

STATE OF ALASKA

***Standards and Goals for Criminal Justice***



48417  
Prepared by:

GOVERNOR'S COMMISSION ON THE ADMINISTRATION OF JUSTICE 1976

**Subgrantee Agencies:**

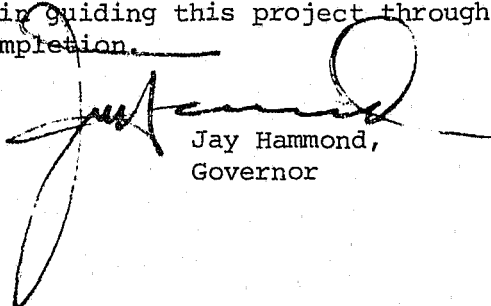
Criminal Justice Planning Agency  
Office of Child Advocacy  
Alaska Police Standards Council  
Alaska Judicial Council  
Division of Corrections

On behalf of the citizens of Alaska, I would like to express our gratitude to the Governor's Commission on the Administration of Justice for developing this statement of Standards and Goals for Criminal Justice in Alaska.

Other recent studies have discussed the causes and debilitating effects of crime in our society. The Commission has done an admirable job in expanding this work and building upon it by developing a clear statement of goals and standards unique to the problems of criminal justice in Alaska.

It is the intention of the Office of the Governor that this study be used as a guideline to direct the improvement of the criminal justice system in this State for many years to come. Some state or local agencies may already meet standards proposed by the Commission in this document; many do not. In any case, each state and local agency is encouraged to evaluate its present status and to implement those standards that are appropriate.

Again, I would like to express my sincere appreciation to the Commission and to the task force chairmen, members and staff for their hard and dedicated work in guiding this project through to completion.




Jay Hammond,  
Governor

This document, Standards and Goals for Criminal Justice, is a result of the reports of four task forces to the Governor's Commission on the Administration of Justice. The task forces were appointed by the Commission's staff, the Criminal Justice Planning Agency, in May, 1974, to formulate for a first time standards and goals for the improvement of the criminal justice system in Alaska. These task forces represented:

1. Juvenile Justice System/  
Community Crime Prevention
2. Police
3. Prosecutors/Courts/Defense and
4. Corrections

The membership of the task forces was drawn from all branches of state and local government, the agencies of the criminal justice system, special public interest groups, and from citizens at large. In the course of the project, many agency personnel were interviewed, seven public hearings were held throughout Alaska, and a statewide public opinion poll was conducted. All of this input was considered by the Commission in approving the final report.

The Commission expresses its sincerest gratitude to the task force chairmen, members, and to the Alaskan citizens, agency personnel and staff who contributed to this project.



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## INTRODUCTION

Alaska's approach to the development of Standards and Goals was derived from studying the most successful models used in the lower forty-eight states. In order to encourage agency support for the implementation of standards as well as strengthen the existing planning structures in Alaska, the Criminal Justice Planning Agency subgranted to the Alaska Judicial Council, the Division of Corrections, the Office of Child Advocacy and the Alaska Police Council to take the lead in developing standards and goals for their respective areas. Each subgrantee appointed a statewide task force and hired a staff coordinator to manage their workload.

The Office of Child Advocacy, assigned to develop standards for Community Crime Prevention and the Juvenile Justice System established local community planning committees. The Chairpersons of these committees, together with membership selected from other Criminal Justice component areas, significant special interest groups and public members, formed the statewide task force.

The basis for the Police task force was composed of the already existing membership of the Alaska Police Standards Council. In addition to its regular membership, cross component members, significant special interest groups and public members were added to form the complete task force membership.

The membership on the Courts Task Force selected by the Alaska Judicial Council included representatives from the public, police, prosecution, judges, defense, corrections, a currently incarcerated offender, and representatives of significant special interest groups.

Staff from the Division of Corrections comprised the core of the Corrections task force, with similar cross component, special interest and public membership as were included in the other three task force areas.

Using the N.A.C. Standards and Goals as a model, each task force identified problem areas which were to be researched by project staff. Considering the results of this research, each task force identified and prioritized problem statements. Long-range goals were formulated to resolve these problems. Finally, model standards were developed to define specific, measurable action which should be taken to reach each goal.

Project staff contacted all agency personnel potentially affected by the proposed standards. Seven public hearings were held throughout Alaska and a survey of public opinion was conducted to solicit feedback on the issues addressed by the proposed standards. As a result of this agency and public input, standards were modified and refined.

The final task force documents were presented to the Criminal Justice Planning Agency in June, 1976. The Standards and Goals for Criminal Justice in Alaska were approved during the July, 1976 meeting of the Governor's Commission on the Administration of Justice.

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1. PROBLEM: A SIGNIFICANT CAUSE OF CRIME IN ALASKA APPEARS TO BE THE EXCESSIVE AND UNREGULATED CONSUMPTION OF ALCOHOL

According to figures released by the Office of Alcoholism, Department of Health and Social Services, there were 11,000,000 gallons of liquor, beer or wine consumed in Alaska during the calendar year, 1975.<sup>1</sup> This amounts to well over 43 gallons per year for every person of drinking age in Alaska. According to the National Council on Alcoholism, one out of every ten Alaskans is an alcoholic.

Although arrest statistics linking alcohol abuse with crime have not been kept until recently, a one-month survey for the month of July has indicated that nearly 50% of all arrests in the Anchorage area were alcohol related.

A 1969 study of one half of the Alaskan residents in fifteen state, city and federal jails reported that 80% had been drinking at the time of their offense; 36% had been charged with drunk in public.

In a 1974 random sample of District Court cases (misdemeanors) 42% of the charges were alcohol related (OMVI, Drunk on a Roadway, Disorderly Conduct).

A study<sup>2</sup> completed in 1976 traced recidivism in offenders released in 1971 and 1972. Results showed that overall recidivism rates over a three year period were 37% and 32% respectively. 47% of the recidivism in 1971 and 42% in 1972 was accounted for by those with alcohol related offenses.

In a 1974-75 sample<sup>3</sup> of 103 offenders with sentences of six months or more, 84% said they had been drinking on the day of the offense for which they were incarcerated. 50% of the 103 offenders also reported having or at some time having a serious drinking problem.

A questionnaire was sent to local police chiefs throughout the state in October, 1975 asking for the number of arrests from January through September, 1975 which were alcohol related. Sixteen police chiefs responded. The percentage of reported arrests that were alcohol related varied from 21% to 98% with an average of 36%. A public opinion survey conducted for C.J.P.A. by the Rowan Group, Inc., in 1976 showed that 74% of the urban residents and 86% of the rural residents felt that most crimes committed in Alaska were related to alcohol abuse. 60% felt that police should detain intoxicated persons even though they had committed no criminal offense.

These studies indicate that the percentage of alcohol related crime is much higher in rural areas than urban. The data also indicates that alcohol use is equally associated with violent and non-violent crimes.

<sup>1</sup> These figures are based upon "Apparent Consumption", i.e. quantity of alcoholic beverages sold at the wholesale level.

<sup>2</sup> Division of Corrections, Recidivism in Alaska, June, 1976.

<sup>3</sup> Division of Corrections, Alcohol and the Alaskan Offender, Aug. 1975

The Uniform Alcoholism Act went into effect in Alaska in October, 1972. A survey by the Division of Corrections<sup>3</sup> indicates that a major impact of the Act has been in reducing the number of offenders who receive sentences of more than ten days. There has been virtually no change in terms of alcohol abusers serving very short sentences. Correctional centers are still being used as a primary resource for detoxification. Although municipalities are receiving funds from the State Office of Alcoholism to develop alcoholism programs, they have not set detox centers as priorities. In 1976 the Office of Alcoholism requested additional State funding for building detox centers, but the money was denied for budgetary reasons.

At the direction of the Governor, an interdepartmental coordinating committee on Alcoholism was formed. Their task is to develop State policy as it pertains to coping with the alcoholism problem. It is anticipated that their report will be completed by 9/1/76. C.J.P.A. has been an active participant in their group. This interdepartmental coordinating committee has absorbed the standing committee on alcohol abuse and crime established by the Governor's Commission on the Administration of Justice. The Coordinating Committee's report will be reviewed by C.J.P.A. with an eye toward making an impact on the alcohol problem in the State as it relates to the Criminal Justice System.

- 1.1. GOAL: MORE ACCURATE DATA WILL BE KEPT TO DEFINE THE EXTENT OF ALCOHOL ABUSE AND ALCOHOLISM IN ALASKA AND TO IDENTIFY ITS RELATIONSHIP TO CRIME.

STANDARDS:

- 1.1.1. By 1977, the Department of Public Safety should modify the Case Reporting Form (ST-2) to permit the capture of information as to the intoxicated condition of parties involved in the case. This information should then be entered into AJIS as a means of data capture that will permit statistical measurement of the relationship of alcohol to crime in Alaska.
- 1.1.2. By 1978, the Office of Alcoholism should have available to all districts and regions information and statistics regarding alcoholism in children and adults within that district or region.
- 1.2. GOAL: STUDY WILL BE CONDUCTED TO ASSESS THE FEASIBILITY OF MORE STRICT PUBLIC CONTROL OF THE LIQUOR INDUSTRY. IN ADDITION, PRESENT REGULATORY AGENCIES WILL BE STRENGTHENED IN ORDER THAT EXISTING LAWS MAY BE ENFORCED.

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<sup>3</sup> Ibid.

- 1.2.1. By January 1, 1977, a study to determine the feasibility of some of the following alternatives to alleviating the problem of alcohol-related crime should be completed:
- a. The State of Alaska set up state-owned and operated liquor stores and bars, thereby taking the profit motive out of the sale of alcohol;
  - b. Regulations which require shorter hours for bars i.e., later opening and earlier closure times;
  - c. Stricter regulations for bars governing the sale, possession and distribution of alcohol;
  - d. Increasing taxation of alcohol proportional to the cost of the social and health problems it creates.
- 1.2.2. By 1977, Legislation should be enacted to establish sufficient funding to permit the Alcoholic Beverage Control Board to assign additional investigators to ensure enforcement of pertinent statutes, such as those addressing the serving of minors and intoxicated persons.
- 1.2.3. The Interdepartmental Coordinating Committee should immediately develop a strategy to deal with some of the following problems of the Alcohol Beverage Control Board:
- a. Lack of personnel and funding to travel and conduct investigations and enforce regulations;
  - b. Lack of coordination with police in enforcement activities;
  - c. Need to upgrade the professionalism of ABC personnel;
  - d. Need for legal counsel in revising statutes and administrative policy of the Board and simplifying application procedures and hearing processes for villages;
  - e. Study of advantages and disadvantages of relocating ABC Board under the Department of Public Safety.
- 1.3. GOAL: PERSONS WHO COMMIT CRIMES WHILE UNDER THE INFLUENCE OF ALCOHOL WILL RECEIVE MORE SEVERE SENTENCES FROM THE COURTS, HOWEVER, TREATMENT ALTERNATIVES WILL BE AVAILABLE FOR THOSE WHO ARE FOUND TO BE SUFFERING FROM THE DISEASE OF ALCOHOLISM.
- 1.3.1. By 1977, the Alaska Court System, working with the Division of Corrections and the National Council on Alcoholism, should establish a screening program for all sentenced offenders who were intoxicated during the commission of a misdemeanor offense. This screening program should permit any convicted offender that is determined to be an alcoholic and who desires to participate to be diverted to an alcohol rehabilitation program. Any such program, however, should first have supporting data as to its success elsewhere and should be evaluated periodically by an independent agency to determine its success in Alaska.

- 1.3.2. Crimes of violence or crimes of dishonesty should not be excused or mitigated because the perpetrator was under the influence of alcohol. (A partial exception should be made for so-called "specific intent crimes" under appropriate circumstances.)
- 1.3.3. Motor vehicle offenses such as OMVI or DWI should be accorded substantially more serious treatment by the Courts.
- 1.4. GOAL: PREVENTION AND REHABILITATION PROGRAMS FOR ALCOHOLICS WILL BE SUPPORTED WHERE SUBSTANTIAL EVALUATION EFFORTS CONFIRM THE ESTABLISHED SUCCESS OF THESE PROGRAMS.
- 1.4.1. By 1978, the Department of Education shall have available comprehensive health curricula to include alcohol prevention appropriate to the cultural background of the adults and children in the community.
- 1.4.2. By FY 1979, well planned and innovative alcohol abuse preventive and rehabilitative programs should be established whenever feasible--both in villages and at regional locations.
- 1.4.3. Alcoholism programs within the correctional institutions should be tailored to meet the needs of the incarcerated offender and the institution including education, treatment, halfway houses, and coordination with community alcohol programs to ensure continued treatment and maximum follow-up when the offender returns to society. The Division of Corrections should consider local programs run by qualified alcoholism people to operate within the institutions, utilizing all of the resources of the local alcoholism programs.
- 1.4.4. A system to evaluate the effectiveness of current alcohol programs within institutions in reducing recidivism should be developed and new or additional programs should be initiated to ultimately reduce recidivism by the alcohol offender. The Division of Corrections should utilize LEAA funds for initiating new programs and budget for ongoing programs.
- (Although the above is especially directed to alcohol, it should apply to other drugs with comparable effects).
- 1.4.5. A training program in dealing with the intoxicated person and understanding alcoholism should be developed by a unit such as the Center for Alcohol and Addiction Studies, University of Alaska, for Criminal Justice personnel. This training should be required by the Police Standards Council for police officers and the Division of Corrections for correctional officers. The training should also be available to detox and treatment center staff.

2. PROBLEM: THERE IS A LACK OF PREVENTIVE PROGRAMS, UNIFORM INTAKE PROCEDURES AND COMMUNITY-BASED DIVERSIONARY PROGRAMS FOR CHILDREN.

The methods by which children enter the justice system vary considerably among the various judicial districts of Alaska. In Anchorage and Fairbanks, intake officers of the Court perform this screening function. In most other jurisdictions, probation officers of the Division of Corrections fill this role as a part of their regular duties. The majority opinion of the Standards and Goals task force on the Juvenile Justice System was that in most areas of Court jurisdiction, the lack of formal intake procedures for children has resulted in a denial of due process, has given birth to an unregulated diversionary sub-system, and serves to disguise the fact that adequate prevention and diversionary services for children are neither a goal nor a reality for most Alaskan communities.

Community-based programs are widely accepted alternatives to incarceration when the home environment has deteriorated. Such alternatives afford local care, more individualized treatment services, flexible funding and are more responsive to local needs than are permanent State institutions. Over-reliance on State institutions as a treatment resource is counter-productive to strengthening the family unit as the best institution for the care of children.

- 2.1. GOAL: RECREATION, COUNSELING AND OTHER COMMUNITY-BASED SOCIAL SERVICES WILL BE STRENGTHENED TO PREVENT CHILDREN FROM ENTERING THE JUSTICE SYSTEM.

STANDARDS:

- 2.1.1. As a continuing State priority, cultural and recreational programs for delinquency prevention should be implemented to assist Alaskan Natives. Programs emphasizing the improvement of traditional talents and skills should be emphasized along with the programs relating to the basic "survival skills" of the dominant culture.
- 2.1.2. By July 1977, the legislature should clarify AS 47.10.010(5) so as to provide reasonable interpretation by any parent, guardian, or potential parent of the meaning of "faults or habits."
- 2.1.3. By July 1977, the legislature should provide minimal guidelines for programs and services which give the public reasonable assurance that the State is protecting and rehabilitating dependents and children in need of supervision in order to divert them from future involvement in the Juvenile Justice System as delinquents.
- 2.1.4. By July 1, 1977, the Department of Health and Social Services should provide grants-in-aid to parents or guardians of children found to be dependent or in need of supervision in order to purchase counseling or other appropriate services intended to decrease future processing of that family and/or child by the Juvenile Justice System. The Department shall provide such grants-in-aid without threat of temporary or permanent termination of parental rights.

- 2.1.5. By January 15, 1977, the Department of Health and Social Services should have inventoried all known facilities and programs which could be used by a local community for treatment of dependents and children in need of supervision.
- By January 30, 1977, the Department of Health and Social Services should have notified each trial court of available programs which could be used by a local community for treatment of dependents and children in need of supervision.
- By March 1, 1977, the Department of Health and Social Services should provide local communities with information and/or assistance which will enable the development of treatment programs for dependents and children in need of supervision.
- 2.2. GOAL: UNIFORM GUIDELINES FOR INTAKE AND DIVERSION OF CHILDREN FROM THE JUSTICE SYSTEM WILL BE ESTABLISHED.
- 2.2.1. By April of 1977, the Governor's Commission on Justice should have completed a study and evaluation of informal diversion of juveniles from the justice system as presently practiced by police, social services and courts. The evaluation should seek to determine if the screening process safeguards juvenile constitutional rights and upholds the rehabilitative goal of the juvenile justice system. The results of this study should be used to recommend legislation and court rule changes to the Governor, the Children and Family Code Task Force, and the Supreme Court.
- 2.2.2. By 1977, the Governor's Commission on Justice should assist the Alaska Court System to establish and evaluate model pilot programs in three Alaska communities, one urban, one rural, one semi-rural, which will provide a means of court processing of children's cases within a family setting appropriate to the ethnic background and local resources of these communities.
- 2.2.3. By September 1, 1977, the Governor's Commission on the Administration of Justice should have made available to courts, police and the Department of Health and Social Services, statewide statistics based on evaluation of current intake processes. This study should include, but not be limited to:
- a. availability of services on a 24-hour basis;
  - b. scope of services needed and services available;
  - c. staffing patterns;
  - d. personnel standards and training.
- 2.2.4. By July 1, 1978, the Department of Health and Social Services should have comprehensive emergency services available 24-hours per day. This should specifically include probation officers and other information and referral personnel.

- 2.2.5. By January 1, 1977, the Alaska Court System should have developed written policies and procedures for: 1) the intake of children alleged to be delinquent, dependent or in need of supervision; 2) release of children from court intake to parental custody. Existing intake officers, judges, magistrates, other personnel who are regularly impacted by court intake procedures should participate in this process.
- 2.2.6. By July 1, 1977, State and local police agencies should have developed written policies and procedures for: 1) the intake of children alleged to be delinquent, dependent or in need of supervision; and 2) release of children into parental custody. State and local police agencies shall be assisted in identifying juvenile intake procedures by the intake officers in Anchorage and Fairbanks and the probation or social services personnel who perform intake functions in other jurisdictions.
- 2.2.7. By January 1, 1977, the Department of Health and Social Services should have developed written policies and procedures for: 1) intake of children alleged to be delinquent, dependent or in need of supervision; 2) detention of children prior to adjudication.
- 2.2.8. Until July 1, 1978, emergency custody problems arising out of alleged abuse, neglect and abandonment cases which occur after hours in which social, health and court services are available should be alleviated by:
- a. Social service and law enforcement personnel developing procedures for emergency custody based on the available personnel and services in individual communities;
  - b. Social service personnel developing uniform guidelines for follow-up on abuse, neglect and abandonment. Their guidelines should protect the child and family's rights, and provide treatment for the child while awaiting court action.
  - c. Written policies and procedures for law enforcement personnel performing Department of Health and Social Service functions.
- 2.3. GOAL: DIVERSIONARY PROGRAMS AND/OR FACILITIES WILL BE ESTABLISHED TO EXPAND THE TREATMENT ALTERNATIVES AVAILABLE TO THE COURTS.
- 2.3.1. By 1977, Department of Health and Social Services licensing standards for foster, group and receiving homes should be reviewed and it should be determined that standards do not exclude the typical village home; where appropriate, money should be made available to bring the homes in line with realistic standards.

- 2.3.2. By 1977, the Criminal Justice Planning Agency should set up a certification system for diversionary programs. Each community or regional area should develop formal and informal diversionary programs. Where no programs exist to address an area of documented need, pilot projects should be established. These programs should be evaluated by the Criminal Justice Planning Agency on an annual basis. Various means of State funding to subsidize these programs should be explored:
- a. As often as possible, such pilot projects should involve the entire family;
  - b. At least some projects should be totally non-coercive in approach; that is, no threat of prosecution should be used to encourage participation in the program;
  - c. All pilot projects should be monitored and the results of each compared as closely as possible with the results obtainable through traditional juvenile court case processing.
- 2.3.3. Resources should be devoted to experimentation in developing effective diversionary rehabilitation programs for adults, but these programs should function in conjunction with the traditional court processes such as deferred impositions of sentence. Where the district attorney's office employs the alternative of "deferred prosecution" (with or without diversionary programs) the reasons for this election in place of other alternatives should clearly appear in the case file.
- 2.3.4. By July 1, 1978, the Office of Volunteerism should have funds available to provide training for volunteer employees in local institutions and treatment programs for children.
- 2.3.5. By 1978, Revenue Sharing legislation should be amended to provide categorical health assistance on a per capita basis to provide for delinquency prevention services to local communities for children and families in crisis.
- 2.3.6. By July 1, 1978, clarification of full cost of care regulations should be completed by the Department of Health and Social Services. Revised regulations should insure that budgets are commensurate with the levels of care expected by the State. Regulations should provide funding to maintain quality of care in the temporary absence of children. Revision to contracts should provide quality control standards such as:
- a. Program effectiveness guidelines;
  - b. Penalty clauses for failure to follow or meet the contract guidelines.



- 2.3.7. By 1977, the Alaskan Legislature should provide through adequate funding or bond issues sufficient money for 50% matching funds for LEAA grants to allow communities to construct and operate group homes, half-way houses and receiving homes.
- 2.3.8. By 1978, local citizens should be involved in the planning, construction, operation and policies of facilities and programs in which children are to receive temporary or permanent care.
- 2.3.9. By January 1978, the Department of Health and Social Services should provide services in a quantity commensurate with community need for delinquent children to include:
- a. Supervised family placements;
  - b. Foster homes;
  - c. Group homes.
3. PROBLEM: THERE IS A LACK OF STANDARD PLACEMENT POLICIES AND REGULATORY PROCEDURES FOR DETENTION CENTERS AND JAILS.

The Division of Corrections is responsible for providing security and treatment of all persons arrested under State statute following arraignment. Although many municipalities have local ordinances which cover misdemeanors, Alaska statutes do not specify when arrests should be made under State laws and when under local ordinances. As a result, the majority of arrests are made under State laws, leaving the municipality with no obligation to provide facilities and services for offenders. The Division of Corrections has established standards and guidelines for operation of contract jail facilities, but incorporation of them is left to the discretion of the local jail superintendent. While the Division has been given the responsibility for standards relating to security, treatment and staff training, they have no legislative authority to enforce their regulations.

There are no clear guidelines or established procedures for the Department of Health and Social Services to follow in the placement of sentenced offenders: 1) the local community programs, 2) State correctional institution or 3) out-of-state programs or facilities. Offenders are not guaranteed due process in appealing such decisions.

With minor modifications, the security level of Alaskan institutions could be increased to provide more protection for society while allowing more Alaskan citizens to remain within the State while incarcerated. Separating offenders from established family and community ties often hinders the rehabilitation effort. Furthermore, such practices, if carried to excess, could constitute a violation of a person's constitutional rights.

- 3.1. GOAL: THE DIVISION OF CORRECTIONS WILL BE GIVEN LEGISLATIVE AUTHORITY TO ESTABLISH AND ENFORCE MINIMUM STANDARDS FOR LOCAL JAILS AND DETENTION CENTERS.

STANDARDS:

- 3.1.1. By January 1978, the Department of Health and Social Services, Division of Corrections, should review and evaluate regulations governing facilities for delinquent children. Such regulations shall be flexible enough to:
- a. Meet the individual needs of the child;
  - b. Promote local placement;
  - c. Provide safe surroundings for the child;
  - d. Provide adequate protection of the public from the child;
  - e. Meet practical, culturally relevant requirements for facilities in rural Alaska.
- 3.1.2. The Department of Health and Social Services, Division of Corrections, should immediately evaluate all jail and detention facilities in which children are detained in Alaska. If any are found to be out of compliance with AS 47.10.130, the Department of Health and Social Services shall immediately notify all superior courts and law enforcement agencies affected.
- 3.1.3. By 1978, regulations governing detention facilities for children in Alaska should be flexible enough to provide safety for the child and protection of the public in the least confining circumstances for the child. The facilities should be regulated by the housing and child care standards of the community in which they exist.
- 3.1.4. By 1980, the Department of Health and Social Services should provide that all facilities utilized for children's detention separate children awaiting disposition on a delinquency finding from adjudicated and disposed delinquents.

By January 1978, the legislature should have revised AS 47.10.080 to include:

- a. Probation to the family home;
- b. Probation and placement in the custody of the Department of Health and Social Services for the purpose of community placement;
- c. Custody of the Department of Health and Social Services for placement in a correctional institution.

- 3.2. GOAL: GUIDELINES WILL BE ESTABLISHED TO PROVIDE INCREASED ALTERNATIVES TO THE COURT WHEN SENTENCING ADULT OR JUVENILE OFFENDERS TO INSTITUTIONAL SUPERVISION.
- 3.2.1. The Department of Health and Social Services should select placement programs and facilities for children in the following order:
- a. Local;
  - b. State;
  - c. Out-of-State.
- 3.2.2. By January 1978, disposition of juveniles in out-of-state placement should require a classification hearing procedure to be held by the Department of Health and Social Services which provides for the elements of due process to include:
- a. Advance written notice;
  - b. Personal appearance;
  - c. Right to counsel;
  - d. Written findings;
  - e. Appeal process.
- 3.2.3. By 1978, local jails and/or detention facilities should be built in the villages to serve the realistic needs of the community. Standards for such facilities should be adopted to enable villages to construct such facilities out of locally available materials. Inexpensive modular facilities might also serve this function. Local citizens should be involved in the planning, operation and administration of these facilities.
- 3.3. GOAL: SECURITY WILL BE INCREASED AT ALL CORRECTIONAL CENTERS IN ALASKA, AND TREATMENT FACILITIES WILL BE EXPANDED TO HANDLE ADDITIONAL MEDIUM TO CLOSE SECURITY OFFENDERS WITHIN THE STATE.
- 3.3.1. By 1977, legislation should be enacted which establishes a more coordinated statewide jail system. In addition to state-operated correctional centers in the major population areas and short-term correctional detention centers in regionalized locations, the legislation should provide for temporary community "lock-ups", subsidized by the State. This legislation should authorize the Division of Corrections to:
- a. Establish and enforce regulations for the operation and policies of local jails, including mandatory compliance within set time frames;

- b. Set rates for annual contracts or man-day rates. Standards and regulations should be realistic for setting up facilities which will meet the needs of the community.

3.3.2. To increase the community's involvement in corrections, the Division of Corrections should expand and formalize its community volunteer program by:

- a. Creating a staff position in Corrections of Community Volunteer Services Coordinator to administer the program statewide.
- b. Develop volunteer programs within institutions, as well as in probation/parole.
- c. Provide adequate staff to conduct recruitment, training and coordination of volunteer services.

The resources of the State Office of Voluntary Action should be utilized whenever possible in implementing these programs.

3.3.3. The legislature should provide adequate funding to increase security in all institutions including remodeling from dorms to single-bed cells, installing double fences, providing as many treatment services as possible within institutions, and increasing hardware training for staff. Institutions should continue to operate at medium security level, providing only as much security as the offender needs. As more secure facilities and expanded program opportunities are available, the Division of Corrections should review the cases of those offenders incarcerated outside Alaska to identify those who can be safely returned to Alaska institutions.

3.3.4. Good surveillance and perimeter security should be provided in all correctional facilities to permit staff time and effort to be concentrated on rehabilitation.

PROBLEM: THERE IS A LACK OF CULTURALLY RELEVANT JUSTICE SERVICES IN VILLAGE ALASKA.

The Criminal Justice System in Alaska has not responded to the majority of problems resulting from the merging of established Native cultures with dominant culture of urban Alaska. The law and procedures of the non-Native culture have eliminated the authority and responsibility of traditional Native units of government such as village councils to act in criminal justice matters. To complicate this situation further, the dominant culture does not have the resources to supplant traditional Native services with a responsive Anglo justice system. This leaves most communities of rural Alaska without the protection of any form of criminal justice service.

Alaska has not developed a clear philosophy as to how these cultures could be merged to deliver adequate criminal justice services to rural Alaska.

Several studies have been conducted within Alaska to further define these problems. Most notable: the Bush Justice Tour, the Minto Bush Justice Conference, the studies of the Bush Justice Implementation Committee, and the Bush Justice Study conducted through the Standards and Goals Project. These studies have encouraged the following direction:

- 1) Creative alternatives to provide local decision making bodies should be established in village Alaska

Existing authoritarian bodies such as village councils could be empowered to act in criminal justice matters. Administrative boards such as in the courts conciliation board project could be established where existing governmental bodies do not exist. Finally, where constables, magistrates, or other paraprofessionals execute the laws and procedures of the dominant culture, there is a lack of local community involvement in the selection and evaluation of these personnel.

- 2) Village Native people are lacking in knowledge of Western justice methods and often find those methods (i.e. adversary systems, long-delayed punishment, etc.) in opposition to present-day village traditions (i.e. consensus decisions, less emphasis on incarceration as punishment, etc.). On the other hand, personnel in the criminal justice system are frequently ignorant of Native customs and values, and so fail to consider them in the disposition of Native offenders. Moreover, Native people themselves are frequently uninformed of the methods other villages have developed to deal with criminal activity consistent with present-day Native culture and values.

- 3) There is a lack of programs and facilities in village Alaska to deal with the people processed by the justice system. At present, most programs and placement facilities are located in places far from the villages. This, of course, results in people being removed from the villages when the better alternative would be to place them in programs or facilities within the village.
- 4) There is a lack of Native employment in both the bush and statewide justice systems to the detriment of said systems. In order to have a more meaningful justice system, Native people must be more deeply involved in its administration.
- 5) The policing needs of bush communities in Alaska are quite unique, requiring trained law enforcement officers who are knowledgeable in the culture of the area. These officers must be able to respond to a variety of unique situations applying discretionary judgement to solve problems while maintaining confidence among villages in the ability of the system to provide basic police protection. The problems associated with providing adequate police protection include lack of role definition, coordination with other law enforcement agencies, adequate training, officer turnover, and adequate funding for full-time or part-time positions.
- 6) In a recent victimization survey conducted through C.J.P.A. 10% of the rural homes reported that a child in that home had formal contact with the criminal justice system in the past year. This amounts to one in five homes which have children under the age of 16. 70% of the respondents labeled youth services such as recreation and counseling as non-existent or inadequate. 90% said that parents should be the responsible party for prevention and correction of delinquent behavior. When asked to measure the most common causes of delinquent behavior, 30% named boredom/lack of recreational opportunities, 30% named alcohol abuse, and 20% named poor family environment. Village communities are often unable to afford the cash match necessary to apply for grants to establish delinquency prevention programs through funds earmarked in the Juvenile Justice Act.

4.1. GOAL: IN RURAL ALASKA THERE WILL BE LOCAL DECISION MAKING AUTHORITY IN EACH VILLAGE IN SUCH BASIC AREAS AS FAMILY AND JUVENILE MATTERS, ALCOHOL CONTROL AND MISDEMEANANT OFFENSES. VILLAGE LIFE MUST BE GOVERNED BY VILLAGE LAW AND CUSTOM AS MUCH AS POSSIBLE.

## STANDARDS:

- 4.1.1. By 1977, Court rules, statutes and regulations should be developed to legitimize local decision-making powers by empowering existing entities such as village or city councils to act. Where traditional governing bodies are inappropriate, administrative boards may be established to serve this function. The Alaska Court System's Conciliation Board Project involving the establishment and operation of conciliation boards in the six Native villages of Kivalina, Kwethluk, Shishmaref, Quinhagak, Napakiak, and Emmonak should be monitored by the Alaska Judicial Council pursuant to its authority under Article IV, Section 9 of the Alaska Constitution to determine if this experimental project should be expanded to include additional villages.
- 4.1.2. By FY 1978, an interagency task force including representatives from the Department of Health and Social Services, Alaska State Troopers, Division of Corrections, Division of Fish and Wildlife, Department of Law, etc. should be created to respond to village needs by assuring village involvement in important judicial policy decisions. A representative panel of village people should be established to represent village interests to the inter-agency task force.
- 4.2. GOAL: VILLAGE NATIVE PEOPLE AND PEOPLE WHO ADMINISTER CRIMINAL JUSTICE SERVICES SHOULD UNDERSTAND BOTH THE STATE SYSTEM AND PRESENT TRADITIONAL NATIVE METHODS OF JUSTICE IN ORDER TO DEVELOP A RESPONSIVE JUSTICE SYSTEM WHICH MAXIMIZES TRADITIONAL LAW WAYS WITHIN THE FRAMEWORK OF THE STATE CRIMINAL JUSTICE SYSTEM.
- 4.2.1. By 1977, innovative community educational programs should be implemented by the University of Alaska, the Court System, Regional Native Non-Profit Associations, local school boards and others, which will educate village people as to both State justice methods and alternatives to them which are consistent with present-day Native cultural values. Both radio programming and video-tape media should be used to accomplish this effort and should be offered in bilingual form.
- 4.2.2. By 1977, programs should be implemented to recruit and train village Native magistrates, police paralegals and social workers. To the extent that existing programs are involved in this process they should be encouraged to proceed more aggressively to ensure that village people are more adequately represented. A program should be instituted to educate judges and other appropriate court personnel with respect to Native cultural mores and present-day traditional justice methods.

- 4.2.3. By 1977, troopers and constables serving the bush areas should be bilingual where possible and should be trained in the cultural aspects of the area. They should receive training in working with village councils and local capabilities and methods of handling problems, the screening of cases, and the application of informal disposition.
- 4.2.4. By 1976, the Department of Public Safety should establish procedures for troopers newly assigned to bush communities to receive a thorough familiarization briefing from the trooper leaving the area.
- 4.3. GOAL: IN VILLAGE ALASKA, PHYSICAL RESOURCES MUST BE BUILT AND VILLAGE-ORIENTED PROGRAMS MUST BE IMPLEMENTED TO ADEQUATELY DEAL WITH PEOPLE PROCESSED THROUGH, SCREENED OUT OF OR DIVERTED FROM THE JUSTICE SYSTEM.
- 4.3.1. By 1978, when delinquent or dependent children are removed from their village by court order, a guardian ad litem from that village should be appointed, along with an attorney, to represent the best interest of the child and to assist in formulation of a plan for disposition.
- 4.3.2. By 1978, each rural region of 600 residents or more should have a minimum of one full-time police officer. This police officer(s) should either be locally hired or, when funding is not otherwise available, should be provided through the constable program of the Department of Public Safety.
- 4.3.3. By 1977, the Department of Public Safety, should assist local police departments in developing a standard reporting system as mandated by state statute.
- 4.3.4. By 1977, the Department should attempt to send pilot-trained troopers to rural Alaska service centers to permit greater access to the surrounding communities.
- 4.3.5. By 1980, all criminal justice agencies should work together to establish complete services to all village communities in rural Alaska.



5. PROBLEM: THERE IS A LACK OF UNIFORMITY IN SENTENCING PRACTICES IN ALASKA.

People with apparently similar backgrounds convicted of apparently similar acts sometimes receive widely differing sentences. This difference may be attributable to a variety of factors. Two basic reasons for large sentencing differentials relate to the sentencing judge and the law which he applies to the case. For most serious crimes in this State, the law allows the judge a range of discretion which is enormous: between zero (probation) and five, ten, twenty years or more. Most criminal statutes do not contain even general guidelines or suggestions as to how the judge might select the appropriate alternative from the range of penalties presented. The sentencing opinions of the Alaska Supreme Court speak only in general terms; a sentence will normally be upheld unless the high court is able to say that the trial judge was "clearly mistaken". McClain v. State, 519 P.2d 811 (Alaska, 1974).

If individual human beings are allowed to act with almost unlimited discretion over a wide range of fact situations and in the absence of any guidelines, it would be unusual if the results were not disparate. It is difficult to blame judges for behaving as independent human beings under the circumstances.

- 5.1. GOAL: THE LEGISLATURE WILL ARTICULATE GENERAL GUIDELINES FOR SENTENCING IN ORDER TO MAKE THE PROCESS MORE EQUITABLE, CERTAIN AND PREDICTABLE. AT THE SAME TIME, THESE GUIDELINES SHOULD LEAVE THE TRIAL JUDGE WITH ENOUGH DISCRETION TO ENABLE HIM TO DO JUSTICE IN THE INDIVIDUAL CASE.

STANDARDS:

- 5.1.1. A study should be conducted immediately to assess the impact of the following sentencing proposals on the Criminal Justice System:
- a. Determinate sentencing as outlined by Fogel;
  - b. Flat sentences;
  - c. Presumptive sentencing;
  - d. Mandatory sentences graduated in severity for recidivists;
  - e. Abolishing the Parole Board;
  - f. Other revisions to present system.

This project should study the impact on the correctional system and the taxpayer in terms of increased prison populations and demand for more and larger institutions. The study should be completed by July, 1977.

5.1.2. If the study (outlined in Standard 5.1.1) so warrants, continued research should be conducted in order to aid the legislature in determining basic average sentences for each statutory offense. In arriving at these averages, attention should be given to such considerations as typical crime patterns in the State of Alaska, actual prevailing sentencing practices in the Alaska courts, expressions of opinion by trial judges, judicial sentencing conferences, guidelines developed in other states and through opinions of the Alaska Supreme Court, American Bar Association standards, and the like. The law should then provide that the basic average sentences thus derived serve as the point of departure for deliberation on the proper penalty applicable to the specific individual before the court.

In addition to the basic average sentence, the potentially aggravating and mitigating factors pertaining to each crime should be decided upon and clearly articulated. Sentencing judges should be required to refer to these aggravating or mitigating circumstances in all proceedings relative to the sentence in each case, and they should be required to justify their sentence with respect to these factors. Careful thought should be given to each aggravating or mitigating element and how much, if at all, it ought to be considered in deciding upon any increase or decrease in the basic average sentence applicable to the crime. For example, most people would agree that prior criminal record ought to be given a substantial weight. But is violence worse than fraud? Should age or sex be relevant? What matters more, the mental intentions of the defendant, or the actual harm he causes? What about his "potential for rehabilitation"? Questions like these should be frankly and directly addressed and translated into a coherent sentencing policy.

The law should require judges to sentence within the guidelines (average sentences adjusted by aggravating/mitigating factors) unless unusual circumstances are present which would lead to a real injustice should the guidelines be applied. On appellate review of any sentence outside the scope of the guidelines, there should be a presumption against the validity of any departure. The exceptional sentence should be justified by specific findings supported by clear and convincing evidence. As an alternative, a statute or rule might provide for a referral to a three judge court for sentencing in any case in which the trial judge seeks to depart from the normal framework. One might require, for example, a vote of two out of three judges in order to justify departures from the normal range.

All persons before the court for sentencing on their first offense of a non-violent nature should be presumed entitled to probationary treatment. Probation may or may not include provisions for community-based rehabilitation programs, depending on the needs of the individual and the availability of appropriate community alternatives at the time of sentencing.

All sentencing under these standards should be certain. That is to say, release should occur at the expiration of a judicially ordered sentence, and such sentence should not be shortened except by provision for "good time". We propose that one day be subtracted from the prisoner's sentence for every day of good time actually served in order to provide an incentive for prisoners to cooperate with basic institutional rules. These rules should be published, prominently displayed, and bear a reasonable relationship to the actual needs of managing the penal institution. In essence a prisoner should be entitled to have one day subtracted from his sentence for every day in which he refrains from causing trouble in the institution. On the other hand, he should not be required to participate in any rehabilitation programs in order to receive credit, and his voluntary participation in a program should not shorten his sentence. Ideally, rehabilitation should occur with every sentence. In the final analysis, it is primarily for the prisoner to rehabilitate himself, though the resource ought to be available for his use.

- 5.1.3. By 1977, the State of Alaska should consider instituting procedures to establish sentencing panels of judges in courts with more than one judge which meet regularly to discuss individuals awaiting sentence in order to assist the trial judges in arriving at an appropriate sentence. The sentencing judge should retain ultimate responsibility for selection of sentence with other members of the panel acting in an advisory capacity.
- 5.2. GOAL: REVISED SENTENCING PRACTICES WILL ENCOURAGE RESTITUTION TO THE VICTIMS OF CRIME.
  - 5.2.1. By 1978, the courts should provide information to victims concerning disposition of cases. Confidentiality of names of juveniles would be maintained.
  - 5.2.2. By 1978, pilot projects should be established which encourage restitution in a maximum number of cases. Such projects might include: arbitration; conciliation with the victim following which restitution in a mutually agreed upon amount could be ordered by the court as a condition of probation; or community service as an alternative to incarceration. Such projects should be carefully evaluated as a possible basis for changing court rules in this area.
  - 5.2.3. By 1978, the court should be provided the resources necessary to maintain current and accurate records regarding payment of restitution.

6. PROBLEM: THERE IS A NEED FOR INCREASED CITIZEN PARTICIPATION IN CRIME PREVENTION; CRIMINAL JUSTICE AND SOCIAL SERVICE AGENCIES SHOULD PLACE MORE EMPHASIS ON CRIME PREVENTION.

Crime in Alaska continues to increase at such a rate that it is impractical to expect criminal justice agencies to combat the problem without increased citizen participation and cooperation. A team effort among the community, criminal justice agencies, and social service agencies is needed. The most efficiently administered law enforcement effort will fail unless the community it serves genuinely supports it. Likewise, a supportive community, intensely interested in reducing crime, will be ineffective if law enforcement agencies are not receptive. Mutual cooperation is necessary.

Rather than admit that current knowledge of the causes of crime and delinquency is limited, criminal justice and social service agencies have continued to deliver services aimed primarily at an individualized, medical model for rehabilitation of the offender. The entire range of alternatives based upon social and political action has not been sufficiently explored.

The public would be better served by the agencies of the justice system admitting what they are capable of doing and not doing. Criminal justice agencies should return to the community and other governmental agencies the social, political, health, and education tasks which are their responsibility. The justice system should focus its attention on the tasks of efficient and effective law enforcement, adjudication and correction. State agencies should assist the community by conducting research and evaluation projects in order to build a reliable data base regarding methods for the prevention of crime and delinquency.

- 6.1. GOAL: THE CRIMINAL JUSTICE SYSTEM WILL DESIGN AND IMPLEMENT PLANNING AND RESEARCH MECHANISMS, IN COORDINATION WITH PUBLIC AND PRIVATE AGENCIES, WHICH WILL ASSIST IN THE DEVELOPMENT OF A RESPONSIVE DELIVERY SYSTEM FOR CRIME PREVENTION SERVICES.

STANDARDS:

- 6.1.1. By 1978, the Division of Social Services should have available to school districts information and statistics on child abuse and neglect within the district or region.
- 6.1.2. By 1978, the Department of Labor, Office of Manpower Planning, Department of Education and Department of Community and Regional Affairs should have available to school districts statistics and information on current and projected labor force needs.

- 6.1.3. By 1979, the Department of Labor, Office of Manpower and Office of Volunteerism Planning should have information on federal, state and private skill development programs in the State available to all school districts.
- 6.1.4. By 1978, the Criminal Justice Planning Agency should have operative a system for collecting statistics on adult and juvenile crime which parallels the service areas of Community Schools and gives special emphasis to analysis of the relationship between alcoholism, child abuse and neglect, illiteracy and unemployment, and entrance of adults and children into the justice system.
- 6.1.5. By 1979 the Criminal Justice Planning Agency should make available to every district electing a Community School program information on crime reducing techniques appropriate to the areas served.
- 6.1.6. By July 1, 1977, the Governor's Commission on Justice and the Department of Education should evaluate the relationship between delinquent activity and the basic education skill levels of the children in the justice system.
- 6.2. GOAL: CRIMINAL JUSTICE AGENCIES IN THE STATE WILL ACTIVELY ASSIST IN THE DEVELOPMENT OF COMMUNITY RESOURCES TOWARD THE REDUCTION OF CRIME, AND WILL DEVELOP PROGRAMS FOR IMPROVING THEIR RESPONSIVENESS TO PUBLIC CONCERNS.
- 6.2.1. By 1978, State funding for the Community School Act of 1975 should be increased to allow every district in Alaska to elect the Community Schools Program.
- 6.2.2. By 1977, the Division of Social Services should stimulate and support the development in local communities of child abuse and neglect prevention programs appropriate to the cultural background of children and families.
- 6.2.3. By 1978, the Department of Education should have available to every school district in Alaska curricula which shall include physical, mental, emotional and environmental health issues responsive to the diverse cultural and physical realities of the population area served.
- 6.2.4. By 1977, school nurses, village health aides and/or counselors should be available to every elementary and secondary school in Alaska.
- 6.2.5. Each school as a part of in-service training for personnel should provide specific training to assist children and families with social and health problems including, but not limited to, child abuse and alcoholism.
- 6.2.6. By 1978, teachers and administrative personnel in every school district in Alaska should have a compendium of social and health services available in that area.

- 6.2.7. By July 1977, the State Board of Education should establish competency based criteria for the completion of each three grade levels (i.e. grades 1 - 3, 4 - 6, 7 - 9, and 10 - 12).
- 6.2.8. By 1978, the Criminal Justice Planning Agency should provide information and skilled personnel to aid rural and urban Alaska communities to design and implement appropriate crime reducing techniques which can be applied to a variety of recreational and leisure time programs. The Criminal Justice Planning Agency should also make available to local communities information on funding sources for crime-reducing recreational programs, building designs which are crime deterring, and information on the criminal and delinquent activities which relate to future leisure time planning in Alaskan communities.
- 6.3. GOAL: LAW ENFORCEMENT AGENCIES IN THE STATE WILL DEVELOP POLICE/CITIZEN ACTION GROUPS TO ACTIVELY INVOLVE CITIZENS IN THE PREVENTION OF CRIME. EACH POLICE DEPARTMENT WILL INSTITUTE A PUBLIC RELATIONS PROGRAM TO INCREASE RESPONSIVENESS TO PUBLIC INPUT AND TO INFORM THE PUBLIC AS TO THE ROLE AND FUNCTION OF LAW ENFORCEMENT AS PERCEIVED BY THAT POLICE AGENCY FOR THAT COMMUNITY.
- 6.3.1. By 1977, the Criminal Justice Center should conduct a needs analysis for police-community action groups drawing on the experience in other states in order to develop a comprehensive and coordinated plan of action. The objectives should include, as a minimum the following:
- a. Securing cooperation of witnesses to criminal offenses;
  - b. Reducing juvenile delinquency;
  - c. Developing neighborhood programs to take precautions against auto theft, robbery, burglary, and shoplifting;
  - d. Studying traffic controls for the safety of community residents;
  - e. Assisting in reducing and eliminating potential racial tensions and conflicts;
  - f. Educating the community on the relationship between alcohol and crime and the availability of treatment programs;
  - g. Educating police officers on what social service programs are available.

- 6.2.3. Communities whose crime rate is increasing at a rate equal to, or greater than the aggregate rate for similar communities in the state should develop programs to maximize policing effectiveness. This should be accomplished through crime prevention programs involving juveniles, the business community and citizen groups.
- 6.3.3. By 1978, the Police Standards Council should work with police departments throughout Alaska in developing written statements of the role of the police officer in each community. The role of the officer in rural Alaska will differ significantly from the role of the urban officer. Each department should then develop programs, such as workshops and seminars, that bring officers and the public together to discuss the role of the police. This message can also be delivered through public speaking engagements and officer participation in school and youth programs.
- 6.3.4. By 1977, each police department should take action to ensure that each officer understands his role and the culture of the community where he is employed. Each officer should understand that he is a community relations representative every time he has contact with citizens of the community.
- 6.3.5. By 1978, legislation should be enacted establishing minimum security standards in the form of a Security Code for all new construction and for existing commercial structures in the larger communities of Alaska. The Department of Public Safety, through the State Fire Marshal's Office, should attempt to secure the support of insurance companies for such security measures through their rate setting procedures.
- Every police agency should inform the citizenry that special inspection of businesses and residences is available for the purpose of recommending measures for avoiding victimization by criminal offenders. Adequate funding to support such inspections must be provided.
- 6.3.6. Local law enforcement and Health and Social Service personnel should develop mechanisms to work cooperatively in identifying social and health problems as well as preventive techniques appropriate to the ethnic makeup and resources of the community served.
- 6.3.7. By 1977, community relations programs should be initiated in all larger departments with at least one officer assigned to this task.
- 6.3.8. By 1977, each department should develop and implement procedures that facilitate the making of complaints alleging employee misconduct, whether that complaint is initiated internally or externally. For the public sector, this should include notification of complaint reception and disposition.

PROBLEM: THERE IS A LACK OF OPPORTUNITY FOR TRAINING AND EDUCATION EXPERIENCES FOR CRIMINAL JUSTICE EMPLOYEES.

The police officer, in Alaska, must have the training and education that will equip him with the knowledge and skills required to make the right decision and take the appropriate action in a variety of situations. In-service and advanced training are vital necessities for all law enforcement officers. Formal education for police officers is also a necessity not only to gain knowledge and increase their operational and administrative skills, but also to gain exposure to related professional thought and discipline. The Alaska State Troopers and the Anchorage Police Department are the only police organizations that have the human and material resources required to provide quality training programs. Many of the smaller departments neither offer nor take advantage of existing programs because of the strain this would place on manpower resources. Lack of training has been stated as one of the reasons that officers, particularly those in the bush communities, suffer from a lack of confidence and self-esteem, thus contributing to the high turnover rates.

Although a bachelor's degree in behavioral sciences is generally accepted as the minimum degree for a professional career in corrections, it is not required for entry-level professional position. Minimum qualifications for correctional and probation officers need to be upgraded. Paraprofessional positions which provide intensive, structured training and the opportunity to advance into the professional ranks need to be established.

Division of Corrections' policy requires a minimum number of hours of training per employee per year. However, a lack of manpower and resources have prevented the development of a training program to fully carry out this policy. Most existing courses are centered around the new employee; little training in new theories and procedures is afforded the long-time employee. Also, no training is provided top management personnel regarding the other elements of the criminal justice system.

Delivery of justice services is severely hampered by the traditional recruitment and personnel practices used by the criminal justice system. Special requirements for jobs dealing with children and rural Native cultures are not addressed in the general requirements for justice system employment. The result has been to hamper the recruitment of qualified personnel who lack a formal education. Also the training and education necessary for the personnel to advance within the system is not available.

The justice system has failed to develop educational and training programs which are compatible with the non-adversary rehabilitative goals of the Juvenile Justice System. The lack of qualified personnel and low retention rates in these vocations has severely limited the professional growth and program consistency within the Division of Corrections.



- 7.1. GOAL: JUSTICE SYSTEM PERSONNEL WILL HAVE THE EDUCATION AND TRAINING APPROPRIATE TO THE NEEDS OF THE CLIENTELE THEY SERVE.

STANDARDS:

- 7.1.1. By 1978, Branch offices of the Department of Law, Public Defender Agency and the Division of Corrections should be allocated funds to establish paraprofessional training programs in cooperation with the local bar associations and the community colleges or extension programs. Appearances by paralegals in court proceedings where no attorney is accessible should be sanctioned by court rule.
- By 1977, each of the above agencies should prepare an affirmative action plan and make it available to non-profit native associations for review and assistance in implementation.
- 7.1.2. By 1977, the Criminal Justice Center, under the supervision of the Governor's Commission on the Administration of Justice, should make available to justice agencies educational materials and training programs for justice system personnel who work with children which provide:
- a. Training techniques enabling justice system personnel to deal effectively and appropriate in a multi-cultural State;
  - b. Training programs in new techniques and child development skills applicable to juvenile justice jobs;
  - c. Programs integrating the skills of social service and health practitioners with justice system personnel training when applicable;
  - d. Basic law related education for Department of Health and Social Services personnel based on the tasks which these personnel perform in relation to courts, police and children's law.
- 7.1.3. By 1978, the Department of Health and Social Services should review and revise divisional training policies and procedures regarding children in their custody to promote statewide:
- a. Greater efficiency and performance in children's matters;
  - b. Increased information to other agencies who are involved with the same child;
  - c. Increased information regarding a child to the parents of the child;
  - d. Increased public knowledge of children's matters while protecting the children's privacy.

- 7.1.4. By 1977, the Trooper Training Academy should include course material in the curriculum for new officers regarding the functions of all elements of the criminal justice system. Where appropriate, each element of the system should participate in the training programs of the other element.
- 7.1.5. By 1978, law enforcement personnel should have yearly training in juvenile and family matters which is appropriate to the area of the State in which they serve.
- 7.1.6. By 1978, the juvenile justice system should have specific training budgets for personnel which include, but are not limited to:
- a. Training of personnel appropriate to the cultural and linguistic characteristics of the community or area in which they work, and
  - b. training in child development skills for justice system personnel involved with law enforcement, courts and corrections who work primarily with children.
- 7.1.7. The Alaska Police Standards Council should continuously coordinate advanced training courses with the various training institutions and groups throughout the state including the Trooper Academy, the community colleges and the Criminal Justice Center. These recurring and one-time courses should include the following:
- a. Advanced patrol officers training;
  - b. Investigation courses;
  - c. Supervisory courses;
  - d. Middle Management preparation;
  - e. Executive Development courses;
  - f. Instructor's School;
  - g. Technical training and review; and
  - h. Special need courses in such areas as:  
How to handle family disturbances;  
How to handle tenant-landlord disputes;  
How to handle mental health cases; and  
The nature of alcohol, alcohol abuse and alcoholism.
- 7.1.8. The Alaska Police Standards Council should immediately coordinate the development of inservice training in all police departments.
- 7.1.9. By 1976, legislation should be enacted that establishes minimum standards for firearm training for all private security guards.

- 7.1.10. By 1977, the Police Standards Council should coordinate periodic seminars for law enforcement personnel throughout the State. The objectives of these seminars should include:
- a. A communications link between the Criminal Justice Planning Agency and law enforcement agencies;
  - b. Expert instruction in the various concepts of police management;
  - c. A program to discuss local and regional problems with managers on the same level; and
  - d. Greater harmony and coordination in the achievement of the total criminal justice system's goals.
- 7.1.11. By 1977, the Police Standards Council should establish a library of training programs available for use on audio-visual equipment and as home study materials that can be utilized by officers throughout the State.
- 7.1.12. By 1977, funds should be made available to local agencies, through the Police Standards Council, for overtime pay for officers who work extra shifts to permit fellow officers to attend basic, intermediate and advanced training programs.
- 7.1.13. By 1977, the Alaska Police Standards Council should establish a position of state certified training coordinator who would travel throughout the state coordinating short-term programs within each department.
- 7.1.14. Educational incentives should be established by each Department by 1978 to encourage police officers to achieve a college-level education. These incentives should include:
- a. Assisting an officer to attend courses by altering working assignments, etc., as long as it does not interfere with the efficient administration of personnel and duties;
  - b. Subsidizing the tuition and expenses of officers who participate in part-time higher education in police science; and
  - c. Providing salary incentives for those police officers who have obtained the advanced levels of education as certified by the Police Standards Council. These incentives should be 2.5 percent for every 30 semester hours of college credit, not to exceed a maximum of ten percent.
- 7.1.15. The Criminal Justice Center should be responsible for developing and expanding criminal justice curriculum in the University and community colleges statewide.

- 7.1.16. The Police Standards Council training coordinator, working with the Criminal Justice Center, should encourage the dissemination of correspondence courses to officers in the bush so they may complete a high school education and secure college credits in police science.
- 7.1.17. By 1977, a training staff, which would function as a training team, should be created in the Division of Corrections including a Chief of Training position and four training officers. The majority of the staff should be stationed in one location, preferably in Anchorage due to the availability of resources. Each of the four training officers should develop curriculum for a specialty area such as counseling, security, or hardware training.

A member of the training staff should initially be stationed in Sitka to work on curriculum development at the Academy, act as liaison with the State Troopers, and be available to provide information for police officers training at the academy.

- 7.1.18. By 1977, the Division of Corrections should establish a training program utilizing the Trooper's Academy in Sitka, the Criminal Justice Center, and other statewide educational resources, and should provide a minimum of 80 hours of training for each new correctional employee and a minimum of 40 hours of training per employee per year thereafter. The Division of Corrections should establish sufficient relief positions to enable employees to be away from their jobs to participate in these training courses.
- 7.1.19. By 1977, the Legislature should provide the Division of Corrections with funding to subsidize tuition and fees for employees to complete their degree requirements.

An employee desiring higher education and assistance from Division of Corrections would discuss course and plans for a degree with Division of Corrections. The training section would review plans and if acceptable would formally contract with employee to reimburse him up to X amount upon satisfactory completion of courses. The training section should have a fund for employees who cannot afford to pay for their courses. Division of Corrections would loan the employee the funds. If the employee satisfactorily completes the courses, the loan is forgiven--if not, he repays the loan.

- 7.2. GOAL: EMPLOYMENT QUALIFICATIONS AND PROMOTIONAL OPPORTUNITIES WITHIN THE JUSTICE SYSTEM WILL BE BASED UPON FLEXIBLE JOB REQUIREMENTS AND STANDARDS DIRECTLY RELATED TO THE DUTIES AND TASKS THEY MUST PERFORM.
- 7.2.1. By 1977, the Division of Corrections should plan and implement a statewide recruitment effort aimed at attracting staff proportionate to the characteristics of the population being ethnically served. Such effort would be designed to better define the qualifications for professional correctional positions and should actively recruit from minority groups and women. These efforts would apply to the recruitment of volunteer as well as paid staff. A member of the training staff should be a personnel specialist responsible for coordinating recruitment and other personnel functions in addition to training responsibilities.
- 7.2.2. By 1977, the Division of Corrections should establish permanent positions under paraprofessional job classes structured to provide upward mobility into professional positions.
- 7.2.3. The Division of Corrections should develop and utilize all available resources in creating a series of career ladders to help attract and retain qualified employees. Some of the resources to be considered are:
- a. Student interne positions, such as work study and University Year for Action;
  - b. Comprehensive Employment Training act;
  - c. Anchorage Community College Associate Degree in corrections and other community colleges throughout the State.
  - d. Members of correctional volunteer programs;
  - e. Native non-profit corporations, NAACP, and other non-profit minority and women's organizations.
- 7.2.4. By FY 1978, court interpreter training programs in Fairbanks, Barrow, Dillingham and other appropriate locations should be implemented. See Gregory v. State Op. No. 1269 (Ak. May 24, 1976).
- 7.2.5. The Police Standards Council should develop a 1977 set of recommended procedures for police agency administrators who are engaged or about to become engaged in employee negotiations. These procedures should be developed using the combined experiences of those departments in the state which currently have employee contracts as well as from resource material available from other jurisdictions. The Police Standards Council should work with the Criminal Justice Center in the development of these procedures.
- 7.2.6. By 1977, the Alaska Police Standards Council should establish a recruitment program to support local communities which are not able to effectively recruit qualified law enforcement personnel. Such a program should be able to identify better qualified personnel by not limiting the search to local or even state boundaries. This

program should result in a list of qualified applicants who have passed an extensive evaluation program. As a part of this program, the Council should develop both oral and written recruitment and exit questionnaires that will assist in effectively analyzing applicant makeup and determining the true reasons for officer resignations.

- 7.2.7. By 1979, the Criminal Justice Center should be granted LEAA funding to conduct a research program to identify and recommend state-wide salary scales. This should include suggested compensation for overtime worked. The program should also identify and develop alternative sources of funding for these salaries to assist communities that lack the financial resources required.
- 7.2.8. Each major police department in the state should immediately investigate the feasibility of establishing various grades or classes of patrolmen and lower ranking supervisors, such as recently implemented by the Fairbanks Police Department and the State Troopers. This would provide job enrichment at the lower levels for the career patrolmen.
- 7.2.9. By 1977, the Police Standards Council should establish long-range planning studies aimed at improving general working conditions for law enforcement agencies by establishing reasonable standards for such items as housing, office facilities, equipment and supplies.
- 7.2.10. Each police department should immediately assess the feasibility of establishing standards that permit the hiring of civilian personnel for technical and administrative positions. This effort should be monitored by the Police Standards Council.
- 7.2.11. The Alaska Police Standards Council should take immediate action to ensure that every police officer in the State is certified as meeting the basic training requirements as specified by legislation and regulation. A field audit should be performed and all departments that are not complying should be denied any future grants funds by the Governor's Commission on the Administration of Justice.
- 7.2.12. By 1977, the Governor's Commission on the Administration of Justice should have studied pre-employment practices, employment classifications, post employment training and budget procedures of the Department of Administration and Office of the Governor which can be changed to encourage continued juvenile justice employment and quality justice service. This study and consequent recommendations to the Department of Administration and Office of the Governor should include:
  - a. Hiring criteria flexible enough to secure skilled juvenile justice personnel for rural Alaska;
  - b. Financial reward for advanced training and job competency within juvenile justice jobs and system;
  - c. Training for managerial positions which is separate from training for service positions.

7.2.13. By 1977, the Division of Corrections should set employment standards for all levels of DOC professional positions which can be validated as necessary for job performance and which will raise the quality and ability of applicants on the eligible list. All written, oral and other examinations would be periodically reviewed to ensure that they are related significantly to the work to be performed and are not culturally biased.

7.2.14. By 1978, each large police agency that has documented the need should be allocated sufficient funds to permit the establishment of a special enforcement team. This team would consist of trained specialists who occupy newly created permanent positions identified expressly for this group. The development of such a team should not reduce or affect the existing manpower requirements within each agency.

Each team should report directly to and work with the police chief in developing innovative programs in selective enforcement. Each program should have stated goals and objectives, and periodic reviews should be conducted to determine program effectiveness.

Precautions should be taken to ensure that the enforcement team has sufficient equipment and manpower to accomplish the objectives associated with any stated program. The positive results of any innovative program should be properly publicized and shared with other police agencies.

The Alaska State Troopers Enforcement Team should be developed in such a fashion as to address the needs of those local agencies lacking the requirements of a full-time team of their own.

8. PROBLEM: THE DIVISION OF CORRECTIONS DOES NOT HAVE THE MEANS TO PROVIDE ADEQUATE REHABILITATIVE SERVICES FOR LONG-TERM OFFENDERS.

Mental health programs and facilities for the mentally disordered offenders are almost non-existent in Alaska. A study conducted in 1972 to develop alternatives for treating mentally disordered offenders states:

"Aside from the fact that mentally disordered offenders cannot be lawfully housed in a correctional facility, the Division of Corrections is further constrained by a decided lack of forensic psychiatric ability, as well as facilities for the care and treatment of such persons. Similarly, the Division of Mental Health does not have within its existing psychiatric staff a forensic psychiatric capability, and the Alaska Psychiatric Institute does not function as a secure facility which could be capable of restraining those persons to the required degree. There is no facility presently in existence in the State of Alaska capable of caring for those individuals." \*

With the recent addition of psychiatric security personnel at API, their intensive treatment unit was re-opened. However, mentally ill or incompetent offenders who have committed a violent offense are still being held in Alaska correctional institutions.

Women are presently housed in four of Alaska's correctional centers for men as there are no separate facilities available for women. The Division of Corrections is in the process of establishing a separate female facility in Anchorage. At present, there is little or no recreational equipment available to female offenders. Work programs consist of repair of inmates clothing, laundry and housekeeping. Based on such a lack of constructive program, the courts are often reluctant to sentence women to adult correctional institutions. Staff have not been hired or trained to deal with the care and treatment of females.

The only work programs within Alaska's institutions are food preparation and kitchen duties, maintenance of buildings and grounds, laundry, janitorial, library duties, and work in a supply warehouse. These programs are often "make work" situations, leaving inmates with too much idle time and very little if any job training skills or work habits to enhance employment opportunities upon release. It costs the State between \$21.00 and \$55.00 per day to hold an offender in a correctional institution. A correctional industries program would reduce their expenses by paying an offender a basic salary from which he would be required to pay for his room and board, clothing, limited dental and medical care, family supports, and possible restitution to the victim(s) of his crime. An additional savings to the State could be realized from the offender whose family is on welfare.

\* Planning of Psychiatric Security Facilities - A Task Force Report. Division of Mental Health, Department of Social Services, January, 15, 1974.



- 8.1. GOAL: THE DIVISION OF CORRECTIONS WILL ESTABLISH CLASSIFICATION PROCEDURES AND LONG-TERM TREATMENT PROGRAMS IN THE AREAS OF MENTAL HEALTH, CORRECTIONAL INDUSTRIES, AND WILL EXPAND PROGRAM SERVICES TO INCLUDE FEMALE OFFENDERS.

STANDARDS:

- 8.1.1. By 1977, the Division of Corrections should develop a risk profile to be used in the classification of offenders.
- 8.1.2. The Division of Corrections' policy of granting work and educational releases to eligible offenders within six months of anticipated release should be maintained and utilized as much as possible with the addition that information obtained in the risk profile be utilized in the screening process. This policy should be reviewed, however, to determine if more flexible guidelines can be established for deciding cases on an individual basis.
- 8.1.3. Effective correctional rehabilitation programs should be developed both in the community and within institutional settings. Rehabilitation programs within the community and the institution should emphasize the development of job related work habits and opportunities to train for and maintain useful and remunerative employment. A portion of the prisoner's earnings from such employment should be applied toward repayment to the State for the cost of his institutionalization. Another portion of such earnings should be applied toward making restitution to the prisoner's victims and their families, where appropriate.

The Division of Corrections should contract with an economist to perform a cost benefit analysis, and determine available markets, initial costs of establishing the program, physical plant requirements, potential within inmate work forces, and employment opportunities for inmates upon release.

If a correctional industries program proves feasible in the cost benefit analysis, legislation should be enacted establishing a "Correctional Industries Act". This act would enable a correctional industries program to manufacture products or provide services, pay offenders the prevailing wage for similar services performed in the community, exempt offenders from unionization, require an offender to pay a portion of his net earnings for room and board, purchase personal items and services, pay for support of his family, make restitution payments, and set up a revolving fund.

The correctional industries program should be developed in cooperation with the appropriate state, federal and local agencies. The program should be built around operating an efficient industry with inmates participating in its management, a training program with emphasis on developing good work habits, a salary scale with built-in incentive increments depending on qualifications and job assignment, promotions and bonuses.

- 8.1.4. The legislation should provide adequate funding for the Division of Corrections to contract staff psychiatrists and other mental health personnel by FY '78 to develop and administer complete mental health services for all sentenced offenders in Alaska Corrections. Mental health services would include diagnosis, a drug therapy program, and training staff in identifying and dealing with those offenders needing mental health services. Funding would provide for at least a minimum of one full-time psychiatrist in Anchorage, and ample time for Fairbanks, Juneau and Ketchikan. Funding should also be provided for other psychological services needed.
- 8.1.5. By 1978, the Division of Corrections in conjunction with the Division of Mental Health should do a needs assessment of mental health services in Corrections, define their purpose, and implement those services.
- 8.1.6. By 1977, regulations and/or statutes should be enacted to provide for the transfer of those incarcerated offenders diagnosed as psychotic from corrections to mental health facilities.
- 8.1.7. The Division of Mental Health should provide security and treatment for all offenders declared not guilty by reason of insanity or incompetent to stand trial.
- 8.1.8. The Division of Corrections should continue its efforts to establish a female correctional facility in Anchorage. If such a facility does not become a reality, a wing of Eagle River should be converted to house sentenced female offenders who will participate in programs offered within the institution.
- 8.1.9. Each institution which houses female offenders should immediately examine its policies, procedures, and programs and make adjustments to meet the problems and needs of the female offenders. The women's correctional facility should offer programs and services comparable to those offered males in other institutions.
- 8.1.10. Additional training for correctional officers in administering programs for female offenders should be provided by the Division of Corrections. Additional staff should be hired to ensure that female offenders are afforded the opportunity to participate in programs. Funding for these additional positions should be available in FY '77.
- 8.1.11. The Division of Corrections should review the women's correctional facility and female offender population statewide at least every five years to determine if there is a need for additional women's facilities.

9. PROBLEM: THERE IS A NEED FOR INCREASED COORDINATION AND COOPERATION AMONG CRIMINAL JUSTICE AGENCIES; THE ROLES AND RESPONSIBILITIES OF CRIMINAL JUSTICE AND SOCIAL SERVICE AGENCIES NEED TO BE CLEARLY DEFINED TO FACILITATE A COMPLIMENTARY EFFORT IN THE DELIVERY OF SERVICES.

Cooperation and understanding among the component agencies of the criminal justice system is of paramount importance. This is particularly true between police and prosecutors. Cases prepared by police are screened out or passed on to the courts through the prosecutor. The reasons for their screening decisions are not always communicated to the police in an effective manner. If the prosecutor feels that cases are not adequately prepared or documented, there is no method of communicating those deficiencies or their proposed remedies back to the police agency. This lack of communication contributes to feelings of mistrust between the police and the prosecutor.

Juvenile justice agencies cross lines of responsibility with many social service agencies. This lack of clear role definition particularly affects those agencies involved in the delivery of program services to clients. The result is often duplication and/or gaps in services with each agency rejecting responsibility for the resulting waste of money and lack of services.

- 9.1. GOALS: THE ROLES OF CRIMINAL JUSTICE AGENCIES WILL BE CLARIFIED IN ORDER TO ESTABLISH UNIFORMITY, COORDINATION AND COOPERATION AMONG AGENCIES DELIVERING SERVICES OF A SIMILAR NATURE.

STANDARDS:

- 9.1.1. By 1978 the Department of Law should provide sufficient legal staff for consultation and/or representation directly to Department of Health and Social Services field personnel.
- 9.1.2. By 1978, the Governor's Commission on Justice should evaluate the current role and responsibility of the juvenile justice system in the lives of Alaskan children and families. The conclusion of this evaluation will be provided to the Children and Family Code Task Force.
- 9.1.3. By 1978, the education, health and social service systems of the state of Alaska should re-evaluate their role and responsibility for programs in which delivery of services for early identification and referral of children can alleviate long-range social, health and educational problems. A report on these findings should be prepared for the Governor's Review.
- 9.1.4. By 1978, the legislature should give fiscal priority to programs which provide early identification, treatment and/or referral of children with social, health and educational problems in order to divert children from the Juvenile Justice System. This funding structure should encourage interagency coordination of complementary program services.

- 9.1.5. By 1978, the Governor's Commission on Justice should have studied, made findings and have suggested legislative changes for improving the regional delivery of justice services in the State of Alaska. Such a study should include:
- a. Methods by which all justice agencies and the health, education, and social services agencies which support justice agencies can coordinate and deliver services and related programs efficiently and effectively.
  - b. The advisory capabilities of the Department of Community and Regional Affairs and any other federal, state or local agency addressing the problem of local and regional service delivery should be used by the Commission in its study.
- 9.1.6. By 1977, the state should establish a statewide coordinator over emergency service communication systems, frequencies and equipment. This coordinator should be located within the State Division of Communications and should work closely with the State Office of Telecommunications.
- By 1978, this coordinator should develop a statewide comprehensive emergency service communications plan. This plan should incorporate procedures for the eventual development of a statewide 911 emergency number capability. The statewide police communications plan should provide for interface with the Alaska Justice Information System (AJIS).
- By 1978, this coordinator should investigate the feasibility of regional dispatch centers throughout the state to reduce operating costs and encourage standard operating procedures.
- 9.1.7. By 1977, a Criminal Justice Planning Agency police planner, working with state and local officials, should establish model specifications for all types of equipment including vehicles, firearms, ammunition, first-aid equipment, radios, and cameras. Subsequently, the Criminal Justice Planning Agency should fund a program to evaluate and establish procedures for centralized purchasing of police vehicles, supplies, and equipment. Statute changes may be required to have state bids apply to all political subdivisions.
- By 1978, the Criminal Justice Planning Agency police planner should identify funding alternatives for providing financial assistance to bush communities lacking funds for the purchase of equipment. He should use the model specifications as guidelines for such purchases.
- 9.1.8. By 1977, each department in the state should conduct an analysis and inventory of equipment to determine present and future needs.
- 9.1.9. Each community should attempt where possible to delegate non-policing duties to other community service departments, or to identify alternative means of meeting citizen demand for such services.

- 9.1.10. Criminal Justice Planning Agency should be given more authority and responsibility to coordinate the planning and budgeting functions of criminal justice agencies.
- 9.1.11. During FY '77 the Division of Corrections should establish a satellite central office in Anchorage including an Assistant Director (Deputy Commissioner) and the major support functions of the central office.
- 9.2. GOALS: COOPERATION BETWEEN POLICE AND PROSECUTOR AGENCIES WILL BE INCREASED BY ESTABLISHING LINES OF COMMUNICATIONS IN CASE PREPARATION AND SCREENING PROCEDURES.
- 9.2.1. Procedures should be immediately developed by the police in cooperation with the court system and the prosecutors, to obtain feedback on case disposition.
- 9.2.2. By 1977, funds should be allocated for a careful study of police and prosecutorial charging policies. Existing records and reports should be traced back to the level of their origin and standard procedures developed for tracking cases from their inception in the community through each criminal justice agency. The results of the study should be used to develop training tools for prosecutorial and police agencies, and for fashioning explicit and logical policy guidelines if these are subsequently deemed desirable.
- 9.2.3. By 1978, the Department of Law in coordination with the various police departments should establish statewide standards for case screening and the preparation of complaints and case reports.
- 9.2.4. The Department of Law should be given an LEAA grant by the end of 1976 for the development of a handbook for police officer use and reference. This handbook should contain sections discussing at least the following items:
- a. Search by Warrant;
  - b. Search without warrant;
  - c. Search by consent;
  - d. Arrest;
  - e. Arraignment;
  - f. Confessions;
  - g. Civil and criminal liability of police officers;
  - h. Rights of an arrested person;
  - i. Complaint preparation (with samples).

9.2.5. Lines of communication should be immediately established to permit referrals to police commanding officers of cases not prosecuted because of an officer's inadequate case report or investigation. The same is true of feedback to the prosecuting agency of prosecutor performance.

9.2.6. By 1978, contact should be established between the police agencies and the prosecutors in form of liaison specialists within the prosecutor offices. These specialists could bridge the gap between the two agencies by assisting in the preparation of criminal cases and by encouraging a better sense of cooperation.

This liaison specialist would work with the police in the following areas:

- a. Scheduling of police officers as witnesses;
- b. Providing police agencies with dispositions on convicted cases;
- c. Explaining the reasons for dismissal or non-processed cases;
- d. Expediting cases from police agencies to prosecutor's office; and
- e. Providing general liaison between police and courts.

9.2.7. By 1978, a pilot program should be initiated in one of the major police departments in the state for the placement of a full-time legal advisor in the department to assist in the preparation of case reports and to give advice to officers upon request. This pilot program should be funded by LEAA, but if it should prove to be effective, state or local funding should be provided for its extension to other departments.

10.

PROBLEM: JUDICIAL PROCEDURES SHOULD BE IMPROVED IN THE FOLLOWING AREAS:

- 1) THE ACCOUNTABILITY OF JUDGES TO THE COURT ADMINISTRATOR AND TO THE PUBLIC.
- 2) ARREST AND BAIL PROCEDURES.
- 3) LEGAL SERVICES AVAILABLE TO CHILDREN.
- 4) JUDICIAL REVIEW OF PROSECUTORIAL DISCRETION.

Despite the existence of the Commission on Judicial Qualifications, most members of the public and other agencies are completely unaware of the functioning of this body, with the result that there is an apparent absence of any official agency to hear and conclusively settle grievances concerning the alleged misconduct or impropriety of a judge. Unlike other civil servants, judges appear to be free from the normal rules concerning such matters as hours of employment, time spent on duty, recesses, and general standards of diligent performance.

Judges appear to be excessively autonomous and their "organization" is lacking in any effective "chain of command". It seems difficult to attain anything approaching uniformity in matters of practice and procedure where the judiciary is concerned.

All of the above problems are especially applicable to the rural magistrates. Rural citizens do not know where to take their complaints concerning a magistrate, and the distance and communication difficulties often lead to inadequate supervision and control by the presiding superior court judges.

The problem in Alaska seems to be that judges and magistrates are not sufficiently available. Unless the arrest occurs during hours when the courts are open for business, persons who have been arrested for non-serious crimes and who are otherwise good risks for being released on their own recognizance may spend a night in jail simply because they do not have enough money in their pockets to satisfy the bail schedule which the (unavailable) judge or magistrate has "delegated" to the jailer. Frequently these are persons who live and work in the community and would ordinarily be released immediately if a judge were present to so order. On-duty judges and magistrates are routinely available around the clock on a seven-day-a-week basis in other communities in the United States of comparable size to Anchorage, Fairbanks or Juneau. In other, smaller towns, these judges are truly "on call" to come to the courthouse on short notice even during evening hours and weekends.

Judicial compliance with the bail act has occasionally been deficient. In many instances the release of an accused person or his continued incarceration pending trial is dependent upon his financial ability.

In many instances judges do not receive enough reliable information early in the case to enable them to make informed judgments as to the risks, if any, of releasing the defendant on his own recognizance or conditionally.

Alaska law provides no means of protecting the public from the dangerous offender pending trial other than the setting of excessive bail.

The current design of the juvenile justice system has failed to resolve the distinction between rehabilitation and punishment. The system appears to be perpetuating itself through continued lip service to the goal of rehabilitation, while practicing policies and procedures which in the adult criminal system would clearly be punitive.

It is counterproductive to continue to allow a system with the simultaneous tasks of punishment and rehabilitation to restrict the right of legal services to children. Until such time as the juvenile justice system utilizes a design which is clearly rehabilitative, not punitive, those who are processed should have access to adequate legal counsel whenever and wherever the juvenile justice system process might restrict the child's physical activity or his parent's continued custody. Two kinds of legal services for children are needed in Alaska:

1. Skilled legal professionals who can meet the needs of a particular child in a specific situation; and
2. Skilled professionals who may or may not have legal training, to support and plead for children in general before governmental agencies the actions of which affect the child.

Neither legal service by itself and without the other can adequately serve all the children's interests. Under present prosecutorial practices the preliminary hearing is too often by-passed and the courts are deprived of an opportunity to review the exercise of the district attorney's charging discretion at an early stage of the proceedings when the facts are still fresh and relatively free from distortion. By-pass of preliminary hearings also results in too many weak felony cases filed in the superior court and an excessive superior court dismissal rate, with much wasted time and effort.

- 10.1. GOAL: IN THE MATTERS OF JUDICIAL CONDUCT AND FITNESS AS WELL AS ADMINISTRATIVE PERFORMANCE AND REGULATION OF PRACTICE AND PROCEDURE, THE JUDICIARY WILL BECOME MORE VISIBLY RESPONSIVE TO THE NEEDS OF OTHER ELEMENTS OF THE CRIMINAL JUSTICE PROCESS AS WELL AS TO THE RIGHTFUL COMPLAINTS OF THE PUBLIC.



STANDARDS:

- 10.1.1. By 1977, a study should be undertaken of the rules and functioning of the Commission on Judicial Qualifications in order to determine whether and to what extent this Commission is responsive to complaints concerning improper judicial conduct.
- 10.1.2. By 1977, the organizational lines of the Alaska Court System should be clarified and strengthened to provide for more effective control over such aspects of judicial performance as hours on the bench, number of cases tried, length of time cases are held under advisement, and the like.

By 1978, the Judicial Council should develop an effective means of evaluating sitting judges and informing the public concerning the results of its evaluation prior to judicial retention elections. Any public report concerning retention elections should contain a brief analysis of the judge's performance but no recommendation concerning his retention or rejection. (accord. AS 22.10.150).

- 10.2. GOAL: DECISIONS TO PHYSICALLY DETAIN ALLEGED OFFENDERS WILL BE REVISED AT THE JUDICIARY LEVEL IN THE FOLLOWING MANNER:

- 1) DENIAL OF BAIL FOR DANGEROUS OFFENDERS
- 2) ON-DUTY OR ON-CALL JUDICIAL OFFICERS AVAILABLE DURING EVENINGS AND WEEKENDS TO SET BAIL AMOUNTS
- 3) DECREASE THE SIGNIFICANCE OF WEALTH IN OBTAINING PRE-TRIAL RELEASE, AND INCREASE INFORMATION AVAILABLE TO JUDGES FOR O.R. (OWN RECOGNIZANCE) RELEASE
- 4) ENCOURAGE THE USE OF SUMMONS IN LIEU OF ARREST IN MISDEMEANOR CASES.

- 10.2.1. By 1977, Article I, Section II of the Alaska Constitution should be amended to provide that bail may be denied in any felony case in which there is clear and convincing evidence that the release of the defendant would constitute a substantial threat to the physical safety of other persons in the community, and no other reasonable conditions of release would adequately safeguard against such danger. Statutory provisions should be enacted to carry into effect this constitutional mandate.

The law should require a special hearing at which the defendant would have an opportunity to challenge or rebut the allegation that his release constitutes a substantial threat to the physical safety of other persons.

Persons who remain in custody under this statute, or for any other reason, should be entitled to a speedy trial on a strict priority basis over all other cases on the calendar, upon their request.

- 10.2.2. By 1978, on-duty or on-call judges or magistrates should be established around the clock in all judicial districts of the State.
- 10.2.3. By 1977, judicial conferences should be held in each district to help achieve greater uniformity in the application of the statutes regarding bail.

Uniform orders should be promulgated for each judicial district to the effect that monetary bail should be required only when:

- a. There is hard evidence that the defendant may willfully fail to appear;
- b. No other judicially imposed condition or combination of conditions would be effective to assure his continued court appearances.

When monetary bail is required, it should be in the form of cash or other security deposited directly with the clerk of court and recoverable in full (less a small service charge) at the conclusion of the judicial proceedings.

Each judicial district should formulate a policy favoring the prompt institution of forfeiture proceedings in cases where monetary bail is required and the defendant has willfully failed to appear.

- 10.2.4. By 1978, courts should enforce conditional releases strictly where, after a fair hearing, it is determined that there has been a deliberate violation of a condition. All conditions of release should be drafted in a realistic fashion, taking into account possible enforcement problems.
- 10.2.5. By 1977, Alaska pre-trial services should be expanded to enable it to provide the court with full and accurate bail information within 48 hours of a person's detention.
- 10.2.6. By 1977, Alaska pre-trial services should conduct monthly inventories of all persons remaining in custody pending trial and the results of same should be filed with the presiding judge in each district.
- 10.2.7. Administrative guidelines for police agencies should clearly favor the use of the citation and summons in lieu of arrest in misdemeanor cases. Police agencies should continue to work with the Misdemeanor Citation Project of the Alaska Criminal Justice Center and the standards and guidelines developed by this project should be adhered to.

- 10.3. GOAL: THE STATE SHALL ASSURE AND PROVIDE LEGAL SERVICES TO ASSIST CHILDREN, FAMILIES AND AGENCY REPRESENTATIVES COMING BEFORE THE JUSTICE SYSTEM.
- 10.3.1. By 1978, the Governor's Commission on Justice should assist the Alaska Court System to study and make legislative recommendation on legal services for children in Alaska. Such a study should:
- a. Examine the Alaska Public Defender system;
  - b. Examine work in progress by the Children and Family Code Task Force.

- 10.4. GOAL: ALL PROPOSED FELONY PROSECUTIONS SHOULD INCLUDE PRELIMINARY HEARING UNLESS WAIVED BY THE ACCUSED, OR UNLESS THE FACTS OF THE CASE MAKE IT PARTICULARLY AMENABLE TO GRAND JURY PRESENTATION. ( e.g. "WHITE COLLAR" CRIMES, CRIMES INVOLVING MULTIPLE DEFENDANTS, ETC.).

- 10.4.1. By 1977, the Attorney General, the district attorneys, police and public defenders as well as the courts in Anchorage should confer and agree upon procedures and policies to facilitate inclusion of a preliminary adversary hearing as a required stage in all felony prosecutions. The parties should arrive at a stipulated set of rules for calendar control, evidence, probable cause, charge reduction and the like. They should also decide on what kinds of cases might best be taken directly to the grand jury as an exception to the general rule.

Pursuant to agreed procedures and policies such hearings should go into effect on a pilot basis with respect to all felony prosecutions in Anchorage.

After sufficient time has elapsed for a fair evaluation of the project, the system should be studied, and if successful, it should be made a required stage of all felony prosecutions.



**END**