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A Survey of Studies on Judicial Selection

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The Alaska legislature is considering a bill—Senate Joint Resolution 3—that would put before voters a state constitutional amendment to change the composition of the Alaska Judicial Council and the way its members are selected. The Alaska Judicial Council (council) functions as a judicial nominating commission (see Figures 1–2 on page 7 for the Alaska Judicial Council composition and selection process). The council plays a constitutionally-mandated role in the selection of Alaska’s judges: the council screens all applicants for judgeships at the district court level and higher. For each vacancy, the council sends the governor a list of at least two applicants that the council deems to be the most qualified of the applicants for the position. The governor must appoint a judge from this list and cannot appoint an applicant who has not been screened and approved by the council process. This type of process is frequently classified as a merit system of judicial selection. The council also makes recommendations to voters concerning retaining or not retaining judges as part of the judicial retention election process.

Currently, the council is composed of seven members—three non-attorney members chosen by the governor and confirmed

by the legislature, three attorney members chosen by the Alaska Bar Association, and the chief justice of the Alaska Supreme Court, who serves as an ex-officio member. (See “A Look at Judicial Selection in Alaska,” *Alaska Justice Forum* 21(3), Fall 2004, for a detailed overview of the selection process. See also the Alaska Judicial Council website for information on judicial performance evaluation in Alaska: <http://www.ajc.state.ak.us/retention/retproced>.) The proposed constitutional amendment would increase the number of non-attorney members on the council from three to six. It would also require the legislature to confirm attorney members, whereas now only the non-attorney members are subject to legislative confirmation.

There are many different ways to evaluate judicial selection and retention using a variety of metrics. This article reviews selected existing studies relevant to the potential effects that might be brought about by this proposed change to the council composition—studies that examined judicial effectiveness, responsiveness of judges to public opinion, and public perception of judges. We are not assessing the different evaluative criteria used by study designers. We also excluded studies of effects of changes in the

law regarding judicial election campaign financing. The studies discussed in this article are not exhaustive of the extensive number of studies conducted on judicial selection and retention; however, we believe these studies are sufficiently relevant and contain sufficient data about the issues raised in discussion of the proposed amendment, and are illustrative of the variety of approaches taken to evaluate the impact of selection methods on the quality of judicial performance.

Table 1 (page 8) outlines the variety of judicial selection processes for appellate and trial courts in the U.S. These processes generally fall under the following types: judicial nominating commission, gubernatorial/legislative/executive appointment, partisan election, and nonpartisan election.

Studies on Nominating Commissions

A change similar to the proposed Alaska constitutional amendment took place in Florida in July 2001. Florida selects appellate judges and fills interim vacancies on trial courts through the use of a judicial nominating commission that sends a list of at least three nominees to the governor from which to choose. In Florida, instead of one statewide judicial nominating commission, each circuit

*Please see **Judicial selection**, page 7*

UAA Justice Center 40th Anniversary 1975–2015

Our vision: Leading Alaska toward a safer, healthier, and more just society.

In this issue of the *Forum*, you will find a timeline of selected milestones from the Justice Center’s past 40 years (pages 2–3). The Justice Center continues to be a leader in civil and criminal justice education in Alaska, and in research on justice issues in rural and urban Alaska. Over the past four decades, our faculty and research staff have contributed to studies ranging from the revision of the Alaska Criminal Code to the development of the master plan for corrections. More recent research studies and Forum articles have focused on issues such as violence against women, policing, substance abuse, adverse childhood experiences (ACEs), the role of Village Public Safety Officers (VPSOs), corrections, and homelessness in Alaska. The Justice Center is in

the UAA College of Health, and as part of an interdisciplinary effort examines the nexus of crime and public health.

The Justice Center is also a teaching unit and offers courses in Justice and Legal Studies. A high number of our graduates go on to graduate school and law school. Justice and Legal Studies graduates are employed in federal, state, and government agencies; Native corporations; law firms; and nonprofits throughout Alaska and Outside. Many of our alumni have assumed positions of leadership in the justice community.

We appreciate the support over the years of our university and community partners in fulfilling our mission and look forward to continuing our work in the challenging years ahead.

Research Note

“Activating” Park Spaces in Anchorage’s Town Square Park

Troy C. Payne and Daniel Reinhard

Town Square Park is an urban park in Anchorage, Alaska. Designed as a meeting place and landscaped respite from the commotion of downtown Anchorage, Town Square Park has long been associated with crime and disorder. This brief research note describes an intervention meant to reduce disorder in the park, including an abbreviated evaluation of the intervention.

Park Location and Description

Town Square Park is located in the center of downtown Anchorage, bordered by 5th Avenue, 6th Avenue, the Alaska Center for the Performing Arts, and E Street. Designed in 1988 as part of the Project 80s initiative to upgrade and renew infrastructure, the park was completed in 1991. In 1997 and 2008, improvements to the park were made. The park is roughly one city block in size and features paved sidewalks that meander through the landscape. Rolling landscape design and trees meant to provide relief from the hustle and bustle of city life obscure the interior of the park from 5th Avenue and 6th Avenue; there is no clear line of sight through most of the park. A high fountain with concrete walls occupies the center of the park and further obscures visibility. The fountain has been inoperable for at least two years.

Problem Identification and the Intervention

Determining the nature of crime and disorder problems is often difficult, and determination of the problem to be solved has consequences for the effectiveness of interventions (Payne, Gallagher, Eck, & Frank, 2013). In this case, the Anchorage Downtown Partnership (a private nonprofit providing maintenance, snow removal, safety patrols, and other services in the Anchorage Downtown Improvement District), the Anchorage Police Department, and business leaders identified the problem as disorder in the park primarily caused by homeless persons and alcohol/drug users. These problems rarely resulted in daytime calls to the police, but caused considerable distress to local businesses and tourists.

The intervention was designed to increase activity in the park—to

“activate” the space—in an effort to attract park users who were less likely to engage in disorder in the park. To that end, the Anchorage Downtown Partnership facilitated several events during the summer of 2014, which included concerts, food vendors, and activities for children. These events were scheduled in the middle of the day, in the hours bracketing the lunch hour. The lack of available data which could be used to examine the effectiveness of the intervention prompted then Anchorage Police Department Chief Mark Mew to request assistance from the UAA Justice Center.

Measurement and Methods

Measurement is critical to evaluation. However, creating objective measures of relevant park characteristics proved difficult. Many of the initial conversations with key stakeholders near the park focused on *undesirable persons*. However, as the UAA research team and stakeholders discussed exactly what made a person undesirable, it became clear that it was certain *behaviors* that were undesirable. These behaviors were used to define disorder. The research team then developed a plan to observe and document those behaviors in the park.

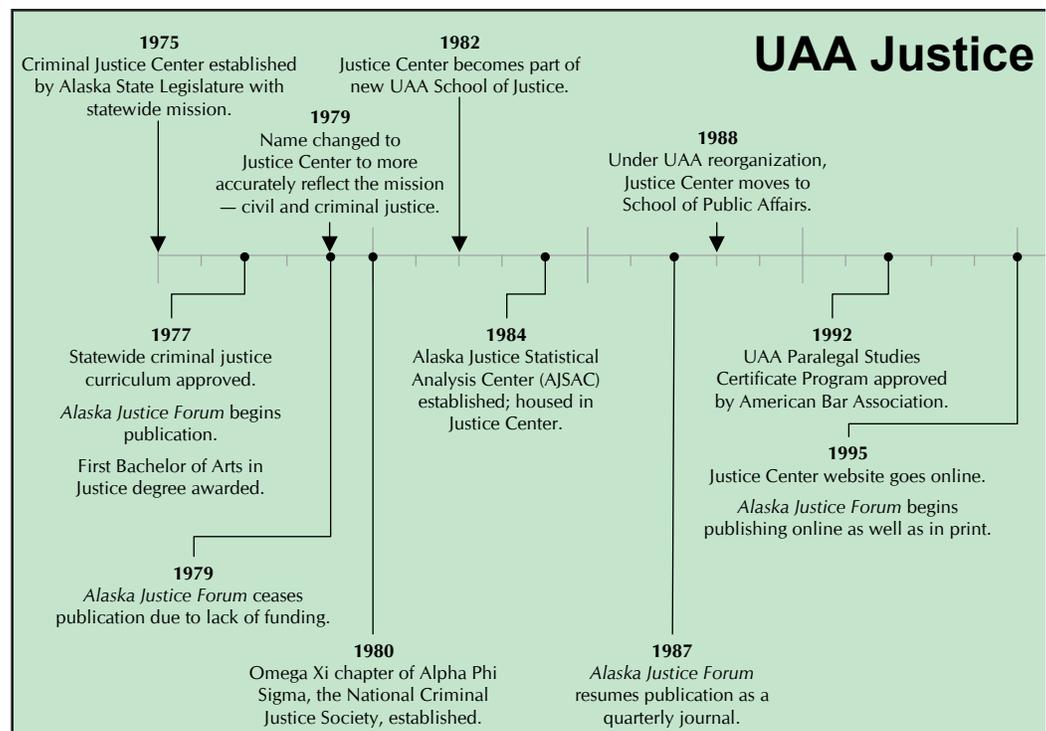
Due to the complex environment of Town Square Park, we divided the park into 12 different zones. These zones were based on informal observations of how people

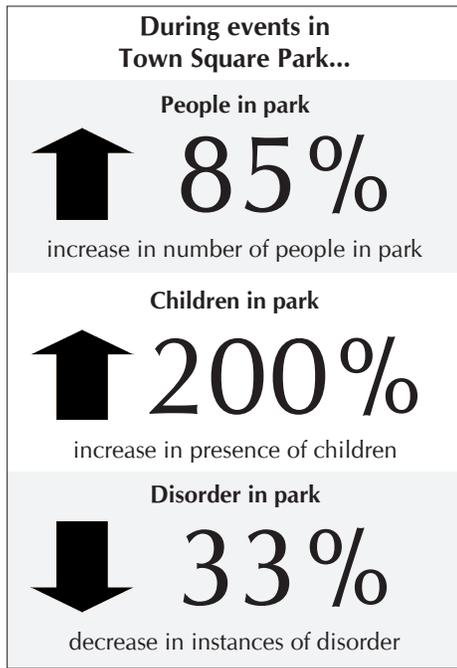
used the park. We observed these zones from the Alaska Center for the Performing Arts, which overlooks the park and provides a clear view of nine of the 12 areas. The research team walked through the three remaining areas to gather observations.

Each area was observed for three minutes. We recorded the maximum number of people in the area and whether any guardians were present (i.e., police, Parks and Recreation staff, Anchorage Downtown Partnership Ambassadors). We also recorded whether the following types of disorder were present: loud/disruptive people, people drinking alcohol, people smoking (tobacco and other substances), panhandling, skateboarding, drug dealing, and drug use. Each type of disorder was measured as *what it looked like*, with the idea of keeping our measurement as close to how a person casually walking through the park would interpret the actions of other people. Our measure of *drug use*, for example, did not require a field chemical test of the substance—if it looked like drug use, it was coded as drug use. We combined these measures into a single indicator of disorder for each three-minute period.

Findings

We observed 571 three-minute periods across nine days between July 17 and 31, 2014, between the hours of 11:00 a.m. and





increased presence of children and families made a qualitative difference in the park atmosphere.

While we observed no serious crime in Town Square Park, we did observe disorder in 13 percent of our observations (77 of 571 observations). While not unusual, disorderly behavior was not the norm in the park during our observations. Disorder was less likely during events (10%) than when events were not occurring in the park (16%). This reduction in disorder was short-term, with disorder typically reappearing within two hours after the conclusion of the event in the park. The research team noticed the persons who often dealt drugs in the park would leave during events and return shortly after the event ended.

Summary, Limitations, and Conclusion

While far from a panacea, the effort to activate Town Square Park was successful in both increasing park usage and reducing disorder—at least during events. Park usage increased substantially while disorder was reduced. More than the quantitative measures, however, the overall *gestalt* of

the park changed during events. Put simply, Town Square Park was a better, nicer place to be when events were staged there.

This work has limitations. First, the evaluation design is a weak one-shot pre-post design. It is not feasible to do a random-controlled trial of interventions at urban parks in Anchorage; each urban park in the downtown area has a unique construction and context. Parks in other cities are in different social contexts as well. Second, our measures were less than perfect. The research team was brought in just shortly before the intervention was to be fielded. Being included earlier in the problem definition and intervention planning process of the project could have resulted in a stronger evaluation design. Even with these limitations, our work shows that a public-private partnership to reduce disorder in Town Square Park can be successful.

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4:00 p.m. This included two days before the intervention, two days after the intervention, and the five weekdays of the intervention, during which the Anchorage Downtown Partnership and its partners staged events in the park.

Park usage increased 84.6 percent during events, from an average of 3.9 to 7.2 persons per park area. The presence of children, a key success metric for some stakeholders, also increased during events—36 percent of observations included children during events, compared to 17 percent when events were not occurring in the park. The

More on Solving Crime and Disorder Problems

Hilborn, Jim. (2009). *Dealing with Crime and Disorder in Urban Parks*. Response Guide Series #9. Washington, DC: Center for Problem-Oriented Policing, U.S. Department of Justice. (http://www.popcenter.org/responses/urban_parks/).

Payne, Troy C.; Gallagher, Kathleen; Eck, John E.; & Frank, James. (2013). "Problem Framing in Problem Solving: A Case Study." *Policing: An International Journal of Police Strategies & Management* 36(4): 670–682 (2013). (<http://dx.doi.org/10.1108/PIJPSM-01-2012-0081>).

Center Selected Milestones, 1975–2015

