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ics and processes of legal institutions. This indirect deterrent effect is an important avenue for future research.

Batterer Treatment

Treatment interventions for batterers vary in several respects. Most are court-mandated programs, some are self-help, and others operate under the aegis of social service or private agencies. Their underlying assumptions about the causal and restraining mechanisms for intimate violence vary. Their operational characteristics vary as well, including the duration and frequency of contacts and the objectives of treatment. Most address the need for anger control or dissipation techniques and recognize the relationship of power and control to the use of violence. Most do not allow for "relapse" in the way that clinical trials do; some substance abuse treatment or pharmacological research. They integrate victim safety with the offender's behavioral changes as central components of program development.

There are several typologies of batterer treatment programs. Edelson and Syers (1990) distinguish programs into three categories: self-help programs that emphasize anger management strategies and personal responsibility, educational programs that teach through passive learning about the sources of violence and the techniques of anger control, and some combination of the two methods. Harrell (1991) studied programs in Baltimore County that embraced three types of underlying assumptions about causal and cessation processes: feminist theories about power relations, social casework models that emphasize reduction of external stressors and interpersonal dynamics, and cognitive-behavioral models that stress anger management. The latter models also vary in their attention to psychopathological variables versus cognitive deficits in anger control.

What is not in evidence in these programs is recognition of different types of batterers or efforts to match batterer profiles to specific treatment types (Saunders and Azar, 1989). However, there may be considerable need to address these concerns of responsivity (Andrews et al., 1990). For example, violence toward intimates is more intractable to treatment interventions for

men with longer and more serious histories of violence toward intimates, longer criminal records of violence toward strangers, and traumatic violence exposure as children (Fagan et al., 1984; Hamberger and Hastings, 1993).

Experimental evidence. There is very little nonexperimental or quasi-experimental evidence to evaluate the effectiveness of batterer interventions. For example, Hamberger and Hastings (1993) reviewed 19 studies published in the 1980's. Only one (Dutton, 1995) used an untreated control group and reported sizeable differences in recidivism between treated and untreated batterers. In this study, only 4 percent of offenders reported subsequent violence to the police, whereas 16 percent of victims reported subsequent violence. Based on police reports during a followup period of 6 months to 3 years, the recidivism rate was 40 percent. Harrell (1991) compared outcomes across treatment programs and reported no differences, with recidivism rates of over 60 percent.

However, most studies are not useful for assessing the effects of batterer treatment because they have no comparison group. The few that do have such groups rely on comparisons of completers with noncompleters, a selection bias that presents serious obstacles to the assessment of treatment effectiveness. Followup times varied as well, from 1 month to 3 years. Analyses that examine the hazards of renewed violence controlling for differential time periods were not evident in any of the studies. Measurement varied as well, ranging from self- and police reports of subsequent violence to outcome measures related to the treatment intervention but not the violence. For example, Hawkins and Beauvais (1985, cited in Edelson and Tolman [1993]) reported only on pre-post differences in Symptom Check List (SCL)-90 scores but did not report on subsequent violence. Sample sizes in these studies ranged from 9 to 170, indicating a range of statistical power estimates and strength of results. Among the treated groups, cessation rates varied from 46 percent to 91 percent, a range that more likely reflects the diversity in intervention methods and research designs than the true range of effects in treatments. In a similar review, Davis (1995, personal communication) found that 6 of 27 studies of batterer treatment used quasi-experimental designs of varying construction.

Experimental designs using control groups of men who were under other forms of legal supervision were not evident in the literature. But such designs are of obvious importance, both to assess treatment effects substantively and to assess the marginal effects of treatment compared with other social or legal interventions. Current research by Robert Davis and colleagues at the New York City Victim Services Agency involves a randomized trial of batterer treatment that addresses many of the limitations of the previous studies. Although recidivism rates in batterer treatment are similar to recidivism rates for criminal cases in general, the absence of systematic controls makes it difficult to conclude that there are marginal gains from treatment compared with either incarceration or untreated probation supervision.

Systemic Responses: The Domestic Violence Court

Recent innovations have focused on the creation of specialized courts to process domestic violence cases and intensive systemic reforms designed to align the components of the civil and criminal legal systems to ensure consistent application of sanctions and reliefs in cases involving domestic violence. Systemic programs, such as the comprehensive systems of coordination among legal and community-based programs in Duluth, Minnesota, and San Francisco, embed legal sanctions in a dense web of social control that reinforces the messages of treatment and the threats of criminal punishment. However, these programs are difficult to evaluate. Establishing comparison conditions internally or across communities is difficult, making it tough to sort out the effects of prosecution or advocacy from the effects of treatment. This makes it hard to answer the question of whether or how legal sanctions create a deterrent effect, and again the question of the deterrent effects of legal sanctions is unanswered. Even within these programs, recidivism rates among treated batterers are comparable to rates for protective order and arrest studies: Recidivism in Duluth ranged from 40 percent (Shepard, 1992; cited in Edelson and Tolman, 1993) to over half (Edelson and Syers, 1990) and were invariant over short and long followup periods (Hamberger and Hastings, 1993). Failures reflect the familiar correlates of lengthy prior record and abuse

history in the batterer's family of origin (Fagan et al., 1983; Harrell, 1991).

The creation of specialized courts for family violence cases responds to the devaluation of these cases in mainstream courts. The "stream of cases" argument suggests that cases are prioritized for processing and allocation of punishment resources according to their relative severity compared with other cases in the same context (Emerson, 1983; Jacob, 1983). This framework suggests that domestic violence cases may be assigned a lower priority for prosecution and punishment when placed alongside other violence cases involving strangers. These courts provide substantive dispositions, often batterer treatment programs coupled with probation supervision, that create incentives for prosecutors to complete prosecution. The advantages of specialized prosecution units apply to specialized courts as well. Cases are evaluated not in comparison with external priorities but in the narrow light of other similarly structured cases.

Dade County Domestic Violence Court. The Dade County, Florida, Domestic Violence Court (DCDVC) illustrates these ideas. DCDVC is a criminal court with a civil component designed by a team of representatives from every segment of the criminal justice system to serve as a coordinated, systemic response to the treatment of domestic violence cases in the courts. DCDVC, which commenced in November 1992, represents an innovative, interdisciplinary, and integrated systemwide approach of a team of criminal justice system professionals to the treatment of domestic violence misdemeanor cases, civil protection orders, and violation of civil protection order cases. Currently, only misdemeanor cases are processed in the court.

The members of the court, led by the judiciary, work together as a team toward a shared goal of reducing family violence. From arrest to completion of sentence, only judges trained in family violence handle the cases in a court that recognizes the necessity of expanding traditional roles and limits in an effort to create court reform in a system that has proven in the past to be ineffective and unresponsive. The founders of DCDVC believe that the combination of intensive victim services, treatment for batterers, and an active judicial role in the social contexts of the

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community can improve the control of misdemeanor domestic violence and avoid its escalation to more serious violence and injuries. The court is based on the following principles:

■ *The administration of therapeutic jurisprudence creates an expansion of the traditional role of the criminal justice system, which historically has been concerned with punishment but has failed to consider the role of treatment in domestic violence cases.* Defendants are required to successfully complete a batterer's treatment program based on the Duluth model (Edelson and Syers, 1990), complete substance abuse treatment, and meet other case-specific requirements such as mental health counseling. All cases are monitored by the court after imposition of the sentence, and the defendant is required to return to court periodically during probation to discuss progress in counseling and compliance with the sentence.

■ *There is an emphasis on the needs of children who live in violent homes.* Parents are educated about the effects of domestic violence on their children. The court—in partnership with a facility associated with the University of Miami School of Medicine (The Mailman Center for Child Development, which has developed a 10-week age-specific counseling program for children who have witnessed domestic violence)—makes completion of the group counseling by the defendant's children a condition of the defendant's probation.

■ *The members of the court acknowledge and accept the responsibility, both in the courtroom and in the community, to educate the public about domestic violence and the fact that domestic violence is a crime.* The role of "judge as teacher" in the courtroom is tested, and judges have a responsibility to make public appearances at community meetings and in the popular media and to educate the public about the court and about domestic violence.

■ *The court serves as a catalyst for change as a community leader by coordinating a communitywide approach and communitywide participation in a local campaign to combat family violence.*

■ *Judicial education and training in family violence is mandatory for all judges and prosecutors and some public defenders*

assigned to DCDVC. Victim advocates are employed in the court to facilitate the victim's participation in the court process and to make services available and accessible to the victim.

DCDVC is also noteworthy because it is currently being evaluated using an experimental design. The use of the "gold standard" in court evaluations is rare, often the result of legal and ethical complications (Zeisel, 1972; Fagan, 1990). Evaluation data are not yet available for the DCDVC experiment. What will be learned from this experiment? First, the evaluation will indicate whether legal sanctions are more likely and severe in a court dedicated to domestic violence cases. Second, the evaluation will assess the effectiveness of sanctions fashioned in the context of the broader concerns of victim and child safety plus treatment intervention for assailants. Accordingly, comprehensiveness will be a component of the court response not forthcoming in courts of general jurisdiction where domestic violence misdemeanors are docketed alongside other misdemeanor cases.

Some questions will not be answered by this design, questions that are nevertheless important in evaluating the deterrent effects of criminal sanctions for violence toward intimates. First, the exclusion of felony cases limits generalizations from this study. Felony cases are important not only because of their severity but also because of the potential escalation from repeat serious offenses to potentially lethal cases (see, for example, Browne, 1987). Other forms of serious partner violence may be excluded, including "marital" rape and other sexual crimes between cohabitating or former intimates. Second, treatment interventions are provided in the context of legal sanctions, introducing legal coercion as a potential confounding factor in treatment effectiveness. The DCDVC experiment will not allow for a test of the deterrent effects either of legal sanctions or punishment on intimate violence or of the effects of treatment independent of legal threats. Factorial experiments may be needed to sort out these potentially competing and confounding factors in controlling domestic violence.

Civil Legal Sanctions: Protective Orders and the Prosecution of Violators

Reforms in the concept of restraining orders for battered women preceded reforms in arrest and criminal law. Beginning with the passage of the Pennsylvania Protection from Abuse Act in 1976, every State now provides for protection orders in cases of domestic violence (Klein, n.d.). In many locales, the barriers and complications of criminal arrest and prosecution have made protective orders the primary source of legal sanction and protection for battered women. In contrast to the reactive arrest and criminal prosecution processes, protection orders are victim-initiated and timely. They also allow a relaxed standard of proof, focus on the victim's protection, and prescribe a wide range of specific interventions or reliefs that address extralegal concerns of safety and economic well-being. However, few studies have examined the effectiveness of restraining orders in reducing the incidence of domestic violence, and those few studies have been nonexperimental or quasi-experimental with designs that weaken any conclusions about their effectiveness. Moreover there are little data on the extent to which protection orders are used in conjunction with criminal prosecution.

How effective are protective orders in stopping domestic violence? Harrell, Smith, and Newmark (1993) found that 60 percent of 300 women interviewed twice in 1 year after receiving a protective order suffered abuse at least once. Over 1 in 5 reported threats to kill; severe violence was reported by 29 percent. Other acts of violence were reported by 24 percent, and property damage was reported by 43 percent of the women. Threats and violence did not subside over time, and there were no significant differences in the percentage reporting subsequent violence in the first 3 months of the year compared with the final 9 months of the year. Klein (n.d.) used official records (new arrests for domestic violence, new restraining orders against the same defendant issued by the same victim) to measure reabuse in 644 cases in which temporary restraining orders were issued. Nearly half (48.8 percent) of the men reabused their victims within 2 years of the issuance of a restraining order. Moreover, over half (54.5 percent) were rearrested for other crimes as well.

Neither of these studies reported results for comparison or control groups. Grau, Fagan, and Wexler (1984) found no significant differences in subsequent abuse between women receiving restraining orders and women receiving other interventions. Moreover, they reported that subsequent violence was more likely among men with histories of severe domestic violence or prior records of stranger crime.

Limitations and Contradictions in the Criminalization of Domestic Violence

There is little conclusive evidence of either deterrent or protective effects of legal sanctions or treatment interventions for domestic violence. A closer reading of this literature suggests several issues that may lead to a better understanding of why past research has failed to locate deterrent effects and whether and how law influences the control of domestic violence. The issues fall into three general domains: the embedment of domestic violence in complex social and individual contexts, weak research designs and limitations on policy experiments, and the theoretical issues in male violence.

Legal and Social Control of Domestic Violence

The experiments on the effects of arrest on domestic violence raised important hypotheses on the interaction of legal controls (such as arrest and prosecution) with informal social controls (such as social bonds). Sherman et al. (1992a) and Berk et al. (1992a) in multisite analyses and Pate and Hamilton (1992) in a single-site analysis reported significant interactions of arrest with two measures of "stake-in-conformity" (Toby, 1957): Arrest *increases* the risk of violence for unmarried and unemployed suspects and *deters* it for married and employed suspects. Results from four of the replications concluded that "... all four

experiments that have examined this hypothesis report an interaction with unemployment consistent with the stake-in-conformity hypothesis, at least in the official data" (Sherman et al., 1992a:687). Fagan (1989) reported similar interactions between sanctions and social position among prosecution cases, and Harrell (1991) reported the same patterns for batterers in treatment.

The lesson of these studies is that formal (legal) sanctions are effective when reinforced by informal social controls and weakened when those informal controls are absent (Tittle and Logan, 1973). Williams and Hawkins (1989a, 1989b) suggest that deterrence of domestic violence is contingent on reciprocity of formal and informal social controls. They suggest the deterrent effects of arrest will be greater for batterers who perceive higher social costs associated with the act of violence and with arrest (Bowker, 1983, 1984). These costs include loss of job, relationship and children, social status in the neighborhood, and whatever substantive punishment they receive. Accordingly, the social and structural position of batterers, including their prior punishment experiences and the meaning they attach to them, will mediate the deterrent effects of sanctions. When batterers perceive that punishment is not a cost worth avoiding, legal sanctions alone are unlikely to induce compliance with the law.

The sources of informal social control of domestic violence may lie either within the individual, in the form of internalized beliefs and social bonds, or may be externally reinforced through normative behaviors within neighborhoods and other social contexts (Williams and Hawkins, 1989b; Fagan, 1992).³ That is, social and economic conditions may shape the motivations and perceptions of batterers regarding the salience of legal sanctions and the extralegal costs that accompany them (Zimring, 1973). Both in Mirapolis and the other arrest replication sites, the cases disproportionately came from neighborhoods in which risk factors were high: high unemployment, poverty, and divorce rates. The availability of informal social controls—the potential for job or relationship loss or for social stigmatization from neighbors or relatives—in those neighborhoods may have at-

tenuated the development of informal social controls and, in turn, undermined the effectiveness of legal controls. This suggests that opportunity structures at the neighborhood or community level have direct effects on the availability of informal (or extralegal) individual-level controls that are critical reinforcers of legal sanctions.

Legal Contexts of Criminalization and Reform

The legal context in which case processing and sentencing decisions are made may influence the severity of sanctions handed down in domestic violence cases. For example, norms within local legal "cultures," such as practitioner beliefs about whether victims will drop charges or patriarchal views of domestic violence, influence the likelihood of official action when there is discretion. Differences in court "cultures" regarding domestic violence may explain the variation across communities in the rates and severity of sanctions for these offenses.⁹ Like many other legal reforms, criminalizing domestic violence may have unintended consequences, reflecting the social organization of the courts and processual contexts, rather than legal statute.

The relatively recent entry of domestic violence cases into court calendars also challenges the existing calculus of how cases are evaluated. Emerson (1983) argues that decisionmakers evaluate cases against a backdrop of other cases and that assessments of seriousness are relative and occur in comparison with other cases. If criminal authorities in different jurisdictions classify objectively similar cases differently because of their respective caseload contexts, then the sanctions in each jurisdiction should reflect the comparative position of domestic violence relative to the other cases before those judicial authorities (Hassenfeld and Cheung, 1985).

Accordingly, the criminalization of domestic violence will influence the reactions of officials in the working groups that exist within each court. The criminal court may produce less stability in processing domestic violence cases because bringing battered women into criminal court entails a change in standard operating

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procedures. Jacob (1983) suggests that criminal court participants, particularly prosecutors who possess more information than other courtroom personnel and who have a disproportionate influence over the disposition of cases, will behave inconsistently when faced with a new class of offenders (Mohr, 1976). This may lead to less cohesiveness among the working group members of the criminal court whose social organization is geared to case attributes of stranger crimes and less oriented to the special circumstances of cases involving intimate relationships. Prosecutorial screening continues to reflect the strength of the case, with prosecutors taking their cue from the actions of police as well as the likelihood of conviction (Schmidt and Steury, 1989).

Similar processes may influence the construction of restraining orders in the civil (family) court. There, the presentation of cases involving family members is consistent with the historical stream of cases around which the legal cultures and working groups have evolved. However, courts accustomed to divorce and custody proceedings may evaluate domestic violence cases as different and perhaps less weighty compared with the majority of their dockets. Accordingly, the "going rate" for crimes involving violence between intimate partners may not be any higher compared with stranger violence cases in the criminal court or divorce and child custody cases in the family court, and in fact may be lower (Emerson, 1983; Mohr, 1976; Mather, 1979).

The Complexity of Domestic Violence

Compared with many other violent crimes, the legal and social dimensions of domestic violence present several complications for effective legal control. Domestic violence differs significantly from other forms of violence in several important ways. First, there are strong emotional ties between victims and assailants. The parties often love one another, or at least the victim may love the assailant. The bond may be traumatic (Dutton and Browning, 1988), complicating victim resolve to enter into a lengthy adversarial proceeding to invoke punishments and creating internal conflict regarding separation. The victim may be financially dependent on the assailant or may face a severely

diminished standard of living if separated. Arguably, she faces an economic life at or below the official threshold of poverty upon leaving the relationship (Sidel, 1986).

These ties to assailants may lead victims toward rational objectives in invoking legal sanctions. Thus, they may be less concerned with deterrence than they are with using legal institutions to guarantee their own safety, survive economically, protect their children, or get counseling help for their assailants (Ford, 1991). They may also see the threat of prosecution as a means of terminating the relationship and escaping the violence (Lerman, 1992). Thus, victim choices about invoking legal sanctions may be less concerned with punishment and deterrence and ultimately seek to use the law for other goals. The social control functions of the law are compromised in this context even when victim choices and well-being are optimized.

Second, domestic violence often is a recurring event between individuals in daily contact, usually without the forms of guardianship and surveillance that are available in public spaces. Unlike robberies, in which victims and offenders often are unacquainted, or other assaults involving acquaintances, victims and assailants often occupy the same space, share and compete for resources, and have emotional ties. In this context, threats are readily conveyed and quite believable. On the other hand, it is extremely difficult to mount and maintain a deterrent threat within a context of ongoing and unsupervised contact between victim and assailant.

Third, the scale of domestic violence makes it difficult to control solely through legal sanctions and deterrent threats. The base rates remain quite high relative to other violent crimes, with self-reported domestic assault prevalence rates of at least 10 percent for both men and women (Straus and Gelles, 1986). Prevalence rates exceed 30 percent for some subgroups. Domestic violence rates are highest among subgroups who also have high rates of stranger violence, further burdening limited police resources within spatial areas where assaults are concentrated (Fagan, 1993). Many cases are unreported, and estimates of the extent of reporting to the police are as low as 20 percent (Dutton, 1995). However, those who do report appear to be indi-

viduals who have few nonlegal resources for protection or deterrence (Bowker, 1983). Even if reporting were not increased, the high rates of domestic violence make it difficult for police departments to arrest every man who commits a misdemeanor or felony assault against his partner, much less to arrest him every time he does it, without paralyzing their own agencies and the courts. In the face of a high base crime rate, police departments are challenged to maintain a credible deterrent threat in cases where arrests do not occur.

Finally, the deterrence logic of criminalization assumes a rational offender-actor who weighs the costs of offending—costs associated both with the act itself and the legal actions that ensue—against whatever benefits that may accrue from the behavior (Miller and Anderson, 1986; Fagan, 1992). This logic is strained in the context of domestic violence. Although domestic violence has been interpreted as a goal-oriented and implicitly rational behavior (Tedeschi and Felson, 1995), episodes of rage during more serious assaults often obviate rational calculations and perceptions of costs (Browne, 1987). Studies with batterers in treatment suggest conditions of impaired cognition or mental disorder (Dutton, 1995). The logic of deterrence is compromised among batterers whose behavior is patterned over time and for whom rational calculations are not possible during the arousal of a violent assault.

Domestic violence is unique in the concentration of risk factors and absence of formal controls for violence. Only the reciprocity between legal and informal social controls makes possible the control of domestic violence in general. Among violent men whose behaviors are increasingly spiraling out of control, the threat of punishment may be remote and inconsequential under conditions of arousal and cognitive distortion.

Weak Research and Evaluation Designs

Few empirical studies use research or evaluation designs that can detect deterrent effects of legal sanctions. Accordingly, it is difficult to determine the extent and magnitude of effects from legal sanctions. The empirical literature is littered with weak

evaluation designs. Experiments are rare, as are clinical trials for treatment interventions. Most studies have small samples and limited experimental power. Followup periods are too short (usually 6 months), making it impossible to see longer term effects that may accrue. Budgetary limitations for many grant programs, including the National Institute of Justice, historically have constrained the results of research and evaluation on domestic violence. If the development and testing of theory is a cumulative process from repeated experiments, the foundations of empirical knowledge to advance theory and practice are not available for domestic violence.

In intervention research, sanctions are conceptualized and measured using dichotomous variables, a strategy that fails to account for variation in the delivery of interventions. The implementation of the underlying theories of interventions also is overlooked in most intervention research. These strategies lead to two sources of error. First, we may falsely reject theory when in fact the theory was not adequately implemented in the interventions. This is a case of *program failure*, in contrast to a *theory failure*, that reflects a valid experiment. This source of error can be addressed by careful attention to the measurement of treatment "strength and integrity" (Sechrest et al., 1979). Program content and ideology are critical elements of intervention that often are not captured adequately in batterer treatment research.

Second, the absence of continuous measures of interventions or sanctions may fail to detect incremental or marginal effects. That is, "dosage" is a critical yet unstudied dimension of research on legal sanctions generally and particularly in domestic violence (Sherman, 1992a). Most studies have conceptualized legal sanctions as discrete variables with limited range. Few studies have analyzed the effects of legal sanctions within a framework of increasing severity. Thus, different forms of arrest may constitute qualitatively different levels of sanction. Legal sanctions may involve different levels or conditions of probation supervision or treatment regimens of various intensity. Restraining or protective orders for battered women involve a wide range of the reliefs, and the number and types of relief vary extensively across cases (Fagan, Maxwell, Macaluso, and

Nahabedian, 1995). Accordingly, the limited effects of legal sanctions may reflect analytic and measurement strategies that may conceal important differences in the extent and severity of legal sanctions.

A related concern is the narrow range of sanctions in most experiments on legal interventions. Since the 1970's, the range of legal sanctions for batterers has expanded at a glacially slow pace. Although arrests have increased, the substantive sanction in most cases remains simply the process of arrest. The range of sanctions in the arrest experiments expanded in small increments. Few arrestees were handcuffed, and a relatively low percentage of the arrested group spent anywhere from a few hours to overnight in jail following arrest. Prosecution rates remain low. Pretrial and postconviction treatment regimens vary widely in the intensity of the treatment and the burdens they place on assailants. There is limited evidence of the use of incarceration or more intensive forms of supervision unless injuries are serious. When the range of punishments or sanctions is narrow, the validity of tests of deterrence is intrinsically weak, and the likelihood of detecting a reduction in violence appears remote.

There are other limitations on research design that weaken empirical findings. Although experiments represent a "gold standard" of social research, there are many circumstances in which random assignment is neither practical nor ethically justifiable. In particular, untreated control groups are not tenable when victim safety is at risk. However, there are alternatives that do not get used: Factorial and bootstrapping designs, in particular, are valid design options that are absent in this literature. Censoring (exclusion) of cases and attrition are sources of selection bias. Analysis of subgroup differences often is not reported, even though it is reasonable to expect different outcomes among population subgroups. Treatment effects are likely to decay over time, yet analytic strategies rarely examine the effects of sanctions on the temporal dimension of recidivism (Visher, Lattimore, and Linster, 1991; Lattimore, Visher, and Linster, 1995).

Finally, there are exogenous influences on sanction effects that often are not addressed in research on domestic violence (Fagan, 1993). For example, subcultural influences may overwhelm the effects of legal sanctions or treatments in motivating domestic violence. That is, high divorce rates may devalue marriage or coupling, weakening the informal controls on violence that work reciprocally with legal sanctions. Residential mobility, high rates of poverty, and weak social cohesion are dimensions of social disorganization that weaken informal social controls on violence generally and undermine motivations for compliance with the law.

Problems in Designing Policy

Conflicts in policies about legal interventions have led to ambiguous findings in the domestic violence literature. Ambivalence best describes the policy goals and theoretical underpinnings of criminal justice interventions. For example, many of the developments in prosecution of domestic violence have been designed to increase the involvement of prosecutors, but strategies diverge on the identification of goals. Although some reforms are designed to *punish offenders* and establish a specific deterrent effect, other policies aim to *protect victims* by threatening prosecution while achieving other important goals such as economic relief, victim safety, or coerced counseling. These are competing alternatives that are not necessarily compatible. They involve focusing resources on victims versus offenders and using resources (especially prosecution resources) for goals that do not involve conviction and punishment. The critical evaluation question is whether legal institutions organized around the goal of detecting and punishing crimes can effectively shift toward a more flexible and preventive set of activities.

Many of the reforms and innovations in arrest and prosecution have been designed to empower victims and afford them a greater role in decisionmaking on the use of legal resources. However, the social organization and legal "culture" of these institutions is challenged by this additional focus. These policies may raise internal contradictions, offer risks and tradeoffs (for example, victim autonomy versus prosecution of violent offend-

ers), and complicate the evaluation of "effectiveness" of legal interventions. Moreover, criminal justice institutions are asked to make linkages to social service agencies in domestic violence cases that they are not asked to make in other types of crimes.

Finally, do these efforts control violence, especially the repeat violence that may escalate toward lethality? Most policy statements would include the reduction or cessation of violence, yet current evidence from these reforms is not promising. Most important, current research and evaluation efforts have not asked these questions.

Practical Limitations in Mounting Deterrence

Criminal and civil legal reforms over the past 20 years have raised the priority of domestic violence cases within legal institutions. However, implementation of policies to control domestic violence competes with other crime and violence problems for limited resources. Several criminal justice problems have competed for resources over this time, each with an urgency that demanded a share of a fixed pool of resources. For example, special drug courts have been established in several jurisdictions, prosecutors have developed special units to prosecute gang violence, and investigative resources have been allocated to child abuse cases in the wake of increasing child fatalities in the late 1980's. The result is uneven or weak implementation of newly developed policies for domestic violence with the unintended consequence of weakening the criminal justice response. On a more practical and day-to-day level, domestic violence cases compete with violence and other patrol priorities for immediate attention by the police.

Consider the following example. It's Friday night, and there are five cars on patrol in a city of approximately 125,000 people. One car is investigating an injury accident, another is responding to a fight in a bar, another to a report of a man with a gun, another is directing traffic at a corner where a traffic light is not working, and another is investigating a report of a robbery. At 10:30 p.m., three domestic violence calls come in. What does

the dispatcher do? Consider a second scenario: The officer in the fourth car leaves the traffic light scene to respond to one of the domestic violence calls. She is about to make the arrest when she receives a radio call about a robbery in progress. What does she do? What is she ordered to do?

These are not uncommon scenarios. The reality of competing priorities for sorting cases for arrest and prosecution suggests that domestic violence cases, especially low-injury or noninjury domestic violence, will not receive a higher priority than other events. Similar scenes can be imagined in prosecutors' offices. It is not uncommon that within many "legal cultures" and working groups in prosecutors' offices, prosecuting domestic violence cases is not a pathway to recognition and promotion even when resources are organized in a way that makes such prosecution possible.

A related concern is the implementation of rapidly proliferating treatment programs for domestic violence assailants. Consider first that there is virtually no methodologically sound evidence of effective treatment interventions for domestic violence. Yet many jurisdictions have mandated a wide variety of treatment interventions of varying lengths, behavioral orientations, qualifications of providers, and level and type of criminal justice supervision. In addition, these programs vary extensively on such important dimensions as victim safety planning. In one State, a statewide program mandates weekend treatment regimens of approximately 36 hours, including showing of films and testimonials or confessions from batterers. There is little chance of success in such atheoretical efforts with minimal implementation.

Implementation of law and policy suffers from these types of real-world constraints. What appear to be weak policies in fact may reflect weakly implemented policies or policies whose goals are undercut by resource limitations and organizational constraints.

The Failure to Recognize the Importance of Differentiated Responses for Different Types of Battering

Analyses of SARP data from Milwaukee and other sites suggest the possibility of interactions between formal and informal sources of social control. What has not been tested is the possibility of differences in the effects of legal sanctions for different types of batterers. Yet there is ample reason to proceed in this way. For example, Fagan et al. (1984) reported consistent differences in the recurrence of recidivism between subgroups of batterers defined by the severity of their prior violence. Just as domestic violence is best understood from the characteristics of batterers (Hotaling and Sugarman, 1986), so too may the effects of legal sanctions be best understood based on the battering careers of violent males. Yet most research on the effects of legal sanctions for domestic violence has treated batterers as a homogeneous group. This obscures potentially important subgroup differences in the effects of legal sanctions. Moreover, failure to distinguish analytically among subgroups may mask potential iatrogenic effects from legal sanctions that elevate risks for victims of more serious assaults.

Several studies have suggested typologies of batterers that distinguish them along several dimensions. Holtzworth-Munroe and Stuart (1994) reviewed 19 empirically derived typologies based on either rational-deductive strategies or empirical-deductive strategies. They identified three dimensions that distinguish among subtypes of batterers: severity of marital violence, generality of violence (toward strangers as well as intimates), and psychopathology or personality disorders. Based on these dimensions, three types of batterers are hypothesized: family only, generally violent, and dysphoric or borderline personality batterers. Each of these types is hypothesized to be involved in different levels of severity of domestic violence.

There is utility in typologies such as these to predict responses to legal sanctions. For example, impulsivity and low self-control

characterize generally violent batterers, personality variables that may complicate the rational logic underlying deterrence theory. The family-only batterer engages in the least severe forms of violence and also exhibits the lowest levels of impulsivity and may be most amenable to legal sanctions. Analyses by Fagan et al. (1984) confirm the different reactions to legal sanctions for family-only batterers versus generally violent males.

These dimensions are rarely considered in research on domestic violence yet should be an important component of sanction and treatment research. The failure to consider these dimensions is a failure to identify factors that may mitigate the effects of sanctions. For now, the empirical literature does not include any studies that examine the relationship between types of batterers and the effects of legal interventions.

Treatment research with offenders generally has recognized the importance of "responsivity" of different types of individuals to various interventions (Andrews et al., 1990). Understanding the effects of legal sanctions for batterers must account for the different responses of different types of batterers to both types of sanctions and their "doses." These factors also may be important and useful in sorting cases for prosecution or in determining the extent to which sanctions may risk victim safety. We know, for example, that when there is a lengthy history of prior calls for service, stronger legal intervention may be needed compared with cases in which there is a shorter history (Fagan et al., 1984).

The Segregation of Theories of Interpersonal Violence From Theories of Domestic Violence

A corollary concern is the extent to which theories of violence generally inform research on domestic violence, including the effects of legal sanctions. The typology suggested by Holtzworth-Munroe and Stuart (1994) is based on a range of personality and developmental variables that were derived not

only from research on batterers but from the literature on violence generally. Yet theory and research on domestic violence have segregated theories of violence from theories of battering. The social and ideological constructions of battering have limited the types of variables considered in research on domestic violence. Assuming that patriarchy and power relations alone cause domestic violence leads us toward conclusions that do not consider a full array of explanatory variables from other disciplines (Fagan and Browne, 1994). However, assuming that domestic violence is caused by a more complex set of hierarchical influences—for example, weak social controls, situational arousal, or even psychopathology—may lead us in quite another direction. The importance of recognizing factors from theories of violence that may influence the effects of legal sanctions is evident from the types of variables that define the typologies of batterers. Their inclusion offers a significant advance over the current level of empirical knowledge.

The Role of Legal Institutions in the Control of Domestic Violence

The criminalization of domestic violence proceeded from two perspectives. For advocates of battered women, mobilizing legal institutions was designed to have symbolic and generally deterrent effects. But these reforms also included goals to protect women victims of domestic assaults through the mobilization of extralegal services and the development of referral linkages. Also, by lending the political authority of legal institutions in efforts to prevent domestic violence, the moral authority of messages from women's groups and community-based organizations was reinforced. The inclusion of legal sanctions in a network of services helped to expand the web of social control designed to protect women victims. All these focused on women. But for actions in legal institutions, these reforms were focused on a class of offenses and offenders now prioritized for adjudication. The advent of services for domestic violence within legal institutions offered the promise of addressing violent crimes that previously had eluded the mechanisms of sanctions and legal control.

Goals and expectations differed in these two perspectives, particularly in terms of the focus of the policies. In pursuing victim protection goals, legal institutions, especially criminal justice system agencies, were asked to refocus their efforts on the protection of victims and the coordination of extralegal and legal services. This perspective differs from the traditional goals of criminal justice institutions to focus on the detection and punishment of crimes. In this view, assailants are the focus of the efforts of criminal justice agencies.

Accordingly, for domestic violence, policy goals coexisted within legal institutions to both *punish offenders* and *protect victims*. These goals may be reciprocal as policy but may be in conflict at the operational level. Placing expectations for police and prosecutors to invoke informal social controls in which legal sanctions play an indirect role may require tasks and roles for personnel for which they are not well trained or that may contradict the roles and expectations in their jobs with respect to other types of crimes. It may require legal actors to pursue goals in domestic violence cases that they do not pursue in other types of crimes. Also, for crimes of the scale of domestic violence, it may be unrealistic to expect legal institutions to effectively control crimes that affect significant portions of the population.

These contradictions raise concerns because they may undermine the effectiveness of legal institutions in stopping domestic violence. Role and policy ambiguity can affect the performance of agencies with respect to their missions; in this case, it may undermine their effectiveness in pursuing *either* victim protection or offender sanctioning roles. There is no doubt that linkages between legal institutions and services for domestic violence victims are critical to stopping violence. However, these linkages may best be accomplished through a strategic division of roles among institutions that tap the strengths of each organization.

Domestic violence is best explained by the characteristics of men. Social control is most effective when legal controls interact reciprocally with extralegal social controls. This suggests that the role of legal institutions in stopping domestic violence may most effectively focus on the detection and punishment/control

of batterers and indirectly on the coordination of extralegal services to protect battered women. Although legal systems should be open and accessible to battered women, these institutions should not take on the role of managing the coordination of services that involve social service, shelter, and other interventions.

Pursuing goals for specific types of cases that may conflict with the primary mission of legal institutions raises the danger of marginalizing those cases. It was the historical marginalization or denial of domestic violence cases that motivated contemporary reforms to increase criminal justice system involvement in domestic violence. The question now, after two decades of reform, is what type of involvement of criminal justice agencies works best to control domestic violence? By emphasizing the deterrence and punishment of domestic violence, legal institutions focus their efforts in directions that may permit them to maximize their effects.

Advancing Knowledge and Policy Through Research and Development

For over 20 years, research on the effects of increased criminal justice involvement on domestic violence has emphasized systemic reforms and efforts to increase the rate at which legal sanctions are applied. Yet there remains inconsistent and inconclusive knowledge about the effectiveness of criminalizing domestic violence on controlling repeat victimization. Research on the effects of legal sanctions has been limited by weak research designs, a narrow range of theories, poor conceptualization of potential interaction effects and subgroup differences, weak interventions and sanctions, and implementation problems. We simply do not know what the effects of legal sanctions for domestic violence are, whether there are differences in these effects for specific population groups, what the theoretical bases are for their effects or noneffects, and what the risks and limitations of a policy of "criminalization" are.

This dilemma is partially the result of a strategy for knowledge development in which well-intentioned reforms were mounted but with weak evaluation designs that often were introduced after programs were designed and launched. The dilemma also reflects a reluctance to ask the more difficult questions of the utilitarian effects of these reforms with respect to the control and cessation of subsequent violence. But this state of knowledge has left us without an adequate basis for formulating policy or practice. Given the current state of affairs, a reviewer a decade from now may well conclude again that we still do not know whether legal sanctions can effectively control domestic violence.

Another reason has been the segregation of evaluation research from basic, theoretically driven research. In domestic violence and many other social policy areas, evaluation has been an enterprise quite separate and apart from basic research. But recall that the Minneapolis experiment and the replications in SARP have been the most influential studies in the development of legal policy on domestic violence. These were theoretical studies, not demonstration evaluations or policy experiments. They were tests of deterrence theory sponsored by the National Institute of Justice Crime Control Theory Program. The lesson is simple: The greatest gains in knowledge and policy have come from theoretically driven studies. This lesson should form the foundation for developing a research strategy that will begin to examine the effects of the criminalization of domestic violence and foster gains that will lead to more effective policies and greater safety for victims.

To begin the development of a cumulative body of theoretical and empirical knowledge to inform policies, a research program is needed that addresses the concerns and limitations of existing research. Such a process can be translated to other criminological problems and form the basis of a "model" for building knowledge and policy. There are several steps to this effort.

Establish a Framework To Develop and Organize Knowledge To Inform Policy

Over the past three decades, disparate voices have called for the creation of an experimenting society (Campbell, 1969; Riecken et al., 1974; Boruch, 1994). These essays were noteworthy for their endorsement of experiments to inform policy. But they also suggested a dynamic process in which theory, method, and practice should converge to inform policy. Knowledge is cumulative, and these "social experimenters" sought to influence and rationalize how contemporary policies are developed. The point here is not necessarily that all research should proceed from an experimental base. Experiments are difficult to mount and often in domestic violence are ethically unsound. Rather, knowledge and policy will advance when built on a cumulative foundation of empirical evidence, practical wisdom, and theory. All three elements are needed to move policy forward, none is sufficient by itself. The threshold for what constitutes knowledge should be high, and knowledge should be cumulative. Leaders in the development and testing of innovation in criminal justice should commit their agencies and organizations to this model of knowledge development.

The sources of ideas to fuel this process for domestic violence must come from a variety of efforts. Qualitative research, often providing the context for "discovery" of social processes, is critical to develop testable hypotheses. The studies of Bowker (1983, 1984) are examples of how theory can be constructed from a "thick description" of the processes that women invoke to end domestic violence, including the complex interactions of legal and social sources of control. Research on interpersonal violence generally also contributes to the formation of theories about how legal sanctions might work. For example, recent ethnographic work on male violence highlights the role of "hypermasculinity" in the genesis of bar fights, fights that often are conflicts over women and status (Oliver, 1994). In addition,

studies on the effects of an experimental program of police-social service interactions in New York suggest promising results (Davis and Taylor, 1995). Replication and extension of these experiments are needed to inform policy.

Build a Foundation of Theories

Although criminalization of domestic violence has proceeded apace for over two decades, only recently and perhaps after the fact did theoretical research begin on its crime control effects. Before that, important formative research had focused on mechanisms to mount deterrence: increasing the certainty of arrest, developing policies for increasing the involvement of prosecutors, creating treatment programs. The few studies that have been built on a theoretical foundation have identified important interactions and contingent effects that need further elaboration and testing.

The question is, however, which theories? And, whose theories? Theories about the motivations and control of male violence generally and specifically toward intimates should be integrated with deterrence and social control theories that guide criminal sanctions. Recognition of subgroups and their differences along key theoretical dimensions (e.g., developmental backgrounds, cognition, mental disorder, embedment in violent social networks) should be part of the conceptual development and testing of interventions—whether legal sanctions or treatment regimens. Theories about the reciprocity between informal and formal social control should be part of the foundation for testing the effects of criminal sanctions. Theories about the contextual effects of neighborhoods and communities that influence the salience of sanctions also should be part of the testing of legal sanctions.

Perhaps most important, the development of theory within a framework of cumulative research suggests that *no research or evaluation should proceed without a theoretical foundation*. It is theory that is generalizable, not practice in the absence of a conceptual framework for its effects. While cautiously avoiding "decontextualizing" the complexity of domestic violence (Lerman, 1992), we need to examine the interfaces of theories of

violence, domestic violence, and social control in the context of the dynamics of domestic violence. Theoretical perspectives on violent *events* can complement theories on violent *persons*, providing unique perspectives on how social contexts shape the onset of domestic assaults (Tedeschi and Felson, 1995).

Develop a Program of Research and Development To Test Theoretically Driven Interventions and Policies

To accomplish these goals, evaluation must be institutionalized as part of a framework for assessing policy. Although experiments are preferred, controlled testing involves a variety of designs that do not necessarily require the randomization of people. In fact, there is growing interest in experiments in which programs, organizational units, or communities are the units of control and analysis (Boruch, 1994). Nevertheless, experiments involving individuals continue to be important, although they are ethically challenged. Alternatives that maintain experimental design but avoid no-service controls are available. For example, yoked designs involve random allocation of subjects to different combinations of interventions, thereby avoiding the problems of no-service control groups. A variety of other alternative design options are available for constructing control groups. One design may include case controls from other programs or from a group receiving a competing intervention. Multiple baseline comparisons, prior program cohorts, and other alternatives to random assignment can produce results with high internal validity (Rothman, 1986).

Other dimensions of evaluation should include careful measurement of implementation and "therapeutic integrity" within programs as well as "dosage" to individuals within the program. Baseline and postprogram measurement of violence should be specific with respect to time, action, location, circumstances, and outcomes (injuries). The limitations of official records suggest that multiple measures of postprogram violence should be recorded. Considerable effort is needed to avoid sample attrition of individuals with the highest risks of reabuse or reinjury. This

will allow for the measurement not only of multiple outcomes but also of multiple dimensions of recidivism necessary for deterrence research (Blumstein et al., 1978). Results should be disaggregated among population subgroups, if sample sizes permit, to examine offender-intervention interactions. This will ultimately contribute to knowledge about responsivity of different individuals to different forms of treatment (Andrews et al., 1990). Followup periods should be sufficiently lengthy to determine the decay rates of treatment and the factors that bear on postprogram failure. Statistical power must be measured and reported as part of the evaluation of significance and effect size.

Evaluation should be made a requirement for fiscal support. Ongoing assessment of programs is good management, and control of risks and improvement of effectiveness are two dimensions of that assessment. Although programs may rightfully fear the withdrawal of funds when programs are ineffective, there are two reasons to take that risk. First, ethical standards mandate that programs ensure they are not doing harm, and the costs of harm in a violence intervention are quite high. Second, poor results should be a cue for refinement of program design not a sign to abandon efforts at improvement. Funders must be educated similarly that political risks are necessary for the evolution of successful and effective programs.

Finally, basic research on domestic violence and violent offenders should become routinized within programs and ongoing services. The need for basic research on violent offenders and violence is evident from the recommendations of three major commissions on violence (American Psychological Association, 1993; Reiss and Roth, 1993; Centers for Disease Control, 1993). Yet many programs, whether private or public, see basic research on the causes and correlates of domestic violence as a task for others. Some see research as a burden, others as a distraction from their mission, and still others see it as exploiting their clients. Even when there is recognition of its importance, knowledge generated from research often is assigned a lesser value than folk knowledge gained from anecdotes and the reflections of staff and administrators. Programs must realize the opportunities for knowledge development from their interactions

with violent offenders. There is critical information from research that can inform both theory and practice in interventions.

Construct a Stable Infrastructure for Supporting Research

Research support is inconsistent and generally at levels too low for thorough testing of policies and practices in domestic violence. The complexity of followup with victims and offenders alone will consume time and resources. A strategy for stable funding will need to address several dimensions to overcome the structural limitations of the current research context.

First, we must carefully consider the *infrastructure* for funding both programs and research on interventions for domestic violence. Funds for research, like program funding, tends to be driven by streams tied to specific agencies or problem definitions. In communities with serious violence problems and extensive service networks, a more rational and need-driven basis for supporting evaluations should be constructed. Accordingly, a "superfund" for evaluation could be constructed with contributions from specific government entities (that support services), private foundations concerned with developing effective violence prevention and interventions, and research agencies concerned with developing basic knowledge or evaluation data on domestic violence. Evaluation block grants from Federal agencies could provide a Federal share for local or State evaluation "superfunds." Funders of services, programs themselves, or researchers could request evaluation support from the fund.

Second, the structure of research should be considered—longer studies of broader scope are needed to pursue certain questions. We need to set realistic goals for research; we cannot realistically expect answers to complex domestic violence questions in 2 years and \$250,000. Reforms to the peer review process should be part of this effort. For example, stable and continuous review panels could work closely with applicants to refine and revise promising proposals. Third, research and evaluation must be supported externally and at appropriate funding levels as part of funding for program operations. Programs should not be con-

fronted with choices between services and research. Part of the institutionalization of research and evaluation should be the creation of a stable funding stream independently from services funding. This will support an uninterrupted research agenda that is funded at a level to create valid information. Independence of researchers from programs is necessary to ensure that programs receive an impartial assessment. The principle of risk-responsivity (Andrews et al., 1990) should apply as well to funding: the higher levels of funding should be allocated to the programs that deal with the highest level of risk or threat. The production of valid and generalizable research knowledge is not cheap and may cost as much if not more than interventions. Political "shyness" over this reality must be set aside.

Finally, collaboration should be encouraged between universities and domestic violence services and intervention programs, whether they be community supervision, legal sanctions, or residential treatment. For example, doctoral programs that emphasize research can establish field placements or internships with intervention agencies to initiate either basic or evaluation research agendas. Violence is a complex phenomenon, not well explained by the traditionally separate disciplines of the behavioral and health sciences. Because it involves theoretical knowledge from several disciplines, the creation of internships within programs can foster interdisciplinary research and the advancement of knowledge beyond the limitations of single disciplines.

The proliferation of commissions and legislative actions suggests that the control of violence has become a national priority. Funding for basic research, evaluation, and intervention programs should reflect that priority. One reason for the inadequate knowledge base about violence or its interventions has been the traditionally low level of funding for violence research (Reiss and Roth, 1993; American Psychological Association, 1993). Reductions in violence, like progress in the fight of disease and technological advancement, will begin when there are investments in knowledge development commensurate with the urgency of the problem.

Two Additional Concerns

Support development of methodological tools for consistent research. Measurement error and design inconsistencies make studies often noncomparable. There is much controversy surrounding measurement and design in family violence (Weis, 1989). A program of support for the development of validated measures and methodological innovations would provide a compatible body of knowledge for synthesis and theory building.

Translate research findings to inform policymakers and practitioners. Policymakers, practitioners, and advocates rightfully complain that academics produce alien and unreadable documents that are not helpful in their work. But asking academics to recast their work in nontechnical language may require skills that they may not have. Let academics and policy researchers be technical; do not ask them to direct their efforts toward a different audience than their peers who are the gatekeepers on theoretical and substantive knowledge. Instead, enterprises are needed that create multiple products for diverse audiences from these technical reports. This form of social science journalism will provide an invaluable bridge from social and behavioral science to the audiences who will implement policies and ideas.

A Final Note

Without meaningful change in the structure of research and evaluation in domestic violence, a reviewer 5 or 10 years from now will likely reach the same conclusions reached in this review: "We just don't know, the evaluation data aren't very good." We could have said all this 5 years ago and actually did say it 10 years ago (Boruch, 1994). Let's not be embarrassed or embarrass ourselves by continuing on this frustrating path of fad-driven and nonsystematic policies with weak after-the-fact evaluations. Collaborative research to develop and test theoretically driven interventions and policies will make a significant contribution to the development of policies for legal interventions to protect battered women. A continuation of the research efforts of the past two decades will not.

Notes

1. However, throughout this period in nearly every State, civil and criminal legal sanctions have remained separate though parallel remedies with divergent underlying legal theories and behavioral assumptions. Although legislatures have acted to increase the use of both civil and criminal legal sanctions to control domestic violence, there is continuing discussion of how the court system can most effectively protect domestic violence victims.

2. For example, a significant portion of the Family Violence Services and Prevention Act of 1984 provided funding for 23 law enforcement training projects across the country from 1986-1992 (Newmark, Harrell, and Adams, 1995). The goals of the training effort were to improve the quality of responses of police officers to female victims, improvements that will encourage their use of the law in future incidents. Whether the increased quality or quantity of police response made a difference in the lives of battered women was not addressed.

3. In fact, only a handful of studies have examined the effects of legal sanctions, both civil and criminal, on the recurrence of domestic violence. Although domestic violence has been a longstanding concern at the National Institute of Law Enforcement and Criminal Justice, NIJ's predecessor, the priority and resources assigned to the evaluation of legal reforms in domestic violence have varied, as have the types of questions and designs to answer them. Accordingly, the empirical evidence to assess the effectiveness of legal reforms has been narrow and methodologically weak. The Minneapolis Domestic Violence Experiment (Sherman and Berk, 1984a, 1984b) arguably has been NIJ's most influential research effort. But the Minneapolis experiment was noteworthy not because it was an evaluation of arrest policy for domestic violence. In fact, it was a test of deterrence theory, and domestic violence was not its primary concern. The replication experiments, collectively known as Spouse Assault Replication Program (SARP), were concerned with tests of deterrence theory also (Sherman, 1992a; Garner, et al., 1995).

4. The "battered woman's" defense was applied not only in cases in which the woman killed the man during an attack but also in cases in which the man was not actively threatening or abusing the woman at the time of the incident (Browne, 1987).

5. Historically, like the police, prosecutors were accused of disinterest in family violence cases by failing to file cases presented by the police or discouraging willing victims from pursuing criminal complaints. Whether discouraged by the evidentiary problems in these cases or the signals from a disinterested judiciary that was unwilling to respond to prosecution with meaningful sanctions, prosecutors had little incentive to follow through with vigorous presentation of domestic violence cases (Elliott, 1989; Ford, 1993). For example, Fagan (1989) found that fewer than 5 percent of 270 cases in 5 criminal justice systems were criminally prosecuted.

6. These conditions reduce the statistical power of the experiment and limit its effect on theory and policy. Statistical power is an estimate of the probability of falsely rejecting a null hypothesis—that is, detecting a significant effect when in fact it may be valid (Cohen, 1988). In this case, the small effect size and limited sample sizes suggest that these findings may well result from chance.

7. They did report, however, on subsequent calls to the police for domestic disturbances, an imprecise measure of domestic violence with fairly high measurement error.

8. Williams and Hawkins (1986, 1989b) specify three types of costs that create informal controls: attachment costs (e.g., the loss of valued relationships), stigma (e.g., social opprobrium, embarrassment), and commitment costs (e.g., loss of job or economic opportunity) (Carmody and Williams, 1987). Thus, Williams and Hawkins (1986, 1989b) are consistent with other deterrence theorists in suggesting a reciprocal and complementary relationship between formal and informal controls for domestic violence. They state, for example, that "... persons (may) anticipate that others will disapprove of their arrest for committing a certain act, and they (may) refrain from that activity because they fear the stigma of being caught" (1986:562-

563). Thus, for all these types of costs, extralegal punishment may be contingent on legal sanction.

9. Local legal culture describes the local patterns of practice that reflect in part the informal norms and expectations that regular players in the system have developed and have come to accept as "how we do things" (Kritezer and Zemmans, 1993). For the purpose of this proposed research, "local legal culture" includes the norms and attitudes, formal rules, and social relations that influence case outcomes. Criminal courtroom proceedings reflect both formal externally imposed rules and informal procedures and unspoken rules and customs. "The gap between the formal and informal rules—what the public expects and what actually occurs in practice—is largely the product of local legal culture" (Schiller and Manikas, 1987).

Schiller and Manikas (1987) suggest that the local legal culture is shaped by the fragmented nature of the criminal justice system and the many participants involved in reaching consensus on "going rates" of sanctions for specific types of cases. Formal rules are often not enforced because to strictly adhere to the rules would contradict the values and expectations of the legal culture. Schiller and Manikas (1987) suggest that the courts' formal rules and informal customs be reconciled so that the reality in a criminal justice courtroom reflects the theoretical underpinnings of the justice system.

References

- American Psychological Association (1993). *Violence and Youth: Psychology's Response*. Volume I: Summary Report of the American Psychological Association Commission on Violence and Youth. Washington, DC: American Psychological Association.
- Andrews, Don A., Ivan Zinger, R.D. Hoge, James Bonta, Paul Gendreau, and Francis T. Cullen (1990). "Does Correctional Treatment Work? A Clinically Relevant and Psychologically Informed Meta-analysis." *Criminology* 28:369-397.
- Bard, Morton (1970). *Training Police as Specialists in Family Crisis Intervention*. Washington, DC: U.S. Department of Justice.
- Bard, Morton, and Joseph Zacker (1971). "The Prevention of Family Violence: Dilemmas of Community Interaction." *Journal of Marriage and the Family* 33:677-682.
- Berk, Richard A., Alec Campbell, Ruth Klap, and Bruce Western (1992a). "Bayesian Analysis of the Colorado Springs Spouse Abuse Experiment." *Journal of Criminal Law and Criminology* 83:170-200.
- Berk, Richard A., Alec Campbell, Ruth Klap, and Bruce Western (1992b). "The Deterrent Effect of Arrest in Incidents of Domestic Violence: A Bayesian Analysis of Four Field Experiments." *American Sociological Review* 57:698-708.
- Binder, Arnold, and James W. Meeker (1992). "Implications of the Failure to Replicate the Minneapolis Experimental Findings." *American Sociological Review* 58:886-888.
- Black, Donald (1980). *The Manners and Customs of the Police*. New York: Academic Press.
- Black, Donald, and Albert J. Reiss, Jr. (1967). "Patterns of Behavior in Police and Citizen Transactions." Pp. 1-139 in *Studies*

of Crime and Law Enforcement in Major Metropolitan Areas, Field Surveys III, Volume 2, President's Commission on Law Enforcement and the Administration of Justice, Washington, DC: U.S. Government Printing Office.

Blumstein, Alfred, Jacqueline Cohen, and Daniel Nagin (eds.) (1978). *Estimating the Effects of Criminal Sanctions on Crime Rates*. Washington, DC: National Academy Press.

Boffey, Phillip M. "Domestic Violence: Study Favors Arrest." *New York Times*, April 5, 1983.

Boruch, Robert F. (1994). "The Future of Controlled Randomization Experiments: A Briefing." *Evaluation Practices* 15:265-274.

Bowker, Lee (1983). *Beating Wife-Beating*. Lexington, MA: D.C. Heath.

Bowker, Lee (1984). "Coping With Wife Abuse: Personal and Social Networks." In *Battered Women and Their Families*, edited by A.R. Roberts, New York: Springer.

Browne, Angela (1987). *When Battered Women Kill*. New York: Free Press.

Campbell, Donald T. (1969). "Reforms as Experiments." *American Psychologist*, 24:409-429.

Carmody, Diana Cyr, and Kirk R. Williams (1987). "Wife Assault and Perceptions of Sanctions." *Violence and Victims* 2:25-38.

Centers For Disease Control (1993). *Injury Control in the 1990s: A National Plan for Action*. Atlanta: Centers for Disease Control.

Cohen, Stanley (1988). *Statistical Power for the Behavioral Sciences, 2nd Edition*. Hillsdale, NJ: Lawrence Erlbaum Associates.

Davis, Robert M. (1995). Personal Communication.

Davis, Robert C., and Barbara Smith (1982). "Crimes Between Acquaintances: The Response of the Criminal Courts." *Victimology: An International Journal* 8:175-187.

Davis, Robert C., and Bruce Taylor (1995). "A Joint Social Service and Police Response to Domestic Violence: The Results of a Randomized Experiment." Unpublished. New York: Victim Services Agency.

Dobash, Rebecca E., and Russell P. Dobash (1979). *Violence Against Wives: A Case Against the Patriarchy*. New York: Free Press.

Dunford, Franklyn W. (1990). "Victim Initiated Warrants for Suspects of Misdemeanor Domestic Assault: A Pilot Study." *Justice Quarterly* 7:631-653.

Dunford, Franklyn W. (1992). "The Measurement of Recidivism in Cases of Spouse Assault." *Journal of Criminal Law and Criminology* 83:120-136.

Dunford, Franklyn W., and Delbert S. Elliott (1990a). "The Role of Arrest in Domestic Assault: The Omaha Experiment." *Criminology* 28:183-206.

Dutton, Donald G. (1988). "Profiling of Wife Assaulters: Preliminary Evidence for a Trimodal Analysis." *Violence and Victims* 3:5-30.

Dutton, Donald G. (1995). *The Domestic Assault of Women* (second edition). Boston: Allyn-Bacon.

Dutton, Donald G., and J.J. Browning (1988). "Concern for Power, Fear of Intimacy, and Aversive Stimuli for Wife Abuse." Pp. 163-175 in *Family Abuse and Its Consequences: New Directions for Research*, edited by Gerald T. Hotaling, David Finkelhor, J.T. Kilpatrick, and Murray Straus. Beverly Hills, CA: Sage.

Dutton, Donald, Stephen G. Hart, Leslie W. Kennedy, and Kirk R. Williams (1991). "Arrest and the Reduction of Repeat Wife Assault." In *Domestic Violence: The Changing Criminal Justice Response*, edited by E. Buzawa and C. Buzawa. Westport, CT: Greenwood.

Edelson, Jeffrey, and M. Syers (1990). "The Relative Effectiveness of Group Treatments for Men Who Batter." *Social Work Research and Abstracts* 26, 10-17.

Edelson, Jeffrey L., and Richard M. Tolman (1993). *Intervention for Men Who Batter: An Ecological Approach*. Newbury Park, CA: Sage.

Elliott, Delbert S. (1989). "Criminal Justice Procedures in Family Violence Crimes." Pp. 427-480 in *Family Violence, Volume II of Crime and Justice: An Annual Review of Research*, edited by Lloyd Ohlin and Michael Tonry. Chicago: University of Chicago Press.

Emerson, Robert E. (1981). "On Last Resorts." *American Journal of Sociology* 87:1-22.

Emerson, Robert E. (1983). "Holistic Effects in Social Control Decision Making." *Law and Society Review* 17:425-455.

Fagan, Jeffrey (1989). "Cessation from Family Violence: Deterrence and Dissuasion." Pp. 357-426 in *Family Violence, Volume II of Crime and Justice: An Annual Review of Research*, edited by Lloyd Ohlin and Michael Tonry. Chicago: University of Chicago Press.

Fagan, Jeffrey (1990). "Natural Experiments." Pp. 108-137 in *Measurement Issues in Criminology*, edited by Kimberly Kempf. New York: Springer-Verlag.

Fagan, Jeffrey (1992). "Social Control and Spouse Assault." Pp. 187-234 in *Advances in Criminological Theory, Volume 4*, edited by Freda Adler and William Laufer. New Brunswick, NJ: Transaction.

Fagan, Jeffrey (1993). "Social Structure and Spouse Assault." Pp. 209-254 in *The Socio-Economics of Crime and Justice*, edited by Brian Forst. Toronto: ME Sharpe.

Fagan, Jeffrey, and Angela Browne (1994). "Violence Against Spouses and Intimates." Pp. 115-292 in *Understanding and Preventing Violence, Volume 3*, edited by Albert J. Reiss, Jr., and Jeffrey A. Roth. Washington, DC: National Academy Press.

Fagan, Jeffrey, Douglas K. Stewart, and Karen V. Hansen (1983). "Violent Men or Violent Husbands: Background Factors and Situational Correlates of Severity and Location of Violence." Pp. 49-68 in *The Dark Side of Families*, edited by D. Finkelhor, M. Straus, G. Hotaling, and R. Gelles. Beverly Hills, CA: Sage.

Fagan, Jeffrey, Elizabeth Friedman, Sandra Wexler, and Virginia O. Lewis (1984). *Final Report: National Family Violence Evaluation*, Grant 80-JN-AX-0004, Office of Juvenile Justice and Delinquency Prevention. Washington, DC: U.S. Department of Justice.

Fagan, Jeffrey, Christopher Maxwell, Lisa Macaluso, and Cynthia Nahabedian (1995). *Evaluation of the Domestic Violence Hearing Officer Pilot Program: Final Report*. Trenton, NJ: Administrative Office of the Courts.

Farrell, Graham, and Ken Pease (1993). *Once Bitten, Twice Bitten: Repeat Victimization and its Implications for Crime Prevention*. London: Police Research Group. Crime Prevention Unit Series: Paper No. 49.

Finn, Peter (1989). "Statutory Authority in the Use and Enforcement of Civil Protection Orders Against Domestic Abuse." *Family Law Quarterly* 23:43-67.

Finn, Peter (1991). "State-by-State Guide to Enforcement of Civil Protection Orders." *Response to the Victimization of Women and Children* 14(1):3-12.

Finn, Peter, and Sara Colsen (1990). *Civil Protection Orders: Legislation, Current Court Practice, and Enforcement*. Washington, DC: U.S. National Institute of Justice.

Ford, David A. (1991). "Prosecution as a Power Source: A Note on Empowering Women in Violent Conjugal Relationships." *Law and Society Review* 25:313-334.

Ford, David A. (1993). *The Indianapolis Domestic Violence Prosecution Experiment. Final Report, Grant 86-IJ-CX-0012 to the National Institute of Justice*. Indianapolis, IN: Indiana University.

Forst, Brian E., and J.C. Herson (1985). "The Criminal Justice Response to Victim Harm." *National Institute of Justice Research in Brief*. Washington, DC: U.S. Department of Justice.

Gaguin, Deidre A. (1977-78). "Spouse Abuse: Data from the National Crime Survey." *Victimology: An International Journal* 2:632-642.

Garner, Joel, and Elizabeth Clemmer (1986). "Danger to Police in Domestic Disturbances: A New Look." *National Institute of Justice Research in Brief*. Washington, DC: U.S. Department of Justice.

Garner, Joel, Jeffrey Fagan, and Christopher D. Maxwell (1995). "Published Findings from the NIJ Spouse Assault Replication Program: A Critical Review." *Journal of Quantitative Criminology* 8(1):1-29.

Goolkasian, Gail A. (1986). *Confronting Domestic Violence: A Guide for the Criminal Justice Agencies*. National Institute of Justice Issues and Practices, May.

Gordon, Linda (1988). *Heroes of Their Own Lives: The Politics and History of Family Violence*. New York: Viking.

Grau, Janice, Jeffrey Fagan, and Sandra Wexler (1984). "Restraining Orders for Battered Women: Issues in Access and Efficacy." *Women and Politics* 4:13-28.

Hagan, John, and Kirsten Bumiller, 1983. "Making Sense of Sentencing: A Review and Critique of Sentencing Research." In Alfred Blumstein et al. (eds.), op. cit.

Hamberger, L. Kevin, and J. E. Hastings (1993). "Court-Mandated Treatment of Men Who Assault Their Partners: Issues, Controversies, and Outcomes." Pp. 188-229 in *Legal Responses to Wife Assault: Current Trends and Evaluation*, edited by N. Zoe Hilton. Newbury Park, CA: Sage.

Harrell, Adele V. (1991). "Evaluation of Court-Ordered Treatment for Domestic Violence Offenders." Final Report, Grant 90-12L-E-4089, State Justice Institute. Washington, DC: The Urban Institute.

Harrell, Adele V., Barbara Smith, and Lisa Newmark (1993). *Court Processing and the Effects of Restraining Orders for Domestic Violence Victims*. Final Report to the State Justice Institute. Washington, DC: The Urban Institute.

Hassenfeld, Y., and P. Cheung (1985). "The Juvenile Court as a People Processing Organization: A Political Economic Perspective." *American Journal of Sociology* 90:801-825.

Hilton, N. Zoe (1993). *Legal Responses to Wife Assault: Current Trends and Evaluation*. Newbury Park, CA: Sage.

Hirschel, J. David, Ira W. Hutchison, III, and Charles W. Dean (1992a). "The Failure of Arrest to Deter Spouse Abuse." *Journal of Research in Crime and Delinquency* 29:7-33.

Hirschel, J. David, Ira W. Hutchison, III, and Charles W. Dean (1992b). "Female Spouse Abuse and the Police Response: The Charlotte, North Carolina Experiment." *Journal of Criminal Law and Criminology* 83:73-119.

Holzworth-Munroe, Amy, and Gregory L. Stuart (1994). "Typologies of Male Batterers: Three Subtypes and Differences Among Them." *Psychological Bulletin* 116(3):476-497.

Hotelling, Gerald T., and David B. Sugarman (1986). "An Analysis of Risk Markers in Husband to Wife Violence: The Current State of Knowledge." *Violence and Victims* 1:101-124.

International Association of Chiefs of Police (1967). "Training Key 16: Handling Domestic Disturbance Calls." Gaithersburg, MD: IACP.

Jacob, Herbert (1983). "Courts as Organizations." In *Empirical Theories About the Courts*, edited by Lynn Mather and Kenneth Boyum. New York: Longman.

Kaci, Judy Hails (1992). "A Study of Protective Orders Issued Under California's Domestic Violence Prevention Act." *Criminal Justice Review* 17(1):61-76.

Klein, Andrew R. (n.d.). "Re-abuse in a Population of Court-Restrained Male Batterers." Unpublished. Quincy, MA: Quincy Court Domestic Violence Program.

Kritzer, Herbert M. and Frances Kahn Zemmans (1993). "Local Legal Culture and the Control of Litigation." *Law and Society Review* 27(3):535-557.

Lattimore, Pamela K., Christy Visser, and Richard L. Linster (1995). "Predicting Rearrest for Violence among Serious Youthful Offenders." *Journal of Research in Crime and Delinquency* 32:54-83.

Lerman, Lisa G. (1981). "Criminal Prosecution of Wife Beaters." *Response to Violence in the Family* 4(3):1-19.

Lerman, Lisa G. (1992). "The Decontextualization of Domestic Violence." *Journal of Criminal Law and Criminology* 83:217-240.

Mather, Lynn (1979). *Plea Bargaining or Trial?* Lexington, MA: D.C. Heath.

McCord, Joan (1993). "Deterrence of Domestic Violence: A Critical View of Research." *Journal of Research in Crime and Delinquency* 29:229-239.

Miller, J.L., and A.B. Anderson (1986). "Updating the Deterrence Doctrine." *Journal of Criminal Law and Criminology* 77(2):418-438.

Mohr, L.B. (1976). "Organizations, Decisions and Courts." *Law and Society Review* 14:621-642.

Newmark, Lisa, Adelle Harrell, and Barbara Smith (1995). *Evaluation of the Domestic Violence Services in the Family Violence Prevention Services and Training Program*. Washington, DC: The Urban Institute.

Oliver, William (1994). *The Violent Social World of Black Men*. New York: Lexington Books.

Parnas, Raymond I. (1967). "The Police Response to the Domestic Disturbance." *Wisconsin Law Review* 31:914-960.

Pate, Anthony M., and Edwin E. Hamilton (1992). "Formal and Informal Deterrents to Domestic Violence: The Dade County Spouse Assault Experiment." *American Sociological Review* 57:691-697.

Pleck, Elizabeth (1989). "Criminal Approaches to Family Violence, 1640-1980." Pp. 19-57 in *Family Violence, Volume II, Crime and Justice: An Annual Review of Research*, edited by Lloyd Ohlin and Michael Tonry. Chicago: University of Chicago Press.

Reiss, Albert J., Jr. (1985). "Selective Strategies of Social Control Over Organizational Life." In *Enforcing Regulation*, J. Thomas and K. Hawkins (eds.). Boston: Kluwer-Nijhoff.

Reiss, Albert J., Jr., and Jeffrey A. Roth (1993). *Understanding and Preventing Violence*. Washington, DC: National Academy Press.

Riecken, H.W., R.F. Boruch, D.T. Campbell, N. Caplan, T.K. Glennan, J.W. Pratt, A. Rees, and W. Williams. (1974). *Social Experimentation*. New York: Academic Press.

Rothman, Kenneth J. (1986). *Modern Epidemiology*. Boston: Little Brown.

Sampson, Robert J. (1992). "Family Management and Child Development: Insights from Social Disorganization Theory." Pp. 63-92 in *Facts, Forecasts, and Frameworks*, edited by Joan McCord. New Brunswick, NJ: Transaction.

Sampson, Robert J., and W. Byron Groves (1989). "Community Structure and Crime: Testing Social Disorganization Theory." *American Journal of Sociology* 94:774-802.

Saunders, Dan, and Sandra Azar (1989). "Treatment Programs for Family Violence." Pp. 481-546 in *Family Violence, Volume II, Crime and Justice: An Annual Review of Research*, edited by Lloyd Ohlin and Michael Tonry. Chicago: University of Chicago Press.

Schiller, Stephen A., and Peter M. Manikas (1987). "Criminal Courts and Local Legal Culture." *DePaul Law Review* 36:327-341.

Schmidt, Janell, and Ellen Hochstadler Steury (1989). "Prosecutorial Discretion in Filing Charges in Domestic Violence Cases." *Criminology* 27:487-510.

Sechrest, Lee, Susan O. White, and E.D. Brown (1979). *The Rehabilitation of Criminal Offenders: Problems and Prospects*. Washington, DC: National Academy Press.

Sherman, Lawrence W. (1980). "Specific Deterrent Effect of Spouse Assault." Proposal submitted to the National Institute of Justice, Crime Control Theory Program. Washington, DC: Crime Control Institute.

Sherman, Lawrence W. (1992a). "The Influence of Criminology on Criminal Law: Evaluating Arrests for Misdemeanor Domestic Violence." *Journal of Criminal Law and Criminology* 83:1-45.

Sherman, Lawrence W. (1992b). *Policing Domestic Violence*. New York: Free Press.

Sherman, Lawrence W., and Richard A. Berk (1984a). "The Specific Deterrent Effects of Arrest for Domestic Assault." *American Sociological Review* 49:261-272.

Sherman, Lawrence W., and Richard A. Berk (1984b). *The Minneapolis Domestic Violence Experiment*. Washington, DC: Police Foundation Reports, No. 1.

Sherman, Lawrence W., and Ellen G. Cohn (1989). "The Impact of Research on Legal Policy: The Minneapolis Domestic Violence Experiment." *Law and Society Review* 23:117-144.

Sherman, Lawrence W., Janell D. Schmidt, Dennis P. Rogan, Patrick Gartin, Ellen G. Cohen, Dean J. Collins, and Anthony R. Bacich (1991). "From Initial Deterrence to Long-Term Escalation: Short Custody Arrest for Poverty Ghetto Domestic Violence." *Criminology*, 29:821-850.

Sherman, Lawrence W., Douglas A. Smith, Janell D. Schmidt, and Dennis P. Rogan (1992a). "Crime, Punishment, and Stake in Conformity: Legal and Informal Control of Domestic Violence." *American Sociological Review* 57:680-690.

Sherman, Lawrence W., Janell D. Schmidt, Dennis P. Rogan, Douglas A. Smith, Patrick R. Gartin, Ellen G. Cohn, Dean J. Collins, and Anthony R. Bacich (1992b). "The Variable Effects of Arrest on Crime Control: The Milwaukee Domestic Violence Experiment." *Journal of Criminal Law and Criminology* 83:137-169.

Sidel, Ruth (1986). *Women and Children First*. New York: Viking.

Straus, Murray A., and Richard Gelles (1986). "Societal Change in Family Violence from 1975 to 1985 as Revealed by Two National Surveys." *Journal of Marriage and the Family* 48:465-479.

Straus, Murray A., Richard Gelles, and Suzanne Steinmetz (1980). *Behind Closed Doors: Violence in the American Family*. Garden City, NY: Anchor/Doubleday Press.

Tedeschi, James, and Richard Felson (1995). *Violence, Aggression and Coercive Actions*. Washington, DC: APA Press.

Title, Charles R., and Charles H. Logan (1973). "Sanctions and Deviance: Evidence and Remaining Questions." *Law and Society Review* 7(3):371-392.

Toby, Jackson (1957). "Social Disorganization and Stakes in Conformity: Complementary Factors in the Predatory Behavior of Hoodlums." *Journal of Criminal Law, Criminology, and Police Science* 48:12-17.

U.S. Attorney General's Task Force on Family Violence (1984). Final Report. Washington, DC: U.S. Government Printing Office.

U.S. Commission on Civil Rights (January 1982). *Under the Rule of Thumb, Battered Women and the Administration of Justice*. Washington, DC.

Visher, Christy, Pamela Lattimore, and Richard Linster (1991). "Predicting Recidivism of Serious Youthful Offenders Using Survival Models." *Criminology* 29:329-366.

Weis, Joseph G. (1989). Family Violence Research Methodology and Design. In *Family Violence, Volume 11, Crime and Justice, An Annual Review of Research*, edited by Lloyd Ohlin and Michael Tonry. Chicago: University of Chicago Press.

Williams, Kirk R., and Richard Hawkins (1986). "Perceptual Research on General Deterrence: A Critical Review." *Law and Society Review* 20:545-572.

Williams, Kirk R., and Richard Hawkins (1989a). "The Meaning of Arrest for Wife Assault." *Criminology* 27:163-181.

Williams, Kirk R., and Richard Hawkins (1989b). "Controlling Male Aggression in Intimate Relationships." *Law and Society Review* 23:591-612.

Williams, Kirk R., and Richard Hawkins (1992). "Wife Assault: Costs of Arrest and the Deterrence Process." *Journal of Research in Crime and Delinquency* 29:292-310.

Zeisel, Hans (1972). "Reflections on Experimental Techniques in the Law." *Journal of Legal Studies* 2(1):107-124.

Zimring, Franklin E. (1973). *Deterrence: The Legal Thread in Crime Control*. Chicago: University of Chicago Press.

Zimring, Franklin E. (1989). "Toward a Jurisprudence of Family Violence." Pp. 537-570 in *Family Violence, Volume II, Crime and Justice: An Annual Review of Research*, edited by Lloyd Ohlin and Michael Tonry. Chicago: University of Chicago Press.

Zorza, Joan (1992). "The Criminal Law of Misdemeanor Domestic Violence, 1970-1990." *Journal of Criminal Law and Criminology* 83:240-279.

For more information on the National Institute of Justice,
please contact:

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SB

268

9-LS1587F
Luckhaupt
3/21/96

CS FOR SENATE BILL NO. 268()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR LEMAN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to release before trial in cases involving alcohol, controlled
2 substances, stalking, or domestic violence."

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

4 • Section 1. AS 12.30 is amended by adding a new section to read:

5 Sec. 12.30.023. RELEASE BEFORE TRIAL IN CASES INVOLVING
6 ALCOHOLIC BEVERAGES OR CONTROLLED SUBSTANCES. In determining the
7 conditions of release under AS 12.30.020 in cases involving a violation of AS 04,
8 AS 11.71, or AS 11.73, the court shall consider the conditions specified in
9 AS 12.30.020 and the following conditions and impose one or more conditions it
10 considers reasonably necessary to protect the public safety and security, including
11 ordering the defendant

12 (1) to obey all laws;

13 (2) to submit to a search of the defendant's person, personal property,
14 residence, vehicle, or any vehicle over which the defendant has control, for the

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presence of alcoholic beverages or illegal drugs and drug paraphernalia by a peace officer who has reasonable suspicion that the defendant is violating the terms of the defendant's bail release by possessing alcoholic beverages or illegal drugs and drug paraphernalia;

(3) in

(A) controlled substances offenses, to enrce" in a random drug testing program, at the defendant's expense, to detect the presence of an illegal drug, with testing to occur not less than once a week, and with the results being submitted to the court and the district attorney's office;

(B) alcoholic beverage offenses, to submit to a breath test when requested by a law enforcement officer;

(4) to not have ^{possession or control} on the defendant's person, in the defendant's residence, or in any vehicle over which the defendant has control, any alcoholic beverages or controlled substances or related paraphernalia;

(5) to not use, manufacture, possess, handle, purchase, give, or administer any controlled substance or alcoholic beverage;

(6) to not associate with persons involved in using, manufacturing, growing, or distributing controlled substances or alcoholic beverages;

(7) to not enter or remain in places where controlled substances or alcoholic beverages are being used, manufactured, grown, or distributed;

(8) to not be physically present, within a two-block area of, or within a designated area near, the location at which the offense occurred or at other designated locations, unless the defendant actually resides within that area;

(9) to not use or possess a paging device, cellular phone, or other portable communicative device on the defendant's person, in any vehicle over which the defendant has control, or in the defendant's residence;

(10) to be physically inside the defendant's residence, or in the residence of the defendant's third-party custodian, between time periods set by the court, except as otherwise required by employment, education, counseling, or treatment and as specifically authorized by the court;

(11) to not possess a firearm ^{Have a} on the defendant's ^{person's} person, in any vehicle

1 ~~(B)~~ over which the defendant has control, or in the defendant's residence; *or a knife on the*

2 ~~(12)~~ (12) to attend or continue to attend alcohol or controlled substance *possession;*
3 counseling or treatment; and

4 (13) to not engage in any conduct or to refrain from any conduct that
5 the court considers reasonably necessary to protect the public. *and to assure the*

6 * Sec. 2. AS 12.30.025(a) is amended to read: *eyes, and of the person in*

7 (a) In determining the conditions of release under AS 12.30.020 in cases
8 involving domestic violence or stalking, the court shall consider the conditions
9 specified in AS 12.30.020 and the following conditions and impose one or more
10 conditions it considers reasonably necessary to protect the alleged victim of the
11 domestic violence or stalking, including ordering the defendant

12 (1) not to subject the victim to further domestic violence or stalking;

13 (2) to vacate the home of the victim;

14 (3) not to contact the victim other than through counsel;

15 ~~(4)~~ (4) to engage in counseling; if the court directs the defendant to engage
16 in personal counseling, the court shall provide in the order that the counseling must
17 propose alternatives to aggression if that type of counseling is available; if the court
18 directs the defendant to participate in family counseling, it shall make a finding that
19 family counseling will not result in additional domestic violence or stalking;

20 *Remember* (5) to refrain from the consumption of alcohol or the use of drugs.

Delete

(C) Add Dom. Violence

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 2/7/96

FURTHER:

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/28/96

The Judiciary Committee considered SB 268

Relating to release before trial in cases involving controlled substances.

and recommends:

- be replaced with CS SB 268 (JUD)
- adopt previous CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:
- same title
 - new title
- House Bill:
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Mike Miller</i>	<input checked="" type="checkbox"/>	<i>Ph. Ellis</i>	<input checked="" type="checkbox"/>		
		<i>Lynda Green</i>	<input checked="" type="checkbox"/>		
		<i>Al Adams</i>	<input checked="" type="checkbox"/>		
CHAIR: <i>Adrian W. Taylor</i>	<input checked="" type="checkbox"/>	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>Trial Courts</i>	<i>3/27/96</i>	<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>Corrections</i>	<i>3/11/96</i>	<input checked="" type="checkbox"/>	
<i>Law-Criminal Div</i>	<i>3/12/96</i>	<input checked="" type="checkbox"/>	
<i>Public Safety</i>	<i>3/11/96</i>	<input checked="" type="checkbox"/>	

APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill

MEMORANDUM

State of Alaska
Department of Law

TO All Criminal Division Attorneys

DATE January 24, 1996

FILE NO


TEL. NO

465-3428

SUBJECT

Bail Conditions in Drug and
Alcohol Cases

FROM

Laurie H. Otto 
Deputy Attorney General
Criminal Division Central Office

As you are aware, consumption and trafficking in illegal narcotics is a major problem throughout the state. In rural Alaska, a similar problem exists with selling and importing alcohol in local option areas. An even more significant concern from a public policy standpoint occurs when defendants who have been released on bail continue to engage in illegal drug consumption or trafficking, or alcohol sales or importation. In an effort to uniformly address the problem of defendants engaging in drug and alcohol crimes while on bail, and hopefully prevent it from occurring so that we can fully protect the public, the following standard bail conditions should be requested in cases where the defendant is charged with drug or alcohol offenses.

Unless there are case or offender specific reasons for continued pretrial detention, it is not normally appropriate to prevent the release of drug or alcohol offenders pending trial, but we do want to ensure that these defendants do not pose a danger to the community while on release, that the police have sufficient authority to search them, and that conditions are imposed such that release can be immediately revoked before further alcohol or drug crimes are committed. The standard bail conditions that we should request in every drug or alcohol case are:

(1) Defendant shall obey all laws.

(2) Defendant shall submit to a search of his or her person, personal property, residence, vehicle, or any vehicle over which the defendant has control, for the presence of illegal drugs and/or drug paraphernalia, or in alcohol cases, for the presence of alcoholic beverages, by a peace officer who has a reasonable suspicion that defendant is violating the terms of his or her bail release by possessing drugs, drug paraphernalia, or alcoholic beverages.

(3) In drug cases, defendant shall enroll in a random drug testing program (at defendant's expense) to detect the presence of illegal drugs, with testing to occur no less than one time per week, and with the results being submitted to the court and the District Attorney's Office. (In rural locations where testing may not be available, appropriate discretion should be



SENATOR LOREN LEMAN

Northwest Anchorage

716 W 4th Ave, Suite 520, Anchorage, AK 99501 (907) 258-8189 Session: State Capitol, Juneau, AK 99801 (907) 465-2025

SPONSOR STATEMENT

Senate Bill 268

"An Act relating to release before trial
in cases involving controlled substances."

This legislation establishes new criteria for Alaska courts to consider in making decisions about pre-trial release of drug offenders. Each year, a substantial number of defendants in drug cases are arrested again, before adjudication of the original offense. According to the Anchorage Police Department, the below examples are NOT isolated cases, they are the norm:

- One street corner cocaine dealer was arrested, bailed out, and shortly thereafter, arrested again while selling cocaine just a short distance from the original arrest.
- Another person operating a crack house was arrested and released after promptly posting bail, only to re-open the business in the same house immediately upon release.

The public feels unsafe and loses confidence in the criminal justice system when drug offenders regularly engage in illegal drug consumption and trafficking even after arrest and this appears to be a recognized problem not only in Anchorage but across the State.

While SB 268 cannot prevent the release of drug offenders pending trial, it will decrease the opportunity for the defendant to pose a threat to the community while on release. It will provide for sufficient authority for the police to search them, and enable revocation of release.

Municipality of Anchorage



P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 348-4433

Rick Mystrom, Mayor

February 8, 1996

OFFICE OF THE MUNICIPAL MANAGER

Senator Loren Leman
Alaska State Legislature
State Capitol
Juneau, AK 99801

FEB 12 1996

Re: Senate Bill 268

Dear Senator Leman:

Mayor Mystrom supports Senate Bill 268, revising the statute relating to release conditions for those arrested for the sale, possession, or consumption of controlled substances.

Each year, a substantial number of defendants in drug cases are arrested again on similar charges, even before adjudication of the original offense. Approximately 2 months ago, a known drug dealer was arrested for misconduct of a controlled substance. He was released on bail and was back on the street only to be arrested for the same charge shortly thereafter. A female was arrested and charged with the same offense. Again, she was released on bail only to be caught on video tape a short time later dealing once again.

The judges and magistrates have the ability to impose the type of restrictions being proposed, but there is inconsistency in their application. The proposed legislation will help ensure that arrest is not just a minor inconvenience for drug dealers.

The conditions being proposed are those designed to hinder drug offenders by restricting their use of some of the tools of the trade. They would be restricted from returning to their place of business, using cellular phones or beepers, maintaining their regular business hours. Other conditions would subject them to engage in substance abuse counseling and drug screening if appropriate.

Sen. Leman
2/8/96
Page 2

Viewing the same dealers on nearby street corners soon after arrest instills little public confidence in our public safety and judicial systems. This legislation takes a positive step toward solving this program.

Thank you for your introducing this important legislation.

Sincerely,

A handwritten signature in cursive script that reads "Tim Rogers".

Tim Rogers
Legislative Program Coordinator

FEB 06 '96 02:51PM ANCHORAGE POLICE

P.3



Rick Nyström,
Mayor

ANCHORAGE POLICE DEPARTMENT

4501 South Bragaw Street • Anchorage, Alaska 99507-1599
Telephone (907) 786-8500



Service since 1941

February 6, 1996

Senator Loren Leman
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

Re: "Catch and Release" of Repeat Drug Offenders

Dear Senator Leman:

The Anchorage Police Department supports a revision of the statutes relating to release conditions for those arrested for the sale, possession, or consumption of controlled substances. Each year, a substantial number of defendants in drug cases are arrested again, even before adjudication of the original offense. Most have ready cash available for bail, and once free, continue their trade in violation of the few additional conditions of release. Some examples include:

- One street corner cocaine dealer was arrested, bailed out, and shortly thereafter, arrested again while selling cocaine just a short distance away from the original arrest.
- Another person operating a crack house was arrested and released after promptly posting bail, only to re-open the business in the same house immediately upon release.
- A third dealer, an obviously pregnant woman, was arrested for selling cocaine to passing motorists. She, too, was arrested again shortly after being released.
- On a larger scale, the National Guard set up surveillance on a group of marijuana dealers after their release on bail. Within one week, the same individuals were seen buying new marijuana growing equipment and other hydroponics supplies from a local greenhouse.

These are not isolated cases; in fact, they are the norm. By virtue of large amounts of unreported income from the sale of drugs, and the comparatively low amounts of bail set on defendants, immediate release is a near-certainty.

FEB 06 '96 02:52PM ANCHORAGE POLICE

P.4

Page 2
Report Drug Offenders
February 6, 1996

The Municipality of Anchorage has a greater share of offenders due to its population density and availability of various contraband. As such, both the Anchorage Police Department and the entire criminal justice system must deal with the same criminals time and again. Also at issue is the safety and concern of the public. When the same dealers are seen selling drugs day after day, even after having been arrested, confidence in our judicial system is surely eroded.

We would therefore encourage you to support amendments to AS 12.30.020 regarding the determination of release conditions for cases involving controlled substances.

Sincerely,



Duane E. Udland
Deputy Chief of Police

SB

269

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 269

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: Court Records for Public for Certain BRU: Trial Courts
 Delinquents _____ Component: _____
 Sponsor: Sen. Sale by request
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 768

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	F. 00	FY 01	FY 02
PERSONAL SERVICES	157.4	157.4	157.4	157.4	157.4	157.4
TRAVEL						
CONTRACTUAL						
SUPPLIES	3.0	3.0	3.0	3.0	3.0	3.0
EQUIPMENT	4.2					
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	164.6	160.4	160.4	160.4	160.4	160.4

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (
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Fund Source

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	164.6	160.4	160.4	160.4	160.4	160.4
1005 GF/Program Receipts						
1007 GF/Mental Health						
Other						
TOTAL	164.6	160.4	160.4	160.4	160.4	160.4

Estimate of any current year (FY 96) cost: None

Positions

Full-Time	3.0	3.0	3.0	3.0	3.0	3.0
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis

Prepared by: C. S. Christensen III, Staff Council
 Agency: Alaska Court System

Phone: 264-8228
 Date: 02/25/96

Approved by: Arthur H. Snowden, II, Administrative Director
 Agency: Alaska Court System

Date: 02/26/96

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Alaska Court System
Fiscal Analysis
SB 269

SB 269 amends existing law with respect to the confidentiality of delinquency records of juveniles. At the present time, such records are not public. SB 269 would make public the court records of a juvenile who was adjudicated delinquent for an act punishable as a felony and committed on or after the juvenile's 13th birthday.

A major fiscal problem of SB 269 is that as drafted, it can be construed as opening up all existing juvenile records in the specified categories, and not just records created after enactment. The juvenile filing system used by the court system at the present time is based on the assumption that all such records are confidential; SB 269 makes some, but not all, juvenile records public. Applying SB 269 to existing files will be extremely time consuming and expensive, because of the clerical time needed to review and release existing records (note that this review cannot be done by range 8 counter clerks, but must be done by range 12 legal technicians or others with the necessary legal training). This review is necessary for several reasons, including:

1. Many juveniles have both delinquency cases and Child In Need of Aid (CINA) cases. Note that many CINA cases are opened because of information learned during a delinquency case. Because of the relationship between a juvenile's CINA case and delinquency case, frequently there is much CINA-developed information in the delinquency file. This would need to be separated out of existing files if a records request was made. Much of the time it will not be known which information in a delinquency file was generated by DFYS for delinquency reasons or CINA reasons. Files created after enactment of SB 269 would keep CINA information out of delinquency files from the start.

2. Unlike adult criminal files, which have a separate case file for each arrest, a juvenile's entire delinquency history is generally contained in a single file. It will require substantial clerical effort to review a file and separate confidential matters from public matters if a request was made for public information contained in an existing file. After enactment of SB 269, those matters which are disclosable would be kept in a separate file.

The major use of adult criminal files by private citizens is records checks. In Alaska, there is a 13 to 18-year old population of approximately 50,000; this figure, along with scores of thousands of young adults, is the potential group about which records requests could be made by potential employers, landlords, credit bureaus, neighbors, teachers, etc. Court records are not computerized. Accordingly, SB 269 would require the clerk to compile the information by means of an index search and case file

Alaska Court System
Fiscal Analysis
SB 269

review each time a request was made about a particular minor. Because the names of many juveniles or parts of a specific juvenile's existing file might remain confidential, the clerk could not have the requestor perform the index search and file review as is done with adult record

Statewide, courts receive over 3500 written requests per year for adult criminal records information, from individuals and entities that are located in a different community than the courthouse. Far more individuals and businesses perform adult criminal records research in person at courthouses. In Anchorage alone, for example, approximately 75 people per day request adult files to review for criminal records; these 75 individuals look through an estimated 500 files per day. It can be assumed that the number of requests for juvenile records will likewise be substantial, once they are made accessible. Unfortunately, it is the court clerks who will be required to look through the existing records to extract the information which SB 269 makes public.

If SB 269 were amended to clarify that it applied to offenses committed after the effective date of the act, the court system would have the substantially less expensive task of creating a new juvenile records system which kept all information pertaining to juveniles 13 and older who had been adjudicated delinquent for a felony offense in a public index and in case files containing no confidential information.

Alaska Court System
Fiscal Analysis
SB 269

Personal Services
Positions

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Legal Technician, range 12A, PFT, Anchorage	\$27,108	\$12,297	\$39,405
Legal Technician, range 12A, PFT, Anchorage	27,108	12,297	39,405
Legal Technician, range 12A, PFT, Fairbanks	30,780	13,272	44,052
Overtime for all courts at range 12A			<u>34,500</u>

Total Personal Services 157,362

Supplies

Office supplies for new positions 3,000

Equipment (one-time item)

Desk, chair, computer terminal, etc for new positions 4,200

Estimated Total Cost \$164,562

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 269

Revision Date: _____
 Title: "An Act relating to court records concerning children in need of aid and delinquent minors."
 Sponsor: Sen. Salo
 Requestor: (S) JUD

Dept Affected: Administration
 BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	00	00	00	00	00	00

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	00	00	00	00	00	00

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

There is no fiscal impact to the Office of Public Advocacy.

Prepared by Brian McGee, Public Advocate
 Division Office of Public Advocacy

Phone 274-1684
 Date _____

Approved by Commissioner Mark Hoyer
 Agency Department of Administration

Date 5/17/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 269

Revision Date: _____
Title: "An Act relating to court records concerning children in need of aid and delinquent minors."
Sponsor: Sen. Salo
Requestor: (S) JUD

Dept. Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	00	00	00	00	00	00

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	00	00	00	00	00	00

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

There is no fiscal impact to the Public Defender Agency.

Prepared by John Salem, Director
Division Public Defender Agency

Phone 264-4400
Date _____

Approved by Commissioner Mark Boyer
Agency Department of Administration

Date 8/1/95

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 269

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to court records concerning BRU: Civil Division
children in need of aid and delinquent minors." Component: General Legal Services
 Sponsor: Senator Salo
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact on the Department of Law.

Prepared by: Richard L. Hughes, Director *RLH*
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botwin, Attorney General *B*
 Agency: Department of Law

Phone: 465-3672
 Date: 2/26/96
 Date: 2/26/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 269 |

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to court records concerning BRU: _____
children in need of aid and delinquent minors. Component: _____
 Sponsor: Senator Salo
 Requester: Senate Judiciary COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Senate Bill 269 will have no significant impact on the Department of Corrections.

Prepared by: Jennifer Lloyd
 Division: Office of the Commissioner
 Approved by Commissioner: Marcel H. Reed
 Agency: Department of Corrections

Phone: 465-4652
 Date: 2/26/96
 Date: 2/26/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB269

Revision Date: _____
Title: Relating to Court Records of Juveniles

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: DFYS Central Office

Sponsor: Senator Salo
Requestor: Senate (JJD)

COMPONENT SERIAL NO. 259
See also (SN#): _____

Expenditures/Revenues:	(Thousands of Dollars)					
OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts	(1,393.2)	(1,393.2)	(1,393.2)	(1,393.2)	(1,393.2)	(1,393.2)
1000 GF Match						
1004 GF	1,393.2	1,393.2	1,393.2	1,393.2	1,393.2	1,393.2
1005 GF Program Receipts						
1008 GF MMTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:						
FULL TIME						
PART TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$1393.2 in Title IVE federal funds for Foster Care and Subsidized Adoption & Guardianship in Central Office. The total loss to the Division for this Fiscal Note would be \$7,625.9.

[Signature]
 Prepared by: L. Diane Worley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 02/23/96
[Signature]
 Approved by Commissioner: Karen Petruc, Commissioner Date: 2/26/96
 Agency: Department of Health & Social Services

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB269

Revision Date: _____
Title: Relating to Court Records of Juveniles
Sponsor: Senator Salo
Requester: Senate (JUD)

Dnpt. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Northern Region
COMPONENT SERIAL NO. 255
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

	(507.4)	(507.4)	(507.4)	(507.4)	(507.4)	(507.4)
1002 Federal Receipts						
1003 GF Match						
1004 GF	507.4	507.4	507.4	507.4	507.4	507.4
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: 50.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$507.4 in Title IVE federal funds for Foster Care and Subsidized Adoption & Guardianship in Northern Region. The total cost to the Division would be \$7,625.9.

5/26/96
Prepared by: L. Diane Worley, Director Phone: 465-3191
Division: Family & Youth Services Date: 02/23/96
Approved by Commissioner: Karen Perone, Commissioner Date: 2/26/96
Agency: Department of Health & Social Services

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB269

Revision Date: _____
Title: Relating to Court Records of Juveniles

Dept. Affected: Health and Social Services
BRU: Family and Youth Services

Sponsor: Senator Salo
Requestor: Senate (JUD)

Component: Southeastern Region
COMPONENT SERIAL NO. 258
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts	(286.0)	(286.0)	(286.0)	(286.0)	(286.0)	(286.0)
1003 GF Match						
1004 GF	286.0	286.0	286.0	286.0	286.0	286.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$286.0 in Title IVE federal funds for Foster Care and Subsidized Adoption & Guardianship in Southeast Region. The total loss to the Division for this fiscal note is \$7,625.9.

Prepared by: L. Diane Worley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 02/23/96

Approved by Commissioner: Karen Perdue, Commissioner Date: 2/26/96
 Agency: Department of Health & Social Services

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB269

Revision Date: _____
Title: Relating to Court Records of Juveniles

Sponsor: Senator Salo
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Southcentral Region
COMPONENT SERIAL NO. 254
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	(1,153.8)	(1,153.8)	(1,153.8)	(1,153.8)	(1,153.8)	(1,153.8)
1003 GF Match						
1004 GF	1,153.8	1,153.8	1,153.8	1,153.8	1,153.8	1,153.8
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: 50.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$1153.8 in Title IVE federal funds for Foster Care and Subsidized Adoption & Guardianship in Southcentral Region. The total loss to the Division for this fiscal note would be \$7,625.9.

Prepared by: L. Diane Worley, Director
Division: Family & Youth Services

Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3191
Date: 02/23/96

Date: 2/26/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB269

Revision Date: _____
 Title: Relating to Court Records of Juveniles
 Sponsor: Senator Salo
 Requestor: Senate (JUD)

Dnpt. Affected: Health and Social Services
 BRU: Purchased Services
 Component: Sub Adoption & Guardianship
 COMPONENT SERIAL NO. 1962
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY 99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	(1,364.6)	(1,364.6)	(1,364.6)	(1,364.6)	(1,364.6)	(1,364.6)
1003 GF Match						
1004 GF	1,364.6	1,364.6	1,364.6	1,364.6	1,364.6	1,364.6
1005 GF/Program Receipts						
1008 GF/AMHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: 0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$1364.6 in Title IVE federal funds for Subsidized Adoption & Guardianship. The total loss to the Division for this fiscal note would be \$7,625.9.

2/26/96
 Prepared by: L. Diane Worley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 02/23/96
 Approved by Commissioner: Karen Perdur, Commissioner Date: 2/26/96
 Agency: Department of Health & Social Services

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB269

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: Relating to Court Records of Juveniles BRU: Purchased Services
 Component: Foster Care
 Sponsor: Senator Salo COMPONENT SERIAL NO. 252
 Requestor: Senate (JUD) See also (SN#): _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
CHANGES IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts	(1,330.0)	(1,330.0)	(1,330.0)	(1,330.0)	(1,330.0)	(1,330.0)
1005 GF Match						
1004 GF	1,330.0	1,330.0	1,330.0	1,330.0	1,330.0	1,330.0
1002 GF Program Receipts						
1005 GF MMTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL TIME						
PART TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: 50.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$1330.0 in Title IVE federal funds for Foster Care. The total cost to the Division would be \$7,625.9.

2/24/96 Prepared by: L. Diane Worley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 02/23/96
 Approved by Commissioner: Karen Perdue, Commissioner Date: 2/24/96
 Agency: Department of Health & Social Services

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Senator Judith E. Salo

Alaska State Legislature



SPONSOR STATEMENT

Senate Bill 269

SB 269 is an attempt to make information about our most serious juveniles offenders available to the public. Specifically, SB 269 would open court records of juveniles over the age of 13 who have committed a felony.

The original premise behind protecting juvenile names was that rehabilitation may be easier if a young person is not labeled as a criminal. Recognizing that young people do make mistakes, the law has in the past protected minors names from the press. However, it has become apparent that not all juvenile offenders should be offered such protection. There were 2,134 felony referrals to DFYS in FY 1995. Of those, 51% had prior delinquency referrals. This bill attempts to separate the older and most serious juveniles offenders who in many cases are repeat offenders from younger offenders and misdemeanants.

The vast majority of Alaskans believe that the names of juvenile offenders should not be protected and held confidential. This is understandable in view of the escalating incidence and severity of juvenile offenses. Today there is possibly a greater public interest to be served in knowing the history of certain juvenile offenders in the community.

I encourage your support for SB 269.

SPONSOR STATEMENT

South Anchorage • Lower Hillside • Ocean View • Klatt • Kenai • Nikiski • Kalifornsky Beach

During Session: State Capitol • Juneau, AK 99801 • (907) 465-4940 • (907) 465-3766 FAX
 Interim Anchorage: 716 W 21st, Suite 250 • Anchorage, AK 99501 • (907) 258-5153 • (907) 258-5571 FAX
 Interim Kenai: 125 Mainstreet Loop • Kenai, AK 99611 • (907) 253-7996

SB

270

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB 270 (JUD)

Revision Date: _____ Dept. Affected: Department of Law
 Title: "...relating to juveniles...jurisdiction of juvenile BRU: Criminal Division/Civil Division
courts...release of juveniles." Component: Criminal Division/General Legal Services
 Sponsor: Senator Halford
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2085/2087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1005 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 47.10 in three ways. First, the bill includes certain violations of municipal ordinance with other lesser offenses where the Alaska Delinquency Rules do not apply where the offense is committed by a minor, such as traffic and fish and game violations. Second, the bill provides guidance to the juvenile court in determining conditions for the release of a minor pending a delinquency adjudication. Third, the bill provides guidance to the court in making best interest determinations in fashioning sentencing or treatment alternatives at the conclusion of a juvenile hearing. These are procedural changes and will not have a fiscal impact for the Department of Law.

Richard I. Peque

Prepared by: Richard I. Peque, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho (Attorney General)
 Agency: Department of Law

Phone: 465-3672
 Date: 3/22/96
 Date: 3/22/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 270

Revision Date:

Dept. Affected: Alaska Court System

Title:

An Act relating to juveniles...

BRU:

Trial Courts

Delinquents

Component:

Sponsor: Sen. Halford

Requestor: Senate Judiciary

COMPONENT SERIAL NO.

768

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	208.0	208.0	208.0	208.0	208.0	208.0
TRAVEL						
CONTRACTUAL	22.5					
SUPPLIES	3.0	3.0	3.0	3.0	3.0	3.0
EQUIPMENT	4.2					
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	237.7	211.0	211.0	211.0	211.0	211.0

CAPITAL EXPENDITURES

CHANGE IN REVENUES (

Fund Source

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	237.7	211.0	211.0	211.0	211.0	211.0
1005 GF/Program Receipts						
1007 GF/Mental Health						
Other						
TOTAL	237.7	211.0	211.0	211.0	211.0	211.0

Estimate of any current year (FY 96) cost: None

Positions

Full-Time	30	30	30	30	30	30
Part-Time	20	20	20	20	20	20
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: C. S. Christenson III, Staff Counsel

Agency: Alaska Court System

Phone: 264-8228

Date: 03/11/96

Approved by: Arthur H. Snowden, II, Administrative Director

Agency: Alaska Court System

Date: 03/11/96

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11/21/94

Rev 1/96

Page 1 of 4

Alaska Court System
Fiscal Analysis
SB 270

The following sections of SB 270 have a fiscal impact on the court system:

Section 1. This section amends AS 47.10.010(b), to provide that if a juvenile is cited for a noncriminal offense under a municipal ordinance for which a conviction cannot result in incarceration or the loss of a valuable license and for which a fine schedule has been established under AS 29.25.070(a), the juvenile will be charged, prosecuted and sentenced in district court in the same manner as an adult.

It is anticipated that the major municipalities will create infractions specific to juveniles, such as curfew infractions. It is also anticipated that municipalities will create juvenile infraction substitutes for many existing crimes such as vandalism and shoplifting. The citations which are contested will come before the court system. Based upon statistics generated during the first two months of Anchorage's complex civil curfew system, and the per capita rate at which adults are charged with misdemeanors, this note assumes that section 1 will generate 6000 citations per year statewide. Noncontested citations may be paid directly to the municipalities; however, defendants may contest citations or enter guilty pleas at court. Thus, many persons subject to this section will come before a district judge and/or pay citations through the court's accounting system. This note assumes that one-third of juvenile citations will be run through the court system; this is the rate at which the courts deal with other municipal citations. It should be kept in mind that the rate at which juveniles contest citations will depend on the size of fines set by the municipalities.

Sections 2 and 3. These sections relate to the release of a juvenile pending a delinquency hearing, and allow for the imposition of bail as is done for adult defendants. These sections would require the establishment of administrative procedures and accounting for bail and appearance bonds; at the present time, Children's Court is not set up to accept any kind of cash deposit and has no operating accounting system. Release hearings can be expected to lengthen, although this note does not include costs for this additional judicial time.

Sections 6, 8, 9, and 10. These sections amend existing law with respect to the confidentiality of delinquency records of juveniles. At the present time, such records are not public; SB 270 would make public the court records of certain juveniles.

As drafted, it can be construed as opening up all existing juvenile records in the specified categories, and not just records created after enactment. The juvenile filing system used by the court system at the present time is based on the assumption that all such records are confidential; SB 270 makes some, but not all, juvenile records public. Applying SB 270 to existing files will be extremely time consuming and expensive, because of the clerical time needed to review and release existing records (note that this review cannot be done by range 8 counter clerks, but must be done by range 12 legal technicians or others with the necessary legal training). This review is necessary for several reasons, including:

1. Many juveniles have both delinquency cases and Child In Need of Aid (CINA) cases. Note that many CINA cases are opened because of information learned during a delinquency case. Because of the relationship between a juvenile's CINA case and delinquency case, frequently there is much CINA-developed information in the delinquency file. This would need to be separated out of existing files if a records request was made. Much of the time it will not be known which information in a delinquency

Alaska Court System
Fiscal Analysis
SB 270

file was generated by DFYS for delinquency reasons or CINA reasons. Files created after enactment of SB 270 would keep CINA information out of delinquency files from the start.

2. Unlike adult criminal files, which have a separate case file for each arrest, a juvenile's entire delinquency history is generally contained in a single file. This would require substantial clerical effort to review a file and separate confidential matters from public matters if a request was made for public information contained in an existing file. After enactment of SB 270, those matters which must be disclosed would be kept in a separate file.

The major use of adult criminal files by private citizens is records checks. In Alaska, there is a 13 to 18-year old population of approximately 50,000; this figure, along with scores of thousands of young adults, is the potential group about which records requests could be made by potential employers, landlords, credit bureaus, neighbors, teachers, etc. Court records are not computerized. Accordingly, SB 270 would require the clerk to compile the information by means of an index search and case file review each time a request was made about a particular minor. Because the names of many juveniles or parts of a specific juvenile's existing file might remain confidential, the clerk could not have the requestor perform the index search and file review as is done with adult record

Statewide, courts receive over 3500 written requests per year for adult criminal records information, from individuals and entities that are located in a different community than the courthouse. Far more individuals and businesses perform adult criminal records research in person at courthouses. In Anchorage alone, for example, approximately 75 people per day request adult files to review for criminal records; these 75 individuals look through an estimated 500 files per day. It can be assumed that the number of requests for juvenile records will likewise be substantial, once they are made accessible. Unfortunately, it is the court clerks who will be required to look through the existing records to extract the information which SB 269 makes public.

If SB 270 were amended to clarify that it applied to offenses committed after the effective date of the act, the court system would have the substantially less expensive task of creating a new juvenile records system which kept all public information pertaining to juveniles in a public index and in case files containing no confidential information.

Section 7. This section requires the court to unseal certain juvenile records and make them available for public inspection if the juvenile is charged with a felony offense within two years of the date the records were sealed. This will require substantial software modifications to the court system's computer system, as well as clerical time for data entry. Each of the more than 2000 adult felony convictions entered each year will need to be cross referenced with a non-existent juvenile data base which reflects sealed records in certain specific categories.

Alaska Court SystemFiscal AnalysisSB 270Section 1Personal ServicesPositions

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Court Clerk II, range 10A, PPT, 8 months, Anchorage/statewide	\$16,008	\$6,800	\$22,808
Committing Magistrate, range 22B, PPT, Anchorage/statewide, 3 months	13,815	3,667	17,482
Overtime for In-Court Clerks at range 12A for additional trials			8,900

Estimated Total Cost for Section 1

\$49,089Sections 2 & 3Personal ServicesPositions

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Overtime for additional bail transactions (receipting, accounting and disbursing) at range 10A			\$1,500

Contractual (one-time cost)

Modification of software in children's module in Statewide Court Information Processing System to a low ball and appearance bond transactions.			7,500
--	--	--	-------

Estimated Total Cost for Sections 2 & 3

\$9,000Sections 6, 8, 9 & 10Personal ServicesPositions

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Legal Technician, range 12A, PFT, Anchorage	\$27,108	\$12,297	\$39,405
Legal Technician, range 12A, PFT, Anchorage	27,108	12,297	39,405
Legal Technician, range 12A, PFT, Fairbanks	30,780	13,272	44,052
Overtime for other courts at range 12A			34,500

Total Personal Services

157,362

Supplies

Office supplies for new positions			3,600
-----------------------------------	--	--	-------

Equipment (one-time cost)

Desk, chair, computer terminal, etc for new positions			4,200
---	--	--	-------

Estimated Total Cost for Sections 6, 8, 9 & 10

\$164,562Section 7Contractual (one-time cost)

Modification of software in children's and criminal modules in Statewide Court Information Processing System to cross tabulate juvenile and adult records within statutory parameters.			15,000
--	--	--	--------

Grand Total\$237,651

Alaska State Legislature

Senate

Office of The Majority Leader


Official Business

Rick Halford
State Capitol
Juneau, Alaska 99801-1152
Phone (907) 465-4958

P.O. Box 670192
Chugiak, Alaska 99567
Phone (907) 694-4958

MEMORANDUM

TO: Senator Robin Taylor, Chairman
Senator Judiciary Committee

FROM: Senator Rick Halford 

DATE: February 7, 1996

SUBJECT: Scheduling Bills in Committee

=====

I respectfully request that Senate Bill 270 relating to juvenile offender proceedings and records be scheduled in Senate Judiciary at your earliest convenience.

Thank you.

Municipality
of
Anchorage



P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-4433

Rick Mystem, Mayor

OFFICE OF THE MUNICIPAL MANAGER

February 9, 1996

Senator Judy Salo
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Re: S. B. 269

Dear Senator Salo:

Thank you for sponsoring S. B. 269, regarding court records of juveniles.

This bill offers an important reform to the way in which juvenile criminal activity is addressed.

Attached is an issue summary supporting the need for the proposed change.

Thank you again for sponsoring this legislation. If we can offer further information, please let me know.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tim Rogers". The signature is written in a cursive style with a large initial "T".

Tim Rogers
Legislative Program Coordinator

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB270 (Jud)

Revision Date: _____
 Title: An Act relating to juveniles; relating to the jurisdiction of juvenile courts.
 Sponsor: Senator Halford
 Requestor: (S)Jud.

Dept. Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Public Defender Agency.

Prepared by: John B. Saloni, Director
 Division: Public Defender Agency

Phone: (907)264-4412
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 3/29/96

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FISCAL NOTE

BILL NO. CSSB270 (Jud)

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: _____
 Title: An Act relating to juveniles: relating to the jurisdiction of juvenile courts
 Sponsor: Sen. Halford
 Requestor: (S)Jud.

Dept. Affected: Administration
 BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TO. AL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Office of Public Advocacy.

Prepared by: Branl McGee, Public Advocate
 Division: Office of Public Advocacy

Phone: 274-1684
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

MBoyer

Date: 3/29/96

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Alaska State Legislature

Senate

Office of The Majority Leader

Sponsor Statement

Official Business

Rick Halford
State Capitol
Juneau, Alaska 99801-1182
Phone (907) 465-4958

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Chugiak, Alaska 99567
Phone (907) 694-4958

Juvenile Offender Proceedings and Records

It has been proven that early intervention has been effective in altering a juvenile's criminal behavior. However, since the current juvenile justice system is overburdened with serious offenders many juveniles who commit less serious offenses receive no meaningful consequences until they commit more serious crimes.

SB 270 provides municipalities the ability to respond to less serious juvenile offenders by expanding its jurisdiction to include the ability to subject juveniles, who commit less serious crimes, to civil infractions and/or mediation.

This measure also grants the courts more flexibility when considering standard bail and sentencing factors. The courts will be permitted to consider such factors as what is best for the public, the degree of dangerousness of the offender, or the offender's likelihood to re-offend, as well as the best interests of the juvenile.

This will provide the courts the latitude necessary to make the appropriate decision when the interests of the public differs from the best interest of the juvenile.

Furthermore, SB 270 amends current statute by providing that records relating to a minor 13 years or older who is alleged or has been found to be delinquent are public records.

Thank you for your consideration of this legislation.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 16, 1996

SUBJECT: Sectional Summary of SB 270. (Work Order No. 9-LS1425\A)

TO: Senator Rick Halford
Attn: Kelly Huber

FROM: Gerald P. Luckhaupt *JEL*
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 47.10.010(b) to provide that a juvenile that violates a noncriminal offense under a municipal ordinance will be prosecuted in district court and the children's court proceedings of AS 47.10 will not apply.

Section 2 of the bill amends AS 47.10.040 by providing that a children's court proceeding under AS 47.10 may release a minor to the minor's parents if the court finds that the appearance of the minor is reasonably assured and that the minor does not pose a risk to other persons. If the court finds that the minor's appearance is not reasonably assured or poses a danger, this section provides the court with the authority to impose various conditions on the minor's release or to require the minor's detention.

Section 3 of the bill amends AS 47.10.040 by adding a new subsection that requires a children's court to consider the factors listed in AS 12.30.020(c) in deciding whether to impose conditions of release under this section.

Section 4 of the bill amends AS 47.10.060(e) by allowing a children's court to seal records subject to disclosure under AS 47.10.090(f).

Section 5 of the bill amends AS 47.10.082 by revising and expanding the factors a children's court must consider when making its disposition order relating to a minor.

Section 6 of the bill amends AS 47.10.090(a) by providing that records relating to a minor, 13 years of age or older who is alleged or has been found to be delinquent, are public records

and that records relating to a minor alleged or found to be a child in need of aid may only be inspected in limited circumstances.

Section 7 of the bill amends AS 47.10.090(c) allowing a children's court to seal the records of a minor that has successfully completed the disposition ordered by the court, subject to reopening if the minor reoffends.

Section 8 of the bill amends AS 47.10.090(d) by providing for disclosure of a minor's name and picture in certain circumstances.

Section 9 of the bill amends AS 47.10.090(e) relating to inspection of sealed or confidential children's court records of a minor.

Section 10 of the bill amends AS 47.10.090 by adding new subsections relating to the release of records concerning a minor accused of committing a criminal offense.

Section 11 of the bill amends AS 47.10.093(a) relating to disclosure of records of a minor.

Section 12 of the bill amends AS 47.10.093(h) relating to disclosure of records of a minor to school authorities.

Section 13 of the bill amends AS 47.10.093 by adding new subsections relating to the release of records concerning a minor that is accused of committing a criminal offense.

Section 14 of the bill amends AS 47.10.140(d) relating to the detention of minors.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB270

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: Relating to Juveniles, Records, Release BRU: Family and Youth Services
 & Records _____ Component: DFYS Central Office
 Sponsor: Senator Halford COMPONENT SERIAL NO. 259
 Requestor: Senate (JUD) See also (SN#): _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	(1,456.6)	(1,456.6)	(1,456.6)	(1,456.6)	(1,456.6)	(1,456.6)
1003 GF Match						
1004 GF	1,456.6	1,456.6	1,456.6	1,456.6	1,456.6	1,456.6
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: 30.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)) and Juvenile Justice and Delinquency Prevention requirements. The state would lose \$1,456.6 in Title IVE federal funds for Foster Care and Subsidized Adoption & Guardianship in Central Office. The total cost to the Division if this bill were to pass is \$8,489.5.

Prepared by: L. Diane Worley, Director
 Division: Family & Youth Services

Phone: 465-3191
 Date: 02/26/96

Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Date: 2/26/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB27

Revision Date: _____
Title: Relating to Juveniles, Records, Release
& Records
Sponsor: Senator Halford
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Southcentral Region
COMPONENT SERIAL NO. 254
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts	(1,153.8)	(1,153.8)	(1,153.8)	(1,153.8)	(1,153.8)	(1,153.8)
1003 GF Match						
1004 GF	1,153.8	1,153.8	1,153.8	1,153.8	1,153.8	1,153.8
1005 GF/Program Receipts						
1006 GF.MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: 0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IV E of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$1153.8 in Title IV E federal funds for Foster Care and Subsidized Adoption & Guardianship in Southcentral Region. The total cost to the Division of Family & Youth Services if this bill were to pass is \$8,489.5.

[Signature]

Prepared by: L. Diane Worley, Director
Division: _____

Phone: 465-3191
Date: 02/26/96

Approved by, Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Date: 2/21/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB270

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: Relating to Juveniles, Records, Release of DRU: Purchased Services
 Records Component: Residential Child Care
 Sponsor: Senator Halford COMPONENT SERIAL NO. 253
 Requestor: Senate (JUD) See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts	(568.0)	(568.0)	(568.0)	(568.0)	(568.0)	(568.0)
1003 GF Match						
1004 GF	568.0	568.0	568.0	568.0	568.0	568.0
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY99) cost: 0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$568.0 in Title IVE federal funds for Residential Child Care. The total cost to the Division if this bill were to pass is \$8,489.5.

Prepared by: L. Diane Wooley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 02/26/96
 Approved by Commissioner: Karen Perdue, Commissioner Date: 3/26/96
 Agency: Department of Health & Social Services

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB270

Revision Date: _____
Title: Relating to Juveniles, Records, Release
& Records
Sponsor: Senator Halford
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Southeastern Region
COMPONENT SERIAL NO. 258
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

	(286.0)	(286.0)	(286.0)	(286.0)	(286.0)	(286.0)
1002 Federal Receipts						
1003 GF Match						
1004 GF	286.0	286.0	286.0	286.0	286.0	286.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: 50.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$286.0 in Title IVE federal funds for Foster Care and Subsidized Adoption & Guardianship in Southeast Region. The total cost to the Division of Family & Youth Services if this bill were to pass is \$8,489.5..

Prepared by: L. Diane Worley, Director *L. Diane Worley* Phone: 465-3191
Division: Family & Youth Services Date: 02/26/96

Approved by Commissioner: Karen Petrus, Commissioner *Karen Petrus* Date: 2/26/96
Agency: Department of Health & Social Services

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