

# Sentencing criteria offered

Possible cultural and racial bias in sentencing patterns of Alaskan judges could be significantly reduced if they were to follow uniform guidelines. That was one of the recommendations made to the Judicial Conference last week that could affect justice for Alaskan Natives.

Superior Court Judge Tom Shultz of Ketchikan has been working with other judges and members of minority communities to develop a "grid" to help judges determine appropriate sentences.

"Any grid should be racially and culturally neutral," Shultz told his colleagues, "and should limit the extent of information a judge would have to have in using the grid."

The grid assigns points according to the type of offense committed and the defendant's past record. The working group decided not to include information about the offender's personal life, such as marital and employment status, in the point system.

"Disparity in general can be eliminated to a greater

degree if social stability aspects are ignored," Shultz said. "We should concentrate on the offense and the other things in the person's background."

However, judges do not have to follow the grid, and if they do, they can go outside of the strict point system in determining a sentence. But Schultz said he would like a written explanation from judges who find the grid does not work.

He asked judges to try the guidelines for the next year for an evaluation of its effectiveness during the 1980 Judicial Conference. However, as yet only a grid for sentencing in marijuana cases has been worked up.

Search warrants and arraignments could be conducted by telephone if a change in the criminal rules is adopted. This would particularly affect bush not be immediately reachable because of location or weather.

The practice would only be used in emergency situations and a recording of the process would be required, said Judge Duane Craske of Sitka, who made the recommendation.

Bethel Superior Court Judge Chris Cooke has had to use the telephone for arraignment proceedings before, and he said it carries some problems. "There's no copy of the complaint, you can't observe the demeanor of the subject or know who's standing next to him and could be pressuring him." But Cooke approved of the emergency method.

More ordinary citizens could help decide if judges are doing their job if a constitutional amendment can make it through the

1980 legislature.

Presently, the Commission on Judicial Qualifications is composed of five judges, two lawyers and two lay persons. Supreme Court Justice Edmund Burke recommended to the Judicial Council that the membership be realigned "to take the distrust out of the process." It is the responsibility of the commission to consider complaints against judges.

Burke would like to see the nine membership slots divided evenly among judges, citizens, and lawyers with no Supreme Court justice allowed to sit on the panel. The Supreme Court makes the final decision whether to reprimand or get rid of a judge.

The new makeup, however, requires a constitutional amendment. Burke said he would also like to see greater separation between the investigative and decision-making aspects of the commission. He also suggested that complaints against the judiciary be made public as soon as the commission determines the complaint is justified.