

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 00/2

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based on the commission of an offense or on conduct that demonstrates unfitness to drive. But Baker leaves open a difficult question: should a revocation be treated as a criminal sanction or an administrative measure when the DMV bases its action on conduct that amounts to the commission of a criminal offense but that also reflects on the offender's fitness to drive? This is the critical question at issue here.

The Alaska Court of Appeals took a long stride toward resolving this question in *State v. Zerkel*. [Fn. 15] There, that court considered whether an administrative license suspension is a criminal penalty for double jeopardy purposes when the suspension is based on an arrest for driving while intoxicated (DWI) or on a charge of refusal to take a breath test following an arrest for DWI. [Fn. 16] After examining this court's decision in *Baker* and the United States Supreme Court's recent double jeopardy case law, [Fn. 17] the *Zerkel* court turned to the purpose and impact of license suspensions based on DWI offenses, ultimately concluding that suspensions for DWI or breath-test refusals did not amount to criminal sanctions. [Fn. 18] In holding that such suspensions are regulatory actions despite being based on criminal conduct, the court identified the determining factor to be the direct relationship between the criminal conduct -- drunken driving -- and the DMV's primary regulatory goal -- removing unfit drivers from the road:

[W]hen the government employs a licensing scheme to regulate a profession or an activity that affects the public welfare, administrative revocation or suspension of that license can legitimately serve to deter conduct and still remain "remedial" for double jeopardy purposes so long as the revocation or suspension is based on conduct that bears a direct relation to the government's regulatory goals or to the proper administration and enforcement of the regulatory scheme. [Fn. 19]

*Zerkel's* insistence on this narrowly tailored means-to-end fit -- on the existence of a direct relation between the DMV's regulatory goals and the conduct that triggers the agency's licensing action -- successfully harmonizes Alaska's administrative treatment of DWI license suspensions with *Baker*.

*Zerkel's* direct-relationship test also fits well with the United States Supreme Court's bright-line view of punitive action. In *Austin v. United States*, [Fn. 20] the Supreme Court explained that a "'civil sanction that cannot fairly be said solely to serve a remedial purpose, but rather can only be explained as also serving either retributive or deterrent purposes, is punishment, as we have come to understand the term.'" [Fn. 21] The court in *Zerkel* acknowledged that despite the direct relationship between drunk driving and the DMV's remedial goal of removing unfit drivers from the road, administrative DWI revocations can have a punitive effect that deters DWI offenders from committing further offenses. [Fn. 22] But the court deemed this effect to be incidental to the direct, remedial effect of the DMV action. [Fn. 23] *Zerkel* thus held that administrative license revocation for DWI offenses is in essence solely a remedial measure. [Fn. 24]

We agree with *Zerkel's* interpretation. Because driving while intoxicated necessarily demonstrates poor driving judgment, there is no inferential leap -- no intermediate logical gap that needs bridging -- between the driver's conduct and the administrative goal served by license revocation. The act of driving while intoxicated is by definition an act of impaired driving, and the attendant criminal sanctions for the crime accurately reflect the resulting risk to public safety. Thus, an indelible inference of unfitness to drive arises directly from the conduct comprising the offense. Simply put, driving while intoxicated is unfit driving. Consequently, commission of the offense necessarily justifies DMV licensing action. [Fn. 25]

By contrast, the direct connection between the alleged offense and DMV's regulatory goal of removing unfit drivers from the road vanishes when the agency revokes a license for underage possession or drinking. Under former AS 28.15.183, a minor's possession or consumption of alcohol need have no connection to driving; hence, the conduct triggering revocation does not necessarily, or even probably, reflect on the arrested minor's fitness to drive.

At most, the minor's unlawful conduct reflects a possibility of increased danger: it suggests that the minor belongs to a class of young drivers who generally pose a higher statistical risk than other young drivers. Thus, while the behavioral gap between underage drinking and unfit driving can be bridged by a chain of rational inferences that is strong enough to withstand the minimal test of substantive due process, [Fn. 26] this roundabout connection is not the direct and necessary link that must exist before an administrative revocation will be considered non-punitive.

In the case at hand, for example, former AS 28.15.183 did nothing to tailor its sanction to the specific facts of Niedermeyer's case. There is no case-specific evidence suggesting that Niedermeyer, who was arrested in a cabin, posed any risk of bad driving -- or that he intended to drive at all. The challenged statute did not require the state produce such evidence. Beyond that, it explicitly forbade Niedermeyer from offering, in his own defense, any case-specific evidence of fitness to drive or sound judgment. [Fn. 27]

Traffic studies do suggest that Niedermeyer's conduct places him in a class of minors who tend to drive more carelessly than other minors. [Fn. 28] But the statistics contained in those studies only describe the general behavior of a broad class of young drivers. Naked numbers cannot predict the conduct of any individual driver; they do not address the specific circumstances of Niedermeyer's case; and they say nothing concerning his personal driving behavior. Because statistics that generally correlate underage drinking and bad driving fail to establish that Niedermeyer himself is unfit to drive, they cannot, standing alone, justify remedial action based on his demonstrated unfitness to drive.

Thus, by relying on such tenuous and generalized inferences of unfitness, former AS 28.15.183 assumed the attributes of a punitive measure; for it "cannot fairly be said solely to serve a remedial purpose." [Fn. 29] Underage drinking has traditionally been regarded as criminal misconduct; [Fn. 30] many members of the community attach significant social and moral opprobrium to the conduct; and the statutorily prescribed consequence of immediate license revocation unquestionably amounts to a severe sanction. Because the statute imposes a harsh, mandatory penalty for misconduct that has no necessary or close relation to bad driving, its sanction will naturally be seen not as a remedial measure addressing traffic safety, but as punishment aiming directly at the underlying offense -- underage possession or consumption of alcohol or drugs. Punishment of this kind "is the implicit *sine qua non* of a 'criminal prosecution.'" [Fn. 31]

Given these circumstances, our case law interpreting the Alaska Constitution compels the conclusion that former AS 28.15.183 imposed a criminal sanction. [Fn. 32] To revoke a license under circumstances amounting to criminal punishment, the state must offer appropriate procedural safeguards; as we explained in *Baker*, the state may not impose criminal punishment without criminal process. [Fn. 33]

Courts in other states have allowed license suspension to follow automatically from drug or underage drinking offenses. [Fn. 34] But the laws in those states uniformly require that a conviction precede the punishment. In upholding their statutes as

constitutional, the courts in those states have explained that the revocation of a driver's license is rationally related to a legitimate state interest precisely because it punishes and deters illegal alcohol or drug use. [Fn. 35] Thus, those decisions tend to confirm our conclusion that former AS 28.15.183 must be viewed as imposing a criminal penalty. [Fn. 36]

Here, because the state failed to offer Niedermeyer the safeguards of criminal process that normally apply to criminal punishment, we affirm the superior court's conclusion that Niedermeyer's license was revoked without due process of law.

E. Vagueness

Niedermeyer further argues that, by basing license revocation on the act of "possession" of alcohol, former AS 28.15.183 introduces an element of unconstitutional vagueness. A statute may be void for vagueness if its language fails to "give adequate notice of the conduct that is prohibited" or if its "imprecise language encourages arbitrary enforcement by allowing prosecuting authorities undue discretion to determine the scope of its prohibitions." [Fn. 37] Applying this standard, we find no constitutional deficiency here. "Possession" is a common term with a generally accepted meaning: [Fn. 38] having or holding property in one's power; the exercise of dominion over property. This meaning provides adequate notice of the prohibited conduct. [Fn. 39] Niedermeyer asserts that the statute's use of the undefined term "possession" is sufficiently vague to invite inconsistent enforcement. But we will not invalidate a statute on this basis "absent evidence of a history of arbitrary or capricious enforcement." [Fn. 40] Since Niedermeyer failed to present evidence suggesting a history of arbitrary enforcement, we must overturn the superior court's finding of vagueness.

IV. CONCLUSION

Although former AS 28.15.183 has an indirect remedial purpose sufficient to insulate it from a substantive due process challenge, its direct effect is to punish underage possession and consumption of alcohol and drugs -- conduct traditionally punishable only by criminal process. Because Niedermeyer's license was revoked without attendant criminal process, we AFFIRM the superior court's judgment.

FOOTNOTES

Footnote 1:

Former AS 28.15.183 stated that

[i]f a peace officer has probable cause to

believe that a person who is at least 14 years of age but not yet 21 years of age has possessed or used [alcohol or illegal drugs, driven drunk or refused a breath test] and the peace officer has cited the person or arrested the person for a violation [of underage consumption or drug laws], the peace officer shall read a notice and deliver a copy to the person. The notice must advise that

(1) the department intends to revoke the

person's driver's license or permit, privilege to drive, or privilege to obtain a license or permit;

(2) the person has the right to

administrative review of the revocation;

(3) if the person has a driver's license or

permit, the notice itself is a temporary driver's license or permit that expires seven days after it is delivered to the person;

(4) revocation of the person's driver's

license or permit, privilege to drive, or privilege to obtain a license or permit, takes effect seven days after delivery of the notice to the person unless the person, within seven days, requests an administrative review.

Footnote 2:

No. 3AN-95-8805 CI (Alaska Super., February 13, 1997).

Footnote 3:

State of Alaska v. Quinn, No. S-8003, Alaska Supreme Court Order dated March 3, 1999.

Footnote 4:

See Rollins v. State, Dep't of Revenue, Alcoholic Beverage Control Bd., 991 P.2d 202, 206 (Alaska 1999); Turney v. State, 936 P.2d 533, 538 (Alaska 1997).

Footnote 5:

See AS 28.15.183(i)(2).

Footnote 6:

Bruner v. Petersen, 944 P.2d 43, 47 n.4 (Alaska 1997).

Footnote 7:

Concerned Citizens of S. Kenai Peninsula v. Kenai Peninsula Borough, 527 P.2d 447, 452 (Alaska 1974) (citation omitted).

Footnote 8:

See, e.g., Rexford v. State, 941 P.2d 906, 907 (Alaska App. 1997). But cf. State v. Esmailka, 961 P.2d 432, 434 (Alaska App. 1998) (involving a defendant who challenged the validity of the studies underlying Rexford).

Footnote 9:

Accord In re Appeal in Maricopa County Juvenile Action No. JV-114428, 770 P.2d 394, 395 (Ariz. App. 1989).

Footnote 10:

Concerned Citizens of S. Kenai Peninsula, 527 P.2d at 452 (citations omitted).

Footnote 11:

Accord *Maricopa County*, 770 P.2d at 396-97. The superior court also ruled that because the conduct sanctioned by former AS 28.15.183 bears no relationship to the sanction imposed, a 90-day license revocation amounts to cruel and unusual punishment, in violation of the Eighth Amendment. Although *Niedermeyer* does not pursue his claim of cruel and unusual punishment on appeal, our conclusion that the statute is sufficiently rational to comply with the requirements of substantive due process compels us to reverse on this point, as well. For constitutional purposes, punishments are cruel and unusual only if they are "inhuman or barbarous, or so disproportionate to the offense committed as to be completely arbitrary and shocking to the sense of justice." *Thomas v. State*, 566 P.2d 630, 635 (Alaska 1977) (quoting *Green v. State*, 390 P.2d 433, 435 (Alaska 1964)). Under this stringent standard, a three-month license revocation for the crime of underage drinking is not cruel and unusual.

Footnote 12:

471 P.2d 386 (Alaska 1970).

Footnote 13:

*Id.* at 402.

Footnote 14:

*Id.* at 402, n.28.

Footnote 15:

900 P.2d 744 (Alaska App. 1995).

Footnote 16:

See *id.* at 745-46.

Footnote 17:

See *id.* at 749-51 (discussing *Montana Dep't of Revenue v. Kurth Ranch*, 511 U.S. 767 (1994), *Austin v. United States*, 509 U.S. 602 (1993), and *United States v. Halper*, 490 U.S. 435 (1989)).

Footnote 18:

See *id.* at 755-58.

Footnote 19:

*Id.* at 757 (emphasis added).

Footnote 20:

509 U.S. 602 (1993).

Footnote 21:

Id. at 621 (quoting Halper, 490 U.S. at 448 (emphasis added in Austin)).

Footnote 22:

Zerkel, 900 P.2d at 755-57.

Footnote 23:

See id. at 755-58.

Footnote 24:

Although Austin dealt with the United States Constitution's excessive fines clause rather than with double jeopardy, Zerkel read that case as supporting its conclusion that an administrative license suspension in a DWI case does not qualify as a criminal sanction for double jeopardy purposes. See Zerkel, 900 P.2d at 749-51. We note that, more recently, the United States Supreme Court has made it clear that the excessive fines clause analysis it set forth in Austin does not apply in the double jeopardy context. See *United States v. Ursery*, 518 U.S. 267, 287 (1996). Since *Niedermeyer's* case presents no double jeopardy issue, the point is immaterial here.

Footnote 25:

An administrative license suspension serves a somewhat different regulatory goal in breath-test refusal cases, but a goal that connects just as seamlessly to the conduct comprising the offense. In such cases, because a motorist who obtains a driver's license impliedly consents to take a breath test, "[r]efusal to submit to the test [is] deemed tantamount to a withdrawal of the consent upon which the privilege to drive [has] been conditioned, justifying state revocation of the driver's license." *Lundquist v. Department of Pub. Safety*, 674 P.2d 780, 783 (Alaska 1983).

Footnote 26:

See discussion of *Niedermeyer's* substantive due process argument, *supra* Part III.C.

Footnote 27:

AS 28.15.184(g) provides:

The hearing for review of a revocation by the department under AS 28.15.183 shall be limited to the issues of whether the person was at least 14 years of age but not yet 21 years of age and whether the person possessed or used a controlled substance . . . or possessed or consumed alcohol . . . .

(Emphasis added.)

Footnote 28:

See, e.g., *Rexford v. State*, 941 P.2d 906, 907 (Alaska App. 1997).

Footnote 29:

*Austin v. United States*, 509 U.S. 602, 620 (1993) (quoting *United States v. Halper*, 490 U.S. 435, 448 (1989) (emphasis added in *Austin*)).

Footnote 30:

See, e.g., *State v. District Court*, 927 P.2d 1295, 1296-97 (Alaska App. 1996).

Footnote 31:

*State, Dep't of Revenue v. Beans*, 965 P.2d 725, 730 n.8 (Alaska 1998).

Footnote 32:

See *Baker v. City of Fairbanks*, 471 P.2d 386, 393 (Alaska 1970). Our conclusion does not conflict with the court of appeals's decision in *Rexford v. State*, 941 P.2d 906 (Alaska App. 1997). Although the court in *Rexford* held that an administrative revocation under AS 28.15.183 did not amount to criminal punishment for double jeopardy purposes, *Niedermeyer's* case does not present a double jeopardy issue and therefore does not require us to consider the point decided in *Rexford*. See *id.* at 907; see also *supra* note 24. Moreover, the court in *Rexford* limited its decision to the unique procedural circumstances of the case before it, noting that *Rexford* had not submitted any appellate briefing and had consequently failed to challenge the trial court's findings concerning the statute's remedial purpose. *Rexford*, 941 P.2d at 907.

Footnote 33:

471 P.2d at 401.

Footnote 34:

See, e.g., *In re Appeal in Maricopa County Juvenile Action No. JV-114428*, 770 P.2d 394, 395 (Ariz. App. 1989); *People v. Valenzuela*, 5 Cal. Rptr. 2d 492, 493 (Cal. App. Dep't Super. 1991); *People v. Zinn*, 843 P.2d 1351, 1353-55 (Colo. 1993); *Plowman v. Commonwealth, Dep't of Transp., Bureau of Driver Licensing*, 635 A.2d 124, 127-28 (Pa. 1993); *Commonwealth v. Strunk*, 582 A.2d 1326, 1326-27 (Pa. Super. 1990); *State v. Shawn P.*, 859 P.2d 1220, 1221 (Wash. 1993) (en banc). But see *Johnson v. State Hearing Examiner's Office*, 838 P.2d 158, 177-78 (Wyo. 1992) (determining such an arrangement violated prohibitions on cruel and unusual punishment).

Footnote 35:

See, e.g., *Maricopa County*, 770 P.2d at 397; *Valenzuela*, 5

Cal. Rptr. 2d at 492-93; Zinn, 843 P.2d at 1354; Plowman, 635 A.2d at 127; Strunk, 582 A.2d at 1329-30; Shawn P., 859 P.2d at 1222.

Footnote 36:

We note that AS 28.15.183, as recently amended, appears to move in the direction taken in these other states, since Alaska's statute now requires the DMV to reinstate a revoked driver's license if the underlying offense is not prosecuted, is dismissed, or results in a not guilty verdict. See AS 28.15.183(i)(2). Because the amended version of the statute is not at issue in this case, we express no opinion concerning its validity.

Footnote 37:

Summers v. Anchorage, 589 P.2d 863, 867 (Alaska 1979) (citations omitted).

Footnote 38:

"[U]nless otherwise defined, words will be interpreted as taking their ordinary, contemporary, common meaning." *Bachlet v. State*, 941 P.2d 200, 205 (Alaska App. 1997) (quoting *Perrin v. United States*, 444 U.S. 37, 42 (1979)).

Footnote 39:

Cf. *State v. Rice*, 626 P.2d 104, 109 (Alaska 1981) (statute prohibiting illegal possession or transportation of game not unconstitutionally vague).

Footnote 40:

Summers, 589 P.2d at 868 (quoting *Levshakoff v. State*, 565 P.2d 504, 507 (Alaska 1977)).



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**Underage Drinking Needs Assessment  
Executive Summary**

**Research conducted for:**

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## **Executive Summary.**

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**A. Introduction.** Underage drinking is an issue that receives a great deal of attention in many forums in Alaska. A wide range of organizations and agencies, both public/governmental and private expend considerable energy addressing this problem. It is a problem that contributes to accidents, attempted suicides, poor physical health, and more serious crime. Hidden effects include the increased probability of addiction to alcohol as adults. This report provides an assessment of the scope of the problem, efforts to address it in a variety of domains, and data resources and systems that help in assessment and tracking progress in addressing the problem.

“Underage drinking” refers to consumption of alcohol by youth ages 20 and younger. Because certain services or facilities, such as substance abuse treatment programs and correctional facilities, treat persons 18 and older as adults, the population is stratified into two different groups: youth ages 18 through 20 and youth ages 17 and younger.

Underage drinking is a complex, multi-faceted problem that is manifested in various ways with multiple, layered strategies in place to address the issue. The following areas of inquiry are included in this report:

1. Statutes and policy issues related to underage drinking;
2. Law enforcement efforts and issues;
3. The court system and its response to underage drinking;
4. Substance abuse treatment trends and resources;
5. Prevention, education, and advocacy efforts; and
6. Data resources and trends regarding underage drinking.

**B. Methodology.** To examine the issue of underage drinking in Alaska, investigators examined statewide efforts and data and conducted more detailed inquiries for 17 sample communities. The communities selected are listed and described in greater detail in Section I of the report. These communities ranged in size from Anchorage, the principal urban center in Alaska with a population of over 250,000, to the small village of Nanwalek with a population of only 170. The communities were geographically diverse with locations ranging from far western Alaska, including a small island village in the Bering Straits, to the panhandle in Southeast Alaska. The communities were ethnically diverse with some primarily Alaska Native villages, others that were predominantly Caucasian, and still others that represent a diverse mix. Finally, some communities were on the state’s limited road system, such as Homer and Copper Center, while others are accessible only by plane or boat, such as Aniak and Toksook Bay.

To gain an insight into the problems associated with underage drinking in Alaska and efforts to address these problems, investigators interviewed 203 key informants from the 17 communities as well as representatives of statewide organizations and agencies. Information sought included

information relating to prevalence of underage drinking, consequences, efforts to address the problem and barriers to those efforts. Existing literature was examined both at the national and state level to document the prevalence and trends in underage drinking as well as existing strategies. Investigators found a variety of rigorously developed information at the national level regarding prevalence and strategies. There is, however, less information on strategies and prevalence in Alaska.

Finally, investigators gathered and analyzed statewide data relating to underage drinking from a number of sources:

1. Alaska Court System data for minor consuming alcohol (MCA) cases;
2. Alaska Trauma Registry data (accidents, suicide attempts, and injuries resulting in death, in which alcohol was involved);
3. Alaska Division of Alcoholism and Drug Abuse treatment data;
4. Alaska Department of Transportation motor vehicle accident data;
5. Alaska Division of Juvenile Justice case data; and
6. Alaska Division of Motor Vehicles driver's license revocation data.

**C. Overview of Underage Drinking.** It is helpful to define what is meant by an "underage drinking problem." There are differing views on whether the problem is the fact that youth are consuming alcohol or whether the problem is more appropriately defined as the negative consequences (accidents, suicides, etc.) of underage drinking. For purposes of this report, "underage drinking problem" is defined as the consumption of alcohol by persons under the age of 21.

At the national level, underage drinking is both prevalent and deadly. In the 1998 Household Survey of Drug Abuse conducted by the Substance Abuse and Mental Health Administration (SAMHSA), 30.6% of youth ages 12 to 20 report being current users of alcohol, while 15.2% report binge drinking and 6.9% report consistent heavy use. When this is generalized to the population, it means that 10.4 million youth in the United States were current alcohol users, 5.1 million were binge drinkers, and 2.3 million were consistent, heavy drinkers.<sup>1</sup> The 1999 survey showed little change.<sup>2</sup> When the age group is narrowed to high school students, the Youth Risk Behavior Survey (YRBS) found that 50% of students were current users.<sup>3</sup> The consequences of this drinking include the deaths of 5,477 youth ages 15 to 20 who were killed in alcohol-related automobile injuries with 21% of those coming in accidents caused by an underage drinking

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<sup>1</sup> Substance Abuse and Mental Health Services Administration (SAMHSA), Summary of Findings from the 1998 National Household Survey of Drug Abuse, Rockville, MD, May 1998

<sup>2</sup> Substance Abuse and Mental Health Services Administration (SAMHSA), Summary of Findings from the 1999 National Household Survey of Drug Abuse, Rockville, MD, August 2000

<sup>3</sup> U. S. Centers for Disease Control, "Adolescent and School Health," Internet Web Site [www.cdc.gov/nccdphp/dash/pies99/natl.htm](http://www.cdc.gov/nccdphp/dash/pies99/natl.htm), Atlanta, GA, August 2000

driver.<sup>4</sup> Research shows that youth who begin to consume alcohol before the age of 15 are four times more likely to develop alcohol dependency (alcoholism) than people who wait until after the age of 21 to begin drinking.<sup>5</sup> Finally, The Office of Juvenile Justice and Delinquency Prevention (OJJDP) reported nearly 19,600 arrests for driving under the influence of alcohol (DUI) of youth under the age of 18 in 1997.<sup>6</sup> Nationally, the problem of underage drinking is addressed by a number of different agencies in diverse ways. OJJDP, through block grants, technical assistance, and discretionary programs helps states in enforcement, training, and prevention. SAMHSA provides funding to organizations and states for prevention and treatment for youth. The Department of Education, through Safe and Drug-Free Schools Programs funds a variety of efforts to eliminate the problem of underage drinking in schools.

In Alaska, the prevalence of underage drinking does not vary significantly from the national prevalence. The 1999, Alaska YRBS found that 50.9% of high school youth self-report as current users of alcohol while 33.4% report binge drinking in the month prior to the survey.<sup>7</sup> When the age cohort is broadened to include youth ages 12 through 20, 12.3% report binge drinking with 5.7% dependent on alcohol or other drugs. This compares with national rates of dependence of 5.8%.<sup>8</sup> The consequences of underage drinking in Alaska are reflected in an increase in the number of alcohol-related accidents among youth requiring hospitalization of 66.3% between 1991 and 1998. Over this period, Alaska averaged 30 suicide attempts annually among youth where alcohol was a factor.<sup>9</sup> In 1998, there were 128 traffic accidents in which alcohol consumption by an underage driver contributed to the accident.<sup>10</sup> Alaska has a diverse set of strategies in place to address the problem of underage drinking. The Alaska Division of Juvenile Justice, the Alcoholic Beverage Control (ABC) Board, State Troopers, and local law enforcement officials all contribute to enforcement of underage drinking laws. Underage drinking prevention efforts are supported through the Alaska Division of Alcoholism and Drug Abuse, Alaska Division of Juvenile Justice, and the Alaska Department of Education and Early Development. Community advocates, officials of the court system (judges, magistrates, prosecuting attorneys, etc.), and local law enforcement officials are searching for ways to effectively intervene with youth cited for underage drinking to ensure that they receive appropriate services in addition to being held accountable for their violations.

**D. Relevant Statutes, Laws, and Ordinances.** Underage drinking is addressed legally on three different levels. The Alaska Statutes are the primary vehicle for addressing the issue in Alaska. Locally, communities have a variety of ordinances that are used to reduce underage drinking through a number of different methods. Nationally, the primary law that impacts underage

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<sup>4</sup> National Highway Traffic Safety Administration, Saving Teenage Lives: The Case for Graduated Driver Licensing, Washington, DC 1998

<sup>5</sup> Grant, B. and Dawson, D., "Age at Onset of Alcohol Use and its Association with DSM-IV Alcohol Abuse and Dependence," Journal of Substance Abuse, 9:103-110, 1997

<sup>6</sup> Snyder, H., Juvenile Arrests 1997, Washington, DC, U. S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 1998

<sup>7</sup> Alaska Department of Education and Early Development/Alaska Department of Health and Social Services, Alaska Youth Risk Behavior Survey 1999, Juneau, AK, 1999

<sup>8</sup> Substance Abuse and Mental Health Services Administration (SAMHSA), Summary of Findings from the 1999 National Household Survey of Drug Abuse, Rockville, MD, August 2000

<sup>9</sup> Alaska Trauma Registry, unpublished data, Juneau, AK, 2000

<sup>10</sup> Alaska Department of Transportation, 1998 Alaska Traffic Accidents, Juneau, AK, October 1999

drinking is the Juvenile Justice and Delinquency Protection Act of 1974 (Public Law 93-415), which prohibits incarceration of minors in adult facilities and for offenses that are status offenses (offenses involving activity that is illegal only because of the status (age in this case) of the individual).

The central state statute addressing underage drinking in Alaska is Alaska Statute (A.S.) 04.16.050, which prohibits possession or consumption of alcohol by a person younger than 21 years of age. Other sections of A.S. 04.16 address issues such as providing alcohol to minors, minors on licensed premises, and renting rooms for the purpose of consuming alcohol. Violations of most sections of A.S. 04.16 are considered class A misdemeanors except A.S. 04.16.050, which is classified as a violation. Alaska Statute 04.16.050 is also unique among these sections because violations are disposed of in district court rather than in the juvenile justice system. For violation of other sections of the statute, the cases are disposed of in the juvenile justice system for persons under the age of 18, while violations for those ages 18 through 20 are handled as misdemeanors in district court. Violations of A.S. 04.16.050, also referred to as Minor Consuming Alcohol (MCA) cases, carry a maximum sentence of \$300. There are no provisions in the statute for referral of repeat offenders for mandatory alcohol abuse or dependency assessment or treatment. Alaska Statute 04.16.050 underwent a significant change in 1995 as the jurisdiction was moved from the juvenile justice system to district court. Prior to that, MCA cases for persons under age 18 had been handled through the juvenile justice system and the superior court with the latitude to require assessments and treatment as indicated.

In addition to the provisions of A.S. 04.16, A.S. 28.15.183 provides the authority for administrative revocation of a minor's driver's license for an MCA violation. This is significant because there is no requirement that the MCA violation be related to driving in any way. The amount of time for which the license is revoked is graduated depending on the number of violations in the individual's history, with a maximum time of one year. Since revocations run consecutively, however, individuals can lose their driver's licenses for periods significantly longer than one year if they have multiple violations within a relatively short period of time.

The final area of state statutes that relates to underage drinking is Title 47, which addresses health and social services issues. This is a broad title that includes the description of the juvenile justice system, child welfare and safety issues, and provision of substance abuse services in Alaska.

Local ordinances that relate to underage drinking are in place in various communities. One of the most common of types of ordinances relates to zoning restrictions and use permits that can be revoked if the establishment serves alcohol to minors. A local ordinance in Anchorage allows licensed establishments to file suit against minors in small claims court for entering the establishment. While investigators noted the existence of these types of ordinances, they did not find widespread or consistent use of the ordinances to combat underage drinking.

A detailed discussion of the relevant statutes and related case law is contained in Section III of the report. Appendix D to the report contains the entire text of key statutes.

**E. Law Enforcement.** At the national level, there is a growing recognition that successful strategies all share some common features. The overarching philosophy that describes successful strategies is that they are proactive. Such strategies seek to limit the number of youth

who are consuming alcohol rather than merely citing and punishing the ones who do. Proactive strategies include registration of beer kegs, use of undercover officers in licensed establishments, making the driver's licenses and other forms of official identification distinctive for persons under the age of 21. Another feature of successful approaches is the use of comprehensive strategies. This approach includes the following areas of focus:

1. Policy oversight and coordination;
2. Strategic and tactical planning;
3. Reactive and proactive enforcement;
4. Prosecution;
5. Adjudication and diversion;
6. Supervision and treatment;
7. Public education; and
8. Feedback and evaluation.

Finally, successful strategies involve partnerships. Organizations at the state and local level must work together to address issues where each has expertise and/or resources. Examples of community partners include the police, local judges and magistrates, substance abuse providers, political leaders, religious leaders, and advocates. By using a diversity of community resources focused on a common goal, community values can be impacted.

Enforcement of underage drinking laws in Alaska is accomplished through several different approaches. Most effort is at the community level with local law enforcement officers. While there are a variety of laws that are relevant and for which enforcement is required, the overwhelming majority of effort regarding underage drinking is targeted toward citations for violation of A.S. 04.16.050 (MCA). Enforcement is a function of the Alaska State Troopers, local police departments, village public safety officers (VPSO) and village police officers (VPO). With some exceptions, enforcement of underage drinking laws is an area of law enforcement that competes with every other law enforcement issue in a community for time and resources. Other such issues are violent crime, burglary, criminal mischief, etc. When law enforcement officers encounter underage drinking, they typically cite the individual for violation of A.S. 04.16.050 and hold the individual until a parent can be contacted to pick him or her up. Police are not allowed to incarcerate youth for minor consuming in either an adult or a juvenile facility. Additionally, police officers and members of the community (emergency) services patrol can pick up a minor who is incapacitated by alcohol and provide protective custody for up to 12 hours. This protective custody may be in a detoxification facility, a medical facility, or a youth detention facility for persons younger than 18. For persons 18 or older, they can be taken to an adult correctional facility for protective custody.

In addition to the efforts of law enforcement with regard to MCA cases, the ABC Board, in partnership with five different police departments, using a grant from the Division of Juvenile Justice, enforces laws relating to underage drinking through monitoring of licensed establishments. This is usually done through the use of "sting" operations in which a minor, under police supervision, attempts to purchase alcohol at a licensed establishment. In Anchorage, for example, youth successfully purchased from package stores about 35% of the time and, in a single weekend operation, were able to purchase alcohol in nine of 10 restaurants where attempts were made. Compliance was found to be much higher in bars. The five police departments operating in partnership with the ABC Board also use the grant funds to field additional, youth-specific patrols during periods when drinking parties are likely to occur such as on weekends and holidays such as New Year's Eve and the Fourth of July. Local police also collaborate with the state troopers. For communities on the road system, local and state law enforcement collaborate to acquire information on drinking parties and intervene. The Anchorage Police Department also purchased portable breath testers that allow patrol officers to test the alcohol level of subjects on site.

The ability of local law enforcement officials to respond to underage drinking and the extent to which they respond varies by type of community. Large urban centers such as Anchorage have well-staffed police forces with a variety of resources while some villages, such as Nanwalek, have no law enforcement presence at all beyond the state troopers who periodically fly in to provide services. The larger communities, however, also have greater populations to serve and a broader range of problems confronting them. According to the MCA data from the Alaska Court System, the rate of underage drinking law enforcement is not correlated to the population size of communities. Additionally, law enforcement officials who were interviewed consistently emphasized the role of community norms and values regarding alcohol as a driving force in underage drinking. While these norms and values do not necessarily preclude officials from enforcing underage drinking laws, they do describe the level of acceptance of underage drinking within the community. Key informants, particularly in rural areas, indicated that community support for enforcement of underage drinking laws as well as prevention efforts are driven in large part by tragic events. When a death or other catastrophic event occurs involving underage drinking, support increases temporarily but usually subsides. Another perception of law enforcement officials, which mirrors sentiment observed nationally, is that the disposition of the cases by the judicial system reflects a lack of seriousness with which underage drinking is viewed. In Alaska, the statute that prohibits underage drinking, A.S. 04.16.050, provides for a maximum penalty of only \$300 and no provisions for any other intervention such as mandatory screening or treatment.

Despite these barriers and perceptions, the number of MCA cases processed by the Alaska Court System increased 139.0% from 1995 to 1999 and the imposition of fines was generally a graduated approach with minimum fines awarded for first offenses and increased fines for subsequent offenses. Investigators did not find any consistent evidence of heightened law enforcement activity related to underage drinking between 1995 and 1999, however, the number of MCA court cases increased significantly each year. Numerous national and state surveys of students indicate that trends in alcohol consumption rates by minors were relatively flat through the 1990s. When examining some of the adverse consequences of underage drinking, such as motor vehicle accidents involving underage drinking drivers and alcohol-related injuries,

investigators found mixed trends, with some rising over the period and others falling. Because of the inconsistency of indicators, both qualitative and quantitative, investigators are unable to draw definitive conclusions regarding the primary driving forces behind the steady increase in MCA court cases. Because the system for MCA case disposition changed in 1995, some increase over the first two years could be expected as the system adapted to the change and law enforcement officials became more familiar with procedures. The increase, however, continued over the next three years indicating drivers other than system acclimation.

**F. The Alaska Court System.** The Alaska Court System is significant to the issue of underage drinking because, since 1995, MCA cases have been under the jurisdiction of district court. MCA cases are processed in accordance with local court procedures; however, the prevailing trend noted by investigators is that citations are written by law enforcement officers for offenders. Initial hearings on these citations are typically held in traffic court before a magistrate. Some communities, such as Juneau, have special judicial procedures for MCA cases, but the process is similar. At the initial hearing, the clerk reads the citation and the individual charged has an opportunity to either contest or not contest the charges. If the individual contests the charges, another hearing is scheduled in which the citing police officer presents the case to the judge. At this stage, the individual can either plead guilty or not guilty. If they plead not guilty, then the case goes to trial and a district attorney or municipal prosecuting attorney presents the case. Court data indicates that cases are disposed of with a finding of guilty or not guilty (indicating that a trial was held) about 3.7% of the time, which is consistent with information provided by key informants.

Cases involving youth and alcohol other than MCA cases are disposed of in different ways depending on the age of the offender. Youth ages 17 and younger are referred to the Alaska Division of Juvenile Justice and cases are disposed of through the juvenile justice system. Cases involving youth ages 18 through 20 are disposed of as class A misdemeanors in district court.

There have been several attempts by communities to dispose of MCA cases using alternative methods such as diversion programs. The idea behind such programs is to use other forums, such as youth courts or community councils to work with the offender, provide assessment and/or treatment and education, and community work service rather than having the case referred to court. This approach is more prevalent in small villages than in larger communities. Often the remoteness of the village is more conducive to a community council process where the individual faces immediate consequences involving people with whom he or she is familiar than disposition by a distant court. Beyond the use of these village councils, alternative approaches have been inconsistent and the statutory authority for such disposition is questionable.

Key informants within the judicial system echoed some of the same concerns as law enforcement officials. The statute relating to MCA cases, A.S. 04.16.050, limits the options open to a judge or magistrate with regard to disposition. The rigidity of the statute prevents proactive interventions such as assessments for alcohol abuse or dependency as a part of the case disposition. It caps the possible consequences at a fine of \$300. Although a separate statute, A.S. 28.15.185, allows for administrative revocation of driver's license for an MCA violation, the reality in rural areas is that other forms of transportation, such as snowmobiles, boats, and

four-wheelers, are often more prevalent and do not require a license. This limits the impact of the revocation in these areas.

In examining the court system response to underage drinking, investigators found that court cases for MCA have increased 139.0% between 1995 and 1999 with a total of 20,538 cases over that period of time. Even when converted to a rate per 100,000 population (which takes into account population increases), the increase over the relevant period was 131.5%. When examined on an annual basis, the rate jumped sharply between 1995 and 1996, which is not unusual given that the change in statute occurred in 1995. The rate dropped slightly in 1997 but increased over the next two years (1998 and 1999) by 24.4% and 15.7% respectively.

**G. Substance Abuse Treatment Resources for Youth.** One of the tools for addressing underage drinking is substance abuse treatment. In Alaska, substance abuse treatment is coordinated by the Alaska Division of Alcoholism and Drug Abuse and provided by private non-profit, private for-profit, and municipal treatment programs. The various programs offer a continuum of services in various locations.

1. Assessment. For individuals who appear to have a problem with alcohol that might be well served through treatment services, a comprehensive assessment is performed to determine (1) the extent of their problem, and (2) needed treatment services.

2. Alcohol Information School. While not formally a component of treatment, Alcohol Information School (AIS) is typically the first level of intervention in alcohol abuse (other than population-based prevention). It typically provides between eight and 20 hours of education and information on the effects of alcohol and other drugs.

3. Outpatient Treatment. Outpatient treatment services include one-to-one counseling, group counseling, and education. It is the least restrictive of the true treatment options. Treatment in outpatient programs, while designed to meet the needs of individuals, tends to last between three and six months.

4. Intensive Outpatient Treatment. Intensive outpatient treatment is a variation of outpatient treatment characterized by more frequent and longer sessions. Intensive outpatient treatment has much of the same activities as regular outpatient but the individual might receive services three to five times per week.

5. Day Treatment. Day treatment is a relatively rare program component in which individuals sleep at home but attend treatment activities all day every day. It is more common in large, urban areas where there is a high demand for rigorous treatment by individuals who have homes and supportive family or friends.

6. Residential Treatment. Residential treatment is provided to those individuals who are unable to progress in a less structured setting. It provides a form of "wrap-around" services in which virtually all of the individuals' daily affairs and activities are aggressively managed. The treatment services include individual and group counseling, case management,

education, recreation or activity therapy, nutritional assessment and monitoring, and medical care.

7. Detoxification. Detoxification is the process of managing the patient's withdrawal from alcohol or other drugs. This process, which typically lasts two to seven days, involves monitoring of the patient, particularly the vital signs, and administration of withdrawal management medication as indicated. The most common setting for detoxification is in a medical setting, however, social detoxification and even outpatient detoxification have been used with some success. Aside from assuring patient safety, another typical goal of the detoxification component of care is to conduct a thorough assessment of client needs and make a referral to an appropriate level of treatment.

8. Transitional Housing. Transitional housing is a housing service that provides a structured living environment appropriate for individuals in early recovery. One form of transitional housing is the "halfway house" common in many substance abuse programs. Transitional housing is typically sober housing with varying levels of built-in support such as ongoing case management, in-house 12-step meetings, and organized activities. Typical stays in transitional housing range from one month to more than a year, depending on community resources and patient needs.

9. Continuing Care. Also called "aftercare," continuing care is the component of care that provides the final transition from treatment to recovery. Continuing care provides a gradually decreasing level of intensity ranging from a once-a-week meeting to monthly check-in sessions. Outcome studies completed in Alaska over the past decade clearly indicate that ongoing participation in continuing care is one of the best indicators of treatment success.<sup>11</sup>

Services for youth are more limited than for the general adult population. In considering adult and youth programs, however, it is important to note that, with regard to treatment, persons ages 18 and older are considered adults and receive services through adult programs. Youth treatment programs serve persons ages 17 and younger. Youth treatment programs differ from adult programs in a number of ways. First, staff are specifically trained to work with the special problems of youth. Second, program curricula and materials are specifically tailored to address problems from a youth perspective rather than using adult material. Finally, the course of treatment differs in that a significant amount of effort and energy in youth programs is targeted toward engaging the youths and helping them to recognize the problem and the need for change. In many rural areas, the only treatment services available to youth are outpatient services in adult programs where treatment plans are individualized to meet specific needs of the youth, but the general course of treatment is based on an adult model.

There are a wide variety of barriers to youth receiving needed treatment services. The first, and most obvious, is that many communities do not have substance abuse programs designed specifically for youth. The availability of residential beds for youth is another key barrier with the publicized waiting list for one of the three publicly funded programs averaging between three and six months. There is an adult assessment and referral system for individuals convicted of

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<sup>11</sup> Division of Alcoholism and Drug Abuse, Chemical Dependency Treatment Outcome Study, Juneau, AK, December 1998

alcohol-related offenses, the Alcohol Safety Action Program (ASAP). There is no such program for youth despite the fact that MCA cases have been consistently increasing through the 1990s. Other barriers such as community norms and values, family use of alcohol, and transportation costs also serve to reduce the availability of treatment services to youth.

The following table provides a summary of treatment resources specifically designed and targeted to youth. A complete description of all treatment programs available in Alaska is provided in Section VI of the report.

Youth Residential Program	Adult Residential Programs that also Serve Youth	Youth Outpatient Programs
<p><b>Southeast Alaska Regional Health Consortium</b> (SEARHC) (Raven's Way) – Outdoor, adventure-based program, 11 treatment slots, 5 week length of stay (Sitka)</p> <p><b>Volunteers of America</b> (Adolescent Residential Center for Help (ARCH)) – 12 beds, four-month length of stay. (Anchorage)</p> <p><b>Fairbanks Native Association</b> (Graf Rheeneerhaajii – The Healing Place) – 12 beds, three to four-month length of stay. (Fairbanks)</p>	<p><b>Southcentral Foundation</b> (Dena A. Coy) (No fixed number of youth beds) – serves pregnant women and women with small children. (Anchorage)</p> <p><b>Arc of Anchorage</b> (Bryn Mawr) (No fixed number of youth beds) – serves clients who have developmental disabilities, mental health disorders, and substance abuse disorders (must have all three). (Anchorage)</p>	<p>Starting Point (Anchorage)</p> <p>Gateway Center for Human Services (Ketchikan)</p> <p>Salvation Army Booth Memorial (Anchorage)</p> <p>Volunteers of America – Assist Intensive Outpatient (Anchorage)</p> <p>Breakthrough (Anchorage)</p> <p>Mat-Su Council on Alcoholism and Drug Abuse (Wasilla)</p> <p>Ralph Perdue Center (Fairbanks)</p> <p>The Unloading Zone (Fairbanks)</p> <p>Life Givers (Fairbanks)</p> <p>Graf-Rheeneerhaajii (Fairbanks)</p> <p>Jake's Place (Dillingham)</p> <p>Sitka Prevention and Treatment Services (Sitka)</p> <p>Kuskokwim Native Association Outpatient (Aniak)</p>

**Table 1 – Substance Abuse Treatment Resources for Adolescents in Alaska; Source – Key Informant Interviews**

**H. Prevention, Education, and Advocacy.** Underage drinking is an issue that is receiving considerable attention in the areas of prevention, education and advocacy. Substance abuse prevention in Alaska, of which underage drinking prevention is a sub-set, is targeted primarily toward youth. The Division of Alcoholism and Drug Abuse is administering a \$9 million, three-year prevention grant that provides funding to communities throughout Alaska. These grants are combined with other Division prevention grants that are ongoing to provide an extensive prevention effort. The Division of Juvenile Justice also provides some funding through prevention grants for communities to address underage drinking.

Substance abuse prevention has, in the past decade, begun to emerge as a scientifically based discipline. Most prevention effort is ultimately driven by SAMHSA, Center for Substance Abuse Prevention (CSAP), through grants to individual states and organizations. Some prominent prevention principles worth noting include:

1. Best Practices/Promising Practices. Best practices are those practices considered to be proven by research. Promising practices are those that initially appear to meet the criteria for best practices but need additional research and evaluation. Many of the SAMHSA/CSAP grant opportunities are now limited to organizations that will implement existing best practices. There is limited support for organizations to "re-invent the wheel."

2. Risk and Protective Factors. Risk factors are those conditions that exist in the environment that have been proven to increase the probability that youth will engage in high risk behavior or otherwise experience problems associated with high risk behavior. Protective factors, by contrast, are those factors in the environment that build resiliency among youth and help to prevent the destructive behavior. SAMHSA and the Alaska Division of Alcoholism and Drug Abuse have adopted risk and protective factors as a means of assessing need and measuring progress.

3. Developmental Assets Model. This model, developed by the Search Institute of Minneapolis and adapted for use in Alaska by the Association of Alaska School Board and the Alaska Department of Health and Social Services, concentrates on assessing and taking advantage of assets present in youth to help prevent high-risk behavior. This model has proven effective in front-line service delivery but has had limited use in the strategic planning process.

4. CSAP Strategies. CSAP categorizes the various approaches to prevention into discrete strategies. These strategies include environmental strategies, education and information, alternative activities, etc. The most effective approach to prevention has been found to include multiple strategies delivered consistently.<sup>12</sup>

Since prevention is, by its very nature, population-based, results usually take years to manifest themselves. This makes evaluation a long-term process. The Division of Alcoholism and Drug Abuse has integrated a rigorous evaluation process coordinated by the Institute for Circumpolar Health Studies into their prevention program. This effort will provide a sound research base for future prevention planning.

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<sup>12</sup> Western Region Center for the Application of Prevention Technology (WESTCAP), "Best and Promising Practices," Reno, NV, 1999

The education system is concerned with underage drinking primarily as it relates to consumption of alcohol in the education setting. Although alcohol and other substance abuse issues are integrated into the health education curricula within the schools, the primary focus is on alcohol or other substances in the schools. The primary effort of the education system is through the Safe and Drug-Free Schools program, with funding originating from the U. S. Department of Education and administered by the Alaska Department of Education and Early Development. Activities funded through the Safe and Drug-Free Schools program include prevention content for health classes, student assistance counselors, local prevention programs, and collaboration with community prevention efforts. The Association of Alaska School Boards is also active in substance abuse prevention statewide through provision of training and technical assistance.

Advocacy refers to efforts to change community norms and values - in this case, regarding underage drinking. This is accomplished through targeted information dissemination, efforts to impact policy, and monitoring of activities of law enforcement and the court. Examples of highly successful advocacy efforts include Mothers Against Drunk Driving and Alaskans for Drug-Free Youth. On a local level, grassroots organizations that create partnerships in communities to focus attention on the problem of underage drinking are best represented by the efforts of Choices for Teens, Inc., in Homer. Advocacy activities in Homer are characterized by a network of organizations; each with its own mission and objectives, focusing coordinated and appropriate efforts on underage drinking. Advocacy efforts, like prevention, show results over long periods of time.

A detailed discussion of Alaska prevention, education, and advocacy programs and efforts, including a summary by community, is provided in Section VII of the report.

**I. Data Trends and Resources.** A significant portion of this inquiry was devoted to gathering data relating to underage drinking. A complete description of methodology, results, and validity is included in Section VIII of the report.

1. Alaska Court System Data. The Alaska Court System provided the data for all MCA cases from 1995 through June 30, 2000. From this data, investigators were able to describe the trends in numbers of cases, characteristics of offenders, and disposition of cases.

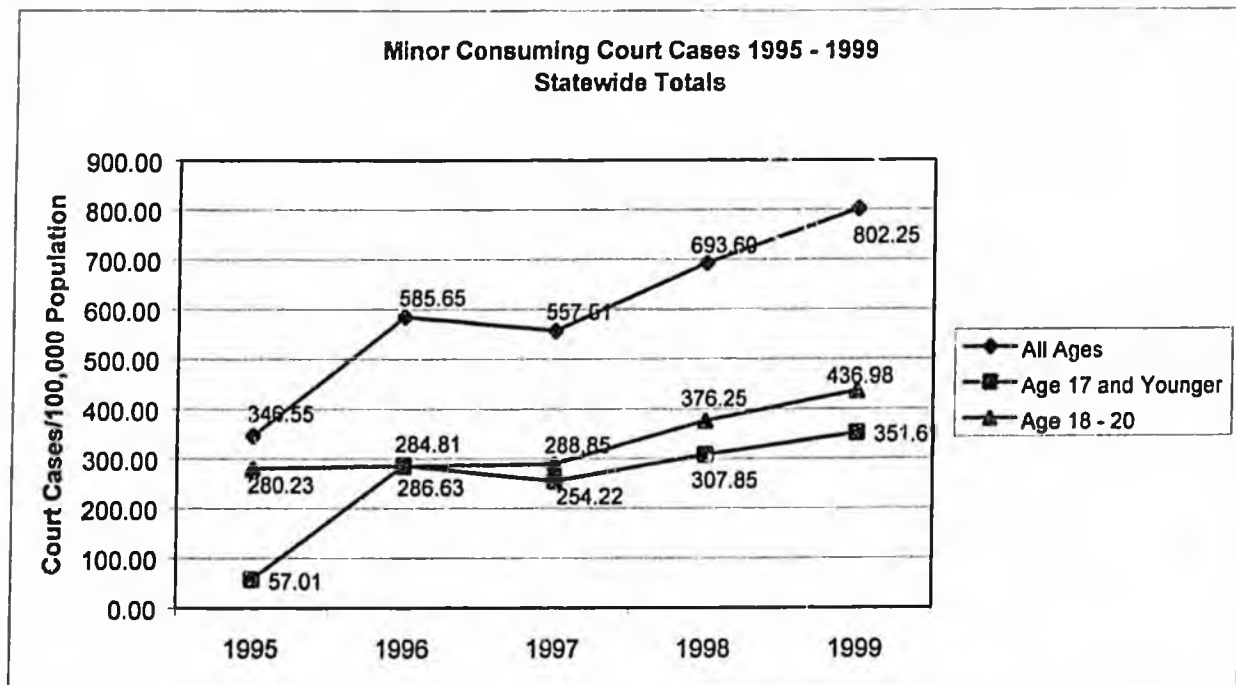


Figure 1 – Minor Consuming Cases 1995 – 1999; Data Source: Case Data – Alaska Court System; Population Data – Alaska Department of Labor and Workforce Development

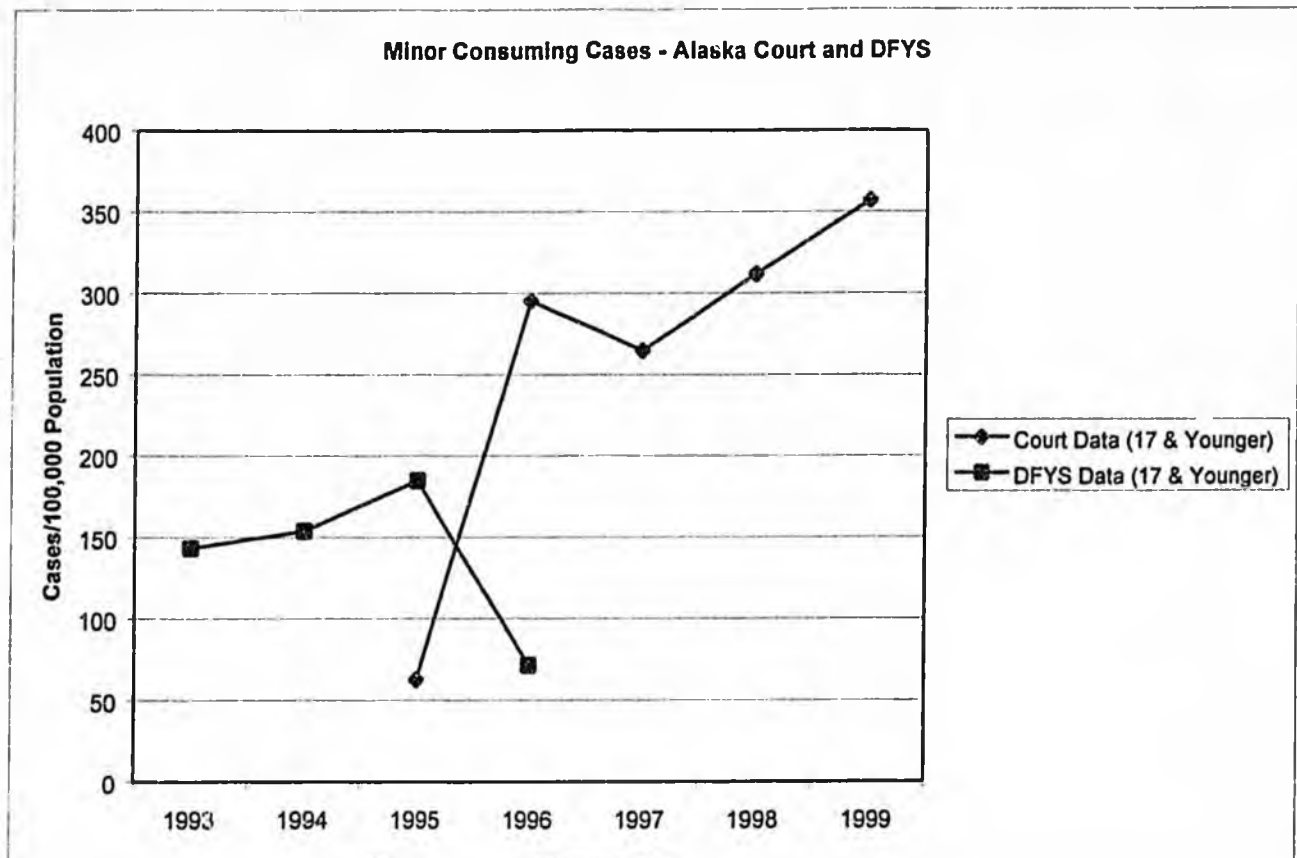
In the above chart, the cases for all ages (20 and younger) are plotted in addition to the two age sub-groups (17 and younger, 18 through 20) as rates per 100,000 population. The age sub-groups are important because, in comparing pre-1995 MCA data, the pre-1995 data source was the Alaska Division of Juvenile Justice (previously Division of Family and Youth Services (DFYS)) and includes only those youth ages 17 and younger.

The following table provides raw numbers for district court cases as well as the Division of Family and Youth Services data for cases prior to 1995.

Data Description	1993	1994	1995	1996	1997	1998	1999	2000
Court Data – All Ages			2085	3553	3397	4300	4983	2220
Court Data – ≤ 17 YOA			376	1787	1614	1937	2219	1037
Court Data – 18-20 YOA			1709	1766	1783	2363	2764	1183
DFYS Data – ≤ 17 YOA	856	924	1111	432				

Table 2 – District Court and DFYS MCA Case Data; Data Source: Court Data – Alaska Court System; DFYS Data – Alaska Division of Juvenile Justice

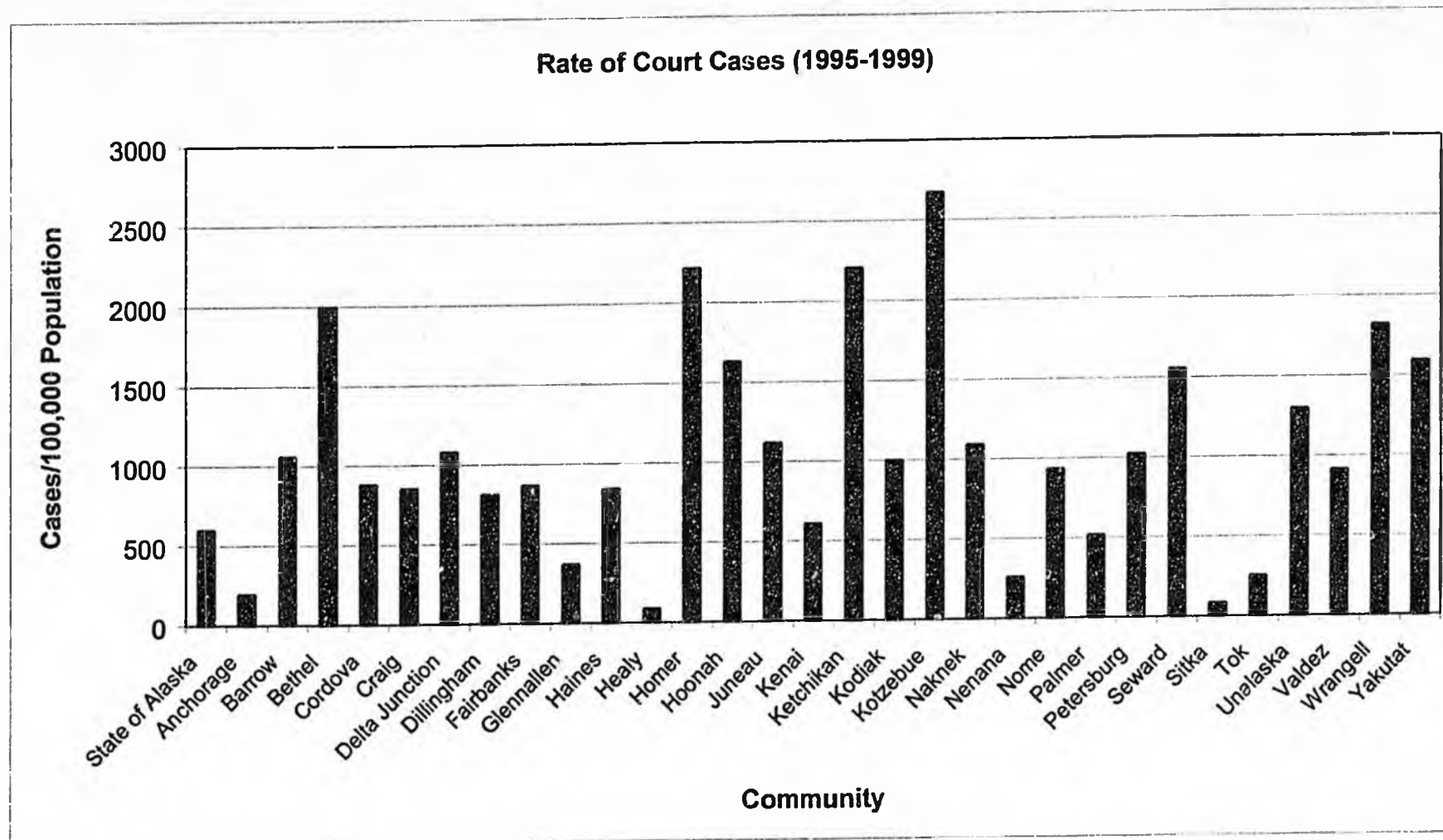
The most relevant comparison in the above raw data is the court data for ages 17 and younger with the Division of Family and Youth Services data. The chart below shows the minor consuming case trend for youth 17 and younger for both Division of Family and Youth Services and the court system. While the time periods are too short to draw conclusions, the overall trend line seems to be continuous with the court case increases reflecting an upward trend that is noticed in the Division of Family and Youth Services data, particularly in the years 1994 and 1995.



**Figure 2 – Minor Consuming Cases – Alaska Court and DFYS; Data Source: Court Case Data – Alaska Court System; DFYS Case Data – Alaska Division of Juvenile Justice; Population Data – Alaska Department of Labor and Workforce Development**

There were 31 communities with courts for which data was provided. The following chart shows the rate of court cases (1995 – 1999) for each of the communities as well as the statewide rate. Computing rates based on population was accomplished by considering the location of the court with regard to communities served. In most cases, the investigators found that the location of the courts closely corresponded with census areas and sub-regions.

In examining the rates for the courts in different communities, it is clear that some dispose of minor consuming cases at a far greater rate than others. Since this inquiry focused only on a core of 17 communities, there was no systematic inquiry into the practices and utilization of each individual court. The courts with the highest rates of MCA cases are in rural hub communities (Kotzebue, Ketchikan, Homer, and Bethel have the highest rates). Other hub communities, such as Sitka and Kenai, have substantially lower rates. Of the urban areas, Anchorage has a low rate of cases while Fairbanks and Juneau have relatively moderate rates.



**Figure 3 – Rate of Court Cases by Community (1995 – 1999); Data Source: Court Case Data – Alaska Court System; Population Data – Alaska Department of Labor and Workforce Development**

The mean age of offenders during the period was 18.1 with a standard deviation of 1.85 years. Individuals also varied in the number of offenses they had on their records. Of the 12,902 unduplicated individuals with MCA cases, 72.1% had only one offense. The maximum number of offenses for any one individual was 20. In examining disposition trends, the predominant case dispositions are:

a. *No Contest (52%);*

b. *Dismissed (18%).* Case dismissed based either on the merits of the case or on an agreement between the parties to resolve outside the court system (i.e., community work service, writing essays, other conditions);

c. *Pled Guilty (12.6%);*

d. *Default Judgment (6.8%).* Where the offender does not show up for the hearing or otherwise contact the court to arrange for rescheduling and the maximum fine is typically awarded; and

e. *Other dispositions.* Other dispositions include Found Guilty, Found Not Guilty, Case Transferred, etc., all of which occurred at much lower frequencies.

During the period 1995 through 1999, the case disposition trends reflected a decrease in the number of dismissals and an increase in the number of default judgments. The average fine imposed increased over the period from \$81.46 in 1995 to \$180.47 in 2000 with repeat offenders receiving higher fines.

2. Alcohol-Related Injuries. Data on alcohol related injuries requiring hospitalization was obtained from the Alaska Trauma Registry. It represents all injuries recorded in emergency rooms or trauma centers where the patient was admitted to the hospital. There has been a slow, but steady increase in the alcohol-related injuries to youth recorded between 1991 and 1998, as indicated in the following graph.

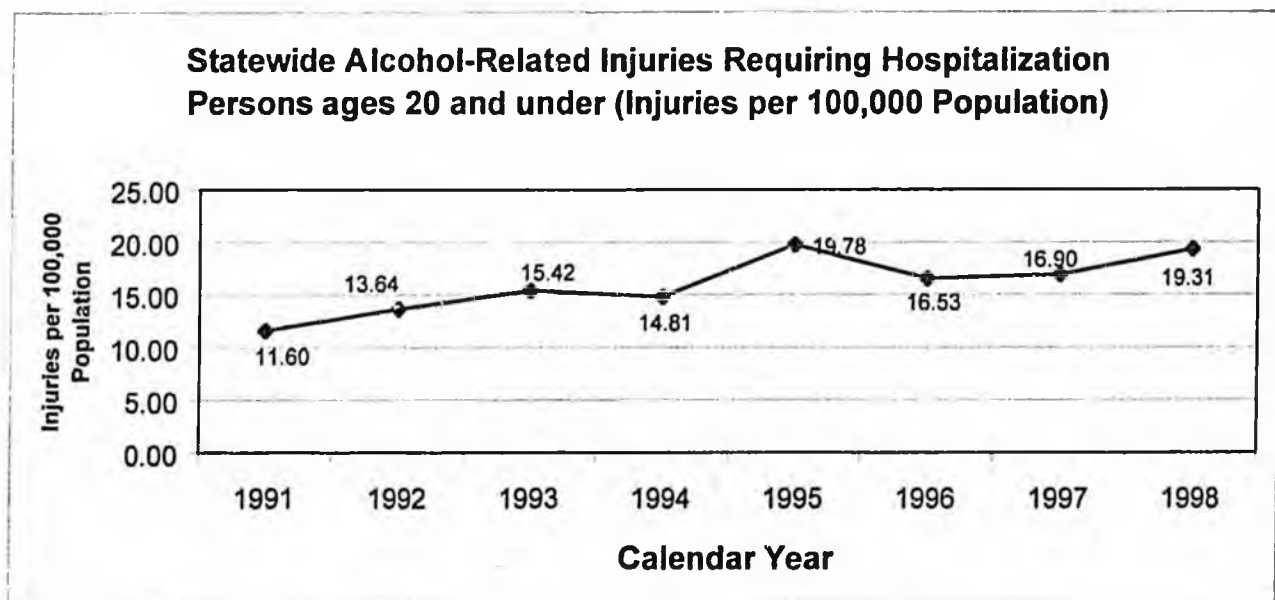


Figure 4 – Statewide Alcohol-Related Injuries Requiring Hospitalization (Ages 20 and Younger); Data Source: Injuries Data – Alaska Trauma Registry; Population Data – Alaska Department of Labor and Workforce Development

3. Alaska Department of Transportation -- Highway Traffic Accident Data. The Alaska Department of Transportation keeps detailed records on highway accidents in Alaska. Within this data set are data on the number of accidents in which the driver had been consuming alcohol, as well as the age of the driver.

The rate of traffic accidents involving underage drinking drivers decreased through 1994 and has varied up and down since then. Statewide, the rate has decreased from nearly 32 per 100,000 population in 1990 to just over 19 per 100,000 population in 1998, a decrease of 40.6%. This trend is consistent with national trends that show the rates of traffic accidents involving underage drinking drivers decreasing.<sup>13</sup>

Like the data from the Alaska Trauma Registry, this data is impacted both by the number of accidents that occur and the assessment of the on-site law enforcement officer handling the case. The data can also be impacted for minor, single-vehicle accidents by the failure of the driver to immediately contact law enforcement officials after the accident allowing time for the alcohol to clear from the driver's body. The following graph represents the number of traffic accidents involving underage drinking drivers per 100,000 population statewide from 1990 through 1998.

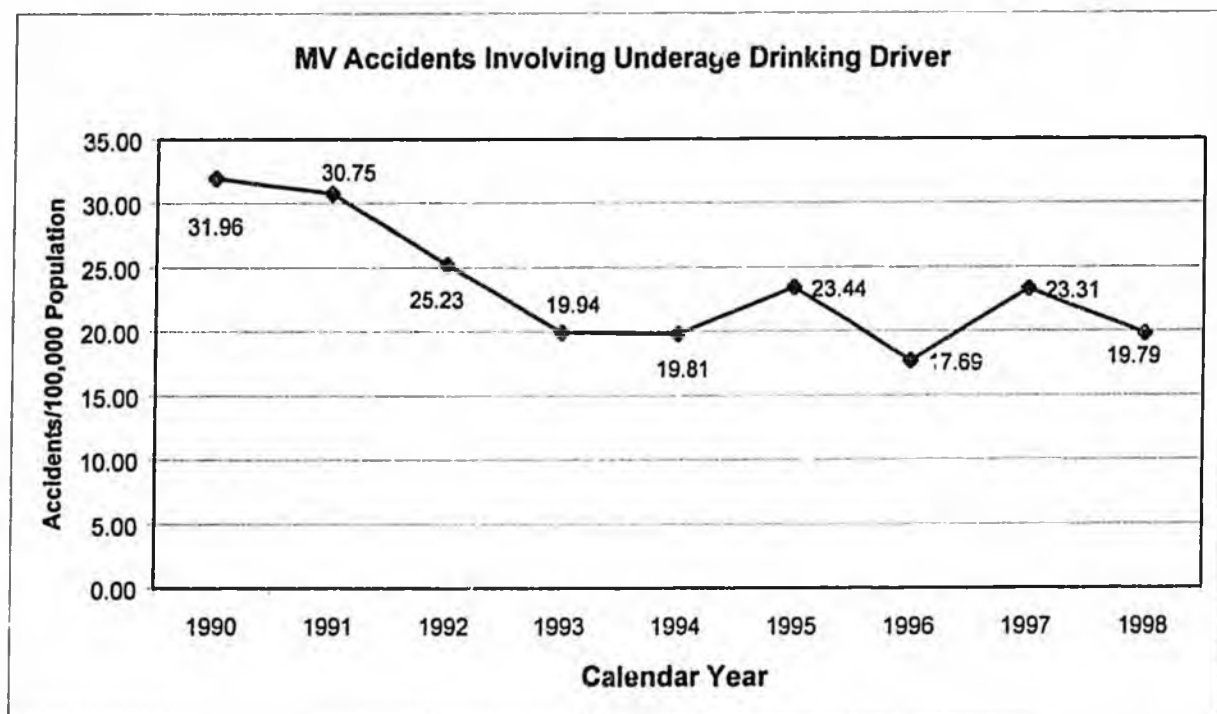


Figure 5 – MV Accidents Involving Underage Drinking Drivers; Data Source – MV Accident Data – Alaska Department of Transportation; Population Data – Alaska Department of Labor and Workforce Development

<sup>13</sup> National Highway Traffic Safety Administration/National Institute on Alcohol Abuse and Alcoholism, Sentencing and Dispositions of Youth DUI and Other Alcohol Offenses: A Guide for Judges and Prosecutors, Washington, D.C., 2000

Alcohol-related traffic accidents represent a major adverse consequence associated with underage drinking. The rate of accidents involving underage drinking drivers decreased consistently between 1990 and 1993 with a less significant decrease in 1994. The rates were mixed between 1994 and 1998 varying up and down, but varying little between 1994 and 1998. The trend for accidents involving drinking drivers of all ages (39.5% decrease) was similar to that for underage drinking drivers (38.1% decrease). The investigators could find no conclusive information supporting an explanation for the trends. National studies have suggested that similar declines on a national level occurring between 1976 and 1987 are, at least partially, a result of the increase in legal drinking age across the country to 21.<sup>14</sup>

4. Alaska Division of Alcoholism and Drug Abuse – Substance Abuse Treatment Utilization. The Division of Alcoholism and Drug Abuse funds and coordinates an extensive substance abuse treatment system serving Alaskans. As a part of their management of this system, they collect data from each funded program that provides information on client characteristics as well as service information. The graph below presents the rate of utilization for youth 17 years of age and younger and for youth 18 to 20 years old. The following table in this sub-section presents the raw numbers of individuals served in each component of care during the period 1992-1998. The nature of this latter analysis prevents using unduplicated clients since individuals may receive treatment in more than one component of care. Since 1992 there has been a slow but steady increase in clients 18 to 20 years old with a more marked increase in those under 18 years of age, both in raw numbers and as a rate per 100,000 population. The treatment capacity of the adolescent residential treatment facilities has remained static through the 1990s.

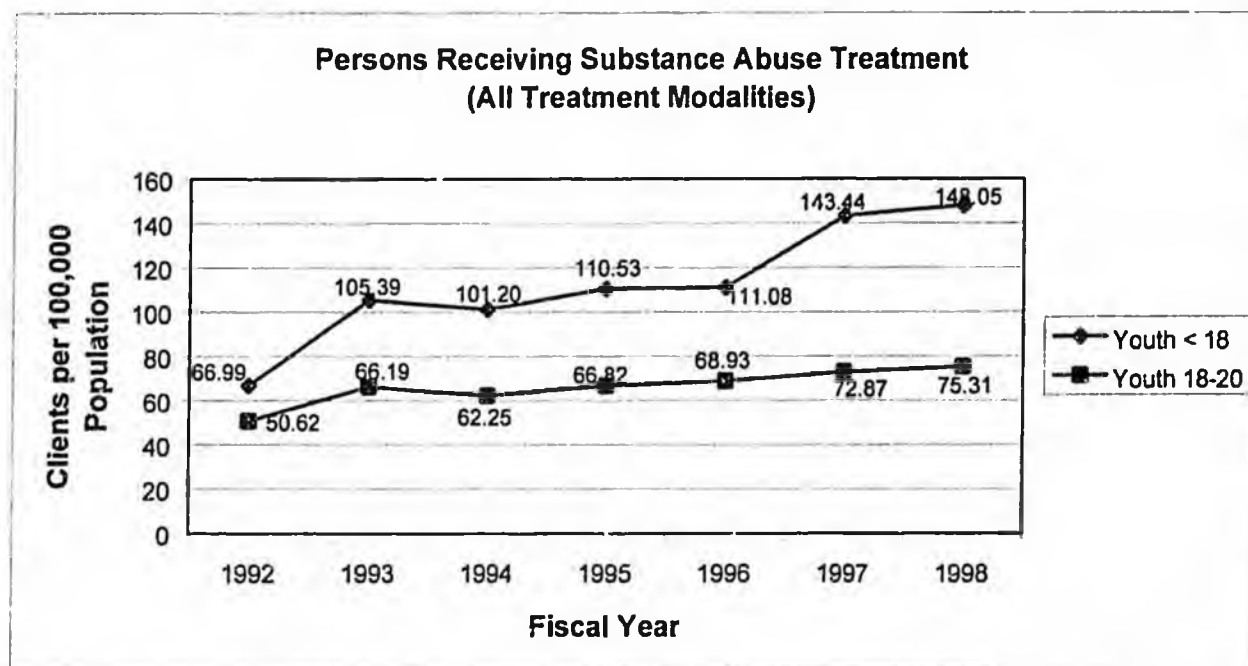


Figure 6 – Youth Receiving Substance Abuse Treatment (includes only programs funded through the division grant process or by direct Budget Request Unit (BRU)); Data Source: Treatment Data – Alaska Division of Alcoholism and Drug Abuse; Population Data – Alaska Department of Labor and Workforce Development

<sup>14</sup> O'Malley, J.L. and Wagenaar, A.C., "Effects of minimum drinking age laws on alcohol use, related behaviors, and traffic crash involvement among American youth: 1976 – 1987," *Journal of Alcohol Studies*, 52 (5): 478-491, 1991

**Substance Abuse Treatment to Adolescents by Component  
1992 – 1998  
(Actual Numbers – Duplicated Clients)**

Year	Detox	Inpatient (Hospital)*	Short Term Residential*	Long Term Residential**	Outpatient	Intensive Outpatient	Continuing Care
1992	19/57	1/3	12/17	92/85	199/121	70/58	34/25
1993	37/40	1/0	38/24	188/108	245/168	147/101	69/23
1994	27/61	2/10	6/34	153/101	243/136	113/106	134/32
1995	18/63	3/17	10/30	164/101	306/161	80/114	158/46
1996	11/55	1/8	14/25	160/101	345/173	93/106	110/47
1997	13/56	2/12	7/25	150/109	385/176	218/139	179/53
1998	20/54	5/10	3/16	159/101	422/193	288/138	149/51

Table 3 – Substance Abuse Treatment to Adolescents by Component; Data Source: Alaska Division of Alcoholism and Drug Abuse

*Number Reporting Format: Ages 17 & Younger / Ages 18 – 20*

Notes: \* Inpatient (Hospital) and Short-Term Residential length of stay 10 – 30 days.

\*\* Long-Term Residential length of stay – greater than 30 days

- Increases in long-term residential adolescent treatment data are supported by key informant interviews indicating average lengths of stay between three and six months. Increased intensive outpatient services of 311% can be partially attributed to an increase in programs offering that service, as well as third party payors who favor treatment settings less restrictive than residential.
- Continuing care utilization increased by over 300% for youth ages 17 and younger and by just over 100% for youth ages 18 through 20. Increases in utilization of continuing care reflects the importance attached to continuing care by the Division of Alcoholism and Drug Abuse and the addictions field in general.

**J. Conclusions.** Based on national and state surveys, alcohol consumption by youth in Alaska is comparable to consumption by youth nationally. When considering trends in consumption of alcohol by youth, there are mixed indicators that preclude the development of conclusions. The 1998 and 1999 National Household Surveys on Substance Abuse sponsored by SAMHSA concluded that the trend in consumption of alcohol by youth during the 1990s was relatively flat.<sup>15</sup> This is supported somewhat by trends in per capita alcohol consumption in Alaska and nationally through the 1990s<sup>16</sup> as well as by the rate of motor vehicle accidents in Alaska and nationally involving underage drinking drivers. Countering this, however, is the Alaska Court System and Alaska Division of Juvenile Justice data that shows a marked and consistent increase in MCA cases beginning in the early 1990s and continuing through 1999. There is no evidence to indicate any marked increase or focus in law enforcement that might explain this increase. Additionally, there has been an increase between 1991 and 1998 in the number of alcohol-related injuries among youth.

There are a variety of adverse consequences that occur as a result of underage drinking. The specific consequences identified and quantified in this inquiry were alcohol-related injuries requiring hospitalization among youth, including those resulting from suicide attempts and those resulting in death and traffic accidents involving underage drinking drivers. Other adverse consequences for which data was not gathered in this report include school performance, criminal activity, and overall health. In addition to consequences that can be quantified through data collection, there are other, more subjective consequences such as the deterioration of families, alienation of friends, and general disenfranchisement from society.

In the data collected for this inquiry, the rate of alcohol-related hospitalizations for youth increased from 1991 through 1998 by 66.5%. The trend for injuries attributable to suicide attempts was mixed with a 43.3% increase between 1993 and 1996 followed by a 14.7% decrease from 1996 to 1998. The trend in deaths resulting from alcohol-related accidents among youth is clouded by the small numbers of events occurring, with 24 occurring between 1991 and 1998. Motor vehicle accidents involving underage drinking drivers decreased by 38.1% between 1990 and 1998. The decrease in the rate for underage drinking drivers is comparable to the decrease in accidents involving drinking drivers of all ages, 39.5% between 1990 and 1998.

Efforts to address underage drinking in Alaska are ongoing in various domains.

1. Statutory Effort. The primary statutory action involving underage drinking over the past ten years has been the transfer of jurisdiction over MCA cases from the juvenile justice system to district court in 1995. There have been some adjustments since that time, primarily dealing with revocation of drivers' licenses and the length of time for which they can be revoked. In examining data from the period 1991 through 1998 and 1999, the number of MCA cases has increased steadily through the period. When examining the trends for youth ages 17 and younger for both the juvenile justice system prior to 1995 and the Alaska Court System after that, there appears to be a consistent increase that began in 1993 and continued across the two jurisdictions.

---

<sup>15</sup> Substance Abuse and Mental Health Services Administration (SAMHSA). Summary of Findings: 1999 National Household Survey on Substance Abuse. Rockville, MD, August 2000

<sup>16</sup> Advisory Board on Alcoholism and Drug Abuse. Results within our Reach: Plan for Delivery of Substance Abuse Services 1999 – 2003, Juneau, AK, January 1999

When examining adverse consequences, there were no major shifts in numbers/rates that corresponded with the change in jurisdiction. While law enforcement, judges and magistrates may believe the new statute to be ineffective or limiting, the investigators found no evidence that the change in statute itself was the sole contributor to the increase in arrests indicated by the increased number of MCA cases. Neither can we say that the statutory change caused any identifiable change in adverse consequences.

2. Law Enforcement Effort. Investigators found no evidence of heightened law enforcement effort or focus with regard to underage drinking between 1993 and 1999, with the exception of a consistent increase in MCA cases. Key informants indicated that law enforcement pursued reactive strategies in most communities with underage drinking violations competing with every other law enforcement issue. An exception to this observation is the coordinated effort taking place in five communities in Alaska, coordinated by the ABC Board, using Enforcement of Underage Drinking Laws (EUDL) grant funds from the Division of Juvenile Justice. This effort is taking the form of intensified scrutiny of licensed establishments using supervised youth attempting to make purchases and the concentration on identifying and intervening in large drinking parties.

3. Court System Effort. The Alaska Court System has experienced a consistent increase in MCA cases from 1995 through 1999. The major trends observed within these cases are that the fines have increased steadily by 121% during the period and that the disposition of cases has changed, with fewer cases being dismissed and more cases having default judgments (where the offender does not show up for court). The vast majority of offenders (72.1%) are one-time offenders, however, 54.7% of the total cases are attributable to individuals with multiple cases (27.9% of unduplicated individuals). Judges and magistrates are using graduated increases in fines to deal with repeat offenders. Because there are no conclusions on whether prevalence of underage drinking is increasing or decreasing, investigators are unable to draw conclusions about the impact of court efforts on the underage drinking problem.

4. Substance Abuse Treatment Effort. Utilization of substance abuse treatment services by youth has increased through the 1990s most significantly in the outpatient, intensive outpatient, and continuing care modalities. There was a marked increase in utilization of long-term residential services between 1992 and 1993; however, the utilization rates for that modality have remained somewhat static over the remainder of the period. The increase in utilization of intensive outpatient services is most likely connected to the emergence of this modality in the 1990s as a step between regular outpatient and residential. The increase in continuing care utilization reflects, at least in part, the growing emphasis placed on this service by the Division of Alcoholism and Drug Abuse and the addictions field in general. Another complicating factor in analyzing the treatment data, particularly for residential care, is that the state's limited public residential programs tend to operate at capacity all the time. This does not allow investigators to use treatment utilization data as a gauge of the need for residential treatment. Key informants indicate that there is a waiting list of between three and six months for youth residential treatment. There are, however, two proposed residential treatment expansion projects in the development process that, if approved, will help to alleviate this backlog.

5. Prevention, Education, and Advocacy Efforts. There is considerable prevention activity in Alaska, however, results from these types of efforts manifest themselves on a

population basis over long periods of time, and many of these efforts have only recently been implemented. The investigators, therefore, draw no conclusions regarding their effectiveness at reducing underage drinking. The Division of Alcoholism and Drug Abuse has, as a part of its current emphasis on prevention, developed a comprehensive prevention evaluation component being conducted by the Institute for Circumpolar Health Studies. If successful, this evaluation effort should provide valuable information on the efficacy of various approaches to dealing with substance abuse by youth and play a vital role in future program planning.

Key informants in this project suggested that community norms and values play a key role in underage drinking trends. This reflects current thinking among substance abuse prevention professionals nationally as well as many of the best practices in prevention adopted by SAMHSA. Given the importance attached to environmental strategies, and the role that key informants believe that community norms and values play in underage drinking in communities, advocacy and environmental prevention efforts may have great potential to impact the problem.

The data systems described in this report all collect data to serve the unique needs of the respective organizations. There are, in addition, other emerging data sources that could prove valuable in the future. One such data set will be maintained by the Department of Education and Early Development and will contain data on school suspensions and expulsions due to alcohol or drug use. Another database worth exploring is maintained by the Alaska Bureau of Vital Statistics. That database contains information on deaths that could prove useful if a method could be devised to clearly identify which of those deaths were attributable to alcohol. There is currently information in the database that relates to some instances of alcohol-related deaths, but it is inconsistent and does not cover the range of possibilities where alcohol can contribute to a death. While these two data sources provide additional insight into adverse consequences of underage drinking, one of the major gaps in data/information relates to actual prevalence of underage drinking. A data collection effort that could prove useful if successfully implemented is the YRBS. As previously noted, identifying prevalence of underage drinking is an important task and YRBS, which surveys students, could be one of the most reliable tools. The state will need to address barriers to participation to gain a response rate sufficient to generalize the samples to the population statewide.

The promise of such diverse and robust databases is that they can provide glimpses of the problem from different perspectives. With each different perspective comes a greater understanding of the breadth and depth of the problem. The difficulty with these databases is that they are all proprietary and accessible only through special effort by the maintaining organization, they are designed in terms of structure and format to meet the needs of the maintaining organization and are, most often, not well-suited to integration without a great deal of intervention. Using all of this potential data together in an integrated effort to describe the problem and/or progress in addressing the problem will require that it be gathered and analyzed, preferably by a central organization requiring an ongoing dedication of resources.

Finally, the failure to intervene in underage drinking represents a lost opportunity to address future problems. Magistrates, judges, prosecutors, and law enforcement officials agree that alcohol is involved in most violent crimes against persons and property crimes committed by young adults. While it cannot be said with certainty that every one of these young adult offenders began drinking as a teen, youth with multiple MCA violations seem to be good

candidates for future alcohol-related problems. Future studies that examine court data, Division of Juvenile Justice data, and public safety data could well provide more solid evidence of correlation between underage drinking and young adults who commit more serious crimes under the influence of alcohol.

#### **K. Recommendations.**

1. Increased law enforcement efforts have been made possible through the ABC Board and new funding. Evaluation of these efforts in coming years will be an important source of information that should be reviewed.
2. Case disposition for MCA's under existing statute disallows assessments or other treatment interventions. This was cause for concern for law enforcement, court personnel and treatment providers. Statutes should be reviewed for possible changes and/or improvements to allow for a broader range of sentencing alternatives.
3. One treatment component lacking in Alaska is that of assessment and referral for youth similar to the adult Alcohol Safety Action Program (ASAP). This may be an area worth further exploration, given the increase in the number of MCA cases shown by the court system data.
4. Alaska has recently undertaken a number of prevention efforts, many of which are research-based. The state may wish to consider a statewide approach to prevention strategies and funding for such. Additionally, the existing evaluation effort funded by Division of Alcoholism and Drug Abuse through the Institute for Circumpolar Health Studies holds promise as a potential source of policy information in this arena.
5. Environmental prevention strategies may play an important role in the state's efforts to address underage drinking, given the emphasis placed by key informants on community norms and values. This area deserves further exploration.
6. The YRBS survey represents a potentially data rich resource for prevalence information within Alaska. Efforts should be continued to ensure that this source of information is obtained in a manner that will ensure valid data.
7. Given the complexity and diversity of data on this issue, the state may wish to consider the feasibility of having a centralized entity collect information on the issue of underage drinking.

To obtain additional copies of this Executive Summary or the complete report, contact:

State of Alaska  
Division of Juvenile Justice  
PO Box 110620  
Juneau, AK 99811-0620

Attn: Enforcement of Underage Drinking Laws Program

Telephone: (907) 465-2212  
Fax: (907) 465-2333  
E-mail: [djj@health.state.ak.us](mailto:djj@health.state.ak.us)

The Executive Summary and the complete report can also be downloaded from the Division of Juvenile Justice web site

[http://www.hss.state.ak.us/djj/Info\\_&\\_Resources/DJJ\\_Publications.htm](http://www.hss.state.ak.us/djj/Info_&_Resources/DJJ_Publications.htm)



# RECORDS CERTIFICATION



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

*William J. Carter*

Signature of Camera Operator

*10/14/2003*

Date

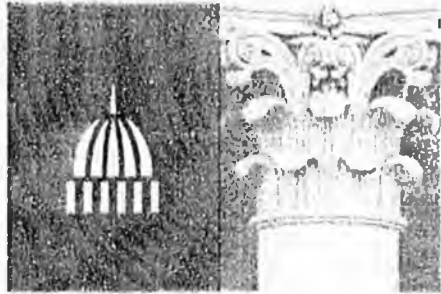
OVERVIEW

CRIMINAL

JUSTICE

INFO

SYSTEM



## Integrating, Improving Criminal Justice Information

*By Heather Morton and Julie Spence Gefke*

Effective crime control relies on accurate, complete information. Law enforcement officers need up-to-the minute reports about whether a person stopped has outstanding warrants or is on probation or parole. A prosecutor needs to have a complete criminal history before bringing charges. A judge needs complete records when considering bail and sentencing. A parole officer should be automatically notified when one of his charges is arrested. This seamless sharing of information (integrated criminal justice information systems) is on the drawing board in many states.

*Crucial information can be shared more quickly through an integrated criminal justice information system.*

**Enhancing Efficiency and Fairness.** These systems give agencies the ability to share critical information at key decision points throughout the justice process. Duplicate entry of information is eliminated, although data requested from the system may come from many sources to form a complete description and may be used by multiple agencies. A paperless system provides crucial, current information without regard to time or location. A fully functioning integrated system enhances efficiency and fairness in the criminal justice system, as well as increasing the level of protection of citizens.

The shared information may be written words, photographs, fingerprints, DNA identification records or any other kind of data that can be sent between computers via a modem or network. The information can be shared horizontally (among different divisions of the same department or system) or vertically (among local, state and national agencies). Integration is usually considered to include those directly within criminal justice offices or agencies, but may also include certain entities outside the system, such as defense attorneys, community corrections programs and victims. Plans for integration must address who can access the data and must have built in security and privacy safeguards.

### State Action

Thirty-one states and the District of Columbia have an integrated system planned or in use. Colorado, Kentucky, Louisiana, Maine, Maryland, North Carolina and Oregon have established integrated criminal justice information systems through statutes. In the majority of states, legislation has established a structure to oversee the system. In a few states, legislators continue to be involved in policy

#### Statutory Citations for Integrated Criminal Justice

Colorado	Colo. Rev. Stat. § 16-20.5-103 (1997)
Kentucky	Ky. Rev. Stat. § 15A.040 (1998)
Louisiana	La. Rev. Stat. Ann. § 15:1228 (1999)
Maine	Me. Rev. Stat. Ann. 16 § 631 (1993)
Maryland	Md. Ann. Code 27 § 744 (1976)
North Carolina	N.C. Gen. Stat. § 143-661 (1996)
Oregon	Or. Rev. Stat. § 181-725 (1993)

*Many states have an integrated system planned or in actual use.*

boards or committees, alongside agency and judicial branch personnel. Among some of the earliest efforts, the Colorado legislature established a task force in 1995 through statutory law which developed the Colorado Integrate<sup>1</sup> Criminal Justice Information System, which now operates statewide.

Legislative funding affects agency activity. Having established a policy group in 1993, Minnesota legislation requires that funding requests for criminal justice information systems involve a plan for integration and appropriates funds for a criminal justice information integration plan.

### Federal Action

State legislatures also set policy on which groups related to the justice system are allowed access to what information. Some of these decisions have been prompted by a recent federal law that has expanded the use of state criminal history records for such things as civil protection orders and gun regulation and control. The federal government also has launched an initiative under the Office of Justice Programs to encourage integration of state and local criminal justice information. Several federal grant programs provide help in improving information systems. These include the Byrne Formula Grant Program, National Criminal History Improvement Program, National Sex Offender Registry Identification Assistance Program, Statewide Identification Systems Formula Grant Program, local law enforcement block grants, Community Oriented Policing Services Technology Program, Crime Identification Technology Program, and SEARCH National Technical Assistance and Training Program.

*Several federal programs assist states and localities in improving information systems.*

**Cooperation and Collaboration.** A system for intergovernmental, integrated justice information requires thoughtful federal, state and local cooperation to move what often are autonomous agencies toward collaboration. Just as technology is providing the capability to deliver more information faster, integrated criminal justice systems enable the efficient, effective exchange of information from various sources.

### Selected References

- Center for Technology in Government, State University of New York. "And Justice for All: Designing Your Business Case for Integrating Justice Information." Albany, N.Y., 2000.
- National Association of State Information Resource Executives (NASIRE). "Toward National Sharing of Governmental Information." Lexington, Ky., February 2000.
- SEARCH, the National Consortium for Justice Information and Statistics. "Integration in the Context of Justice Information Systems: A Common Understanding." Sacramento, Calif., March 2000.

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JAN 23 2001

# Alaska State Legislature

## Legislative Affairs Agency



### *Information Services*

State Capitol, Juneau, AK 99801

Phone: (907) 465-2419

Fax: (907) 465-8503

### MEMORANDUM

TO: Representative Norman Rokeberg,  
Chair, House Judiciary Committee

ATTN: Janet Seitz

FROM: Bill McCauley, Data Processing Manager

Date: January 23, 2001

SUBJECT: The Legislature's Networking Environment

#### **Local Area Networks (LANs)**

The legislative network consists of many LANs providing information services to the Legislature as well as to other state agencies and the public. We have several LANs located in the Terry Miller Legislative Office Building in Juneau, one in Anchorage and another in Fairbanks. Our LANs provide such applications services as BASIS (bill processing and tracking), Folio Infobases, E-mail, document management and printing services, Public Opinion Messages (POMs), Intranet services (strictly within the Legislature), Internet access, Web services and many others. The Agency, through its LAN services, functions as the Internet Service Provider (ISP) for the Legislature.

To interconnect the Legislature's LANs, the Legislative Information Offices and some legislators' district offices, we contract for Wide Area Network services with the Department of Administration.

#### **Wide Area Network (WAN)**

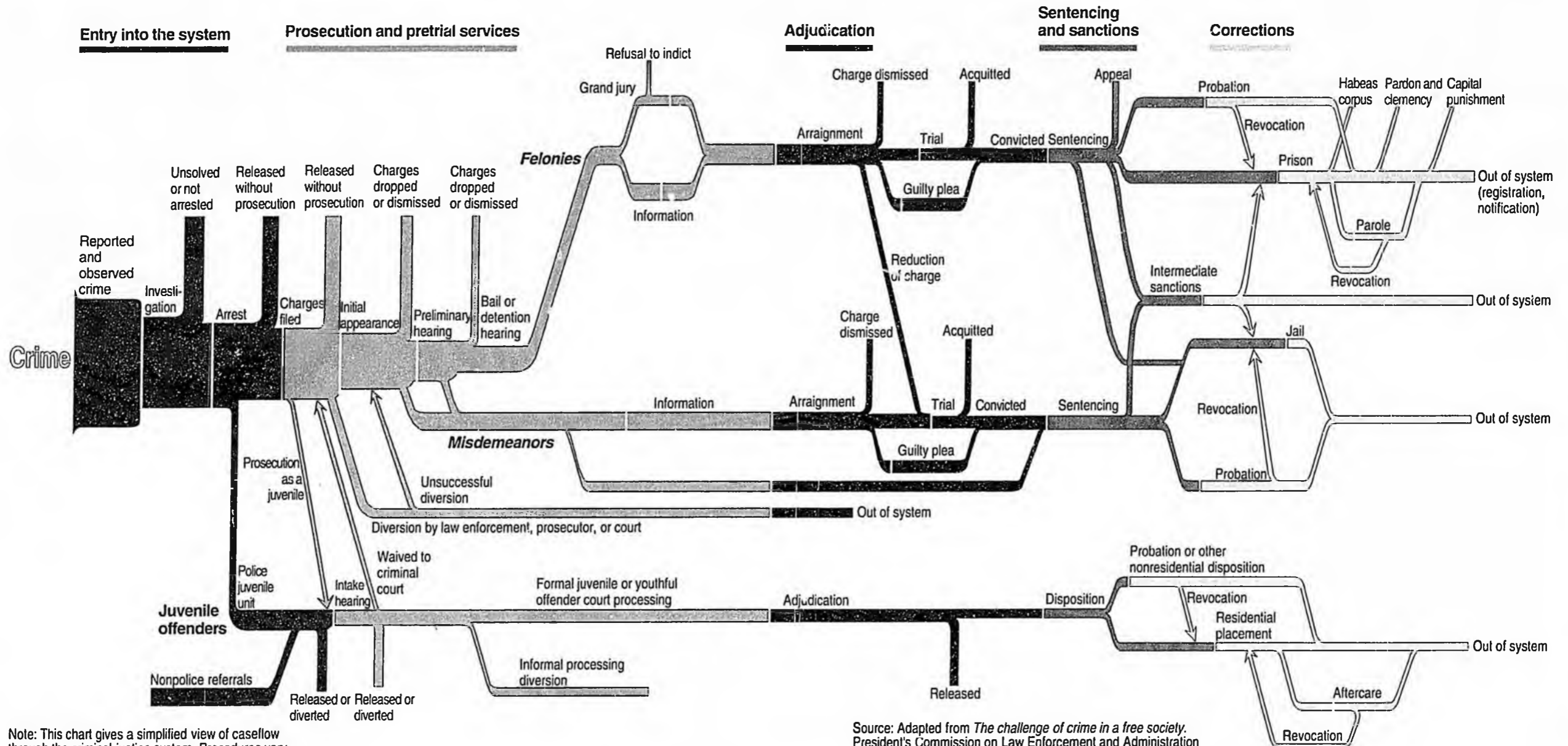
The Department of Administration administers and manages the WAN. The WAN is a mixture of state networking equipment and contracted services from Alaskan telephone companies such as AT&T ALASCOM, GCI, ACS and other companies to provide the telecommunications infrastructure for the statewide transmission of data.

#### **Internet Access**

The Department of Administration contracts with a telephone company to provide fast Internet access points in Anchorage and Juneau. As such, Internet access is part of the state's WAN services.

Please feel free to call me at 465-3860 for help with terminology, concepts or further information.

What is the sequence of events in the criminal justice system?



Note: This chart gives a simplified view of caseload through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show actual size of caseloads.

Source: Adapted from *The challenge of crime in a free society*. President's Commission on Law Enforcement and Administration of Justice, 1967. This revision, a result of the Symposium on the 30th Anniversary of the President's Commission, was prepared by the Bureau of Justice Statistics in 1997.

OUTLINE FOR HOUSE JUDICIARY PRESENTATION  
JANUARY 22 AND 24, 2001

Monday, January 22, 2001

**A. INTEGRATION OVERVIEW (Ken Bischoff, on behalf of the Criminal Justice Information Advisory Board)**

**I. Integration: What Is It?**

- "the ability to access and share critical information at key decision points in the justice process"
- EXAMPLES: *query* APSIN, *push* arrest report to repository, *pull* offender demographics from booking to livescan applications, *publish* sex offender registry, *subscribe* to automated notices for repository updates involving criminal cases, DV protection orders, or warrants for foster licensees.

**II. Alaska's Current Integration Plan (1994 "Wolfe Report")**

- Wolfe (1994) found that old technology (1980's) no longer supported agency information needs
- Systems couldn't communicate, leading to data errors, delays, and lack of statistical data
- Rejected concept of single, unified system integral to all agencies/functions – too unwieldy
- Decided to replace agency systems independently and interface each with central repository
- More focused project scope = lowered risks/costs/complexity

**III. Project Governance:** Criminal Justice Information Advisory Board (AS 12.62.100). The board's website (<http://www.dps.state.ak.us/cjiab/>) gives on-line access to integration standards, events, and documents.

**IV. Progress to Date:**

	✓ Done	In Progress
1. Replace Agency Information Systems	<ul style="list-style-type: none"> <li>✓ Anchorage Police Dept.</li> <li>✓ Dept. of Law</li> <li>✓ Jail Fingerprint Machines</li> <li>✓ DPS Fingerprint ID System</li> </ul>	<ul style="list-style-type: none"> <li>Dept. of Corrections</li> <li>Alaska Court System</li> <li>DPS Central Repository</li> <li>Juvenile Justice</li> </ul>
2. Adopt Central Repository Data Exchange Standards	<ul style="list-style-type: none"> <li>✓ Statutes and Regulations</li> <li>✓ Technical Specifications</li> <li>✓ Central Software</li> </ul>	
3. Automate Central Repository Data Exchanges	<ul style="list-style-type: none"> <li>✓ Wants/Warrants</li> <li>✓ Arrests/Citations</li> <li>✓ Fingerprint ID</li> <li>✓ Motor Vehicle/License</li> <li>✓ Foster License Status</li> </ul>	<ul style="list-style-type: none"> <li>Prosecutor Declinations</li> <li>Court Filings/Dispos</li> <li>Correctional Status</li> </ul>

**V. Integration Issues Unique to Alaska**

1. Small, centralized state administration of justice promotes cooperation.
2. Limited telecommunications infrastructure restricts options.

**VI. Outstanding Issues**

*Going Paperless: To automate data exchanges beyond repository reporting functions requires additional funding. The first step is to hire a project manager and map systemwide data exchange points (estimated cost = \$500,000).*

**Monday, January 22, 2001 (continued)**

**B. AGENCY PRESENTATIONS**

Agency representatives will give brief presentations (5-10 minutes) on their information systems, addressing the following questions provided by House Judiciary Committee staff:

1. What type of system do you have?
2. Who does the system communicate with?
3. Who can't it communicate with?
4. Who should it be able to communicate with?
5. What changes/improvements need to be made?
6. What do you need to be able to make those changes (capital monies required)?
7. Any other information useful to the Committee?

Department of Public Safety (Ken Bischoff, Director of Administrative Services)

Department of Law (Dean Guaneli, Chief Assistant Attorney General, Criminal Division)

Department of Corrections (Dwayne Peeples, Director of Administrative Services)

Alaska Court System (Chris Christensen, Deputy Administrative Director)

Department of Administration

Information Technology Group (Larry Walsh, Director)

Division of Motor Vehicles (Mary Marshburn, Director)

Public Defender Agency (?)

Office of Public Advocacy(?)

Department of Health and Social Services

Division of Family & Youth Services(?)

Division of Juvenile Justice(?)

\*Anchorage Police Department (Mark Mew, Deputy Chief, available at Anchorage LIO)

*\*Asterisk indicates that the agency does not plan to make a presentation but will be available for questions.*

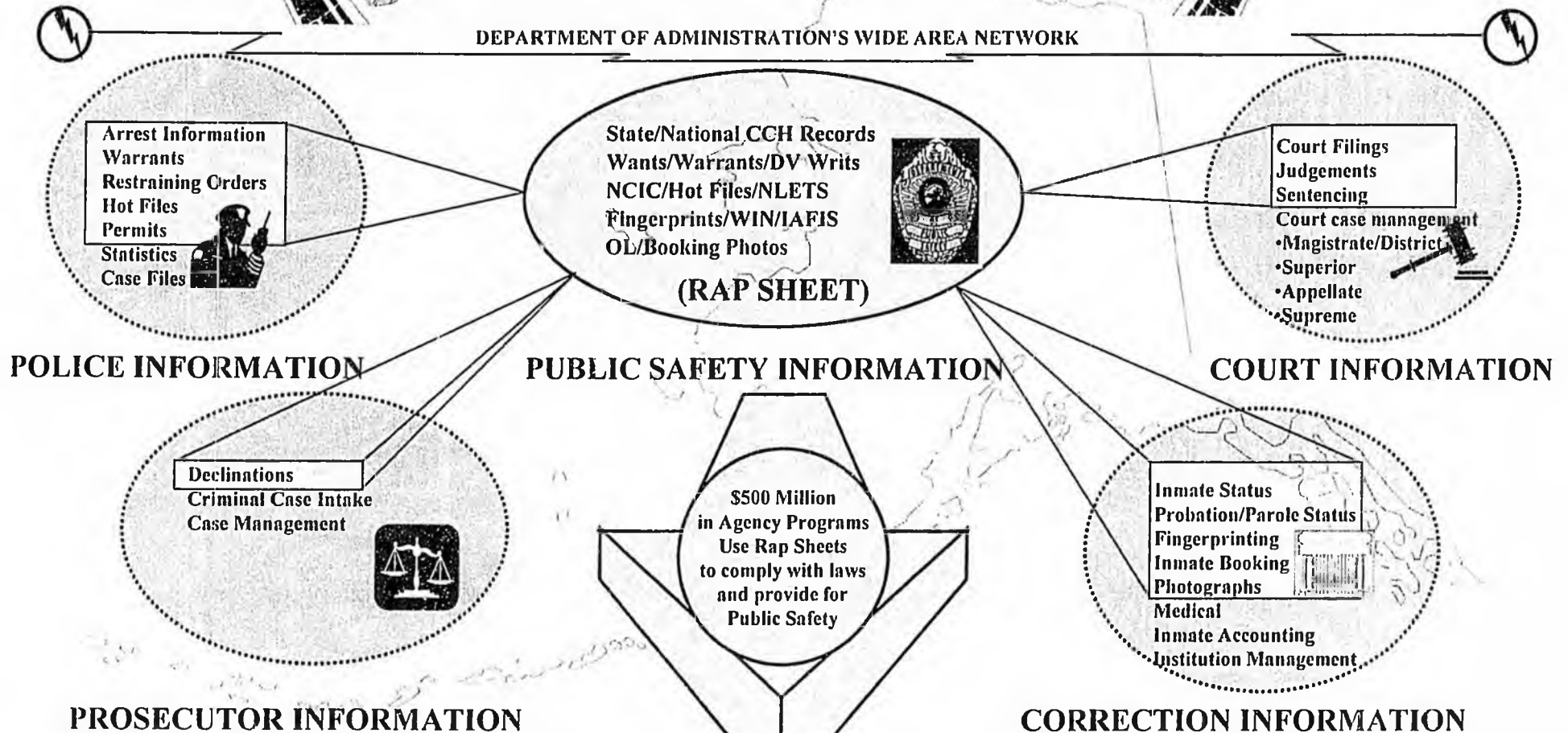
**Wednesday, January 24, 2001**

Agencies will respond to questions and/or follow up on issues raised at the January 22 hearing.

# CRIMINAL JUSTICE INTEGRATION PROJECT

## STATE of ALASKA CRIMINAL RECORD REPOSITORY

DEPARTMENT OF ADMINISTRATION'S WIDE AREA NETWORK



### Decisions Made From Criminal Justice Information

- |                         |                          |                              |                          |
|-------------------------|--------------------------|------------------------------|--------------------------|
| •Person Identification  | •Prosecution             | •Licensing                   | •Criminal Justice Policy |
| •Investigations         | •Sentencing              | •Permitting                  | •Legislation             |
| •Arrests                | •Prisoner Intake         | •Certification               | •Juvenile Justice        |
| •Pre-Trial Release/Bail | •Prisoner Classification | •Criminal Justice Employment | •Family Youth Services   |

## ACCOMPLISHMENTS

### ✓ ADOPTED DATA EXCHANGE STANDARDS

Adopted regulations defining who reports what to the repository, how and when

Defined intersystem architecture: bysync, LU 6.2, TCP/IP

Wrote APSIN interface transaction specifications for police, prosecutors, courts, and corrections

Implemented uniform, statute-based offense table

Developed charge numbering model

Tested, implemented APSIN interface central software

### ✓ REPLACED AGENCY SYSTEMS

APD: Implemented new system (Tiburon)

Law: Implemented new system (CRIMES)

Public Safety: Replaced Automated Fingerprint ID System (AFIS) by joining WIN

### ✓ ENHANCED NETWORK

DOA upgraded routers for criminal justice agency sites

All correctional facilities and offices connected to WAN

All prosecution offices (except 4 single-person sites) connected to WAN

All courts (except small rural sites) connected to WAN

### ✓ INTERFACE WITH REPOSITORY

APD-APSIN interface: arrests, warrants, traffic citations, stolen property, etc.

DFYS-APSIN interface: foster licensee status, notice of arrest, warrant, DV order

DMV-APSIN: access to driver's license and motor vehicle records through APSIN

Sex Offender Registry-APSIN: public information available via Internet

FINGERPRINTS – Over 50% of criminal fingerprints are now transmitted electronically from livescan fingerprint machines

### ✓ AUDITED DATA QUALITY/SECURITY

Wrote criminal justice information audit manual

Hired two audit positions to measure data quality/security (federal grant funds)

Completed independent audit (2000)

## WHAT REMAINS TO BE DONE

### FINISH REPLACING AGENCY SYSTEMS

DOC: Finish testing/implementation (Informix)

Courts: Issue RFP, purchase new system

DPS: Integrate APSIN and fingerprint identification systems, purchase services to redesign APSIN (according to APSIN Migration Plan written in 2000)

DJJ: Purchase/ implement new juvenile justice information system – determine interface requirements, if any

### INTERFACE WITH REPOSITORY

Law: Finish testing/implement automated reports for “decline to prosecute” decisions

Corrections: Automate reporting of correctional status

Courts: Automate reporting of charge filings and dispositions

### REDESIGN APSIN (REPOSITORY)

Comply with NCIC 2000 requirements by July 2002 deadline or lose access to national system

New system will take advantage of current and planned APSIN interfaces by other agencies

## CRIMINAL JUSTICE INFORMATION SYSTEMS (CJIS) INTEGRATION

### PROJECT ORIGINATION:

This project is based upon the “Plan for the Integration of Alaska’s Criminal Justice Computer Systems and the Creation of a Comprehensive Criminal History Repository” (the Wolfe Report) funded by the 1993 Alaska Legislature, SLA 93, Chapter 79.

### WHAT IS AT STAKE:

The State of Alaska spends more than \$400 million annually on criminal justice operations. The business of criminal justice provides nearly 4,500 jobs throughout the state. These persons make more than 40,000 arrest decisions, 40,000 pre-trial release decisions, 13,500 sentencing and post-sentencing release decisions and 14,500 employment decisions dealing with sensitive child supervisory positions such as foster parent, teachers, and school bus drivers, as well as security sensitive positions involving criminal justice employment. Decisions will be made by criminal justice agencies with the best information available to them. Under the present circumstances, information on which to base these decisions is not complete nor efficiently available. New, integrated systems are required to uphold criminal, employment and licensing laws of Alaska.

### NEW NATIONAL AND LOCAL INITIATIVES:

Domestic Violence Programs, Violence Against Women Act, National Child Protection Act, Tracking Criminal Aliens, Concealed Handgun Permits, DNA Legislation, National Integration Efforts – NCIC 2000, IAFIS, NFF, Automated Local Police Interfaces, National Criminal History Records Task Force, Sex Offender Registration, Gun Control Legislation.

# **Integration in the Context of Justice Information Systems: A Common Understanding**

**— A SEARCH Special Report —**

Revision Date: March 2000



**SEARCH**

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This report was prepared by SEARCH, The National Consortium for Justice Information and Statistics, Kenneth E. Bischoff, Chairman, and Gary R. Cooper, Executive Director.

David J. Roberts, Deputy Executive Director, wrote the report.

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## Contents

This document is designed to provide a common framework and vernacular for justice systems integration to assist practitioners, developers and other stakeholders involved in planning efforts.

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## Introduction

Justice agencies throughout the nation increasingly recognize the importance of integrating their information systems in order to share critical data, documents, images and key transactions. The need to electronically share accurate and complete information in a timely, secure and efficient manner is driven by the operational requirements of agencies at the local, state and federal levels, as well as a host of state and federal legislative mandates that have been enacted in recent years.<sup>1</sup> In recognition of this need to share critical information, state and local jurisdictions are actively developing plans and programs for comprehensive integrated justice information systems.

Integrated systems improve the quality of information, and thereby the quality of decisions, by eliminating error-prone redundant data entry. In addition, by sharing data between systems, integration typically improves the timely access to information, a critical factor at many criminal justice decision points (for example, setting bail). Moreover, integration enables the sharing of crucial information without regard to time or space; multiple users can access the same record simultaneously from remote locations around the clock.

...Agencies need to share key information at critical decision points throughout the justice process. Justice agencies have a series of *transactions* at these decision points.

There are a host of significant programs underway throughout the nation in support of integrated justice information systems, and a substantial number of jurisdictions actively involved in the planning, design and implementation of integrated systems.<sup>2</sup> This document is designed to provide a common framework and vernacular for justice systems integration to assist practitioners, developers and other stakeholders involved in planning efforts.

## Interagency Information Exchange

It is important to recognize that building integrated justice information systems does not mean that all information between agencies is shared, without regard to the event, the agencies involved or the sensitivity of the information available. Rather, agencies need to share key information at critical decision points throughout the justice process. Justice agencies have a series of *transactions* at these decision points. At arrest, for example, the arresting agency typically transmits certain information regarding the arrestee to the state criminal history records repository (for example, name, age, sex, race, driver's license number, electronic image of the arrestee's fingerprints, etc.) to record the arrest transaction in the instant case, but also to verify the arrested person's identity and determine whether the person has a criminal history record in the resident state or other jurisdictions around the nation. In addition, the local agency will also query other state and national systems to determine whether there are any outstanding warrants, detainers or other holds on the arrestee. For these transactions, the local arresting agency does not need to share *all* information regarding the arrestee or the event that led to the arrest, but only that information necessary for the discrete transaction "check for outstanding warrants" or "verify identity and report arrest transaction to the criminal history repository." These same transactions are completed by law enforcement agencies throughout the

### ... *Conversations*

...discrete exchanges of information between two or more agencies (or units within a single agency).

nation whenever they secure an arrest.

These transactions, and many other routine information exchanges and queries, might be characterized as *conversations*, that is, discrete exchanges of information between two or more agencies (or units within a single agency). These conversations occur at regular events (for example, at arrest, charging, initial appearance, trial, adjudication, disposition, etc.) and the transactions are remarkably consistent in justice agencies throughout the nation.

Some of the conversations are very terse: "Here is information you need," followed by, "Thank you, I have successfully received your information." Other conversations affect the receiver system more directly: "Here is a question I want to ask you," followed by, "Here is the answer you requested." Some conversations affect the recipient's database: "Here is a disposition report to append to your history record," followed by, "Thank you, I have done so." Some conversations can be complex: "Based on the enclosed identification data, search your master index and if you find a match, tell the other systems holding data on this person to send it to me," followed by, "I have carried out your request and you can expect data from the systems named here."

Many of the primary events that trigger conversations between agencies in the criminal justice process were generally identified in the excellent schematic of the criminal justice process created in 1967 for the President's Commission on Crime and the Administration of Justice,<sup>3</sup> recently updated by the Bureau of Justice Statistics, U.S. Department of Justice.<sup>4</sup> From this historical research, and from the ongoing work of several jurisdictions in integrated systems implementation, we know many of the key events that trigger the conversations, the agencies involved, and the general nature and content of information exchanged in the conversations. It is important to note, however, that this schematic represents the general life cycle of criminal justice *case processing*, not the systematic processing of *information* throughout the entirety of the justice enterprise.

Identifying and documenting the key information transaction points and the conversations that occur at each of these events (that is, creating an accurate model of the justice information system processing, which includes identifying common events that trigger conversations, the agencies involved, and the nature and content of these conversations) will greatly facilitate integrated systems planning and design.

### **GOAL:**

Identify, define, document key interagency information exchanges.

In partnership with the Office of Justice Programs and the Bureau of Justice Assistance, U.S. Department of Justice, SEARCH has recently undertaken a project that is designed to complete this important research and, in doing so, to lay the foundation for integrated systems planning and implementation at the local, regional, state and federal levels. This 18-month project will identify, define and document the key interagency information exchanges among justice agencies that represent the integration of justice information systems. Reports will be developed throughout the course of this project, giving broad conceptual context, relating the experiences of jurisdictions that have implemented integration, and articulating agency-specific universal information exchange models for state and local integration initiatives.

## Defining Integration

...the primary objective of integration is the elimination of duplicate data entry, access to information that is not otherwise available, and the timely sharing of critical data.

Police departments ... are better able to target crime and intervene proactively when their dispatch, records management, detective case management and crime analysis systems share on-line information that is immediately and broadly accessible.

It should be acknowledged that the term "integrated justice information systems" means different things to different people in different contexts. Law enforcement agencies need to share information between divisions within their own department (for example, patrol, crime analysis, detectives, etc.), as well as with other law enforcement agencies in the region, state and nation. Prosecuting attorneys need much of the same information already captured by the police in order to make informed charging decisions. In turn, this same information is needed by the local court, jail, public defender and pretrial services office. Additionally, each of these agencies makes decisions regarding the persons/cases involved, the consequences of which should be shared with others and, in fact, may trigger actions by other agencies and/or jurisdictions (for example, scheduling an appearance in court, filing a motion, initiating a presentence investigation, etc.), which in turn are recorded in individually identifiable longitudinal files known as *criminal history records*.

Integration encompasses a variety of functions designed to enable the timely and efficient sharing of information<sup>5</sup> within and between agencies. *Within* agencies, the primary objective of integration is the elimination of duplicate data entry, access to information that is not otherwise available, and the timely sharing of critical data. Often, systems have been developed in isolation of one another or on incompatible technologies, resulting in independent systems that may share many common data concepts, but that cannot communicate. Duplicate data entry hinders agency operations, consumes precious resources, retards timely access and undermines data quality. Additionally, however, agencies seek to achieve new synergies by integrating, collating and combining information in new and innovative ways. Police departments, for example, are better able to target crime and intervene proactively when their dispatch, records management, detective case management and crime analysis systems share on-line information that is immediately and broadly accessible.

Beyond improving the internal operations of justice agencies, integration is more expansively viewed as enabling the sharing of critical information *between* agencies. Integration efforts are often referred to as *horizontal* (for example, among different divisions of the same court system, or between the local police department, prosecutor and the local court) or *vertical* (for example, from limited to general jurisdiction courts, from trial to appellate and state supreme courts, and from local agencies to state and national/federal systems).<sup>6</sup>

## Functional Components of Integration

### QUERY

Is the person wanted by another jurisdiction?

Does the person have charges pending in another jurisdiction?

Is the person under correctional supervision?

### PUSH

Arrest information

Fingerprints

Mugshots

### PULL

Presentence investigation information

Court sentencing information

### PUBLISH

Scheduled court events

Crime mapping

Criminal history records

Sex offender registries

### SUBSCRIBE

Notification system

*Interagency integration*, whether horizontal or vertical, generally refers to the ability to access and share critical information at key decision points throughout the justice process. The functions we normally consider in integration efforts between agencies include the ability to:

1. Automatically *query* local, regional, statewide and national databases to assess the criminal justice status of a person (for example, determining whether a person is currently wanted by another jurisdiction, has charges pending in another jurisdiction, is currently under some form of correctional supervision, or has a criminal history at the state or national level).
2. Automatically *push* information to another agency, based on actions taken within the originating agency (for example, reporting arrest information — together with supporting fingerprints and mugshot — to the state and national criminal history repositories based on new information in the local database; when a law enforcement agency makes an arrest and enters this information in its records management system, it should “push” information to the prosecuting attorney’s office for use in the prosecutor case intake process).
3. Automatically *pull* information from other systems for incorporation into the recipient agency system (for example, populating a correctional information system with offender information captured in the presentence investigation, together with court sentencing information).
4. *Publish* information regarding people, cases, events and agency actions (for example, both electronic and paper publishing of information regarding scheduled court events, crime mapping, availability of community resources, criminal history records, sex offender registries, etc.)<sup>7</sup>
5. *Subscribe* to a notification service (for example, probation agencies and perhaps individual probation officers should be able to formally subscribe to a notification service that will automatically notify them whenever one of their clients is arrested or otherwise involved in the justice system, as should prosecutors with cases pending against a defendant, judges who have suspended sentencing or otherwise suspended proceedings regarding a defendant, and other actors in the justice enterprise).

Justice agencies throughout the nation already share considerable information. It is important to recognize that regional, statewide and national systems currently exist to facilitate access to and sharing of key information among many of the actors in the justice enterprise. In addition, some of the information exchange contemplated in these five basic functions is currently accomplished with existing technology or is being developed in new systems, but much is also still done manually through the ceaseless efforts of local practitioners. Integration efforts are designed to automate many of these operations, reengineer systems and processes, and achieve new capabilities with greater efficiency and effectiveness.

## Foundation Principles of Integration

There are several principles that should be incorporated into the overall integration effort:

1. Data should be captured at the originating point, rather than trying to reconstruct it down line or have others capture it;
2. Data should be captured once and used many times, leveraging existing resources and improving data quality;
3. The integrated system should be driven by the operational systems of participating agencies, not separate from the systems supporting the agencies;
4. The capabilities for generalized automatic query, push, pull, publish and subscription should be constructed as general capabilities of the system so that, for example, additional automatic reporting can easily be implemented as additional requirements are identified.

## Defining Governmental Responsibilities Regarding Integration

The definition of integration implies different roles and responsibilities for agencies at the local, state and federal levels.

The need to electronically share accurate and complete information in a timely, secure and efficient manner is driven by the operational requirements of agencies at the local, state and federal levels.

### *Local justice agencies have primary responsibility to:*

- ▶ Support and maintain *information systems* within their own, individual agencies.
- ▶ Establish and enable the *sharing* of the day-to-day information that serves as the operational currency of locally integrated systems (for example, sharing of general case information, court calendar and scheduling information, etc.).

### *In contrast, each state has responsibility to:*

- ▶ Develop and maintain *statewide databases/systems* that support the operational information needs of local (and state) users (for example, criminal history record, statewide warrants database, correctional information systems, etc.).
- ▶ Establish *standards* to enable sharing of information among local jurisdictions, and between local jurisdictions and state and national systems.
- ▶ Serve as the *gateway* to relevant national/federal systems (for example, IAFIS, NCIC, NIBRS, etc.).
- ▶ Create and maintain the *infrastructure* that will support and enable integration of local agencies statewide (that is, to share data within the local environment, as well as with the state and national systems). Infrastructure development means the state has responsibility for technical systems (for example, statewide fiber optic lines that permit sharing of information, law enforcement teletype systems, radio systems and programs that will support general levels of automation within justice agencies), as well as the development of open system standards that will lay the foundation for integrated systems planning and implementation at the state and local levels.<sup>8</sup>

### *The federal government has responsibilities, similar to the state governments, to:*

- ▶ Develop, maintain and support *national and federal systems*, thus ensuring integration of national systems.
- ▶ Develop and adopt *standards* that will enable integration.
- ▶ Serve as a *gateway* to international systems.
- ▶ Create and maintain the national and federal *infrastructure* necessary to support integration of federal, state and local systems.

## Endnotes

<sup>1</sup> See, for example, the *National Child Protection Act of 1993*, Pub. L. 103-159, codified in 42 U.S.C. §§ 5119 *et seq.*; the *Brady Handgun Violence Prevention Act*, Pub. L. 103-159, 107 Stat. 1536, codified in 18 U.S.C. § 922; the *Lautenberg Amendment*, Pub. L. 104-208 (contained in the *1997 Omnibus Appropriations Act*), codified in 18 U.S.C. § 922(g); *INS Alien Conviction Notification*, 42 U.S.C. § 3753(a)(11); *Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act* (including *Megan's Law*), Pub. L. 103-322, § 170101, codified in 42 U.S.C. § 14071; *National Protection Order File*, Pub. L. 104-236, codified in 42 U.S.C. § 14072.

<sup>2</sup> For detailed profiles of state and local sites around the nation involved in integration efforts, see SEARCH's Integrated Justice Information Systems Web site at <http://www.search.org/integration>.

<sup>3</sup> President's Commission on Law Enforcement and the Administration of Justice, *The Challenge of Crime in a Free Society* (Washington, D.C.: Government Printing Office, 1967).

<sup>4</sup> See revised schematic at <http://www.ojp.usdoj.gov/bjs/flowchart.htm>.

<sup>5</sup> The term "information" is used here in its broadest sense to include data, images (photo, document and fingerprint), case records, calendar events and electronic messages.

<sup>6</sup> Bureau of Justice Assistance, U.S. Department of Justice, *Report of the National Task Force on Court Automation and Integration* (Washington, DC: Government Printing Office, NCJ-177601, June 1999) p. 2.

<sup>7</sup> The "publish" function, as defined here, recognizes the affirmative publication and distribution functions normally associated with *delivering* information to subscribers, as well as publication in channels that simply make the information *available* to users via Web sites, fax-on-request, posting in public places, etc.

<sup>8</sup> See, for example, the information standards at <http://www.kbi.state.ks.us>.

## **Endorsements**

- 1.** *Unanimously endorsed by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics. January 21, 2000. Las Vegas, Nevada.*

**ALASKA'S CRIMINAL JUSTICE INTEGRATION PLAN**  
Presentation to Alaska State Legislature, House Judiciary Committee  
January 22, 2001

**I. Problem**

In the early '90's Alaska recognized problems caused by its outmoded criminal justice computer systems that didn't communicate with each other:

1. The systems were inadequate to support internal agency needs.
2. Agencies wasted resources by duplicating recordkeeping tasks instead of sharing data.
3. Duplication impaired record quality, at the expense of public safety.
4. Policymakers were frustrated by lack of systemwide statistical data.

**II. Alaska's Approach to Integration**

The state considered building a single system that would fulfill the operational needs of all criminal justice agencies, or multiple agency systems that would be tightly integrated with a central repository on a *real-time* basis. Both approaches would virtually eliminate duplicate data entry and thus drastically reduce errors. Agencies would have access to the most current information available, systemwide. However, these attractive advantages were outweighed by equally unattractive disadvantages:

- The project would be too large, complex and costly, requiring extensive customization.
- It would be difficult and costly to maintain, because changes involving one agency system could cause ripples affecting every agency system.
- A network outage or other glitch could mean all agencies ceased to function until access to the central system was restored.

Instead, Alaska elected to "loosely integrate" new agency computer systems with a redesigned central repository. Each agency would independently develop its own system to address internal needs and statutory requirements to report certain events to the state central repository. Agency systems would build interface transactions as part of their data entry processes, store them, then -- *independent of data entry and other critical processes* -- transmit them to the central repository. Should the repository system be unavailable, the interface portion of the agency system would simply wait and attempt the transmission later, thus avoiding disruption of agency processes. This approach has several advantages:

- It allows criminal justice agencies to acquire systems independently, resulting in projects that are less costly, more focused, more easily managed, and achievable.
- Interface requirements and systemwide outages are minimized.
- Changes to one system are less likely to impact others; this solution is easier to maintain.
- Federal funds were available to build agency-repository interfaces because of national initiatives to improve criminal history record quality.

### III. Project Oversight

The *Criminal Justice Information Advisory Board*, established in Alaska Statute 12.62.100, oversees the integration effort. The board consists of the heads of criminal justice, juvenile justice, public defender, motor vehicle, social service, and information technology agencies, the court system, and representatives from local police and the public. Its website provides on-line access to integration standards, events, and documents: <http://www.dps.state.ak.us/cjiab/>

### IV. Progress (✓ = completed ☒ = in progress)

#### 1. Replace Agency Information Systems

- ✓ Anchorage Police Department
- ✓ Department of Law – state prosecutors
- ✓ Automated Fingerprint ID (purchased livescans, joined WIN regional service bureau)
- ☒ Department of Corrections – *final implementation phase*
- ☒ Alaska Court System – *planning phase*
- ☒ Division of Juvenile Justice – *procurement phase*
- ☒ Public Defender – *developed in-house case management software*
- ☒ Public Safety - Central Repository – *procurement phase*

#### 2. Write Central Repository Data Exchange Standards

- ✓ Enact statutory requirements for agencies to report events to the central repository
- ✓ Adopt *regulations* defining *who* must report *what* data to the repository, *when*, and *how*
- ✓ Establish *unique identifiers* for persons, events, and charges
- ✓ Create a *uniform offense table*, statute-based
- ✓ Write *interface transaction specifications* and a *data dictionary*
- ✓ Write *central software* to process interface transactions

#### 3. Automate Central Repository Data Exchanges

- ✓ Warrants
- ✓ DV orders
- ✓ Arrests
- ✓ Motor Vehicle/Driving Records
- ✓ Foster License Status/Flag
- ✓ Fingerprints (*50% of criminal FP records now submitted electronically*)
- ☒ State Prosecutor Declinations – *in final testing*
- ☒ Court filings and dispositions – *in procurement phase*
- ☒ Correctional status (prison/jail/community supervision) – *in final implementation phase*

## V. Integration Issues Unique to Alaska

Unified Administration of Justice. Other than local police, several city prosecutors, and a few small jails, all criminal justice functions are administered by the state. This allows a relatively small group of people to work closely on statewide, systemwide issues. Reaching consensus has not been difficult so far.

Network Constraints. Alaska's vast geography and lack of infrastructure is a serious obstacle to integration. It is not uncommon for several agencies to share a single 56 kilobytes connection - comparable to that provided to many single-family homes in the Lower 48. Alaska's telecommunications cost rates are six to eight times higher than in the Lower 48. Agencies can't assume that common off-the-shelf applications or systems developed in other jurisdictions will work here. We are limited to options that conserve scarce, expensive bandwidth.

## VI. Outstanding Issues

Role of Noncriminal Justice Agencies. Alaska's integration efforts have revolved around automated reports from criminal justice agencies to the central repository. However, the death of a foster child in a home where one parent had been convicted of domestic violence underscored the importance of including noncriminal justice agencies in this effort. After an initial, fingerprint-based background check, the state's foster license office had no way to learn of a parent's later involvement with the criminal justice system. Police, prosecutors, and courts were likewise unaware of the subject's foster license status. Now there is an interface allowing the foster license agency to flag parents' records in the central repository. If an arrest, domestic violence protection order or conviction is entered in the repository, an automated notice goes to the licensing agency immediately. Criminal justice agencies viewing a flagged record are also immediately advised of the subject's foster license status. This solution is more informative and less expensive than conducting a new background check once each year.

Role of Juvenile Justice. No decision has been made as to whether the new juvenile justice information system will be fingerprint-based or interfaced with the repository.

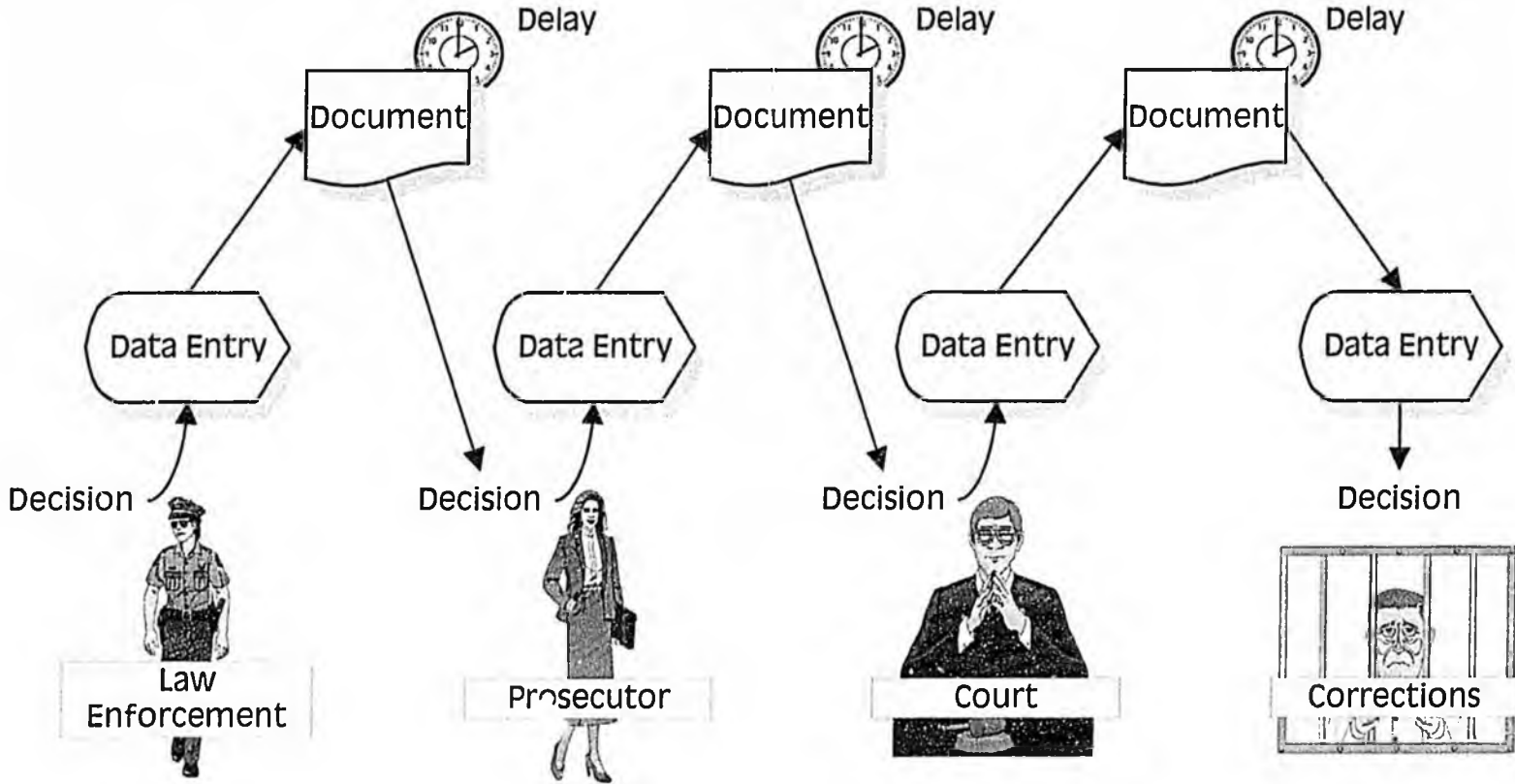
Going Paperless. Until now, the integration effort has focused on data exchanges with the central repository. This approach was largely driven by the fact that federal funding was available to improve repository records through automated interfaces. To reap more benefits by replacing more paper-based processes with electronic exchanges will require more resources. The first step would be for the Criminal Justice Information Advisory Board to hire an independent contractor to map out all the data exchange points in the criminal justice system. The board estimates that this preliminary step would cost about \$500,000.<sup>1</sup>

Another consideration for going paperless involves data integrity. Until now, the repository's computerized criminal records have been backed up with paper source documents received in the mail (fingerprint cards, prosecutor screening forms, and court orders and judgments). As agencies begin reporting events electronically, the repository must develop new source document retention standards or other methods of authenticating electronic information when its accuracy is questioned.

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<sup>1</sup> See Developing Justice Information Exchange Points, SEARCH, March 2000.

# WHY INTEGRATE?



**PAPER-BASED PROCEDURES  
CAUSE DELAYS, INCREASE ERRORS, AND WASTE RESOURCES**

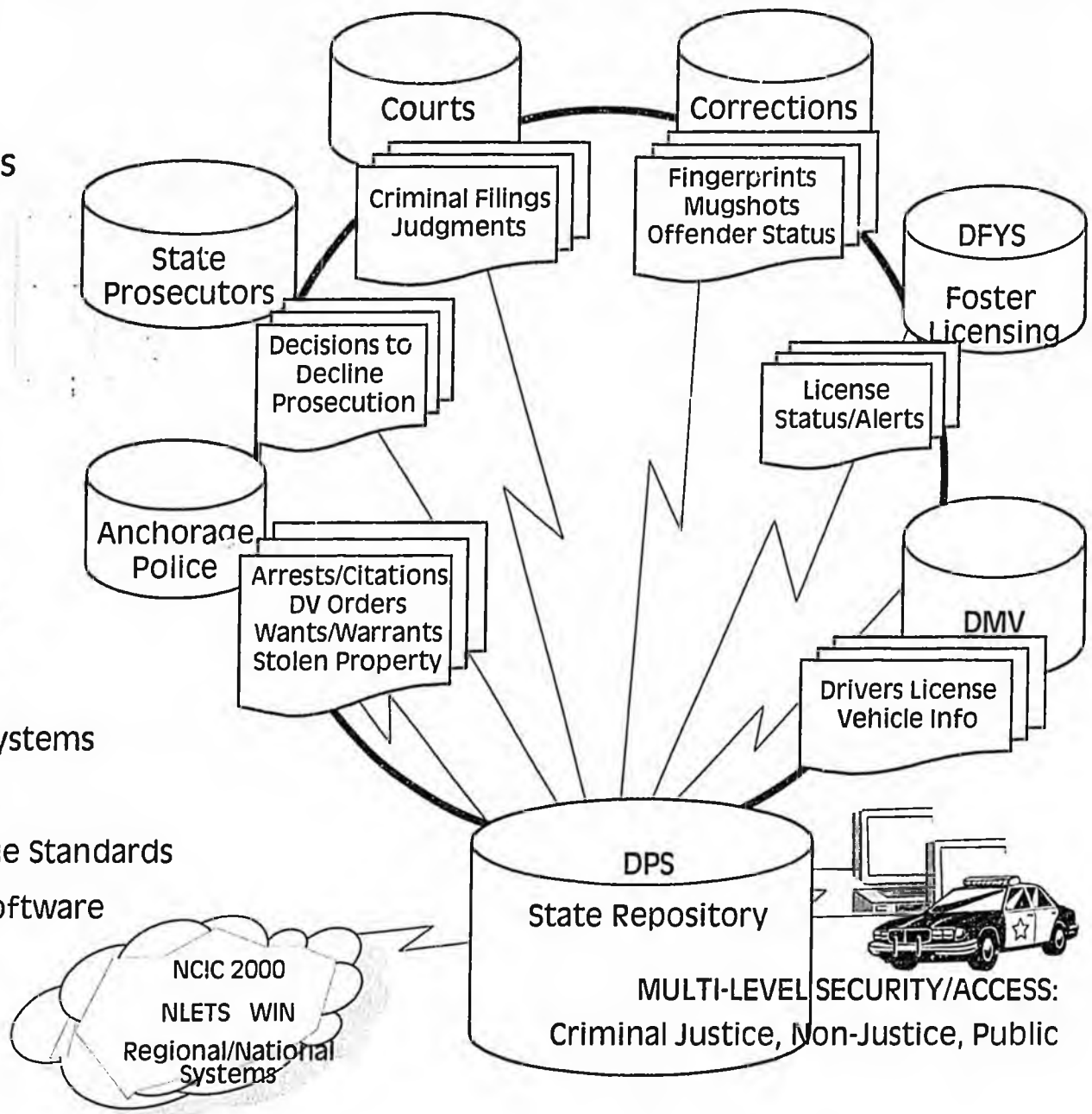
# WHAT IS ALASKA'S CURRENT INTEGRATION PLAN?

Replace Paper with Electronic Exchanges to State & National Repositories



## WHAT ARE THE STEPS?

1. Replace Agency Information Systems
2. Enhance Networks (LAN/WAN)
3. Adopt Legal/Technical Exchange Standards
4. Write Interface Transactions/Software
5. Test/Implement Interfaces



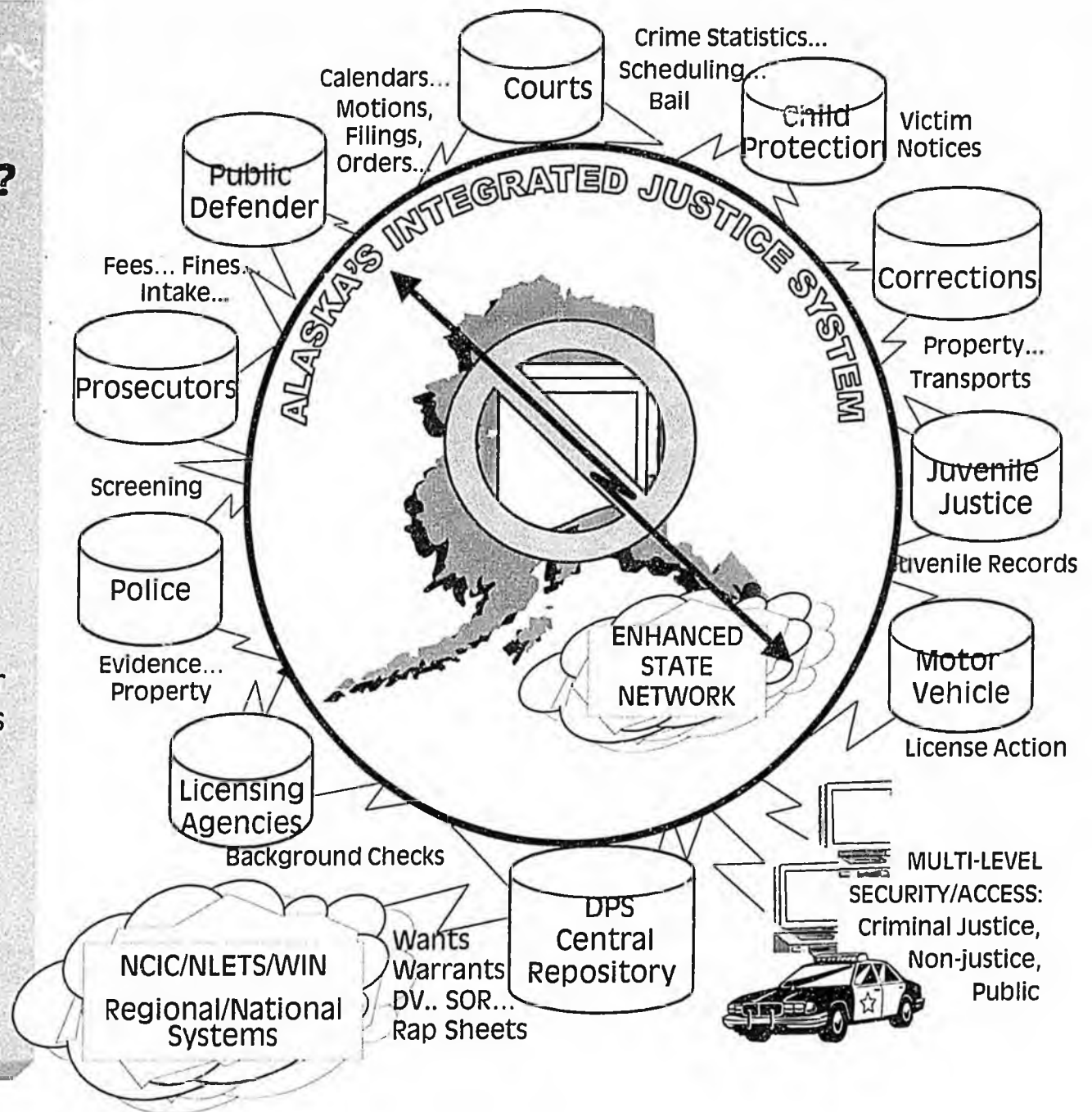
# WHAT IS ALASKA'S FUTURE INTEGRATION PLAN?

## GO PAPERLESS SYSTEMWIDE

Enter data once.  
Share it electronically.

## WHAT WILL IT TAKE?

- Funding
- Interagency Project Manager
- Map of Data Exchange Points
  - Review of Laws/Policies
  - New Procedures
  - More Standards
- Interface Transaction Specs
  - Interface Software
  - Enhanced Network

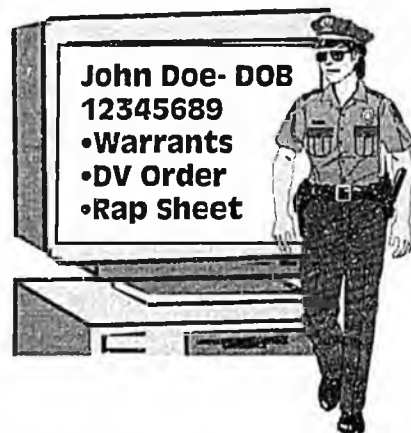


## WHAT IS INTEGRATION?

**"The ability to access and share critical information at key decision points in the justice process." (SEARCH)**

### 1. QUERY

A police officer can *query* the Alaska Public Safety Information Network (APSIN) to find out if a person is wanted, is subject to a DV protection order, has a criminal record, is a foster parent, is required to register as a sex offender or give DNA, etc.



### 2. PUSH

When the Anchorage Police Dept. enters arrest data into its computer system, information about the arrest is automatically *pushed* to the state central repository through an electronic interface.

### 3. PULL

Livescan fingerprint machines at state jails *pull*



an offender's name and descriptive data from the jail's booking system to automatically populate an electronic fingerprint record.

REGISTERED



SEX OFFENDER

### 4. PUBLISH

DPS *publishes* sex offender registration information on an Internet web site, available to the public at no charge.



### 5. SUBSCRIBE

DFYS foster license workers *subscribe* to a notification service that automatically alerts them if a licensee's repository record is updated with information about a key event:

- ✓ Criminal Case
- ✓ DV order
- ✓ Warrant



# ALASKA STATE LEGISLATURE

## HOUSE JUDICIARY COMMITTEE

Representative Norman Rokeberg, Chairman  
Representative Scott Ogan, Vice-Chairman  
Representative John Coghill  
Representative Jeannette James  
Representative Kevin Meyer  
Representative Ethan Berkowitz  
Representative Albert Kookesh



State Capitol  
Juneau, AK 99801-1182  
Telephone: (907) 465-4990  
Fax: (907) 465-2040

Heather M. Nobrega  
Counsel to Committee

### MEMORANDUM

TO: House Judiciary Committee Members

From: Heather M. Nobrega *HMN*  
Aide to Judiciary Committee

Date: January 26, 2001

Re: Y2K Expenditures

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Attached is a spreadsheet from Larry Walsh regarding Y2K funding.

## State of Alaska

### Y2K Project HB64 Estimated Remaining Balances for Appropriations

Please note: These figures represent an estimate as of 1/18/00. Additional Y2K expenditures may yet result from problems occurring at the end of January 2000, and from leap year problems around 2/29/00.

(Thousands)

Description	Department	Item (as titled in HB64)	Allocation/ Appropriation Amount	Estimated Remaining Balance	Source
DOA Appropriations	DOA	Retirement & Benefits Software Enhancements	400.0	-	
		Retirement & Benefits Data Processing Services	250.0	-	
		Mainframe Test Environment	1,878.0	244.0	CBRF
		Office of Public Advocacy Trust System Upgrade	104.0	1.4	GF PR
		Project Administration	711.0	61.0	CBRF
		<b>Total for DOA</b>	<b>3,343.0</b>	<b>306.4</b>	
	DCED	AK Public Utilities Commission Statewide Utilities' Systems	75.0	67.0	APUC Receipts
		<b>Total for DCED</b>	<b>75.0</b>	<b>67.0</b>	
	DOC	Data Processing Hardware Replacement	240.0	-	CBRF
		Cook Inlet Pre-Trial Facility Central Control System Replacement	850.0	-	
		<b>Total for DOC</b>	<b>1,090.0</b>	<b>-</b>	
	DEC	Statewide Equipment, Software, and Database Compliance	375.0	-	
		Community Wastewater Systems Assessment	8.5	-	
		<b>Total for DEC</b>	<b>383.5</b>	<b>-</b>	
	HSS	Public Health Lab Server Replacement	10.0	-	
		Emergency Medical Services Certification Database Replacement	20.0	-	
		<b>Total for HSS</b>	<b>30.0</b>	<b>-</b>	
	DOT	Compliance-Statewide Public Facilities	2,500.0	1,610.0	CBRF
		<b>Total for DOT</b>	<b>2,500.0</b>	<b>1,610.0</b>	
		<b>Totals -- DOA Appropriations</b>	<b>7,421.5</b>	<b>1,983.4</b>	CBRF 1,915.0 GF PR 1.4 APUC 67.0

Direct Appropriations -- Executive Branch	DEC	Statewide Equipment, Software, and Database Compliance	75.0	-	
		<b>Total for DEC</b>	<b>75.0</b>	<b>-</b>	
	HSS	Medicaid Management Information Systems Upgrade	2,400.0	-	
		AK Psychiatric Institute Hospital Information System Upgrade	100.0	18.7	MHTA
		<b>Total for HSS</b>	<b>2,500.0</b>	<b>18.7</b>	
	DOT	Compliance-AK Marine Highway System Vessel Assessment and Remediation	600.0	350.0	91/9 -- Federal, Marine Highway Fund Match
		Compliance-State Equipment Fleet Emissions Test Equipment Replacement	75.0	-	
		<b>Total for DOT</b>	<b>675.0</b>	<b>350.0</b>	
		<b>Totals -- Direct Appropriations (Executive Branch)</b>	<b>3,250.0</b>	<b>368.7</b>	MHTA 18.7 Fed 315.0 Match 35.0

	<b>Totals -- Executive Branch Appropriations</b>	<b>10,671.5</b>	<b>2,352.1</b>	
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Direct Appropriations - Other	UA	Assessment and Remediation	3,464.9	1,529.2	CBRF
		<b>Total for UA</b>	<b>3,464.9</b>	<b>1,529.2</b>	
	Courts	Software Upgrades for Telephone and Security Systems	182.5	75.5	CBRF
		<b>Total for Courts</b>	<b>182.5</b>	<b>75.5</b>	
	Leg Council	ALECSYS Conversion	492.7	-	
		<b>Total for Leg Council</b>	<b>492.7</b>	<b>-</b>	
		<b>Totals -- Direct Appropriations (Other)</b>	<b>4,140.1</b>	<b>1,604.7</b>	CBRF 1,604.7

	<b>Totals -- Direct Appropriations</b>	<b>7,390.1</b>	<b>1,973.4</b>	
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	<b>Totals -- All HB64 Items</b>	<b>14,811.6</b>	<b>3,956.8</b>	
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Non- HB64 Y2K Funds	Legislature	BASIS Y2K Compliance (SB231, 20th Alaska Legislature)	1,493.8	-	
		Total for Legislature	1,493.8	-	
		<b>Totals -- All Non-HB64 Y2K Funds</b>	<b>1,493.8</b>	<b>-</b>	

	<b>TOTALS -- ALL Y2K FUNDING</b>	<b>16,305.4</b>	<b>3,956.8</b>	
--	----------------------------------	-----------------	----------------	--