

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672  
7022 HOUSE JUDICIARY

245

*Not Needed*

SENATE BILL NO. 461

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Introduced: 4/1/92  
Referred: HES, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to establishment of a University of Alaska office of public safety."

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

3 \* Section 1. AS 14.40 is amended by adding a new section to read:

4 Sec. 14.40.043. UNIVERSITY OF ALASKA OFFICE OF PUBLIC SAFETY. (a) The  
5 board of regents may establish an office of public safety and prescribe the conditions of  
6 employment of public safety officers employed by the office. University of Alaska public safety  
7 officers have general police powers to enforce state and local laws in connection with offenses  
8 committed on or immediately adjacent to property of the university.

9 (b) A person may not be hired as a University of Alaska public safety officer unless the  
10 person has been certified by the Alaska Police Standards Council as meeting the standards for  
11 a police officer.

*NOT NEEDED*  
~~UNNECESSARY~~

12 \* Sec. 2. AS 18.65.290(5) is amended to read:

13 (5) "police officer" means

14 *This* (A) a full-time employee of the state or a local police department with the

# University of Alaska

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## Statewide System

### SB 461 Establishment of UA Office of Public Safety

The University, with the support of the Commissioner of Public Safety, is seeking the authority to commission persons employed to maintain public safety on the property of the University. For many years the University has been dependent upon the issuance of special commissions by the Commissioner of Public Safety pursuant to AS 18.65.010. While such commissions have met the need of the University and the interests of the state in having readily available law enforcement personnel, the special commission as authorized in AS 18.65.010 is intended primarily to serve the function of providing direct assistance to the state troopers. Since the University public safety officers serve only in a capacity related to their employment at the University, it is both unnecessary and inappropriate that the Commissioner continue to be responsible for granting such commissions. Because the University public safety officers do not serve to assist the state troopers, the Commissioner of Public Safety, Richard Burton, has informed the University that it is his intention to cease granting commissions, and has encouraged the University to seek this authority.

In view of the significant concentration of people and property on the campuses of the University and the increasing obligations imposed by case law to protect persons on the property of colleges and universities, it is essential that a professional public safety office be established at the urban campuses of the University of Alaska. The University's desire to effectively protect its students, faculty and staff; and the national attention focused on campus safety which resulted in the passage of the Student Right to Know, and Campus Security

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contact:

Wendy Redman  
UA Statewide System  
474-7582/463-3086

Position Paper



# UNIVERSITY OF ALASKA ANCHORAGE

3211 Providence Drive  
Anchorage, Alaska 99508

*File*

DEPARTMENT OF  
PUBLIC SAFETY/PARKING

April 30, 1992

The Honorable Pat Pourchot  
Senate District H, Seat A  
Juneau, AK 99801-1182

*Letter from  
Bob Bachand*

Reference: Senate Bill No. 461

Dear Senator Pourchot:

As the Director of the Department of Public Safety for the University of Alaska Anchorage, I am writing this letter, with attachments, in order to clarify the need for commissioned and certified officers in reference to Senate Bill No. 461.

I have been employed as a public safety officer for UAA since 1981. I have been a commissioned officer for that entire period of time and I know that this department had commissioned officers several years prior to my arrival. The issue of having commissioned officers on this campus is not a new one. The campus community, as a whole, has been quite supportive of the actions and duties of my department.

Our commissions, (special peace officers), are currently granted through the Commissioner of the Department of Public Safety for the State of Alaska under AS 18.65.010. They are commissions that are renewable yearly, and which grant approved applicants regular police powers to enforce the laws of the State of Alaska on this campus. The commissions are restrictive as to time and place, and ours indicate that they are in effect while on duty and while on campus only.

These special peace officer commissions have been issued to university employees with police training and backgrounds who meet or exceed the minimum qualifications for certification. However, we are not able to become certified officers through the Alaska Police Standards Council, an issue that would be rectified with the passage of S.B.461.

In a recent letter from Commissioner Burton of the Department of Public Safety, dated 4/17/92, he indicated that he has reviewed the issuance of special peace officer commissions to my staff and has determined that the commissions no longer meet the primary purpose of AS 18.65.010. (See attachment A). He has agreed not to pull

our existing commissions until legislators have had an opportunity to review this pending legislation.

Last year the President of the University of Alaska, Dr. Jerome Komisar, put together a UA Campus Crime Task Force and charged them with developing recommendations concerning the entire scope of the Federal Campus Security Act of 1990. The task force delved into many facets of campus life. The task force learned of Commissioner Burton's proposed reduction of support to the law enforcement efforts of the University. As a result of the task force review, a series of recommendations were forwarded to the president. Recommendation #4 states, "that the University seek the authority to establish its own qualified law enforcement department and that it take the necessary steps to do so as soon as possible". (See attachment B).

The task force also reviewed other options in providing for a way to properly protect the people and the assets of the University. The issue of security guards was discussed as an alternative to commissioned officers and, after some discussion, was ruled out. Security guards, in essence, may provide some degree of protection for the assets of the institution but do not directly address protection for our large population of students, faculty, staff and visitors. Commissioned officers are empowered to take the immediate and appropriate legal steps to deal with issues as they arise. Security guards would have to refer many of these cases to a police department.

The other factor that must be considered is the ability of commissioned officers to control the traffic on campuses. At UAA we currently have an enrollment which exceeds 15,000 students. My staff of 9 commissioned officers expend a great deal of time in enforcing traffic rules. Without commissioned officers, who are empowered to stop and cite traffic offenders, control would cease.

Attachment C will show you the activities of my department since 1988. Most of these activities required the direct response of a commissioned officer. As you can see the level of activity in most categories shows a steady increase. Commissioned officers who receive training specific to their work in a university environment are the preferred solution to dealing with these problems.

Attachment D is a letter from Mr. Michael Turner, Associate Professor and Faculty Coordinator of Advising and Counseling. At my request he wrote this letter to provide information that will further identify the need for commissioned officers on the university campus.

I wish to urge your support of Senate Bill No. 461, and to convey Chancellor Behrend's support on behalf of the UAA community. Should you require any further clarification as to the university's need for this legislation, I am at your disposal.

Sincerely,

Robert Bachand, Director  
(907) 786-1120

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

Attachment A

WALTER J. HICKEL, GOVERNOR

P.O. BOX 111200  
JUNEAU, ALASKA 99911-1200  
PHONE: (907) 465-4322

Received  
4/21/92

April 17, 1992

Letter from  
Commissioner Burton

Mr. Robert Bachand, Director  
University of Alaska Anchorage  
3211 Providence Drive  
Anchorage, AK 99508

Dear Mr. Bachand:

Re: Special Police Commissions

Thank you for meeting with Colonel John R. Murphy, Director of the Division of Alaska State Troopers, to discuss the Special Police Commissions which are issued to employees of the University's Department of Public Safety under the authority vested in me under AS 18.65.010.

The standard under AS 18.65.010 for reviewing applications for a Special Police Commission is whether or not the special officer is "necessary to aid or assist the division of state troopers." At the time that commissions were first issued to security officers of the University of Alaska Anchorage, the Alaska State Troopers assumed the responsibility of providing law enforcement on the Anchorage campus.

Today, the Anchorage Police Department is the law enforcement agency responsible for providing primary law enforcement on the Anchorage Campus of the University of Alaska. As such, enforcement action taken by Officers of the University's Department of Public Safety primarily assists the Anchorage Police Department as opposed to the Division of Alaska State Troopers.

Therefore, as the Anchorage Police Department is the law enforcement agency primarily responsible for responding to requests for assistance at the Anchorage Campus because the campus is within their jurisdiction, it is my view that the Special Officer Commissions that have been issued to your employees under AS 18.65.010 should be revoked, as they no longer meet the primary purpose of the statute.

It is not my intent to question or diminish the amount of assistance that has been provided over the years to the Division of Alaska State Troopers by University security officers.

Mr. Robert Bachand  
April 17, 1992  
Page 2

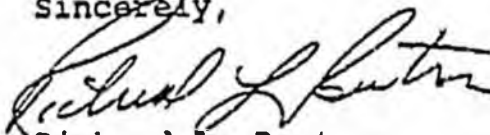
My purpose in initiating this review is to ensure that any Special Officer Commissions that are issued are done so properly and in accordance with the statute.

I recognize that the revocation of these commissions may be disruptive to your agency. Additionally, given the fact that a bill has been introduced by the Legislature relating to the establishment of a University of Alaska Office of Public Safety, and further delineating that the officers have general police powers to enforce state and local laws, I will delay the cancellation of these commissions until after the Legislature has had an opportunity to review this legislation, thereby reducing the impact on the University.

There is currently one application for a commission pending in my office (Thomas H. Chivers). I am delaying any action on this application--I believe it would be best to see if the Legislature passes the above-referenced legislation.

Thank you for support of the Department of Public Safety, Division of Alaska State Troopers, and for your understanding as we review these special police commissions.

Sincerely,



Richard L. Burton  
Commissioner

cc: Colonel John R. Murphy, Director  
Division of Alaska State Troopers

4. A STATEMENT OF POLICIES CONCERNING THE ENFORCEMENT AUTHORITY OF UNIVERSITY SECURITY PERSONNEL AND ITS WORKING RELATIONSHIP WITH STATE AND LOCAL POLICE AGENCIES AND RECOMMENDED POLICIES TO ENCOURAGE THE PROMPT REPORTING OF CRIMES.

Although the University of Alaska bears responsibility for providing a reasonably safe and secure learning and working environment for its students and staff, as well as for visitors to its campuses, the University has no authority to hire, appoint or designate individuals to enforce the laws on its property. Enforcement authority currently comes in the form of special commissions granted to individual University personnel at the discretion of the Commissioner of Public Safety for the State of Alaska. The commissions are granted for one year at a time for the purpose of assisting AST in the enforcement of state law. At this time the UAA campus has nine commissioned officers, UAF has four commissioned officers, and none of the other campuses have any commissioned officers. Because the UAA campus falls within the Municipality of Anchorage it is in APD's jurisdiction, and it is the current Commissioner's position that UAA's campus police assist APD rather than AST in the enforcement of state law.

The working relationship between the University's safety/security personnel and local police agencies is excellent. Despite the absence of any formalized mutual aid agreements campus safety/security personnel regularly interact with JPD, APD and AST personnel at a variety of levels. Without such excellent working relationships the institutions would have been unable to provide even the minimal level of security now maintained. However, as the population of the state, its communities and our campus continues to grow out of proportion to available funding, state and local law enforcement agencies are being forced to cut back on those services they now provide, and it is unrealistic to expect that they can continue to back up campus security to the extent they have in the

past. In fact, during the spring and summer of 1991 there were at least two significant occasions on which AST and APD were unable to respond to requests for assistance in a timely fashion and where as a result campus safety/security was unable to effectively enforce the law. Both occasions involved acts of violence which fortunately did not result in tragedy.

Despite the excellent working relationship between the University safety/security staff and state and local police agencies, the current source of enforcement authority places campus safety/security officers in an awkward and potentially confusing position. First, the officers are employed by the University and must abide by the lawful directives of their employer, yet at the same time they are empowered by the Commissioner and must adhere to his performance expectations or lose their power to enforce the law. Should there be a difference of opinion on matters like the appropriate circumstances in which to use force or when to refer a matter for administrative handling rather than for prosecution, the officer finds him or herself in a difficult dilemma. In addition, the University may, for example, be forced to send a case to court for criminal prosecution when in its professional judgment it would have been better dealt with as a matter of student or employee discipline. Second, another area of confusion arises where the security officers are perceived to have authority that they do not possess. Not only is this perception common within the campus community, it is also common among other law enforcement personnel. AST has continually requested UAF Security Department assistance in incidents without taking into account that UAF's security personnel are unarmed and without authority. The potential dangers which inure to this situation are self-evident.

The task force recommends that the University seek the authority to establish its own qualified law enforcement department and that it take the necessary steps to do so as soon as possible. The task force also recommends that mutual aid agreements be developed with existing state and local law enforcement entities to clarify what will be expected of each agency in emergency response situations.

UNIVERSITY OF ALASKA ANCHORAGE  
DEPARTMENT OF PUBLIC SAFETY  
JANUARY-DECEMBER

	1988	1989	1990	1991
Agency Assist .....	10	75	91	50
Assault .....	9	9	11	12
Bomb Threat .....	1	0	3	11
Burglary .....	3	5	2	9
Curfew/Loitering .....	4	9	27	9
Disorderly/Disturbance .....	36	74	93	107
Domestic .....	3	7	2	6
Drug Possession .....	0	0	1	4
DWI .....	6	4	7	2
Forgery/Counterfeit/Fraud .....	2	2	5	5
Harassment .....	2	13	18	27
Homicide .....	0	0	0	0
Liquor Laws .....	55	46	49	41
Missing Person/Runaway .....	19	6	5	6
Motor Vehicle Accident .....	89	90	102	70
Motor Vehicle Theft .....	5	5	4	4
Officer In Trouble .....	1	0	0	0
Recovered Property .....	10	10	10	4
Robbery .....	1	0	0	0
Sexual Assault .....	0	0	1	0
Sex Offenses (Other Than Rape)..	13	11	0	4
Suicide (Actual & Attempted) ...	4	2	2	7
Suspicious Person/Circumstance..	91	130	115	194
Theft .....	165	141	123	125
Traffic (Including Impounds) ...	579	920	826	454
Trespass .....	16	26	26	21
Vandalism/Criminal Mischief ....	53	56	66	38
Warrant Service .....	15	27	58	38
Weapons/Firearms Violations ....	5	4	2	4
Uniform Traffic Citations .....	147	290	240	109
Total Arrests .....	41	75	115	89



# UNIVERSITY OF ALASKA ANCHORAGE

3211 Providence Drive  
Anchorage, Alaska 99508

ADVISING AND COUNSELING CENTER  
(907) 786-1570

April 29, 1992

Mr. Robert E. Bachand, Director  
Department of Public Safety  
University of Alaska, Anchorage  
3211 Providence Avenue  
Anchorage, Alaska 99508

*Letter from  
Michael Turner*

Dear Director Bachand:

I would like to share with you the reasons I am supporting the legislation SB-461.

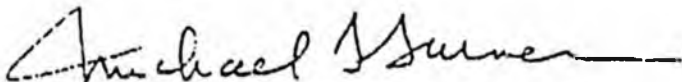
I feel that it is imperative to maintain your Department's presence on the campus here at University of Alaska Anchorage. As a twenty-two year, full-time faculty member, 17 years which were at Anchorage Community College, I have relied upon your officers to assist me with crisis intervention calls that involved our students, faculty, staff and citizens from the area. I can confidently state that often, the presence of a commissioned peace officer has made the difference between a peaceful resolution and one that could have resulted in physical harm to the individuals and by-standers involved.

I feel that a campus the size of University of Alaska Anchorage is in fact a mini-society. It has become evident over the years as our enrollment has increased, and the addition of residence housing, that the calls for assistance for the Advising and Counseling Center Counselors has increased. There have been incidents during the past three years, that your immediate presence has resulted in an efficient and productive resolution, whereas the delay involved in waiting for an outside law enforcement presence would have increased the likelihood of further escalation with drastic results. It should be acknowledged that whenever I have responded to emergency or crisis situations, that the employees involved have consistently remarked that without the Campus Police, they genuinely feel that the situations would have worsened. After coordinating the crisis intervention process on campus for the past five years, I must agree with the employees that your Department's presence, the high quality of officers that meet commission standards, their professionalism and personal investment in students your officers have demonstrated cannot be replaced by 'call-up' officers or rent-for-service 'security agencies.'

In addition I would like to point out that the increase of incidents involving crisis intervention dealing with reports of disturbed individuals have specifically involved individuals that are not students, faculty or staff, but rather persons who have 'walked' onto the campus. That fact only emphasizes the often overlooked vulnerability of the open campus concept that we all promote for the University of Alaska Anchorage. This increase in incidents involving 'non-students' is not attributable by our immediate presence to two hospitals that provide psychiatric services, or the correctional center across the street to the south. Although these respective facilities do, on occasion, experience walk-away patients/inmates, such occurrences, by themselves, do not account for the trend I have observed.

In closing, the loss of your Department would necessitate a total restructuring of our crisis intervention program, and would result in a less effective process and protection for all involved.

Sincerely,

A handwritten signature in cursive script that reads "Michael T. Turner". The signature is written in dark ink and is positioned above the typed name and title.

Michael T. Turner, Associate Professor  
Counseling Coordinator  
Advising and Counseling Center



UNIVERSITY OF ALASKA  
Office of the General Counsel  
3211 Providence Drive  
Anchorage, Alaska 99508  
(907) 786-1531

Fairbanks  
William R. Kauffman  
Vice President and General Counsel  
J. Mark Neumayr  
Associate General Counsel  
Anchorage  
Jean S. Sagan  
Associate General Counsel

April 17, 1992

Mr. Jeremy Vermilyea  
Legislative Coordinator, AS UAF  
Wood Center  
Fairbanks, Alaska 99775

Dear Mr. Vermilyea:

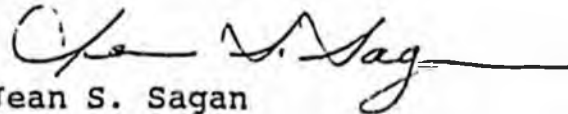
This shall confirm our phone conversation of Tuesday, April 14, 1992, regarding Senate Bill 461. As I advised you when we spoke, I am currently in the process of drafting proposed policies to facilitate the University's implementation of the authority contained in the legislation, should it pass this session.

The policies will address the reporting lines and oversight authority for the Department of Public Safety within the University of Alaska, the establishment or identification of appropriate advisory bodies, the adoption and maintenance of official operating procedures manuals, and any other relevant considerations that come to my attention. As you already know, last semester both UAA's and UAF's Departments of Public Safety adopted comprehensive operating procedures manuals which are patterned on and consistent with that of the Alaska State Troopers.

I anticipate that the draft proposals will be considered by the Board at its June 11-12, 1992 meeting in Valdez, and that they will be circulated to the respective constituent bodies sufficiently in advance to allow meaningful review and input to the Board at that time.

I hope that this addresses the concerns you have expressed. Please feel free to contact me if I can provide further assistance on this topic.

Very truly yours,

  
Jean S. Sagan  
Associate General Counsel



UNIVERSITY OF ALASKA FAIRBANKS

Associated Students University of Alaska Fairbanks  
Fairbanks, Alaska 99775-0220 • (907) 474-7355

April 27, 1992

Representative Max F. Gruenberg Jr.  
Alaska State Legislature  
State Capitol Room 216  
Juneau, AK 99801-1182

Dear Representative Gruenberg,

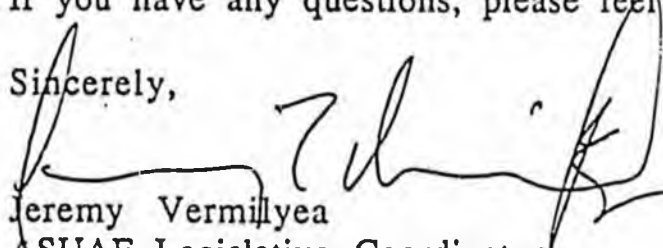
I am writing this letter in regards to several conversations I have had with Stan Robbins about SB 461, "An act relating to the establishment of a University of Alaska Office of Public Safety." We have discussed some concerns the students of UAF had with the bill in its present form, mainly the fact that the bill does not provide for input from the University community as to the implementation and operation of a new department of Public Safety.

Since those discussions I have spoken with Jean Sagan, Associate General Counsel for the university. Ms. Sagan has assured me that there will be student, faculty and staff input on the statewide and campus levels when implementing the new department. A copy of a letter written from Ms. Sagan to myself is attached.

It is because of this assurance that the students of UAF will support SB 461, and any similar legislation that may come from the House of Representatives. The establishment of a University of Alaska Office of Public Safety will remove much of the red tape that exists within the system currently, and will provide for improved safety for all patrons of the campuses.

If you have any questions, please feel free to contact me.

Sincerely,

  
Jeremy Vermilyea  
ASUAF Legislative Coordinator

SCR

5

FISCAL NOTE

STATE OF ALASKA  
992 LEGISLATIVE SESSION

BILL NO. CSSCR 5 (JUD)

Revision Date: \_\_\_\_\_ Department Affected: Department of Law  
 Title: "...expansion of the youth courts BRU: Prosecution and Legal Services  
urrently used in Anchorage to other Component: Prosecution and Legal Services  
cases... Prosc. - All, Legal Services - Operations  
 Sponsor: Senator Kerrettula  
 Requestor: House Judiciary COMPONENT SERIAL NO. 

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 85 through 91, and 93

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

*Richard I. Pegues*

Prepared By: Richard I. Pegues, Director Phone: 465-3672  
 Division: Administrative Services / Legal Date: January 21, 1992  
 Approved by Commissioner: Charles E. Cole, Attorney General  
 Agency: Department of Law Date: January 21, 1992

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSCR 5 (JUD)

SJR 5 encourages the Alaska Court System and the Department of Health and Social Services to expand the "youth courts" to other areas of the state. Staffed by youths between the ages of 12 and 18, this court provides suitable punishment for juvenile lawbreakers who might not receive such punishment through the regular court system because of the system's lack of resources. The entire juvenile justice system, including the Department of Law, suffers from the same lack of resources and cannot react to juvenile wrongdoing unless it involves a serious offense. Consequently, there will not be a fiscal impact for the department.

FISCAL NOTE

No. 1  
 Bill Version: SCR 5  
 (S) Publish Date: 3-29-91

STATE OF ALASKA  
 1991 LEGISLATIVE SESSION

Revision Date: March 25, 1991 Department Affected: None -  
 Title: Expansion of Youth Courts BRU: \_\_\_\_\_  
 Component: \_\_\_\_\_  
 Sponsor: Kerttula  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Changes in CSSCR 5 (JUD)  
 have no fiscal impact. This  
 - fiscal note is appropriate.  
3-29-91 OB/S  
 date Comite Aide (Initial)

Prepared By: Doug Bailey Phone: 465 3717  
 Division: Senate Judiciary Date: 3-29-91  
 Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).



Official Business

# Alaska State Legislature

**SPONSOR STATEMENT**  
**Senator Jay Kerttula**

P.O. Box V  
State Capitol  
Juneau, Alaska 99811

## **SCR 5 - YOUTH COURTS**

SCR 5 requests the Alaska Bar Association and the Alaska Court System to assist in expanding the Anchorage Youth Court to other communities in the state. The Anchorage Youth Court has been a successful project and such a program could be very useful in other Alaskan communities.

The Anchorage Youth Court has been in existence for four years, hearing between 30-40 cases involving youthful first offenders. During this time, the Anchorage Youth Court has had only one case of recidivism. Cases are referred by juvenile probation officers and trials are conducted at the Anchorage Courthouse in the evening.

The court is composed of students ages 12-18 who volunteer as judges, jurors, bailiffs, clerks, prosecutors and defense attorneys. To be eligible to sit on the court, students must attend an 8-10 week class and pass a Youth Court Bar Examination. About 100 Anchorage students are members of the bar. Another 200 students are in preparation classes where they are taught constitutional law, criminal law and procedure, ethics and advocacy. Legal advisors prepare student prosecutors and defense lawyers before their cases go to trial.

Defendants appearing before the Anchorage Youth Court, who are also between the ages of 12 and 18, are usually first offenders charged with petty crimes. They have been referred through the juvenile probation department but they may be referred by other entities, such as a store alleging shoplifting.

Defendants and their parents must agree to allow the Youth Court to hear the case. Court proceedings insure them the right to be represented by a lawyer, the right to trial by jury, the right to cross-examine witnesses, the right against self-incrimination and the right to appeal.

The Anchorage Youth Court has been successful in a large, urban Alaskan area and offers great potential in smaller, urban areas and in rural Alaska.

JK:pt



Official Business

# Alaska State Legislature

Senate

Committee on Finance

Pouch V  
State Capitol  
Juneau, Alaska 99811

## MEMORANDUM

TO: Rep. Carney, Co-Chair  
Rep. Lincoln, Co-Chair  
House HESS Committee

DATE: April 9, 1991

FROM: Senator Kerttula

SUBJ: SCR 5 --  
Youth Courts

I would appreciate it if you would schedule Senate Concurrent Resolution 5.

SCR 5 would request that the Alaska Bar Association and the Alaska Court System assist in expansion of the Anchorage Youth Court to other communities in the state. The Anchorage Youth Court has been a successful project, and I believe such a court could also be useful in other communities.

The Anchorage Youth Court has been in existence for three years, hearing between 30 and 40 cases involving youthful first offenders. During that time, the Anchorage Youth Court has had only one case of recidivism. Cases are referred by juvenile probation officers and trials are conducted at the Anchorage Courthouse in the evening.

The court is composed of students ages 12 to 18 who volunteer as judges, jurors, bailiffs, clerks, prosecutors and defense attorneys. To be eligible to sit on the court, students must attend an eight-to-ten week class and pass a Youth Court Bar Examination. About 100 Anchorage students are members of the bar. Another 200 students are in preparation classes where they are taught constitutional law, criminal law and procedure, ethics and advocacy. Legal advisors prepare student prosecutors and defense lawyers before their cases go to trial.

Defendants, who are also between the ages of 12 and 18, appearing before the Anchorage Youth Court are usually first offenders charged with petty crimes. They have been referred

through the juvenile probation department, but they may be referred by other organizations, such as a store alleging shoplifting. Defendants and their parents must agree to allow the Youth Court to hear the case. Court proceedings insure them the right to be represented by a lawyer, the right to trial by jury, the right to cross-examine witnesses, the right against self-incrimination and the right to appeal.

Senate Concurrent Resolution 5 would request that Alaska Court System, the Alaska Bar Association and the Alaska Department of Health and Social Services assist in expansion of youth courts into other communities of the state. The Anchorage Youth Court has been successful in a large, urban Alaskan area and offers great potential in smaller, urban areas and in rural Alaska.

Attached is a copy of research on this topic. Thank you for your consideration of this request.

JK:kh

Katla



Anchorage Youth Court  
P.O. Box 102735  
Anchorage, Alaska 99510 (907) 274-5986

JAN 31 1990

January 28, 1991

Senator Jay Kertula  
PO Box V  
Juneau, AK 99811  
(Interdepartment Mail Stop: 3100)

Dear Senator Kertula

The members of Anchorage Youth Court thank you for your interest in expanding youth courts throughout the state, as noted in your Senate Concurrent Resolution No. 5, introduced on January 22, 1991. The students and adults, who have created Anchorage Youth Court, stand ready to assist in this development of more youth courts in Alaska. Of the thirty three cases that we have thus far accepted, there has been only one case of recidivism, so we feel it is definitely a viable alternative within the juvenile justice system.

We appreciate and applaud your very carefully researched and written resolution. You might like to note, however, that line 16 on page 1 and line 1 on page 2 need to read;

"Whereas the Anchorage Youth Court has been funded by the Anchorage Bar Association, the Young Lawyers Section of the Anchorage Bar Association, and the Interest on Lawyers Trust Accounts (IOLTA) Fund of the Alaska Bar Association; and"

Each of the three organizations has contributed substantially to Anchorage Youth Court's survival.

On January 31 the Anchorage Youth Court president and chief judge will testify before the Governor's Commission on Youth. Among other concerns, they will state that helping in the expansion of youth courts to other Alaskan villages and towns is one of the long term goals of Anchorage Youth Court. Undoubtedly your resolution will help tremendously in the achievement of this goal.

Again, thank you for your support. If we can be of any help, please call or write.

Sincerely

Sharon A. Leon  
Coordinator

cc: Mary Hughes  
Michael D. White



**Anchorage Youth Court**  
P.O. Box 102735  
Anchorage, Alaska 99510 (907) 274-5986

February 11, 1992

Senator Jay Kerttula  
Alaska State Legislator  
Capitol Bldg.  
Juneau, AK 09801-1182

Re: AYC Update Information for SCR #5

Dear Senator Kerttula

For the year 1991 the budget was \$60,000 in grants from the Alaska Bar Foundation (\$50,000) and the Anchorage Bar Association (\$10,000). In addition in kind donations amounted to \$247,770. The coordinator is the only paid position (\$14,400). Volunteer hours totalled 21,532 (Students - 14,846; Defendants, including community work service -- 501; Adults -- 6,085.) If anything this number is short, because I do not know how much time juvenile intake devotes to each defendant during the referral process, etc.

We hope the information we are sending you helps. If there is anything else, please ask. Thank you for following through on this Resolution and for having faith in the positive aspects of youth courts.

Sincerely

A handwritten signature in cursive script that reads 'Sharon A. Leon'.

Sharon A. Leon  
Coordinator

## Anchorage Youth Court Summary of Cases

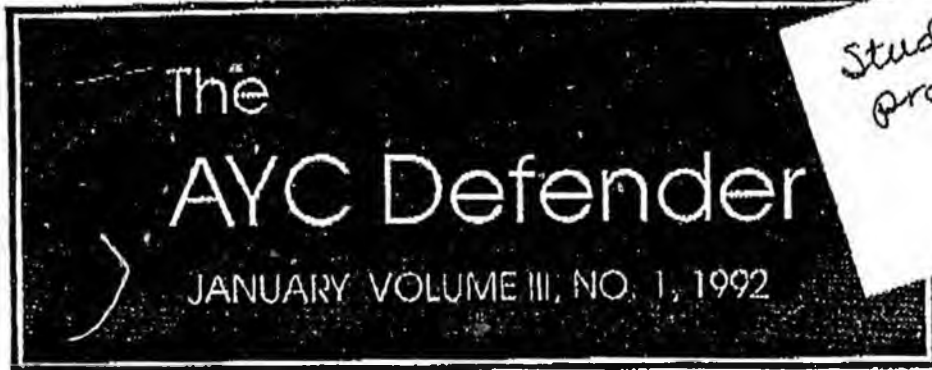
<u>Case Number</u>	<u>Brief Description of Charge(s)</u>	<u>Case Disposition</u>
AYC-89-001	Damaging mail boxes and rear car window with baseball bat	Sentenced to community service plus restitution for the uninsured portion of the car
AYC-89-002	Damaging mail boxes and rear car window with baseball bat	Sentenced to community service plus restitution for the uninsured portion of the car
AYC-89-003	Shop-lifting cassette tapes	Sentenced to community service plus restitution to victim
AYC-89-004	Tampering with vehicle and contents	Not Guilty
AYC-89-005	Purposeful scratching of car door panels with key; phone harassment, threat, obscene language	Found Guilty on harassment only, sentenced to community service
AYC-89-006	Making bomb and bringing it to school, hiding same in desk of and passing to another student	Sentenced to community service
AYC-89-007	Cashier theft from employer, fixing cash register receipts, bookkeeping records, passing cash to "customer accomplice"	Sentenced to community service plus restitution to victim
AYC-89-008	Stealing rings when babysitting	Sentenced to community service
AYC-89-009	Receiving home-made bomb at school	Case declined; received speculative evidence
AYC-89-010	Theft of vehicle	Case returned to Juvenile Intake; defendant was working in Valdez, then left Alaska
AYC-89-011	Breaking into school, breaking into several lockers, breaking into and taking candy and cash from vending machines	Sentenced to community service plus restitution to victim
AYC-89-012	Entering business shed and taking bicycles and bike parts, damaging door	Case returned to Juvenile Intake because defendant left Alaska with family
AYC-89-013	With three other youths, breaking into business shed, damaging door, taking bicycles and bike parts	Sentenced to community service
AYC-89-014	With three other youths, breaking into business shed, damaging door, taking bicycles and bike parts	Dismissed, lack of evidence to prosecute
AYC-89-015	With three other youths, breaking into business shed, damaging door, taking bicycles and bike parts	Dismissed, lack of evidence to prosecute
AYC-89-016	Theft of car parts and car's tires	Dismissed, lack of evidence to prosecute
AYC-89-017	Stole a car and went "joy riding"	Guilty only on count of criminal mischief, sentenced to community service
AYC-89-018	On state property, breaking a padlock and stealing signs	Guilty only on theft; sentenced to community service plus anti-theft class
AYC-89-001	Theft of gym gear	Sentenced to community service plus anti-theft class
AYC-89-002	Attempted to buy alcohol in liquor store	Sentenced to community service plus class on alcohol awareness
AYC-89-003	Criminally negligent burning	Sentenced to community service
AYC-89-004	Theft of merchandise, unauthorized use of credit card	Sentenced to community service; Case returned to Referring Authority on defendant's failure to complete sentence

## Anchorage Youth Court Summary of Cases

<u>Case Number</u>	<u>Brief Description of Charge(s)</u>	<u>Case Disposition</u>
AYC-90-005	Theft of money from cash register	Sentenced to community service plus anti-theft class; unable to locate family; sentence not completed, case returned to Referring Authority
AYC-90-006	Possession of a concealed weapon (Hunting knife)	Dismissed, lack of evidence to prosecute
AYC-90-007	Burglary & theft of friend's belongings	Sentenced to community service plus anti-theft class
AYC-90-008	Theft from a home	Defendant ran away from home before case was assigned; case returned to Referring Authority
AYC-90-009	Breaking and entering, theft	Sentenced to community service plus anti-theft class
AYC-90-010	Disorderly conduct, resisting arrest	Sentenced to community service
AYC-90-011	Vehicle tampering	Sentenced to community service plus anti-alcohol class
AYC-90-012	Breaking into concession storage area, theft of property	Sentenced to community service plus anti-theft class
AYC-90-013	Breaking into concession storage area, theft of property	Sentenced to community service plus anti-theft class and an essay
AYC-90-014	Breaking into a school with stolen key, theft of property	Sentenced to community service plus anti-theft class and an essay
AYC-90-015	Vehicle tampering	Directed verdict at trial, case dismissed for lack of evidence
AYC-91-001	Firearm on school grounds, concealed weapon in vehicle	Gilty of firearms on school grounds; sentenced to community service with recommended firearms safety class
AYC-91-002	Entering home, theft and sale of baseball card albums, theft of gloves, camera, diary & incense	No Contest on burglary and theft; sentenced to community service plus anti-theft class and an essay
AYC-91-003	Theft of weapon on school grounds, attempting to sell	Sentenced to community service plus an essay
AYC-91-004	Shoplifting from department stores	Sentenced to community service plus an essay and an oral apology
AYC-91-005	Shoplifting from department stores	Sentenced to community service plus anti-theft class and an essay
AYC-91-006	Shoplifting from department stores	Sentenced to community service plus anti-theft class and an essay
AYC-91-007	Theft of vehicle, attempting to conceal by painting	Sentenced to community service plus anti-theft class and restitution to victim
AYC-91-008	Unlawful entry of home, joyriding on snowmobile	Sentenced to community service plus an essay and an oral apology
AYC-91-009	Attempted shoplifting	Sentenced to community service plus anti-theft class and an essay
AYC-91-010	School prank involving theft of auto and other property, damage of school property	Case declined; defendant was discovered to have prior
AYC-91-011	Breaking windows in a salvage yard	Sentenced to community service plus an essay
AYC-91-012	Breaking windows in a salvage yard plus theft of property from same	Sentenced to community service plus an essay

## Anchorage Youth Court Summary of Cases

<u>Case Number</u>	<u>Brief Description of Charge(s)</u>	<u>Case Disposition</u>
AYC-91-013	Breaking windows in a salvage yard plus theft of property from same	Sentenced to community service plus an essay
AYC-91-014	Breaking windows in a salvage yard plus theft of property from same	Community service plus anti-theft class and an essay
AYC-91-015	Appropriating car, driving without a license, running off the road and striking several objects, driving off of the scene	GUILTY of theft and criminal mischief; sentenced to community service, theft class, plus essay
AYC-91-018	Theft of a pair of skis	Dismissed, lack of evidence to prosecute
AYC-91-017	Accused as accessory to two male juveniles in various acts of vandalism on a booster station which services homes with drinking water	Case returned; defendant ran away from home prior to assignment of case
AYC-91-018	Felony theft; concealment and shoplifting of clothing items	Sentenced to community service, shoplifting awareness class, viewing of adult arraignments and an essay
AYC-91-019	Shoplifting of clothing articles	Sentenced to community service, shoplifting awareness class, viewing of adult arraignments and an essay
AYC-91-020	Burglary of neighbor's home, theft of firearm	Sentenced to community service plus an essay



Made possible by a generous grant from the Anchorage Bar Association

## Holiday Open House

Mina Kumar

Throughout December, the holiday spirit was creeping its way throughout Anchorage. Some poor cold Anchorageites even found a warm place to gab at the new Youth Court office while stuffing their faces and just plain having a jolly time. Taking place on December 10, the holiday open house was a tremendous success. New and old members alike got to see our office, and vote for the position of Associate Chief Judge.

The experience of the holiday open house was considerably enlightening for me, because I learned the loooong history of Youth Court including the conceptualization of Youth Court up to the implementation of classes and cases in the past few years. The open house took the place of the regular Anchorage Youth Court Bar Association meeting for December. So if you did not come, not only did you miss out on one exciting party, you need to make up your absence. The open house was truly an example of the holiday spirit in Anchorage.

## Fundraising

Karen Meehan

T-shirts are here! They are blue with white logo and grey with a black logo. They can be bought for ten dollars at the Youth Court office.

The spaghetti feed/dance is coming up on January 25. Tickets are on sale now at the AYC office.

These fundraisers are very important, as the proceeds go towards scholarships for graduating members in the spring.

## Legal Education Tours

Lara Wüber

There will be two legal education tours to the Anchorage Police Department. The first tour will be on January 30 at four p.m. and the second will be on February 3 also at four p.m. More information will be available when you sign up (which can be done either at the swearing in ceremony or the next bar meeting.) These tours should be both very informative and fun, so sign up soon because space is limited. *Note: sign up for one or the other -- not both.*

The legal education tour committee is always looking for suggestions of new places to tour -- if you have any ideas please contact the AYC office. The idea of the FBI tour is not dead yet, as we are still working on the details. As always, keep your eyes peeled for new information.

## Quote of the month

People hardly ever make use of the freedom they have; for example, freedom of thought. Instead they demand freedom of speech as compensation.  
Spoken: Kierkegaard

## President's Corner

Matt Wright

I would like to extend a warm welcome to all the new members of AYC. Congratulations for successfully completing your classes and Bar Exam. Let me also take this opportunity to invite all members, both old and new, to participate in all of the exciting and enjoyable activities Youth Court has to offer. New members can come to the Bar meetings, work on committees, and can activate themselves very quickly. Old members who are active can participate

-con't. on page 2 "Corner"

# AYC Graduating Class

John Alexander  
Nicki Alexiev  
Laurie Alger  
Christy Alomondiger  
Marcia Baker  
Shauna Baker  
Euvondia Barto  
Aaron Bassett  
Bryan Bell  
Bree Beltz  
Angie Bennett  
Lynn Bernzott  
Amanda Barnett  
Laurence Bleicher  
Jennifer Boyd  
Jackie Boyle  
Nicholas Bramon  
Darlene Brown  
Ian Burch  
Heather Burnett  
Virginia Burnett  
Nicole Cain  
Kori Callison  
Tanya Cerney  
Heather Christensen  
Kathryn Clark  
Quinna Clay  
Amber Constantine  
Morris (Jack) Cooley  
David Croffut  
Andrianna Cronick  
Erica Dauvan  
Billy Dean  
Jenni Deptula  
Michele Dodgo  
Jeff Doemer  
Alyssa Dragnich  
Katy Drannen

Yolanda Edwards  
Tami Eller  
Angela Engle  
Jennifer Engle  
Melissa Erickson  
Michelle Fahnholz  
Aaron Fairchild  
Jeremy Frick  
Sarah Fullerton  
Marc Gaguzis  
Ryan Gallagher  
Rubanette Gay  
Natalie Gilliam  
Kori Goertz  
Kitty Greene  
Serena Green  
Dennis Griffith  
Sarah Griffiths  
Joe Griffo  
Kimberly Halstead  
Deserae Hamilton  
Teresa Hamja  
Becky Handlin  
Fath Hanley  
Jeanine Hartman  
Luciana Haynes  
Clifford Haywood  
Sean Healy  
Sheila Hensley  
Clinton Hess  
Sherrie Heginbotham  
Deanna Hearle  
Michael Hayward  
Katie Hostetter  
Natalie Huddleston  
Jodi Jesclard  
Bryan Johnson  
Megan Keith

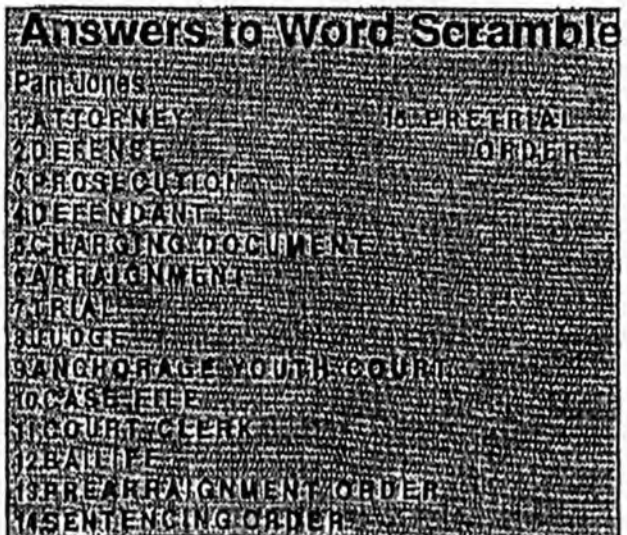
Jennifer Kim  
Kevin King  
Mastt Krug  
Jeff Laughman  
Shay Lawrence  
Lee Che Leong  
Skye Lolland  
Candida Lower  
Lisa Lucas  
Heldi Lukomski  
Meg Lum  
Damion Lupo  
Christopher Lyon  
Natasha Martin  
Brian Mason  
Sophie Matekos  
Mark McCoy  
Ashley McHenry  
Angus Meglitsch  
Monika Moffatt  
Ian Monaghan  
Connor Murphy  
Chaz Naumann  
Robert Newsick  
Honghuong Nguyen  
Amanda Nolan  
Sarah Odocharty  
Julie Oja  
Terry Palagyl  
Megan Peacock  
Stephaine Perley  
Alexis Petrovich  
Trista Piskowski  
Tasia Potter  
Valerie Pruitt  
Eunika Pyun  
Amy Randolph

Frank Reynolds  
Robert Rhymor  
Tyra Roberts  
Amy Rochford  
Becki Rogers  
Natasha Rollins  
Jesselyn Saccone  
Danielle Savikko  
Rachel Schropp  
Richmon Schumann  
Mike Schwelger  
Jessica Searcy  
Becky Shafter  
Kvalana Shephard  
Mi Jeong Shin  
Zach Simmons  
Matt Smith  
Issac Spafford  
Julie Stanczuck  
Becky Steer  
Phil Stephens  
Cher-Ron Summers  
Jason Swirczenski  
Michelle Thoma  
Kerry Thomas  
Bohsy Torres  
Deborah Turnbull  
Merleth Turner  
Brain Underwood  
Ron Unger  
Matt Vitale  
Dennis Ward  
Jenny VanderWeele  
Heather Werckle  
Troy Williams  
Peter Wright  
Christopher Wyckoff

## Largest AYC Class Ever

Andy McDermott

This year we had the highest class enrollment we've ever had, and we've also had the largest graduating class ever. We'd like to thank all teachers and furthermore all involved with the class for all their time and dedication. Due to the large amount of people we will be having not one, but two swearing-in ceremonies. Those who are invited to the 3:30 ceremony are asked not to arrive any earlier than 3:15, due to lack of waiting space. Please check your name on the above list, because that is how your name will appear on the certificate. If any corrections are needed please call the AYC office.



**AYC SENTENCING POSSIBILITIES****COMMUNITY WORK SERVICE**

Alaska Youth and Parent Foundation  
 Anchorage Youth Court  
 Anchorage Running Club  
 Break Up Triathlon  
 Heart Run  
 Pull 'n Run  
 Arctic Bicycle Club

Beans Cafe  
 Boys and Girls Club  
 Community Schools  
 Community Work Service  
 Creek Clean Up  
 Hill Top Youth Development Program  
 Walk for Hope

**EDUCATION PROGRAMS**

Juvenile Crime Diversion Program Service

1. Juvenile Anti-Shoplifting Program -- five hour class  
 (appropo for cases of general theft also)
2. Special Programs for At Risk Kids -- nine hours, three hours for three days  
 (If alcohol or other drugs are discovered to have been involved)

**ADULT ARRAIGNMENTS**

Through the cooperation of the Alaska State Court System, attend one or more Saturdays in the State District Court, beginning at 1:30 P.M. A defendant serving his/her sentence is required to attend with an AYC member, who acts as chaperone. The AYC member insures attendance, proper decorum, and that the District Court Clerk signs the defendant's AYO certificate of completion when the arraignments are over for the day.

**ESSAYS**

Thus far essays assigned have been from 500 to 1000 words, depending upon the age of the defendant and the severity of the offense. Defendants are directed to deal with specific topics, such as;

1. The individual's responsibility regarding the particular offense
2. How the experience has affected the defendant, his/her family and others involved, such as the victims
3. What he/she has learned from the following activities:
  - A. Attending the education program
  - B. Attending arraignment(s)
  - C. Writing the essay,
  - D. Working in the community work service situation
  - E. Participating in the AYC process
4. In what ways did this experience help the defendant to become a better citizen

**RESTITUTION**

Maximum amount to date has been \$3000, with the cooperation of Juvenile Intake, parents and agencies involved.

**APOLOGIES**

Oral and written apologies have been ordered, both to the victim and to the Court.

*Additionally, the Court reserves the right to sentence more community work service hours for documented lack of cooperation or poor attitude while completing the sentence.*



**Anchorage Youth Court**  
P.O. Box 102735  
Anchorage, Alaska 99510 (907) 274-5986

February 10, 1992

The Honorable Tom Moyer  
AK State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear Rep. Moyer,

Anchorage Youth Court is a non-profit organization that was pioneered 4 years ago. It serves as an alternative judicial route for first time juvenile offenders, allowing them a second chance. A.Y.C. helps to reduce the volume of cases burdening the judicial system and valuable work service is provided for the community. It also provides an educational opportunity for all A.Y.C. bar members.

We are currently the only youth court in Alaska and one of the few in the Nation. Our A.Y.C. bar members are interested in helping other communities develop their own youth courts and seek your guidance and assistance. Sen. Kertula proposed SCR#5 to support the expansion of Youth Courts throughout the state. We will appreciate your aid in support of this resolution.

Please contact us for more information.

Sincerely,

Matt Wright  
A.Y.C. President

Essays used  
w/ permission  
of defendants

excerpt of letter  
17 year old

The Anchorage Youth Court  
was certainly an experience, if  
they wouldn't have been  
there when I was arrested,  
I would be up the wrong  
creek right about now. The  
AYC kept me out of McLaughlin  
and gave me rehabilitation. This  
came in the form of this paper,  
300 hours of community service and  
a 5-hour anti-theft course. I thought  
the beginnings of my court case, I  
was treated like a person and  
not another "common criminal", my  
lawyers were great, the judges

were great, and now after  
serving my sentence, I get  
my life back on track and  
I can put my "mistake"  
behind me.

*17 year old*

## YOUTH COURT

My experience with Youth Court was very successful. I do not what I did to be in Youth Court was all that great, but what did happen and the outcome through Youth Court was very impressive to me.

The incident that took place on January 5 was very embarrassing and I'd never thought that I would have ever done anything like that in my life. I let it happen I do not blame anyone other than me, but what I am trying to say is that if I had it all to do over again it would not have happen in the beginning. I am very glad that Youth Court was there when indeed I really needed them. I apologize that I took up their time with the crime that I needed to pay my debts for and that I thank them again for being there for anyone who needs them.

When I was caught shoplifting I did not know what was going to happen to me. I was arrested and then I was assigned to talk to a parole officer at McGlaughlin Youth Center. I didn't know what to do, I talked to him and he gave me two options, 1 to be tried as an adult and face fines up to 50,000 dollars and up to 1 year in prison, or 2 I could go through a process called Youth Court, which involved everyone being under the age of eighteen and they would be people just like me. Not people who are out to hang anyone they can. The judges were really nice and I really got along with my defendants.

They were very nice and I would like to thank them for knowing what they were doing in helping me. The prosecution was also very nice, they tried to explain to me what would happen if I did decide to change my plea. My defendants did all they could to try and help me in trying to understand the process I was going through and the court process that I was fixing to go through.

When I first met my defendants I was very nervous, I didn't know what to expect. I thought that they would think the worst of me when, but actually they thought of me as a friend, not as some "hard criminal." I really appreciate them thinking of me as someone they knew and liked. I also thought the prosecution was going to dislike me even more. They are were all so nice and very friendly. I am very impressed with the way they treated me.

After I met my defenders we dicussed what could possibly happen if I was to plea differently than I had already chosen. We discussed what the arraignment was about and that we had to go through a plea bargaining before we went to the arraignment. They said if they couldn't come to an agreement with the prosecution then I could possibly have to go trial. I did not want to go trial because I wanted to get this over with as soon as possible. Any way, during the plea bargaining I decided to go through an anti shoplifting class which I thought would really help me. I plan never to do this again and I really regret ever doing it. The class was part of my punishment, which wasn't really a punishment. It was to help me to see what I have done was wrong and that I as well as everyone else should never do.

I talked to my friends which the incident occurred with, and asked them what they thought about youth court. They said that it was a great idea and more people should know about it.

When we went to court I was nervous I didn't know what to say or how to approach the judges. But they worked with me and told me that there was nothing to worry about, boy was I relieved. During the arraignment I learned a little bit more about what really goes on in a court room. Since I have never been to court I didn't know how to act. I didn't tell my mom at first because like I said I was very embarrassed and didn't want anyone to know about what had happened. I told my Aunt because I thought she would be able to handle it a little better. My mom always throws things out of proportion. When I did eventually tell her she made me feel like I should have never told her in the first place. But the people involved in Youth Court did not make me feel ashamed of myself, they actually made me feel a little better, because I knew I wasn't going to jail.

When I heard what could have happened to me if I had chosen to go through an adult court. I am very glad that I don't have to pay all of those unwanted fines and that I didn't have to go to jail. I would hate to be an ex-con at the age of 19 or 20.

I think everyone who needs someone when they get in trouble with the law should know about Youth Court, that doesn't mean to go and get into trouble before your 18 so you can get off the "hook", but if anyone is ever in need of legal assistance then they should learn about Youth Court. It can be very helpful to those who really need them, guilty or not.

Thanks again for all of your help.

11 year old

This person  
didn't cooperate  
originally when  
assigned to the  
intensive community  
work service so  
was re-assigned to  
regular CW

My responsibility regarding this  
offense involves lots of things.  
Making sure I get to my community work service  
on time, and make sure I listen to the staff who  
tell me what I have to do, and get along with  
the peers around me and do not skip a day of  
community service. Do not talk back to the  
staff or anyone, and do not complain about  
having to work or about that it's cold or my  
best one breathing. When I get 30 hours of  
community work service I have to be responsible  
about doing my 600 word essay, and getting it to  
Alec on time, and if they say it's not good  
and they want it to be better I will listen  
to what they say and do it without any  
brags or questions.

This offense has affected all  
parts of my life.  
It affects me pretty bad because it makes me  
look like a bad person but still, I'm happy because  
my friends and family are helping me. I think it  
affects my mom real bad because she has to  
put up with it and has to write up a real card  
and take me to where I have to go and  
and pick me up even if she is doing something.  
It humiliates all the people's business who  
and they are probably angry and  
sad because they want make all their money they  
thought they would. I can't get them out of  
my mind and they want work to make a living  
and they can't have no money to pay their bills.

What I've learned from all this is that breaking the law does not pay off, all it does is hurt you and your family, and you have to pay the price. You could go to jail or do community work serves, and if you don't listen to the judge, you can have more hours or more days. If you have a attitude, you will start picking up trash and that's no funny. When you refuse to go to community work serves you will have to go to a real court and you can get sentenced up to two years like jail or community work service and it will be on your record the rest of your life.

Participating in Ancho Youth court was an interesting experience.

I thought that I was treated good, I got what I deserved, but it is not fun, having to pick up trash, it is sick and dirty. It was hard to deal with what I did and having to do community work serves, I did not like my sentence but I thank God because my mom and my family and friends helped me through it. If I take the right way by dealing with what I did and listening to my mom and other people that I don't want to take the wrong path, but the right one that will lead me to a better time and then tell other people what it will do and help them to be the right path and tell them to take the right path and tell them to hang out with who not to and tell them to listen to their Mom and Dad and family and police men and if someone tells them to do something wrong or against the law, tell someone about it and tell the person it's wrong.

and I'm Not going to Mess up My  
life and walk away.

Last page of last  
essay. wouldn't  
fit in fax  
CP

The people at AYC were so  
nice to me even after I was bad.

I would like to thank them for being nice to  
me. I won't ever get into trouble again.

I really am sorry for all the trouble I've  
caused everyone that's been involved with

me. I won't ever get into trouble again.

I really am sorry for all the trouble I've  
caused everyone that's been involved with  
the trouble I've been in, please tell them  
I'm sorry and I won't ever do that again.



**Anchorage Youth Court**  
P.O. Box 102735  
Anchorage, Alaska 99510 (907) 274-5986

March 7, 1991

RE: LETTER OF SUPPORT  
FEDERAL JUSTICE INSTITUTE GRANT APPLICATION  
AYC/ASD JOINT PROJECT

To the Following:

Debra Brandwein	Curriculum Development
Dennis Cummings	AYC Class Teacher
Dorothy Cyrus	Anchorage Police Dpt.
Michaela Giesler	Juvenile Intake
Judge Rene Gonzalez	Judicial System, Superior Court
Debra Gravo	Curriculum Development
Master Wm. Hitchcock	Judicial System, Children's Court
Richard Illgen	AYC Class Teacher
Pat Kennedy	Alaska Bar Association, President
Senator Jay Karttula	Sponsor, SCR #5, 1991
Bob Mahoney	Anchorage Bar Association, President
Deborah O'Reagan	Alaska Bar Association, Exec. Dir.
Mike White	Anchorage Bar Assoc / Young Lawyers Section

- \* The enclosed abstract is included to give you a clearer idea of the project.
- \* The enclosed "blurb" is to be used as a basic sample, but please re-write, using your own words.
- \* The letter should be on your letterhead, if at all possible.
- \* Please address your letter to: David Tezlin, Executive Director  
State Justice Institute  
120 Fairfax Street  
Alexandria, Virginia 22314
- \* By Thursday, March 14, please send your letter to: Sharon Leon, AYC Coordinator  
PO Box 102735  
Anchorage, AK 99510-2735

Thank you very much for your continued support. If you have questions, please call us at 274-5986.

Sincerely

Sharon Anderson Leon

Letter blurbs

I am writing to support and endorse in the strongest possible terms the Anchorage Youth Court Expansion and Demonstration Project. Youth Court has provided an outstanding service to our community by introducing an innovative and resoundingly successful alternative to the courts for young offenders. Youth Court also has created an opportunity for hundreds of young citizens to learn, through actual trials, the importance of a sound and fair judicial system. Youth Court has made it possible for high school and junior high students to work closely, in a meaningful settings, with the excellent attorneys, judges, court personnel, and law enforcement officials who volunteer their time and talent.

Importantly, Youth Court is more than a powerful and innovative program for civic education. The core and real excitement of Youth Court lie in its authority. Members of the YC Bar actually arraign, try, and sentence adjudicated youth as peers. The implications for growth in character, as well as for remediation of young offenders, are exciting indeed.

Blythe Marston, the A Young Lawyers, and a cadre of other outstanding and creative professionals have dedicated much in terms of hours, dollars, and energies to Youth Court. The time has arrived to demonstrate the further innovations possible through this program model; to develop an even higher level of excellence; to introduce expansion and alternative dispute resolution as a further deterrents to crime and as further relief for our overburdened courts. It also is time to share the Youth Court success model with other communities across the state and across the nation. The project proposed is sound, it is exciting, and it is viable. I urge your very careful consideration of the grant, and would ask that you support this exemplary program.

As part of the project proposed here, I will be pleased to continue contributing an estimated \_\_\_\_\_# hours/days to \_\_\_\_\_(do what) in Youth Court, as well as (loan video equip., give space, etc.) I also will \_\_\_\_\_, blah, and blah as part of the expansion and new innovations (for example, whoever will do NITA training, bless their volunteer hearts, should write a letter and so specify. That letter might also confirm the impt. of the video set-up we put into the grant).

Again, thank you for your warm consideration of an extremely worthy and unique project. I will support the objectives of the project, and will ----- . If you have questions, please do not hesitate to call me at \_\_\_\_\_.

**Anchorage Youth Court Demonstration and Expansion Project****ABSTRACT**

Anchorage Youth Court (AYC) is a nonprofit corporation which works in partnership with the Anchorage School District (ASD) to provide an innovative and effective trial and sentencing system as an alternative to the state court system for first time juvenile offenders. Founded in 1988 and supported primarily through the volunteer efforts of Anchorage attorneys and judicial personnel, Youth Court is an actual court in which the roles of attorneys, judges, bailiffs, clerks and jurors are filled by youth between the ages of twelve and eighteen. Youth court allows adjudicated young people in seventh through twelfth grade to be tried by their peers rather than by the state courts and to resolve their problems with the law without receiving a criminal record.

In addition to relieving the court system of a portion of the burden and expense of proceedings for these young offenders, Youth Court provides sure and timely action for first time offenders, obviates the problem of legal counsel for these offenders, and creates an unprecedented opportunity for high school students in the "Youth Court Bar Association" to participate as citizens while gaining meaningful, hands-on learning about our legal system.

The AYC Expansion and Demonstration Project will strengthen and expand the Anchorage Youth Court partnership model for long-term local stability and effectiveness, and for state and national dissemination. It will reduce AYC's reliance on volunteers while increasing their effectiveness. The project is designed to use extensive state and national networks to share the model, train others, compile and analyze longitudinal data, and allow other communities nationwide also to institutionalize youth courts as a partnership of the state courts, local bar associations, and local school districts.

To achieve these purposes, the project will introduce several new innovations to advance the mission of Youth Court, pilot new training models for teachers and students to strengthen Youth Court, and produce accessible curriculum and handbook materials to allow replication of this exciting model. The project's broad goals and methods for achieving these goals are:

**I. Strengthen Youth Court for long-term stability and effectiveness.**

- A. Create an innovative high school curriculum using the training modules developed by Youth Court's volunteer attorney trainers, in Constitutional Law, Criminal Law, Criminal Procedure, Evidence, Trial Advocacy, and Ethics.
- B. Provide hands-on trial training for students and teachers based on the National Institute for Trial Advocacy.
- C. Expand AYC's referral base to include non-traditional sources.

**II. Pilot two new programs as additional alternatives to the traditional court and sentencing models.**

- A. Use mediation as an early intervention in disputes which might otherwise lead to litigation or criminal violations.
  - Provide professional mediation training for students and teachers.
  - Explore and offer cross-cultural mediation models.
  - Offer mediation services as early intervention to avoid crime or litigation
- B. Expand creative sentencing alternatives for juvenile offenders.

**III. Disseminate the Anchorage model locally, statewide, and nationally.**

- A. Produce and disseminate a comprehensive Youth Court handbook.
- B. Conduct "training of trainers" on the state and national levels.
- C. Use the state and national professional networks, conferences, and publications.
- D. Conduct a national Youth Court Institute, in August 1993, to disseminate the results of the demonstration and the products of the project to other communities nationwide.

**IV. Determine the long-term impact of Youth Court.**

- A. Track participation by students, teachers, and law volunteers.
- B. Conduct longitudinal studies on referral patterns, recidivism, case disposition, the deferring effects of mediation, and referral sources.
- C. Evaluate the impact of Youth Court innovations in the schools.

3/4/91 draft

The project will increase Youth Court's ability to develop in youth an awareness and respect for their legal responsibilities to society. Strengthening and expanding Youth Court will afford young people the opportunity to play a positive and meaningful role in the administration of justice among their peers. Through the project, Youth Court will be able to extend its ability to lighten the burden on the state court system and to provide timely justice for juveniles. The expansion of Youth Court's referral base, the provision of NITA-modeled training, and the introduction of alternative sentencing will enlarge Youth Court's capacity to handle more cases and to provide better judgments.

The addition of mediation as a Youth Court service will open new frontiers for alternative dispute resolution and early intervention to prevent many cases from ever reaching the court system. The innovative and authentic curriculum will reach thousands of high school students in years to come, and will provide law-related education which is directly relevant to the workings of our legal system. Longitudinal research provided through the project will provide valuable data on the real-life impact of the Youth Court model on the courts, on juvenile recidivism, and on civic education. Finally, the project provides for the development of materials and training models for the practical replication of the Anchorage Youth Court model in communities nationally. In conjunction with the American Bar Association's Special Committee on Youth Education for Citizenship, Youth Court will sponsor a national Institute to disseminate its findings and products, and to train community representatives in establishing youth courts.

# Alaska State Legislature

Legislative Research Agency



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Juneau, AK 99811-3100  
Phone: (907) 165-3881  
Fax: (907) 163-3351

October 25, 1990

## MEMORANDUM

TO: Senator Jay Kerttula

FROM: Maureen Weeks <sup>MW</sup>  
Legislative Analyst

RE: Teen Courts in Alaska and Other States  
Research Request 90.364

You asked for information about teen courts (courts in which young defendants charged with minor offenses appear before juries of their contemporaries). This memorandum begins with information about teen courts in general and continues with brief descriptions of teen courts in Anchorage, Alaska; Hillsborough County, Florida; Denver, Colorado; Odessa, Texas; and Pasco County, Florida. For comparison, selected characteristics of the five model courts are presented in the attached table.

### Background

Most youthful, first-time offenders who commit misdemeanors do not go to court, do not appear before a jury and are not sentenced by a judge. Instead, they receive a letter warning them not to offend again and they may be ordered to attend several hours of class for shoplifters or substance abusers. Teen courts are an effort to change this. They replace the "slap on the wrist" of a letter with the intimidating formality of a court appearance. Furthermore, they ask young people to appear before juries composed of other young people--tribunals which juvenile justice experts say tend to be harder on young offenders than adult jurors would be. By giving young, first-time offenders a glimpse of "real life" before judge and jury, these courts function as juvenile diversion, early intervention programs. Their purpose is to stop the progress from misdemeanor to felony by asking young offenders to take responsibility for their acts and accept sanctions determined by their peers.

Teen courts are composed of student volunteers who act as jurors and sometimes lawyers, clerks and bailiffs. Most are conducted by volunteer adult judges. Cases are generally screened. Defendants may be referred by the police, school officials, judges and, sometimes, private businesses. Most cases involve petty crimes. Teen courts are not recognized as courts of original or appellate jurisdiction.

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Although the five courts we have chosen as models for discussion in this memorandum differ in many ways, all offer teen-age defendants the right to trial by their peers--defined in these courts as trial by one's contemporaries. Three carry this principle further by also using young people as prosecutors, defense lawyers, clerks and bailiffs. One (the Anchorage Youth Court) expands the concept to its fullest by allowing students to preside as judges.

All five teen courts hold their proceedings in local courtrooms to impress upon defendants that the session is "real." How court is conducted varies, however. For example, while the East Pasco Juvenile Court stresses the authenticity of the hearing by seating teens as jurors in regular juvenile court proceedings (presided over by a sitting judge and argued by actual prosecutors and public defenders), the Anchorage Youth Court asks teen-age defendants to accept verdicts and fulfill sentences determined solely by what many young people consider the most formidable of forums--other teen-agers.

The role of the jury also varies with the court. Three of the five courts we studied accept only defendants who are willing to admit guilt. In these courts, the teen-age jury hears arguments before determining an appropriate sentence. Two teen courts, however, allow not-guilty pleas. In one (East Pasco County Juvenile Court), young jurors recommend a verdict and, where appropriate, a sentence to the sitting juvenile court judge. In another (Anchorage Youth Court), young people are allowed much more authority. Here, after listening to arguments by youthful prosecutors and defense lawyers, teen juries determine a verdict and teen judges pronounce sentence.

Teen courts differ from each other in other ways. The Odessa Teen Court, begun in 1983 and the oldest of the courts we studied, emphasizes family responsibility by requiring parents of teen-age defendants to attend parent training workshops. The Denver Teen Court, which opens next month, is designed to replace school suspension and expulsion (which many students perceive as rewards) with community service and restitution. The Hillsborough County Teen Court stresses a variety of sentencing options by allowing student jurors to impose modified house arrest and restrict a defendant's driving privileges.

The advantages of teen courts are several. First, they place young, first-time misdemeanants before a court, a forum they take seriously. Second, they allow young people to be tried and sentenced by juries of their peers. Third, they allow defendants to pay their debts to society without incurring criminal records. Fourth, sentences by youth courts encourage a sense of responsibility by stressing redress to the community. Fifth, teen courts allow young people--defendants and court officials--to learn court proceedings first hand. And sixth, teen courts reduce the volume of cases brought before regular juvenile courts.

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## Teen Courts

### Anchorage Youth Court

Contact: Blythe Marston  
Chair, Youth Court Advisory Committee  
Bogle & Gates  
907-276-4557 or

Sharon Leon, Coordinator  
Anchorage Youth Court  
274-5986 (between 1 p.m. and 5 p.m.)

The court is composed of middle school and high school students (ages 12 to 18) who volunteer as judges, jurors, bailiffs, clerks, prosecutors and defense attorneys. To be eligible to sit on the court, students must attend an eight-to-ten week class and pass a Youth Court Bar Examination. About 100 students are members of the bar, with another 200 in preparation classes where they are taught constitutional law, criminal law and procedure, ethics and advocacy. Legal advisors prepare student prosecutors and defense lawyers before their cases go to trial.

Judges are elected by members of the Youth Bar Association. They must have argued twice as prosecutors and twice as defense attorneys. The chief judge and assistant chief judge must have served at least once as associate judge.

Defendants, who are also between the ages of 12 and 18, are usually first offenders charged with petty crimes. They have been referred through the juvenile probation department, but they may be referred by other organizations, such as a store alleging shoplifting. Defendants and their parents must agree to allow the Youth Court to hear the case. Court proceedings insure them the right to be represented by a lawyer, the right to trial by jury, the right to cross-examine witnesses, the right against self-incrimination and the right to appeal.

At arraignment, defendants may plead guilty or not guilty. Student jurors and judges hear arguments before they determine the verdict and set the sentence.

Offenses include petty crimes, but the Youth Court has also heard felonies and civil suits.

Sentences include community service and restitution. A defendant who wishes to appeal a verdict or sentence must submit the appeal within three days of the sentence. Once a sentence is served satisfactorily, the record is expunged.

Miscellaneous: This court is the most developed of teen courts we studied. It is the only court in which students serve as judges, the only court in which student lawyers argue cases for defendants who have pleaded not guilty, and the

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only court which requires students to pass a bar examination before qualifying to sit on the court.

The court has heard between 30 and 40 cases in the three years it has existed. (Juvenile probation officers have begun to refer cases increasingly frequently, according to Ms. Marston.) Trials are conducted at the Anchorage Courthouse in the evening.

The court is administered by two groups. A 16-member administrative board of lawyers, judges, police officers and students meets quarterly to oversee funding. This board is composed equally of adults and students. In addition, the Anchorage Youth Court Bar Association, composed of students who have passed the bar examination, meets weekly. The court was originally funded solely by the Anchorage Bar Association. Recently, funds have been appropriated from the Interest On Lawyers' Trust Association (IOLTA) funds. Private individuals also contribute to the court.

We will send under separate cover an Anchorage Youth Court video tape of the case of *State v. Pat O'Shea*, in which the defendant is accused of "minor assault" the night of March 23, 1989, after an evening of dancing at the Flaming Turban. The tape shows a three-judge panel presiding with youthful lawyers arguing before an attentive jury in procedures modeled after state court proceedings.

#### Hillsborough County, Florida

Contact: Bob Sleczkowski,  
Director, Juvenile Services,  
Thirteenth Judicial Circuit, Florida  
813-272-5110

The court is composed of students from area high schools who volunteer to serve as prosecutors and defense attorneys, as well as bailiffs, court clerks and jurors. They must complete a three-hour orientation and training before they are allowed to participate on the court.

The judge is a volunteer from the Young Lawyers Association.

Defendants, who are between 13 and 17 years old, participate voluntarily in teen court. No defendant appears before court officials from his or her own high school. Defendants are referred by the police through the state's attorney. First-time misdemeanants who do not qualify for teen court hearings may go to juvenile arbitration.

Defendants are required by statute to plead guilty. Jurors hear arguments and decide the sentence.

Offenses heard in teen court include school offenses (e.g. battery, trespassing) and alcohol offenses.

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Sentences last for five weeks. They include community service, modified house arrest, driver's license restriction, attendance at Alcoholics Anonymous meetings, written apologies, essays and jury duty. Sentences must be served exactly as determined by the teen court. After five weeks, the director of juvenile services rehearses the case and, if the sentence is completed satisfactorily, the record is expunged.

Miscellaneous: The Hillsborough County teen court was established in March 1990. It meets Tuesday and Thursday nights in a county courtroom. Four cases are heard each night. Nineteen area high schools participate in teen court on a rotating basis (each school sends a teen court once every six weeks). Adult staff includes the teen court coordinator, counselor, a secretary and director of juvenile services for the Thirteenth Judicial Circuit.

#### Denver, Colorado

Contact: Jan Church  
Chair, Teen Court Advisory Board  
1700 Lincoln, Suite 4100  
Denver, Colorado 80203  
303-861-7000

The court is composed of students who volunteer to serve as jurors and prosecutors and defense attorneys.

The judge is a volunteer retired judge.

Defendants are students in trouble in middle school and high school who have committed acts for which they would be suspended or expelled from school (but not serious enough to warrant a criminal charge). They participate in teen court voluntarily, although court organizers ask school principals to "strongly encourage" young people to choose teen court over traditional punishments which keep them out of school.

To appear in court, a teen must sign a contract admitting guilt. Jurors hear arguments and set the sentence.

Offenses heard by teen court include stealing, fighting, trespassing and possessing alcohol on campus.

Sentences include community service, apology to the victim and restitution. Those who do not comply with the teen court sanction are referred to the school or the police department.

Miscellaneous: The purpose of this program is to replace traditional negative school punishment, such as suspension and expulsion, with sanctions which keep the student in school and encourage him or her to serve the community. It is an attempt to intervene before students commit more serious offenses for which

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they will be charged. Teen court, sponsored by the Denver Bar Association, holds its first hearing in November 1990. This court replaces a teen court begun in the 1970s and disbanded in the mid-1980s.

Odessa, Texas

Contact: Natalie Rothstein  
201 N. Grant  
Odessa, Texas 79761  
415-333-3641

The court is composed of teen-agers who volunteer to act as jurors, bailiffs, clerks, prosecutors and defense lawyers. A master jury trained in interview and assessment skills hears traffic cases; other juries hear miscellaneous cases. Student court officials are trained during pre-trial and post-trial meetings with the judge and the teen court director.

The judge is a volunteer retired district court judge.

Defendants are referred by police, local courts, the justice of the peace courts and the schools. They participate in teen court voluntarily. No defendant may go through the teen court twice.

To qualify for teen court, defendants must plead guilty. Jurors hear arguments before determining the sentence.

Offenses heard in teen court include traffic offenses and Class C and B misdemeanors, including some drug possession cases.

Sentences include community service and jury duty. Alcohol or drug offenders must take a chemical abuse workshop. The parents of all offenders must take a parenting workshop. If the sentence is satisfactorily completed, the record is labeled "dismissed through Teen Court."

Miscellaneous: The Odessa Teen Court was established in November 1983. It meets every Tuesday night in the county courthouse, with seven juries hearing 21 trials. One "master jury" hears 15 traffic cases each night, while six other juries hear other cases. Parent participation is mandatory. Parents must be present at the initial interview with the teen court director, as well as at the trial. In addition, parents must attend three-hour parenting workshops, taught by the court director and by her husband, a professor at the University of Texas. The director says this parent training is vital to the program's success. The program is sponsored by the Junior League of Odessa. Two-thirds of the program's funding is from the city council and one-third is from the schools.

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Pasco County, Florida

Contact: Judge Lynn Tepper  
East Pasco Juvenile Court  
813-996-7341

The court is composed of students from the local high school (Zephyrhills High School). Jurors, selected from the school's law studies class, sit as the jury in actual cases heard by the East Pasco Juvenile Court. Jurors are trained by the law studies teacher, who discusses jury instructions in class, and by the sitting judge, who appears before the class once each semester to discuss the state's juvenile justice system. The judge also asks the state's attorney, the public defender and a pre-trial case worker to speak to the class. During court, jurors sit in the jury box. The trial proceeds as with a non-jury trial, except that all objections by lawyers must be made and argued on the floor where the jurors can hear them. Bench conferences, voir dire and objection to particular jurors are not allowed.

The judge is Circuit Court Judge Lynn Tepper (replacing Judge Maynard F. Swanson, Jr., who began the program).

Defendants are juveniles whose cases are on the regular docket; cases are not screened.

Defendants may plead guilty or not guilty. Jurors recommend the verdict by majority vote and, if the verdict is guilty, jurors also recommend sentencing. (Judge Swanson says his verdict differed from the jury's only once; he attributes that anomaly to his mistake in not properly instructing the jury.)

Offenses include any offense on the juvenile court docket.

Miscellaneous: This is the only court we studied in which jurors serve under a sitting judge. It has received national publicity on both the NBC Today Show and NBC Nightly News.

We attach an article describing the Pasco County Teen Court ("Pasco Juvenile Justice Program Wins National Fame," *Florida Bar News*, May 15, 1990); a description of the Hillsborough County Teen Court ("Teen Court," provided by Bob Sleczkowski, director of juvenile services in Tampa, Florida); and an article describing the Odessa Teen Court (Robert Rothstein, "Teen Court: A Way to Combat Teen-age Crime and Chemical Abuse," *Juvenile & Family Court Journal*, 1987, p. 1-4). In addition, we attach several documents from the Anchorage Youth Court. The documents include step-by-step instructions in how to set up similar courts in other areas ("Anchorage Youth Court: Trial by Peers") and the Anchorage Youth Court Constitution.

I hope this information is useful. If you have any questions, or want additional information, please contact this agency.

## Teen Courts: Comparing Five Models

Jurisdiction	Student Roles in Court	Defendant	Judge	Typical Offenses	Plea	Typical Sentences	No. Cases	Miscellaneous
Hillsborough Cty, Florida	Jurors, lawyers, clerks, bailiffs. Jurors determine sentence.	Age 13 - 17 Referred by police thru state's attorney.	Adult	School offenses; misdemeanors e.g. battery, alcohol	Guilty	Community service, essay, jury duty, house arrest, restricted drivers license, attend AA meeting; write apology. Sentence lasts five weeks.	8/week (program began March 1990)	* Parents must be present at trial.
Denver, Colorado	Jurors, lawyers. Jurors sanction.	Students in trouble at school.	Adult	School offenses only	Admits he/she committed the act.	Community service, apology, restitution.	Begins November 1990	* Purpose: replace suspension (perceived as reward) * Parents required to attend intake, encouraged to attend hearing.
Odessa, Texas	Clerks, bailiffs Jurors determine sentence.	Referred by traffic court or police or school.	Adult	Traffic offenses; Class B and C misdemeanors, including some drug possession).		Community service, jury duty; chemical abuse workshop required for drug-alcohol offenders. Parents must take parenting workshop.	21/week 15 traffic; 6 other	Parent must attend initial interview, court hearing and 3-hour parenting workshop
Pasco Cty, Florida	Jurors participate in regular Juvenile Court. Jurors recommend verdict and sentence.	Cases on Juvenile Court docket.	Juvenile Court judge. Judge can over-ride student verdict	Juvenile Court docket.	Guilty or not guilty	Set by Juvenile Court judge on recommendation by teen jury.	Determined by the judge	* Case proceeds as any non-jury trial, except no voir dire, no juror pre-emption. Objections are argued in presence of jury.
Anchorage, Alaska	Judges, jurors, lawyers, bailiffs, clerks. Judge, jurors determine verdict, sentence.	Juveniles. Usually referred by probation officer.	Student	Misdemeanors, felonies; some civil cases.	Guilty or not guilty.	Community service, restitution.	30 - 40 cases in three years	* Court duty requires 8 - 10 week class and Bar Exam * Civil cases are allowed * Defendants may appeal

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Goodman,  
out authori-  
and fishing

between that and controlling it,  
Walleri said.

TCC has contracted with the  
federal government to gather sub-  
sistence information and biological  
data for more than a year.

Walleri charged that the state  
Department of Fish and Game has  
a poor track record in fish and

cut management of the resources,  
Walleri said.

But he added that Native orga-  
nizations are not trying to push  
out state management altogether.  
"If the state would sit down and  
talk cooperative management like  
agencies in every other state in the  
union there would be no problem."

more, state management contribu-  
tors detailed in his reports was  
from Alaskans.

Young said this week his 1991  
fund raising is not part of any  
grand scheme to target Alaskans in  
order to minimize contributions

Please see Page B-2, YOUNG

## Youngsters take law into their own hands

By JULIA RUBIN  
The Associated Press

Sixteen-year-old Bryan Clark has a pas-  
sionate belief in the criminal justice system,  
especially the part about being tried by a  
jury of one's peers.

"Juveniles in an adult court don't really  
have that," said Clark, a lanky high school  
junior with a red ponytail, who as chief  
judge of Anchorage Youth Court tries and  
passes sentence on real juvenile lawbreak-  
ers.

"It's more effective when someone your  
own age tells you, 'This isn't acceptable  
behavior.'"

Organizers say Anchorage's is the only  
youth court they know of in which teen-  
agers are judges — as well as prosecutors,  
defense attorneys, court clerks and bailiffs  
— in real cases.

"It's a lot of responsibility — we have  
students here that are 12 years old actually  
taking responsibility for someone's constitu-  
tional rights," said Clark, who has ordered  
young offenders to pay hundreds of dollars  
in restitution or do hours of community  
service.

Cases are assigned to Youth Court, with  
offenders' consent, by state juvenile intake  
officers, who have gotten the cases from



Youth Court (Associate Judge Jesse Kehl, left, and Chief Judge Bryan Clark pass judgments on real juvenile offenders sent to them by the state court system.

police and troopers.

Intake officers say they look for cases  
with first-time offenders who might be  
largely ignored in the regular juvenile sys-  
tem, swamped as it is with more serious  
claims and repeat offenders.

"It's a great program for catching the  
kids that would otherwise fall through the  
cracks in the system — the kids who  
basically have their life together but they  
make one disastrous error in judgment,"  
said Nancy Cooper, a juvenile intake officer  
with the state Division of Family and Youth  
Services, which handles about 130 cases a  
month.

The division has sent 50 to 60 cases over  
three years to Youth Court. One defendant  
was 7 years old.

At first, those cases were mainly vandali-  
sm and shoplifting; now Youth Court's  
menu has lengthened to include more seri-  
ous charges like misdemeanor assault, and  
felonies like burglary and auto theft.

Of the cases it has heard, only two  
defendants have gotten in trouble again  
with the law. Law enforcement and legal  
experts say that's a good record even for  
first-time offenders.

Please see Page B-2, COURT

## COURT: Youngsters take courtroom duties seriously

Continued from Page B-1

"I see an awful lot of youth come in and out of the court system," Anchorage Superior Court Judge Rene Gonzalez said about why he helped found Youth Court and now sits on its administrative board.

"With the pure volume of shoplifting and vandalism involving youth, (many cases) probably would go by the wayside and the people would never be held accountable for their conduct."

Kids and adults involved in Youth Court agree that the teen-age judges are tougher on offenders than the regular juvenile system would be, even though they cannot assess any fines but restitution or order anyone to jail.

Some defendants get community service; others are ordered to write essays or take anti-crime classes. If the sentence is completed, it stays off the offender's formal record, Cooper said.

"They won't take any bunk — they know what's going on," Anchorage attorney and Youth Court founder Blythe Marston said of the judges. "But they also know the pressure that students are under."

Marston began organizing Anchorage Youth Court in

1988, modeling it after a teen court in Ithaca, N.Y. That program, however, had adult judges, Marston said. She wanted to give the students more autonomy.

In the past few years, the program has been largely funded by the Alaska and Anchorage bar associations, donations and student fundraisers.

Participants say Youth Court has shown that children listen harder to each other than they do to adults.

"If a 65-year-old judge is sitting up there saying you did the wrong thing, it doesn't carry as much weight with a teen-ager as if someone their own age says, 'You messed up,'" said 15-year-old Jesse Kiehl, a Youth Court associate judge.

Youth Court is open to seventh- to 12th-graders. Their numbers have skyrocketed: from the initial 11 students who helped found Youth Court to more than 400. Nearly 150 passed the latest Youth Court mock bar exam.

Some in the program admit that children in trouble with the law may sometimes see them — often lawyer wannabes thinking ahead to college-application time — as brains and nerds.

Since Youth Court is part of the juvenile justice sys-

tem, it won't divulge defendants' names for interviews.

But Clark and others swear there is no such social chasm. Several defendants became so interested in the proceedings that they later joined Youth Court to be attorneys.

Defendants and their attorneys can't have known each other or even go to the same school. Youth Court students seem to take such ethical considerations seriously.

"I've gone to parties and seen kids that I've defended — kids I've liked and thought, we'd probably be friends if we met under different circumstances," said Jessica Slama, a 17-year-old Youth Court attorney from Service High School.

Slama said she has learned confidence, public speaking and loads about the judicial process.

Youth Court has videotapes to help teach courtroom procedure and an adult adviser watching proceedings. Trials and hearings are

held in state courtrooms; the judges wear robes.

Slama admits being "clueless and terrified" her first time as a defense attorney. Her 12-year-old client looked nervous, and so did his parents.

But she said her confidence has grown with each trial, and she feels she is really helping someone.

"And they know, hey, I'm not a professional," said Slama. "I'm 'ust a kid who's doing my best."

Some Youth Courters say the experience has convinced them they don't want a career in law after all.

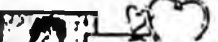
Clark, the chief judge, still has zeal.

"It becomes a way of life," said the Steller Alternative School student, who has an after-school job shelving books at the Anchorage Law Library.

"I've just become fascinated with justice."

As for his future, he says: "It's looking to be my first choice as of this time, but of course I don't want to lock myself into it or anything."

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ing efficiencies such as prompter tax collections  
Recipients will be up to 2 million jobless in all states who have used up their initial 26 weeks of benefits by July 4 and who have also exhausted the extended benefits approved by Congress in late 1991. A yes vote was to pass the bill.  
Don Young voted yes.  
**SENATE**  
**TO PASS JOBLESS BILL** By a vote of 94 for and 2 against, the Senate sent the White House the bill (HR 4095) providing 13 additional weeks of unemployment checks at a projected onetime cost of \$2.7 billion. A yes vote supported the added jobless benefits.  
Alaska Republican senators Frank Murkowski and Ted Stevens voted yes.  
**ENERGY ISSUE** By a vote of 57 for and 39 against, the Senate killed an amendment using the regulatory approach to increase domestic production of motor vehicle fuel including "alternative" fuels such as methanol.  
The amendment was proposed to a pending energy bill (S 1220). It set regulations to lessen dependence on foreign oil, including safeguards against OPEC pricing tactics that undercut America's development of gasoline alternatives. The measure drew flak from the domestic oil industry, which argued it got in the way of free-market solutions. A yes vote was to kill the amendment.  
Murkowski voted yes. Stevens did not vote.  
\* Copyright, 1991, Thomas Reports Inc

**MEAT  
LOVER'S<sup>®</sup>  
MONDAY**

Juneau Empire  
2/11/91

# Teen court: Some juveniles get justice at hands of peers

By JULIA RUBIN

THE ASSOCIATED PRESS

**ANCHORAGE** - Sixteen-year-old Bryan Clark has a passionate belief in the criminal justice system, especially the part about being tried by a jury of one's peers.

"Juveniles in an adult court don't really have that," said Clark, a lanky high school junior with a red ponytail, who as chief judge of Anchorage Youth Court tries and passes sentence on real juvenile lawbreakers.

"It's more effective when someone your own age tells you, 'This isn't acceptable behavior.'"

Organizers say Anchorage's is the only youth court they know of in which teen-agers themselves are judges - as well as prosecutors, defense attorneys, court clerks and bailiffs - in real cases.

"It's a lot of responsibility - we have students here that are 12 years old actually taking responsibility for someone's constitutional rights," said Clark, who has ordered young offenders to pay hundreds of dollars in restitution or do hours of community service.

Cases are assigned to Youth Court, with offenders' consent, by state juvenile intake officers, who have gotten the cases from police and troopers.

Intake officers say they look for cases with first-time offenders who might be largely ignored in the regular juvenile system, swamped as it is with more serious claims and repeat offenders.

"It's a great program for catching the kids that would otherwise fall through the cracks in the system - the kids who basically have their life

together but they make one disastrous error in judgment," said Nancy Cooper, a juvenile intake officer with the state Division of Family and Youth Services, which handles about 130 cases a month.

The division has sent 50 to 60 cases over three years to Youth Court. One defendant was as young as 7.

At first, those cases were mainly vandalism and shoplifting; now Youth Court's menu has lengthened to include more serious charges like misdemeanor assault, and felonies like burglary and auto theft.

Of the cases it has heard, only two defendants have gotten in trouble again with the law. Law enforcement and legal experts say that's a good record even for first-time offenders.

"I see an awful lot of youth come in and out of the court system," Anchorage Superior Court Judge Rene Gonzalez said about why he helped found Youth Court and now sits on its administrative board.

"With the pure volume of shoplifting and vandalism involving youth, (many cases) probably would go by the wayside and the people would never be held accountable for their conduct."

Kids and adults involved in Youth Court agree that the teen-age judges are tougher on offenders than the regular juvenile system would be, even though they cannot assess any fines but restitution or order anyone to jail.

Some defendants get community service; others are ordered to write essays or take anti-crime classes. If the sentence is completed, it stays off the offender's formal record, Cooper said.

"They won't take any bunk - they know what's going on," Anchorage attorney and Youth Court founder Blythe Marston said of the judges. "But they also know the pressure that students are under."

Marston began organizing Anchorage Youth Court in 1988, modeling it after a teen court in Ithaca, N.Y. That program, however, had adult judges, Marston said. She wanted to give the students more autonomy.

In the past few years, the program has been largely funded by the Alaska and Anchorage bar associations, donations and student fundraisers.

Participants say Youth Court has shown that kids listen harder to each other than they do to adults.

"If a 65-year-old judge is sitting up there saying you did the wrong thing, it doesn't carry as much weight with a teen-ager as if someone their own age says, 'You messed up,'" said 15-year-old Jesse Kiehl, a Youth Court associate judge.

Youth Court is open to seventh- to 12th-graders. Their numbers have skyrocketed: from the initial 11 students who helped found Youth Court to more than 400. Nearly 150 passed the latest Youth Court mock bar exam.

Some in the program admit that kids in trouble with the law may sometimes see them - often lawyer wannabes thinking ahead to college-application time - as brains and nerds.

Since Youth Court is part of the juvenile justice system, it won't divulge defendants' names for interviews.

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state's chief procure- at general services. In- the position, which re-

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72 files  
72 files  
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SCR

19

# HOUSE COMMITTEE REPORT

(7)

Date Referred: February 3, 1992

FURTHER REFERRALS:

Date of Committee Action: 3-4-92

The JUDICIARY Committee considered:

CSSCR 19(STA)

CS FOR SENATE CONCURRENT RESOLUTION NO. 19(STA)

AGE-RELATED DISCRIM. IN AK

Relating to enforcement of state laws prohibiting age discrimination in employment.

RECOMMENDATIONS: [ ] the same title  
 be replaced with \_\_\_\_\_ [ ] a new title

[ ] have attached amendments(s)

do pass

[ ] do not pass

[ ] no recommendations

[ ] individual recommendations

[ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(s): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

[ ] fiscal impact \_\_\_\_\_

[ ] fiscal note(s) \_\_\_\_\_

[ ] zero fiscal note \_\_\_\_\_

zero fiscal note(s) Legis. Affairs Agency

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>J. Lewis</i>	X				
<i>Frank M...</i>	✓				
<i>Mark ...</i>	X				
<i>...</i>	-				
<i>Kevin ...</i>	✓				
<i>W. ...</i>	X				

\_\_\_\_\_  
 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO: CSSCR 19(STA)

Revision Date: \_\_\_\_\_  
Title: Relating to enforcement of state laws prohibiting age discrimination in employment.  
Sponsor: Senator Kerttula  
Requestor: House State Affairs

Department Affected: Legislative Affairs Agency  
BRU: All  
Component: \_\_\_\_\_

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
<b>OPERATING</b>						
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0
<b>CAPITAL</b>	0	0	0	0	0	0
<b>REVENUE FUND SOURCE</b>	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE						
<b>TOTAL</b>	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Pamela A. Stoops, Director  
Division: Administrative Services

*Pamela A. Stoops*

Phone: 465-3850  
Date: 1/28/92

Approved By: Warren W. Endicott, Executive Director  
Agency: Legislative Affairs Agency

*Warren W. Endicott*

Date: 1/28/92

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov. , & Impacted Agency(ies).



# Alaska State Legislature

## SENATE

Official Business

P.O. Box V  
State Capitol  
Juneau, Alaska 99811

### MEMORANDUM

**TO:** Representative Dave Donley  
Chair, House Judiciary Committee

**FROM:** Senator Jay Kerttula JK

**SUBJECT:** SCR 19 and SJR 24- relating to Age Discrimination  
in employment

**DATE:** February 5, 1992

I would appreciate it if you would schedule SCR 19 and SJR 24 for hearing.

SCR 19 requests that the Governor direct the State Commission for Human Rights to "vigorantly" enforce state laws pertaining to age discrimination in employment.

SJR 24 requests that President Bush direct the Equal Employment Opportunity Office to vigorously enforce the Age Discrimination in Employment Act.

Although Alaska has always been a "young" state, our older population has more than doubled in the past decade and is one of the fastest growing age groups in the state. Additionally, Alaska has one of the most rapidly growing senior populations in the nation.

However, participation in the workforce by older Alaskans has been declining. Age-related stereotyping and age discrimination, a recessive economy, and a widespread lack of understanding about the employment needs and capabilities of older persons are a few of the reasons for this.

The age group of 55-62 year olds can be especially vulnerable in terms of experiencing age discrimination in employment and yet are too young to be eligible for Social Security, Medicaid, Longevity Bonus and other age-limited benefits that help other seniors who are unemployed.

Additional information is enclosed and I urge your favorable consideration of this request.

JK:pt  
enclosures

# Alaska State Legislature

Sen. Jay Kerttula, Co-Chairman  
Sen. Pat Pourchot, Co-Chairman

Sen. Al Adams  
Sen. Jim Duncan  
Sen. Lyman F. Hoffman  
Sen. Dick Shultz  
Sen. Rick Uehling

## Senate Finance Committee

State Capitol  
Juneau, AK 99801-1182  
(907) 465-1200  
(907) 463-3066 Fax

Box 1009  
Palmer, AK 99645  
(907) 376-2675  
(907) 376-0315 Fax

### SPONSOR STATEMENT CS Senate Concurrent Resolution 19

CS Senate Concurrent Resolution requests that the Governor direct the State Commission for Human Rights to "villigantly" enforce the Age Discrimination In Employment Act.

Although Alaska has always been a "young" state, our older population has more than doubled in the past decade and is one of the fastest growing age groups in the state. Additionally, Alaska has one of the most rapidly growing senior populations in the nation.

However, participation in the workforce by older Alaskans has been declining. Age-related stereotyping and age discrimination, a recessive economy, and a widespread lack of understanding about the employment needs and capabilities of older persons are a few of the reasons for this.

Those individuals 55-62 years of age can be especially vulnerable in terms of experiencing age discrimination in employment and yet are too young to be eligible for Social Security, Medicaid, Longevity Bonus and other age-limited benefits that help other seniors who are unemployed.

Branch Office:  
3601 C St., Ste. 260  
Frontier Bldg.  
Anchorage, AK 99503  
(907) 563-5654  
FAX: 562-3040



Main Office:  
P.O. Box 110209  
Juneau, AK 99811-0209  
(907) 465-3250  
FAX: 465-4716

## Older Alaskans Commission

### POSITION PAPER

#### CS FOR SENATE CONCURRENT RESOLUTION NUMBER 19

"Relating to enforcement of state laws prohibiting age discrimination in employment."

The Older Alaskans Commission strongly endorses this resolution, for the very reasons so eloquently stated on the face of the resolution. The resolution requests that the State Commission for Human Rights "vigilantly enforce" our existing state laws which prohibit age discrimination in employment situations.

A resolution passed unanimously by the Congress of Senior Delegates at the 1990 Alaska Conference on Aging urged the same renewed vigilance against age discrimination.

Older Worker Specialists, funded by OAC grants in five communities around the state, repeatedly hear stories from discouraged "older" workers--starting in their forties--about the subtle and not-so-subtle discrimination and prejudices which they have encountered in their job searches. Unfortunately, Alaskans share the general bias of American society that prefers an inexperienced younger, "prettier," "stronger," worker over the skills, stability and positive work attitude of an older worker.

The Older Alaskans Commission and its grantees in senior employment will continue to work to educate business and government agencies about the advantages of hiring older workers. At the same time, the OAC applauds the intent of this resolution and urges its early passage.

Approved: Howard Vaughn  
Howard Vaughn, Chairman *as*  
Legislative Subcommittee  
Older Alaskans Commission

Janet Helen Gamble  
Janet Helen Gamble *as*  
Chairman  
Older Alaskans Commission

Dated: Feb. 13 1992

Approved: Nancy Bear Usura  
Nancy Bear Usura, Commissioner  
Department of Administration

Dated: 2-23-92 1992

# STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

OLDER ALASKANS COMMISSION

WALTER J. HICKEL, GOVERNOR

P.O. BOX 3  
 JUNEAU ALASKA 99911-0203  
 PHONE (907) 462-3250

To: Paula Scavera  
 Legislative Research

1/29/91

From: Ann Turner Olson  
 Older Alaskans Commission

Paula, here is some information on Alaska's older workers. If you need more or in another area please give me a call.

Though Alaska has always been a "young" state, our older population has more than doubled in the past decade and is one of the fastest growing age groups in the state. Additionally, Alaska has one of the most rapidly growing senior populations in the nation.

This "graying" of the population means our workforce is also getting older. But, participation in the workforce by older Alaskans does not seem to be keeping pace with the changing demographics.

- \* In 1970 23% of the older population were active in the labor force
- \* By 1980 this had declined to 20%
- \* Current estimates show that only 15-18% of older workers are in the labor force

Age related stereotyping and age discrimination, a poor economy, and a widespread lack of understanding about the employment needs and capabilities of older persons are a few of the reasons for this. Retirement incentive programs in both the private and public sector have resulted in many persons leaving the workforce prematurely.

The Older Alaskans Commission recently co-sponsored three state-wide public meetings to hear the experiences and concerns of older workers and job seekers. Over and over these older workers described experiences with employers that indicated ageism or age related stereotyping and discrimination.

1988

"A Profile of Older Alaskans", Alaska Economic Trends,

One individual reported being asked directly in a job interview whether he "thought he'd have any problem taking direction from someone younger than himself". Others present at the meeting said they had been asked similar questions in interviews or told they were "overqualified".

Nearly every person attending the meetings felt frustrated in their efforts to find meaningful work. Many felt they were given only perfunctory consideration in a job interview -- that as soon as their age was known the interview was over.

The age group of 55 to 62 year olds can be especially vulnerable and in need of employment assistance services. They are vulnerable in terms of experiencing age discrimination in employment yet are too young to be eligible for Social Security, Medicaid, Longevity Bonus and other age limited benefits that help other seniors who are unemployed.

#### WHO ARE ALASKA'S OLDER WORKERS ?

- \* Currently over 48,000 Alaskans are over age 55 ... there is a growing trend for middle aged and older Alaskans to remain in the state
- \* Older workers are more inclined to be "discouraged workers" not registered with Job Service or actively seeking employment (less than 3,000 of the over 48,000 persons 55 or older were registered with the Job Service statewide in June 1986)
- \* Older persons themselves often believe the "myths of aging" and think employers are not interested in hiring them
- \* Older workers are often older women --- "displaced homemakers", over age 50, and living at or below poverty level ... once they lose economic self sufficiency, older persons tend to slip faster and stay longer in poverty
- \* Older workers often call themselves "retired" (to save face) even though they want or need to work
- \* Older workers may be between age 40 and 55 -- not yet targeted for services but already experiencing age discrimination in employment.
- \* Half of this group have incomes below \$10,000 a year and want and need to work.

**WHAT ARE THE MYTHS AND REALITIES ABOUT OLDER WORKERS ?**

MYTH	REALITY
* Attendance is poor	* Older workers attendance is as high or better than younger workers
* Productivity declines	* No consistent pattern exists to show superior productivity in any age group
* Learning capacity is obsolete	* Little evidence to suggest any significant change in learning ability
* Intellectual functioning decreases	* Intelligence remains constant for most persons until at least age 70
* Not worth the investment to train	* Employees age 20 to 30 are less likely to stay with a company as long as those age 50 to 60
* Motivation decreases	* Older workers display greater job satisfaction, less stress on the job
* Accidents on the job increase	* Older workers have fewer accidents in situations that require judgement based on experience

**WHAT ARE THE CURRENT PROGRAMS FOR OLDER WORKERS ?**

The Title V Senior Employment and Training Program is administered by the Older Alaskans Commission (OAC) and funded by the U.S. Department of Labor, Employment and Training Administration. Title V provides training and part-time employment opportunities for low income persons age 55 years and older.

The OAC funds approximately 200 Title V positions through grants to non-profit agencies in 45 communities in the state. Title V positions provide a variety of community services and give work experience and on job training to Title V workers.

SCR

28

# HOUSE COMMITTEE REPORT

5-9-92  
Finance

(7)  
 Date Referred: April 8, 1992  
 Date of Committee Action: 5/9/92

FURTHER REFERRALS:

The JUDICIARY Committee considered:

CSSCR 28(STA)

CS FOR SENATE CONCURRENT RES. NO. 28(STA)      HANDBOOK ON SEXUAL HARASSMENT

Urging the Alaska State Commission for Human Rights to prepare a handbook on sexual harassment.

RECOMMENDATIONS:      [ ] the same title  
 be replaced with \_\_\_\_\_ [ ] a new title

[ ] have attached amendments(s)

do pass  
 do not pass

[ ] no recommendations

[ ] individual recommendations

[ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S):      (Dept)

APPROVES PREVIOUS:      (Dept/Date)

[ ] fiscal impact \_\_\_\_\_

fiscal note(s) Gov. 3-19-92

[ ] zero fiscal note \_\_\_\_\_

[ ] zero fiscal note(s) \_\_\_\_\_

SIGNING <del>DO-PASS</del>	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>David Jouley</i>	-	<i>Kevin Pad Parnell</i>		✓	
<i>W. J. ...</i>	-				
<i>Mark ...</i>	x				
<i>Terry ...</i>	-				
<i>J. ...</i>	x				

*David Jouley*  
 \_\_\_\_\_  
 CHAIRMAN'S SIGNATURE

FISCAL NOTE

No. 3

Bill Version: CSSCR 28 (STA)

(S) Publish Date: 3-19-92

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Department Affected: Office of the Governor

Title: Urging Preparation of Handbook on Sexual Harassment BRU: Commissions/Special Offices

Component: Human Rights Commission

Sponsor: Sens. UEHLING, Sturgulewski, Rodey, Collins, Pourchor, Zharoff, Duncan

Requestor: Sen. UEHLING COMPONENT SERIAL NO. 

0	0	0	1
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	.5	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	34.0	0	0	0	0	0
SUPPLIES	1.2	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	35.7	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
FUND SOURCE:	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	35.7	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	-	-	-	-	-	-
FUND SOURCE:						
TOTAL	35.7	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

See Advisory Memo of January 24, 1992 attached.

Prepared By: *Diana M. Haley* Executive Director Phone: 276-7474 X241

Division: Alaska State Commission for Human Rights Date: \_\_\_\_\_

Approved by Commissioner: *[Signature]* Date: 2/26/92

Agency: *[Signature]* Date: \_\_\_\_\_

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. SCR28

Revision Date: \_\_\_\_\_ Department Affected: Office of the Governor  
 Title: Urging Preparation of Handbook on Sexual Harassment BRU: Commissions/Special Offices  
 Component: Human Rights Commission  
 Sponsor: Sens. UEHLING, Srurgulewski, Rodey, Collins, Pouchot, Zharoff, Duncan  
 Requestor: Sen. UEHLING COMPONENT SERIAL NO. 

0	0	0	1
---	---	---	---

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	.5	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	34.0	0	0	0	0	0
SUPPLIES	1.2	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	35.7	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
FUND SOURCE:	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	35.7	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	-	-	-	-	-	-
TOTAL	35.7	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	1	0	0	0	0	0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

See Advisory Memo of January 24, 1992 attached.

Prepared By: Paula M. Haley, Executive Director Phone: 276-7474 x241

Division: Alaska State Commission for Human Rights Date: \_\_\_\_\_

Approved by Commissioner: [Signature] Date: 2/26/92

Agency: [Signature]

# Senator Rick Uehling

Downtown, Elmendorf, Northeast Anchorage



Senate Finance Committee  
International Trade & Tourism Committee  
State Affairs Committee

## MEMORANDUM

TO: Representative Dave Donley, Chairman  
House Judiciary Committee

FROM: Senator Rick Uehling *Raw*

DATE: April 14, 1992

RE: SCR 28, A Resolution urging the Alaska State Commission for  
Human Rights to prepare a handbook on sexual  
harassment.

---

I would appreciate your assistance in scheduling SCR 28, a Resolution urging the Alaska State Commission for Human Rights to prepare a handbook on sexual harassment, for a hearing before the House Judiciary Committee at the earliest possible time.

Thank you for your consideration of my request. Attached is back-up on the resolution. Please contact Bryan Butcher in my office at 465-4821 if you have any questions.

# Senator Rick Uehling

Downtown, Elmendorf, Northeast Anchorage



Senate Finance Committee  
International Trade & Tourism Committee  
State Affairs Committee

## SUMMARY OF RESOLUTION

### SCR 28

#### A Resolution

Urging the Alaska State Commission for Human Rights  
to prepare a handbook on sexual harassment.

SCR 28 will urge the Alaska State Commission for Human Rights to prepare a handbook on sexual harassment for distribution by employers to employees. The handbook would give a detailed description of sexual harassment, when, how, and to whom to report it, and to show management level employees how to properly handle a sexual harassment complaint.

There is a significant amount of confusion by the public on what constitutes sexual harassment in the workplace and this handbook would help inform people as to what it is and how to report it. Sexual harassment in the workplace is believed to be substantially underreported and a handbook would give both employers and employees a more detailed understanding of sexual harassment and would help to deter the problem in the future.

## MEMORANDUM Human Rights Commission

**TO:** Senator Rick Uehling

**FROM:** Paula M. Haley *PMH*  
Executive Director

**DATE:** January 24, 1992

**RE:** Advisory Memorandum on SCR 28

=====

Your legislative aide, Brian Butcher, asked me to provide your office with figures on the cost of implementing Senate Concurrent Resolution 28. The Commission has developed a rough estimate of the cost of producing and distributing a sexual harrassment handbook.

Approximately 250,000 employees would be eligible to receive handbooks under SCR 28. The estimated cost of producing a small handbook approximately six (6) pages in length including the cover and mailer is \$23,100. Identifying all the employers in the state and making a one time distribution of the handbook would add a cost of about \$12,600 for a total of \$35,700.

Please feel free to contact me with any questions. Thank you.

**HUMAN RIGHTS COMMISSION**

INVESTIGATIONS  
800 A STREET, SUITE 204  
ANCHORAGE, ALASKA 99501-3628  
PHONE: (907) 274-4692

MAR 30 1992

March 27, 1992

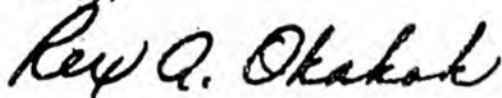
Senator Rick Uehling  
Room 512, Capitol  
P. O. Box V  
Juneau, AK 99811

Re: Senate Concurrent Resolution 28

Dear Senator Uehling,

The Alaska State Commission for Human Rights held its Annual Meeting February 27th and 28th in Juneau, during which the Commissioners considered SCR 28 "Urging the Alaska State Commission for Human Rights to prepare a handbook on sexual harassment." The Commission wishes to convey its support of this legislation.

Sincerely,



Rex A. Okakok  
Chairperson

RAO/mt

*Current legislative policy*

STATE OF ALASKA

THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

P O BOX 7, STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 485-3000

MEMORANDUM

TO: All Legislators, and to Legislative and Agency Staff

FROM: Sally Smith  
Personnel and EEO Officer

SUBJECT: Sexual Harassment

DATE: October 21, 1991

With the subject of sexual harassment so prominently in the spotlight, you may have questions about how the legislative branch would handle such an issue.

Sexual harassment is defined by the U.S. Equal Employment Opportunity Commission as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

While the federal Equal Employment Opportunity Commission (EEOC) enforces federal laws which prohibit discrimination, elected officials of a state or political subdivision and their personal staff members are excluded from provisions of the enabling Civil Rights Act. They are, however, subject to broader nondiscrimination provisions of Alaska State law.

Alaska statutes<sup>\*</sup> define harassment as:

unwanted conduct or communication by a supervisor, co-worker, or nonemployee in the work place which is based on the sex, color, race, religion, national origin, age, handicap, marital status, changes in marital status, pregnancy, or parenthood of an individual and which adversely affects the employment relationship or working environment. This includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing and other verbal or physical conduct.

Rather than the State's EEO office, it is the State Commission for Human Rights which has the authority to investigate any complaints concerning discrimination that emanate from Alaska's legislative branch.

As your EEO officer, I am available to answer questions related to your rights as an employee or supervisor and to provide you with any assistance in working through your concerns. You are encouraged to contact me at the earliest possible time so that we may understand and resolve issues before they escalate into problems. I would hope that no one of us would ever face the situation--on either side--that was witnessed by the nation last week.

*\*The memo is incorrect. The definition is in Admin. Order 81 - see sample notice on the last page.*

# Code of Federal Regulations -

29 CFR  
1604.11

Equal Employment Opportunity Comm.

Pt. 1604, App.

(7-1-91 Edition)

## § 1604.11 Sexual harassment.

(a) Harassment on the basis of sex is a violation of section 703 of title VII. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(b) In determining whether alleged conduct constitutes sexual harassment, the Commission will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

(c) Applying general title VII principles, an employer, employment agency, joint apprenticeship committee or labor organization (hereinafter collectively referred to as "employer") is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence. The Commission will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether an individual acts in either a supervisory or agency capacity.

(d) With respect to conduct between fellow employees, an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory

employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.

(e) An employer may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace, where the employer (or its agents or supervisory employees) knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In reviewing these cases the Commission will consider the extent of the employer's control and any other legal responsibility which the employer may have with respect to the conduct of such non-employees.

(f) Prevention is the best tool for the elimination of sexual harassment. An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under title VII, and developing methods to sensitize all concerned.

(g) Other related practices: Where employment opportunities or benefits are granted because of an individual's submission to the employer's sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for but denied that employment opportunity or benefit.

(Title VII, Pub. L. 88-352, 78 Stat. 253 (42 U.S.C. 2000e et seq.))

(45 FR 74677, Nov. 10, 1980)

## APPENDIX TO PART 1604—QUESTIONS AND ANSWERS ON THE PREGNANCY DISCRIMINATION ACT, PUB. L. 95-555, 92 STAT. 2076 (1978)

### INTRODUCTION

On October 31, 1978, President Carter signed into law the *Pregnancy Discrimination Act* (Pub. L. 95-555). The Act is an amendment to title VII of the Civil Rights Act of 1964 which prohibits, among other things, discrimination in employment on the basis of sex. The *Pregnancy Discrimination Act* makes it clear that "because of sex"

<sup>1</sup>The principles involved here continue to apply to race, color, religion or national origin.