around the country and a listing of written materials available from the CWP clearinghouse and other sources. Available by subscription or in bulk for workshops and conferences, including some back issues, from CWP, 488 41st., No. 5, Oakland, CA 94609. Annual subscription: \$16, institutions; \$8, individuals; \$4, low-income.

6. DOT Study: Women's Work--Up from 1878, Women's Education Resources, University of Wisconsin, 1975. 120 pp. plus 20 p. appendix.

Describes how job ranking methodology used by the U.S. Department of Labor (USDOL) Dictionary of Occupational Titles (DOT) undervalues job tasks present in human services occupations which are derivatives of traditional women's work in the home. As a result, dogcatchers rank higher than nursery school teachers. A classic. Available from WER, University of Wisconsin-Extension, Madison, WI 53706.

7. The Earnings Gap Between Women and Men, USDOL, Women's Bureau, September 1979, 22 pp.

One of several government publications which are valuable sources of national statistical information on income and occupations by sex. Includes the oft-cited 59¢ wage gap figure. Single copies free from USDOL, Office of the Secretary, Women's Bureau, Washington, D.C. 20210, or regional offices of the Women's Bureau. Other Women's Bureau publications include 8 x 10 1/2 inch charts presenting graphic illustrations that "Women Are Underrepresented As Managers and Skilled Craft Workers," "Most Women Work Because of Economic Need," "Fully Employed Women Continue to Earn Less than Fully Employed Men." These make good visual aids for presentations. Write for complete list of Women's Bureau publications (Leaflet 10).

8. Families Maintained by Female Householders, 1970-79, U.S. Department of Commerce, Bureau of Census, October 1980, 37 pp.

Presents specific data on income, occupational distribution and poverty of the 8.5 million female heads of household in the U.S. Available for \$3.75 prepaid from Supt. of Documents, US GPO, Washington, DC 20402, P-23, No. 107.

9. First Steps to Identifying Sex and Race-based Pay Inequities in a Workplace, Comparable Worth Project, 1981.

Checklist describing three methods of identifying and raising the issue of sex and race-based pay inequities in any workplace without conducting a job evaluation study: 1) collecting wage-gap information; 2) looking at an in-place job evaluation system; and 3) applying results of comparable worth studies at other workplaces to jobs in your workplace. Includes an appendix of selected comparable worth job rankings. Available for \$2.00 plus 25¢ handling and postage from CWP, 488 41st St., No. 5, Oakland, CA 94609.

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Selected Comparable Worth Bibliography

February 1982

P. ?

10. Job Evaluation: An Interim Review, National Academy of Sciences, 1979, 55 pp. plus 117 pp. footnotes and appendices.

Easy to read descriptive review of leading approaches to job evaluation, including case study examples: the Hay System, the federal sector wage system, the steel industry, a market pricing system and the Position Analysis Questionnaire. Available for \$7 from National Academy of Sciences, 2100 Pennsylvania Ave., Washington, DC 20037.

11. Manual on Pay Equity: Raising Wages for Women's Work, Conference on Alternative State and Local Policies, 1980, 224 pp.

An informative resource providing strategies and background information, a description of activities and resources across the country at the time of publication and a list of organizations and individuals doing work in the area. Available for \$9.95 from CASLP, 2000 Florida Ave., NW, Washington, DC 20009.

12. Money Income and Poverty Status of Families and Persons in the States: 1980, Current Population Reports, Bureau of the Census, 1981.

Latest money income and poverty figures, including data on women and female heads of household. Available for \$3.00 prepaid, Supt. of Documents, US GPO, Washington, DC 20402, Series P-60, No. 127. pp.

13. Perfect In Her Place: Women at Work in Industrial America, National Museum of American History, Smithsonian Institution, 1981. 22 pp.

An excellent brief historical description of women wage earners in the U.S. with beautiful illustrations. Published in conjunction with an exhibit by the same title which will be in place until spring 1982. Single, free copies available by writing Deborah Warner, Curator, National Museum of History, Smithsonian Institution, 14th and Constitution Ave., NW, Washington, DC 20560.

14. Pay Equity: A Union Issue for the 1980s, American Federation of State, County and Municipal Employees, International Union (AFSCME), 1980, 21 pp.

A simple and straightforward description of the issue, how to obtain wage gap information and how job evaluation works. Available for 75¢ from AFSCME, 1625 L. St. NW, Washington, DC 20036.

15. Strategies for Creating Sound, Bias-Free Job Evaluation Plans, Helen Remick, 1978, 20 pp.

Describes how to avoid some of the pitfalls of job evaluation which can perpetuate bias. Valuable information to comparable worth advocates whose goal is a job ranking system for their workplace. Available from Helen Remick, 101 Lewis Hall, DW-C3, University of Washington, Seattle, WA 98195.

16. Twenty Facts on Job Evaluation, Comparable Worth Project, 1982, 4 pp.

Twenty little known or often ignored facts about job evaluation, including its historical origins in the late 1900's, its traditional applications since then and its relationship to the prevailing wage concept. Designed to accompany 20 Facts on Women Workers, below. Available for 50¢ from Comparable Worth Project, 488 41st St., No. 5, Oakland, CA 94609. Bulk rates available.

17. Twenty Facts on Women Workers, USDOL, Women's Bureau, 1981, 3 pp.

A fact sheet describing recent statistics on women in the paid workforce. Single copies free from regional or national offices of the Women's Bureau, see item 7 above.

18. Women Have Always Worked: A Historical Overview, Kessler-Harris, Alice, Feminist Press, New York, 1981, 165 pp.

An outstanding, readable history of working women in the United States from the Colonial period to the present, including descriptions of early segregation of occupations specifically for the purpose of keeping the wages of women workers low. Available at bookstores for \$5.95.

19. Women, Work and Wages: Equal Pay for Jobs of Equal Value, National Academy Press, 1981, 96 pp. plus 40 pp. supplement and minority report.

Appropriately criticized for studying the subject for three years without recommending a strategy for resolution, the NAS, commissioned by the U.S. Equal Employment Opportunity Commission (EEOC), has nevertheless put out a very readable and comprehensive description of the issue and labor force characteristics which cause and perpetuate pay inequities for women workers. Available for \$8.75 from National Academy Press, 2101 Constitution Ave., NW, Washington, DC 20418.

NOTE: Many of these items are available for the cost of copying and postage from the Comparable Worth Project if you have trouble obtaining them from the sources described.

86-3736

State to begin personnel study

by Andy Ryan
Times Juneau Bureau

Juneau — In New Mexico this year the legislature appropriated \$3 million in an effort to bring the pay of female state workers in line with that of their male counterparts. In Minnesota, lawmakers ponied up half of the \$43.4 million they figure it will take to pay women workers fairly.

In Washington state, legislators doled out \$1.3 million this spring, which will barely make a dent in the cost of a new state workers' wage plan with an estimated pricetag of between \$20 million and \$250 million.

Now, armed with a \$500,000 appropriation from the Alaska Legislature, the administration of Alaska Gov. Bill Sheffield plans a two-and-a-half-year study of the state's admittedly archaic state job classification and pay system. The long-range costs of the study, most agree, are likely to be substantial.

"The present classification system is not working . . . It hasn't been looked at for many,

many years," said state Personnel Director Frank Raye.

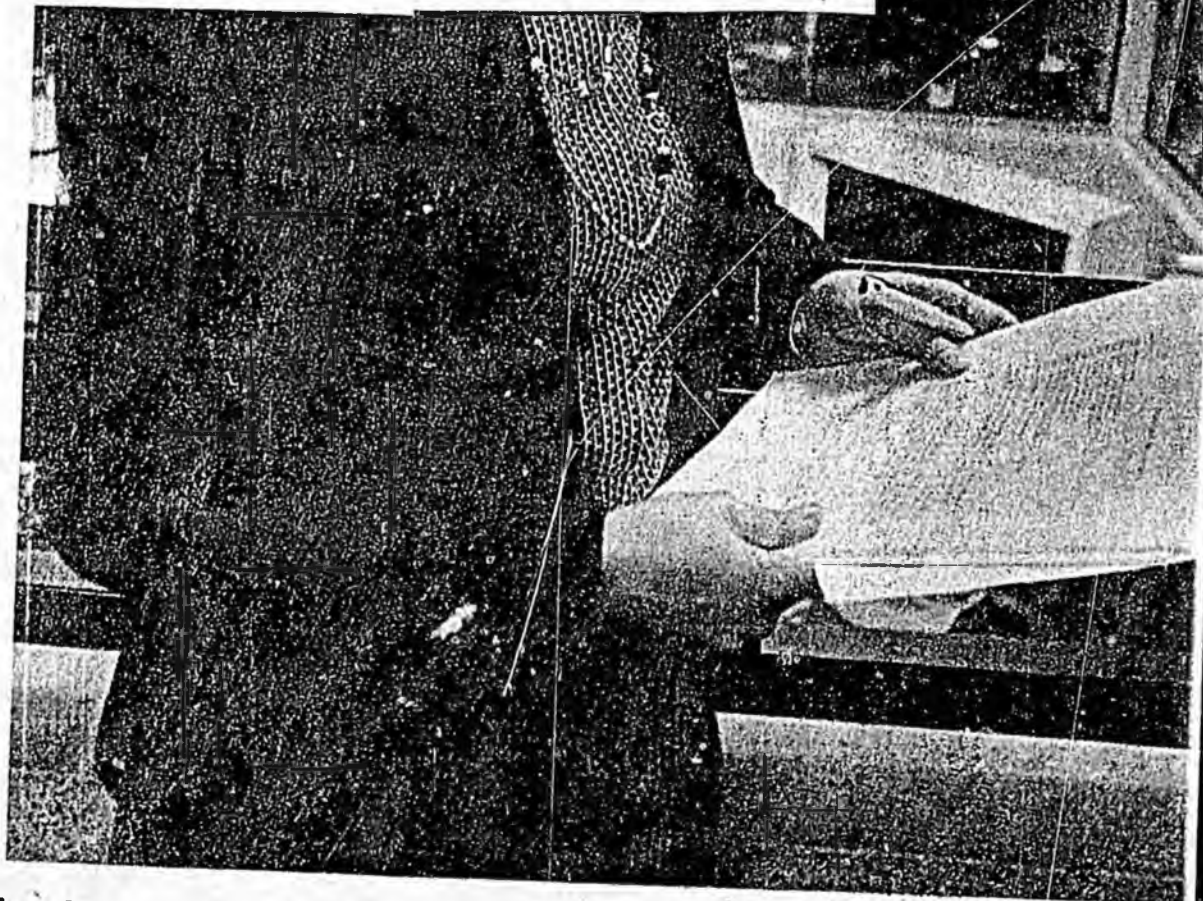
One of Raye's first actions after taking office in January was to scrap a \$125,000 job study commissioned by the administration of former Gov. Jay Hammond. He said the study was underfunded, lacked broad-based support and was doomed to failure.

A career personnel officer who served briefly as chief of classification and pay under Anchorage Mayor Tony Knowles, the 51-year-old Raye said one of the objectives of the new study will be to achieve "comparable worth" in state government.

Seen by some as the major human rights issue of the 1980s, "comparable worth" is the concept of basing job rank and pay levels on a single set of bias-free criteria, which are applied to all jobs within an organization.

"Comparable worth is the paying of jobs based on intrinsic value," Raye said. "Secretaries demand to know why they don't

See State, page A-6



Janet Jaron has been hired by the state to oversee a study looking into possible inequities in the state's job cl

State starts job study

Continued from page A-1

get paid as much as carpenters — and they have a right to know that.”

In fact, one of the pressures on state government that has led to the job classification study is a 5-year-old class-action sex discrimination complaint, filed against the state by 11 public health nurses.

In their complaint, which will be heard before the state Human Rights Commission next month, the nurses — all women — claim they they perform work of comparable character and therefore should receive the same pay as physicians' assistants, a job which has usually been held by men.

The nurses are seeking to have their pay increased to the same level as physicians' assistants and are asking for as much as \$1 million in back pay. They also are asking that regulations mandating “comparable worth” be adopted in Alaska.

State law already makes it illegal to employ a woman “at a salary or wage rate less than that paid to a male employee for work of comparable character or work in the same operation, business or type of work . . .”

While the cost of implementing a new state job classification and pay system could be heavy, Raye said the alternative is probably for the courts to correct inequities in the present system on a case-by-case basis. That approach, he said, would be the ruin of a consistent personnel policy. And it, too, would be expensive.

“I don't advocate spending money for the heck of it; I think we're going to have to spend money one way or the other. The current request of the nurses to have comparable pay to the physicians' assistants is just one example of what people are demanding these days . . . It's kind of a pay now or pay later thing.”

Raye said the state will probably take between now and January to decide the specifics of how the job study should be conducted, and to hire a consultant. The consultant will likely be asked to provide a “single-factor” system for evaluating state jobs, and will then instruct state personnel workers in the use of the system.

A “single-factor” evaluation system uses one set of criteria to evaluate every job in an organization. Jobs would be graded in a numerical point system according to criteria which could include difficulty of work, responsibility, amount of direction received by the employee, dif-

ficulty of work, knowledge requirements and work environment, among others.

Such a system, Raye said, is vastly superior to one in which jobs are weighed subjectively, independent of one another.

“The problem with the current system is that it's too easily put out of whack. One way that it's put out of whack is the system of doing position descriptions, where the person who has the most creative writing gets the highest salary. You need something a little more scientific, a little more objective, to evaluate that.

“What I envision for this new classification system is an open system, whereby everyone will know the rules,” Raye said.

Another ingredient of the classification study, Raye said, is likely to be a job survey, which would attempt to determine how much an employee could expect to be paid for his services if pay were left to the forces of the open market. By itself, though, market value is not a fair way to set an employee's pay.

“Market value has traditionally played a role in setting salaries. But the market value is often set on the basis of societal prejudices . . . Sometimes the market values only reflect the sexism in the society.”

He said government has a moral obligation to set a good example in the way employees are treated.

Last month, the state hired Janet Jaron to oversee the job survey. Jaron, 38, who was installed as the state's chief of classification and pay, had played a critical role in the development of a comparable worth study being conducted by the city of Seattle.

“Salary discrepancies have been illegal since 1963,” said Jaron, referring to the Federal Equal Pay Act. “If you've got discrepancies in your system, you certainly want to get them out.”

Raye's and Jaron's boss, Deputy Administration Commissioner Eleanor Andrews, said she has been interested in the state's personnel classification system since her days as a union worker — representing state employees. Andrews, 39, also began a job classification study for the city of Anchorage while head of labor relations for the Knowles administration. That study is not yet completed.

Andrews said although a new classification and pay system could be expensive and politically sensitive, it is sorely needed.

“You can't have a merit system based on equality if you don't do these things. You either do it by a plan, and you do it over time, or you do it piecemeal by lawsuits and complaints,” Andrews said.



Juneau Empire photo
classification system

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

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JUNEAU, ALASKA 99811
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OFFICE OF THE COMMISSIONER

April 19, 1983

Representative John Lindauer
Chairman, House Subcommittee on Dept. of Administration's
Budget
Pouch V
Juneau, Alaska 99811

Re: Classification Study

Dear Rep. Lindauer,

This is in response to an inquiry regarding the need for a classification study. Currently the state sets salary ranges for various job classifications on the traditional system of classification. This means that the goal is to set salaries on the basis of market wages and internal equity by comparing similar classifications.

The Problems

There are many problems with this system. It was established over 40 years ago and is administered manually by classifiers who try to properly match some 13,000 positions to some 1,200 definitions of classifications ("class specifications"). The matching is based on written job descriptions usually prepared by the employees. Our present system is too easily manipulated by the way position descriptions are creatively written and too readily influenced by subjective evaluations and fluctuating market values. The result has been that the state cannot now respond to complaints filed by women and minorities who demand to know for example, why carpenters are paid more than secretaries.

Liability

The traditional system of classification which the state now uses does not have the ability to respond to these questions of "comparable worth". At the present time the Public Health Nurses have a complaint filed against the state with a current liability of approximately one million dollars because they claim they should be paid the same as physicians assistants. We do not even have a classification system which can tell if this claim is justified. Since all physicians assistants are men and the overwhelming majority of public health nurses are women,

Rep. John Lindauer
April 19, 1983
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the claim is made that the state is intentionally discriminating against women. Other groups of employees stand ready to challenge our present classification system on the same or similar bases. Therefore, we must obtain a new state-of-the-art classification system which can adequately respond to these charges of discrimination and which will allow employees salary ranges to be set on a more objective basis.

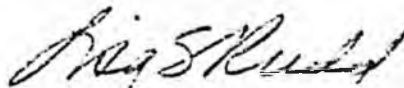
Necessary Legislative Action

What is needed is the necessary funds in order to publish a request for proposals to obtain a modern classification system. Many private companies have such systems which can be implemented by the state. Both unions and management should be involved in the selection process and agree ahead of time on the method to resolve disputes which will result from a new system. All positions in the state must be reevaluated and assigned to appropriate classifications as a result of implementing the new, more objective system. This system would be automated and accessible and the classification process would become an open process.

In order to know the approximate cost of such a large project, three private firms were contacted to obtain an unofficial estimate. The average was approximately \$500,000.00. This is a large amount of money and if we could obtain the new system for less, we would lapse the remaining funds. While this figure is high, it is small in comparison to our liability in the face of continuing complaints.

I will be glad to answer any questions you have on this subject.

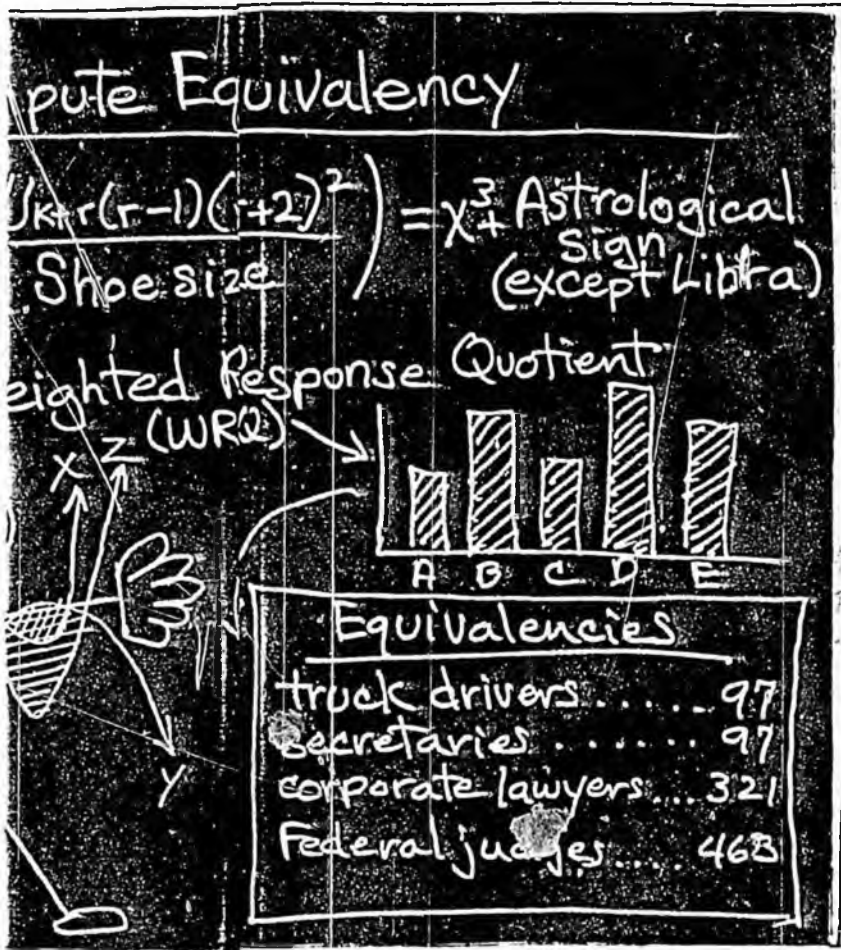
Sincerely,



Lisa Rudd
Commissioner

LR/FR/gmw

Terrible Idea



Last November, a federal judge in Tacoma, Washington, made national news by ruling that the state had discriminated against women. Sex discrimination lawsuits are hardly new to American life, but the issue in Washington was not whether the state was willing to hire women, or whether it offered equal pay for equal work. Rather, it was whether the 15,000 state workers holding traditionally female jobs—nurses and secretaries, for example—should be paid the same as those holding “comparable,” male-dominated jobs in different trades, like plumbing or carpentry. In deciding against the state of Washington, Judge Jack Tanner declared that Title VII of the 1964 Civil Rights Act “was designed to bar not only overt employment discrimination, but also practices that are fair in form but discriminatory in operation,” among which he counted the state’s failure to grant equal pay for work of comparable worth. Tanner found the state guilty of “pervasive and intentional” discrimination, and promptly awarded the plaintiffs a projected \$1 billion in back pay and wages.

No one missed the opportunity to hail the ruling as a major turning point in the battle against sexism. “The state of Washington was the defendant in this case,” said a local spokesman for the American Federation of State, County, and Municipal Employees, the union that brought the suit, “but all of society was on trial. This ruling gives us great cause for hope, because it will provide a model for other suits across the country.” Dan Evans, the Republican ex-governor recently elected to fill Henry Jackson’s Senate seat, proposed that Congress create a commission to “study how the federal government . . . can root out gender bias” within its own workforce. And Gary Hart, who along with Walter Mondale, John Glenn, and Alan Cranston has jumped on the comparable worth bandwagon, was so over-

Geoffrey Cowley is a staff writer for the Seattle Weekly.

Illustration by Andy Meyer

MEYER

come with enthusiasm that he hopped a plane to Seattle to hold a press conference where he called Tanner's decision "a national example of how women's organizations and unions can use existing laws to destroy wage discrimination!"

Support for the notion of comparable worth has come to be expected of anyone who claims to care about the equality of women in our society. Proponents of the doctrine rightly argue that "equal pay for equal work" is only a partial solution to the problem women face in the workforce. The average working woman earns only 62 cents for every dollar a man earns. Women's groups correctly point out that the real problem isn't that female professionals are paid less than their male counterparts; if half of all lawyers were women who received the same salaries as their male colleagues, a wide income gap would still exist. The real problem, they say, is that secretaries and other women who toil in traditionally "female occupations" are making considerably less than men who possess the same, or lower, levels of skill, intelligence, and responsibility.

The egalitarian appeal of the comparable worth principle is obvious: why *shouldn't* a female secretary with an M.A. in English literature and responsibility for managing the office's accounts get paid the same as a Teamsters truck driver who hauls frozen chickens? But when it comes to larger problems of inequality faced by both women and society at large, comparable worth is a principle that will ultimately prove not merely inadequate, but destructive. Its greatest asset is that it affords politicians a way to demonstrate their solidarity in the battle for sexual equality, while leaving all the necessary little details that the "comparable worth" standard implies—like deciding who is worth what, and exactly how one goes about comparing the job of a deputy assistant to the administrator to that of a cleaning woman—to somebody else. And it isn't hard to figure out who that "someone else" is going to be. When Tanner's decision was handed down, lawyers and consultants everywhere no doubt experienced something akin to the thrill felt by Cortez when he first gazed upon the shimmering Aztec temples of Tenochtitlan.

Take a Number, Please

The state of Washington first began to toy with the idea of comparable worth back in 1973, when then-Governor Dan Evans hired the Seattle consulting firm of Norman D. Willis & Associates

to figure out whether the state was paying women as much as it was paying men at "a comparable level" of skill and responsibility. The study found a 20 percent wage gap. For example, laundry workers, who were mostly women, were estimated to be worth the same as low-level truck drivers, who were mostly men, but the laundry workers were making 41 percent less than the truck drivers.

Perhaps you're wondering how to figure out how much a laundry worker is worth. After all, such questions have perplexed philosophers and theologians for centuries. (They have even been known to give personal-injury lawyers some difficulty.) The answer is to develop "point-factor job evaluation systems" to do the job for you.

Each system works on a slightly different conception of "worth," of course, but all share a cheerfully mathematical view of qualities that you would think would be hard to quantify. Let's take a closer look at the Willis scale, which Judge Tanner relied on in making his decision. It assumes that the worth of any job, from circus clown to key-punch operator, varies in relation to the "knowledge and skills," "mental demands," "accountability," and "working conditions" it entails. Each of these components is further broken down into two or three subcomponents, and points are awarded on the basis of each one. Under "accountability," for instance, you can win points for your "freedom to take action" as well as for the nature and size of your "impact." Admittedly, the guidelines the instruction manual for the system offers are somewhat informal; for example, on "impact," the consultants instruct, "The simplest way to look at Size is to say the job most clearly impacts on something BIG, or on something LITTLE, or on something IN-BETWEEN!"

The "knowledge and skills" component breaks down into "managerial," "interpersonal," and "technical" dimensions, each of which carries its own rating. To top out on the "managerial" scale, you have to manage "subfunctions that have significantly different natures, or where the end results of the subordinate subfunctions tend to be conflicting or competitive with each other and require special harmonizing." Got that? In English, "you have to know how to do different things and how to play your assistants against one another." There are two kinds of "mental demands"—"judgment" and "problem solving"—and three kinds of "working conditions"—"uncomfortable," "strenuous," and "hazardous."

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To calculate all these factors, Willis assembled a group of people from within the state civil service. These civil servants reviewed job descriptions, interviewed their fellow workers and then, after much solemn mutual consultation, assigned each job a score. Thus a clerk-typist became a "152," or, to be more precise, a "CIN 106 C2-f 23 CIN 23 L1A 0." Broken down, this meant a clerk-typist scored 106 on "knowledge and skills," 23 on "mental demands," 23 on "accountability," and 0 on "working conditions." (A score of 0 on "working conditions" is the Willis method's understated way of saying either that the employee has nothing to complain about or that he or she is working in embarrassingly plush surroundings. Because there are no negative points on the Willis scale, access to excessive perks does not lower anybody's score.) Broken down still further, the clerk-typist rating on "knowledge and skills" is level C on a "technical" scale from A to G, level I on a "managerial skills" scale of one to three, and level N on an "interpersonal skills" scale that is too complicated to explain without the aid of an astrolabe and a mood ring.

With the help of Willis's team of metaphysicians, Washington state calculated the worth of every civil service job category on the payroll. These were unveiled in 1974, revealing the awkward 20 percent gap between what women were earning and what their male "comparability" counterparts were earning. True to a long-standing tradition of how to respond to consultants bearing bad tidings, Evans ordered a second, more detailed Willis study. This study, published in 1976, estimated that the wage gap between "comparable" men and women could be closed by paying the women \$38 million more a year. (What? Lower the wages for the men instead, you say? You must be kidding.) The \$38

million gap struck the legislature as a problem warranting still further study. By July 1982 AFSCME had run out of patience, and filed suit.

The decision that resulted will be a serious blow to the finances of Washington state. The state will now have to cough up not \$38 million, as the second Willis study showed, but an estimated \$1 billion over the next 18 months. When Winn Newman, the lawyer who argued AFSCME's case, was asked about this he answered, "Congress didn't put a price tag on ending discrimination when it passed the Civil Rights Act. It didn't say to employers, 'Stop underpaying women and minorities when you think it's convenient! The only ones saying we can't afford to stop discrimination are bigots—bigots and people with an interest in perpetuating it!'"

Surprisingly, the decision was disowned by none other than Norman Willis, who, despite the hubris of his worth-measuring enterprise, recoils at the thought that his or anybody else's scorecard should become law. Even some of those who support the decision seem hard-pressed to find a sound legal basis for Tanner's reasoning. When I asked Gary Hart about this, for example, he said, "I don't think it's appropriate for legislators to run around commenting on judicial rulings," even though that's exactly what he had come to Seattle to do.

Move Over, Max Planck

Hart and Newman have their hearts in the right place; we *do* want to pay people what they deserve, rather than what society's petty prejudices dictate. But if the courts are going to define "discrimination" so broadly that it applies to people who do different things and earn different salaries, they can't just go around measuring it on any scale they like—there will have to be state and federal laws saying there shall always be, say, three kinds of occupational adversity, as opposed to two or 20, and just two kinds of mental demands. Otherwise, employers will start defining worth any way they please. Truck drivers could end up being paid entirely on the basis of their familiarity with *Finnegans Wake*.

Getting the nation to unite behind the Willis or the Hay or the Jones system of worth detection will be tricky, for we all have direct, and conflicting, interests in how the scale is calibrated. A ditchdigger could argue that the Willis system favors mental over physical exertion, a typist that

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it doesn't adequately register boredom. And anyone could claim, rightfully, that it gives more weight to meaningless job requirements—for instance, why should a probation officer need a master's degree—than it does to individual initiative and resourcefulness.

But even if we agree on a scale, we'll have to accept the possibility that it will produce widely different results when applied in different environments. Unless we take the next step, which is to treat the whole economy as a single firm and determine the proper salary for every position in it, we'll have no way of knowing that secretaries are keeping up with each other, let alone staying ahead of the nation's janitors.

Imagine the nightmarish society that might result. A waitress down at Uncle Bob's House of Ribs might sue her boss because her sister-in-law was getting twice as much (and better tips) waiting tables at the diner across the street. Executives would knock back martinis after coming home on the five-forty-eight and torment themselves about their prospects for ever making F1Y 380 E4-k 122 E1D 160 L1A O. Children would have new ways to taunt one another in the sandbox:

"My daddy's a 634!"

"Oh yeah? Well, *my* daddy's a 723, and he says if he can harmonize subordinate subfunctions three more times this week we can go to Bermuda!"

AFSCiME isn't proposing anything as ambitious as a planned economy, of course; it is simply claiming that individual employers have an obligation to rise above the sexism inherent in the marketplace. Once employers have done away with the wage gap between men's and women's professions, a spokesman for the union says, the problem will have been solved and everything will return to normal.

But will it? Many civil servants in Washington state who hold jobs as "worthy" as other, higher paying jobs are men. But unless they can prove that they're being discriminated against for performing "women's work"—legally defined as any job where women comprise more than 70 percent of the workforce—they won't get the raise that the nurses and the secretaries will get. It isn't hard to imagine the next step: a lawsuit by the men, arguing that they deserve "comparable worth" raises, too.

Then there are the inevitable adjustments that will have to be made to keep the worth scale up-to-date. Maintaining a standard as vague as

The problem of sexual discrimination is real, but the principle of comparable worth would only enshrine society's larger inequalities.

"worth" could make quantum mechanics look simple. It's fairly easy for the Equal Employment Opportunity Commission to spot a disparity in the wages an employer pays men and women to perform "equal work"; all it takes is a glance at the payroll. But checking out a comparable-worth complaint would be quite another matter. In order to determine whether a Lockheed audit-machine operator II was legally entitled to the same pay as a senior stem-dryer maintainer, the EEOC would have to haul in a committee to perform a company-wide worth analysis.

The courts, too, would have to evaluate the working of an entire industry every time they heard a discrimination suit. Major civil rights battles would turn on such questions as whether error-free typing is a greater corporate asset than leak-free plumbing, or whether sitting at a VDT places greater strain on Betty's eyes than pipefitting places on Jack's back. And does Doris, the floor manager at Sears, "most clearly impact on something IN-BETWEEN" as opposed to "something LITTLE"?

If the administrative and judicial aspects of comparable worth are messy, the economics could be even messier. In the marketplace, people are paid in part according to the availability of labor. At Weyerhaeuser, for example, where a Willis comparable worth survey rated the job of personnel manager at 916 and that of pulp mill superintendent at 760, pulp mill superintendents make more money than personnel managers—because good ones are harder to find. Under a comparable worth standard, Weyerhaeuser could end up with two choices: pay the pulp mill superintendents less, thereby making good ones even harder to find, or give the desk-bound manager a big raise.

Comparable worth also creates problems for labor-management relations. Subjected to the worth standard, many existing collective-

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bargaining agreements could be shown to have disparate impacts on men and women in different jobs. And if the unions that negotiated those agreements didn't move fast enough to pin the blame on the employers, as AFSCME did in its claim against Washington state, they could face massive lawsuits from their own members. (In fact, the AFSCME local that brought the suit against Washington pays its own employees not on the basis of comparable worth but by the same allegedly sexist pay scales used by the state.)

Worthier Than Thou

Advocates of the worth standard insist that this is all beside the point; as Newman says, you can't put a price tag on discrimination. But if anyone's putting a price tag on justice, it's the worth proponents themselves. Just take a look at the Willis scale. A beginning licensed practical nurse scores 158 comparable worth points, while an "Information Specialist III"—an experienced PR flack—scores 324. Or look at a janitor, who scores 101, while an "Advisory Sanitarian II"—someone who doesn't actually clean anything himself, but makes sure local hospitals and nursing homes do—scores 395. Why on earth should our society value people who issue press releases or fill out reports all day long more than people who save lives and do the dirty work?

This is the most pernicious aspect of comparable worth—it would do nothing to endanger the larger inefficiencies and inequalities that are built into the present hierarchy. In fact, it would solidify them by giving them the force of law. Whereas today we overpay lawyers regardless of their need, skill, and general value to society, because we are irrationally adversarial credential-loving snobs who hope someday to behave more sensibly, in a world governed by comparable worth we would do so because it is the law. The purpose of comparable worth is not to balance the earnings of lawyers and secretaries who make equal contributions to the common good, but to make fine distinctions about the "worth" of jobs already accorded roughly the same status within society.

The comparable worth scale reflects the same credentialism that corrupts the society it is designed to mirror. Why is an advisory sanitarian any worthier than a janitor? Because it is suggested that advisory sanitarians have "an M.A. in public health, environmental health, or a closely allied field," and you must be registered as a

sanitarian—an affiliation whose only advantage might be that its monthly four-color newsletter, *Sanitarians Today*, advertises cheap charters to Luxembourg. AFSCME doesn't have any problem with unequal arrangements that result from society's obsession with credentialism; to the contrary, one official of the union was quoted a couple of years ago as complaining, "When a person whose job requires a college education makes less than what is basically a common laborer, there's something wrong." Advocates of comparable worth don't want to achieve equality or a system of rewards based on true merit. They want a merit-blind system of inequality.

Willis insists that his scale doesn't pretend to measure a person's contribution to the social good. Instead, it is a "bias-free instrument." But what does this bias-free instrument measure? It measures the biases of society. That's the problem. When a lawyer calls in his secretary to ask her to type up a brief on comparable worth, he isn't demonstrating to her his willingness to flatten the income curve; he's demonstrating to her the inevitability of her inferior status. Even if she's the best secretary in the world, and he the worst lawyer, comparable worth dictates that the lawyer will always be worth more than the secretary.

There are far better ways to fight sexual discrimination in the workplace. Where sexism obviously exists in hiring decisions, an anti-discrimination lawsuit is just one way to apply pressure. Another is to combat the deep-seated cultural prejudices that funnel women into jobs like that of secretary and nurse to begin with. And a final remedy is to fight the rigid rules that exist to keep women—and men—who occupy the lower status rungs in their place. Nurses and midwives, for instance, should have more freedom to perform essential medical services. And legal secretaries ought to have the authority to prepare wills and other documents that they now draw up for their bosses.

Obviously, the problem of sexual discrimination runs deep in our society. At least for a while, there will still be bosses who look upon their underpaid—and more intelligent—secretaries with condescension and perhaps lust. But comparable worth, appealing as the idea might sound, won't help end that inequality. Instead, it will enshrine it, while fine-tuning lesser inequalities through the use of questionably "scientific" means to measure what is ultimately unmeasurable. ■

The column by Tom Fink (February 19) on comparable worth missed the mark on several points. He said 1) a recent court decision in Washington requiring equal pay for comparable work would "destroy our free and productive economy"; 2) once comparable worth plans are established, judges will be deciding what wages should be paid; and 3) eventually all jobs will be paid the same regardless of the type of work.

Every statement is wrong. First, comparable worth plans in Washington and Alaska apply only to government workers - not to the private economy. Those plans recognize that unfair discrimination exists in the private job market and that wages for public jobs should be based upon objective comparisons of job characteristics, not upon private market wages. The private market often merely reflects sexism or racism in the society. Government has a moral obligation to set a good example in the way employees are treated. Although Alaska law does prohibit discrimination in pay by all employers, the private job market will not necessarily change under the comparable worth plan; only the public jobs will. Suggesting that our private economy will be "destroyed" by comparable worth is merely exaggerated rhetoric.

Second, judges are deciding comparable worth issues now. In Alaska and throughout the country, courts will soon recognize that employers are illegally discriminating against women by paying them less than men performing similar work. By acting now to adjust pay scales, we will avoid having judges interfere with our government personnel systems. Implementing a comparable worth plan now will save us a great deal of agony later.

Third, Mr. Fink misstates the effect of comparable worth plans. They will not make all pay equal. They will not make all jobs the same. They simply will use sophisticated personnel techniques to do what the free market has not done - eliminate subjectivity and bias.

There are 13,000 state jobs in Alaska which presently fit into one of 1200 class specifications. These specifications are easily manipulated and influenced by improper biases and cultural ignorance. As a result, jobs which 1) have the same level of responsibility, 2) are equally difficult, 3) have the same type of work environment, and 4) require the same level of training may be paid differently. Studies indicate that, on the whole, female-dominated jobs pay 20% less than male-dominated jobs - even if the jobs are comparable.

In 1983 the Alaska Legislature appropriated \$500,000 to reorganize its personnel system to provide equal pay for comparable work. I helped obtain that appropriation. This effort will take two and one-half years. However, we must start to reform our wage-paying system before the courts do it for us.

As Mr. Fink admits, destroying illegal discrimination "ought to be vigorously pursued by government." This is what equal pay for comparable worth is all about.

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325 Comparable Worth: An Overview

Merrill J. Collett

The author believes that personnel professionals must approach the issue of comparable worth with a knowledge of job evaluation principles and an understanding of both the social dynamics of their jurisdictions and the background of this issue. Implementation of comparable worth in state and local governments has occurred through: (1) litigation; (2) collective bargaining; (3) changes in evaluation factors; and (4) legislation. The author believes the most important aspects of job evaluation concern ensuring that the methodology is understood by both managers and employees and that evaluation and qualification standards are determined through a process which involves employee participation.

2 A Status Report on the Theory of Comparable Worth: Recent Developments in the Law of Wage Discrimination

Lawrence Z. Lorber and J. Robert Kirk

This article reviews the relevant statutory provisions and litigation developments both prior to and after the United States Supreme Court's 1981 decision in *County of Washington v. Gunther*. The authors contend that no court has ever recognized comparable worth as the basis for recovery under Title VII of the Civil Rights Act of 1964. However, the authors believe that a new theory of comparable worth which depends upon a comparison of the skill, effort and working conditions of different jobs is gaining judicial acceptance. The authors predict that women in jobs which have historically been sex segregated may prevail in lawsuits where they can demonstrate that their work is so similar to that of better compensated males, that the job content factor cannot explain the differential.

5 Comparable Worth, Job Evaluation and Wage Discrimination: The Employer Approaches Wage Gap Issues of the 1980s

Daniel E. Leach and Elizabeth L. Wetley

The related subjects of wage discrimination, comparable worth and pay equity will be three of the most important employment issues of the 1980s. The authors believe that comparable worth has gained increasing political momentum recently at the federal and state levels but the legal status remains unclear. The authors urge employers to ensure that their wage administration systems are equitable and consistent and that all wagesetting practices are based upon legitimate, business related reasons.

1 Pardora's Worth: The San José Experience

Robert L. Farnquist, David R. Armstrong and Russell P. Strausbaugh

The city of San José, California experienced this country's first strike over the issue of comparable worth in 1981. The strike lasted a total of nine days and, as part of the settlement, the city of San José provided funds for extra internal equity adjustments to predominantly female dominated positions. This article examines the issues and events surrounding the strike by municipal employees. The authors detail a study which was undertaken by San José to evaluate the internal value of all jobs in the city and the negotiating process which culminated in the strike by municipal employees.

1 Nurses v. Tree Trimmers

Maxine Kurtz and E. Clyde Hocking

Courts have determined that the pay-setting system of the city and county of Denver, which is based on a combination of prevailing practice in the community and whole job classification is nondiscriminatory. The Denver Career Service Authority surveys the local labor market using thirty key classes to determine prevailing wage rates. Denver's pay plan bases pay on classes with the relationship among the classes being termed internal pay equity. The authors believe the compensation of women can be increased through (1) the selection of non-traditional jobs; (2) the encouragement of males to work in traditionally female dominated jobs; and (3) collective bargaining.

2 Statement to the Equal Pay Joint Committee, Des Moines, Iowa

Winn Newman

This article presents the testimony given by the author before the state of Iowa's Equal Pay Joint Committee. The author contends that sex-based wage discrimination is widespread, illegal and will not be tolerated by either workers or employee organizations. The three major defenses to claims of wage discrimination which are raised by employers also are refuted by the author. The author recommends that public employers undertake and implement a joint union-management job evaluation study in order to eliminate wage discrimination.

390 An Update on Washington State

Helen Renick

In 1974, the state of Washington undertook the first comparable worth job evaluation study. The study demonstrated that female-dominated jobs are compensated at approximately 20 percent less than male-dominated jobs. The study was updated in 1976 and 1980, but the state did not implement the results of the study. This article provides an update on the December 1981 article published in this journal and reviews the substance and dynamics of the recent comparable worth legislation adopted by the state of Washington.

395 Pay Equity: An Innovative Public Policy Approach to Eliminating Sex-based Wage Discrimination

Joy Ann Grune and Nancy Reder

During the past several years, over eighty-five state and local governments have undertaken activities in the area of pay equity. These activities have been focused primarily on: (1) information and data collection; (2) job evaluation studies; (3) pay equity policy and implementation; and (4) enforcement of existing laws. The role of labor unions in furthering this issue is also detailed in this article. The authors believe that closing the wage gap will require direct and deliberate challenges to existing systems of wagesetting.

404 Notes on the NAS Study of Equal Pay for Jobs of Equal Value

Heidi I. Hartmann and Donald J. Treiman

The comparable worth issue has arisen due to the large differential between the earnings of men and women and the segregation of jobs by sex. The authors worked with the Committee on Occupational Classification and Analysis of the National Academy of Sciences which prepared the report entitled *Women, Work and Wages: Equal Pay for Jobs of Equal Value*. The committee found that discrimination was having a significant impact on women's earnings and the pay rate of women's jobs. Job evaluation plans are potentially useful for identifying and correcting wage discrimination but job evaluation procedures need to be improved. The authors conclude that the committee's report will further the comparable worth cause.

418 Job Evaluation: Its Role in the Comparable Worth Debate

Alvin O. Bellak, Marsh W. Bates and Daniel M. Glasner

It is necessary to develop a method by which dissimilar jobs can be compared in order to consider implementation of comparable worth for large diverse workforces in the public sector where it has been mandated through legislative action. The authors conclude that current equal opportunity laws provide sufficient remedies for ending wage discrimination by assuring that all jobs are open to all qualified people.

425 Evaluating Job Evaluation: Emerging Research Issues for Comparable Worth Analysis

Lorraine D. Eyle

International interest in establishing fair compensation for jobs held predominantly by women has prompted a reexamination of factors contributing to the gap in the earnings of women and men. The U.S. Supreme Court, in *County of Washington v. Gunther*, held that Title VII of the 1964 Civil Rights Act, as amended, applies to court cases in which there is intentional sex discrimination in compensation practices. This article examines the role of background contributors and of job evaluation in relation to the differential in the earnings of women and men. It also draws parallels between employment testing practices and law and compensation procedures and the case law identifying emerging research issues.

445 Equal Pay for Jobs of Comparable Worth: A Quantified Job Content Approach

David A. Pierson, Karen S. Koziara and Russell E. Johannesson

A quantified job analysis was used to study the emerging issue of whether female-held jobs which are comparable in value to male-held jobs are paid equal wages. One thousand, one hundred twenty-five people in the public sector, divided among thirteen male, female and control jobs, completed the questionnaire. Results were factor analyzed and weights for each factor derived by regressing scale scores for the male sample on two wage measures. The weights were used to compute wages for female-held jobs which would reflect equal pay for comparable jobs. Differences between predicted and actual wages for female jobs varied from -8 percent to 41 percent, indicating holders of these female jobs were generally paid less than comparable male job wages. A reverse analysis predicting male wages from the relationship of female job content to wages produced wholly consistent results.

461 Valuing Work: Complications—Contradictions—Compensation

Robert R. Fredlund

Valuing work presents many complications, not the least of which is to decide what is the work to be valued. The system of values, criteria and standards, must be determined in relation to the purpose of the valuation or the goals of the organization to be served. Cultural, institutional, economic, political, bargaining, and labor market conditions sometimes present conflicting or contradictory influences. The organization is best served when the compensation system enables the recruitment, retention and motivation of a well-qualified and productive workforce. The system must be free from sex, ethnic or racial bias. Those whose work is being valued should have a voice in the criteria being used.

AGENCY: DEPARTMENT OF ADMINISTRATION
 CATEGORY: GENERAL GOVERNMENT

PROGRAM: PERSONNEL & LABOR RELATIONS
 SUB-PROGRAM: PERSONNEL

----- F I S C A L Y E A R 1 9 8 4 -----

EXPENDITURES & FUNDING	(01) FY82 ACT	(02) FY83 ATH	(03) FY83 RP	(04) FY83 SUP	(05) CONT.	(06) REQUEST	(07) GOVERNOR	(08) GOV.AMD.	(09) HOUSE	(10) SENATE	(11) F.C.C.	(12) BILLS	(13) LEG.REC.
01 PERS. SERV.	2261.7	2207.8			2348.4	2485.9	2237.4	2237.4	2237.4				
02 TRAVEL	55.5	86.9			90.7	96.0	72.5	72.5	72.5				
03 CONTRACTUAL	828.7	867.6			3757.5	3766.4	3612.8	3612.8	1662.0				
04 COMMODITIES	41.8	73.1			77.5	80.5	70.5	70.5	70.5				
05 EQUIPMENT	65.3												
06 LANDS/BLDGS													
07 GRANTS, CLMS													
08 MISC.													
** TOTAL EXPEND	3253.0	3235.4			6274.1	6428.8	5993.2	5993.2	4042.4				
09 I-A TRANSFER	335.9	863.4			3399.2	3406.7	3399.2	3399.2	948.4				
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11 G. F. MATCH													
12 GENERAL FUND	3253.0	3175.4			6210.5	6330.2	5929.6	5929.6	3978.8				
13 FGN RECEIPTS													
14 OTHER FUNDS		60.0			63.6	98.6	63.6	63.6	63.6				
15 FULL TIME	61.0	62.0			61.0	63.0	61.0	61.0	61.0				
16 PART TIME	11.0	11.0			12.0	11.0	12.0	12.0	12.0				
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2		TEMP	0												
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AGENCY: DEPARTMENT OF ADMINISTRATION
CATEGORY: GENERAL GOVERNMENT

PROGRAM: PERSONNEL & LABOR RELATIONS
SUB-PROGRAM: PERSONNEL

***** GOV.AMD. ANALYSIS *****

NO NEW POSITIONS AUTHORIZED.

***** HOUSE ANALYSIS *****

OBJECT GROUP	VARIATION		DESCRIPTION: HOUSE (\$4,042.4) VERSUS GOV.AMD. (\$5,993.2)
03 CONTRACTUAL	-1950.8	-54.0%	REDUCE DATA PROCESSING CHARGEBACK <2450.8>, RECLASSIFICATION STUDY & IMPLEMENTATION 500.0.
** TOTALS	-1950.8	-32.6%	

NO NEW POSITIONS AUTHORIZED.

Career study cites lack of equal pay

by Judy Linscott
New York Daily News

Take 45 men and 45 women. Match their credentials and workforce, all at the same starting point. What happens after 10 years?

The men earn more than the women.

According to the woman who tracked them, discrimination is to blame.

"Male-Female Careers — The First Decade," is a just-published study of 90 Columbia University MBA graduates by Mary Anne Devanna, research coordinator of the Business School's Center for Research in Career Development.

All of the subjects earned degrees between 1969 and 1972. They all started work at salaries of about \$14,000. A decade later, the average male earnings were \$49,356 while the average female earnings were 20 percent less, or \$40,022.

Devanna searched in vain for reasons. What she called the "conventional wisdom explanations" didn't do.

Backgrounds and credentials were similar. Job motivation was equally high. Women did not seek lower-paying jobs nor enter lower-paying fields. Obvious distractions or time out didn't explain it, either: Married women and mothers were as successful as bachelors.

"What do you have left?" she asked. "You're left with discrimination."

If men were rewarded for advanced degrees, Devanna said, did they do the more advanced work where there is power (usually white men) pursue positions that bring no performance the subject.

"This kind of study (where men don't do every work at particular stages) is not," said Devanna. "You have to ask, what criteria are you using to make decisions on advancement? It's quite possible that subjective decisions are being made."

The study found that pay discrepancy was greatest in manufacturing, where pay was the highest. It was lowest in the service sector — where Devanna pointed out there was earlier and heavier government Equal Employment Opportunity activity.

What marked the most successful women in the study? They didn't become bitter, but "accepted the social reality and operated within that context," Devanna said. "They look to make incremental changes for themselves and others."

It was critical to the successful women to have developed their own internal standards of excellence, said Devanna. They were also "far more opportunist-

tic" and "willing to take a chance."

Because the successful women's routes upward tended to be "much less straight-lined" than those of the men, career planning was not important to the more successful women. In fact, said Devanna, too much career planning was a negative factor.

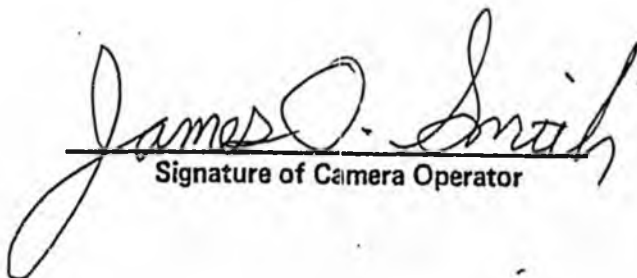
Apparently because women need to weave alternate routes to the top to succeed — and since mentors can help point out not-so-obvious opportunities — the absence of mentors was "far more devastating" for women than for men, said Devanna.

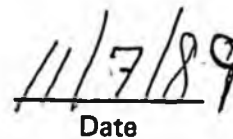
Women can advance, said Devanna, but "it takes them longer to get to any particular level. There's a need to continually prove themselves and the organization of their worth and their ability. Men probably flow through the existing system more easily."



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Signature of Camera Operator


Date

CONSPIRACY

Anchorage Chamber of Commerce

Crime Commission



April 17, 1985

Senator Jan Faiks
Alaska State Legislature
Pouch V
Capitol Building
Juneau, AK 99811

Dear Senator Faiks:

I received your letter, dated April 8, 1985, concerning your continued support for Senate Bill 163, which would prohibit the possession of marijuana in Alaska to be consistent with federal law.

I am somewhat surprised at the statement made by Mr. Guaneli concerning our shift of support from conspiracy to the Governor's racketeering bill. Three members of the Crime Commission met with Dan Hickey, Chief Prosecutor, and Mr. Guaneli on our recent trip to Juneau. At that time, we explained, as we did to the Chiefs of Police Association, that although we support the racketeering statute, we feel that the conspiracy statute would be a broader based tool for law enforcement throughout Alaska, as well as providing a better opportunity for the smaller police departments to independently work the more sophisticated crimes that would be involved in conspiracy.

Unfortunately, Mr. Guaneli took our comments out of context. Basically, our position remains unchanged: We support the racketeering bill; however, the conspiracy statute is our number one priority as it is with the Alaska Chiefs of Police. I've enclosed a copy of a letter they wrote endorsing their support.

Senator, the main reason we favor the conspiracy statute is that the racketeering statute is very complex and, in all probability, the only police agencies in the state that would have the manpower, resources, and expertise to work racketeering cases would be the Alaska State Troopers and, possibly, the Anchorage Police Department. Conversely, a conspiracy case could be put together with much less manpower commitment because it is less technical in nature.

A Committee of the
Anchorage Chamber
of Commerce

George N. Nelson Chairman

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Anchorage AK 99501
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Pat Wellington Vice Chairman
Don Patterson Secretary/Treasurer
George King Law Enforcement

Craig Hesser Prosecution
Chris Watkins Courts
Sue McCauley Corrections

Vicki Swank Prevention
Tom Obermeyer Legislation
Ron Moore Publicity

Senator Jan Faiks
April 17, 1985
Page 2

I might point out that the federal government has had a racketeering statute on the books for a number of years; however, the U.S. Attorney in Alaska, with all of his resources including the FBI, IRS and AT&F, has never filed a racketeering case in Alaska.

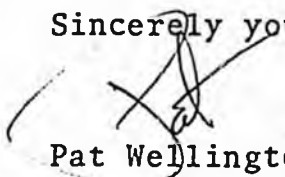
In discussion with various federal law enforcement officials, they personally feel that a conspiracy statute would be more beneficial for Alaska law enforcement agencies than a similar racketeering statute such as the federal government has. I urge you to contact Mr. Larry Nelson, Special Agent in Charge of the FBI, or Mr. Tom Burton, Drug Enforcement Administration, for their personal opinions.

We realize and pointed out to Mr. Hickey and Mr. Guaneli that the support of a conspiracy statute might not be politically astute, but inasmuch as it is the best tool for law enforcement, it has our support although it may not be the most politically advantageous position to take. Also, we emphasized that if the racketeering bill passes, the administration will use it to their political advantage. We do not have any problem with this; however, we feel it may create a tendency for false advertising and the fact that the administration will take credit for passing a very tough anti-crime bill when, in all reality, it will do little to enhance the investigative capabilities of law enforcement agencies in Alaska.

Additionally, if the passage of a conspiracy statute is not practical at this time, we certainly would support the racketeering bill. The two bills, however, should not be confused as accomplishing the same results. In our opinion, they are two different bills, they stand on their own merits, and our priority is the support of a conspiracy statute. We have no problem with the racketeering statute; however, neither the Anchorage Crime Commission nor the Alaska Chiefs of Police have identified it as a priority item.

I appreciate your calling this situation to our attention as Mr. Guaneli's comments were definitely taken out of context during our brief meeting. You certainly have my approval to circulate copies of my letter to other members of the Legislature.

Sincerely yours,


Pat Wellington, Vice Chairman

nm
Enclosure

cc: Mr. Dan Hickey
Mr. George Nelson

Alaska Association Chiefs of Police

625 C Street • Anchorage, Alaska 99501



March 26, 1985

Mr. George N. Nelson
Anchorage Crime Commission
415 F Street
Anchorage, Alaska 99501

Dear Mr. Nelson,

Our Association conducted its annual meeting on March 22, 1985 in Anchorage.

Legislation pending before the Alaska State Legislature was extensively discussed. The Association has identified several pieces of legislation that it feels merit support. Among those bills we will be commenting on to the Governor and individual legislators are four that we understand have been identified as priority legislation by your Commission.

These bills are as follows:

HB 178	Conspiracy
HB 179	Hearsay
HB 205	Juvenile Waiver
SB 163	Recriminalization of Marijuana

As stated previously, these bills were thoroughly discussed by the Association membership. The consensus was a directive to relay our strong support for passage of the legislation.

I understand that members of your Commission will be going to Juneau shortly to meet with legislators. Please feel free to make those legislators aware of our support for your legislative priorities.

If we can be of any additional assistance please do not hesitate to contact us.

Sincerely,

Del Smith

Del Smith
Secretary-Treasurer, ACOP

625 C Street
Anchorage, Alaska 99501

279-1441

Editorial

Conspiracy law

AS ALASKA has grown, so has the incidence of sophisticated crimes, some of which can only be prosecuted when there are laws against conspiracy.

For this reason, the Anchorage Chamber of Commerce Crime Commission has set as its first priority the enactment of a state conspiracy statute. Alaska is the only state that does not have one in some form or another.

Conspiracy occurs when two or more people plot to commit a crime.

Although the chamber's proposal, we're told, has gotten some attention in Juneau, it is far from being enacted into law. Conspiracy is not a simple matter to deal with and previous attempts to put such a law on the books have failed.

OPPOSITION to conspiracy laws comes in part from the people in the court system who foresee complicated, drawn-out trials that consume time, energy and courtroom space. Civil liberty organizations also have spoken against them because they can be in-

terpreted as curtailments of freedoms, particularly freedom of speech.

On the other hand, conspiracy laws are considered important tools in criminal investigations that involve a second — or third or fourth — party who abets the perpetrator of an illegal deed. There are those say that without such laws, investigations are dropped altogether and criminals go unprosecuted.

ONE SCHOOL of thought among legislators is that the state might start with a limited law regarding narcotics and prostitution, the two criminal areas in which conspiracy is felt to be a big factor. These also are areas where law enforcement agencies frequently have difficulty mounting cases.

Whatever the outcome, there certainly is reason for the legislature and the public to give the matter a wide-open, wide-ranging airing. If a conspiracy law can be a useful tool in society's efforts to control crime in Alaska, the state's residents deserve to have it.

THE CHRISTIAN SCIENCE MONITOR

AN INTERNATIONAL DAILY NEWSPAPER MONDAY, SEPTEMBER 30, 1985

INTERNATIONAL PAPER

Racketeering Act turns on corporations

By Warren Richey
Staff writer of The Christian Science Monitor

Washington

There was a time when only mobsters had anything to fear from the federal government's anti-racketeering laws. Those days are gone.

Today, reputable corporations and businesses — companies such as Shearson-American Express, Lloyd's of London, and Price Waterhouse — are just as likely as underworld mobsters to face racketeering charges.

The culprit in this development is the increasingly popular civil section of the 1970 Racketeer Influenced and Corrupt Organizations (RICO) Act. Today, it is being used by creative private-sector lawyers against the very companies it was designed 15 years ago to protect.

"It seems redundant to say that the Racketeer Influenced and Corrupt Organizations Act . . . of the Organized Crime Control Act of 1970 was intended to deal with organized crime," says John M. Finch of the National Association of Manufacturers. "Redundant, perhaps, but necessary," he adds.

"This is not what Congress had in mind when it passed RICO," says

Irvin B. Nathan, a Washington lobbyist for the insurance industry.

RICO has proved to be one of the government's most powerful weapons in striking back at organized crime nationwide. In recent years mafia bosses have been convicted or indicted on broad criminal RICO charges in New York, Cleveland, Los

'RICO is likely to be a prominent feature of the commercial dispute landscape in a wide range of cases,' says Stephen Glasser.

Angeles, and many others cities. But now, private-sector lawyers are discovering that the same broad interpretation of RICO, so essential to gaining convictions against mobsters, can also be useful in boosting the stakes in favor of their clients in common commercial legal disputes.

On July 1, the Supreme Court upheld this broad reading of RICO,

in effect giving lawyers nationwide a go-ahead to tack civil RICO counts on lawsuits ranging from routine contract disputes, to landlord-tenant and possibly even divorce suits. Not only are RICO suits relatively easy to file, but they offer a reward of triple damages plus legal fees for anyone who can prove he or she was a victim of a "pattern of racketeering."

Under RICO, racketeering exists when an individual or an enterprise commits at least two offenses within a 10-year period. The long list of offenses includes murder, extortion, and kidnapping, as well as mail, wire, and securities fraud.

Because of extensive use of telephone and mail services by most businesses, mail and wire fraud charges are particularly easy to bring in the context of most business disputes.

Defending against such charges is another matter entirely.

For some firms just the threat of substantial legal fees while being tarred with federal racketeering charges — no matter how groundless the allegations — are enough to persuade them to settle out of court.

For others, enduring such charges

Please see RICO next page

is becoming a regular part of doing business.

In 1983, Lloyd's of London and the Lincoln Insurance Company were sued in Michigan because they refused to pay a fire claim to the person they believed set the fire.

One of the charges was a racketeering charge, based on allegations that the insurance companies collected premiums with no intention of ever paying claims should they arise. Because policy documents and payments were sent by mail on more than two occasions, the actions constituted a "pattern of racketeering" under RICO.

The federal judge in the case refused to dismiss the RICO charge before the trial, but the charge was ultimately dropped by the filing attorneys because they did not think it would hold up under judicial scrutiny during the trial.

The attorney for the insurance company, Charles Tuffley, says including a RICO count in a business dispute case generally "makes the case more expensive to litigate. [And] most of those claims are brought to give the insured additional leverage to obtain a settlement." As a result of such cases, RICO has taken on a life of its own. Some legal experts suggest that it has already eclipsed state fraud laws.

"It really is revolutionizing commercial litigation," says Susan O'Connor of the American Law Institute in Philadelphia.

"RICO is likely to be a prominent feature of the commercial dispute landscape in a wide range of cases from corporate takeovers to loan defaults," says Stephen Glasser, president of Legal Times, a weekly law review.

In the meantime, several members of Congress are examining how to amend RICO to prevent what some consider abuses by private lawyers. The problem is that no one can agree on what constitutes "racketeering."

Business groups would like to see the racketeering statute apply only to illicit criminal enterprises, such as Mafia syndicates.

Others maintain that the RICO statute should stay as is, applying to both legal and illegal organizations. Some lawyers contend that the current RICO statute, if left alone, will help restore true ethics to the US business community and help reduce fraud in America.

Still others contend that the ultimate costs of maintaining civil RICO in its current form will be a growing case load in federal court and increasingly expensive commercial lawsuits.

How RICO emphasis has changed

Washington

Congress passed RICO as part of the Organized Crime Control Act of 1970. In it, federal prosecutors are granted broad powers to charge alleged organized criminals with committing a series of crimes or what amounts to a "pattern of racketeering." Rather than stop there, Congress also wanted to encourage the private sectors

participation in the fight against organized crime. A civil section was included in the anti-racketeering law. It was aimed at encouraging businessmen and their lawyers to, in effect, become private-sector prosecutors.

Fifteen years ago, the congressional spotlight was on the archetypal godfather version of racketeering. Members of Congress were concerned that Mafia bosses using strong-arm tactics and stolen riches could make offers that honest but frightened businessmen couldn't refuse.

Today, only 9 percent of RICO civil suits relate to typical mobster activity such as embezzlement, extortion, political corruption, and bribery. And 81 percent of all RICO suits filed involve either alleged securities fraud, business disputes, or antitrust allegations, according to an American Bar Association study.

— W. R.

file conspiracy
BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF LAW

CRIMINAL DIVISION

October 17, 1984

REPLY TO:

- OFFICE OF THE CHIEF PROSECUTOR
POUCH KC
JUNEAU, ALASKA 99811
PHONE: (907) 465-3428
- OFFICE OF SPECIAL PROSECUTION
AND APPEALS
1031 WEST 4TH AVENUE, SUITE 2
ANCHORAGE, ALASKA 99501-599
PHONE: (907) 279-7424

Ms. Elizabeth Hickerson
Senate Advisory Council
1024 W. 6th Avenue, Suite 203
Anchorage, AK 99501

Dear Ms. Hickerson:

This is in response to your September 13 letter to Assistant Attorney General Gay'e Horetski, requesting this Department's position on conspiracy legislation along the lines of HB 626, introduced last session. As we discussed during our telephone conversation last week, this Department is generally in favor of some type of conspiracy law. However, we do not think that it is appropriate that such a law be passed right now, nor do we think that law enforcement in Alaska is being adversely affected without a conspiracy law at the present time.

As you know, conspiracy laws can easily create unforeseen legal and tactical problems which arise whenever the class of potential co-defendants is expanded. For example, the usual problems with using co-defendant statements are further compounded when more and more people are charged or can be charged as conspirators. More importantly, and of primary concern to us at this time, is that the existence of a conspiracy law makes it possible for a greater number of witnesses to assert fifth amendment rights, even if they are not charged. As a result of such claims, the state will be forced to give more and more grants of immunity in order to obtain needed testimony. We believe that expanding the number of immunity grants is inappropriate (1) because of the unsettled nature of the law on immunity in Alaska, and (2) because unnecessary grants of immunity subject witnesses to lines of cross-examination that are detrimental to the prosecution in any criminal case.

For these reasons we do not favor a conspiracy law at this time and, if one is ultimately to be introduced at some point in the future, it must be limited in such a way as to avoid the problems raised above.

As I mentioned to you over the phone, we do not think our prosecution program is suffering because we do not have a

Ms. Hickerson

October 17, 1984

Page 2

state conspiracy law. At the present time we have a close working relationship with the United States Attorney's Office for the District of Alaska whereby appropriate cases have been prosecuted in federal court under applicable conspiracy laws and well-settled federal immunity provisions. The State of Alaska is participating in the U.S. Department of Justice Cross-Designation Program, which permits state prosecutors to become specially designated assistant U.S. attorneys to handle criminal cases in federal court under the direction of the U.S. Attorney for Alaska. Therefore if the state uncovers a large narcotics conspiracy, for example, it can be prosecuted in federal court by the state prosecutor who is most familiar with the case because of his or her involvement in the initial investigation.

We hope we have been responsive to your concerns, and we apologize for the delay in getting back to you.

Very truly yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

DANIEL W. HICKEY
CHIEF PROSECUTOR

By: 

Dean J. Guaneli
Assistant Attorney General

DJG/so-39



Official Business

Alaska State Legislature

Senate

Committee on Finance

JAN FAIKS
CO-CHAIRMAN

Pouch V
State Capitol
Juneau, Alaska 99811

January 23, 1985

MEMORANDUM

TO: Senator Pat Rodey
FROM: Senator Jan Faiks
SUBJECT: Introduction of Conspiracy Law

Enclosed please find sections of the model penal code relating to the crime of conspiracy. I am requesting that the National Conference of State Legislatures send me appropriate sections of the American Law Institute's Penal Code on the same topic. I will also send you a copy of these when received.

What are your thoughts on introducing a conspiracy law in general and on these model statutes in particular?

WORK ORDER REQUEST FORM

14 -

KEYWORDS: crimes/criminal procedure

ASSIGNED TO

REQUEST FOR: BILL RESOLUTION RESEARCH OTHER

SUBJECT

REQUESTED FOR Sen. Rodey BY Robert Lewis EXT. 711

* DELIVER TO Sen. Rodey Attn: Robert Lewis TAKEN BY

INSTRUCTIONS, EXPLANATIONS Draft conspiracy bill similar to SB 226 - 12th Legislature, to regulate prostitution and controlled substances.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED

AUTHORIZED TO CONFER WITH

RETURN

 TO REQUESTER

APPROVED: Director, Legal Services

REVIEWED

IN 01/24/88 DUE 01/26/88

TYPED - Draft DATE

Final DATE

PROOFED DELIVERED

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

DRAFT

FINAL

Ed Edwards / Ed Hoar

1-11-28
2-1-19
3-1-16
629

Q without of sponsored

* Crimes that is THIS Object of THIS Conspiracy" changed to:
"A crime that is AN Object of THIS Conspiracy"

* Statute of limitation is proscribed oriented if all crimes must be completed.

SECTION = 08.24.290
TITLE = 08
HEADINGS TITLE 8

Business and Professions.
CHAPTER 24.
Collection Agencies.
ARTICLE 3.
Licensing.

CATCH LINE SUSPENSION, REVOCATION OR REFUSAL TO RENEW OR GRANT A LICENSE OR CERTIFICATE.

TEXT The department may suspend, revoke or refuse to renew or grant a license issued or applied for under this chapter if the licensee or applicant or a partner, associate, or major stockholder of a collection agency has since the date of the application been disbarred from the practice of law or been convicted of fraud, embezzlement, obtaining money under false pretenses, a crime involving moral turpitude, extortion, conspiracy to defraud,

COPY d
0300 * COPY OPERATION SUCCESSFULLY COMPLETED.
S08.24.290 DOCUMENT= 1 OF 6 PAGE = 2 OF 2
violation of a provision of this chapter or violation a rule or regulation promulgated under authority of this chapter.

HISTORY (Sec. 1 ch 101 SLA 1968)
END OF DOCUMENT

S08.88.171 DOCUMENT= 2 OF 6 PAGE = 1 OF 5
CHAPTER = 08.88
SECTION = 08.88.171
TITLE = 08
HEADINGS TITLE 8

Business and Professions.
CHAPTER 88.
Real Estate Brokers and Salesmen.
ARTICLE 2.
Licensing.

CITATION Sec. 08.88.171.
CATCH LINE ENTITLEMENT TO LICENSE.

TEXT (a) A person is entitled to a real estate broker license if the person passes the real estate brokers examination, if the person applies for a license within six months after the person has taken the real estate brokers examination, if the person has had at least 24 months of active and continuous experience as a licensed real estate salesman, if the person is not under indictment for, or seven years have elapsed since the person has completed a sentence imposed upon conviction of, forgery, theft,

S08.88.171 DOCUMENT= 2 OF 6 PAGE = 2 OF 5
extortion, conspiracy to defraud creditors, or any other felony involving moral turpitude, and if the person is an owner of a real estate business or employed as a real estate broker by a corporation or a partnership, and if that corporation or partnership does not have an existing licensed broker. Unless the broker fails to pay the biennial renewal fee or unless the broker's license is suspended or revoked under AS 08.88.071(a)(3), the real estate broker's license continues in effect so long as the broker is an owner of a real estate business, or the broker is employed as a real estate broker by a corporation or a partnership. If the broker stops being an owner of a real estate business, or stops being employed as a real estate broker by a corporation or partnership, the broker's license is suspended from the time the broker stops until

(1) the broker again becomes an owner of a real estate business or is again employed as a real estate broker by a corporation or a partnership; or
(2) the broker is employed by a licensed real estate broker as an associate real estate broker, in which case the real estate broker license is returned to the commission, and

S08.88.171 DOCUMENT= 2 OF 6 PAGE = 3 OF 5
the commission issues the broker an associate real estate broker license.
(b) A person is entitled to an associate real estate broker license if the person passes the real estate brokers examination, if the person applies for a license within six months after the person has taken the examination, if the person has had at least 24 months of active and continuous experience as a licensed real estate salesman, if the person is not under indictment for, or five years have elapsed since the person has completed a sentence imposed upon conviction of, forgery, theft, extortion, conspiracy to defraud creditors, or any other felony involving moral turpitude, and if the person is employed by a licensed real estate broker as an associate real estate broker. Unless the associate broker fails to pay the biennial renewal fee or unless the associate broker's license is suspended or revoked under AS 08.88.071(a)(3), the associate real estate broker's license continues in effect so long as the associate broker is employed by a licensed real estate broker as an associate broker. If the associate broker stops being employed by a licensed real estate broker, the associate broker's license is suspended from the time

S08.88.171 DOCUMENT= 2 OF 6 PAGE = 4 OF 5
the associate broker stops until
(1) the associate broker again is employed by a real estate broker as an associate broker; or
(2) the associate broker becomes an owner of a real estate business, in which case the associate broker's associate real estate broker license is returned to the commission, and the commission issues the associate broker a real estate broker license.
(c) A person is entitled to a real estate salesman license if the person passes the real estate salesman examination, if the person applies for a license within six months after the person has taken the examination, if the person is at least 19 years old, if the person is not under indictment for forgery, theft, extortion, conspiracy to defraud creditors, or any other felony involving moral turpitude, or, if convicted of such an offense, the person has completed the sentence imposed upon conviction, and if the person is employed by a real estate broker. Unless the salesman fails to pay the biennial renewal fee or unless the real estate salesman's license is suspended or revoked under AS 08.88.071(a)(3), a real estate salesman's license continues in

S08.88.171 DOCUMENT= 2 OF 6 PAGE = 5 OF 5
effect so long as the salesman is employed as a salesman by a licensed real estate broker. If the salesman stops being employed as a real estate salesman, the real estate salesman's license is suspended from the time the salesman stops until the salesman again is employed as a salesman by a licensed real estate broker.
(d) A licensee shall promptly inform the commission of a change in business association that affects the status of the licensee's license under this section.

HISTORY (Sec. 1 ch 95 SLA 1964; am sec. 3 ch 130 SLA 1966; am sec. 1 ch 55 SLA 1969; am secs. 5 - 7 ch 28 SLA 1974; am secs. 12 - 15 ch 167 SLA 1980; am sec. 7 ch 67 SLA 1983)
END OF DOCUMENT

AS10.15.570 DOCUMENT= 3 OF 6 PAGE = 1 OF 2
CHAPTER = 10.15
SECTION = 10.15.570
TITLE = 10
HEADINGS TITLE 10.

Corporations and Associations.
CHAPTER 15.
Alaska Cooperative Corporation Act.
ARTICLE 8.
Miscellaneous Provisions.

CITATION Sec. 10.15.570.
CATCH LINE

DECLARATION OF PUBLIC POLICY THAT COOPERATIVES ARE NOT IN RESTRAINT OF TRADE.

TEXT It is the public policy of the state to encourage the efficient production and distribution of agricultural and other products derived from its natural resources or labor resources. Accordingly, a cooperative which operates in compliance with the provisions of this chapter and which does not, during its fiscal year, market products for nonmember patrons in an amount greater in value than the products marketed for its members is not a

AS10.15.570 DOCUMENT= 3 OF 6 PAGE = 2 OF 2
conspiracy or combination in restraint of trade, or an illegal monopoly. The contracts of a cooperative authorized by this chapter, whether or not required by the cooperative as a condition of membership or of doing business with the cooperative, shall not be construed as an unlawful restraint of trade, or as part of a conspiracy or combination to accomplish an improper or illegal purpose or act.

HISTORY (Sec. 65 ch 107 SLA 1959)
END OF DOCUMENT

AS11.60.340 DOCUMENT= 4 OF 6 PAGE = 1 OF 1
CHAPTER = 11.60
SECTION = 11.60.340
TITLE = 11
HEADINGS TITLE 11.

Criminal Law.
CHAPTER 11.
Offenses Against Public Policy.

CITATION Sec. 11.60.340 - 11.60.350.
CATCH LINE

CONSPIRACY AGAINST RIGHTS, DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.

TEXT Repealed, sec. 21, ch. 166, SLA 1978. For law on interference with constitutional rights, see AS 11.76.110.E
END OF DOCUMENT

AS45.50.521 DOCUMENT= 5 OF 6 PAGE = 1 OF 2
CHAPTER = 45.50
SECTION = 45.50.521
TITLE = 45
HEADINGS TITLE 45.

Trade and Commerce.
CHAPTER 50.
Competitive Practices and Regulation of Competition.
ARTICLE 4.
Unfair Trade Practices and Consumer Protection.

CITATION Sec. 45.50.521.
CATCH LINE

WHEN INFORMATION AND EVIDENCE CONFIDENTIAL AND NONADMISSIBLE.

TEXT (a) Repealed by sec. 6 ch 53 SLA 1974.
(b) Subject to the provisions of AS 45.50.501(a), the attorney general may not make public the name of a person alleged to have committed an act or practice declared unlawful in AS 45.50.471 during an investigation conducted by him under AS 45.50.471 - 45.50.561, nor are the records of investigation or intelligence information of the attorney general obtained under AS 45.50.471 - 45.50.561 considered public records available for

AS45.50.521 DOCUMENT= 5 OF 6 PAGE = 2 OF 2
inspection by the general public. However, the attorney general is not prevented from issuing public statements describing or warning of a course of conduct or a conspiracy which constitutes or will constitute an unlawful act or practice, whether on a local, state, regional, or national basis.

HISTORY (Sec. 2 ch 246 SLA 1970; am sec. 6 ch 53 SLA 1974)
END OF DOCUMENT

AS45.50.562 DOCUMENT= 6 OF 6 PAGE = 1 OF 1
CHAPTER = 45.50
SECTION = 45.50.562
TITLE = 45
HEADINGS TITLE 45.

Trade and Commerce.
CHAPTER 50.
Competitive Practices and Regulation of Competition.
ARTICLE 5.
Monopolies; Restraint of Trade.

CITATION Sec. 45.50.562.
CATCH LINE

COMBINATIONS IN RESTRAINT OF TRADE UNLAWFUL.

TEXT Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce is unlawful.

HISTORY (Sec. 1 ch 53 SLA 1972)
0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

1/9/85 from Court. office

file: Conspiracy
Statute
file

REQUEST: CONSPIRACY Statute / Hanley

REQUEST STATUS

NAME Alice Hanley

PHONE

ADDRESS

REQUEST DATE

REQUEST:

Conspiracy Statute

pm 2 false w Hanley

STATUS:



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

11/7/89
Date

CRIMINAL

JUSTICE

WORKING

GROUP

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

POUCH V. STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

SJ 1-16-86

BILL SHEFFIELD, GOVERNOR

REPLY TO:

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

January 8, 1986

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

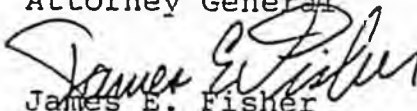
1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

M E M O R A N D U M

To: Criminal Justice Working Group

From: HAROLD M. BROWN
Attorney General

By: 
James E. Fisher
Assistant Attorney General

SUBJECT: January 16, 1986 meeting

This confirms the next meeting of the Working Group for January 16, 1986 (a Thursday) from 8:30 a.m. to 5:00 p.m. in Juneau, Alaska.

Enclosed is a tentative agenda, purposely short because of the joint presentation to the House and Senate Judiciary Committees.

The presentation to the joint committees will be prepared with two phases consisting of a general overview and a second phase relating the individual participants operations to the overall system. The presentation vehicle will be a hypothetical child sexual abuse case with comments about rural and urban differences.

HMB:JEF:eja:33

Distribution:

Roger Endell
Commissioner
Department of Corrections

Arthur H. Snowden, II
Administrative Director
Alaska Court System

John Pugh
Commissioner
Department of Health and
Social Services

Dana Fabe
Public Defender

Dean Guaneli
Acting Chief
Criminal Division

Tentative AGENDA

Alaska Criminal Justice Working Group

January 16, 1986

Department of Law Conference Room

Juneau, Alaska

(8:30 a.m. - 5:00 p.m.)

- I. Priority New Business
- II. Continuing business
 - A. Presentation to Joint House and Senate Judiciary Committees on core nature of criminal justice system:
 - 1. 8:30 AM - Review of presentation(s)
 - 2. 1:30 PM - Presentation to Joint House and Senate Judiciary Committees in Butrovich Room
(as of 1/08/86 no date from Finance Committees)
 - B. FY 86 and 87 continuing budget questions
 - C. Legislation
- III. New business
 - How AIDS (acquired immune deficiency syndrome) impacts justice system.
- IV. Next meeting

JEF:34

(Governor's Budget Address currently scheduled for noon, 1/16/86)

Robert Sundberg
Commissioner
Department of Public Safety

Colonel Robert M. Henderson
Director, Division of Fish &
Wildlife Protection

Colonel Michael Kolivosky
Director, Alaska State
Troopers

Anchorage Chief Brian Porter
Alaska Assn. of Chiefs of Police
625 "C" Street, 264-4389
Anchorage, AK 99501

cc: Sandra Borbridge
Special Assistant
Office of the Governor

Bill Parker
Special Assistant
Office of the Governor

Susan Knighton
Department of Corrections

Dave Garnick
Division of Budget Review
Office of Budget and Management

James E. Fisher
Assistant Attorney General

Gayle A. Horetski
Assistant Attorney General

John Havelock
Consultant
Anchorage

Brant McGee, Director
Office of Public Advocacy

Francis L. Bremson
Executive Director
Alaska Judicial Council

CRIMINAL JUSTICE WORKING GROUP

Systems Overload: Alaska Public Defender Agency

FACT SHEET

The Alaska Public Defender Agency's statewide caseload for FY 85 increased over FY 84's total despite legislation which relieved the Public Defender of responsibility for handling Municipal misdemeanor cases for the second half of FY 85. The statewide caseload for FY 84 totaled 12,602. The FY 85 caseload increased to 13,464. This increase is representative of a trend since FY 1980, as shown below:

Fiscal Year 1980-----	7,759
Fiscal Year 1981-----	9,559
Fiscal Year 1982-----	10,244
Fiscal Year 1983-----	11,858
Fiscal Year 1984-----	12,602
Fiscal Year 1985-----	13,464

While the Municipal caseload for FY 85 was reduced by approximately 1200 cases due to the legislative change described above, Public Defender appointments in State prosecutions of felonies and misdemeanors increased significantly. The number of new felony cases opened by the Public Defender Agency increased 19 percent in FY 85 (FY 84, 1588 felonies; FY 85, 1895 felonies.). State misdemeanor prosecutions increased 24 percent in FY 85 (FY 84, 5535 State misdemeanors; FY 85, 6883 State misdemeanors.).

Trial statistics for FY 85 reveal a sharp rise in trials of felony cases, particularly in the Anchorage area. Felony trials increased by 31 percent statewide in FY 85. Anchorage jury trials were up 60 percent during that same period. We also saw an increase in misdemeanor trials during FY 85, again despite the loss of Municipal misdemeanors during the second half of that fiscal year. In FY 85 misdemeanor trials increased by 18 percent.

According to the nationally recommended maximum caseload standards for public defenders, in FY 85 we were 7.5 attorneys short of the minimum number recommended for our caseload. These caseload standards are conservative since they presume a plea bargaining jurisdiction where a low percentage of cases go to trial.

In summary, our FY 85 statistics show substantial increases in felony caseloads and jury trials as well as state prosecuted misdemeanor cases. Since felony cases, particularly those that go to trial, are the most time consuming for our attorneys, the indicated trend of growing felony caseloads and jury trials is of long-range concern.

DIVISION OF FAMILY AND YOUTH SERVICES
STATISTICS 1-15-86

	<u>FY 1978</u>	<u>FY 1983</u>	<u>FY 1985</u>
1) At Risk Population	135,218	153,536	171,000
	----- 26 % INCREASE -----		

	<u>FY 1978</u>		<u>FY 1983</u>		<u>FY 1985</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Sexual Abuse	140	5%	613	10%	1,192	15%
Physical Abuse	506	18%	1,447	22%	1,750	23%
Neglect	1,101	38%	3,511	55%	3,701	48%
Other	1,119	39%	868	13%	1,059	14%
TOTALS	2,866	100%	6,439	100%	7,702	100%

* Children Only

FY 1978	125% Increase	FY 1983	20% Increase	FY 1985
	(25% per year average)		(10% per year average)	

	<u>FY 1978</u>		<u>FY 1983</u>		<u>FY 1985</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Child Protection Services**	3,368	90%	8,515	84%	12,537	85%
Adult Protection Services	360	10%	1,667	16%	2,208	15%
TOTALS	3,728	100%	10,182	100%	14,745	100%

** Includes secondary clients (could include siblings, parents, etc.)

FY 1978	173% Increase	FY 1983	45% Increase	FY 1985
	(35% per year average)		(22% per year average)	

	<u>CY 1980</u>	<u>CY 1985</u>	<u>% INCREASE/ CHANGE</u>
Average # youth under probation supervision	847	1,448	+71%
# youth admitted to youth services detention facilities	1,198	1,995	+67%
# youth admitted to youth services treatment facilities	86	171	+99%
Average daily census/youth services detention facilities	45.4	88.2	+95%
Average daily census/youth services treatment facilities	83.9	111.7	+33%
OVERALL AVERAGE INCREASE IN SERVICES			+73%

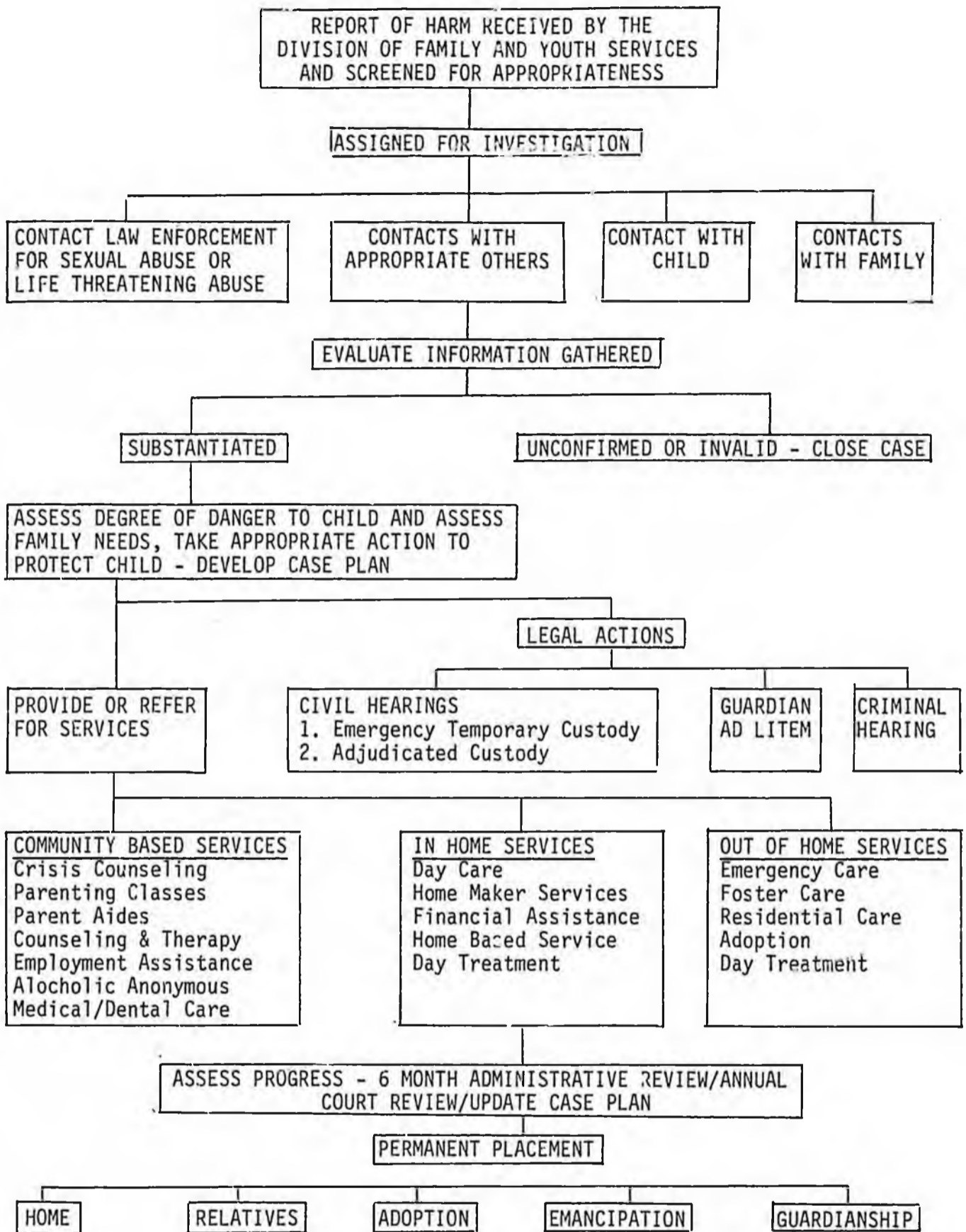
DIVISION OF FAMILY AND YOUTH SERVICES
CHILD PROTECTIVE SERVICES SYSTEM

IDENTIFICATION

INVESTIGATION AND INTERVENTION

TREATMENT

OUTCOME



CHILD NEGLECT AND ABUSE INVESTIGATION

Under Alaska State Statute 47.17, the Division of Family and Youth Services is responsible for investigating all reports of child abuse and neglect. Upon a receipt of a report concerning the possible occurrence of abuse and/or neglect, Child Protective Services and/or Law Enforcement investigate the situation as soon as possible. Child Protective Services and/or Law Enforcement investigations include the following:

1. Determining the nature and extent of abuse and neglect;
2. Evaluating the child's condition, including the danger to the child, the need for medical attention, etc.;
3. Identifying the problems leading to or contributing to abuse or neglect;
4. Evaluating parental or caretaker responses to the identified problems, the condition of the child, willingness to cooperate to protect the child; and
5. Taking appropriate action to protect the

Emergent Situations - Protective Custody Procedures:

In emergent situations where there is a clear and present danger to a child's health, safety and welfare, the Alaska State statute permits a social worker or law enforcement officer to take a child into protective custody without a court order if there is probable cause to believe that the child is in imminent danger.

Children taken into protective custody are generally placed in emergency care or foster family care and their parents notified immediately. If legal action is required, the parents/guardians have the right to proper notice and summons and to be a party to legal proceedings and have a right to legal counsel. The child has the right to have a guardian ad litem appointed.

Criminal Justice System

Department of Public Safety's Role

There are three major State Statutes that are the framework for the authority and responsibility of the Department of Public Safety. The first is AS 44.41.010, which states: "The Department of Public Safety shall administer functions relative to the protection of life and property." In line with the foregoing is AS 18.65.080, which reflects: "...the Department of Public Safety and each member of the State Troopers is charged with enforcement of all criminal laws of the State and has ... powers usually and customarily exercised by a peace officer." The last can be found in the Motor Vehicles Laws under AS 28.35.225, which states in part: "All law enforcement officers in this State and employees of the department (Public Safety) designated by the commissioner shall enforce this title and regulation adopted under this title." Thus, the Department is responsible for enforcement of all criminal and traffic laws of the State. The Department is also the primary agency responsible for fish and game law enforcement and derives that responsibility from Fish and Game Statute AS 16.05.150, "Enforcement Authority," and a 1972 Governor's Administrative Order transferring the Division of Fish and Wildlife Protection from the Department of Fish and Game to the Department of Public Safety. The law enforcement officers of that Division are also classified as Troopers and receive the same basic enforcement training as the Alaska State Troopers.

Since both the Division of Alaska State Troopers and Division of Fish and Wildlife Protection, within the Department of Public Safety, have statutory responsibility for enforcement of criminal, traffic and fish and game laws, they have been cross-trained to effectively pursue those responsibilities. That is not to say that personnel from each of the Divisions do not have a respective primary responsibility, but it does allow for appropriate manpower allocations and deployment during peak or emergency periods within any of the aforementioned enforcement disciplines, be it criminal, traffic or fish and game.

Both the Division of Alaska State Troopers and Division of Fish and Wildlife Protection disburse their manpower through a Detachment, thence Post, structure. Each Division has five geographic enforcement boundaries called Detachments. State Trooper Detachments are based on transportation corridors, and Fish and Wildlife Protection more on mountain drainages. Within these Detachments are Posts with manpower complements ranging from 20-person Posts to one-person

Posts. As for the State Troopers, the size of the Posts is dependent on population concentrations and/or road traffic. The Fish and Wildlife Post sizes are dependent on fish and game pressures, type of enforcement, i.e., commercial fisheries, big game guiding, sport hunting and/or fishing, and area of patrol.

Law enforcement is the initial step wherein a law violator enters the criminal justice process. An observed offense, or one that is reported and thus investigated by the police, starts an offender on the conveyor belt, where he or she may exit at any juncture of the process or may ride it all the way through to spending a period of time in a correctional facility and possible subsequent probation or parole before finally ending the ride. The attached chart reflects all parts of the criminal justice process.

Crime statistics of this Department over a five-year period from 1980 through November 1985 show a marked increase in Part I crimes but, in looking at the 11-month statistics of 1985 against the year's statistics of 1984, it appears some crime rates have dropped, some levelled off, and robberies and burglaries still continue to increase. See comparable Alaska State Trooper crime statistics chart.

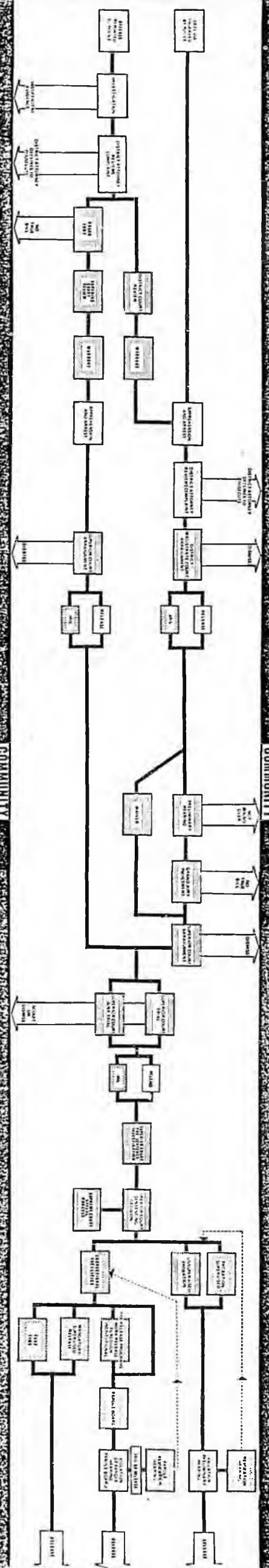
DEPARTMENT OF PUBLIC SAFETY

Division of Alaska State Troopers
Actual

	<u>1980</u>	<u>1983</u>	<u>1984</u>	<u>Nov.</u> <u>1985</u> (11 mos.)
Criminal Homicide	17	34	28	21
Forcible Rape	52	135	148	110
Robbery	20	20	28	38
Assault	809	1681	1552	1332
Burglary	1465	1595	1702	1754
Larceny	1982	2417	2848	2660
Auto Theft	455	550	682	553

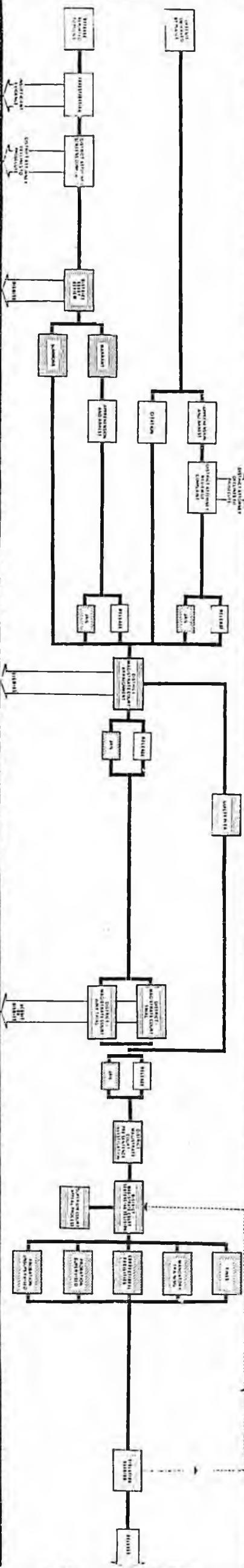
OFFENSE COMES TO NOTICE OF CRIMINAL JUSTICE SYSTEM	POLICE INVESTIGATION	DISTRICT ATTORNEY SCREENS	GRAND JURY HEARS	COURT REVIEWS	COURT ORDERS	POLICE DETAIN ACCUSED	DISTRICT ATTORNEY REVIEWS	COURT ARRAIGNMENT	CUSTODY STATUS DECIDED	COURT ARRAIGNMENT	CUSTODY STATUS DECIDED	HEARING/WAIVER/PLEAS	GRAND JURY HEARS CASE	COURT ARRAIGNMENT	COURT TRIES	CUSTODY STATUS DECIDED	COURT INVESTIGATES PRE-SENTENCE	COURT SENTENCES	SENTENCE OPTIONS: CORRECTIONAL ALTERNATIVES	CORRECTION PROGRAMS	PAROLE, SUPERVISED RELEASE	VIOLATIONS	RELEASE FROM CRIMINAL JUSTICE SYSTEM
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FELONIES



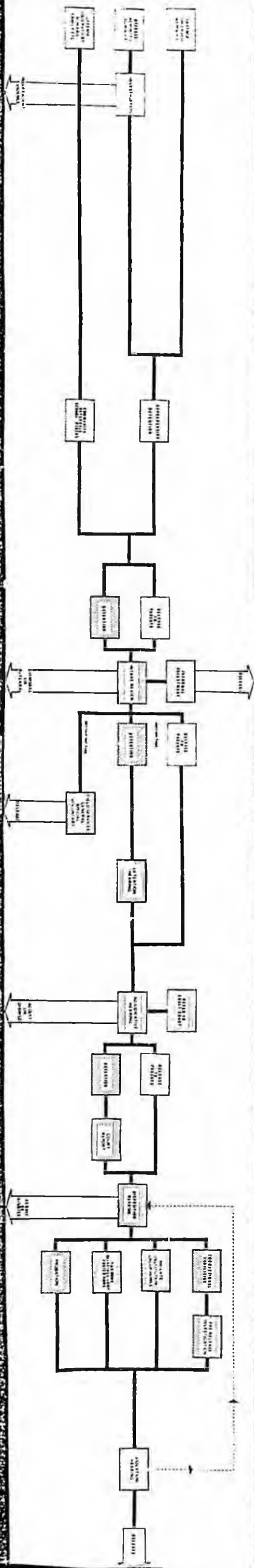
COMMUNITY

MISDEMEANORS



COMMUNITY

JUVENILE JUSTICE



COMMUNITY

Presently the Alaska Housing Finance Corporation does not have a program that allows current AHFC borrowers the option of refinancing their existing home loans. This is an undesirable situation because interest rates have dropped substantially lately, and if refinancing of AHFC loans were permitted, both borrowers and AHFC could achieve considerable savings. For instance:

- Currently, AHFC has nearly 10,000 loans totaling over \$1 billion at an interest rate of 11-1/8% and above.
- In the current market, interest rates to borrowers under AHFC's taxable program would range from 10% to about 10-5/8%, depending upon the size of the loan.
- Although it will vary depending upon a borrower's current interest rate, we estimate that the average current borrower with a mortgage interest rate of 11-1/8% and above should save about \$200 a month in interest if they were able to refinance under AHFC's current loan programs.
- All new AHFC loans are assumable, so in most cases a borrower would be refinancing from a non-assumable loan to an assumable loan.
- The majority of the loans expected to be refinanced under the program would be of a type requiring increases in the payments beginning in the fourth year. While these increases will be applied to the principal balance of the loan, they will result in the borrowers having less funds available to meet other living expenses. The new loan provided the borrowers would also have the increasing payment structure; however, an additional 3 years "grace" period would be provided.
- AHFC also benefits in two significant ways. First, since its current cost of capital is lower than before, less subsidy is needed per loan. Second, a decrease in a borrower's monthly payment will make it easier for a borrower to pay and, hence, decrease the likelihood of borrower default.
- Finally, the entire Alaskan economy should benefit, since the reduced monthly payment would result in the borrowers having more money available to save or spend for other purposes.

Alaska HOUSING FINANCE CORPORATION



February 6, 1986

The Honorable Jim Duncan
 Alaska House of Representatives
 P.O. Box V
 Juneau, AK 99811

Dear Representative Duncan:

You requested an explanation of what effect the ability to refinance the Corporation's existing loans will have on AHFC. I am unable to give a very precise estimate, since I don't know how many AHFC borrowers will choose to refinance.

According to various lenders, it will cost about 3% to refinance. Current interest rates for non-veterans will range between 10% and 10-5/8%, depending upon the size of the loan (9% for the first \$90,000 for a qualified veteran). AHFC currently has approximately 10,000 loans totaling about \$1 billion in principal balance at an interest rate of 11-1/8% and above, with about half of these loans at 12% and above. Based upon this, it seems safe to assume that at a minimum, a few thousand loans totaling a few hundred million will choose to refinance. On balance, it also seems safe to assume that the average borrower who decides to refinance will save \$200 a month or more in mortgage payments.

Savings will, of course, also accrue to AHFC. The refinancing of an existing high rate mortgage loan will enable the Corporation to retire outstanding high rate bonds. The bond agreements generally allow early retirement of the bonds only from prepayments of the loans purchased with their original proceeds. The example below demonstrates the savings to the Corporation in what is expected to be a typical refinance:

	<u>Existing Bond Issue</u>	<u>New Bond Issue</u>
Total cost of funds	19.153	11.125
Mortgage rate (\$125,000 loan)*	<u>14.250</u>	<u>10.375</u>
Subsidy Level	4.903%	.75%
Savings to AHFC	4.153%	

* Based upon a subsidized rate applicable to the first \$90,000 of the loan at 12.375% for the existing loan and 10% for the new loan.

The Honorable Jim Duncan
February 6, 1986
Page 2

The above example demonstrates that for the remaining term of the loan, the Corporation will be reducing the difference between the cost of its borrowing and the rate the mortgage is paying by 4.153%. This represents an annual savings to the Corporation as a result of the refinancing in the amount of \$5,000. At the same time, the borrower has reduced their interest rate from 14.25% to 10.375%, representing an annual interest savings of over \$4,500.

The benefit of converting from high rate debt to current rates is being split between the borrower and AHFC. In the example above, the total savings is 8.028% (existing bond cost of 19.153% less estimated current cost of 11.125%). This savings is split as follows:

Reduced AHFC subsidy	4.153%
Reduced mortgage rate to borrower	<u>3.875%</u>
Total interest savings	<u>8.028%</u>

The savings to the Corporation, while accruing from the date of the refinance, becomes available to AHFC only upon complete retirement of a particular issue of bonds. This is the case since the mortgages, and the funds related to their earnings and prepayments, remain pledged to the bond issue until the last bondholder has been paid off.

While the refinancing activity will accelerate the date when the complete retirement of a particular high rate bond issue is accomplished, the financial benefit of the refinancing is "tied up" until then. Prior to the complete retirement of the issue, what essentially is occurring is a reinvestment of the mortgage loan principal prepayments received pursuant to the refinancing at the rate of interest being paid on the bonds. Since these bonds have a yield to the investor as high as 18.375%, this reinvestment process has significant economic benefit to the Corporation.

For most of these bond issues, the final retirement date will be moved forward from 1990 or 1991 to 1988 or 1989. At that time, the Corporation will have paid off the bonds and the balance of the loans pledged to the issue will be released from their pledge to the bondholders and available to the Corporation for continuation of the Special Mortgage Loan Purchase Program.

It is important to note that while this effectively represents a return of the original up-front subsidy related to the pool of loans pledged to that particular bond issue, it is going to be received in the form of mortgage loans as opposed to cash or liquid investments. The Corporation would expect to use these mortgage loans to facilitate the financing of future loan production in much the same manner as they were originally utilized.

The Honorable Jim Duncan
February 6, 1986
Page 3

I once again want to advise you of our strong support for your bill, HB530. In a time of some rather downbeat economic news, it's heartening to have legislation that will save Alaska's money, boost the economy, and save the State money all at the same time!

Please let me know if I can provide any additional information.

Sincerely,



Dr. Ronald D. Lehr
Executive Director

RDL:lmg

EXCERPTS REGARDING INTEREST RATE PROJECTIONS

Economic Research, January 1986 from Goldman Sachs.

'With advance refunding activity crimped by potential tax reform, with long rates and the yield curve already discounting lower inflation and short-term rates than now exist, with negligible dealer short positions, with a discount rate cut unlikely soon, with economic activity picking up slowly but surely, and with implementation of Gramm-Rudman and substantially lower oil prices apparently taken for granted, there is little or no room in current yields to withstand contrary developments. Because such comfort shattering events seem unlikely in the next month or two, bond yields may fall and the yield curve flatten modestly further, with a difficult-to-time reversal now a more realistic prospect. Short-term (90-day dealer-placed commercial paper, now 7.60%) and long-term (20- to 30-year maturity Treasury issues, now around 9.40%) interest rates seem likely to rise 75-100 basis points above current levels this year, with increasing risk that this occurs sooner rather than later.'

Prospects for Financial Markets in 1986 from Salomon Brothers Inc

'As the U.S. economy gathers strength during the spring of next year, however, the decline in U.S. interest rates will come to a halt. This slide in rates, which began in May 1984, has occurred in the context of slow U.S. economic growth - 2.4% at an annual rate since the second quarter of 1984 - and moderating inflation. The Fed will continue to supply reserves liberally to the banking system, such that emerging upward pressure on interest rates will be modest. However, the pressure will become more pronounced in the second half of 1986, when U.S. economic growth is expected to average about 4% at an annual rate, and as the markets anticipate several additional developments: ' ...

'Under these circumstances, long-term bond yields are likely to climb by 75-125 basis points from their lows reached early in the year. Even though the Federal Reserve will eventually respond to these developments, it will be following market forces, rather than leading'

Criminal Justice Work Group
Call/Address List
Page 2

AK JUD. COUNCIL - 279-2526
Francis Bremson - Dir.
1031 W. 4th Ave., Suite 301
Anchorage, AK 99501

John Havelock - 337-8305
3210 Baxter Road
Anchorage, AK 99504

Sandra Borbridge - 465-3600
Special Assistant
Office of the Governor
Pouch A (MS 0101), Juneau, AK 99811

Bill Parker - 465-3500
Special Assistant
Office of the Governor
Pouch A (MS 0101), Juneau, AK 99811

Susan Knighton - 465-3376
Department of Corrections
Pouch T (MS 2000), Juneau, AK 99811

Dave Garnick - 465-3568
Office of Management & Budget
Division of Budget Review
Pouch AM (MS 0102), Juneau, AK 99811

James E. Fisher - 465-3672
Asst. Atty. Gen.
Pouch KC (MS 0305), Juneau, AK 99811

Gayle Horetski - 465-3428
Asst. Atty. Gen.
Pouch KC (MS 0303), Juneau, AK 99811

Call/Address List
Criminal Justice Working Group

Date(s) & Reason: _____

AK ASSN. OF CHIEFS OF POLICE
Anch. Chief Brian Porter
625 "C" Street, 264-4389
Anchorage, AK 99501

AK CT. SYSTEM - 264-0547
Arthur H. Snowden, II - Admin. Dir.
303 "K" St., Anchorage, AK 99501
Stephanie Cole - 264-8230
Deputy Director (pkg. also)

DEPT. OF CORR. - 561-4426
Roger Endell - Comm.
Pouch T, Juneau, AK 99811

DEPT. of H&SS - 465-3030
John Pugh - Comm.
Pouch H-01, Juneau, AK 99811
Connie Sipe, Deputy Commissioner
(pkg. also)

DEPT. OF LAW - 465-3600
Harold M. Brown - Atty. Gen.
Pouch K, Juneau, AK 99811

DEPT. OF LAW - 465-3428
Dean Guaneli, Acting Chief
Criminal Division
Pouch KC, Juneau, AK 99811

DEPT. OF PUB. SAF. - 465-4322
Robert Sundberg - Comm.
Pouch N, Juneau, AK 99811

DIV. OF F & W PROT. - 269-5535
Col. Robert M. Henderson
P. O. Box 6188 Annex
Anchorage, AK 99502

DIV. OF ST. TROOPERS -- 269-5511
Col. Michael Kolivosky - Dir.
P. O. Box 6188 Annex
Anchorage, AK 99502

Brant McGee, Executive Director
OFFICE OF PUBLIC ADVOCACY
900 W. 5th Ave., Suite 525
Anchorage, AK 99501 - 274-1684

Dana Fabe
PUBLIC DEFENDER - 279-7541
900 W. 5th Ave., Suite 200
Anchorage, AK 99501

Alaska Criminal Justice Working Group
January 16, 1986 -- 1:30 p.m.
Butrovich Room - Capitol
Juneau, Alaska

AGENDA

Presentation to the Joint Senate and House Judiciary Committees by the Criminal Justice Working Group

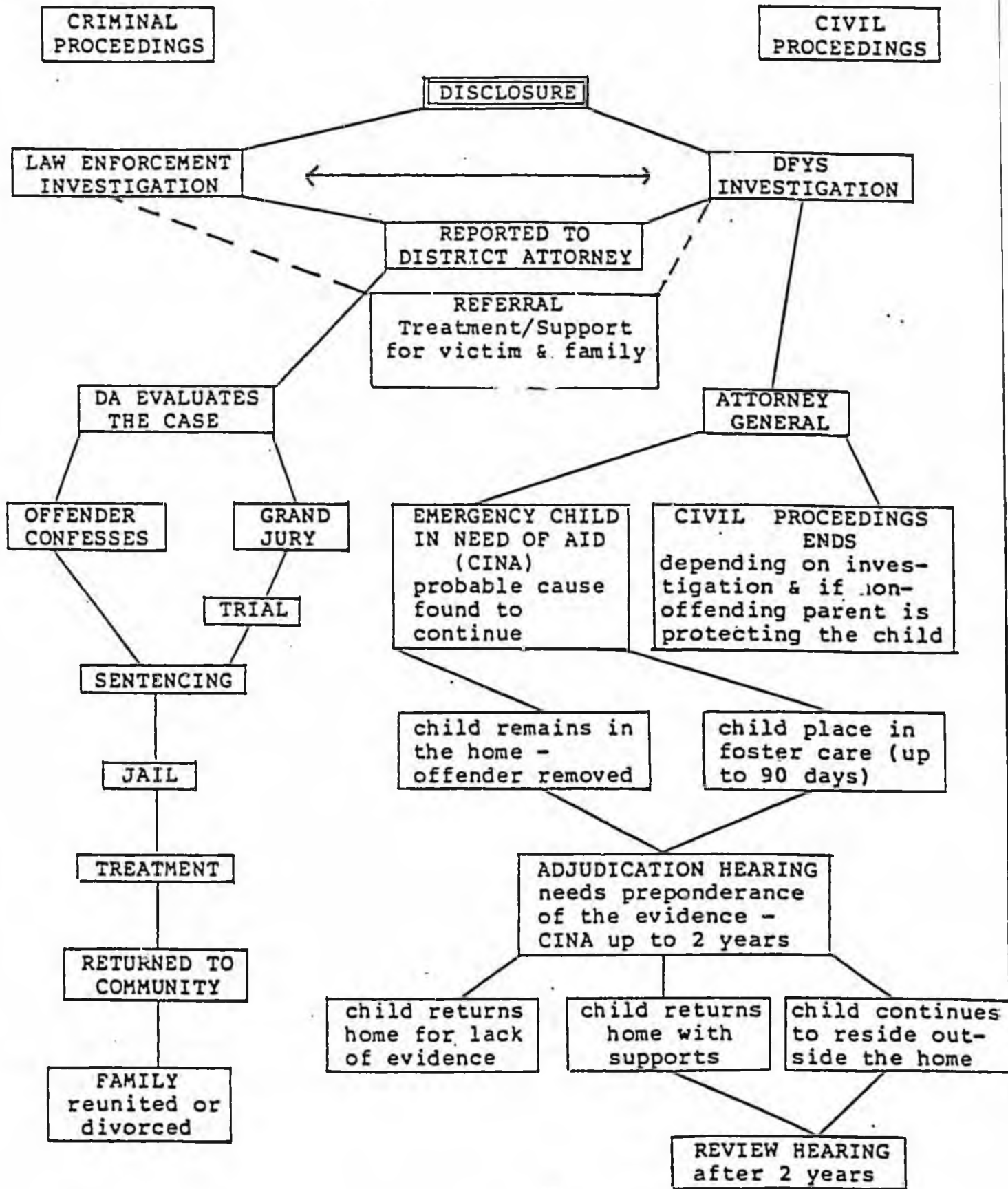
1. Introduction - purpose and format of the presentation
2. A "typical" case - presentation by justice agencies
Department of Health and Social Services
Department of Public Safety
Department of Law
Public Defender
Public Advocate
Court System
Department of Corrections
3. Question period
4. The programs of the justice system, presentation by justice agencies:
Reverse order, as compared to No. 2 above, plus Municipal agencies.
5. Review and discussion period

The presentation is based on this scenario:

A ten year old girl has reported to her school nurse (and, subsequently, to a DHSS social worker and a police investigator) that her 32 year old father has engaged in sexual intercourse with her on numerous occasions during the last six months. The father has denied the allegations, and the mother refuses to believe it happened. The state has taken emergency custody of the child, and a CINA petition and felony criminal charges have been filed.

Each agency may modify the basic facts slightly, to point out how cases usually impact their specific operations, and may choose to point out the differences between urban and rural cases.

FLOW CHART IN INCEST CASES



AN INCIDENCE STUDY
OF
INCEST IN JUNEAU



AWARE

BILL SHEFFIELD, GOVERNOR

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

December 23, 1985

The Honorable Patrick Rodey
Alaska State Senate
2335 Lord Baranof
Anchorage, AK 99503

The Honorable M. Mike Miller
Alaska House of Representatives
P. O. Box 1494
Juneau, AK 99802

Dear Senator Rodey and Representative Miller:

In addition to our normal presentations, department-by-department, the Criminal Justice Working Group believes it would be helpful to meet jointly with the Senate and House Judiciary Committees, at a convenient date in January in Juneau to discuss the overall operation of the justice system at present, and in the future. If you agree we would appreciate hearing from your staff so that a specific date and time can be arranged. We anticipate the meeting will take approximately one and one-half hours, and will be attended by representatives from each of our offices.

The group is requesting a similar joint meeting with the Senate and House Finance Committees.

We look forward to your response

Sincerely,

Criminal Justice Working Group

Harold M. Brown

Department of Law
Harold M. Brown, Attorney General
Chair

Arthur H. Snowden, II

Alaska Court System
Arthur H. Snowden, II
Administrative Director

Brian D. Porter

AK Association of Chiefs of Police
Brian Porter, Chief

Robert M. Henderson

Div. of Fish & Wildlife Protection
Robert M. Henderson, Colonel

Roger Endell

Department of Corrections
Roger Endell, Commissioner

Michael C. Kolivosky

Division of State Troopers
Michael Kolivosky, Colonel

John Pugh

Department of Health and
Social Services
John Pugh, Commissione.

Brant McGee

Office of Public Advocacy
Brant McGee, Executive Director

Dean A. Guaneli

Department of Law
Dean Guaneli, Acting Chief
Criminal Division

Dana Fabe

Public Defender Agency
Dana Fabe, Public Defender

Robert Sundberg

Department of Public Safety
Robert Sundberg, Commissioner

Francis Bremson

Alaska Judicial Council
Francis Bremson, Director