



# ALASKA JUSTICE FORUM

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## Jail Monitoring

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The State of Alaska has made substantial progress in meeting the requirements of the federal Juvenile Justice and Delinquency Prevention Act of 1974 regarding incarceration of juveniles. The act authorized the distribution of funds through the Office of Juvenile Justice and Delinquency Prevention to states which have made progress toward certain goals: deinstitutionalization of status offenders and sight and sound separation of all types of juveniles from adults in adult correctional facilities. A more recent goal, removal of all juveniles from adult facilities, was mandated by the 1980 continuation of the act. Three types of juveniles were defined under the act: status offenders who engage in behaviors which would not be criminal if committed by adults; accused criminal type offenders who are facing criminal charges; and adjudicated criminal offenders whose cases have been through the court process.

To assure compliance with the provisions of the act the OJJDP requires monitoring of all secure facilities in which juveniles might be

**Table 1. Total Annual JJDP Violations in Alaska**

	Deinstitutionalization	Separation	Jail removal
Baseline 1976	485	824	—
Baseline 1980	—	—	864
1987	32	806	601
1988	9	564	409
1989	3	336	249

**Table 2. 1989 Jail Removal Violations in Alaska**  
Offender type by facility type.

	Status offender/ nonoffender	Adjudicated criminal	Accused criminal	TOTAL
Adult jails	79	25	68	172
Department of Corrections	1	15	14	30
Adult lock-ups	26	0	21	47
<b>TOTAL</b>	<b>106</b>	<b>40</b>	<b>103</b>	<b>249</b>

detained. The Justice Center, under contract with the Alaska Division of Family and Youth Services, developed the Alaska monitoring plan and since 1988 has carried out compliance monitoring activities. (The monitoring plan was described in the Fall 1989 issue of the *Alaska Justice Forum*.) Data for 1987-89, collected and processed by the Justice Center from 114 jails, lockups and juvenile institutions, reveal marked progress toward the goals of the act.

Legislation mandated that status offenders not be held in any form of secure confinement. A 24-hour "grace period" is permitted. As Table 1 illustrates, recorded violations of the deinstitutionalization of status offender mandate (DSO violations) have decreased dramatically with each year's monitoring. In a 1976 baseline study, 486 DSO violations were recorded in Alaska. By 1987, the

first year of the Justice Center's monitoring, the statewide total of DSO violations numbered only 41, a 91.6 per cent decline. By 1988, the number had been further reduced to nine statewide, and by the next year only three DSO violations were recorded in Alaska—altogether a 99.59 per cent decrease from the baseline figure.

Regardless of their offender status, juveniles detained in any type of facility that houses adults must be separated from the adults by both sight and sound. This standard allows for nothing more than "haphazard" contact between adults and juveniles; adhering to it can be difficult in small jails and lockups because of the design of the facilities. Currently, there are two adult jails and no adult lockups designed to provide sight and sound separation.

*Please see Monitoring, page 6*

### HIGHLIGHTS INSIDE THIS ISSUE

- The Bureau of Justice Statistics presents figures on women in prison (page 2).
- The Justice Center presents figures on homicide in Alaska over the past 25 years (page 4).

## A BJS Report

## Women in Prisons

The number of women under the jurisdiction of state and federal prison authorities at the end of 1989 reached a record 40,556. However, although the female inmate population had grown by more than 27,000 since 1980, an increase of over 200 per cent, females still comprised a relatively small segment of the prison population—5.7 per cent at the end of 1989.

The following article, based primarily on information from the 1986 Survey of Inmates in State Correctional Facilities, describes women in state prisons—their characteristics as a group, their criminal history, and their past drug use. Survey respondents in 1986 were compared to those surveyed in 1979 to gain an overview of the changes in the female prison population.

## Recent BJS Reports

In addition to the report summarized in the accompanying article, the following recent studies and reports from the Bureau of Justice Statistics are available from the Alaska Justice Statistical Analysis Unit:

*"Profile of Jail Inmates, 1989," the first analysis of results from the 1989 Bureau of Justice Statistics survey of inmates in local jails, including information on individual characteristics, offenses, sentences, drug and alcohol use and victim characteristics, NCJ-129097.*

*"Pretrial Release of Felony Defendants, 1988," an examination of pretrial release practices and case sentences in the 75 most populous counties in the country, including a presentation of characteristics of detained and release felony defendants, NCJ-127202.*

**Table 1. Characteristics of State Prison Inmates by Sex, 1986 and 1979**

	Per cent of prison inmates			
	1986		1979	
	Female	Male	Female	Male
<b>Race and ethnicity</b>				
White non-Hispanic	39.6	39.5	36.6	39.0
Black non-Hispanic	46.1	45.3	53.2	48.5
Hispanic	11.7	12.6	7.6	10.0
Other race <sup>a</sup>	2.5	2.5	2.6	2.4
<b>Age</b>				
17 or younger	.2	.5	.4	.8
18-24	22.3	26.9	31.2	35.8
25-34	50.5	45.5	45.8	42.2
35-44	19.6	19.4	15.1	13.8
45-54	5.5	5.2	5.5	5.1
55-64	1.5	1.9	1.8	1.7
65 or older	.4	.6	.2	.6
<b>Marital status</b>				
Married	20.1	20.4	21.4	22.4
Widowed	6.7	1.6	8.2	2.0
Divorced	20.5	18.0	18.9	16.8
Separated	11.0	5.8	15.0	6.3
Never married	41.7	54.3	36.4	52.5
<b>Education<sup>b</sup></b>				
8th grade or less	16.5	21.0	14.8	19.1
Some high school	40.4	40.8	46.3	48.3
High school graduate	28.4	27.4	26.5	22.5
Some college or more	14.8	10.8	12.4	10.2
<b>Prearrest employment</b>				
Employed	47.1	70.1	51.7	71.3
Full-time	37.1	58.4	43.0	61.3
Part-time	10.0	11.7	8.7	10.0
Not employed	52.9	30.0	48.3	28.7
Looking	22.0	17.8	14.7	13.9
Not looking	30.9	12.2	33.6	14.8
<b>Number of inmates</b>	<b>19,812</b>	<b>430,604</b>	<b>11,080</b>	<b>263,484</b>

a. Includes American Indians, Alaska Natives, Asians, and Pacific Islanders.

b. Based upon highest grade attended.

Source: Bureau of Justice Statistics

Specific findings include the following:

The rate of growth for female inmates exceeded that for males in each year since 1981. From 1980 to 1989, the male population increased by 112 per cent, and the female population by 202 per cent.

At year end 1989, 549 men per 100,000 men in the resident population and 31 women per 100,000 women were serving a prison sentence of more than a year.

Among white and black non-Hispanic women and Hispanic women of all races, only the percentage of black, non-Hispanic women in the female population changed significantly, decreasing from 53 per cent in 1979 to 46 per

cent in 1986.

An estimated 41 per cent of the female inmates in 1986 were in prison for a violent offense, compared to 49 per cent in 1979. Nearly half of the women in prison for a violent crime in 1986 were serving time for a homicide.

In 1986, 59 per cent of the women in prison were sentenced for a nonviolent crime: 17 per cent for fraud, 15 per cent for larceny or theft, 12 per cent for drug offenses, and 5 per cent for public-order offenses such as commercial vice or weapons violations. More than two-thirds of the women in prison were recidivists—having previously been sentenced to probation or incarceration as either a juvenile or

an adult. Nearly half the women in prison (46%) had been previously sentenced to incarceration or probation at least twice; 31 per cent,

three or more times; and 13 per cent, six or more times.

An estimated 89 per cent of the women in state prisons in 1986 had a current conviction for a violent crime or an earlier sentence to probation or incarceration for an offense.

Women released from state prison in 1986 had served an average of 16 months. Those convicted of a violent offense had served an average of 27 months in prison, about twice as long as released property offenders (13 months) and drug offenders (14 months).

More than a third of the women serving time for a violent crime had victimized a relative or intimate; about a fourth of the women in prison for violence were convicted of the homicide of a relative or intimate.

A third of all female inmates reported that they were under the influence of a drug at the time of their offense; 39 per cent said they were using drugs daily in the month before their offense; and 24 per cent reported daily use of a major drug (cocaine, heroin, methadone, LSD, or PCP) in that month.

An estimated 41 per cent of the women in prison reported that they had been previously sexually or physically abused. Women incarcerated for a violent offense were the most likely to report having previously experienced physical or sexual abuse. Among women incarcerated for a violent crime, those who reported that they had been abused were more likely than

other offenders to have victimized a relative or intimate.

More than three-fourths of the women in prison were mothers. Two-thirds of these inmates had children under age 18.

*This article was based on the Bureau of Justice Statistics report NCJ-127991, "Women in Prison." Copies of the entire report are available through the Alaska Justice Statistical Analysis Unit, Justice Center.*

**Table 2. Most Serious Offense of Female State Prison Inmates, 1979 and 1986**

Most serious offense	Per cent of female state prison inmates	
	1979 total	1988 total
<b>Total</b>	<b>100.0</b>	<b>100.0</b>
<b>Violent offenses</b>	<b>48.9</b>	<b>40.7</b>
Murder*	15.5	13.0
Negligent manslaughter	9.8	6.8
Kidnapping	1.4	.9
Rape	.4	.2
Other sexual assault	.3	.9
Robbery	13.6	10.6
Assault	7.6	7.1
Other violent	.4	1.2
<b>Property offenses</b>	<b>36.8</b>	<b>41.2</b>
Burglary	5.3	5.9
Larceny/theft	11.2	14.7
Motor vehicle theft	.5	.5
Arson	1.2	1.2
Fraud	17.3	17.0
Stolen property	.9	1.6
Other property	.4	.4
<b>Drug offenses</b>	<b>10.5</b>	<b>12.0</b>
Possession	2.7	4.0
Trafficking	7.1	7.3
Other drug/unspecified	.7	.7
<b>Public order offenses</b>	<b>2.9</b>	<b>5.1</b>
Weapons	.9	.9
Other public order	2.0	4.3
<b>Other offenses</b>	<b>.9</b>	<b>.9</b>

NOTE: Detail may not add to total because of rounding. Offense data were available for at least 99% of the inmates in 1986 and 1979.

\* Includes nonnegligent manslaughter.

Source: Bureau of Justice Statistics

**Table 3. Pre-Incarceration Use of Illegal Drugs By State Prison Inmates, By Sex, 1986**

Illegal drug use before prison	Per cent of state inmates, 1986	
	Female	Male
<b>Any drug<sup>a</sup></b>		
Ever used	71.8	79.9
Ever used on a regular basis <sup>b</sup>	56.5	62.6
Used in month before current offense	49.6	56.0
Used daily in month before current offense	39.2	42.7
<b>Major drug<sup>c</sup></b>		
Ever used	53.8	52.3
Ever used on a regular basis <sup>b</sup>	39.3	34.8
Used in month before current offense	32.2	27.8
Used daily in month before current offense	24.2	18.3
<b>Under the influence of drugs at the time of current offense</b>	<b>33.7</b>	<b>35.4</b>

a. Includes heroin, methadone, amphetamines, methaquaione, barbituates, cocaine, PCP, LSD, and marijuana/hashish.

b. Used once a week or more for at least a month.

c. Major drugs include heroine, methadone, cocaine, PCP, and LSD.

Source: Bureau of Justice Statistics

## 1992-93 Judicial Fellows Program

The Judicial Fellows Commission invites applications for the 1992-93 Judicial Fellows Program.

The Program, established in 1972 and patterned after the White House and Congressional Fellowships, seeks outstanding individuals from a variety of disciplinary backgrounds who have an interest in judicial administration and who show promise of making a contribution to the judiciary.

Four Fellows will be chosen to spend a calendar year, beginning in late August or first of September, 1992, in Washington, D.C. at the

Supreme Court of the United States, the Federal Judicial Center, the Administrative Office of the United States Courts, or the United States Sentencing Commission.

Candidates must be familiar with the federal judicial system, have at least one postgraduate degree and two or more years of successful professional experience.

Fellowship stipends are based on salaries for comparable government work and individual salary histories, but will not exceed the GS 15, step 3 level, presently \$65,753.

Information about the Judicial

Fellows Program and application procedure is available upon request from:

**Vanessa Yarnall**  
**Administrative Director**  
**Judicial Fellows Program**  
**Supreme Court of the United States**  
**Room 5**  
**Washington, D.C. 20543**

(202) 479-3374

The application deadline is November 15, 1991.

## Homicide in Alaska: 1965-1990

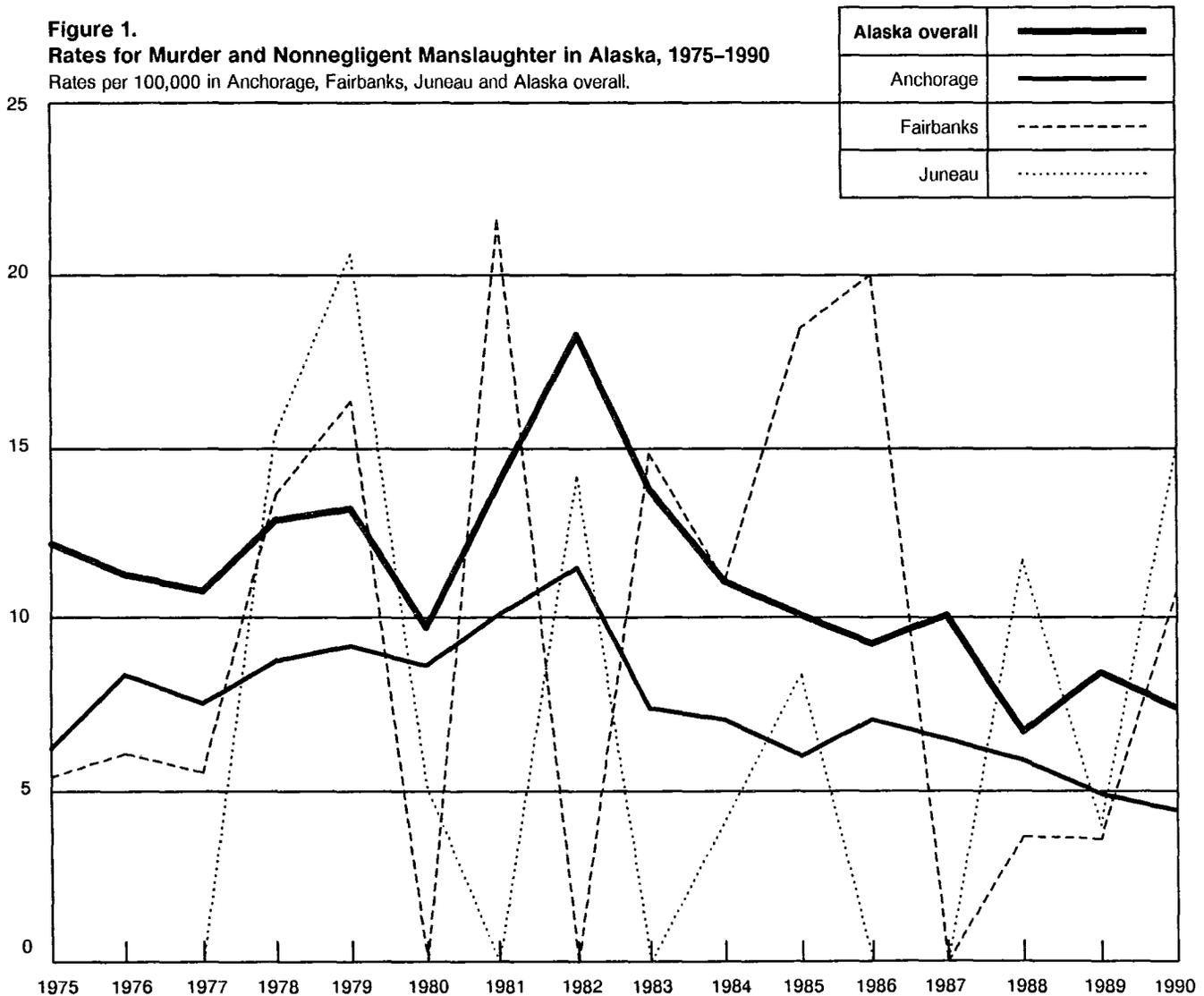
In recent months the media have focused public attention on local homicide statistics. Because public perceptions of crime have economic and social consequences, statistical information concerning levels and rates is extremely important. Tables 1, 2 and 3 contain the most accurate statistics available to the Justice Center concerning the pattern of homicides (classified as murder and nonnegligent manslaughter in the *Uniform Crime Report*) in Alaska over the past 25 years. Among conclusions supported by these data are:

- The Alaska homicide rate has been below the national average in 1988, 1989 and 1990.
- The 1988, 1989, and 1990 Alaska murder/nonnegligent manslaughter rates were the lowest of the past 25 years.
- Alaska's worst year for homicide was 1982, when police identified 80 murders or nonnegligent manslaughter for a statewide rate of 18.3 per 100,000 citizens.
- The Anchorage 1989 and 1990

rates of approximately 4.9 and 4.4 homicides per 100,000 residents were approximately one half the average homicide rate for cities of a similar size in the United States.

- Each year since 1975, between 49 and 70 per cent of the state's homicides have occurred in rural areas containing less than 50 per cent of Alaska's population.
- These homicide statistics do not seem to correlate positively with claims of increasing drug use in Alaska.

**Figure 1.**  
**Rates for Murder and Nonnegligent Manslaughter in Alaska, 1975-1990**  
 Rates per 100,000 in Anchorage, Fairbanks, Juneau and Alaska overall.



**Table 1. Alaska Population and Incidence of Murder and Nonnegligent Manslaughter, 1965-1974**

Number and rates per 100,000.

	Population <sup>1</sup>	Murders/nonnegligent manslaughters <sup>2</sup>	Rate per 100,000
1965	265,192	16	6.08
1966	271,505	35	12.95
1967	277,906	26	9.36
1968	284,880	29	10.15
1989	294,560	30	10.20
1970	302,361	37	12.21
1971	319,600	49	15.19
1972	329,800	63	18.90
1973	336,400	33	9.90
1974	348,100	46	13.34

**Sources:**

1. *Alaska Population Overview*. Juneau: Alaska Department of Labor, 1989. These estimates are for the entire state. Since some police departments in Alaska did not report crime statistics during various years, if an error exists, it is likely to result in an understatement of the rate shown.
2. *Alaska Criminal Justice Plan*. Juneau: Criminal Justice Planning Agency, 1970, 1971, 1972, 1978. The Criminal Justice Planning Agency had a substantially larger number of police agencies reporting statistics than were reporting in the FBI Uniform Crime Reporting system during this period; therefore, these data are sometimes higher than statistics for this period from UCR reports released by the FBI.

**Table 2. Murder and Nonnegligent Manslaughter in Alaska, 1975-1982**

Number and rates per 100,000 in Anchorage, Fairbanks, Juneau and Alaska overall.

	1975		1976		1977		1978		1979		1980		1981		1982	
	#	Rate	#	Rate	#	Rate	#	Rate								
<b>Alaska overall</b>	<b>43</b>	<b>12.2</b>	<b>43</b>	<b>11.3</b>	<b>44</b>	<b>10.8</b>	<b>52</b>	<b>12.9</b>	<b>54</b>	<b>13.3</b>	<b>39</b>	<b>9.8</b>	<b>57</b>	<b>13.9</b>	<b>80</b>	<b>18.3</b>
Anchorage	11	6.2	15	8.4	13	7.6	16	8.8	16	9.2	15	8.6	18	10.1	22	11.5
Fairbanks	2	5.4	2	6.1	2	5.5	5	13.7	6	16.4	0	0.0	5	21.7	0	0.0
Juneau	0	0.0	0	0.0	0	0.0	3	15.5	4	20.7	1	5.1	0	0.0	3	14.2

**Source:** "Crime in the United States," *Uniform Crime Reports* (Washington, D.C.: United States Government Printing Office, 1975-1982). Ratios are calculated using estimated populations of the reporting jurisdictions.

**Table 3. Murder and Nonnegligent Manslaughter in Alaska, 1983-1991**

Number and rates per 100,000 in Anchorage, Fairbanks, Juneau and Alaska overall.

	1983		1984		1985		1986		1987		1988		1989		1990 <sup>b</sup>		1991 <sup>b,c</sup>	
	#	Rate	#	Rate	#	Rate	#	Rate	#	Rate	#	Rate	#	Rate	#	Rate	#	Rate
<b>Alaska overall</b>	<b>65</b>	<b>13.8</b>	<b>54</b>	<b>11.1</b>	<b>52</b>	<b>10.1</b>	<b>49</b>	<b>9.3</b>	<b>51</b>	<b>10.1</b>	<b>33</b>	<b>6.7</b>	<b>43</b>	<b>8.5</b>	<b>39</b>	<b>7.4</b>	—	—
Anchorage	16	7.4	16	7.1	14	6.0	17	7.1	15	6.5	13	5.9	11	4.9	10	4.4	11	—
Fairbanks	4	14.8	3	11.1	5	18.5	5	20.0	0	0.0	1	3.7	1	3.6	4	10.8	1	—
Juneau	0	0.0	na <sup>a</sup>	—	2	8.4	0	0.0	0	0.0	3	11.7	1	4.0	4	15.0	1	—

**Source:** "Crime in the United States," *Uniform Crime Reports* (Washington, D.C.: United States Government Printing Office, 1983-1989). Ratios are calculated using estimated populations of the reporting jurisdictions.

a. Figures not available in UCR.

b. Unofficial police agency UCR reports which have not had final verification by the Alaska Department of Public Safety.

c. Agency reports for the first quarter obtained directly from police agency personnel.

## Monitoring

(continued from page 1)

Nevertheless, Alaska shows a significant decline in the number of sight and sound separation violations. Since 1976 when 824 violations were noted, there has been a 59 percent decrease, to 336 violations in 1989.

Whereas the deinstitutionalization provision of the act addresses the handling of status offenders and nonoffenders, the jail removal provision additionally covers the treatment of juveniles accused of or adjudicated on criminal offenses. The essence of the jail removal mandate is also similar to the sight and sound mandate: juveniles will not be placed in secure detention in adult facilities. There is one exception to this provision: a "grace period" of six hours is allowed for the secure detention in adult facilities

of juveniles accused of criminal offenses. (The jail removal standard overlaps the sight and sound standard, because nearly all jail removal violations are also separation violations. Thus, in Table 1 the separation data also include most of the jail removal data.) The baseline study of Alaska's jail removal violations, completed in 1980, showed 864 cases involving juveniles held in adult facilities. Appreciable and consistent declines in the occurrence of this type of violation have been demonstrated in each of the three years of Justice Center monitoring. In 1987, when the next measure was taken to chart Alaska's compliance with the removal mandate, the statewide total of jail removal violations stood at 601; by 1988, the number was 409. From the 1988 level, an additional 39.1 per cent decline was recorded in

the 1989 monitoring results, with 249 of these violations. By 1989 jail removal violations in Alaska had declined by 71.2 per cent from the 1980 baseline.

In assessing jail removal violations in 1989, data were collected from, or projected for, two Department of Corrections pretrial facilities, 17 contract jails and 87 lockups in 1989. Table 2 illustrates 1989 jail removal violations by type of offender and type of facility. The status offender/nonoffender category of violations constituted 42.6 per cent of all jail removal violations for 1989.

More than 95 per cent of the juveniles in this category were in jail because of violations of alcohol laws. Federal guidelines include the offense of minor consuming alcohol as a status offense, while the State of Alaska has defined it as a criminal offense. (Underage drinking is a Class A misdemeanor under Alaska Statute 04.16.050.) This difference in definition creates problems in achieving compliance with the jail removal goal, because juveniles detained for the criminal offense of minor consuming are recorded for monitoring purposes as detained status offenders. An additional complication is presented by the protective custody statute (AS 47.37.170) which requires police to take inebriates into custody for their own safety. Juvenile inebriates are included under this statute. Most nonoffenders included with status offenders in Table 2 were protective custody cases who could have been charged as minors consuming alcohol.

Table 2 also shows that 40 of the 1989 jail removal violations were caused by confining juveniles on probation violations of various types, and 103 violations resulted from detaining accused criminal type offenders for periods in excess of 6 hours. The crimes with which these juveniles were charged varied widely and included person, property and public order offenses.

Because the three types of violations overlap, it is common for a single instance of juvenile detention to result in simultaneous deinstitutionalization, separation and jail removal violations. For example, a juvenile arrested for minor consuming alcohol and subsequently detained in an adult jail or lockup

## Center Experience

The experiences of Justice Center researchers inspecting facilities under the monitoring plan underscore some of the difficulties faced by Alaska agencies in meeting the jail removal requirements of the Office of Juvenile Justice and Delinquency Prevention in remote locations.

The 1989 monitoring report required travel by air in excess of 20,000 miles to inspect 45 of the 114 facilities in the monitoring universe. Weather and the vagaries of flight scheduling in the bush often required that travel plans be amended in mid-trip. A change in one flight could have a domino effect on a series of scheduled site visits.

- On a flight to Nightmute the plane encountered heavy winds and, after attempting to land four times, had to return with the researcher to the hub where the flight originated, thus preventing inspection of the Nightmute records and facilities.
- A scheduled visit to Kasigluk from nearby Nunapitchuk was threatened when the river began to thaw unexpectedly.
- A trooper meeting a researcher in Shaktoolik was delayed by boat trouble crossing Norton Sound.

These difficulties disrupted only self-imposed itineraries. They are much more disruptive to ongoing rural law enforcement attempting to meet various legal constraints.

for 24 hours would result in three violations, one of each provision. Even when an instance of secure confinement does not result in a jail removal or deinstitutionalization violation, if the confinement takes place in an adult facility that does not adequately separate juveniles a separation violation is recorded. The interrelationship among types of violations also compounds difficulties in achieving compliance with the act.

While a 70 per cent decrease in jail removal violations is impressive, it has been suggested that Alaska may never achieve 100 per cent compliance with this goal. Unpredictable weather and vast distances combine to make it difficult to remove juveniles to acceptable facilities from communities where there is no alternative to the jail or lockup for their detention.

Most small Alaska communities have previously had no alternative to the jail or lockup for detaining minors taken into custody. Public Safety and municipal buildings are unlikely to have places other than cells where juvenile inebriates can stay until they are sober or where youths accused of crimes can await air transport to juvenile detention centers. Even those which do cannot assure sight and sound separation from adult offenders. In villages, where nonsecure shelters for juveniles do not exist, Village Public Safety Officers are now routinely

## Center Holds Discussion

On May 31 the Justice Center acted as host to Charles Ndlovu from the Natal Province of South Africa in a roundtable discussion with members of UAA faculty and representatives of the community involved in rural legal issues. Mr. Ndlovu works with the Community Law Center in Durban, South Africa, an IBM-funded community action group attempting to empower the rural population through use of available laws. He is touring the United States under a grant from the National Institute for Citizen Education in Law at Georgetown University.

Ndlovu presented a description of his work in providing broad-based community legal education in rural South Africa. He was particularly

finding community members to look after juveniles needing supervision or hiring guards to stay with juveniles in reception areas or living rooms until they have become sober or until air transportation is available. This alternative is often workable for remote locations. Nonetheless, achieving full compliance with the goals of the Juvenile Justice and Delinquency Prevention Act will remain extremely difficult in Alaska.

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interested in discussing the way in which Alaska has accommodated its rural Native population. The discussion covered issues involved in bringing rural indigenous peoples into modern democratic political systems.

Involved in the discussion were John Angell, Director of the Justice Center, Nancy Schafer, David Parry, Antonia Moras, and Allan Barnes of the Justice Center, David Maas and Carl Shepro from Political Science, and Kerry Feldman from Anthropology. Tiny Devlin, Director of the Alaska Native Leadership Program and Eric Smith, attorney for the Rural Alaska Community Action Program also contributed to the discussion.

## Library Resources

The Justice Center at the University of Alaska maintains a library of books, reports and other documents related to the justice system. Library holdings are now catalogued on the Center computer network. The library is open to the public on a non-circulating basis. In each issue the *Forum* includes a list of recent acquisitions. Further information concerning the use of library resources may be obtained by calling 786-1810.

*Alaska Peace Officer's Annual Law Enforcement Directory.* Anchorage, AK, 1991.

*Labor Market Information.* Juneau, AK: Alaska Department of Labor, 1991.

*Professional Responsibility in a Nutshell.* Robert Aronson and Donald Weckstein. St. Paul, MN: West Publishing, 1991.

*University of Puget Sound Law Review.* Volume 4, Winter 1991.

*Introduction to Civil Litigation.* The Institute for Paralegal Training. St. Paul, MN: West Publishing, 1977.



## Alaska Justice Forum

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