

# Alaska Justice Forum

## IN THIS ISSUE:

- Project Prosecutor
- Rape Crisis Program
- Washington Juvenile Code
- Winter Class Schedule

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## Project Prosecutor

by Kevin Bruce  
Research Assistant

An analysis of Department of Law data reveals that:

... Too many cases are being rejected after an initial charge;

... Individuals coming into first contact with the Criminal Justice System are being grouped with more serious offenders and recidivists;

... Police are not receiving the level of assistance in case preparation needed for legally complex cases.

All of which are problems present in national and state justice systems—problems needing solutions.

The Criminal Division of the Department of Law, in conjunction with the Criminal Justice Center, University of Alaska, is addressing these problems in Alaska with Project PROSECUTOR.

Project PROSECUTOR is an acronym for PROSecutor's Enhanced Charging Using Tested Options and Research. Its purpose is to aid the Department of Law in its efforts to:

1. improve the processing of criminal cases, with emphasis on the development of a meaningful screening system, incorporating uniform guidelines and factual adversary hearings;
2. provide a data base which will permit the refinement and further development of justice management capabilities;
3. meet recently developed National Prosecutor Standards in the areas of intergovernmental relations, investigations, screening, charging and diversion.

4. meet the State's Criminal Justice Plan for 1978, including improved police/prosecutor communications, diversion programs for adults, and development of a comprehensive organization and manpower plan for the Department of Law.

Project PROSECUTOR is actually three interrelated projects under one administrative umbrella:

1. Improved prosecutor screening;
2. Pretrial intervention and diversion; and
3. Police legal advisor services.

Because there are areas of overlap between these three project areas with each having an impact on the others, all are conducted from one office area. This is to enhance departmental cooperation and coordination of effort with Daniel W. Hickey, chief prosecutor of the criminal division of the Department of Law, serving as project director.

Professor Peter S. Ring of the Criminal Justice Center will be project manager and the Center's responsibilities will include training project staff, research in developing charging criteria and guidelines, and developing management information systems, such as a manual of criminal law procedure for police officers.

Some sections of PROSECUTOR have become operational already in the areas of pretrial intervention, police legal advising and the preliminary screening experiment.

The establishment of the Anchorage Pretrial Intervention Project, under the direction of Chris Cobb, Dept. of Law, commenced in March of this year.

This area of PROSECUTOR is based on the assumption that the influences which could reduce recidivism should occur during the initial stages of offender contact with the criminal justice system, and is geared toward property crimes. Goals of this specific project include; reducing the cost of processing offenders, coordinating human support services (i.e., National Alliance of Businessmen, New Start Center, Open Door Clinic, etc.), and reducing the recidivism rate of those processed through the project.

Gene Cyrus is Coordinator of the Police Legal Advisor Project which began operations in July of 1978. The Project's functions are threefold:

First and foremost is an advisory agency to police officers on cases under investigation. Included in this capacity is assistance in procuring warrants and appearing with officers at an offender's initial hearing.

Secondly, the Advisor Project holds informational lectures and discussions with law enforcement agencies on new aspects of the law. Agencies already receiving this service include the Alcohol Control Board, Anchorage Police Dept., Alaska State Troopers, Airport Security and the Dept. of Motor Vehicles.

Finally, the project gives officers special legal assistance in complex cases and procedural matters, and assists the Pretrial Project in overload situations.

The Preliminary Hearing Experiment is under the direction of Jim Gould and Monica Jenicek.

(Continued on Page 3)

# Rape Crisis Program

by Sema Lederman  
Community Crime  
Prevention Program

The rape crisis program STAR (Standing Together Against Rape), was organized through the auspices of the Community Crime Prevention Program, a state-wide LEAA program, and the assistance of three VISTA volunteers.

On May 6, 1978, STAR volunteers began a 24-hour crisis intervention and advocacy service for Anchorage victims of sexual assault. The 30 volunteers respond to calls that are channeled through the Anchorage Municipality's Dept. of Health Crisis Line. Volunteer advocates are prepared to meet the victim at her home, the hospital, police or state troopers' offices, or other locale specified by the victim.

## Multiple Problems

The initial problems of the rape victim are many. One is that of physical injury. Additionally, the rape victim must cope with her own feelings, which generally include humiliation, anger, guilt, and powerlessness. She must cope with the reactions of her family and friends. She must know immediately how and where to obtain proper medical treatment. She must be prepared to cope with the trauma of going through a police investigation and possible prosecution.

## Trained Volunteers

STAR has volunteer advocates trained in police, medical, and legal procedures with relevant information on hand. This information is passed on to the victim, lightening her load and perhaps helping her to be a better witness should her case go to court.

Both emotional and physical support is given to rape victims and their families; as well as helping in pressing criminal charges if they choose to do so; applying to the Violent Crimes Compensation Board; and insuring speedier and more sensitive treatment by the police and hospitals.

## Benefit to Law Enforcement

Having STAR advocates help rape victims deal with their physical and emotional needs is not only helpful to the

victims and their families but is also beneficial to law enforcement personnel. A rape advocate can give a victim the opportunity to express her feelings and ventilate her emotions, allowing her to be a better witness during investigation.

An advocate can also familiarize a victim with the procedures involved in a rape case so she can better prepare herself for a medical examination, investigation, and possible prosecution.

Third-party reports can also be taken by advocates. These reports are submitted to the police department informing them of certain high crime areas or providing more descriptive information on a repeat offender which may be helpful in arresting the assailant on another charge.

After 18 weeks into the program, STAR has received 35 calls from rape victims. A good working relationship has been established with the police, state troopers, hospitals, and the District Attorney's office. STAR is now incorporating as a private nonprofit corporation and seeking grant funds, not only to continue and expand services in Anchorage, but to

provide training and assistance to fledgling rape crisis groups in other communities.

STAR has thus far received requests for such assistance from community volunteers and police in Valdez, Unalaska, and Kodiak.

## Growing Problem

The magnitude of rape in Alaska can hardly be understated. Alaska's rate of rape is three times the national average, the second highest in the United States. (Only Nevada has a higher rate.) In 1977, reported rapes increased by 33% over the previous year, while total violent crimes decreased by 2%.

## Prevention

STAR volunteers not only provide information and comfort to rape victims, but teach rape prevention in schools, institutions, such as McLaughlin Youth Center and Booth Memorial Home, women's clubs, and professional, social, civic, and church organizations. They also train police, prosecutors, medical, and mental health personnel in rape sensitivity and awareness.

# Winter Class Schedule

## BACCALAUREATE PROGRAM

### UNIVERSITY OF ALASKA, ANCHORAGE

Course No.	Title	Cred.	Days	Time	Instructor	Dates
JUST 110	Intro. to Justice	3	TTh	1:30- 3:00pm	Angell	1/16-5/3
JUST 221	Justice Organization- Management	3	MW	11:30- 1:00pm	Angell	1/15-5/4
JUST 250	Development of Law	3	MWF	8:15- 9:15am	Conn	1/15-5/4
JUST 251	Criminology	3	MW	1:30- 3:00pm	Endell	1/15-5/2
JUST 330	Justice and Society	3	TTh	11:30- 1:00pm	Havelock	1/16-5/3
JUST 331	Business Law	3	TTh	5:00- 6:30pm	Havelock	1/16-5/3
JUST 393	Legal Analysis and Writing	3	MW	6:45- 8:15pm	Ring	1/15-5/2
JUST 393B	Juvenile Procedure	3	Th	6:45- 8:15pm	Lembo	1/18-5/3
JUST 398	Practicum	1-6	To be arranged		Barry	1/15-5/3
JUST 436	Courts and Civil Liberties	3	MW	9:45-11:15am	Havelock	1/15-5/2
JUST 440	Police Administration	3	TTh	9:45-11:15am	Angell	1/16-5/3
JUST 451	Planning, Research and Policy Analysis	3	MWF	9:30-10:30am	Ring	1/15-5/5
JUST 455	Rural Justice	3	W	6:45- 9:45pm	Conn	1/17-5/2
JUST 480	Correctional System Management	3	T	6:45- 9:45pm	Endell	1/16-5/1
JUST 493	Seminar in American Legal History	3	M	6:45- 9:45pm	Conn	1/15-4/30

# Washington Juvenile Code

The State of Washington has adopted a sweeping new juvenile code which went into effect July 1 replacing the state's original code adopted in 1913.

The new code revolutionized the basic, underlying concepts of the very purpose of the Juvenile Justice System in that state.

## Court Not Responsible to Rehabilitate

The code reflects the belief that the first responsibility of the juvenile court is not to rehabilitate young people.

Instead, the first responsibility of the juvenile court, its primary function, is that of a trier of fact and adjudicator of conflict.

As reported in the Criminal Justice Newsletter (Vol. 9, No. 12, June 19, 1978) (citing a report of the Washington Department of Social and Health Services), the Washington legislature took two clear stands in adopting the new code:

1. That children who have not committed crimes should not be processed through the criminal justice system.
2. That children who have committed crimes should receive dispositions based on the seriousness of their immediate offense, their age, and their past criminal record rather than the nature of their past social history.

## Narrows Court Jurisdiction

Accordingly, under the first principle, the new code substantially narrows the court's jurisdiction over status offenders.

Under the new code police are authorized to take into custody runaways and juveniles who constitute a danger to themselves, but for no more than 12 hours.

Such juveniles are to be returned home or given a temporary placement by the DSHS. They are no longer to be referred to the juvenile courts.

With some, limited exceptions, the past practice of placing dependent children and status offenders in juvenile detention centers is prohibited. The DSHS is to provide alternate, nonsecure placement instead.

The exceptions are: 1) children who have been placed in a nonsecure facility

and run away; and 2) children who refuse to go home and refuse to be placed in an alternative residential facility.

## To Reunite the Family

The purpose of these status offender provisions is to reunite the family and resolve family conflict in the least restrictive setting possible.

This ends a long history of juvenile court involvement as the agency of first resort for youth in trouble with that responsibility now being transferred to the Department of Social and Health Services.

## Determinate Type Sentencing

The provisions of the new code governing delinquency create determinate sentence type of framework.

All youths whose criminal history includes no more than three misdemeanors must be offered a diversion agreement in lieu of prosecution. Such diversion may also be offered to some others whose offenses fall in less serious categories.

Such diversion agreements may require restitution; or up to 150 hours of community service; and/or informational, educational or counseling program.

Youths who do not qualify for diversion are classified as either:

- a) minor or first offenders.
- b) middle offenders.
- c) serious offenders (equivalent to Class A felony offenders)

Under the determinate sentence-type provisions of the new code, the juvenile court's discretion is limited in dealing with these offenders.

For minor or first offenders the juvenile court may order only community supervision (probation).

For the most serious offenders the court must follow a schedule of determinate sentences devised by the DSHS, unless an exception is warranted on grounds of "manifest injustice."

Only in the disposition of middle offenders does the juvenile court retain a degree of flexibility.

## Restitution Required

In addition to these provisions, the code requires that any juvenile who commits a crime that causes loss or damage must make restitution.

## Prosecutors Must Screen

The new code also places new responsibility on prosecutors in the state. The code requires that prosecutors, either instead of or in addition to probation officers, must screen complaints referred to the juvenile court. But prosecutors may decline to review some specific types of misdemeanors.

Further information can be obtained from:

Robert Quant  
Director  
Division of Community Services  
Department of Social and Health Services  
Mail Stop OB42-J  
Olympia, Washington 98504

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## Prosecutor

(Continued from Page 1)

Handling primarily felonies, this project is examining the expanded use of preliminary hearings rather than utilizing the grand jury system.

The basis for directing most cases through preliminary hearings, including sensitive cases (i.e., sex crimes), is to provide a fairer forum to the defendant by offering an adversary hearing in which the evidence against the defendant is more fully developed and challenged. In this manner the ban on plea bargaining is upheld by this "sifting" of unsure cases and subsequent prosecution of those with stronger evidence. This preliminary hearing experiment, in conjunction with charging criteria being jointly developed by the Criminal Justice and the Department of Law comprises the prosecutorial screening project.

Monitoring and evaluation of Project PROSECUTOR will be performed by two agencies on separate specific areas. The Alaska Judicial Council will be responsible for primary performance evaluation on the aspects of preliminary hearing experiment, with an evaluation of screening being performed by the Criminal Justice Center. The Center will also be responsible for evaluating the specific areas of Police/Legal Advisors and Pretrial Intervention.

# Opinions of Note

## HEARSAY BEFORE THE GRAND JURY

### SEARCH AND SEIZURE

Carl David Metler

v.

State of Alaska

Opinion No. 1678

Appeal from the Superior Court, Third Judicial District, Anchorage, Judge Eben H. Lewis.

The supreme court said it was error to present hearsay evidence to the grand jury in this case as there was no "compelling reason for the absence of the two handwriting experts involved."

Additionally, no background information was given to the grand jury regarding the two experts, and no written reports were submitted regarding their findings.

The experts were described to the grand jury only as a "handwriting examiner in Seattle, Washington," and a "local examiner."

Their absence was explained because of the "expense of travel," "busy schedule," and the need for "compensation for time."

Repeating his holding in *State v. Giefels*, 554 P.2d 460, 465 (Alaska 1976), the supreme court said: "The mere expense of transportation for the absent witness is not a reason which we feel makes it necessary to use hearsay."

In this case, the supreme court said there may have been other factors beyond the mere cost of transportation not apparent from the record which would justify the absence of the Seattle examiner, but, if not, the admission of the statements of this hearsay declarant was error.

Regarding the local examiner, the supreme court said the need for compensation for his time was not a compelling reason for the use of his hearsay declaration.

In *Taggard v. State*, 500 P.2d 238, 242-43 (Alaska 1972), the court gave a two-prong test which hearsay evidence must meet to be sufficient to support a grand jury indictment:

1. The evidence must present a sufficiently detailed account of the defendant's activity.

2. The hearsay declarant must be sufficiently reliable.

In *McKinnon v. State*, 526 P.2d 18, 27 (Alaska 1974), the supreme court held that the reliability of a laboratory technician could be established by evidence of his professional status and the technician's written report in *McKinnon* contained the pertinent facts needed by the grand jury.

But, in this case, no background information was given regarding the handwriting experts and no written reports were submitted and the supreme court concluded that the reliability of the handwriting experts was not sufficiently established to meet the tests of *Taggard* and *McKinnon*.

But, the supreme court said that under the circumstances of this case the errors were harmless. The grand jury had before it the extortion notes which provided evidence of the attempted crime, and the direct testimony of the two investigating officers who related the fact that the defendant had confessed to the crime.

In so doing, the supreme court said the superior court had erred in suppressing items seized pursuant to a search warrant.

The lower court had ruled that the arrest warrant was valid, but that the search warrant was insufficient on the grounds that there was no probable cause to believe that the items listed, such as a typewriter and Adidas running shoes, would be found in the defendant's home.

The supreme court said the federal courts have upheld searches even when the nexus between the items seized and the place to be searched was not based on direct observation, but based on other factors such as the type of crime, the nature of the items listed, the opportunity for concealment, and normal inferences as to where such property would likely be hid.

In this case, the supreme court said, there was reason to believe that Metler had access to a typewriter and running shoes, and the nature of the items and the normal inferences of where such property would most likely be kept could reasonably lead a district court judge to believe they would likely be found at the suspect's home.

The supreme court said additionally, "Great deference should be given to the findings of the district court judge issuing the search warrant . . . the resolution of doubtful or marginal cases in this area should be largely determined by the preference to be accorded to warrants . . ."

## SELF-DEFENSE INSTRUCTION

Vincent Toomey

v.

State of Alaska

Opinion No. 1680

Appeal from the Superior Court, Fourth Judicial District, Fairbanks, Judge Everett W. Hepp.

At trial the defendant had contended that, while he had initiated or caused the problem, he had abandoned his aggressive intent and his subsequent actions were in self-defense.

The only argument raised on appeal was that the instruction on self-defense given to the jury shifted the burden of proving self-defense from the prosecution to the defendant, citing particularly the portion which read:

"The defense is ordinarily not available to a person who provokes a difficulty from which he attempts to extricate himself with excessive force unless there is a clear showing that such person abandons his initial purpose and retreats from the difficulty initially provoked and is placed in danger thereafter by an aggressive act of another (emphasis added).

The court explained that while ordinarily a person who provokes a difficulty forfeits the opportunity to claim self-defense, it is established that where the initiator abandons his aggressive posture and then is subjected to an assault or attempted assault, the privilege of self-defense may be asserted.

In the court's view, the questioned portion of the self-defense instruction did not assign a burden of proof upon any party. The questioned language that there must be a "clear showing, thus such a person abandons his initial purpose" is merely a correct statement of one of the circumstances in which the defense is applicable, it does not remove the burden of proof from the state nor remove from

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

the state the burden of proving there was no abandonment of purpose.

In a footnote, the supreme court said that the accused who asserts self-defense has the initial burden of coming forward with some evidence from which the fact-finder might conclude there was justification for the act. Once introduced, the trial court need only instruct the jury as to the elements of self-defense.

### SENTENCE MODIFICATION

**Richard Brandon**

v.

**State of Alaska  
Opinion No. 1684**

**Appeal from the Superior Court, Third Judicial District, Anchorage, Judge Peter J. Kalamarides.**

The supreme court affirmed the trial court's denial of a motion made to modify Brandon's sentence.

Brandon had moved for sentence modification, not so much to reduce the five-year term of his sentence, but to permit reclassification to the Eagle River Correctional Center or Future House for psychological counseling.

But, in affirming the denial of the motion, the supreme court said, "Given the number and severity of the crimes for which Brandon was sentenced, we are unable to say that there was any abuse of the court's discretion."

In a footnote, however, the supreme court said, "We feel it is important to note that one of the defense witnesses, a counselor at the Eagle River Correctional Center, testified that some psychological counseling is in fact available at the prison in Juneau. Although the counseling facilities at Eagle River appear to be superior to those at Juneau, the point is that appellant will have an opportunity to receive the recommended type of treatment if he should desire it. Were this not so, our decision in this case might be different."

### SEARCH AND SEIZURE

**Stewart Peter Klenke**

v.

**State of Alaska  
Opinion No. 1686**

**Appeal from the Superior Court, Fourth Judicial District, Fairbanks, Judge Warren W. Taylor.**

The supreme court said police did not exceed their authority when, during the course of a search conducted with a valid warrant, they seized items not listed on the warrant and made a general inventory of other items they found in Klenke's home which police believed were significant.

The supreme court repeated its statement in *State v. Davenport*, 510 P.2d 78, 86 (Alaska 1973):

"This court will not countenance the use of an otherwise valid warrant for the purpose of conducting a generalized search for incriminating evidence, nor will we look with favor upon any search undertaken with the undeclared intention of seizing property which has not been described in the warrant."

But the court found the facts in this case distinguishable from those in *Anderson v. State*, 555 P.2d 251 (Alaska 1976). In that case the supreme court condemned the seizure of photographic slides seized during the course of a warranted search for marijuana.

The court explained there is a well-established rule that under particular circumstances and within narrowly defined exceptions, items not named in a search warrant may properly be seized. One of these is that of "plain view"—in which an officer lawfully executing a search warrant, or otherwise engaged in a lawful intrusion, inadvertently comes across evidence whose incriminating nature is immediately apparent.

In this instance the officers conducted a search of Klenke's home, with a valid search warrant, found themselves surrounded by property generally matching the description of that known to have been stolen in several recent burglaries in which Klenke was a suspect. Some of the items had serial numbers removed, some

were hidden, some were immediately recognized as stolen, and others bore the names of other persons.

Quoting again from *Davenport*, the supreme court said:

"When an officer has probable cause to believe that objects he discovers in the course of a valid search conducted under a valid warrant are the fruits of a particular theft, that officer may seize those items even though they are neither listed on the search warrant nor related to the crime which served as the basis for the warrant."

The court stated, "The requirement that the incriminating nature of property be 'immediately apparent,' so as to allow its seizure under the plain view exception to the warrant requirement means only that the officer must have probable cause to believe the property is stolen, so as to be subject to seizure."

### CIRCUMSTANTIAL EVIDENCE

**Brent Randall**

v.

**State of Alaska  
Opinion No. 1691**

**Appeal from the Superior Court and the District Court, Third Judicial District, Anchorage, Superior Court Judge Ralph E. Moody and District Court Judge Alexander O. Bryner.**

Randall was convicted of petty larceny in the theft of a small pump from a pickup and camper belonging to a Michael Stan Osborne. But at the time of the theft the truck was in the possession of a Fred Lanouette.

Osborne testified at trial that he had not given permission for Lanouette to remove or give the box away which contained the pump. Lanouette did not testify because he had moved from the state.

Randall had moved for a judgment of acquittal on the grounds that the state had not proven its case. This motion was denied and Randall subsequently appealed arguing that the trial court erred in denying this motion. He argued that since Lanouette had possessory rights in the truck, his testimony was necessary to prove that Lanouette did not consent to the taking of the pump.

# Opinions of Note

The supreme court said that the appellant is correct that proof of the owner's or possessor's consent would prevent a conviction for larceny. But the court said it does not follow that proof of nonconsent must be by direct evidence only.

The supreme court explained that the general rule is that any criminal offense or element of an offense may be established by circumstantial evidence unless there is an express requirement to the contrary. While there is some authority that lack of consent in a larceny context must be shown by direct evidence which includes testimony of the owner or possessor of the item taken, the court said:

"There is also authority for the proposition that circumstantial evidence may be used to prove lack of consent only where the state has satisfactorily explained the absence of the pertinent witness.

"However, the majority of jurisdictions have held that the element of nonconsent need not be proven by direct evidence or in express terms, but may be inferred from circumstantial evidence in the same manner and to the same extent that such evidence may be used to prove the other elements of the commission of the offense."

The supreme court said it did not believe there is any reason for a rule requiring that the state's prima facie case must include the owner's testimony because the defendant is amply protected against unreasonable inferences by the reasonable doubt standard.

The supreme court also said there is no reason to limit the use of circumstantial evidence to those situations where the state has justified the absence from trial of the owner or possessor, this absence merely goes to the weight of the circumstantial evidence.

The court then held in this case that the trial court did not err in denying Randall's motion as there was ample circumstantial evidence to support a finding by the jury that Randall took the pump without Lanouette's consent. This included the stealthful manner of the taking, abandonment of the property on discovery, his flight and the terms on which the truck was loaned.

## SENTENCE REVIEW

Robert C. Hansen

v.

State of Alaska

Opinion No. 1689

Appeal from the Superior Court, Third Judicial District, Anchorage, Judge James K. Singleton.

The supreme court said the trial court was clearly mistaken in imposing a five-year sentence in light of the particulars of this case in which the defendant's criminal activity appeared to be the result of a clearly diagnosed mental illness for which there is a prescribed treatment.

The conviction was for a third felony conviction in a 15-year period and the supreme court agreed that this did compel some term of incarceration rather than straight probation.

Hansen's illness was diagnosed as a bipolar affective disorder which is a variant of a manic-depressive disorder, during which he experienced "manic" episodes in which his impulses were poorly controlled. A psychiatrist had testified that the appellant's convictions are "known to occur in this disorder as one of the expressions of the poorly controlled behavior."

The psychiatrist also testified that the drug lithium is acceptable treatment for controlling manic episodes and that Hansen had stabilized on this drug and had developed a good rapport with his psychiatrist. Therapy had also begun which the psychiatrist believed would be successful in preventing further expression of the illness, if therapy was continued.

This therapy was interrupted because the length of Hansen's sentence prevented his classification to the Eagle River Correctional Center, but the trial judge believed he could ultimately be reclassified to Eagle River where the therapy could resume.

The supreme court said, however: "... the clearly diagnosed mental illness; Hansen's amenability to treatment; the linkage of the mental illness with past antisocial behavior; the definite, prescribed course of treatment to mitigate the possibility of future criminal behavior;

the stable home and work environment; and the factor that the monetary value of the property stolen was relatively low—led us to conclude that the court below was clearly mistaken in imposing a five-year sentence."

The supreme court then gave the following order: "We believe his sentence should now be revised to provide for imprisonment for the period of time he has served, but that he be placed upon probation for the remainder of his term. The terms of probation should be fixed by the superior court in appropriate new proceedings to reflect the importance of Hansen's cooperation with his psychiatric treatment and to supervise the course of his progress. We remand with directions that the superior court place Hansen on probation as expeditiously as possible."

## SENTENCE APPEAL

James Sielak

v.

State of Alaska

Opinion No. 1667

Appeal from the Superior Court, Fourth Judicial District, Fairbanks, Judge Gerald J. Van Hoomissen.

The supreme court affirmed the 10-year sentence imposed on Sielak when he violated the conditions of probation originally imposed in connection with a two-year suspended sentence.

Sielak was originally convicted of assault with a dangerous weapon involving a drunken attack on his wife with a knife. He was given a two-year suspended sentence on the condition that he enroll in, and successfully complete, an alcohol treatment program.

But he left the program in three weeks without permission and the trial court then imposed a 10-year sentence.

Sielak had a lengthy record apparently stemming from chronic alcoholism, including a long series of violent attacks on children and others. The supreme court noted that the trial court had given Sielak a chance to deal with his alcohol problem and had advised him that he could be sentenced to incarceration if he violated the terms of probation.

# Opinions of Note

## STATUTORY RAPE

State of Alaska

v.

Moses G. Guest and

Jacob Y. Evan

Opinion No. 1709

Petition for Review from the Superior Court, Fourth Judicial District, Fairbanks, Judge Warren W. Taylor.

The Alaska Supreme Court said that a charge of statutory rape is defensible where an honest and reasonable mistake of fact as to the victim's age is shown and affirmed a superior court order to give such a jury instruction should sufficient evidence of this be produced at trial.

The supreme court said its previous ruling in *Anderson v. State*, 384 P.2d 669 (Alaska 1963) is overruled to the extent that its holding is inconsistent with the views expressed in this case.

In *Speidel v. State*, 460 P.2d 77 (Alaska 1969), the supreme court said that consciousness of wrongdoing is an essential element of penal liability... that conduct cannot be criminal unless it is shown that one charged with criminal conduct had an awareness of consciousness of some wrongdoing." This was reaffirmed in *Alex v. State*, 484 P.2d 677 (Alaska 1971), in which the court said the requirement of criminal intent is to avoid criminal liability for innocent or inadvertent conduct. This principle again reaffirmed in *Kimoktoak v. State*, Opinion No. 1704, that it would be a deprivation of liberty without due process of law to convict a person of a serious crime without the requirement of criminal intent.

The supreme court said in the present case:

"We believe that the charge of statutory rape is legally unsupportable under the principles of *Speidel*, *Alex* and *Kimoktoak* unless a defense of reasonable mistake of age is allowed. To refuse such a defense would be to impose criminal liability without any criminal mental intent. The defense of reasonable mistake of fact is generally allowed in criminal cases to permit the defendant to show that he lacked criminal intent. When the opportunity is foreclosed the result is strict criminal liability.

"Although AS 11.15.120 is silent as to any requirement of intent, this is true of many felony statutes. The requirement of criminal intent is then commonly inferred... Since statutes should be construed where possible to avoid unconstitutionality, it is necessary here to infer a requirement of criminal intent.

"... While it is true that... a mistake of fact does not serve as a complete defense, we believe that it should serve to reduce the offense to that which the offender would have been guilty of had he not been mistaken...

"Thus, if an accused had a reasonable belief that the person with whom he had sexual intercourse was sixteen years of age or older, he may not be convicted of statutory rape. If, however, he did not have a reasonable belief that the victim was eighteen years of age or older, he may still be criminally liable for contribution to the delinquency of a minor."

## RIGHT OF ALLOCUTION

Lawrence D. Mohn

v.

State of Alaska

Opinion No. 1719

Appeal from the Superior Court, Third Judicial District, Anchorage, Judge Seaborn J. Buckalew, Jr.

This case was remanded back to the superior court for resentencing because of the failure of the trial court to afford the defendant the opportunity to make a statement on his own behalf at the sentencing hearing—a violation of Rule 32(a), Alaska Rules of Criminal Procedure.

The importance of giving a defendant the opportunity to personally make a statement to the sentencing court has been stated by the Alaska Supreme Court in several previous decisions, and the court said:

"We believe that it is no longer enough for us to simply remind the trial courts that compliance with Rule 32(a) is required.

"The failure of the court below to address the defendant personally was not harmless error for, as we observed in *Natgrass v. State*, 55 P.2d 399, 402 (Alaska 1976), there is no substitute for the

impact on sentencing which a defendant's own words might have if he chooses to make a statement... Under Rule 32(a) the obligation is on the trial court to afford the defendant the opportunity to speak and not on the defendant to request such an opportunity.

"Of course, the defendant can always refuse to address the court but such refusal will constitute a waiver of the right of allocution only after the defendant has been personally apprised of this right to make a statement... It is only in this way that we can ensure that the defendant is fully aware that in fact he does have such a right."

## Police Education Symposium

A National Symposium on Higher Education for Police Officers will be held in Washington, D. C., Feb. 4-7, 1979, sponsored by the Police Foundation.

The symposium will be organized around a report on police education which will be issued this month by the National Advisory Commission on Higher Education for Police Officers which will include more than 40 recommendations for changes in police higher education.

Plenary sessions during the symposium will cover:

- What is the purpose of higher education for police?
- What curriculum should police study?
- Who should teach the police?
- How well have the colleges spent federal police education funds?
- How should police departments use college-educated officers?

Further information can be obtained by contacting:

Hattie M. Carrington  
Conference Coordinator  
Police Foundation  
1909 K Street, N.W.  
Suite 400  
Washington, D. C. 20006

# Points on Appeal

George E. Viveros

v.

State of Alaska  
File No. 4214

Filed Aug. 18, 1978, by Phillip P. Weidner, attorney.

The appellant raises several arguments on appeal:

- The trial judge erred by incorrectly instructing the jury in that the judge instructed the jury that the defendant can be convicted if the jury found beyond a reasonable doubt that he had committed a robbery by force and violence, or by use of a firearm.

- The trial judge erred in sentencing the defendant to 15 years under the enhanced penalty provisions of AS 11.15.295, despite the fact that the judge incorrectly instructed the jury.

- The judge erred in failing to grant the defendant's motion for JNOV based on the fact that the jury convicted on a theory at variance with that theory pled to the grand jury.

- The court erred in failing to suppress the fruits of the unconstitutionally suggestive photographic lineup with only one person of Mexican origin and other suggestive features.

- The court erred in failing to grant a mistrial due to the conduct of the prosecutor in front of the jury.

- The court erred in failing to allow the defendant to waive his presence in order to avoid an inherently suggestive show-up lineup in front of the jury.

- The court erred in failing to direct a verdict with regard to the theory pled by the state in that there was no evidence to support a finding of proof beyond a reasonable doubt as to use of a firearm.

- The court erred in failing to submit interrogatories to the jury and/or separate verdicts as to the enhancement penalty provisions so as to clearly instruct the jury as to the elements of the offense.

- The court erred in denying the defendant's request for separate verdicts as to the separate statutes.

- The court erred in denying the defendant's pretrial motions to dismiss the indictment.

Billie T. Ward Nygren

v.

State of Alaska  
File No. 4219

Filed Aug. 31, 1978, by Walter Share, assistant public defender.

The appellant raises the following points on appeal:

- The trial court erred in denying a motion to suppress the fruits of the search of her dwelling.

- The trial court erred in failing to suppress the defendant's involuntary confessions and statements made to another person over the telephone.

- The trial court erred in failing to suppress the breathalyzer results taken at the police station.

- The trial court erred in making evidentiary rulings prohibiting impeachment of some witnesses which denied the defendant's confrontation rights.

- The trial court improperly denied instructions in accord with applicable law. In particular, the trial court denied instructions permitting defendant to be acquitted if there were a reasonable doubt concerning whether she had a lawful right of self-defense. Also, the court refused an instruction concerning apparent necessity.

- The sentence was clearly mistaken and improperly imposed.

- The motion for a new trial was erroneously denied.

Oliver Bell

v.

State of Alaska  
File No. 3612

Filed Aug. 16, 1978, By David C. Backstrom, assistant public defender.

Appellant argues that:

- AS. 28.35.010(a), relating to driving a vehicle without owner's consent, is unconstitutional under the equal protection of laws provision of the United States and Alaska Constitutions.

- That the three-year sentence of felony joyriding is excessive.

George Lincoln Huff

v.

State of Alaska  
File No. 3188

Filed June 30, 1978, by James D. Gilmore, attorney.

Appellant argues that:

- The trial court erred in excusing a woman from the jury outside the presence of the defendant.

- The court erred in refusing to sever the embezzlement counts from the perjury count.

- The court erred in refusing to take judicial notice of AS 08.88.361, relating to when a commission is earned by a real estate broker; and in failing to give defendant's proposed instruction.

- Instruction No. 23 amounted to a directed verdict with regard to an essential element of the embezzlement counts, thereby depriving Mr. Huff of his right to a trial by jury.

- The five-year sentence imposed by the judge was excessive.

James J. Kerwin

v.

State of Alaska  
File No. 4202

Filed Aug. 9, 1978, by Gerald W. Markham, attorney.

Appellant raises three arguments on appeal:

- The superior court erred in refusing to suppress a gun obtained as a result of an illegal search, and statements of witnesses which were the "fruits" thereof.

- The superior court erred in denying admission of a drawing of the scene of the crime made by a police officer after the state had relied upon the testimony of the officer and after the crime scene had been destroyed making a view impossible.

- The superior court erred in denying appellant's motion for Judgment of Acquittal or alternatively for a new trial.

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

**William Guy McMahan**

v.

**State of Alaska**

**File No. 3389**

**Filed Sept. 7, 1978, by Phillip P. Weidner,  
attorney.**

The appellant raises the following points on appeal:

- The failure of the prosecution to prove that the defendant knowingly, intelligently and voluntarily waived his "Miranda Rights" before introducing his confession was plain error requiring reversal of McMahan's conviction of first degree murder.

- The perjured testimony of the chief of police before the grand jury requires dismissal of the indictment.

- The trial court's improper admission of the tape of the defendant's confession and refusal to allow the tape to go to the jury room were reversible error for the following reasons:

- a. The perjured testimony of the police chief before the grand jury.
- b. The district attorney failed to reveal exculpatory evidence—police perjury.
- c. Failure of police to reveal statements made by defendant to the jail matron.
- d. Failure of the prosecution to reveal the crime scene sketch made by an investigating officer.
- e. Failure of the prosecutor to reveal exculpatory evidence—belief of police officer that defendant was innocent of first degree murder.
- f. The police chief sent relevant evidence out of state.
- g. Through intimidation the prosecutor prevented a potential witness from testifying.
- h. Police altered investigating officer's report.
- i. The prosecutor failed to reveal his intent to use the tape recording of defendant's confession until trial.
- j. Defendant's confession was elicited in violation of his constitutional rights.

- The trial court's refusal to grant a bifurcated trial denied the defendant due process.

- The indictment must be dismissed because the grand jury was improperly constituted in violation of vicinage requirements and to the extent Peterson suggests a contrary result, it should be overruled.

- The trial court erred in failing to grant a directed verdict or judgment notwithstanding the verdict for the following reasons.

- a. The state failed to prove beyond a reasonable doubt that appellant was of sound memory and discretion.
- b. The state failed to prove beyond a reasonable doubt that appellant had the specific intent to kill as required by statute.
- c. The state failed to prove beyond a reasonable doubt that the killing was deliberate and premeditated.
- d. The state failed to refute beyond a reasonable doubt that at most, guilty of manslaughter due to diminished capacity.

**John O. Grant**

v.

**State of Alaska**

**File No. 4230**

**Filed Sept. 7, 1978, by Carney W. Mimms, III, attorney.**

The appellant raises the following points on appeal:

- The trial court erred in denying appellant's motion to withdraw a plea of guilty for the reason that appellant's plea was entered without effective assistance of counsel.

- **The trial court erred in denying appellant's motion to withdraw a plea of guilty for the reason that appellant's plea**

- The trial court erred in denying appellant's motion to withdraw a plea of guilty for the reason that appellant's plea was entered without effective assistance of counsel.

- The trial court erred in denying appellant's motion to withdraw a plea of guilty for the reason that the defendant's plea was entered improvidently and without an understanding of the nature and consequences of his entry of a guilty plea.

- The trial court erred in denying appellant's motion to withdraw the plea

of guilty with reason that the court's order was entered prior to opposition by the State of Alaska and without an opportunity for the appellant to conduct an evidentiary hearing and present testimony in support of his motion.

**Douglas Sopko**

v.

**State of Alaska**

**File No. 4269**

**Filed Sept. 20, 1978, by Phillip A. Weidner, attorney.**

The appellant raises the following points on appeal:

- The trial court erred in failing to grant the defendant's timely pretrial motions suppress on grounds of invasion of his reasonable expectations of privacy occasioned by the warrantless surveillance and tape recording of conversations to which the defendant was a party by the use of a wireless transmitter and participant monitoring.

- The trial court erred in failing to grant the defendant's pretrial motion to suppress on the grounds that his constitutional rights under the Alaska and United States Constitutions were violated by said warrantless electronic surveillance.

- The trial court erred in failing to grant the defendant an evidentiary hearing in which he would have enjoyed his full and effective rights to confrontation and cross-examination as to the witnesses relied upon by the superior court and the Alaska Supreme Court to deny the defendant's motion to dismiss on the grounds of the unconstitutionality of AS 17.10.010.

- The trial court erred in failing to grant the defendant's motion to dismiss the indictment on the grounds of misrepresentations of material, relevant, significant, nontrivial facts to the grand jury concerning the nature of the alleged conduct of the defendant allegedly constituting the offense.

- The trial court failed to grant the defendant's pretrial motions to suppress as to the warrantless electronic surveillance on the grounds stated by the Alaska Supreme Court in *Glass v. State*, Opinion No. 1724, Sept. 15, 1978.

# Justice Training Calendar

## POLICE

- Dec. 1-2. Peace Officer Stress Workshop. Peace Officers Research Association of California. Sacramento, Calif.
- Dec. 2 and 9. Crowd Control and Use of Chemical Agents. Regional Criminal Justice Training Center. Modesto, Calif.
- Dec. 3-6. Workshop on Police Administrative Law. University of Georgia, Athens, Ga.
- Dec. 3-9. Terrorism/Civil Disorder Seminar. New Jersey State Police. Sea Girt, N. J.
- Dec. 4-6. Police Fleet Management: Selection and Maintenance of the Police Vehicle and Auxiliary Equipment. IACP. Daytona Beach, Fla.
- Dec. 4-7. Personal Adjustment Problems of Law Enforcement Personnel Seminar. The Traffic Institute. Evanston, Ill.
- Dec. 4-7. Police Decision-Making and Leadership Workshop. The Traffic Institute. Evanston, Ill.
- Dec. 4-7. Crime and Senior Citizen Workshop. IACP. Miami, Fla.
- Dec. 4-8. Advance Office Course. Regional Criminal Justice Training Center. Modesto, Calif.
- Dec. 4-8. Workshop on Advanced Techniques in Crime Analysis. Theorem Institute. Phoenix, Ariz.
- Dec. 4-15. Scientific Investigation of Crime. Southern Police Institute. Louisville, Ky.
- Dec. 4-15. Command Seminar. Institute on Organized Crime. Miami, Fla.
- Dec. 4-15. Supervision of Police Personnel. The Traffic Institute. Evanston, Ill.
- Dec. 4-15. Traffic Law Enforcement. The Traffic Institute. Evanston, Ill.
- Dec. 5-7. Criminal Law Seminar. University of Missouri. Columbia, Mo.
- Dec. 6-7. Field Training Officer Workshop. North Central Texas Regional Police Academy. Arlington, Tex.
- Dec. 6-8. Executive Development. Florida Institute for Law Enforcement. St. Petersburg, Fla.
- Dec. 11-15. Police Officer Survival Course. The Traffic Institute. Evanston, Ill.
- Dec. 11-15. Executive Development. IACP. Orlando, Fla.
- Dec. 11-15. Traffic Accident Investigation. Regional Criminal Justice Training Center. Modesto, Calif.
- Dec. 11-15. Arrest and Firearms, 832 PC. Regional Criminal Justice Training Center. Modesto, Calif.
- Dec. 11-15. Records Management Workshop. IACP. New Orleans, La.
- Dec. 11-15. Firearms Instructor Course. Smith and Wesson Academy. Springfield, Mass.
- Dec. 12-13. Institute on Crime and Law Enforcement in Parks and Recreation Areas. Case Western Reserve University. Columbus, Ohio.
- Dec. 12-14. Investigative Course for Patrol Officers. North Central Texas Regionals Academy. Arlington, Tex.
- Jan. 3-5. Internal Affairs Investigation. Florida Institute for Law Enforcement. Miami, Fla.
- Jan. 8-Feb. 2. Principles of Police Management. The Traffic Institute. Evanston, Ill.
- Jan. 15-18. Federal Grants Workshop for Law Enforcement Agencies. Northwestern University. Evanston, Ill.
- Jan. 15-19. Advanced Officer Course. Regional Criminal Justice Training Center. Modesto, Calif.
- Jan. 19-31. Federal Grants Workshop for Law Enforcement Agencies. Northwestern University. Evanston, Ill.
- Jan. 22-24. Seminar on Stress Management in Law Enforcement. The Traffic Institute. Evanston, Ill.
- Jan. 28-Feb. 2. Burglary Investigation. Southeastern Law Enforcement Programs. Athens, Ga.
- Jan. 29-Feb. 2. Seminar on Homicide and Major Crime Scene Investigation. The Traffic Institute. Evanston, Ill.
- Jan. 30-Feb. 1. Investigative Course for Patrol Officers. North Central Texas Regional Police Academy. Arlington, Tex.
- Feb. 1-3. Police Supervision and Personnel Evaluation. University of Alaska, Fairbanks, Dept. of Continuing Studies. Fairbanks, Ak.
- Feb. 1-May 4. Basic Police Academy. Regional Criminal Justice Training Center. Modesto, Calif.
- Feb. 5-7. Zero Base Budgeting Workshop. The Traffic Institute. Evanston, Ill.
- Feb. 5-16. Administration of Police Training. The Traffic Institute. Evanston, Ill.
- Feb. 13-16. Seminar on Legal Problems in Police Administration. Evanston, Ill.
- Feb. 19-March 9. Police Instructor Training Course. The Traffic Institute. Evanston, Ill.
- Feb. 20-23. Collective Bargaining in Law Enforcement Agencies Workshop. The Traffic Institute. Evanston, Ill.
- Feb. 25-Mar. 2. Death Investigation. Southeastern Law Enforcement Programs. Atlanta, Ga.
- Feb. 26-Mar. 2. Traffic Accident Investigation. Regional Criminal Justice Training Center. Modesto, Calif.
- Mar. 3-31. Arrest and Firearms. Regional Criminal Justice Training Center. Modesto, Calif.
- Mar. 5-9. Sex Crimes Investigation Seminar. The Traffic Institute. Evanston, Ill.
- 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. 12-16. Police Officer Survival Course. The Traffic Institute. Evanston, Ill.
- Mar. 12-23. Criminal Investigation. Regional Criminal Justice Training Center. Modesto, Calif.
- 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. 12-23. Supervision of Police Traffic Law Enforcement. The Traffic Institute. Evanston, Ill.
- 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. 2-6. Jail Operations. Regional Criminal Justice Training Center. Modesto, Calif.
- Apr. 9-27. Technical Accident Investigation. The Traffic Institute. Evanston, Ill.
- Apr. 16-20. Advanced Officer. Regional Criminal Justice Training Center. Modesto, Calif.

- 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. 26-July 20. Basic Police Academy. Regional Criminal Justice Training Center. Modesto, Calif.
- 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 7-18. On-Scene Accident Investigation. The Traffic Institute. Evanston, Ill.
- 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 21-25. Robbery and Burglary Control Workshop. The Traffic Institute. Evanston, Ill.

## PROSECUTION

- Dec. 3-6. Prosecuting Crimes Against Persons. National College of District Attorneys. San Diego, Calif.
- Jan. 7-12. Prosecutor's Office Administrator Course, Part II. National College of District Attorneys. Houston, Tex.
- Feb. 4-9. Organized Crime, Part I, National College of District Attorneys. Los Angeles, Calif.
- 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.

## JUDICIAL

- Dec. 3-8. Court Administration. National Judicial College. Reno, Nev.
- Dec. 3-8. Decision-Making Process—graduate course. National Judicial College. Reno, Nev.
- Dec. 3-8. Evidence—graduate course. National Judicial College. Reno, Nev.
- Dec. 7-9. National Conference of Special Court Judges' Committee on Plans and Development. Scottsdale, Ariz.
- Dec. 7-9. Winter Meeting of Family and Conciliation Courts. Fort Lauderdale, Fla.
- Dec. 7-10. National Center for State Courts Board of Directors. Fort Lauderdale, Fla.
- Dec. 10-15. Decision-Making Skills and Techniques. National Judicial College. Reno, Nev.
- Dec. 10-15. Administrative Law Procedure. National Judicial College. Reno, Nev.
- Feb. 11-13. Midyear Meeting of the Conference of Chief Justices. National Center for State Courts. Atlanta, Ga.
- Mar. 9-10. National Center for State Courts Board of Directors. Santa Fe, N. Mex.
- June 15-16. National Center for State Courts Board of Directors. Denver, Colo.

## CORRECTIONS

- Dec. 11-15. Probation Case Management, Phase II. Regional Criminal Justice Training Center. Modesto, Calif.
- Dec. 11-15. Correctional Ancillary Program. Regional Criminal Justice Training Center. Modesto, Calif.
- Jan. 3-5. Crisis Intervention. Regional Criminal Justice Training Center. Modesto, Calif.
- Jan. 7-17. Workshop for Correctional Agency Trainers. National Institute of Corrections. San Francisco, Calif.
- Jan. 8-19. Basic Correctional Academy. Regional Criminal Justice Training Center. Modesto, Calif.
- Jan. 15-19. Probation Case Management, Phase III. Regional Criminal Justice Training Center. Modesto, Calif.

- Jan. 22-23. F.I.R.O.-B Regional Criminal Justice Training Center. Modesto, Calif.
- Jan. 22-26. Correctional Ancillary Program. Regional Criminal Justice Training Center. Modesto, Calif.
- Jan. 29-Feb. 9. Basic Correctional Academy. Regional Criminal Justice Training Center. Modesto, Calif.
- Feb. 4-14. Workshop for Correctional Agency Trainers. National Institute of Corrections. Atlanta, Ga.
- Feb. 5-9. Basic Juvenile Hall. Regional Criminal Justice Training Center. Modesto, Calif.
- Feb. 15-16. Narcotics and Dangerous Drugs. Regional Criminal Justice Training Center. Modesto, Calif.
- Feb. 20-23. Family Counseling. Regional Criminal Justice Training Center. Modesto, Calif.
- Feb. 26-Mar. 2. Correctional Ancillary Program. Regional Criminal Justice Training Center. Modesto, Calif.
- 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. 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. 30-May 11. Basic Correctional Academy. Regional Criminal Justice Training Center. Modesto, Calif.
- May 9-11. Crisis Intervention. Regional Criminal Justice Training Center. Modesto, Calif.
- May 21-25. Advanced Juvenile Hall Training. Regional Criminal Justice Training Center. Modesto, Calif.

## INTERNATIONAL

- Dec. 11-15. Protective Services: Meeting the Clandestine Threat. IACP. Acapulco, Mex.

## JUVENILE

- Dec. 1-2. The Abused and Neglected Child: Multidisciplinary Court Practice. Practicing Law Institute. San Francisco, Calif.
- Dec. 10-15. Juvenile Justice Management, Basic Seminar. Institute for Court Management. Snowmass, Colo.
- Dec. 10-15. Juvenile Justice Management Program, Phase I. Institute for Court Management. Aspen, Colo.
- Jan. 19-20. The Abused and Neglected Child: Multidisciplinary Court Practice. Practicing Law Institute. New York, N. Y.
- Jan. 22-Mar. 16. Delinquency Control Institute. University of Southern Calif. Los Angeles, Calif.
- Feb. 2-3. The Abused and Neglected Child: Multidisciplinary Court Practice. Practicing Law Institute. Chicago, Ill.
- Feb. 4-8. Sixth National Conference on Juvenile Justice. National College of Juvenile Justice. San Diego, Calif.
- 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.

## MANAGEMENT

- Dec. 1-2. Statistics Seminar. National Center for State Courts. Denver, Colo.
- Dec. 3-8. Budget, Planning and Financial Controls. Institute for Court Management. San Diego, Calif.
- Dec. 11-13. Workshop on Computer Planning. Theorem Institute. Phoenix, Ariz.
- Dec. 18-20. Zero-Base Budgeting Workshop. Theorem Institute. Ft. Lauderdale, Fla.
- Jan. 22-Apr. 13. Seminar on Project Planning and Evaluation. University of Pittsburgh. Pittsburgh, Pa.
- Feb. 21-22. Criminal Justice Statistics Association. Statistical Analysis Center, Committee on Criminal Justice. Boston, Mass.
- 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.
- ## CRIME PREVENTION
- Dec. 4-15. Crime Prevention Technology and Programming. Nation Crime Prevention Institute. Louisville, Ky.
- Jan. 8-Feb. 2. Crime Prevention Theory, Practice and Management. National Crime Prevention Institute. Louisville, Ky.

## PRIVATE POLICE

- Dec. 4-7. Security Management Workshop. Indiana University. St. Louis, Mo.
- Dec. 7-8. Private Patrol Arrest Function. Regional Criminal Justice Training Center. Modesto, Calif.
- Dec. 14-16. Principles of Business and Industrial Security. University of Alaska, Fairbanks, Dept. of Continuing Studies. Fairbanks, Ak.
- Mar. 3-24. Security Guard Baton Training. Regional Criminal Justice Training Center (Saturdays). Modesto, 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.
- May 21-24. Security Management Workshop. Indiana University. St. Louis, Mo.

## GENERAL

- Dec. 6. The Criminal Personality—New Perspectives. Criminal Justice Institute. Lake City, Fla.
- Feb. 7-14. Midyear Meeting of the ABA. Atlanta, Ga.
- Apr. 28-29. National Association of Pretrial Services, Business Meeting. Louisville, Ky.
- Apr. 30-May 2. National Symposium on Pretrial Services. Louisville, Ky.

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