Alaska Justice Forum

IN THIS ISSUE:

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Village Police Training

We feel that no area of training is so vital but yet so expensive and only through LEAA support can a program of this type be a reality.

Department of Public Safety
Discretionary grant application
73-DF-10-0001

Since 1971 nearly three-quarters of a million dollars has been invested training village police officers, including $542,000 in funds from the LEAA.

This provided training for a total of 292 people since the inception of the training program conducted by the Department of Public Safety.

But, in a report presented to the Governor's Commission on the Administration of Justice during its December meeting in Anchorage, it was estimated that only about 70 village officers who received training are still serving in that capacity in their villages.

It was also reported that of the 73 percent of the Alaskan villages with full-time police officers, only 42 per cent were served by officers trained under this program. The officers in a majority of the villages have received no training under this program.

First Evaluation

The report was the result of a study commissioned by the Criminal Justice Planning Agency and was conducted under a contract with the Criminal Justice Center, and with the cooperation of the Department of Public Safety.

It was the first extensive evaluation of the training program that has been conducted since its inception and contained recommendations to solve some of the problems observed in the program.

These recommendations were addressed primarily to reducing the cost of the program and establishing some stability in the villages to stem the high rate of attrition among trained village police officers.

Recommendations

Among the specific recommendations presented to the Governor's Commission were:

- As a first step, more detailed information should be collected on the actual conditions found in the villages which would better define the desirable role and responsibilities of the village police officer. This could then be used to develop curricula that would better prepare the police officers for their working conditions.
- Some means should be developed and implemented to stabilize the village police employment situation and reduce the turnover rate to a reasonable level.
- Develop a more economical village police training program which, after initial LEAA support, can continue without further LEAA funds. It was recommended that this be accomplished in a cooperative effort between police agencies and other agencies such as the Alaska Skill Center in Seward.
- The Alaska State Troopers should take an active part in whatever reorganization occurs in village police training.
- The Alaska State Troopers should increase their support of the village police and should be actively involved in whatever reorganization of village police training occurs. It was further recommended that specific attention should be given to preparation of policy and procedural statements in any action programs developed.

No Lack of Commitment

Whatever problems that were found in the village police training program, they were not from a lack of commitment by the Department of Public Safety.

The department has invested more time, effort and money in the training program than was required in the series of grants supporting the program.

The department provided more hours of training for more people than the minimum requirements of the various grants. In addition the Alaska State Troopers appeared to have invested considerably more time and effort in the field training of village police officers than was required.

History of Training Program

The training program developed by the Department of Public Safety consisted of a series of one-week basic training courses held in regional locations such as Bethel, Nome, Dillingham and Ft. Yukon; four-week advance training courses conducted at the Public Safety Academy in Sitka; and follow-up field training in the officers' villages conducted by state troopers.

This latter was a unique feature of the training program and provided continuing support for the village police officers and

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Book Review

"Criminal Violence, Criminal

By John Havelock
Director
Criminal Justice Center

Is The Criminal Justice System Working?—a review of "Criminal Violence, Criminal Justice," Charles Silberman, Random House, New York, 1978.

"Despite pervasive propaganda to the contrary, virtually all real crooks are eventually caught and punished."

Were it only for the persuasive case he makes for the validity of this proposition, Charles Silberman's new book "Criminal Violence, Criminal Justice" would be a major contribution to public understanding of the crime problem.

It is rare that a sensible book about justice of any kind makes the national best seller list so there is reason to hope that Silberman may make a small dent in the mythologies of the justice system which undercut respect for law and in so doing undermine public order.

Few Forum readers, including DA's and PD's, are not so imbued with the mythologies of the system that they may not be immediately and perhaps totally skeptical of the opening proposition. But, Silberman's analysis stands up on examination and underlines the different perceptions of its successes and failures which follow various role perspectives on the system.

Professional Criminals Would Agree

To begin with, the professional criminal would be the first one to agree with that proposition. "If you want to play, you have to pay" and "If you can't do the time, don't do the crime" are underworld maxims throughout the country. The reader will recognize the validity of the proposition more clearly when it is pointed out that the more criminally bent the offender, the less likely he is to take his winnings and get out. While he may get away with one offense, the odds against his going uncaught after two, three or ten shrink rapidly.

This phenomenon is noticeable in Anchorage. When the police eventually catch a burglar, a whole string of burglaries are solved. A relatively small number of burglars working their string can cause a major crime wave in a small city.

But the fact is, the string does run out and the offender knows it.

If a crook goes on with his life of crime, it's not because he doesn't know he will eventually get caught and do time—an observation with heavy implications for our deterrence-oriented sentencing practices.

Beating the Rap

Lawyers who have worked in criminal prosecution will be more familiar with the deception, pointed out by Silberman, in the "statistical funnel" which is so often used to show that most offenders get off scot-free.

An examination of the narrowing points in that funnel shows that the professional criminal's perception is accurate, not the statistician's.

The funnel narrows in large part because we use the criminal justice system for such a sea of interpersonal disputes. The officer on the scene is not so much analyzing the elements of an offense as responding to a demand that he "do something" and quick.

An arrest often is the most convenient or useful response. Thus, a great number of thefts and crimes of violence take place between people who know each other and which—in the absence of an "emergency" situation—would not be pursued or which would be resolved outside the system. A great many arrests "clear" complaints when evidence of the offense is not there.

Nor are there major internal incentives in police management favoring the officer who can get the conviction over the officer who makes the pinch. Reflecting a pattern which to some extent exists everywhere, Silberman cites a Washington, D.C., study showing six per cent of the police making over half the arrests resulting in conviction!

As a result of these factors, all but a very small number of cases are dismissed or reduced, not because of the ineptitude of prosecutors or courts, but because:

- the evidence is insufficient;
- there is evidence there is a real question about the culpability of the accused;
- and because witnesses decline to testify.

The real offender may go free for such reasons, too, a situation inherent in a system designed to maximize protection of the innocent.

But as the underworld and the police know, the system will likely get him next time.

Role of Leniency

In fact, says Silberman, the justice system does a remarkably effective job of "screening out the crap" and bringing the substantial offender to justice.

As Judicial Council sentencing studies and other data have shown, the Alaskan judge is not particularly lenient.

Reflecting general public sentiment, first offenders on less serious crimes get probation, but second and subsequent offenders are very likely to do time.

We are not slouches in sentence length either, ranking in the top ten of the states for the percentage of our population we keep in prison.

The Exclusionary Rule

Silberman does a good job, too, of blasting careless critics who rely on supposed standard "faults" of the system such as the "exclusionary rule."

A handful of criminals do escape a charge on such "technicalities" but the notoriety of most exclusionary cases should not obscure the fact that they are exceedingly rare.

A Rand Corporation research project, for instance, showed that in Los Angeles, three per cent of the burglary arrests were dismissed because some of the defendants' rights were violated. In an Illinois study, 114 offenders were charged on a confession or admission against interest. Seven were challenged and one challenge was sustained.

Whipping boys of the justice system such as plea bargaining are shown to serve useful purposes and are responsible for few or none of the faults of the whole system ascribed to them.

The Perception of Justice and the Harm in Public Dissatisfaction

Silberman's book is not without flaws and he glosses over some problems too lightly. For instance, a great deal of

Justice"

damage is done to the justice system by every exercise of the exclusionary rule.

As Silberman does point out in the end the voluntary compliance of the citizen is the fundamental guardian of law and order. A decay in public attitude following from an "unfair" result has consequences of far more seriousness than the result in a single case.

A public perception of justice miscarried in a single case via the exclusionary rule does great damage to public attitude. As other authorities have pointed out, alternative mechanisms of our society, including police and corrections self-discipline and improved management practices, should ease the courts out of their extensive and expanding role in setting standards for the entire system—standards which are faulted by the inherent rigidity and single-minded perceptions of judicial authority and style.

Much more time could have been spent by Silberman on the linkages between civil and criminal justice, particularly for the benefit of Anchorage lawyers who want the criminal justice system to go away so they can practice civil litigation in peace.

But then it is not entirely fair to criticize an author for not writing about what he could have written about in a book of over 500 pages.

Cheap and Parting Shots

Silberman has a tendency when he isn't really sure what the solutions are to go for the cheap shot: The Mother Superior who does such a wonderful job with kids; The prison in southern Illinois that is run so intelligently.

He closes with: "The question is no longer what to do, but whether we have the will to do it." A dramatic flourish, yet it is pretty clear that we don't really know what to do.

The reliance of some citizens on ideologically based solutions to crime ("lock 'em up and throw away the key"; "take the handcuffs off the police"; "crime is a social problem"; "eliminate poverty"), underlines the proposition, elsewhere admitted by Silberman, that the police, like the rest of the public, don't yet have many good answers to crime prevention.

Silberman wisely points out that despite the increase in crime and disorder which accompanied LBJ's underrated programs to assist the impoverished, there is some linkage between crime and social disorder and poverty and racial oppression.

It is just that the relationship is not as simple as the social reformers of the 60's might have thought. Similarly, there is some relationship between crime and punishment. But a reduction in one isn't automatically accompanied by an increase in the other, or vice versa.

Petition for Review
State v. Sundberg

AS 11.15.090 JUSTIFIABLE HOMICIDE BY PUBLIC OFFICER OR AGENT. The killing of a human being is justifiable when committed by a public officer . . .(4) when necessarily committed in arresting a person fleeing from justice who has committed a felony.

As a result of the police shooting of a suspect running from the scene of a burglary, Anchorage Superior Court Judge Victor D. Carlson ruled that excessive force was used in making the arrest and:

Suppressed evidence obtained as a result of the arrest; and

Declared AS 12.15.080 unconstitutional insofar as it permits a peace officer to use deadly force to apprehend a suspect who is not a threat to the officer or any other person. (See Alaska Justice Forum, January 1979.)

In response, the Department of Law filed a Petition for Review with the Alaska Supreme Court last month contending that:

1. the lower court's order suppressing evidence because of excessive use of force raised a question of law of first impression and is of such substance and importance as to require immediate review;

2. Unless reviewed by the supreme court, the lower court's ruling would stand since the prosecution would not proceed . . .

3. No court has ever applied the exclusionary rule as a remedy for the use of excessive force in making an arrest and "the Superior Court has so far departed from the accepted and usual course of judical proceedings" as to required immediate review.

Two questions were identified in the petition as requiring answer:

1. Even if excessive force was used to arrest the defendant, was the exclusionary rule properly applied to supress the results of the arrest?

2. Was the force used to arrest the defendant proper?

It was the contention presented in the petition that the arresting officer was authorized by departmental policy and AS 11.15.090(4) in the use of deadly force in making this arrest.

The specific arguments presented by Department of Law in its petition were:

I. Even if excessive force was used to arrest the defendant, applying the exclusionary rule to suppress the results of the arrest was improper.

A. Since all evidence was lawfully obtained from the defendant, the exclusionary rule does not apply.

B. Even if the arrest was unlawful, rationales necessary to an application of the exclusionary rule are not present.

C. The exclusionary rule is inapplicable since establishing the defendant's identity was not exploitive of police misconduct.

D. Alaska Rule of Criminal Procedure 26(g) does not apply.

E. Even if the exclusionary remedy is applicable, the evidence should not have been suppressed since it would have been inevitably discovered.

II. The force used by the arresting officer was proper.

A. The use of deadly force was specifically authorized by state law.

B. The use of deadly force was constitutional.

1. The use of deadly force to arrest a fleeing felon does not violate due process.

2. The use of deadly force to arrest a fleeing felon is not an unreasonable seizure.

Opinions of Note

INVENTORY SEARCH

State of Alaska
v.
Edward A. Daniel
Opinion No. 1779
Petition for Review from the Superior Court, Fourth Judicial District, Fairbanks, Judge Gerald J. Van Hoomissen.

Dealing for the first time with the relationship between police inventory procedures of impounded vehicles and the constitutional guarantees against unreasonable searches and seizures, the supreme court held that:

". . . warrantless inventory search of closed, locked or sealed luggage, containers, or packages contained within a vehicle is unreasonable and thus an unconstitutional search under the Alaska Constitution. . . As to any closed, sealed or locked container, we hold that it is sufficient, for routine inventory purposes, that the officer merely list the item as a closed or locked footlocker, briefcase, package, or container and, if deemed necessary, remove the same for safekeeping."

This arose from the arrest of the defendant for driving under the influence of intoxicants. His vehicle was impounded and during the course of an inventory of the vehicle, after the defendant was removed from the scene, an unlocked briefcase was opened and an automatic pistol, some marijuana and a package of cocaine were discovered. A search warrant was then obtained but nothing further was found in the vehicle.

The defendant was subsequently charged with possession of cocaine, possession of marijuana for sale and carrying a concealed weapon. But, he moved for suppression of the evidence seized during the course of the warrantless search.

This was granted by the trial court judge relying on **Mozzetti v. Superior Court,** 484 P.2d 84 (Cal. 1971). He also noted the Alaska Supreme Court's holdings in **Daygee v. State,** 514 P.2d 1159, 1166-67 (Alaska 1973), specifically:

"The search . . . would only go to visible areas within easy reach of the suspect and would not permit the opening of closed spaces or opening of closed containers. The car should then be immobilized and stored pending further judicial process of search or release to a proper party . . . .

"We again reiterate that the lawful seizure of the items does not carry with it the right to open such packages at a later point in time absent a warrant or exigent circumstances. If such packages are not opened at the time of arrest, then the factors set forth in **Erickson v. State,** 507 P.2d 508 (Alaska 1973), become applicable. The circumstances relating to the opening of packages become important and there must appear independent ground other than those supporting the seizure to justify the waiver of the warrant requirements at such time."

The supreme court concluded that the superior court correctly granted Daniel's motion to suppress all evidence.

The supreme court said it believed its holding in this matter was in accordance with Art. 1, Sec. 14 of the Alaska Constitution; **United States v. Chadwick,** 433 U.S. 1, 53 L.Ed. 538 (1977); and **Mozzetti v. Superior Court,** and previous decisions of the Alaska Supreme Court.

The supreme court said that the routine police inventorying of the contents of a vehicle is a search within the meaning of Alaska's Constitution. The fact that the inventory is undertaken for the benevolent purpose of protecting the property of the driver does not change the activity, it is a governmental intrusion into an individual's privacy.

But, regarding police inventory procedures, the supreme court also held: ". . . the police, as a matter of routine inventory procedure, are entitled to catalog all articles which are not in closed or sealed containers, luggage, briefcases, and packages. We believe that inventory procedures thus limited constitute only minimal intrusions upon an owners' reasonable expectation of privacy . . . ."

In a footnote, the supreme court said: "In the event circumstances permit, the driver or owner of the vehicle should be consulted and offered the opportunity to request that an inventory be made of the contents of any closed or locked containers.

". . .Protection can also be achieved in the manner approved by the Supreme Court of California. In **Mozzetti v. Superior Court,** . . . the court observed: 'Items of value left in an automobile to be stored by the police may be adequately protected merely by rolling up the windows, locking the vehicle doors and returning the keys to the owner.' "

SEARCH AND SEIZURE

Tim Michael Cruse
v.
State of Alaska
Opinion No. 1748
Appeal from the Superior Court, Third Judicial District, Anchorage, Judge Victor

The supreme court upheld the seizure of property from the trunk of a car, pursuant to a search warrant, although the trunk previously had been searched without a warrant.

The court found in this case that the evidence presented to the district court in support of the search warrant was procured without resort to any clue or knowledge from the trunk search, and the investigation leading to the lawful search was not intensified or significantly focused by any tainted information.

In this case the appellant and two others were stopped by Alaska State Troopers following a reported robbery in Anchorage. A trooper began an inventory of the vehicle according to a policy of his department to inventory the contents of all vehicles impounded for other than evidentiary purposes.

He had opened the hood and observed a revolver, a brown paper bag and a rubber hose when an Anchorage police sergeant arrived and advised that the Anchorage Police Department would take charge of the case and that the car was wanted for evidence.

The Anchorage Police Department does not inventory impounded vehicles as a matter of course and the sergeant closed the trunk lid until he could get a search warrant.

Brief digests of Alaska Supreme Court Opinions and the criminal justice issues involved

In obtaining the warrant the police investigator and the assistant district attorney agreed not to tell the district court judge about the prior search until after the judge signed the warrant because they believed there was sufficient other probable cause to support the warrant.

The warrant was issued and a full search of the car was conducted. A gun and $990 in cash were seized.

The supreme court said: "Assuming, arguendo, the unconstitutionality of the first trunk search, the exclusionary rule would prohibit the use of both primary and derivative evidence gained from the search . . . . However, derivative evidence is not 'sacred and inaccessible." If it is gained from an independent source or has become 'so attenuated as to dissipate the taint.' it may be admissible . . .

"We must determine whether the subsequent search warrant issued as a product of the prior allegedly illegal trunk search. Although the state has the ultimate burden of persuasion on the issue of whether the subsequently obtained evidence was untainted by the prior illegality, the defendant has the initial burden of demonstrating by specific evidence that the evidence about which he complains grew out of the illegal search . . . .

"Here, the causal connection between the illegal search and the subsequent warrant is tenuous. The controverted evidence here was obtained through information wholly independent of the initial trunk search. The evidence presented to the district court in support of the search warrant was procured without resort to any clue or knowledge gained from the trunk search. The investigation leading to the lawful search was not intensified or significantly focused by reason of any tainted information . . . .

"Moreover, there was no exploitation of the alleged misconduct to discover new evidence . . . . The exclusionary rule extends only to those facts which were actually discovered through a direct process initiated by the unlawful act.

"Where the disputed evidence stems from an independent and lawful source, even though it could have emerged from the prior unlawful search as well, the evidence is admissible."

Failure to Inform Court

But, the supreme court criticized the failure of the investigator to inform the district court that a search had been conducted.

The court said: ". . . We must note that the constitutional protection against warrantless invasions of privacy is endangered by the concealment of relevant facts from the district court issuing the warrant. Warrant issue **ex parte** and the issuing court must rely upon the trustworthiness of the affidavit before it . . . .

"We believe the court must have all the pertinent facts before it in order to determine whether there is sufficient, properly obtained evidence providing probable cause for a warrant to issue. Police and prosecutors owe a duty of candor to the court, particularly in light of the **ex parte** nature of the proceedings, and must not withhold information which may taint the source of the probable cause they put forth."

But the supreme court found that the concealment in this case would not have materially influenced the district court judge to issue a warrant that he would have denied otherwise--if the district court knew the trunk lid had been opened, it would not have precluded a finding that sufficient probable cause existed to issue a search warrant.

MUNICIPAL ORDINANCE

City of Kodiak
v.
Del Jackson and Michael Howard
Opinion No. 1741
Appeal from the Superior and District Courts, Third Judicial District, Kodiak, Judge Roy H. Madsen and District Magistrate Brigitte S. McBride.

The Alaska Supreme Court said Article 10, Sec. 11 of the state constitution prohibits enforcement of a City of Kodiak ordinance which imposes a mandatory minimum sentence of imprisonment upon a conviction of assault against a police officer.

The City of Kodiak is a home rule city with a broad range of powers granted by the state constitution with Art. 10, Sec. 11 providing that a "home rule borough or city may exercise all legislative powers not prohibited by law or by charter." Art. 10, Sec. 1 further states that a "liberal construction shall be given to the powers of local government units."

The supreme court, in determining the validity of a municipal ordinance has applied the following test:

"A municipal ordinance is not necessarily invalid in Alaska because it is inconsistent or in conflict with a state statute. The question rests on whether the exercise of authority has been prohibited to municipalities. The prohibtion must be either by express terms or by implication such as where the statute and ordinance are so substantially irreconcilable that one cannot be given its substantive effect if the other is to be accorded the weight of law."

Under this test, the supreme court said the mandatory aspects of the sentencing provisions of the City of Kodiak ordinance are irreconcilable with AS 12.55.080 and AS 12.55.085 which permit trial courts execution or imposition of sentences in whole or in part.

In footnotes to the opinion the supreme court said the statutes apply with equal force to state statutes as to violations of municipal ordinances.

The court also noted that while the state, itself, has the power to enact specific exceptions to the statutes, to impose mandatory minimum sentences for certain offenses, a home rule city does not possess the same power.

In a final note the supreme court said the fact that the mandatory minimum sentence requirements of the ordinance are unenforceable does not mean that a person violating the ordinance cannot be charged, convicted and sentenced thereunder. It means that in sentencing the violator the court is not bound by the requirement of the ordinance that the offender serve a minimum term of imprisonment. Instead, the court is free to exercise its discretion according to AS 12.55.080 and AS 12.55.085.

Opinions of Note

RIGHT TO TREATMENT

Mickey Abraham
v.
State of Alaska
Opinion No. 1747
Appeal from the Superior Court, Third Judicial District, Bethel, Judges James A. Hanson and Christopher R. Cooke.

The Alaska Supreme Court held that the appellant has a constitutional right to rehabilitative treatment—in this case treatment for his problems with alcohol.

The court, therefore, ordered the case remanded back to the superior court for extensive evidentiary hearings "in order that the judiciary can take whatever steps are deemed necessary to make the constitutional right to reformation a reality and not simply something to which lip service is being paid."

The supreme court ordered that these hearings are to be "in depth, extensive in scope and adversary in nature. Every aspect of a criminal offender's right and opportunity to receive rehabilitative treatment relating to the use of alcohol, as it relates to his criminal propensities, should be explored."

This was in response to the appellant's contention that his right to rehabilitation was violated under the original sentence imposed in this case because he needed alcoholic rehabilitation. He contended this could not be provided to him within existing prison programs since he spoke only the Yupik language and there are no alcohol rehabilitation programs for such people.

Abraham also contended that the five-year sentence, with four suspended for probation, for manslaughter constituted cruel and unusual punishment because he spoke only Yupik, lived in a traditional native life style and ate only a native diet. He claimed that incarceration outside the Bethel area resulted in cruel and unusual punishment because he could not communicate with other prisoners or staff, he would not be able to participate in any programs and he would be deprived of his natural diet.

The supreme court found, however, there was nothing cruel or unusual about the sentence imposed, that problems of communication are not insurmountable and a person can adapt to any nutritious foods.

JUVENILE JURISDICTION

In Re F. S.
v.
State of Alaska
Opinion No. 1756
Petition for Review from the Superior Court, First Judicial District, Ketchikan, Judge Thomas B. Stewart.

The supreme court held that the trial court erred in finding that a 17-year-old juvenile was amenable to treatment and in denying the state's motion for waiver of juvenile jurisdiction.

This case presented a unique situation as the supreme court found no other case where a reviewing court either reversed or affirmed a lower court ruling that a 16- or 17-year-old charged with murder was amenable to juvenile treatment.

The court explained that in AS 47.10.060(d) the legislature provided that in determining the amenability of a minor to treatment the court may consider:

- the seriousness of the offense allegedly committed;
- the minor's history of delinquency;
- the probable cause of the minor's delinquent behavior; and
- the facilities available for treating the minor.

Accordingly, the supreme court has required that the trial court must make an evidentiary record and make written findings of fact, as required by Children's Rule 3(h) for each of these four factors, that these findings must be supported by substantial evidence; and based on these findings, within its sound discretion, the trial court must make a decision as to the minor's amenability to treatment.

In this case the supreme court held that the trial court's finding that the minor was not seriously delinquent is not supported by substantial evidence. The supreme court found that the minor has a long history of antisocial behavior, demonstrated a lack of concern for court orders and had a very casual attitude and virtually no remorse for present or past offenses.

Then, in determining that the trial court abused its discretion in concluding that the minor was amenable to treatment, the supreme court based its conclusion on the following factors:

- that the minor was seriously delinquent;
- that the offense involved the loss of life in a heinous manner; and
- that the minor is presently over 17½ years old, leaving little time for treatment.

The court repeated its statement in **P.H. v. State**, 504 P.2d 837, 846 (Alaska 1972):

> The peculiar facts of this case indicating very serious antisocial behavior and the inability to predicate a plan for the defendant during the short time remaining before his 19th birthday coupled with the obvious need of treatment as disclosed by the record are sufficient to justify waiver to adult jurisdiction.

The court added one comment in closing: that if the minor is convicted of first-degree murder, nothing in the opinion was meant to imply that any sentence imposed should deny the minor the rehabilitative treatment he needs.

Age for Determining Amenability

The court held that age 20 is the proper age for determining whether a minor is amenable to treatment.

A former conflict between state statutes on this subject was addressed by the supreme court in **P.H. v. State** and the legislature has amended the statutes eliminating the inconsistency. AS 47.10.060(d) provides that the determinative age is 20, and AS 47.10.080(b)(1) provides that the maximum limitation of confinement of minors is 20.

Moreover, the supreme court in **In Re J.H.B. Jr.** relied upon the amended AS 47.10.060(d), no longer following former cases which used 19 as the determinative age.

Opinions of Note

Minor's Consent

On an issue of first impression, the court said it believed the trial court erred in the weight it gave to the consent of the minor to an additional year of supervision. This consent was endorsed by the minor's counsel and guardian.

The court found persuasive the reasoning of the Washington Supreme Court in **In Re Harbert,** 538 P.2d 1212 (Wash. 1972):

> Such consent is of no value. Because of his minority, appellant could repudiate it upon reaching majority. Furthermore, jurisdiction cannot be conferred by consent or agreement.

The Alaska Supreme Court stated further that AS 47.10.080(b)(1) requires that the Department of Health and Social Services petition for an additional one-year period of supervision and that continued supervision be in the best interest of the minor before the court may order an additional year. Thus, the minor's prospective consent is not a material factor unless the other two conditions of the statute are fulfilled.

Standard of Proof

In another matter of first impression, the supreme court stated that preponderance of evidence is the proper standard of proof in determining amenability to treatment of juveniles.

The trial court erred in adopting a clear and convincing evidence standard, but the supreme court said the error was harmless in this case.

Quoting from its previous decision in **P.H. v. State.** the supreme court said:

> The statutory framework for dealing with child offenders contemplates that noncriminal treatment is to be the rule and adult criminal disposition the exception.

The court explained that other courts have given three reasons for applying the preponderance of evidence standard:

1. A remand proceeding is not criminal in nature;

2. It is not adjudicatory, but dispositional; and

3. The standard of proof generally in juvenile proceedings is the preponderance of competent evidence except in the adjudicative phase.

Moreover, the wording of AS 47.10.060(d) indicates that preponderance of evidence is the proper standard in stating: "a minor is unamenable to treatment . . . if he probably cannot be rehabilitated by treatment under this chapter before he reaches 20 years of age."

Exclusion of Evidence

The supreme court held that the trial court did not abuse its discretion in excluding evidence of alleged previous sexual assaults.

The court said the probative value of the preofferred testimony was of minimal or diminished value under the particular circumstances, and was cumulative the descriptions of the alleged incidents were described in police and psychiatric reports.

SEARCH BY PAROLE OFFICER

Louis Gonzales
v.
State of Alaska
Opinion No. 1757
Appeal from the Superior Court, Fourth Judicial District, Fairbanks, Judge James R. Blair.

The supreme court affirmed the warrantless search of the defendant's attache case by a parole officer at the time of his arrest by other law enforcement officers.

The court said there was substantial evidence supporting the determination of the trial court that the search was conducted in furtherance of the supervision of the defendant's parole.

Quoting from its previous decision in **Roman v. State,** 570 P.2d 1235 (Alaska 1977), the court said.

> . . . The right to request specimens for urinalysis and to search him and his quarters at reasonable times and in a reasonable manner to assure that he would not continue to possess illegal drugs is necessary to the proper functioning of the parole system. The right to perform such searches is limited to parole officers and peace officers acting under their direction . . . .

But, the court refused to make retroactive to this case the procedural requirement established in **Roman** that before such warrantless searches can be conducted they must be set forth among the conditions of parole. That requirement was given prospective application only.

JUVENILE RECORD

Robert Penn
v.
State of Alaska
Opinion No. 1774
Appeal from the Superior Court, Third Judicial District, Anchorage, Judge Mark C. Rowland.

The court said use of juvenile history of an offender in sentencing proceedings does not amount to the use of those proceedings as evidence against the offender within the proscription of AS 47.10.080(g).

The statute provides that no adjudication of delinquency shall afterward be deemed a criminal conviction, and that such adjudication shall not be admissible against the minor in a subsequent case in any court.

In previous cases, **Davenport v. State,** and **Berfield v. State,** 458 P.2d 1008 (Alaska 1969), the supreme court held that the consideration of the juvenile record was proper by the court imposing a sentence upon an adult offender, and that other have held similarly.

Points on Appeal

Cyrus Sanders
v.
State of Alaska
File No. 4338
Filed Oct. 11, 1978, by R. Samuel Pestinger, attorney.

The petitioner in this case raises the following points on appeal:

- That he was denied a clear forum to give testimony and to give facts for the court's adjudication of his requested relief.
- The papers attached to the Governor's Warrant from the State of Missouri were insufficient on their face, to wit: Missouri should have proceeded by indictment rather than information because the supporting affidavits were prepared two years after the information.
- The petitioner cannot be extradicted from the State of Alaska when the requesting state's information is unconstitutional within the meaning of the Fifth, Sixth, Eighth and Fourteenth Amendments.
- The petitioner has the right to have these constitutional issues adjudicated.
- The superior court judge did not permit facts to come into evidence on the issue of whether the petitioner was a fugitive from justice within the requirements of the Governor's Warrant for the State of Alaska.

Joseph T. Shine
v.
Municipality of Anchorage
File No. 4352
Filed Nov. 15, 1978 by George E. Weiss, attorney.

Appellant raises the following points on appeal:

- The superior court erred in not finding the district court in error when it denied appellant's pretrial motion to dismiss based upon the municipality's violation of appellant's speedy trial rights.
- The superior court erred in not reversing the judgment of the district court in denying the appellant's pretrial motion for dismissal as:

a. The evidence presented was clear and unrefuted in establishing the warrant officer's failure as a matter of law to use due diligence in serving the summons and complaint per the mandate of Criminal Rule 4(c)(3).

b. The municipality failed as a matter of law to exercise due diligence in the attempted service of the summons and complaint in failing to attempt to serve the complaint and summons by certified or registered mail as permitted under Criminal Code 9(c).

c. Notwithstanding the permissive nature of service under Criminal Rule 9(c), under the facts at hand, the failure to attempt service under Criminal Rule 9(c) amounted to a prejudicial and unwarranted failure on the part of the municipality to exercise due diligence in processing service upon the defendant.

d. The pretrial district court erred in that it failed to apply the mandate of Criminal Rule 45(c), 45(g), 43(c) and 7(c).

e. That as a matter of law, the preservice delay of eight or nine months on the facts at hand was prejudicial to appellant's ability to defend against the charges brought.

f. That the pretrial district court erred in making its findings of "due diligence" even though no evidence was presented to show that the evidence upon which the later charge was based was not available at the time that appellant was served with the original charge.

- That the preservice delay was in contravention of appellant's rights under the U. S. Constitution and the Alaska Constitution.

- The superior court erred in its ruling on the motion for reconsideration in that the superior court misconceived and misconstrued the material facts that:

The motion for reconsideration was made in compliance with Appellate Rule 27(a).

The district court erred in that it virtually refused to exercise its jurisdiction over the motion for reconsideration on the grounds that reconsideration would only be proper before the judge who ruled on the motion which was to be reconsidered.

Willie B. Hill, Jr.
v.
State of Alaska
File No. 3884
Filed Oct. 20, 1978 by Max Greenberg, attorney.

Appellant raises the following points on appeal:

- The appellant was denied the effective assistance of counsel.
- The court erred in admitting and playing the tape recording to the jury.
- The court erred in distributing transcripts to the jury.
- The court erred in failing to provide a transcript of the Vicki Cool trial to defense trial.
- Instructions 9 and 14 were erroneously given.
- The court erred in failing to continue the sentencing hearing so that the appellant could get a new attorney.
- The court erred in admitting the recording made by Phillip C. Herrion.
- The sentence was excessive.

Joseph T. Shine
v.
State of Alaska
File No. 4191
Filed Nov. 29, 1978 by Saul R. Friedman, attorney.

Appellant argues that AS 17.12.010 is unconstitutionally broad as it regulates conduct protected under the constitutional right of privacy as well as conduct which the state may legitimately regulate.

Donna Hagberg
v.
State of Alaska
File No. 4340
Filed Nov. 1, 1978, by Cecelia R. Brown, attorney.

Appellant raises the following points on appeal:

- The superior court erred in failing to submit defendant's proposed jury instruction.
- The superior court erred in imposing an excessive sentence.
- The superior court erred in ordering restitution as part of the sentence.

Brief descriptions of points being raised in criminal appeals filed with the Alaska Supreme Court.

Elliott P. Johnson
v.
State of Alaska
File No. 4348

Filed Nov. 9, 1978, by William H. Babcock, attorney.

The appellant raises the following points on appeal:

- The trial court erred in allowing into evidence the so-called dying declaration made by the victim of an assault (and identifying the defendant as the perpetrator of the assault) to one Vera Marvin, a licensed practical nurse who received the dying declaration in the course of treating the victim.
- The trial court erred in not allowing the prior homicide conviction of the alleged victim to be considered by the jury for the purposes of impeachment when the victim's dying declaration was the strongest evidence against the defendant.
- The trial court erred in allowing the prosecutor to exceed the scope of the examination of Vera Marvin as to prior inconsistent statements and let Mrs. Marvin testify to the entire contents of a prior statement she gave a police officer.
- The trial court further erred in allowing the jury to take the transcript of the testimony Vera Marvin gave to the police officer into the jury room as evidence.
- In the sentencing process the trial court erred in apparently taking into consideration a three-year deferred sentence given to the defendant in 1968.
- The district attorney attempted to, and possibly did improperly influence the judge in the sentencing procedure by insisting that the court in his sentencing was bound by the supreme court's opinion in the Abraham case to sentencing the defendant to a term of five years to be served, thus possibly interfering with the court's independence.

James W. Helmer
v.
State of Alaska
File No. 4383

Filed Nov. 16, 1978, by David C. Backstrom, deputy public defender.

Appellant raises the following points on appeal:

- The trial court erred in failing to grant the defendant's motion for judgment of acquittal.
- There was insufficient evidence to convict the defendant of the crime of rape and of the crime of assault with intent to kill.
- There was insufficient evidence to establish the fact that the defendant's capacity to form a specific intent to kill was diminished by the excessive use of alcohol.
- The sentence totalling 30 years was excessive.
- The trial court erred in denying defendant's motion to suppress the statement of the defendant.
- The trial court erred in admitting into evidence photographs of the victim which were hideous and so prejudicial as to outweigh their probative value.

Elijah Coleman
v.
State of Alaska
File No. 4416

Filed Nov. 14, 1978, by Richard G. Lindsley, assistant public defender.

Appellant raises the following points on appeal:

- The superior court erred in denying defendant's repeated requests for substitution of counsel.
- The superior court erred in denying defendant's motion for judgement of acquittal of assault with a dangerous weapon, based on improper instruction by the trial court.

Carl R. LaPierre
v.
State of Alaska
File No. 4425

Filed Dec. 15, 1978 by David C. Stewart, assistant public defender.

Appellant raises the following points on appeal:

- The sentence imposed was excessive.
- There was insufficient evidence admitted to support a verdict of guilty to each count.

Robert J. Sisson
v.
State of Alaska
File No. 4393

Filed Nov. 30, 1978 by Ramond A. Gillespie.

Appellant raises the following points on appeal:

- The trial court committed errors in denying defendant's proposed instruction in that a criminal assault where there is no physical contact with or injury to the victim requires a specific intent to accomplish the physical contact or inflict injury upon the victim.
- The trial court committed errors in denying defendant's proposed instruction in that a criminal assault is properly defined as an intentional attempt to do injury to another by violence where there has been no physical contact with or injury to the victim.

David H. Tugatuk
v.
State of Alaska
File No. 4402

Filed Dec. 7, 1978 by John R. Vacek, attorney.

Appellant raises the following points on appeal:

- The superior court erred in denying defendant's motion to dismiss six counts of the indictment or, alternatively not requiring the state to elect on which counts it would proceed.
- The superior court erred in denying defendant's motion to strike the entire jury panel as being improperly selected in violation of Alaska court rules and in violation of the defendant's right, under federal and state constitutions, to a jury representative of a cross-section of the community.
- The superior court erred in denying defendant's motion for a new trial based upon the failure of the superior court to instruct the jury that the defendant had no obligation to testify at trial.
- The superior court erred in imposing multiple sentences.
- The sentences imposed were excessive.

Points on Appeal

Allan Perry
v.
State of Alaska
File No. 4414

Filed Nov. 28, 1978, by William P. Bryson and Jeff Jefferson, assistant public defender, attorneys.

Appellant raises the following points on appeal:

- The trial court erred in failing to suppress evidence seized pursuant to a warrantless entry of the premises of 420 E. 14th Ave., Apt. 1.
- The trial court erred in denying defendant's motion to dismiss the indictment as a violation of Alaska Criminal Rule 45.
- The trial court erred in considering at sentencing evidence of other charged crimes for which the defendant has not been tried or convicted.
- The trial court erred, in the alternative, in failing to grant a continuance of the sentencing in this case for a sufficient period of time to allow resolution of the charged crimes prior to imposition of sentence.

John Dorman
v.
State of Alaska
File No. 4444

Filed Dec. 26 by A. Lee Petersen, attorney

Appellant raises the following points on appeal:

- The trial court erred in failing to grant defense motions for acquittal.
- The trial court erred in failing to grant the defense motion for a new trial.
- The state deprived the defendant of fair trial by misleading the jury through injecting questions and comments regarding alleged drug dealings of the defendant into the trial without substantiation.
- The state deprived the defendant of a fair trial by conducting an unfair investigation.
- The trial court erred in crucial rul ings as to the chain of custody of evidence.
- The trial court erred by giving an reasonable doubt instruction to the jury.
- The sentence imposed is excessive.

Allen Atchak
v.
State of Alaska

Filed Dec. 21, 1978, by James D. Gilmore, attorney.

Appellant raises the following points on appeal:

- The defendant was denied due process by his inability to challenge the grand jury proceedings.
- The trial court erred in refusing to give two of the defendant's proposed instruction.
- The trial court erred in refusing to make knowledge an essential element of the crime charged.
- The trial court erred in permitting the District Attorney to argue a "reasonable man" standard to the jury.
- The trial court erred in precluding defense counsel from arguing that the defendant had to know about the collision between the Chevrolet and Toyota, i.e. the accident that caused the injury, before the jury could return a finding of guilty.
- The trial court erred in refusing to give the defendant's proximate cause instruction.
- The trial court erred in refusing to give the defendant's instruction regarding statutory presumptions.

Andrew Frank
v.
State of Alaska

Filed Jan. 8, 1979 by Allan Beiswenger, assistant public defender.

Appellant raises the following points on appeal:

- The superior court judge erred in ruling that appellant's Criminal Rule 35(a) motion to reduce sentence was untimely.
- The trial court judge erred in refusing to consider the issue of hardship to appellant's family when his testimony was presented at the Criminal Rule 35(a) hearing.
- It was an abuse of discretion for the trial court judge to deny appellant's Criminal Rule 35(a) motion seeking the reduction of his sentence.

Rick C. Gottardi
v.
State of Alaska
File No. 4436

Filed Dec. 11, 1978 by Richard Yospin, assistant public defender.

Appellant raises the following points on appeal:

- It was error for the district court to deny the appellant's motion for judgment of acquittal following the close of the state's case in chief, and that it was error for the superior court to affirm the district court ruling.
- The sentence was excessive.

Donald Marsden
v.
State of Alaska
File No. 4391

Filed Nov. 24, 1978 by Winston S. Burbank, attorney.

Appellant raises the following points on appeal:

- The trial court erred in allowing Ms. Natalie Finn, assistant district attorney, to participate during trial on a limited basis, such limitation and participation being only during the times that the alleged victim was being questioned; that as a result of this limited exposure the defendant was unduly prejudiced since Ms. Finn was eight months pregnant, thereby violating the defendant's right to procedural due process of law and equal protection pursuant to the United States Constitution and the Constitution of the State of Alaska.
- The trial court erred in failing to grant funds to the defendant, said defendant having been found to be indigent, to employ an expert in order to impeach the alleged victim's assertions that the alleged sexual relationships were perpetrated by the defendant by the use of force.
- The trial court erred in not granting a new trial to defendant upon the report of Dr. Krauss, indicating that his personality profile test results were not typical of a sex offender.

Points on Appeal

Prevace Moss
v.
State of Alaska
File No. 4389

Filed Nov. 24, 1978 by Paul J. Nangle, attorney.

Appellant raises the following points on appeal:

- The trial court committed reversible error in allowing plaintiff's husband to exercise the marital privilege concerning the extent of the physical and mental injuries of the alleged rape victim when the incident complained of took place prior to his marriage to the prosecutrix.
- The trial court committed reversible error in allowing plaintiff's husband to exercise the marital privilege concerning prior inconsistent statements made to him by plaintiff and admitted to in a transcribed taped interview prior to his marriage to the plaintiff.
- The trial court committed reversible error in refusing to compel a black male witness to testify who had admitted in a taped interview that he had recent sexual contact with plaintiff prior to the alleged rape incident.
- The trial court committed reversible error in refusing to accept defendant's offer of proof concerning the taped interview of Oscar Malone conducted by Richard D. Dandis, court appointed private investigator and witnessed by Greg Rusking.
- The trial court committed reversible error in refusing to allow testimony concerning motive and tending to impeach credibility concerning plaintiff's statements as to racial bias and personal relationships.

Charles A. Johnson
v.
State of Alaska
File No. 4462

Filed Jan. 10, 1979 by Pettyjohn and Pestinger, attorneys.

Appellant raises the following points on appeal:

- That the superior court illegally denied the defendant's motion to suppress the evidence of an illegal search.
- That the superior court illegally denied the defendant's motion to suppress evidence of an involuntary confession.
- That the superior court permitted irrelevant and prejudicial evidence of prior bad acts of the defendant to be argued before the jury.
- That the superior court allowed into evidence prejudicial and irrelevant testimony by two state judicial services officers concerning an alleged threat made to a witness during trial.
- That the superior court failed to grant the motion for a mistrial for failure of discovery by the Anchorage police and the state district attorneys regarding a photo identification.

In Re L. C.
v.
State of Alaska
File No. 4411

Filed Nov. 24, 1978, by Norman S. Besman, assistant public defender.

Appellant raises the following points on appeal:

- Application for postconviction relief should have been granted.

- Minor was deprived of due process under Amendments 5 and 14 of the U.S. Constitution and Article I, Sec. 7 of the Alaska Constitution by:
  a. The court's failure to advise the minor of type of disposition which could result from violation of probation [Children's Rule 12(e)(1)];
  b. The court's failure to give the minor a separate and distinct disposition hearing [Children's Rule 22];
  c. The court's immediate disposition of a minor without sufficient information. [Children's Rule 22].

- The minor was denied effective assistance of counsel because of the above.

Roger E. Keel
v.
State of Alaska
File No. 4408

Filed Nov. 30, 1978, by Michael W. Sharon, attorney.

Appellant raises the following points on appeal:

- The district court erred by not discharging the jury panel when on voir dire a prospective juror made statements prejudicial to the defendant's case and was called as a rebuttal witness by the state.

- The district court erred by not declaring a mistrial when a prospective juror, who had made statements prejudicial to the defendant's case on voir dire, was called as a rebuttal witness by the state.

- The district court erred by admitting into evidence the breathalyzer calibration report, the certification of ampoules and the operational check list.
- The district court erred by limiting the cross examination of the police officer who conducted the breathalyzer test.

- The district court erred by making statements in front of the jury regarding the accuracy of breathalyzer analysis.

- The district court erred by allowing a nonexpert witness to testify that it was his opinion the defendant was under the influence of intoxicating beverages when that was the ultimate question of fact in issue.

- The district court erred in permitting the district attorney to question the defendant about the characterization of his own conduct as "obnoxious."

- The district court erred by not instructing the jury that a third element of the crime as charged was that the defendant's alleged intoxication influenced his ability to operate an automobile.

- The district court erred in entering a judgment against the defendant because there was insufficient evidence to support a conviction.

Village Police Training

(Continued from Page 1)

general assistance to the villages in addition to law enforcement services.

This training program underwent an evolutionary development since its inception. In the beginning the emphasis of the program was on educating the village police officers, magistrates and village members about the Anglo-American criminal justice system, and on training the village police officers in preservation of the crime scene until the arrival of a state trooper.

Specific attention was given to the educating village members and village councils on the operations of the Anglo-American criminal justice system. The understanding and support of the villages was viewed as necessary to the functioning of the village police officers.

But, in 1973 Region X of the LEAA disallowed further expenditure of LEAA funds for this purpose in spite of appeals by the Department of Public Safety.

Since then the training program has been devoted exclusively to village police officers.

The curricula presented in both the basic and advanced courses continued to evolve with increasing emphasis in actual law enforcement training.

Faced with the high attrition rate of trained officers, the Department of Public Safety expressed the belief that it was not all lost, for where the trainees remained in the village it had the effect of improving village understanding and support for the remaining officers.

Criticisms Expressed

Criticisms of the program contained in the report included the following:

- The apparent confusion or ambiguity of the stated goals expressed in the various grant applications which made evaluation of the program more difficult.
- The low priority given to the evaluation requirements of the grant applications and where accomplished little was done to record and report the results.
- Too little attention was given to the actual nature of the village police officer's role and responsibilities which deal more with problems of public safety than law enforcement. This might be noted and acted upon if more thorough evaluation had been conducted during the course of the program.

An Expensive Program

As recognized by the Department of Public Safety in its 1973 grant application, the cost of village police training is high. The $542,000 in LEAA fund alone amounted to an average cost of $1,473 for each of the 292 people trained under the program. The actual costs were even higher considering the additional expenditures by the Department of Public Safety.

The largest portion of these costs was not for actual training, but for transportation and per diem. For instance, in the 1975 grant for $153,201, $96,200 was for travel and per diem for 50 trainees and their instructors.

This need to reduce the cost of the program and the need to establish a permanent training program which can exist without continual LEAA funding were the bases for the recommendations for a cooperative effort in establishing a permanent training program. It was noted, for instance, that the Alaska Skill Center has stated it could provide a residential program in Seward at a cost of $200 a week in contrast to the $500 a week at the academy in Sitka.

The Alaska State Troopers, or borough police where they have been established, must be actively involved in any reorganization that is undertaken, according to the report. The troopers have an established legitimacy in providing this training, they have considerable experience in this area and established contacts with the villages, and it is the troopers or borough police who will provide the follow-up field training for the village officers.

Stability Must Be Established

But, stability remains a critical problem, and this is tied to the economic situation within the villages themselves. In most of the villages in Alaska there is very little economic activity, little actual paid employment. The average pay for village police officers is about $837 a month and is as low as $65 a month. Further compounding the problem is the fact that in at least 40 percent of the villages the officers are paid from CETA funds—which are presently in danger of being terminated.

As a consequence, subsistence hunting and fishing often take precedence over police duties, and the attraction of commercial fishing and other job opportunities attract many trained officers away from their villages.

Some recommended solutions to this problem were:

- increased direct support from the state,
- arrangement with the Native corporations,
- arrangements developed under borough governments, or
- reorganization within the Department of Public Safety.

(Editor's note: The Governor's Commission in December awarded $110,506 to the Police Standards Council to continue Village Police Officers' training.)

A promising possibility suggested in the report is the village public safety officer concept organized within the Department of Public Safety similar to the arrangement proposed by Bill Nix and James Messick for the Aleutian Region.

Concluding Note

In conclusion, it was stated in the report that, "At this point in time, the precise nature of a village police officer's work and related problems is still unknown. We do not know with any certainty how the village police job can, should or might be modified, and for sound village police training, it is important that information bearing on these areas be obtained and used as a basis for the curriculum of training programs."

NEW TELEPHONE NUMBERS

The Criminal Justice Center has new telephone numbers with the installation of a new telephone system at the University of Alaska in Anchorage.

These new telephone numbers are:

Criminal Justice Center:	263-1810
Alaska Justice Forum:	263-1824

Justice Training Calendar

POLICE

Mar. 3-31. Arrest and Firearms. Regional Criminal Justice Training Center. Modesto, Calif.

Mar. 5-8. Crime and the Senior Citizen. IACP. Seattle, Wash.

Mar. 5-8. Child Abuse Workshop. University of Maryland. College Park, Md.

Mar. 5-9. Sex Crimes Investigation Seminar. The Traffic Institute. Evanston, Ill.

Mar. 5-9. Police Corruption Issues. IACP. Phoenix, Ariz.

Mar. 5-9. National Institute on Training in Crisis Intervention. Southwestern Academy of Crisis Interveners. Dallas, Tex.

Mar. 6-8. Investigative Course for Patrol Officers. North Central Texas Regional Police Academy. Arlington, Tex.

Mar. 9-Jun. 8. Basic Police Academy. Regional Criminal Justice Training Center. Modesto, Calif.

Mar. 12-14. Rape Investigation. Theorem Institute. Phoenix, Ariz.

Mar. 12-16. Police Officer Survival Course. The Traffic Institute. Evanston, Ill.

Mar. 12-16. Police Planning and Research Methods. IACP. Washington, D.C.

Mar. 12-16. Advanced Techniques of Crime Analysis. Theorem Institute. Redondo Beach, Calif.

Mar. 12-23. Supervision of Police Traffic Law Enforcement. The Traffic Institute. Evanston, Ill.

Mar. 12-23. Criminal Investigation. Regional Criminal Justice Training Center. Modesto, Calif.

Mar. 14-16. Civil Liabilities for Law Enforcement and Corrections. Theorem Institute. Las Vegas, Nev.

Mar. 19-22. Investigation of Internal Theft and Fraud Workshop. Indiana University. Indianapolis, Ind.

Mar. 19-23. The Allocation and Distribution of Police Manpower. IACP. Orlando, Fla.

Mar. 19-23. Police Budget Preparation Workshop. The Traffic Institute. Evanston, Ill.

Mar. 19-23. Workshop on Interpretation of Motor Vehicle Accident Data. The Traffic Institute. Evanston, Ill.

Mar. 19-23. Hostage Rescue Operations. IACP. New Orelans, la.

Mar. 19-24. Forensic Science. University of Maryland. College Park, Md.

Mar. 19-30. Line Supervision. Southeast Florida Institute of Criminal Justice. Miami, Fla.

Mar. 26-30. Police Labor Relations. IACP. Orlando, Fla.

Mar. 26-30. Protective Services: Meeting the Clandestine Threat. New Orleans, La.

Mar. 26-Apr. 6. On-scene Accident Investigation. The Traffic Institute. Evanston, Ill.

Mar. 29-31. Scientific Investigation of Crime. University of Alaska. Fairbanks, Dept. of Continuing Studies. Fairbanks, Ak.

Apr. 2-3. Law Enforcement Data Processing. IACP. Orlando, Fla.

April 2-6. Jail Operations. Regional Criminal Justice Training Center. Modesto, Calif.

Apr. 2-13. Organized Crime Command Seminar. Institute of Organized Crime. Miami, Fla.

Apr. 9-11. Workshop on Police Civil Liability and Defense of Citizen Misconduct Complaints. Americans for Effective Law Enforcement. New Orleans, La.

Apr. 9-11. Weapon Selection: Body Armor, Weapons and Ammunition. IACP. Philadelphia, Pa.

Apr. 9-12. The Police Role in Child Abuse and Neglect. IACP. Denver, Colo.

Apr. 9-27. Technical Accident Investigation. The Traffic Institute. Evanston, Ill.

Apr. 16-20. Advanced Officer. Regional Criminal Justice Training Center. Modesto, Calif.

April 16-20. Investigative Photography I. University of Maryland. College Park, Md.

Apr. 19-21. Police Corruption Workshop: State of the Art in Police Integrity Techniques. John Jay College of Criminal Justice. New Orleans, La.

Apr. 23-27. Investigative Photography II. University of Maryland. College Park, Md.

Apr. 23-26. The Police Executive and the Law. IACP. Salt Lake City, Utah.

Apr. 23 27. Police Records and Communications. IACP. Williamsburg, Va.

Apr. 23-27. Productivity Improvement. IACP. Orlando, Fla.

Apr. 23-May 4. Coroner Training. Regional Criminal Justice Training Center. Modesto, Calif.

Apr. 23-May 4. Supervision of Police Personnel. The Traffic Institute. Evanston, Ill.

Apr. 24-26. Investigative Course for Patrol Officers. North Central Texas Regional Police Academy. Arlington, Tex.

Apr. 25-27. Crisis Management for Law Enforcement Officers. Theorem Institute. Atlanta, Ga.

April 26-July 20. Basic Police Academy. Regional Criminal Justice Training Center. Modesto, Calif.

Apr. 30-May 2. Controlled Use of Force. Theorem Institute, Phoenix, Ariz.

Apr. 30-May 3. The Civil and Vicarious Liability of Police. IACP. Williamsburg, Va.

Apr. 30-May 4. Crime Analysis. IACP. Canton, Ohio.

Apr. 30-May 4. Field Training Officer. Regional Criminal Justice Training Center. Modesto, Calif.

May 7-11. Vehicle Theft Investigation. Regional Criminal Justice Training Center. Modesto, Calif.

May 7-11. Robbery. University of Maryland. College Park, Md.

May 7-18. On-scene Accident Investigation. The Traffic Institute. Evanston, Ill.

May 14-16. Workshop on Police Civil Liability and Defense of Citizen Misconduct Complaints. Americans for Effective Law Enforcement. San Francisco, Calif.

May 14-17. Developing Police Computer Capabilities. IACP. Dallas, Tex.

May 14-18. Hostage Rescue Operations. IACP. Seattle, Wash.

May 14-18. Burglary. University of Maryland. College Park, Md.

May 14-25. Law Enforcement Training: Managing and Instruction. Southern Police Institute. Louisville, Ky.

May 14-25. Law Enforcement Supervision. Regional Criminal Justice Training Center. Modesto, Calif.

May 17-19. Check Forgery, Check Fraud and Investigation. University of Alaska, Fairbanks. Fairbanks, Ak.

May 20-25. Supervising Police Personnel. Southeastern Law Enforcement Programs. Atlanta, Ga.

May 20-June 1. The Management of Police Organization. Southeastern Law Enforcement Programs. Atlanta, Ga.
May 21-23. Assessment Center Method. IACP. Washington, D.C.
May 21-25. Robbery and Burglary Control Workshop. The Traffic Institute. Evanston, Ill.
May 21-25. Syndicated and Conspiratorial Crime. IACP. Washington, D.C.
June 4-8. Developing Administrative Staff Skills. IACP. Williamsburg, Va.
June 4-8. Traffic Accident Investigation. Regional Criminal Justice Training Center. Modesto, Calif.
June 4-15. Homicide Investigation. Southern Police Institute, Louisville, Ky.
June 11-14. Police Discipline. IACP. San Francisco, Calif.
June 18-20. Internal Affairs. Southern Police Institute. Louisville, Ky.
June 18-22. Police Planning and Research Methods. IACP. San Francisco, Calif.
June 18-22. Crowd and Spectator Violence. IACP. Chicago, Ill.
June 25-29. Police Juvenile Procedures. IACP. Madison, Wis.
June 25-29. Police Facilities Planning and Design. IACP. Southfield, Mich.
July 9-11. Police Fleet Management. IACP. Nashville, Tenn.
July 9-13. Physical Fitness Programs for Police. IACP. Milwaukee, Wis.
July 16-20. Police Labor Relations. IACP. Madison, Wis.
July 16-20. The Allocation and Distribution of Police Manpower. IACP. Denver, Colo.
July 23-27. Protective Services—Meeting the Clandestine Threat. IACP. Montreal, Quebec, Canada.
July 23-27. Management of Job-related Stress. IACP. San Antonio, Tex.
Aug. 5-Nov. 2. Administrative Officers Course. Southern Police Institute. Louisville, Ky.
Aug. 6-9. The Civil and Vicarious Liability of Police. IACP. Portland, Maine.
Aug. 6-9. The Police Role in Child Abuse and Neglect. IACP. Chicago, Ill.
Aug. 6-10. Police Records and Communications. IACP. Nashville, Tenn.
Aug. 13-15. Weapon Selection. IACP. San Antonio, Tex.
Aug. 13-17. Hostage Rescue Operations. IACP. Hartford, Conn.
Aug. 20-23. Developing Police Computer Capabilities. IACP. Philadelphia, Pa.
Aug. 20-24. Police Community Relations. IACP. Minneapolis, Minn.
Aug. 20-24. Crime Analysis. IACP. Dallas, Tex.
Aug. 27-30. The Police Executive and the Law. IACP. Washington, D.C.
Aug. 27-31. Police Corruption Issues. IACP. Norfolk, Va.

PROSECUTION

Mar. 4-7. Prosecuting Drug Cases. National College of District Attorneys. Tampa. Fla.
Mar. 18-20. Prosecuting Crimes against Property. National College of District Attorneys. New Orleans, La.
Apr. 1-5. Organized Crime, Part II. National College of District Attorneys. Houston, Tex.
Apr. 22-26. Trial Techniques. National College of District Attorneys. Boston, Mass.
Apr. 29-May 4. Prosecutor's Office Administrator Course, Part III. Houston, Tex.
June 10-16. Executive Prosecutor Course. National College of District Attorneys. Houston, Tex.
July 8-28. Career Prosecutor Course. Houston, Tex.

DEFENSE

Feb. 23-24. Defending Crimes of Violence—Homicides, Assaults and Rapes. Practicing Law Institute. Denver, Colo.
Mar. 23-24. Defending Crimes of Violence—Homicides, Assaults and Rapes. Practicing Law Institute. New York, N.Y.
Aug. 8-15. ABA Annual Meeting. Dallas, Tex.

JUDICIAL

Mar. 9-10. National Center for State Courts Board of Directors. Santa Fe, N. Mex.
Mar. 12-16. Appellate Judges Writing Program. American Academy of Judicial Education. Kissimmee, Fla.
Mar. 12-16. Trial Judges Writing Program. American Academy of Judicial Education. Kissimmee, Fla.
Mar. 18-21. Annual Conference of the National Council for Judicial Planning. New Orleans, La.
Mar. 18-23. Management for Justice System Supervisors. Institute for Court Management. New Orleans, La.
Mar. 25-29. Appellate Judge's Seminar. ABA and Appellate Judge's Conference. Atlanta, Ga.
Mar. 26-30. Law and Psychiatry. American Academy of Judicial Education. Coral Gables, Fla.
Apr. 1-4. Consolidating Trial Courts. Institute for Court Management. Denver, Colo.
Apr. 1-6. Information Processing Systems. Institute for Court Management. Denver, Colo.
Apr. 22-25. Management of Criminal Cases. Institute for Court Management. Denver, Colo.
Apr. 22-26. Appellate Judge's Seminar. ABA and Appellate Judge's Conference. Chicago, Ill.
Apr. 23-25. Criminal Law II. American Academy of Judicial Education. Phoenix, Ariz.
Apr. 26-28. Evidence II. American Academy of Judicial Education. Phoenix, Ariz.
May 9-12. Strengthening the Executive Component of the Court. Institute for Court Management. Denver, Colo.
May 20-24. Appellate Judge's Seminar. ABA and Appellate Judge's Conference. Williamsburg, Va.

June 10-15. Caseflow Management and Juror Utilization. Institute for Court Management. Snowmass, Colo.
June 17-20. 26th National Institute on Crime and Delinquency. Hartford, Conn.
June 18-22. Practicalities of Judging, Jurisprudence and the Humanities. American Academy of Judicial Education. Cambridge, Mass.
June 24-28. Management: Principles and Effective Practices. Institute for Court Management. Snowmass, Colo.
June 24-29. Juvenile Justice Management —Basic Seminar. Institute for Court Management. Snowmass, Colo.
June 15-16. National Center for State Courts Board of Directors. Denver, Colo.

July 9-13. Citizen Judges Academy. American Academy of Judicial Education. Boulder, Colo.
July 9-20. Trial Judges Academy. American Academy of Judicial Education. Boulder, Colo.
July 10-13. 11th Annual Conference of the National Association for Court Administration. Sarasota, Fla.
July 10-13. 14th Annual Conference of National Association of Trial Court Administration. Sarasota, Fla.
July 21-Aug. 17. Residential Seminar. Institute for Court Management. Colorado.
July 23-27. Appellate Judges Writing Program. American Academy of Judicial Education. Boulder, Colo.
July 23-27. Trial Judges Writing Program. American Academy of Judicial Education. Boulder, Colo.

July 29-Aug. 2. 6th Annual Conference of the National Conference of Appellate Court Clerks. Monterey, Calif.

July 31-Aug. 3. Planning and Evaluating Jury Management Systems. Institute for Court Management. Snowmass, Colo.

Aug. 4-8. Annual Meeting of Conference of Chief Justices and Conference of State Court Administrators. Flagstaff, Ariz.

Aug. 5-8. Management of Adult Probation Services. Institute for Court Management. Snowmass, Colo.

Aug. 6-10. Citizen Judges Academy. American Academy for Judicial Education. Charlottesville, Va.

Aug. 6-17. Trial Judges Academy. American Academy of Judicial Education. Charlottesville, Va.

Aug. 12-15. Developing Systems and Procedures in Misdemeanor Courts. Institute for Court Management. Snowmass, Colo.

Aug. 20-24. Fact Finding. Decision Making and Communication. American Academy of Judicial Education. Durham, N.H.

CORRECTIONS

Feb. 26-Mar. 2. Correctional Ancillary Program. Regional Criminal Justice Training Center. Modesto, Calif.

Mar. 4-9. Constitutional Jails. National Institute of Corrections. Boulder, Colo.

Mar. 4-14. Workshop for Correctional Agency Trainers. National Institute of Corrections. Kansas City, Mo.

Mar. 5-16. Basic Correctional Academy. Regional Criminal Justice Training Center. Modesto, Calif.

Mar. 6-8. Training for Trainers. Regional Criminal Justice Training Center. Modesto, Calif.

Mar. 12-13. Community Resources Utilization in Treatment Planning. Regional Criminal Justice Training Center. Modesto, Calif.

Mar. 14-16. Civil Liabilities for Law Enforcement and Corrections. Theorem Institute. Las Vegas, Nev.

Mar. 18-24. Seminar on Planning for Opening a New Institution. National Institute of Corrections. Boulder, Colo.

Mar. 19-23. Correctional Ancillary Program. Regional Criminal Justice Training Center. Modesto, Calif.

Apr. 2-13. Basic Correctional Academy. Regional Criminal Justice Training Center. Modesto, Calif.

Apr. 23-27. Basic Juvenile Hall. Regional Criminal Justice Training Center. Modesto, Calif.

Apr. 20-May 11. Basic Correctional Academy. Regional Criminal Justice Training Center. Modesto, Calif.

May 6-10. Practical Law for Correctional Officers. National Institute of Corrections and National Street Law Institute. Boulder, Colo.

May 6-12. Constitutional Jails. National Institute of Corrections. Boulder, Colo.

May 9-11. Crisis Intervention. Regional Criminal Justice Training Center. Modesto, Calif.

May 13-18. Seminar on Jail Classification and Intake Services. National Institute of Corrections. Boulder, Colo.

May 21-25. Advanced Juvenile Hall Training. Regional Criminal Justice Training Center. Modesto, Calif.

June 4-5. Narcotics and Dangerous Drugs. Regional Criminal Justice Training Center. Modesto, Calif.

June 4-8. Training for Trainers. Regional Criminal Justice Training Center. Modesto, Calif.

June 4-15. Basic Correctional Academy. Regional Criminal Justice Training Center. Modesto, Calif.

June 11-12. Reality Therapy. Regional Criminal Justice Training Center. Modesto, Calif.

June 18-22. Correctional Ancillary Program. Regional Criminal Justice Training Center. Modesto, Calif.

July 9-20. Basic Correctional Academy. Regional Criminal Justice Training Center. Modesto, Calif.

July 23-27. Correctional Ancillary Program. Regional Criminal Justice Training Center. Modesto, Calif.

Aug. 19-24. Seminar on Jail Standards and Inspection Systems. National Institute of Corrections. Boulder, Colo.

JUVENILE

Mar. 25-29. Sixth National Conference on Juvenile Justice. National College of Juvenile Justice. Miami Beach, Fla.

Apr. 2. Juvenile Court Law. Regional Criminal Justice Training Center. Modesto, Calif.

CRIME PREVENTION

Feb. 26-Mar. 2. Developing and Managing Crime Prevention Programs. National Crime Prevention Institute. Louisville, Ky.

Apr. 2-13. Crime Prevention Technology and Programming. National Crime Prevention Institute. Louisville, Ky.

Apr. 23-27. Developing and Managing Crime Prevention Programs. National Crime Prevention Institute. Denver, Colo.

May 7-11. Developing and Managing Crime Prevention Programs. National Crime Prevention Institute. Baton Rouge, La.

June 4-29. Crime Prevention, Theory, Practice and Management. National Crime Prevention Institute. Louisville, Ky.

MANAGEMENT

Mar. 12-14. Strategies for Change. Theorem Institute. Las Vegas, Nev.

Mar. 13-14. Risk Management. Theorem Institute. Denver, Colo.

Mar. 16. Information Systems. Theorem Institute. San Mateo, Calif.

Apr. 2-3. Use of Structured Experiences. Theorem Institute. Phoenix, Ariz.

Apr. 4-6. Computer Planning. Theorem Institute. Atlanta, Ga.

Apr. 4-6. Evaluation Workshop. Theorem Institute. Phoenix, Ariz.

Apr. 5-6. Risk Management. Theorem Institute. Phoenix, Ariz.

Apr. 23-24. Conference/Workshop Planning. Theorem Institute. Atlanta, Ga.

Apr. 23-27. Criminal Justice Fiscal Administration Techniques and Practices. Regional Criminal Justice Training Center. Modesto, Calif.

May 7-July 27. Administrative Management Institute for Public Officials. University of Pittsburgh. Pittsburgh, Pa.

GENERAL

Apr. 28-29. National Association of Pretrial Services, Business Meeting. Louisville, Ky.

Apr. 30-May 2. National Symposium on Pretrial Services. Louisville, Ky.

PRIVATE POLICE

Mar. 12-16. Assets Protection Course. American Society for Industrial Security. Los Angeles, Calif.

Mar. 29-30. Private Patrol Arrest Function. Regional Criminal Justice Training Center. Modesto, Calif.

Apr. 23-May 4. Private Patrol Academy. Regional Criminal Justice Training Center. Modesto, Calif.

LEGISLATURE

July 17-20. Judicial Administration for State and Local Legislative Officials. Institute for Court Management. Snowmass, Colo.

Proposed Legislation

The following are brief descriptions of legislation introduced during the first week of the 1979 legislative session.

JUDICIAL FORFEITURE

SB 7 – To amend AS 16.05.190 relating to the judicial forfeiture or confiscation of vessels, aircraft, vehicles or other hunting and fishing paraphernalia used in violation of state fish and game regulations –deleting references to judicial rule. Adds AS 16.05.197 providing that such cannot be forfeited if owner was not a consenting party or privy to the violation, or vessel, aircraft or vehicle used as a common carrier. Also providing that a holder of a lien or mortgage may appear before the court for remittance or mitigation of the forfeiture.

JUDICIAL ELECTION

SJR 3 – Proposes amendments to the Alaska Constitution for the election of Supreme Court Justices and Superior Court Judges. Supreme Court Justices to be elected for six-year terms and can serve no more than two successive terms. Superior Court Judges to be elected for four-year terms and can serve no more than three successive terms.

ELECTED ATTORNEY GENERAL

SJR 4 – Proposes amendments to the Alaska Constitution for the election of the Attorney General to serve a six-year term and cannot serve more than two successive terms.

VOLUNTEER POLICE

SB 4 – To amend AS 23.30.092 to allow provision of worker's compensation for volunteer plicemen.

CRIMINAL MISCHIEF

SB 28 – To amend AS 46.484(a) relating to criminal mischief by adding subsection (4) relating to persons tampering with fire protection or other safety device.

CHILD CUSTODY

SB 34 – To amend AS 47.10.230(e) relating to the placement of children in state custody, to read: "A child in need of aid may not be placed in a foster home or in the care of an agency or institution providing care for children if a blood relative exists who requests custody of the child . . . ."

FISH AND GAME

SB 52 – To amend AS 16.05.094(21) relating to floatplanes under the Fish and Game Code providing that a vessel does not include floatplanes; and adding a section defining aircraft.

MARIJUANA

SB 49 – To amend AS 17.12.110(a) making possession of marijuana a misdemeanor punishable by imprisonment for not more than one year or a fine of not more than $1,000, or both.

INTERSTATE CORRECTIONS COMPACT

SB 32 – An act to adopt the Interstate Corrections Compact in which participating states may contract among themselves for the placement of inmates.

DEFRAUDING AN INKEEPER

SB 36 – To amend AS 34.03.285 by adding a new section related to defrauding an innkeeper and making it a misdemeanor offense.

PROBATE CODE

SB 56 – To amend AS 13.11.305(b) relating to the effect of homicide under the uniform Probate Code, extending the provision to multiparty accounts.

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