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Alaska Juvenile Arrests: Basic Figures

Most juvenile arrests, in both Alaska and the country as a whole, are made for property crimes rather than crimes against persons. Moreover, despite the common belief to the contrary, there has been no significant upward trend in juvenile arrests in Alaska. Between 1987 and 1996 the rate of arrests of Alaska juveniles actually declined. Substantially fewer juvenile arrests—5791—were made in 1996 than in 1987—7657 (Tables 1 and 2; Figure 1).

The FBI assesses trends in the volume of crime by monitoring selected offenses: the Crime Index. The Index includes the violent crimes of murder and nonnegligent manslaughter, forcible rape, robbery and aggravated assault, and the property crimes of burglary, larceny-theft, motor vehicle theft and arson. During the ten-year period, 1987-1996, the rate of juvenile arrests for Crime Index crimes declined overall in Alaska as did the state juvenile arrest rate for total crimes.

However, the rate of juvenile arrests for violent crimes rose overall during the ten years, with a very sharp increase between 1992 and 1993. Since 1994, the juvenile violent crime arrest rate has declined somewhat but, in 1996 at 135.5 arrests per 100,000 population under 18, it was still over double what it was in 1986—67.4.

Nevertheless, in 1996, the 259 juvenile arrests for violent crimes constituted only 17 per cent of all arrests for violent crimes in Alaska. Nationwide, juvenile arrests accounted for 18.7 per cent of violent crime arrests.

Between 1987 and 1996, the Alaska juvenile arrest rate for Index property crimes declined overall. The 1986 rate of 1746.3

*Please see **Juvenile Arrests**, page 5*

Table 1. Juvenile Arrests: National and Alaska, 1987-1996

	National			Alaska			National			Alaska		
	Total arrests (all ages)	Juvenile arrests (ages under 18) N	%	Total arrests (all ages)	Juvenile arrests (ages under 18) N	%	Total arrests (all ages)	Juvenile arrests (ages under 18) N	%	Total arrests (all ages)	Juvenile arrests (ages under 18) N	%
	1987						**1992**					
Total arrests	**10,750,309**	**1,774,567**	**16.5%**	**49,783**	**7,657**	**15.4%**	**11,893,153**	**1,943,138**	**16.3%**	**34,226**	**4,904**	**14.3%**
Index crime arrests[1]	2,261,979	657,106	29.1	9,759	3,016	30.9	2,480,524	720,810	29.1	7,134	2,609	36.6
Violent crime arrests[2]	471,690	72,557	15.4	1,401	112	8.0	641,250	112,409	17.5	1,060	142	13.4
Property crime arrests[3]	1,790,289	584,549	32.7	8,358	2,904	34.7	1,839,274	608,401	33.1	6,074	2,467	40.6
	1988						**1993**					
Total arrests	**10,067,447**	**1,624,002**	**16.1%**	**28,416**	**4,462**	**15.7%**	**11,765,764**	**2,014,472**	**17.1%**	**37,959**	**6,155**	**16.2%**
Index crime arrests[1]	2,109,919	594,928	28.2	5,389	1,912	35.5	2,422,839	710,916	29.3	8,300	3,373	40.6
Violent crime arrests[2]	456,864	68,029	14.9	860	79	9.2	648,416	119,678	18.5	1,606	250	15.6
Property crime arrests[3]	1,653,055	526,899	31.9	4,529	1,833	40.5	1,774,423	591,238	33.3	6,694	3,123	46.7
	1989						**1994**					
Total arrests	**11,261,295**	**1,744,818**	**15.5%**	**32,712**	**5,308**	**16.2%**	**11,877,188**	**2,209,675**	**18.6%**	**38,417**	**6,737**	**17.5%**
Index crime arrests[1]	2,345,498	639,307	27.3	6,636	2,513	37.9	2,384,244	735,648	30.9	8,186	3,279	40.1
Violent crime arrests[2]	537,084	84,732	15.8	956	111	11.6	644,983	125,085	19.4	1,611	288	17.9
Property crime arrests[3]	1,808,414	554,575	30.7	5,680	2,402	42.3	1,739,261	610,563	35.1	6,575	2,991	45.5
	1990						**1995**					
Total arrests	**11,250,083**	**1,754,542**	**15.6%**	**21,808**	**3,512**	**16.1%**	**11,416,346**	**2,084,428**	**18.3%**	**33,220**	**5,647**	**17.0%**
Index crime arrests[1]	2,328,221	655,377	28.1	3,563	1,346	37.8	2,239,934	677,226	30.2	6,796	2,532	37.3
Violent crime arrests[2]	562,481	91,317	16.2	829	84	10.1	619,230	115,592	18.7	1,399	258	18.4
Property crime arrests[3]	1,765,740	564,060	31.9	2,734	1,262	46.2	1,620,704	561,634	34.7	5,397	2,274	42.1
	1991						**1996**					
Total arrests	**10,743,755**	**1,749,343**	**16.3%**	**34,427**	**5,144**	**14.9%**	**11,093,211**	**2,103,658**	**19.0%**	**34,180**	**5,791**	**16.9%**
Index crime arrests[1]	2,277,306	652,468	28.7	7,547	2,778	36.8	2,054,605	632,762	30.8	6,835	2,574	37.7
Violent crime arrests[2]	556,669	95,677	17.2	1,073	130	12.1	548,146	102,231	18.7	1,520	259	17.0
Property crime arrests[3]	1,720,637	556,791	32.4	6,474	2,648	40.9	1,506,459	530,531	35.2	5,315	2,315	43.6

1. Index crimes are the crimes of murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson.
2. Violent crimes are the crimes of murder, forcible rape, robbery, and aggravated assault.
3. Property crimes are the crimes of burglary, larceny-theft, motor vehicle theft, and arson.

Source of data: *Federal Bureau of Investigation,* ***Crime in the United States*** *(Uniform Crime Reports) 1987-1996*

Sensemaking and the Stereotype of the Brutal Guard

John Riley

Observers of prison life often come away from correctional facilities with the sense that many correctional officers share an authoritarian and punitive orientation to their work, an image conforming to the popular stereotype of the brutal and sadistic guard attracted to prison work because of emotional conflicts involving power and control. While research suggests that these assumptions about the motivation of corrections professionals lack empirical foundation, they persist.

The stereotype is sustained, in part, by an historical legacy of brutality and by actual incidents of violence and psychological abuse that do still occur. However, decades of research make it clear that the tendency to stereotype correctional officers cannot be explained by recruitment of unsuitable applicants or by the actual misconduct of correctional officers. Nevertheless, it is equally clear that even sympathetic visitors to our prisons often find it hard to understand the behavior of the officers.

Correctional officers are themselves troubled when they see medical providers, members of the clergy, teachers, and others come away from the prison feeling a greater affinity for the inmates than for the individuals on whom the safety and success of their visit depends. Reactions to this persistent stereotyping are undoubtedly implicated in work-related stress and job dissatisfaction.

An adequate understanding of correctional work requires an appreciation of the dynamics of occupational culture. Like workers in any profession, correctional officers participate in the continuing reproduction of an occupational culture consisting of norms, values, and understandings not easily appreciated by outsiders. The subculture of correctional officers allows them to make sense of a complex social environment. Examining the ways in which correctional officers work to make sense of the prison experience can provide an opportunity to move beyond stereotypes.

One of the chief sensemaking accomplishments of correctional officers is the establishment of a group understanding of inmate identity. Many, though certainly not all, officers routinely participate in an almost ritualistic devaluation of inmate identity, which involves maintaining a set of unflattering working assumptions about inmate character. This tends to reinforce the idea that individual officers share a punitive and authoritarian orientation .

This article reports on observational research conducted during the winter of 1993 at Spring Creek Correctional Center in Seward, Alaska. It analyzes the informal conversational practices of correctional officers working in the maximum security prison to show how practices of cultural interpretation common to all work groups may pose particular public relations challenges to correctional officers and those who supervise them. In 1993, at the Spring Creek prison, 150 correctional officers supervised approximately 426 inmates. The data discussed here represent approximately 125 hours of on-site observation and an equal number of hours spent outside the institution talking and socializing with members of the institutional staff. While studies focusing on single institutions cannot provide a foundation for extensive generalization, such studies provide an important starting point for analysis of occupational culture.

Three Occasions for Sensemaking

With any group, the activities that sustain an organizational culture become most apparent when dominant assumptions about identity, behavior, and the nature of the environment are questioned. Hence, sensemaking activity is most amenable to study where routine patterns of activity are called into question. In most organizations, opportunities for sensemaking present themselves with the appearance of new members or inquisitive visitors, individuals who require socialization if they are to share the work group's understanding of behavioral norms and occupational realities.

In many correctional settings, one of the chief accomplishments of sensemaking is the development of a working understanding of the inmate as untrustworthy, manipulative, and dangerous . Correctional officers share a working understanding of inmates that can be described as a form of categorical devaluation. It is important to understand that acceptance of a working understanding does not necessarily imply that individual officers accept this view as an accurate description of individual inmate identity. Rather, a working understanding is akin to a legal fiction, or a safety maxim that we learn to accept for its utility even while maintaining reservations about its factual content. Correctional officers learn to regard all inmates as potentially dangerous for the same reason that firearms enthusiasts are taught to treat all guns as loaded and dentists are taught to see all patients as potential carriers of infection—a universal precaution. And like universal precautions in medicine and dentistry, this one may serve as a touchstone of professional competency.

At Spring Creek Correctional Center three kinds of events routinely call into question this working sense of inmate identity which guides custodial staff.

Reading the Record

In a well-managed institution, visitors may interact with inmates in a variety of settings. Such interactions may conform to the expectations that govern life outside the institution. Visitors thus often conclude that inmates are essentially normal. However, when an outsider remarks favorably on the behavior of a particular inmate, it may call into question the working understanding of experienced correctional staff. This then commonly gives rise to a sensemaking activity that may be referred to as *reading the record*.

Officers at Spring Creek have access to a computer-generated Confidential Register which provides information on each inmate. Other than noting an institutional work assignment, these records contain little

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favorable information about an individual. Rather, they provide a portrait of the inmate as an offender, describing his criminal history, sentence, release date, security classification, and housing assignment. When outsiders refer to a particular inmate's success in program participation, his cooperative demeanor, or his work ethic, the correctional officer often resorts to reading the record, i.e., he finds an occasion to present the outsider with the facts about an individual inmate as an offender.

Because Spring Creek is a maximum security prison, the criminal histories of the inmates involve extremely serious offenses. Revealing the homicide, rape, or assault in the inmate's past to a visitor who has commented favorably on the inmate reinforces the working understanding of inmates held by experienced correctional staff.

The following are typical of remarks by visitors, treatment staff, or new officers that prompt a reading of the confidential record:

He seems like a reasonable inmate.

I enjoyed talking with him. I imagine inmates like him make your job easier.

It is a shame to see a guy like him end up here.

Not all such remarks are addressed by a reading of the record. When they are, the response does not typically suggest a sense of urgency; the response may be immediate or it may be delayed, even for several days. Reading the record generally occurs seamlessly in a moment of casual interaction, filling the time when things are slow. But while those who participate in such activities probably do so with the sense that not very much is happening, these are clearly moments of considerable importance in the sensemaking process. Officers typically respond to favorable or even neutral comments on inmates with remarks such as these:

Well, let's look him up and see.

I don't know [John Doe] yet. Open that print-out to the "D's" and we'll see why he's here.

Remember that convict you asked me about yesterday? Take a look at this.

The informality of such responses masks the serious nature of the sensemaking work accomplished. The homicides, rapes, and assaults referenced in the Confidential Register remind officers and those who question their working understanding of the inmate that appearances may be deceiving and that common sense dictates the need for caution and distance when dealing with inmates.

The "facts" in the record are, of course, an incomplete and one-sided account of an inmate's life, but they have a compelling official quality. Presenting them permits officers a way to provide skeptical outsiders with an apparently objective confirmation of the working view of inmate character.

Justifying Acts of Tolerance

For correctional officers who work directly with inmates, events often require individual discretion in enforcing institutional rules. Even minor events can challenge officers to find creative solutions to the many human relations problems associated with managing inmates. Like their law enforcement counterparts, correctional officers cannot respond to every instance of rule-breaking with formal sanctions. To do so would be time-consuming, inefficient, and counter-productive. Hence, officers rely heavily on informal strategies, overseeing the production of order through continuous negotiation with the individuals they encounter.

Contrary to stereotype, the officers observed during the course of the project showed patience, tact, tolerance, and creativity in dealing with inmates. Officers frequently ignore, at least temporarily, obvious violations of minor institutional rules. Sometimes the violations are ignored until an inmate can be isolated from potential sources of support and reprimanded in private or until an inmate who is obviously very angry has a chance to "cool off." For example, although it is illegal to smoke in any building on the Spring Creek compound, a prudent officer might ignore an inmate caught smoking in a doorway on a cold day if he or she is aware that the inmate just received news of the death of a family member or the loss of an important appeal.

Such tolerance makes good sense. Officers at Spring Creek supervise large groups of inmates either alone or with minimal assistance from other officers. It is not uncommon for individual officers to work with 40 to 50 inmates. Given the dynamics of supervision in contemporary institutions, no officer would fault another for reluctance to turn a minor problem into a possible confrontation. But this exercise of tolerance can seem to present a contradiction to the ideological orientation of correctional officers.

When officers find themselves in situations where tolerance may be interpreted in ways that are inconsistent with their common sense notions of inmate identity, they may exercise a variety of sensemaking options. Typically, acts of tolerance are reframed as maneuvers in the ongoing struggle to maintain control. Officers frequently recount stories of minor confrontations that escalated into major events. According to one version of the Attica, New York uprising in 1971, the riots were sparked when a guard tackled an inmate who refused to leave his cell for a disciplinary hearing.

Such pragmatic justification is a sensemaking strategy that allows staff to exercise tolerance without undermining the working understanding of inmate character that informs their professional decision making. By linking excessive intolerance for minor infractions with serious trouble, officers demonstrate their commitment to control even while it might appear that they are failing to exercise complete control in the present.

Tough Talk and Institutional Due Process

The third example of sensemaking involves the offensive speech sometimes termed *ritual insubordination*: the complaining, swearing, griping, or bitching which often characterizes a collective response to occupational stress. The meaning of the term is partly captured in the common sense notion of "blowing off steam." Erving Goffman defined ritual insubordination in his well known work, *Asylums* (Anchor Books, 1961). The term applies where insubordinate behavior "is not realistically expected to bring about change." Goffman views ritual insubordination as a largely expressive act, lacking in practical utility, but an important aspect in the identity work of individuals experiencing conflict between role expectations and personal identity.

For Goffman, ritual insubordination is a form of symbolic "leave taking". It allows individuals to momentarily distance themselves from those requirements of participation in complex organizations that have the strongest implications for personal identity by affording participants a sense of personal autonomy at times when the demands of institutional participation seem most compelling. Because shared ritual insubordination serves to promote solidarity among participants, it plays a role in the promotion of job satisfaction and the reduction of employee turnover—major issues in the field of corrections. At Spring Creek Correctional Center, ritual insubordination can include profane or disparaging remarks or

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Sensemaking
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jokes about inmates, comments that call into question the legitimacy of institutional due process, and narratives that challenge the credibility and competence of inmates.

Ritual insubordination was observed during meetings of the institution's disciplinary committee. Known in the institution as the "D-Board," this committee of correctional officers provides inmates with the first elements of due process required by law when individuals are charged with consequential violations of institutional rules.

Disciplinary hearings at Spring Creek were conducted before a senior officer, who served as chairperson, and three other officers, who served as committee members. Service on the disciplinary committee depends upon availability, shift assignments, and the discretion of the officers in charge. The committee hears testimony from the accused inmate, from the officer making the charge and, when relevant, from other officers, inmates, or staff.

Although hearings have elements of a courtroom trial, they differ from trials in fundamental ways. Because of the need to maintain institutional security, including protecting witnesses from retaliation, inmates do not enjoy the right to confront witnesses or even to be present when testimony is offered against them. Disciplinary committees may elect to withhold information from the prisoner if security concerns are an issue. Both testimony and committee deliberations may take place with only the officers assigned to the committee present.

The routine is such that the disciplinary committee is frequently alone, waiting for witnesses, deliberating the facts of the case, or considering punishment options. While a tape recorder is used to produce a record of each case, when inmates were asked to leave to facilitate private discussion, recording was often suspended.

During free moments, "D-Board" committee members typically engage in gossip, storytelling, jokes, and the "griping or bitching" that Goffman called ritual insubordination. Committee members frequently commented on the character of both particular prisoners with whom they interacted and the "typical" prisoner incarcerated at Spring Creek. In the 36 disciplinary hearings observed during the course of the study, derogatory remarks and stories about inmates and cynical remarks about the disciplinary process were commonplace. Officers referred to individuals about to be heard as "the next victim." They sometimes engaged in tongue-in-cheek discussion of punishment options before the facts of the case were heard. In one instance, an officer inquiring about a pending case asked, "What's this one guilty of?" An inmate who refused to attend his hearing was said to have "PMS today" (an interesting remark in an environment where few things are taken to be more offensive than remarks that call into question someone's masculinity). At times, inmates were described as "stupid," denigrated for their sexual preferences, and compared to animals.

If the informal conversation that accompanies disciplinary hearings is presented out of its larger context, it can be a source for moral outrage. For while the worst remarks came from a relatively small group of officers, and at no time were offensive remarks noted in the presence of inmates, these exchanges reflect and reinforce a derogatory conception of inmate identity. The working consensus emerges: inmates are immature, untrustworthy, unpredictable, weak, perverse, and a potential source of trouble for staff.

Of course, context is important. Offensive remarks also can be heard in conversations where teachers talk about students and administrators, where physicians talk about nurses and patients, and where people discuss the shortcomings of their own relatives. But this is sometimes forgotten by those who visit correctional institutions and overhear expression of ritual insubordination. To the institutional visitor, unprofessional remarks call into question the integrity and the moral values of those who make them.

None of this should be surprising. Institutional visitors do not share the correctional officer's context for discussion of this sort. They may assume that such remarks reflect a level of bias that makes fair dealing with inmates impossible. In reality, ritual insubordination may be a way of saving face when inmates win relatively favorable outcomes in disciplinary cases. The toughest talk observed during the 36 disciplinary hearings observed at Spring Creek Correctional Center consistently occurred in cases where inmates received outcomes more favorable than some correctional officers thought fair. Lacking this information, visitors to the institution might assume that such language reflects systematic mistreatment of prisoners. In fact, in the cases observed, it was more common in situations where officers showed commendable self-restraint in dealing with difficult inmates.

Disciplinary boards are required to choose between the version of events offered by the officer who made the initial charge and the version offered by an inmate. In situations where the board finds that punishment of an inmate is unjustified, board members are, in a sense, breaking ranks. This was understood by the majority of the officers involved in the cases observed, and it was particularly clear to the officer in charge of the hearings. When interviewed, he described his role as leader of the disciplinary committee by saying "I'm here to make sure the officer doesn't get stepped on out there."

In addition to being put in a position where it may seem that they are siding with an inmate, correctional officers who show too much concern for an inmate's rights also call into question the working understanding of inmate identity, a hallmark of professional competence and an important expression of group loyalty. While this can be justified pragmatically, like any expression of tolerance, it still creates high levels of cognitive dissonance for those involved. It is exactly the sort of situation in which one would expect conscientious officers to experience stress, with a need to reaffirm their commitment to colleagues and the occupational culture. In the context of disciplinary hearings, ritual insubordination may affirm loyalty and professional identity.

Conclusion

Sensemaking activity is inevitable, and the sensemaking activity of correctional officers may inevitably be somewhat oppositional. Given their professional responsibilities, this is probably appropriate. A working definition of the inmate that discourages trust and encourages vigilance is a requirement of correctional work. Without such assumptions, it is hard to understand how the job could be done. It is for good reason that a working understanding of inmate identity which encourages officers to view inmates with suspicion is viewed by many as a hallmark of competent correctional practice.

If officers dramatize their commitment to the norms and understandings of their profession in their informal conversational routines, this too seems understandable. In all professions people take a certain trouble to express their commitment. Such conversation socializes newcomers, serves to identify strangers, offers opportunities for the expression of loyalty and helps group members make sense of apparent inconsistencies in their own behavior. It teaches, and it brings people together. These are ritual moments in the life of the group, moments when individuals who work in considerable isolation may join with others to build mutual trust, understanding, and respect.

While conversational routines that disparage inmates are to be expected in corrections, problems may arise when the denigration of inmates is taken too far, or when institutional newcomers are exposed to these routines without first learning to appreciate their significance. It is unlikely that new employees or prison visitors could discern the difference between an overly enthusiastic expression of loyalty and words that express a genuine contempt for the human rights of inmates. In the end, even with considerable experience and understanding, it may not always be possible to distinguish between words spoken by a decent officer who is tired, provoked, or wants to be one of the guys, and the language of an officer whose orientation to the job is such that he or she is likely to abuse the rights of inmates.

Data collected in one institution cannot allow us to speak with confidence about all officers or all facilities. This work does suggest that the organization of correctional work may provide predictable opportunities for misunderstanding and conflict. Correctional officers must treat inmates humanely. At the same time, they must be prepared for the worst from even the best inmates they supervise. Like physicians, they must be prepared to help all those who come into their care, while remaining aware that any professional encounter may result in tragedy. Even the most apparently cooperative inmate may pose a serious threat to the safety of others. Training sessions that stress the need for a correctional equivalent to the medical concept of Universal Precautions may help correctional officers to reconcile the conflicting imperatives that structure their work. Offering medical practice as a model, trainers should encourage officers to develop an operational understanding of inmate identity that encourages caution while allowing compassion. By instructing officers in the dynamics of sensemaking, and by encouraging reflection on the informal conversational practices of the group, correctional trainers can help officers to distinguish between appropriate commitment to custody and control and the sort of punitive and authoritarian attitudes that undermine commitment to the rule of law, threaten the security of correctional institutions, and ultimately contribute to the persistence of the stereotype of the brutal guard.

The author wishes to thank Superintendent Larry Kincheloe and the staff at Spring Creek Correctional Center for their cooperation and assistance.

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Juvenile Arrests
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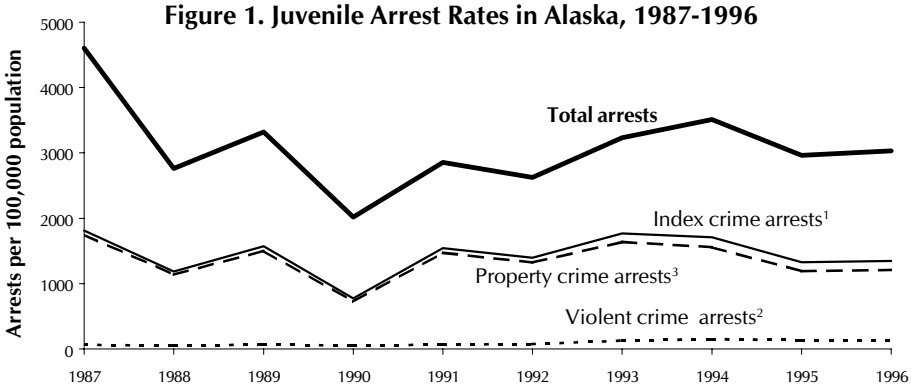
arrests per 100,000 was the highest rate reached. The lowest property crime arrest rate was 725.5 arrests per 100,000 in 1990. In 1996 this rate was 1211.4. In that year, juvenile arrests for Index property crimes accounted for 43.6 per cent of arrests in this category in Alaska. In the nation as a whole, juvenile arrests constituted 35.2 per cent of total property crime arrests.

Figure 1. Juvenile Arrest Rates in Alaska, 1987-1996



1. Index crimes are the crimes of murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson.
2. Violent crimes are the crimes of murder, forcible rape, robbery, and aggravated assault.
3. Property crimes are the crimes of burglary, larceny-theft, motor vehicle theft, and arson.

Table 2. Total and Juvenile Arrest Rates in Alaska, 1987-1996

	Total arrests (all ages)		Juvenile arrests (ages under 18)		Total arrests (all ages)		Juvenile arrests (ages under 18)	
	N	Rate per 100,000 population	N	Rate per 100,000 population	N	Rate per 100,000 population	N	Rate per 100,000 population
	1987				**1992**			
Total arrests	**49,783**	**9,256.8**	**7,657**	**4,604.5**	**34,226**	**5,824.7**	**4,904**	**2,624.5**
Index crime arrests[1]	9,759	1,814.6	3,016	1,813.7	7,134	1,214.1	2,609	1,396.3
Violent crime arrests[2]	1,401	260.5	112	67.4	1,060	180.4	142	76.0
Property crime arrests[3]	8,358	1,554.1	2,904	1,746.3	6,074	1,033.7	2,467	1,320.3
Population[4]	537,800		166,294		587,605		186,857	
	1988				**1993**			
Total arrests	**28,416**	**5,351.4**	**4,462**	**2,761.9**	**37,959**	**6,344.8**	**6,155**	**3,229.8**
Index crime arrests[1]	5,389	1,014.9	1,912	1,183.5	8,300	1,387.3	3,373	1,770.0
Violent crime arrests[2]	860	162.0	79	48.9	1,606	268.4	250	131.2
Property crime arrests[3]	4,529	852.9	1,833	1,134.6	6,694	1,118.9	3,123	1,638.8
Population[4]	531,000		161,554		598,267		190,567	
	1989				**1994**			
Total arrests	**32,712**	**6,121.3**	**5,308**	**3,322.0**	**38,417**	**6,372.3**	**6,737**	**3,513.0**
Index crime arrests[1]	6,636	1,241.8	2,513	1,572.8	8,186	1,357.8	3,279	1,709.8
Violent crime arrests[2]	956	178.9	111	69.5	1,611	267.2	288	150.2
Property crime arrests[3]	5,680	1,062.9	2,402	1,503.3	6,575	1,090.6	2,991	1,559.6
Population[4]	534,400		159,782		602,873		191,775	
	1990				**1995**			
Total arrests	**21,808**	**3,942.8**	**3,512**	**2,019.0**	**33,220**	**5,505.0**	**5,647**	**2,957.5**
Index crime arrests[1]	3,563	644.2	1,346	773.8	6,796	1,126.2	2,532	1,326.1
Violent crime arrests[2]	829	149.9	84	48.3	1,399	231.8	258	135.1
Property crime arrests[3]	2,734	494.3	1,262	725.5	5,397	894.4	2,274	1,191.0
Population[4]	553,105		173,944		603,453		190,939	
	1991				**1996**			
Total arrests	**34,427**	**6,044.3**	**5,144**	**2,856.0**	**34,180**	**5,623.6**	**5,791**	**3,030.4**
Index crime arrests[1]	7,547	1,325.0	2,778	1,542.4	6,835	1,124.5	2,574	1,347.0
Violent crime arrests[2]	1,073	188.4	130	72.2	1,520	250.1	259	135.5
Property crime arrests[3]	6,474	1,136.6	2,648	1,470.2	5,315	874.5	2,315	1,211.4
Population[4]	569,575		180,112		607,800		191,098	

1. Index crimes are the crimes of murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson.
2. Violent crimes are the crimes of murder, forcible rape, robbery, and aggravated assault..
3. Property crimes are the crimes of burglary, larceny-theft, motor vehicle theft, and arson.
4. Population figures from the Alaska Department of Labor, Research and Analysis Section, *Alaska Population Overview: 1996 Estimates*.

Source of data: *Federal Bureau of Investigation,* ***Crime in the United States*** *(Uniform Crime Reports) 1987-1996; Alaska Department of Labor*

Alaska Juveniles Waived into the Adult System

Under Alaska Statute 47.12.030, juveniles are automatically waived into the adult criminal justice system when arraigned for an unclassified or Class A felony which is a crime against a person (murder in the first or second degree; kidnaping; sexual assault in the first degree; sexual abuse of a minor in the first degree; manslaughter; assault in the first degree; robbery in the first degree) or the charge of arson in the first degree. (There are also lesser charges, such as for violations of traffic regulations or fish and game regulations for which a juvenile is processed in district court.) In addition to the statutory waiver of jurisdiction, judicial waiver—that is, by the judge hearing the petition on the juvenile—is permitted when the court finds probable cause that the juvenile is delinquent and not amenable to rehabilitation by treatment through the juvenile process before reaching the age of 20.

DFYS data for FY 1993-1997 indicate that relatively few juveniles enter the adult system through judicial waiver. (The DFYS figures for FY 1993-96 are all judicial waivers. The FY 97 figures are primarily judicial waivers, but may also include a few automatic waivers under the statute, which went into effect that fiscal year.)

1997 was the first full calendar year for which automatic waivers into the adult system were mandated. It is currently difficult to ascertain from the various state information management systems (including PROMIS, the computer system employed by the Department of Law) exactly how many juveniles have been waived into the adult system under this statute. However, Department of Corrections figures from early 1998 can provide some idea of how many juveniles are now being handled by the adult criminal justice system. DOC reported 18 inmates under age 18 on January 21, 1998 and 38 inmates aged 18 to 21 who were incarcerated before their 18th birthday. Among these 56 were a number awaiting trial or sentencing. (The total incarcerated population for January 21, 1998 was 4,242. DOC figures do not include juveniles who may be free on bail or supervised under adult probation.)

Juvenile Waivers in Alaska, FY 1993 - FY 1997

Offense	FY93	FY94	FY95	FY96	FY97
Murder 1st	–	3	3	–	–
Manslaughter	–	–	–	–	1
Assault 1st	1	1	–	2	1
Assault 2nd	–	–	–	1	–
Assault 3rd	2	–	–	–	–
Assault 4th	1	–	–	–	1
Kidnapping	1	–	–	–	–
Robbery 1st	1	2	–	–	1
Arson 1st	–	–	–	–	1
Probation violation	1	–	–	–	–
Sexual abuse of a minor 1st	–	1	–	–	–
Sexual assault 1st	–	–	3	–	–
Sexual assault 2nd	–	1	3	–	–
Burglary 1st	–	2	1	1	1
Burglary 2nd	–	3	1	2	–
Criminal mischief 3rd	–	1	–	–	–
Criminal trespass 2nd	–	1	2	–	–
Furnishing alcohol to persons under 21	–	1	–	–	–
Possession/consumption under 21	–	–	–	1	–
Theft 1st	–	–	–	–	1
Theft 2nd	–	–	1	–	–
Theft 4th	–	–	–	–	1
Municipal ordinance violation	–	–	–	1	–
Total	**7**	**16**	**14**	**8**	**8**

Source of data: *Alaska Division of Family and Youth Services*

Death Penalty Internet Site

The Justice Center has developed a new site on the Internet, *Focus on the Death Penalty*. The site (http://www.uaa.alaska.edu/just/death/) has been established to provide as full a picture as possible, using Internet resources, of the complexities surrounding capital punishment. It does not advocate a particular position in the death penalty debate. The information, with associated links to other relevant sites, is presented in a series of sections.

Alaska & the Death Penalty presents a summary of the death penalty in Territorial Alaska and legislative information on current efforts to reintroduce the death penalty to the state.

History & Recent Developments provides a history of the death penalty in the U.S. since 1930 and links to significant U.S. Supreme Court decisions on capital punishment. *Death Penalty Statistics* provides statistical information on the death penalty and its application in the U.S., including the number of executions and number of prisoners under sentence of death. *Death Row* links to several state prison systems with death row information, sites about life on death row and death row prisoners, and methods of execution.

The Debate introduces the debate on the death penalty with a number of sites providing arguments on both sides of the issue, including law enforcement and religious viewpoints. *Specific Issues* provides a more in-depth look at relevant arguments on the cost of the death penalty, the possibility of executing innocent persons, arbitrary application of the death penalty, including allegations about racial disparity and unequal justice, and other issues. *Organizations & Sites, Pro & Con* gives links to organizations and web sites advocating both sides of the death penalty debate.

Finally, *The International Context* provides links to international treaties and protocols on the death penalty and other resources demonstrating how other nations view the death penalty.

Melissa S. Green of the Justice Center designed and maintains the site.

Recent BJS Reports

The following recent studies and reports from the Bureau of Justice Statistics are available from the Alaska Justice Statistical Analysis Unit or on the World Wide Web at *http://www.ojp.usdoj.gov/bjs/* or *http://www.ncjrs.org/*:

"Crime Victimization, 1973-95," an analysis of data from the National Crime Victimization Survey, NCJ 163069.

"Criminal Victimization 1996," an analysis of 1996 National Crime Victimization Survey data, with presentation of trends since 1993, NCJ 165812.

"Presale Handgun Checks, 1996," data on background checks made under state and federal laws, NCJ 165704.

Juvenile Records in Alaska

In Alaska the Division of Family and Youth Services within the Department of Health and Social Services handles referrals for delinquent acts and maintains juvenile records on its statewide data management system, PROBER. (DFYS is currently undertaking the design of a new data management system.) For those juvenile referrals which result in formal court proceedings a court record is also established. Juvenile records management is almost totally separate from adult criminal history management, which is under the aegis of the Department of Public Safety. Under most circumstances both DFYS and juvenile court records are confidential, with access restricted to only a few parties (AS 47.12.315). However, recent state legislation has lessened the scope of confidentiality, making record disclosure mandatory in some situations.

Fingerprinting

State law permits fingerprinting of a juvenile in all situations where it would be permissible to fingerprint an adult. Fingerprinting usually occurs when a juvenile is admitted to a detention facility. A minor who is adjudicated delinquent and has not already been fingerprinted is asked to report for fingerprinting. While DFYS notes the occurrence of fingerprinting in an individual's file, the prints themselves are forwarded to the Department of Public Safety where they are maintained in the Automated Fingerprint Identification System (AFIS), which is a general purpose repository. No criminal history information is attached to juvenile prints in the system (unless the minor has been waived into the adult system).

Confidentiality of Juvenile Records

Integral to juvenile justice proceedings has been the tradition, established by statute, of confidentiality of juvenile records. However, in recent years a trend has emerged on both state and federal levels to make juvenile records open to more parties, under more circumstances than has been the case since the inception of separate juvenile adjudication systems at the end of the nineteenth century. Alaska too has gradually extended access to juvenile records, permitting more parties, for a wider range of reasons—school officials, victims, prospective employers—to look at a minor's records, but statutes continue to closely describe the conditions for access and, in general, confidentiality in juvenile proceedings is still recognized as a guiding principle.

Nevertheless, under a new statute (AS 47.12.315), DFYS is now required to disclose the names of juveniles referred to its jurisdiction for certain offenses. In addition to the identity of the juvenile, the statute requires disclosure of the names of the parents, the nature of the offense and information about any action required of the juvenile to adjust the matter.

DFYS now checks all juvenile referrals against a disclosure criteria checklist. For those which meet the criteria established by the statute the division creates a disclosure record (in paper format) which is maintained at the local juvenile probation office. The record is available to the public upon request.

The statute requires disclosures on referrals for certain offenses for minors at least 13 years old. The list of offenses includes primarily felony-level crimes against persons. The law also requires disclosure under certain conditions when the juvenile has had previous referrals or has violated a court order or condition of probation. The statute also contains a provision for the department to petition the court to prohibit disclosure when the court finds that the crime was an isolated incident and the minor does not present any further danger to the public.

If a charge involved in a referral is dismissed or reduced, DFYS updates the disclosure records, but the fact of the original referral remains in the public record.

The new statute also gives DFYS greater latitude to disclose information to schools as necessary to facilitate counseling and support services. Other provisions allow for public access to juvenile adjudication proceedings under certain conditions.

According to DFYS, during the first six weeks of the implementation of the disclosure provisions, twelve to eighteen records have been created throughout the entire state. The majority of requests to look at the records have been made by the media.

The Division notes that the wording of the new statute is very convoluted, making the interpretation of certain provisions, particularly those involving prior referrals, difficult. It has advised its personnel to proceed cautiously when it is not clear whether disclosure is legitimate.

National Perspective: Juvenile Justice Record Disclosure

Every jurisdiction in the country provides for at least some degree of access to juvenile court records. Criminal court access to juvenile records is easily the most common type of access. Indeed, adult court access to juvenile records of adult defendants is permitted in every state. In 48 states, this authority is explicitly set forth in statute law.

A 1995 National Center for Juvenile Justice survey found that the following organizations and agencies are customarily given access to juvenile court records, whether on a *de jure* or *de facto* basis:

- Institutions or agencies with juvenile custody (37 states);
- Prosecutors (33 states);
- Juvenile court judges and professional court staff (34 states);
- Law enforcement (26 states);
- Probation officers (26 states); and
- Criminal court staff (24 states).

In addition, 29 states allow inspection of records by the juvenile; 30 states grant access to the juvenile's parents or guardian; 36 states allow the juvenile's attorney to look at records; and 24 states grant access to victims of juveniles. Four states direct that people deemed to be in danger from a juvenile may have access to the juvenile's record or, at a minimum, allow inspection of the juvenile's record. Twenty states now permit school officials at least limited access to information concerning the juvenile's name and address, as well as disposition of charges.

Adult courts are most apt to use juvenile records in sentencing determinations. Twenty-seven states have adopted statutes that prescribe the inclusion of a juvenile record in a presentence report or, at a minimum, authorize the adult court to consider the defendant's juvenile record. In 14 states, a juvenile record is considered among the factors in the state sentencing guidelines. As a practical matter, this means that the juvenile record is "counted" in calculating the offender's criminal history score.

Roughly one-half of the states expressly authorize prosecutors to obtain access to juvenile records for charging determinations. Some states also allow access by

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social welfare agencies, the military, school authorities, the institution to which the juvenile is confined, the victim of the juvenile's act, researchers, criminal justice agencies to which the juvenile has applied for employment, and "others as the court may determine who have a legitimate interest in the proceedings." Some jurisdictions permit access when specifically authorized by the court. Others specify the parties to whom the record may be released and, additionally, require a court order.

Federal law makes juvenile court records confidential, subject to seven important exceptions. Six of these exceptions apply to all juvenile delinquency proceedings occurring in federal courts, and *require* courts to release juvenile court records in the following circumstances:

• In response to inquiries received from another court of law;

• In response to inquiries received from an agency preparing a presentence report for another court;

• In response to inquiries from law enforcement agencies where the request is related to the investigation of a crime or a position within that agency;

• In response to inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by a court;

• In response to inquiries from an agency considering the person for a position immediately and directly affecting the national security; and

• In response to inquiries from any victim of such juvenile delinquency or, if the victim is deceased, from the immediate family of such victim, relating to the final disposition of such juvenile.

The seventh exception applies to chronic and serious juvenile offenders over the age of 13, as recently amended by the Crime Control Act of 1994, and requires that information relating to guilty adjudications be transmitted to the FBI. Once there, the FBI treats this information in the same manner as the FBI treats adult conviction information.

Although sealing and purging policies appear to be inconsistent, with the trend toward increasing the availability of juvenile records, sealing and purging retains substantial support. In most states, sealing and purging laws remain on the books, frequently with little change over the last decade. The reason, no doubt, is that in most states, sealing and purging is available only for those juvenile offenders who have demonstrated some rehabilitation by establishing a clean record period. Even today, those juveniles who, after committing one or two offenses, establish a clean record period represent the great majority of the juvenile offender population.

All but two states govern by statute the sealing and expungement of juvenile records. Sealing and requirement laws, like other laws governing juvenile justice records, are more likely to apply to juvenile court records than to law enforcement records.

Where records may be sealed, certain conditions must usually be met, including a clean record period, no subsequent convictions or adjudications, no pending proceedings, attainment of a defined age, expiration of juvenile court jurisdiction, satisfactory outcome of the proceedings for which the record was created, and the type of offense. Expungement guidelines are similar to sealing guidelines, but because of the finality of expungement, court orders are almost always required.

In most states, access to sealed records is strictly regulated. Only a few states do not address the issue. In over 20 jurisdictions, consent of the court is required. In several states, the record may be unsealed if the juvenile is convicted of another crime or adjudicated delinquent. In three states, reopening of the record in these circumstances is automatic. The courts have made clear that there is not a constitutional right to seal or expunge juvenile records and that a court may unseal records.

The preceding article was adapted from the Bureau of Justice Statistics publication "Privacy and Juvenile Justice Records: A Mid-Decade Status Report," NCJ-161255.

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