

TESTIMONY OF MICHAEL I. JEFFERY, SUPERIOR COURT JUDGE
ALASKA RURAL JUSTICE AND LAW ENFORCEMENT COMMISSION
MARCH 15, 2005
Barrow, Alaska

First of all, I appreciate the effort that the Alaska Rural Justice and Enforcement Commission has taken to fly to Barrow to obtain a personal glimpse of the way the justice system works on the North Slope.

My name is Michael I. Jeffery. I moved to Barrow in January, 1977 to establish an office for the Alaska Legal Services Corporation. I served the lower income residents of Barrow and the North Slope villages with civil issues ranging from native allotments, government benefits to offshore oil drilling. The Legislature created a Superior Court Judge position in Barrow in 1982. I applied for the position and was appointed by Governor Jay Hammond. I began this new adventure in December, 1982 and I remain in this position after 3 retention elections. I became Presiding Judge of the Second Judicial District in 1994.

Rural Superior Court Judges preside over a variety of issues, including felony and misdemeanor crimes, juvenile delinquency, child welfare, domestic relations, and general civil litigation. In Barrow, most of my time is involved with felony crime and juvenile delinquency cases. Based on this experience and the experience of being an active member of this community and raising three children here--the youngest being 16 years old--I'd like to share a few comments with the Commission. These comments are my personal views and are not being made in behalf of the Alaska Court System.

- The state justice system is able to provide much better service on the North Slope than is possible in most other rural areas of the state. Dedicated judges and magistrates are present in most rural hub communities. But the people of the North Slope have made the financial commitment to have professional police officers in each of the villages and Barrow. Each community has a police station that includes a holding cell. Village defendants appear by phone with the Barrow court; in serious cases, they are flown to Barrow for the hearings. The combination of the local state-funded court facility with a Superior Court Judge and Magistrate and the borough-funded police services helps maintain the credibility and effectiveness of state law enforcement for criminal cases, including domestic violence.
- Having a local jail for short term sentences and a local halfway house also help provide extremely important services easily accessible to the families of those involved.

- Barrow does not have a local juvenile detention and treatment facility. Adding such programs would be a major help in the juvenile delinquency area. We do have dedicated state-funded juvenile probation officers as well as wonderful outpatient programs at the Borough's Children and Youth Services program and the "I.T.T.C." (for Inupiat Teens Taking Control"). But many youth require more structure than these programs are able to provide. They are placed in foster homes, group homes or treatment programs in Fairbanks, Anchorage, Nome, Bethel, Southeast Alaska and even in the Lower 48. Having a local program would allow better opportunities to work with entire families with programming relevant to the culture of the youth in the program. Special programming for those with F.A.S.D. would be possible.
- The state justice system on the North Slope would work better if there were more adequate funds for state prosecution so that there could be two attorneys in the Barrow DA's office. The work load on the North Slope easily justifies the two public defenders in the Barrow office. But the single prosecutor in Barrow is expected to handle nearly all felony and misdemeanor crimes. Recent changes within the Department of Law have added the prosecution of juvenile delinquency cases to this work load. Is it any wonder that the resulting stress and burnout for the prosecutor has caused a steady turn over at the Barrow office?
- Alcohol abuse is a major driving force behind criminal activity on the North Slope. The last time Barrow switched from being "dry" to "damp" the number of criminal cases nearly doubled. It has been a great help that the villages are "dry" and that the City of Barrow has its distribution site to help control the entry of alcohol into the "damp" community of Barrow. The distribution site controls the amount of alcohol someone can order. In addition, the City will not allow persons with certain kinds of criminal convictions to receive alcohol at the distribution center.
- The state courts and the Native Village of Barrow tribal court have had cordial relationships for many years. Mutual respect is present as each entity provides services to the community in its area. When a Chief Justice of the Supreme Court visits Barrow, time is always set aside to meet with the tribal judges. The Wellness Court administered by the Native Village of Barrow is a model for therapeutic justice, bringing together a variety of tribal, state, and borough agencies. These tribal initiatives have been important in providing the many different types of services required in our community.
- The state court and the tribal governments, including the Native Village of Barrow and the Arctic Slope Native Association, also have been able to work together in child welfare cases. As you may know, the Native Village of Barrow has "exclusive jurisdiction" over Barrow child welfare cases, so the workload of both the state social workers and the state court has been reduced by the elimination of these cases. ASNA intervenes in the state

child welfare cases involving the villages and is of great assistance to families and the dedicated social workers.

- I have attempted to make the justice system more understandable and "user-friendly" by developing plain English versions of commonly-used court forms. A couple of examples are attached to this testimony. I believe that these forms help those of different cultural backgrounds and those affected by Fetal Alcohol Spectrum Disorder and other challenges understand better what is happening. Better understanding leads to a greater ability to follow the court orders. Both Magistrate Karen Hegyi and I also adapt the manner in which we conduct court proceedings to recognize problems that certain persons and families have in understanding them. We maintain communication among the various agencies of the local justice system by having roundtable-discussions every 4-6 weeks.

I appreciate the opportunity to share these thoughts with you. I would be glad to answer questions if there is time.

IN THE TRIAL COURTS FOR THE STATE OF ALASKA AT BARROW

STATE OF ALASKA,)
)
Plaintiff,)
)
vs.)
)
_____,)
Defendant.)
DOB: _____ DOV: _____)

ORDER AND CONDITIONS OF RELEASE/
ORDER APPOINTING COUNSEL/
TEMPORARY ORDER

CASE No. _____ CR

For police: Conditions valid through _____, Judge
Conditions valid through _____, Judge

I will put my initials in the [_____] . My initials show that I understand and agree with each sentence that has a checked.

1. LAWYER.

- I will try to hire my own lawyer. [_____]
- I have asked for a court-appointed lawyer. The judge/magistrate has appointed one:
 - My lawyer is the Public Defender P.O. Box 429 Barrow, AK 99723
I have only 5 days from today to call: 1-800-478-2521 or 852-2520 [_____]
 - My lawyer is from the Office of Public Advocacy 100 Cushman St., Suite 502, Fairbanks, AK 99701.
I have only 5 days from today to call: 1-907-451-5933 (I can call collect).[_____]
 - This is the name of my lawyer: _____
Address: _____
I have only five days from today to call: 1-907-_____ [_____]
- I understand what a lawyer can do, but I do not want to have a lawyer. (I know I can ask for a lawyer or hire a lawyer later on). [_____]

2. NEXT COURT DATES

- I must come back to the courtroom on _____ at _____ for _____ [_____]
- I must come back to the courtroom on _____ at _____ for calendar call. [_____]
- I must come back to the courtroom beginning _____ at 8:30 a.m. for my trial. [_____]
- If I'm out of town, I can call (907) 852-4800 for my court dates, except my trial. (but I cannot call collect). [_____]

3. BAIL PROMISES

I promise the Judge/Magistrate:

- **I will not possess or drink any alcohol or possess or use any illegal drugs, including marijuana, meth, or cocaine. [____]
- **I will not be at a place where people are using alcohol or illegal drugs. [____]
- **I will not drive any motor vehicle, including a car, truck, motorcycle, 4-wheeler, or snowmachine on a street. [____]
- **I will not go visit or be around this place (*stay away at least 100 feet*):
[____]
-
- **I will not have ANY contact (talking, phoning, sending letters or e-mail) with
[____]
- **I will not have my friends or relatives talk to him/her about this case for me, (but my attorney might be able to). [____]
- **I will be with _____ 24 hours every day ("sight and sound")
 _____ [____]
- **I will be inside a residence from _____ p.m. to _____ a.m. every day. [____]
- _____ [____]
- I will come back (or call) to this courtroom any time the Judge/Magistrate tells me to. [____]
- I will not leave Alaska or _____ without writing to the Judge/Magistrate and getting a travel permit [____]
- I will obey the criminal laws of my village/town, Alaska, and the USA. [____]

4. BAIL ORDER

- I can get out on my "own recognizance." This means: I don't have to give any money right now. I promise to come back to court or jail. I also promise to follow all the promises in this form. The police could arrest me if I do not come back to court or follow all the promises.
[____]
- UNSECURED BOND.** To show that I am serious and I will come back to this courtroom, I will sign an "unsecured bond" for a total of \$_____. I do not have to give any money right now. I understand the type of bond is checked below. [____]

I promise to come back to the court room or jail when I am told to, or the police will bring me there. If I don't come back to court or jail, I could have to pay up to \$ _____.

I promise to follow all the other promises in the form (not including the one about coming to court). If I don't follow all the other promises in this form, I could have to pay up to \$ _____. (I understand I must still come to court for my hearings).

CASH BOND. To show that I am serious, I will give money to the Clerk of Court or the jailers, and sign a bail bond.

1. I must pay a total of \$ _____ (which is 10% of \$ _____).

2. I must pay a total of \$ _____ (this is 100% of the money)

3. I must pay a. total of \$ _____ (this is 100% of the money), and I can use dollars or a "Bail Bond" that is equal to that much money.

At the end of the case, I get this money back (or I won't have to pay any money) if:

I show up to this courtroom and jail every time I am told to. The police will bring me back to the courtroom or jail and charge me with a new crime if I do not keep this promise.

If I do NOT come back to court for ALL my hearings, I could lose up to \$ _____.

I follow all the other promises on this form (not including the one about coming to court) as long as this case is going on. The police can bring me to jail and charge me with a new crime if I do not follow all the other promises. I could also lose up to \$ _____. (I understand that I must still come to court for my hearings).

NO BAIL. I cannot be released until I have arranged a "Third Party Custodian" and we have a bail hearing for the judge/magistrate to check out a third party custodian and to set bail conditions.

AGREEMENT BY DEFENDANT

I have read this order (or had it read to me). I promise to come to court and follow the rules I have initialed. I understand that if I don't come to court or follow these rules, these things could happen: I could be arrested and go to jail, my appearance or performance bond could be lost to the State, and I could be charged with new crimes like "Violation of Conditions of Release," "Failure to Appear," or "Unlawful Contact."

My name (Sign your name)

Date

Home phone number

My address

Work phone number

5. PROMISE BY THIRD PARTY CUSTODIAN

I accept the duty of making sure the defendant follows the promises made in this court form. I will make sure the defendant comes to court or jail as ordered by the Judge/Magistrate. I understand that I can be charged with a misdemeanor crime that has up to one year in jail and a \$10,000 fine or up to 90 days in jail and a \$2,000 fine if I do not call the police right away if the defendant does not follow the bail promises in this case.

Custodian's Signature		Date of Birth	Home Phone
Residence Address	City	State	Work Phone

6. COURT ORDER

Based on the above information, the Court makes the following order:

- 1. The defendant must obey all promises in this court form.**
- 2. Arrest without a warrant is allowed for violation of any ** condition.**
- 3. If an attorney is "checked" above, that attorney is appointed to represent the defendant.**
- 4. The defendant shall be released, after any required bail has been posted or other court order such as a court-approved third party custodian has been satisfied.**
- 5. The defendant may be transported to any appropriate jail if the defendant has not posted any required bail within 48 hours.**

Date	Judge/Magistrate
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I certify that copies distributed to: Defendant Barrow jail Village of _____ Police (fax)
 _____ on _____, _____, Clerk.

I certify that copies to DA PD Defense Attorney Adult Probation _____ on _____,
_____, Clerk.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA AT BARROW

IN THE MATTER OF: _____)

CONDITIONS OF PROBATION

DOB: _____)

A minor under 18 years of age _____)

CASE No. 2BA- _____ CP

I will put my initials in the [____]. My initials show that I understand and agree with each sentence which the judge has checked in the box.

I promise the Judge:

1. I will NOT possess or drink any alcohol. [____]

2. I will NOT possess or use any drugs, including marijuana, meth or cocaine. [____]

3. When an officer asks me, I will take a breath test or urine test to show I am clean and sober. [____]

4. I will NOT carry any kind of firearms, club, ammo, brass knuckles or other weapons, or ANY knives around. [____]

THESE THINGS ARE OK WHEN I AM HUNTING WITH AN ADULT

5. I CANNOT visit or go within 100 feet of where _____ lives (house/apt # _____) [____]

6. I CANNOT NOT have ANY contact (talking, phoning, and sending letters) with _____. (I understand my lawyer can.) [____]

7. CURFEW

I must always be at home from 10:00pm to 6:00am on school nights. [____]

I must always be at home from 11:00pm to 6:00am on weekend nights/school vacations. [____]

I must come home early when I am told to. [____]

8. I will follow all the rules at home and from my Probation Officer. [____]

9. I will live with my parent/guardian unless my Probation Officer says I can move. [____]

10. I will go to school when in session and follow all their rules including my IEP. [____]

11. I will check in with my Probation Officer when I am told to. [____]

12. I will follow all the laws of my town/village, Alaska, and the United States. [____]

13. I understand that my name will be released to school officials who need to know the information for the purpose of probation monitoring and that my school records including attendance, grades, behavior and my special education records will be released to my juvenile probation officer. [____]

14.

