

Unique Bush Justice Research

FAIRBANKS — Alaska's judicial system will look to the village people for help in a unique bush justice research program beginning July 1.

The project will test a number of optional procedures that might be implemented, by the Alaska Supreme Court, to integrate presently informal procedures of village councils to existing criminal justice procedures in rural Alaska.

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Coordinating the project will be Stephen Conn, lawyer, and Arthur Hippler, anthropologist, both with Univ. of Alaska Institute of Social, Economic and Government Research.

It is an attempt, said Conn, "to have the system work for the people instead of working them over."

The project is being funded by \$70,000 from the National Science Foundation. The 18-month project had the support of the Alaska Supreme Court, including Chief Justice Jay Rabinowitz and the late Chief Justice George Boney, at the time it was presented to the NSF.

Chief Justice Rabinowitz wrote that "The Court has found that past research conducted by Conn and Hippler has offered new insights into the solution of these problems.

"Should the proposal be funded, the court will continue to collaborate with the investigators so that they may define and test useful procedures that may enhance the quality of rural Alaskan justice."

The plan proposed by Conn and Hippler, both of whom have done extensive studies of bush justice, offers a number of options, but two models likely to be tested are a grand jury in the village and a sentencing council.

"The Little Grand Jury" of 12 villagers would have the power to take complaints for violations of state misdemeanors or village ordinances.

The group would then conduct an investigation, and certify cases selectively to the magistrate court after a finding that the offense has been committed.

The grand jury could encourage either a private settlement between the parties in-

volved along lines suggested by the grand jury or could cooperate with the court in defining conduct that would erase an arrest if satisfactorily accomplished.

The little grand jury would be offered as an alternative to the formal filing of a criminal complaint. It would compensate for an absence of plea bargaining in rural Alaska, where attorneys do not often represent the state or village or defendant.

Finally, it would compensate for the failure of lay magistrates to reduce charges because of their lack of training in judicial procedure.

The sentencing advisory council would be called into action after a guilty plea, or more rarely, a trial and finding of guilt, against the defendant.

At the request of the defendant, the sentencing advisory council would sit with the magistrate and in a public hearing discuss the offender's conduct, "in light of his entire role in the village and with an eye toward defining for the magistrate court a punishment that might be an alternative to a jail sentence or fine," suggest Conn and Hippler.

The goal of punishment would be to better assist the offender back into normal village life.

The council might also serve in supervisory role, if the offender were placed on probation.

This participation by village residents would compensate for the absence of other correctional officers in rural Alaska who prepare presentence reports and supervise conduct of those found guilty.

The villages to be used as test grounds and the exact procedures to be tested are still being decided upon, however.