April 8, 2014

Dear Neighbors,

Thank you for attending Haven House's neighborhood information meeting. We appreciated the opportunity to meet with you and believe we have a better understanding of your concerns and fears surrounding Haven House and our future residents.

We are all concerned about safety in Juneau. We strongly believe that Juneau will be safer for having Haven House and we may not have explained that as well as we could have at the meeting. If a woman getting out of prison cannot find safe, stable and sober housing, she is more likely to violate conditions of probation or parole or commit other crimes. With safe, stable, structured, sober housing, she is more likely to stay out of prison and become an engaged productive member of society. As one report put it, "There is growing evidence that supportive housing for homeless formerly incarcerated persons reduces recidivism, makes neighborhoods safer, promoted family re-unification, and is more humane and cost-effective than re-incarceration." [1]

Haven House is part of a Statewide and nationwide effort to more effectively help persons getting out of prison, an urgent goal being taken up by government agencies, non-profit corporations, churches, individual volunteers. We hope you join us in that effort. We hope these answers to your questions may help you do that.

When he signed the Second Chance Act in 2008, President Bush said, "The country was built on the belief that each human being has limitless potential and worth. Everybody matters. Even those who have struggled with a dark past can find brighter days ahead."

To open Haven House, we plan to apply by April 21, 2014, for a use not listed/conditional use permit in accord with the letter from Hal Hart, Director of Community Development Department (CDD), dated March 18, 2014.

Below are answers to your questions. A few of the questions will be more fully addressed in our application.

Sincerely,

Larry Talley
Secretary, Haven House Inc.

[1] In Our Backyard: Overcoming Community Resistance to Reentry Housing (A NIMBY Toolkit) by Fortune Society and John Jay College of Criminal Justice at 3 (2011)J.

1. Groups homes are made up of disabled people. What kind of disability would the residents have?

"Group home" is a term that has different definitions in different contexts. A group home can mean a group of people living together in a home where the people are not related to each other but are living together out of affection, convenience, or a common interest.

We understand that you are most likely referring to "group home" as that term is defined in CBJ Ordinance CBJ 49.80.120. We believe Haven House is properly categorized as a single family residence and the residents of Haven House fall within the definition of family, namely "a group of people living together as an integrated housekeeping unit," CBJ 49.80.120. In the alternative, we believe that Haven House is a group home. Haven House will have nine residents and at least seven residents will be women being released from prison who are committed to recovery from addiction. The women in recovery will clearly have a disability (addiction). Past history of drug or alcohol abuse is a handicap or disability. The two additional residents may also have this disability.

However, as you know, in its March 18, 2014 letter, CDD rescinded its earlier determination that Haven House was a halfway house and concluded that the CBJ ordinances regarding halfway houses and group homes were unenforceable. CDD concluded that Haven House is a boardinghouse and rooming house or is most similar to a boardinghouse and rooming house.

2. What are the rules, regulations and or protocols for residents? Please send us a copy.
a. With no supervisor on-site, how can you enforce these?
b. What is the expectation for alcohol use? Will there be regular testing for illegal drug use? If a woman does not follow expectations and/or tests positive for an illegal substance, what is the consequence?
c. Will there be a sign out/in form? Will there be a curfew in place? How long is a resident allowed to be absent from the house?

Haven House will have house rules for residents. We have carefully reviewed the policies and house rules developed by similar re-entry programs in other cities. We are finalizing these rules and are making changes in two areas to respond to your concerns. First, a woman who is required to register on the Alaska sex offender registry will not be eligible to reside at Haven House. While very few sex offenders are women, and while the probation/parole officer would not recommend a woman required to register as a sex offender to live at Haven House, Haven House itself will not accept a woman in this category.

Second, a woman who violates the rule against alcohol or drugs [except, of course, for prescription drugs prescribed for the woman] on the Haven House

premises will be dismissed from Haven House. Haven House always had a zero tolerance stance on drugs and alcohol but we have established mandatory dismissal as the penalty for violating this rule.

In addition to the prohibition on the possession of alcohol or drugs on the premises, the house rules will establish will establish the conditions for a daily curfew of 10:00 p.m.; random inspections of rooms; visitation only by legal family members—with check of online court records for all visitors; limitations on absences from the home; shared household chores; and compliance with conditions of probation/parole.

a. We will have an onsite night-time supervision of the house every night. We will describe the operation of the house during the day more fully in our CBJ application.
b. As noted, Haven House will not allow any alcohol or drug use on the premises by any resident, staff, or volunteer. Those residents who are on probation or parole will be subject to testing by probation/parole officers or any other authority as allowed by Alaska law. Haven House does not plan to conduct drug testing for residents at this time.[2] If a Haven House staff member suspects a woman has been using drugs or alcohol, the staff member will contact the woman's probation/parole officer.
c. Haven House will have a sign out/sign in form. There will be a 10:00 p.m. curfew. Each resident is required to obtain pre-approval from the staff if she will be away from the home for more than 24 hours.

3. In light of the city's classification of Haven House as a halfway house, have you considered moving to a location where your organization's intentions would be properly zoned?

As you know, after you asked this question, CDD rescinded its classification of Haven House as a halfway house and has concluded that its ordinance regarding halfway houses is unenforceable. We never believed that Haven House is a halfway house

4. Please provide an answer to the apparent discrepancy between Mr. Talley's statement that women living in the house will be on Probation/Parole, and Ms. Degnan's statement that the women will not be serving a sentence and have completed all obligations to the Department of Corrections. Are these residents still on parole or probation while living in our neighborhood? Isn't Probation/Parole still considered a sentence that has not been completed?
Women living in Haven House may be on probation and/or parole. Women living in Haven House will not be serving a sentence while living in Haven House. We

[2] Per House Rules for Haven House, approved by the Board on April 20, 2014, Haven House staff may administer drug tests to Haven House residents.

believe that the term “serving a sentence for a criminal act” in CBJ 49.80.120 in the definition of group home and halfway house means that the person is confined to a particular location, must “serve their sentence” at that location, and is in the custody of the Department of Corrections while they are serving a sentence. In Juneau, people serve a sentence at the Lemon Creek Correctional Institution and the Anka Street Halfway House. A person on probation or parole can typically live anywhere subject to the approval of their probation or parole officer (if they have a probation or parole officer) .

Yes, we agree that a woman on probation or parole has not completed all the terms of their sentence. However, we do not believe that a woman is “serving a sentence” at Haven House, the Glory Hole, the house of their friends, the house of their parents, or anywhere else she may be living. If a woman violates the conditions of her probation or parole, she may have to return to prison to “serve her sentence.”

5. We understand that the house was purchased by Hugh Grant & Associates and HH has a year lease with option to buy with a monthly rate of $2500/mo. Is this true?

We are renting the house from a private party and we intend to respect that party’s privacy.

6. Someone said the owner of the Airport mini-mall apartments offered up a "large house" for HH use. Are there any plans to use this during the months or years while your appeal is pending?

We have been made aware of a number of properties which might be available for Haven House to rent. In the cases where those properties were available in a reasonable timeframe and appeared to be suitable for our purposes we made further inquiries. In the cases where the properties were only potentially available at some unspecified future date, or, the properties didn’t meet Haven House requirements, we have not made further inquiries.

At the neighborhood meeting on February 22, 2014, some people asked that we look at the large red house, sometimes called “The Shattuck House,” in downtown Juneau near the Governor’s Mansion. We immediately contacted the owner, who lives in Anchorage. The owner stated that the basement apartment was rented and that he had reached an agreement in principle to rent the house to a tourist-related company and was sending that renter a lease. However we could look at the house, in case the prospective rental fell through. We immediately toured the house. It would have needed work to bring it up to our standards and there was a renter for the downstairs basement apartment but we wanted to follow up further on it in case it would be available. When we called back the owner, he said that the tourist-related company had signed a two-year lease.

We will consider any other suggestions.

7. Some folks from Haven House have suggested that it meets the definition of single-family residence under the CBJ code. Please explain.

The women living at Haven House will be "one or more persons living as a single housekeeping unit," which is the definition of family in CBJ 49.80.120. The definition does not require any blood or legal relation among the persons. The definition does not exclude anyone from being a member of a family because they are on probation or parole. The definition does not require any particular length of living together as a single housekeeping unit. The women at Haven House will share chores and have communal meals. We explained further why we believe we meet the definition of family in CBJ 49.80.120 in our appeal of CDD's first determination, which we filed on March 10, 2014.

8. Wouldn't it be more cost effective for your benefactors, and less destructive to the neighborhood, if you would simply take one or two of these women to live with you, and maybe others on the board can do the same. Spread out the people in ordinary families rather than create a concentration of ex-offenders in a residential neighborhood where everyone might not be as accepting as you?

We believe that the women participating in Haven House will derive benefit from being part of a community of peers with similar backgrounds and shared challenges and successes. Taking released women into a family home, where they would certainly feel out-of-place, uncomfortable, and a burden, would not offer the same opportunities for healing, self-respect, personal growth, and positive peer support that we believe these women will provide for each other within Haven House. Further, few, if any, on the Haven House Board have an empty room in their homes and a room that they could commit to being empty for two years.

We are not asking people in the neighborhood of 3202 Malissa Drive to have women who they do not personally know live in their homes. We simply want to locate Haven House in this neighborhood. It will not be destructive to the neighborhood. Everyone involved with Haven House would be willing to have Haven House in their neighborhood.

Finally, persons coming out of prison face tremendous difficulties in finding an affordable, sober, stable, safe place to live. The lack of affordable, sober, stable, safe housing linked with community services contributes to the high rate of recidivism—people returning to jail after release—in Alaska. A group of women released from prison living together in s safe, sober, structured environment are less likely to reoffend. The Alaska Department of Corrections

Five-Year Prisoner Reentry Strategic plan explains why the State supports faith-based prison and reentry support.

9. Some folks from Haven House have suggested that Haven House will not provide supervision and other services, but previously you have said that the house will be supervised by a house manager and a codirector. Please explain.
a. If there will be a supervisor, do they have any experience supervising ex-offenders living together?
b. If there is no supervision, how are these women going to be rehabilitated as your stated mission implies?

Haven House will provide a nighttime supervisor. Haven House will explain the supervision of the house during the day in its permit application. Haven House will use the intake process as a new resident moves in as an opportunity to ensure that each resident fully understands the house rules. Haven House staff and the residents themselves will oversee adherence to house rules and coordinate shared household chores and other communal activities during weekly house meetings. Haven House staff will also share information with Probation/Parole Officers. Haven House participants will sign release forms allowing Probation/Parole Officers to share information with Haven House and visa-versa as a condition of their application.

Haven House staff will provide referrals to externally provided services (12-step programs, job training, etc.) and will assist Haven House participants in selecting and participating in these external services. Haven House will establish mentors for the residents. Staff and volunteers will serve as healthy role models for residents as they assist the resident navigate the difficult transition back into Juneau. Staff and volunteers will also learn from residents and develop relationships with them. Staff, volunteers and residents will discuss faith and how they have dealt with difficulties in their lives. This will result in a supportive and safe community of peers, staff, and mentors at Haven House that will support the women in making changes to increase their chances of integrating back into the community.

10. What is the application process like for women wanting to live at HH? Are there any backgrounds, criminal offenses or situations that could disqualify a woman from applying to HH?

Haven House participants must complete an extensive application which will include recommendations by Probation/Parole/Corrections Officers, and must interview with Haven House staff. The applications will be carefully reviewed by Haven House staff in consultation with the Probation/Parole Officers. A high priority of the review process will always be to protect the potential success of the participants who are already in the Haven House program. A woman who is

required to register as a sex offender will not be eligible to reside at Haven House.

11. Is there a long-term business plan or are we going year to year? What commitments do you have in place for Budget Year #2 and #3?

We are continually seeking stable funding sources and have grant applications under review and applications in process. Donations for Haven House are gratefully accepted at http://juneaucf.org/. Until Haven House has a legal right to operate, however, we cannot receive rental income and our ability to receive grants, engage in fundraising, and seek commitments for future years is severely undermined.

12. What is your policy on residents' visitors? Who, how long, when, hours, background checks, etc.?

Only legal family members may visit participants. Legal family members include spouse but do not include boyfriends. Visits must be scheduled at least 48 hours in advance and approved by staff. The staff will conduct a background check on all potential visitors by checking Court View, the online record system of the Alaska Court System, and may conduct further investigation. Visiting will occur in the main living room and visitors must leave by 10:00pm.

13. Will the residents have vehicles? If so, where will they park? Where will additional parking be located for those visiting or checking in with the women?

The residence at 3202 Malissa Drive has room for six cars on the Haven House property: two in the garage and four in the driveway outside the garage. There is room in front of the house to park two cars.

Based on our knowledge of the target participants and discussions with similar homes in Anchorage we expect few, if any, of our residents initially to have cars. However, eventually, after a resident has lived there a while and has a job and steady income, it is likely that one or more residents may have a car.

The two co-directors may be at the residence at the same time and both may have cars, although currently only one has a car. We expect the parking needs of Haven House residents, staff and volunteers will usually easily be met with the existing two-car garage and four spaces in front of the garage.

14. What is the expected length of stay for residents? How do you determine when a resident is appropriate for release?

We offer program participants up to two years in Haven House. We expect most residents will stay at least for six months and many will stay longer.

Haven House does not release a woman in the same way that a correctional faciility releases someone. A woman who resides at Haven House is free to leave although, if she has a probation officer, she needs to have her residence approved.

However, in talking to a resident about whether to move out of Haven House, Haven House staff would primarily discuss whether she has other housing and whether that housing is safe and affordable; is likely conducive to her recovery from addiction, if she has that disability; is likely conducive to meeting the goals she has identified, such as employment, spiritual grown and possibly reunification with her children.

15. What is the safety plan if a resident or visitor becomes violent or is a danger to other residents or to the neighborhood? Will Haven House, Inc. be posting a surety bond?

The record of residences like Haven House are that the police are hardly, if ever, called. For example, the police have never been called to either of the Anchorage Correctional Ministry homes in Anchorage. Haven House will have a number which will be answered 24/7 if a neighbor wants to report a problem. If Haven House staff, residents or neighbors encounter a violent or threatening situation, they should call the police.

Haven House does not plan to post a surety bond. We believe it would be unprecedented for a project of this nature—a small project with no possibility of large scale economic damage—to be requested to post a bond.

16. Who is Haven House accountable to if they do not follow their stated plan and rules?

Haven House is a corporation and has the same accountability as any other corporation. As a non-profit corporation, Haven House is run by a Board of Directors, which sets policy for the organization. Haven House will provide a phone number for the neighbors to call to report any problems which will be answered 24/7.

17. What is your plan to assure the safety of neighborhood families, children, and property? Please address safety with respect to residents, as well as safety with regard to visitors, family, known associates, etc.

Haven House will offer housing to women who have been released from custody and who can live anywhere. Because of Haven House supervision, house rules, peer accountability, information sharing with Probation/Parole Officers, volunteer mentors and other support systems, the neighbors will be much safer with respect to the residents of Haven House than they would be from released prisoners living in Juneau without these supports.

For these same reasons the neighbors would likely be safer from Haven House residents than they would be from a large family providing little supervision and filling the house with children, children's friends, occasional babysitters, possibly couch-surfing relatives.

Please also see our answer to Question 12 regarding Haven House's visiting policy.

18. Are there any protocols in place for any uninvited unwanted visitors and how to properly deal with that situation when it arises?

Haven House staff will ensure that all residents understand the visitor policy. If an unwanted visitor comes by, Haven House staff will ask them to leave. If they do not leave, staff will call the police. Our board is committed to providing our staff with the training and resources that are recommended by the operators of similar homes. For example our staff participated in a 40-hour "Certified Victim Advocate" training provided by AWARE, and our staff traveled to Anchorage to spend a week being mentored by staff at re-entry homes operated by Alaska Correctional Ministries and New Life Ministries.

19. Which ones of the Board members have experience starting and operating a transitional facility for ex-offenders?

Several board members have many years of direct experience meeting with women who are still in the prison system, and over the years a great many of those women have been released and have maintained their acquaintance with our board members. Through that experience we have learned a great deal about what women need in order to successfully re-enter society. We also have board members (and staff) who have direct experience with founding and/or operating women's shelters. We are in close contact with Alaska Correctional Ministries and New Life Ministries who operate similar programs in Anchorage. We have paid for Alaska Correctional Ministries staff to travel to Juneau to consult, and we have sent our staff to Anchorage for mentoring.

20. What type of research did you do into the zoning and allowable use issues of this experiment prior to investing in this home? There are multiple areas that are zoned for this use, why did you not choose one in a properly zoned area? We are assuming you advised the realtor of your intentions for the property- did your s/he fail to disclose the applicable zoning to you?

We were aware that "group home" is an allowable use in the zone and we applied for an allowable use permit for a group home. We now believe that this was unnecessary because our use is more appropriately categorized as a single family residence. However, CDD has determined that Haven House is a

boarding house and rooming house, as defined in CBJ 49.80.210, or is a use most similar to a boarding house and rooming house.

21. Please describe your site selection process. Why did you decide against consulting the neighborhood's residents during this process?

We searched diligently for a long time to find a house that was a good fit for our requirements. We worked with multiple realtors and were shown a number of properties. When we found the house we now intend to occupy we recognized that, while it was not perfect, it was the best fit that we had seen in two years of searching.

We believed that our use of this property was an allowed use in this neighborhood and that under zoning codes this use did not require notification or consultation with the neighbors before we move in. Our board also desired to protect the privacy of our residents with respect to their status as felons in a society that stigmatizes felons. But the primary reason we did not consult the neighbors before renting the property was because we were applying for an allowed use which was proper without prior notice to nearby property owners. Our entire board would be pleased to have Haven House in our neighborhoods. We did not anticipate a negative neighborhood reaction.

22. Haven House, Inc. cites a number of parallel programs across the nation. These are close to bus routes, job centers, educational opportunities, etc. Why did you decide to be located remotely from services that the residents require in order to re-integrate into society?

It takes about 10 minutes to talk from the house to the bus stop at the corner of Nancy St. and Mendenhall Loop Road, the bus stop going towards the glacier. It takes a few minutes to cross the street and get the bus on the other side of the street going towards downtown.

It takes about 15 minutes to walk from the house to the bus stops at the corner of Haloff Way and Mendenhall Loop Road (where there is a cross walk to the other side of the street).

A round-trip walk of 30 minutes a day is a reasonable distance and would meet the standard recommendation for minimum physical exercise a day. Many people who live in the Valley do not have a car and take the bus to jobs, schools, and appointments.

We are currently of the opinion that, after two years of searching, this house is the best fit that we can find.

23. How many years are you prepared to engage in the appeals process through the different levels of city government and state courts before abandoning this location?

If our board decides this question the decision will be in executive session. However we are fully committed to seeing this worthy and needed project to completion. We believe that Haven House will be a very valuable addition to the community of Juneau.

The need for housing for formerly incarcerated persons is immense. The need for safe, sober, stable, structured, affordable housing for this population is undeniable. We hope to contribute to filling this community need without litigation.

24. Would your reconsider your decision and find another location if it is clear that the majority of the Tall Timbers neighbors are uncomfortable with their neighborhood being selected to for the halfway house? The house could be rented to a family - your loss minimized. Furniture stored for a future location. Assuming Hugh Grant supports your endeavor he could waive any lost rent and return your years payment.

The board is open to considering all viable alternatives.

25. Residential neighborhoods get to know each other and who belongs and who is a stranger. We school our children not to talk to strangers.
a. If you lived next door, what steps would you take to know who belongs here anymore, in view of the continual turnover of residents?
b. How can families with small children be comfortable with a continual flow of strangers - both HH residents and their visitors?

We expect that most women will stay for at least six months and they may stay up to two years. Most residents will be living in the neighborhood longer than a son or daughter who is home from college for the summer.

It is likely that the residents will not have that many visitors from their old life because by agreeing to live at Haven House, they are committing to turning their lives in a new direction and to cutting contact with unhealthy family and friends. All visitors must schedule a visit 48 hours in advance, must be approved, and will be subject to a check of their criminal history.

Further, the conditions of release for most of our residents will prohibit them from associating with other felons, unless at an approved meeting or an approved living situation, such as Haven House. So visitors are likely to be healthy and safe and not another felon.

A note specifically from Larry Talley, Haven House Board Secretary: I would welcome Haven House in my neighborhood. It is worth noting that my children are now sixteen and older, but I would introduce my children to Haven House staff and, to the extent comfortable to all parties, to Haven House residents. I would talk to my children about crime and prison and prisoners and recovery from substance abuse and re-entry into society after coming out of prison. I would try to find one or more Haven House participants who might feel comfortable with my family, and make an attempt to integrate that person or persons into my neighborhood, my church, my community, my circle of family friends. If my children were younger I would introduce my children to the Haven House staff if convenient but would otherwise expect my children and the residents of Haven House to be mostly unaware of each other. In other words, I would treat residents of Haven House like people.

Professional License Details

Name:	JAMES R. WAKEFIELD
DBA:	
License Number:	13040
License Type:	IS A LICENSED SALESPERSON
Status:	EXPIRED
Address:	17325 POINT LENA LOOP ROAD JUNEAU AK 99801
Expiration Date:	01/31/2008
Current Issue Date:	02/06/2006
First Issue Date:	11/04/1991
Additional Info:	

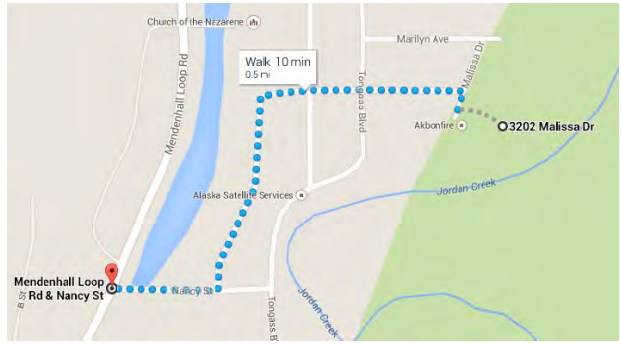
Employing Broker Name: HONEY BEE ANDERSON

Office Name: POWELL REALTY, INC.

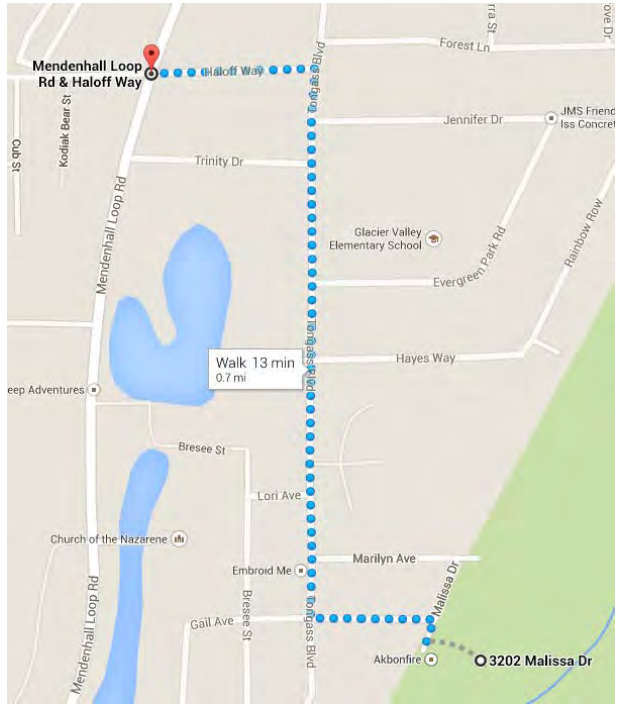
Contact Phone: (907) 465-2550 Email Professional Licensing

Information from Google Maps (https://www.google.com/maps)

Bus stop at corner of Mendenhall Loop Road and Nancy Street, walking time 10 minutes, 0.5 miles.



Bus stop at corner of Mendenhall Loop Road and Haloff Way, walking time 13 minutes, 0.7 miles.



TTNA EXHIBIT 14
Page 1 of 1

Exhibit 5

RECEIVED
MAR 10 2014
PERMIT CENTER/CDD

P.O. Box 22977
Juneau, AK 99802
March 10, 2014

Dear Mr. Hart,

Thank you for the opportunity to present more information concerning Haven House. Our response to the questions from the CBJ Attorney's office is attached, as is a memorandum supporting our legal position.

As an initial matter, I should state that we now realize that it was unnecessary for Haven House to request status as a "group home" because Haven House meets the CBJ's definition of a single family dwelling. That request was an innocent mistake by non-lawyers. Haven House apologizes for its mistake.

What we request at this point is the following:

(1) a determination by CDD that Haven House is a single family residence and therefore may operate in a D-5 district;
(2) in the alternative, a determination that Haven House is a group home and therefore may operate in a D-5 district;
(3) a determination that Haven House may operate in a D-5 district as a reasonable accommodation under the Fair Housing Amendments Act and the Americans With Disabilities Act; and
(4) if you cannot make any of these determinations, an explanation of what characteristics or activities you think disqualify Haven House from being a single family dwelling or group home or being unable to operate as a reasonable accommodation.

Although Haven House's legal position is explained in the attached memorandum, two things should be kept in mind. First, Haven House's use of the home will be much better and safer for the residents and the neighborhood than some other potential situations that would be allowed under the CBJ's zoning code. Given the CBJ's broad definition of "family", nothing in the CBJ's zoning code would prevent up to twelve persons, whether related or not, and including women just released from prison, from living together in the six bedroom house as a single housekeeping unit, just because they enjoyed each other's company, and without supervision from anyone. Haven House's plan limits the number of residents to nine, adds a house manager who will be at the house in the evenings and nights,and adds two part-time co-directors (one fulltime equivalent) who will be at the house during the day, all of whom will provide the residents with the same type of mentoring and support, suggestions, help, and friendship typically found in families of related persons, and frequently found in communal living situations of unrelated persons. They will also enforce house rules such as curfew and chores.

Secondly, because of the nature of the prison population, Haven House has long been aware that most, probably all, of Haven House's residents will be recovering from substance abuse or have mental health issues. Although its business plan that it submitted with the application of December 23, 2013 stated that 90% of the prison population had substance abuse issues, Haven House did not give you any supporting documents. Those are attached as Exhibits A and B to our accompanying legal memorandum. Also, Haven House is

designating at least 7 of its 9 beds for women coming out of prison who are committed to recovery from substance abuse. See Exhibit C to memo. Accordingly, Haven House is protected by the Fair Housing Act's prohibitions against discrimination.

There is one other matter in addition to Haven House's request for a determination as set out above. The CBJ ordinance provides that uses "similar" to a group home with five or fewer residents are to be regulated as single family dwellings. Haven House would be willing to open with only five residents, and wait to add more residents until its zoning status is finally resolved, either administratively or in the courts. This would be a temporary solution, but it would minimize Haven House's damages for a while. Please let me know if you object to this.

I should add that time is of the essence in this matter because Haven House is incurring costs of the residence, and there are already women who want to apply to live at Haven House. So, could you please let me know how long you estimate it will take for Haven House to receive the determinations requested in this letter?

Because a recent newspaper article referred to Haven House's legal representation, I should clarify that matter. Since we know that this case may end up in litigation, we have consulted with Northern Justice Project, LLC, www.njp-law.com, a law firm which has an established track record of representing persons and organizations whose civil rights have been violated. However, NJP is not representing Haven House at this time. The purpose of the attached brief and our answers to CBJ's questions is to avoid litigation such as occurred over the Karluk Manor in Anchorage. Instead, Haven House deeply and sincerely wishes to put its energy into opening Haven House and providing housing to a segment of our community that very much needs housing--women coming out of prison committed to recovery from addiction.

We would be happy to meet with you to discuss any of the above or any of the matters raised in the attached legal memorandum or answers to Mr. Palmer's questions. I will be out of town March 11 through 19th, but any other time is fine. Thank you very much for your attention to this important manner.

Sincerely,

Pamela Finley

Pamela Finley
Attorney for Haven House

cc. Jim Davis
Northern Justice Project, LLC

Rob Palmer
CBJ Department of Law

Haven House responds to the request for this information contained in an email from CBJ Department of Law to Pam Finley, Attorney for Haven House, dated March 6, 2014.

Basic purpose of Haven House

The basic purpose of Haven House is to provide housing in a single housekeeping unit for women being released from prison who are committed to recovery from addiction. Haven House will provide this housing in a loving structured environment.

Describe how Haven House believes it should be regulated (halfway house, group home, etc.)

Haven House believes that its use of the home at 3202 Malissa Drive is as a single family residence within the definition of family in CBJ 49.80.120. Haven House believes that its use of the property should be regulated as a single family residence. This is Haven House's first and primary contention. Depending on the CBJ's interpretationof "group home" in CBJ 49,80..120, Haven House's use of the property may also be as a "group home". These points are fully addressed in the attached legal brief.

Describe how the proposed use conforms with the Comprehensive Plan and Title 49

A single family residence in a D5 zone is fully in conformance with the Comprehensive Plan and Title 49. A group home in a D5 zone is also fully in conformance with the Comprehensive Plan and Title 49.

Describe the property at Malissa Drive (number of kitchens, number of bathrooms, number of bedrooms, square footage, landscaping, fencing, etc.)

The property is a typical residence with six bedrooms, an additional bedroom-sized room (without secondary egress) that could serve as an office or storage, a kitchen and dining and living room area, a family room, three full baths, a laundry room, a furnace room, and a two-car garage. A recent appraisal notes the house has 1403 square feet above grade and 1260 square feet in the lower level. The lot is 9000 square feet. Landscaping is minimal, the front yard is covered with bark chips under a large tree, the back yard has a narrow grass area with natural ground cover behind. There is a fenced area in the back yard, no fencing in front.

Describe the number of people Haven House intends to have residing at Malissa Drive

Our plans are to have up to nine residents. In addition, a supervisor will be there in the evening and at night.

Describe the people expected to live at Haven House: total number, number per room, length of stay, whether on probation or parole

The nine residents would be in double occupancy rooms (except for the smallest bedroom which would be single occupancy) and the night supervisor will have a single room. The residents will be recently released from prison and may be on probation or parole. We anticipate

that most residents will be on probation or parole. Of the nine residents, Haven House has reserved a minimum of seven spaces for women who are recovering from addiction. A resident can stay for up to two years.

If people are on probation or parole, will Haven House use a screening process to select potential residents; and what type of sentence/judicial conditions are likely to be imposed, if any (firearms, alcohol, drugs, visitation, supervision, etc.)

All persons seeking to live at Haven House must complete an extensive application which will include recommendations by Probation/Parole/Corrections Officers. All persons seeking to live at Haven House must interview with Haven House staff. The applications will be carefully reviewed by Haven House staff in consultation with Probation/Parole Officers. A high priority of the review process will be to provide a safe environment and to protect the potential success of the residents already living at Haven House. If the person is on probation, the court sets the terms of probation. The potential conditions of parole are set out in AS 33.16.150; the parole board determines which conditions to impose in a particular case. Haven Houseprohibits firearms, alcohol and drugs on the property , except prescription drugs for which the resident has a prescription. Haven House staff will also share information with Probation/Parole Officers as appropriate (Haven House residents will sign release forms allowing Probation/Parole Officers to share information with Haven House and vice versa as a condition of their application.)

Describe whether supervision would be provided or not ; and if so, describe the supervision/self-imposed "house rules"

The two co-directors of Haven House will provide supervision of the house during the day. A supervisor will be there in the evening and at night. Haven House will provide a level of supervision comparable to what a loving family might provide to older children still living at home. Haven House will establish house rules. The subjects addressed in house rules include curfew; random inspections of rooms; limits on visitation; absences from the home; compliance with conditions of parole/probation; the prohibition of firearms/alcohol/drugs; shared household chores. Haven House staff and the residents themselves will oversee adherence to house rules and will coordinate shared household chores and other communal activities.

Haven House is providing this information to cooperate with CBJ's request for information. Haven House notes that CBJ does not seek this information from other persons using property as a single family residence in Juneau.

Describe whether and how often caregivers, or counselors would frequent Haven House

Caregivers or counselors will not regularly visit Haven House. Residents may receive professional counseling services elsewhere.

Describe whether residents are seeking care (extended healthcare, or rehabilitative or recovery from any physical, mental, or emotional disability)

The majority, if not all, of Haven House residents will be in recovery from addiction. They will not receive professional services at Haven House.

Describe the parking available off street and on street and mitigation, if any

Haven House has a two-car garage and parking in front of the garage for four cars. Haven House residents will seldom own cars and the available parking is expected to be adequate.

Describe the anticipated traffic and visitation issues and mitigation, if any

Haven House does not anticipate traffic and visitation issues. Visitation to residents will be limited. We anticipate that Haven House will not have more traffic than similarly sized houses in D-5 and, we expect, Haven House will have less traffic than houses operating day care businesses.

Describe screening/noise mitigation, if any

No noise mitigation will be necessary. This will be a residence and noise will not be appreciably different from any other residence of comparable size.

Describe screening/visual/lighting mitigation, if any

No visual/lighting mitigation will be necessary. This will be a residence and lighting will not be appreciably different from any other residence.

3/10/14

HAVEN HOUSE'S MEMORANDUM IN SUPPORT OF ITS ZONING REQUEST

The Facts.

Haven House is a home for women recently released from prison, who are committed to recovery from substance abuse or mental health problems. As stated at Haven House's Business Plan, ("HHBP") p. 1," 90% of parolees have substance abuse issues. " Residence at Haven House is voluntary by mutual agreement of the resident and Haven House; the residents will be referred by parole and probation officers, treatment providers, counselors, and prison chaplains and then interviewed by Haven House staff. HHBP p. 2. A resident may stay up to two years. HHBP p. 1. Although Haven House will not provide substance abuse treatment programs, job-training problems, mental health counseling or the like, it will help women obtain such services in other places. HHBP p.1 and 3. In many respects, Haven House is similar to an Oxford House, see www.oxfordhouse.org, except that Haven House will have two part-time co-directors who will be at the home during the day and a house manager who will be there during non-working hours, all of whom will provide community, individual mentoring and support, life-skills modeling and friendship. HHBP p. 2 - 3. Haven House will be located in a 6 bedroom, 3 bath house which, according to neighbors, previously housed a family of 12 or 13. Haven House plans to have nine residents, primarily double occupancy, and the house manager will have her own room. HHBP p. 3. Haven House anticipates that most residents will not have a vehicle, but the house has a double garage and driveway parking for 4 cars.

The Law

I. Preventing Haven House from locating in a residential district violates the Fair Housing Act and the Americans with Disabilities Act.

Most of the residents of Haven House will have a history of drug or alcohol addiction or an emotional or disorder such as depression, low self-esteem, or post-traumatic-stress disorder because 96 % of the population from which Haven House residents will be drawn (Alaska prisoners) have a history of substance abuse or mental health problems. According to the January 2009 Research Summary of the Institute of Social and Economic Research (ISER),

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attached hereto as Exhibit A, 60% of Alaska inmates have substance abuse disorders, 6% have mental health disorders, and 30 percent have both mental health and substance abuse disorders. ISER , page 2, fig. 5. Only 4% of Alaska inmates have neither substance abuse nor mental health problems. The Alaska Prisoner Re-entry Task Force cites similar statistics in its strategic plan, the relevant pages of which are attached hereto as Exhibit B. It refers to a 1999 Alaska Judicial Report that two-thirds of those convicted of a felony had an alcohol problem and about one-half had a drug problem, and that 90% reported having had a substance abuse problem at some time in their lives. Given the nature of the prison population, Haven House has assumed that most if not all of the residents would be in recovery from substance abuse or have mental health problems or both. Accordingly, though it is probable that all of the residents will have a history of substance abuse or mental health problems, Haven House has designated a minimum of 7 of the 9 beds for women getting out of prison who are in recovery from substance abuse. See Exhibit C.

Under both the Fair Housing Act, 42 U.S.C. 3602, as amended (FHAA) and the Americans with Disabilities Act, 42 U.S.C. 12102 (ADA), past history of drug or alcohol abuse qualifies as a handicap or disability. U.S. v. Southern Management Corp., 955 F.2d 914 (4th Cir. 1992) (recovering drug addict covered by FHAA where attitudes of landlord prevented addict from renting apartment); U.S. v. City of Baltimore, 845 F. Supp.2d 640 at 648 (D. Md. 2012); Jeffrey O. v. City of Boca Raton , 511 F. Supp.2d. 1339 at 1346 (S.D. Fla 2007)("The position that recovering individuals can be considered disabled is supported both in case law and legislative history."). Similarly, anxiety and panic disorders are disabilities under the ADA, McAndlin v. County of San Diego, 192 F.3d 1226 (9th Cir. 1999),cert. den., 530 U.S. 1243, 120 S. Ct. 2689, 147 L.Ed 2d 961 (2000) (employment case; condition prevented interacting with others) as is being regarded as emotionally unstable. Lee v. City of Syracuse, 603 F. Supp.2d 417 (N.D. N.Y. 2009)(employment discrimination.) Organizations, like Haven House, providing shelter or services to the disabled also have standing to assert rights under the FHAA and the ADA, either as representatives of those they will serve, or because the discrimination frustrates the mission of the organization and requires diversion of resources to combat the discrimination. Smith v. Pacific Properties and Development Corp. 358 F. 3d. 1097 (9th Cir. 2004),

cert. den., 543 U.S. 869, 125 S. Ct. 106, 106 L.Ed. 2d 116 (2004). Moreover, the standing of the institution to invoke the FHAA's protection does not require that all residents fall within the applicable definition. Human Resource and Management Group v. Suffolk County, 687 F. Supp. 2d 237 at 251 (E.D.N.Y 2010)("the undisputed evidence indicates that ...on average, approximately one-half of all Oxford House residents are undergoing treatment while members of the houses.)

The FHAA covers zoning. City of Edmonds v. Oxford House, 514 US. 725, 115 S. Ct. 1776, 131 LEd.2d 801 (1995)(zoning provision covering the maximum number of persons in a "family" not exempt from FHAA); Jeffrey O. v. City of Boca Raton, supra. As one court said, the "FHAA protects the right of individuals to live in the residence of their choice in the community." Larkin v. Michigan Dept of Social Services, 89 F.3d 285 at 291 (6th Cir. 1996). The ADA also covers zoning decisions. Bay Area Addiction Research & Treatment Inc. v. City of Antioch, 179 F.3d 725 (9th Cir. 1999)(methadone clinic within 500 feet of residential area.) The FHAA does not merely cover outright zoning prohibitions, but also covers procedures and requirements that make housing more difficult to obtain. Neighbor notification requirements have been invalidated under the FHAA, as have spacing requirements. Potomac Group Home Corp. v. Montgomery County, 823 F. Supp. 1285 (D. Md. 1993)(neighbor notification); Larkin v. Michigan Dept of Social Services, supra (notification; spacing). Requiring a public hearing has been held to violate the FHAA because of the delays and costs that procedure imposes on the organization attempting to provide housing. Potomac Group Home Corp. v. Montgomery County, supra. In Human Resource and Management Group v. Suffolk County, 687 F. Supp. 2d 237 at 251 (E.D.N.Y 2010), which involved "Oxford Houses" for those in recovery, the court invalidated a requirement that a manager live on site and also a requirement that a home could not exceed six residents. On the latter point, the court pointed out that the maximum occupancy should depend on the size of the residence.

The FHAA prohibits zoning provisions or actions that (1) are discriminatory in intent (including facial discrimination in the ordinance itself); (2) are discriminatory in effect (even if the intent is benign); or (3)in the case of a zoning law that is otherwise valid , fail to make a reasonable accommodation for those covered by the FHAA. Potomac Group Home Corp. v.

Montgomery County, supra; Human Resource and Management Group v. Suffolk County, supra ; Dr. Gertrude A. Barber Center, Inc. v. Peters Township, 273 F. Supp. 2d 643 (W.D. Pa. 2003)(failure to allow 4 residents in home, where ordinance allowed only three unrelated persons, violated FHAA.) For those actions that are discriminatory in effect, the zoning authority can defend only by showing the discrimination furthers a legitimate public interest and that there is no less discriminatory way of protecting that interest. Jeffrey O. v. City of Boca Raton, supra; Human Resource and Management Group v. Suffolk County, supra ; Bangerter v. Orem City Corp., 46 F. 3d 1491 (10th Cir. 1995). If the zoning law is discriminatory on its face, the zoning authority can defend only by showing that the discrimination benefits the disabled or is necessary for legitimate public safety concerns. Bangerter, supra. A public safety justification must be supported by specific evidence rather than a generalized perception of threats from the residents of the house. Jeffrey O. v. City of Boca Raton, supra, 511 F. Supp. 2d at 1351 - 1352. This public safety exception in the FHAA is found in 42 U.S.C. 3604(f)(9)and requires "a direct threat to the health or safety of others." Assessment of whether the risk is significant and the harm serious, "requires a rigorous objective inquiry where the court focuses on objective evidence in the record of any dangers posed and does not focus merely on subjective judgment of people purportedly at risk." U.S v. City of Baltimore, 845 F. Supp. 2d 640 at 649 (D. Md. 2012)(residential treatment centers housing 16 or fewer recovering substance abusers allowed.) The ADA has a similar disqualification under 42 U.S.C. 12131, and the test for it is similar---"an individualized assessment of the facts", which "may not be based on generalizations or stereotypes". Bay Area Addiction Research and Treatment Inc. v. City of Antioch, 179 F. 3d 725 at 735 - 736. (9th Cir. 1999.) Restrictions predicated on public safety cannot be based on blanket stereotypes, but "must be tailored to particularized concerns about individual residents." Bangerter v. Orem City Corp., 46 F. 3d 1491 at 1503 (10th Cir. 1995)(emphasis added.)

When these principles are applied to the CBJ ordinance and Haven House, it is clear that the requirements of the FHAA can best be satisfied if Haven House is classified as a single family residence. Cases involving single family residences without reference to the FHAA are discussed below, but it is worth noting that in U.S. v. City of Baltimore, 845 F. Supp. 2d at 646, the court

observed that the reasonable accommodation used by the city was to allow residential treatment facilities to locate as single family dwellings, even though they exceeded the 4 unrelated person limit in the city's definition of "family". Jeffrey O. v. City of Boca Raton, supra also addresses the issue of residential use in the context of the FHAA. In that case, the ordinance defined a family as related persons or not more that three unrelated persons. The court held, under the disparate effect theory, that the three-person limit violated the FHAA because it did not make an exception for recovering substance abusers. Another part of the ordinance required residences (apparently even those meeting the three person requirement) to be in commercial areas if residents were required to participate in drug testing or treatment at a place other than the residence. The court also struck down this requirement, pointing out that neither drug testing nor off-site treatment changed the residential character of the use.

In the case of the CBJ ordinance, of course, there is no limit on the number of unrelated persons who can live together as a single housekeeping unit, and in fact, Haven House will have fewer residents than the family that lived in the house before. And, as was the case in Boca Raton, Haven House will not be providing services on site; as stated in its business plan "clients will be encouraged to participate in life skills development, job skills training, substance abuse recovery, and similar programs available through external organizations. Haven House will not be staffed to provide these services directly but will network with the providing organizations and coordinate client participation as possible." HHBP at 1. Since Haven House meets the CBJ's definition of "family" and will not be providing services of a commercial or medical nature, the simplest and most accurate way to satisfy the FHAA is to allow Haven House to locate as a single family residence.

It appears that the CBJ's definition of "group home" was an attempt to accommodate the requirements of the FHAA. While the goal was laudable, the CBJ's definition of "group home" may nevertheless violate the FHAA if it excludes supportive housing like Haven House. The requirement that a supervisor or caregiver live on site violates the FHAA. Human Resource and Management Group v. City of Suffolk, supra, 687 F. Supp. 2d 237 at 262. The Human Resource case also invalidated a 6 person limit, finding no evidence that the limit was necessary for public safety or to prevent overcrowding.

Neither of these limitations would disqualify Haven House, since Haven House will have only nine residents, there will be two co-directors who will be at the home during the day, and one house manager will be on site during the evening and night.

However, the requirement that residents not "be serving a sentence for a criminal act" could violate the FHAA, if it is not properly interpreted. If the phrase describes people who are still in official custody of the Department of Corrections---such as those at community restitution centers or residential treatment centers under AS 12.55.027---the requirement is defensible under the FHAA as a description of a jail, not a residence. If, however, the phrase includes people on probation or parole, then the limitation may violate the FHAA. A fuller discussion of what "serving a sentence" should mean is below, but the FHAA also affects this issue. If the requirement is intended to prevent parolees or probationers from living in a residential area on the theory that they present a danger to the public, the ordinance is relying on the blanket stereotypes prohibited by the FHAA. Banterger v. Orem, supra. Given the fact that the parole board may not grant discretionary parole unless it believes the parolee will not be a danger to the public, AS 33.16.100(a)(3), it is unlikely that the CBJ could make the sort of individualized finding of danger necessary for compliance with the FHAA.

Moreover, a prohibition on parolees or probationers living in supportive communal housing may be preempted by the FHAA. 42 U.S.C. 3607(b)(4)provides that "nothing in this title prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S. C. 802)." This provision removes the protection of the FHAA from people who have been convicted of certain specific crimes. If the CBJ ordinance purports to remove the protection of the FHAA from persons who are on parole or probation for any crime, it is thwarting the purpose of the FHAA and therefore invalid under either the Supremacy Clause or 42 U.S.C. 3615. U.S. Wisconsin, 395 F. Supp. 732 (W.D. Wis. 1975)(state statute prohibiting "testing" conflicted with the general scheme of the FHAA and was invalid under the Supremacy Clause.) Robards v. Cotton Mill Associates, 677 A. 2d 540 (Maine 1996)(Where

FHAA regulations permitted inquiry into disability, state statute prohibiting such inquiry was invalid as an obstacle to accomplishing the purposes of the FHAA.) If the CBJ ordinance's reference to "serving a sentence" is interpreted to prevent parolees and probationers covered by the FHAA from living in group homes, the requirement is invalid.

The final part of the CBJ's definition of "group home" is that "additional non-residential support may be provided but shall not constitute the primary method of supervision or care provided." It is difficult to see what the purpose of this provision is, unless it is an attempt to distinguish the group home from supportive housing, which, like Haven House, provides housing, but no treatment. The court in U.S. v. Baltimore, 845 F. Supp. 2d 640 at 644(D. Md. 2012) discussed the different types of facilities, noting that the combination of treatment and housing distinguishes residential substance abuse treatment programs (RSATPs) from both supportive housing, which has a residential component, but no on-site treatment, and outpatient facilities, which involved treatment, but have no residential component. In the Baltimore case the court recognized that the treatment aspect of RSATPs made them a bit like medical facilities and that the fact that some residents had been sentenced to the RSATPs by a court and were under continuous monitoring (ankle bracelets) made them a bit like correctional facilities. Id. at 651. (Note that Haven House residents will not be sentenced to Haven House by a court, nor will they be subject to electronic monitoring). The court found that the conditional use process (which involved public hearings and several months' delay) was appropriate for RSATPs housing 17 or more so that the individual nature of the larger RSATPs and its residents could be considered, but that RSATPs under 16 should not have to undergo the costs and delay of asking for reasonable accommodation and should therefore be allowed in residential districts without administrative burdens. As mentioned above and more fully explained below, the most appropriate classification for Haven House is a single family residence because it supplies no treatment or similar services to the residents. However, if for some reason the CBJ is not willing to classify Haven House as a single family residence, then , as a reasonable accommodation under the FHAA, it should allow Haven House to locate as a group home without any further administrative procedures.

II. Haven House will be used a single family residence. Because Haven House meets the CBJ's definition of single family residence, its request for recognition as a "group home" was an innocent error by a layman. However, such an application does not prevent a person from later asserting status as a family. City of Fayetteville v. Taylor, 353 S.E. 2d 28 (Ga. 1987); Sammons v. Village of Batavia, 557 N.E. 2d 1246 (Ohio Ct. App. 1988). Under well-accepted principles of administrative adjudication, an applicant may amend or change an application, especially in the early stages of the process.

A. Definition of "Family". CBJ Ord. 49.80.120 defines "family" as "one or more persons living as a single housekeeping unit, as distinguished from a group occupying a group home." The definition does not set a limit on the number of unrelated persons who may live together as a family, nor does it set any minimum time that the individuals must live together. The CBJ's definition is similar to those in other jurisdictions that courts have found to describe living situations like Haven House.

In Saunders v. Clark County Zoning Dept., 421 N.E. 2d 152 (Ohio 1981), a foster care facility for up to nine delinquent boys operated by a married couple with the assistance of staff hired to assist in the care of the boys was held to meet the definition of a family as "a person living alone, or two or more persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel or hotel fraternity or sorority house." The receipt of money from the state for the care of the boys did not make the household a "boarding house" any more than receipt of child support payments would.

In State ex rel Ellis v. Liddle, 520 S.W.2d 644 (Mo. 1975) up to ten dependent, neglected or delinquent boys lived with two counselors. They met the definition of a family as those "living together in one dwelling unit and maintaining a common household." The court found that the living situation would not present "a jail situation" despite the presence of some juvenile offenders, and that the property would "remain intact as a residence" and no evidence that the use would destroy or even change the character of the neighborhood.

In City of West Monroe v. Ouachita Ass'n. for Retarded Children, Inc., 402 So.2d 259 (La.Ct. App. 1981) the definition of "family" was "one or more

persons living together as a housekeeping unit, which may include not more than four lodgers or boarders." The court found that a home for six mentally retarded adults and two house parents met that definition, noting that there would be rules for household behavior and chores, and that the houseparent would see that the rules are followed, "much as in any home." See also City of Fayetteville v. Taylor, 353 S.E.2d 28 (Ga. 1987)(personal care home residents were "living as a single housekeeping unit, as distinguished from occupying a boarding house, lodging house, hotel or fraternity or sorority house."); Robertson v. Western Baptist Hospital, 267 S.W.2d 395 (Ky. 1954)(20 nurses and housemother were "living as a single housekeeping unit.")

The case of Township of Washington v. Central Bergen Community Mental Health Center, Inc., 383 A. 2d 1194 (N. J. Super. 1978) is especially instructive because both the ordinance and the situation are similar to the instant case. The definition of "family" was "any number of individuals living together as a single housekeeping unit and using certain rooms and housekeeping facilities in common." The home was occupied by former mental patients. One staff person was present and there would be 24 hour supervision. The staff person was to support the residents. Only homemaking activities would take place; there would be no therapy or treatment on the premises. The occupants would pay a share of the rent. Occupancy was a joint voluntary decision between staff and residents. The occupants could stay for an indefinite time, often a year. The township believed that the use of the residence was "quasi-institutional" because (1) the nonprofit organization Central was the tenant and did not reside at the home, (2) Central provided 24 hour supervision, and (3) the home was described as "a transitional home" for mental patients. The court found the use met the definition of a family residence because admittance was voluntary, occupation was not transitory, the responsibilities of the occupants were not distinguishable from those of other home dwellers, the supervision was to aid the reorientation of the residents to everyday living, no therapeutic or medical services were provided on site, and both the outward appearance and operation of the house were similar to other family residences. Id., 383 A. 2d. at 1209.

In short, courts have construed definitions of "family" that are identical or very similar to the CBJ's definition, to include many group living situations, including those like Haven House. The residents do not have to

be legally related. They may chose to live together for financial reasons, or because they share religious or political beliefs, or because they want to provide a nurturing environment for each other.

B. Relationship to other Definitions. Courts have also addressed the relationship between the definition of "family" and other definitions. In Human Services Consultants v. Zoning Hearing Bd. of Butler Township, 587 A. 2d 40(Pa. 1991), three mentally retarded men and their 24 hour staff met the definition of "family," but the Township argued that because institutional homes were expressly provided for elsewhere, the Township meant to exclude them from single family districts. The court rejected that argument:

> This argument is not persuasive, however, because the Township could have specifically excluded institutional homes from its definition of family, as it did for clubs, fraternal lodging and rooming houses. Moreover, a permitted use must be afforded the broadest interpretation so that landowners have the benefit of the least restrictive use and enjoyment of their land.

587 A. 2d at 42. Similarly, in City of West Monroe v. Ouachita Ass'n. for Retarded Children, 402 So.2d 259 (La.Ct. App. 1981), the trial court had disallowed a group home for mentally retarded adults in a residential district because it found that the use had some characteristics of a convalescent home, a boarding or rooming house, a sanitarium , and a residential facility for the aged or other persons whose physical or social or mental handicaps or limitations required supervision and special attention. The Court of Appeals rejected the trial court's reasoning, stating:

> [W]e find that the proposed use by the association falls squarely within the plain and unambiguous language of the ordinance defining one-family dwelling residential use. We find it unnecessary to search for unexpressed intentions or to attempt to analogize the use proposed by defendant to other uses set forth in the ordinance.

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402 So. 2d at 262 - 263.

In the CBJ ordinance, the definition of "family" excludes "group home", but does not exclude other uses. In that respect, it is like Human Services Consultants, supra , and so other definitions are irrelevant. Also, following the reasoning of City of West Monroe, supra, because Haven House falls squarely within the definition of "family," speculations about other definitions or intent is inappropriate.

However, CBJ Ord. 49.25.300(a)(3)states that "where a use might be classified under more than one category, the more specific shall control" and "if equally specific, the more restrictive shall control." This provision may be unconstitutional for two reasons. First, it requires an applicant to guess which definition might be considered more "restrictive". Burien Bark Supply v. King County, 725 P.2d 994(Wash. 1986)(zoning ordinance must set out ascertainable standard; using the term "processing beyond a limited degree" was unconstitutionally vague.) Secondly, the preference for more restrictive classifications is contrary to property rights protected by the Due Process Clauses of the state and federal constitutions. While "the power to enact zoning ordinances is liberally construed in favor of the municipality, [a]mbiguous terms in an ordinance, however, are construed to favor the free use of property." State ex rel Harding v. Door County Bd. of Adjustment, 371 N.W. 2d 403, 404, fn. 2 (Wis. Ct. App. 1985), review denied, 375 N.W.2d 216 (Wis. 1985)(Because time share arrangement is not "unambiguously something other than a single family dwelling under the county ordinance, the proposed use of the building is not prohibited".) This rule of construction is grounded in the constitutional protection of property rights:

> Zoning resolutions are in derogation of the common law and deprive a property owner of certain uses of his land to which he would otherwise be lawfully entitled. Therefore, such resolutions are ordinarily construed in favor of the property owner. [citations omitted] Restrictions on the use of real property by ordinance, resolution, or statute must be strictly construed and the scope of the restrictions cannot be extended to include limitations not clearly prescribed.[citations omitted.]

Saunders v. Clark County Zoning Dept., 421 N.E.2d 152 at 154 (Ohio 1981)(foster parents and group of delinquent boys were single family residence, not boarding house.)

Assuming for the sake of argument that CBJ Ord. 49.25.300(a)(3) is applicable, it nevertheless does not apply to Haven House because no other definition, except perhaps, as discussed above in connection with the FHAA, "group home," describes Haven House's use of the property. It is not a boarding or rooming house or bed and breakfast because Haven House is not commercial or for profit. It is not a single room occupancy with shared facilities because the bedrooms will be shared by residents. It is not a temporary residence because most residents will be staying a year or two . Finally, as more fully discussed below, it is not a "halfway house."

III. Unless the CBJ Code is strictly construed, it will regulate users instead of uses, in violation of the Equal Protection and Due Process Clauses of the state and federal constitutions.

As mentioned earlier, zoning laws are strictly construed because they deprive owners of certain uses of their property. Saunders v. Clark County Zoning Dept., supra. Moreover, requiring a zoning permit for use by certain people, when the same use by other people would not require a permit, cannot be justified unless the residents would pose a special threat to the city's legitimate interests. City of Cleburne v. Cleburne Living Center, 473 U.S. 432, 87 L.Ed.2d 313, 105 S.Ct. 3249 (1985)(there was no rational basis for requiring special permit for home for mentally retarded; fears of neighbors not sufficient governmental interest). It is worth noting that the Cleburne case was not based on the notion that the mentally retarded were a legally protected class (which they later became under the FHAA), but rather on the lack of any justifiable reason for the different treatment.

The CBJ Code recognizes that the proper consideration for zoning ordinances is the use of the property, not the nature of the users. CBJ Ord. 49.05.200(b) states that the Comprehensive Plan contains policies to guide and direct "land use activities." CBJ Ord. 49.25.210 states that the zoning districts are designed to protect the area from " incompatible and disruptive

activities." CBJ Ord. 49.25.300 is a table of permissible uses.

Of course, zoning authorities are often tempted to use zoning to keep certain types of people out of residential neighborhoods, be they students, the disabled, or short-term renters. Ocean County Bd. of Realtors v. Township of Long Beach, 599 A. 2d 1309 (N.J. Super. 1991) contains an excellent discussion of cases where zoning authorities attempted to exclude classes of people by limiting the number of unrelated persons who could live together as a "family" or by requiring the relationship of the unrelated people to be "permanent" in order to qualify as a "family". The court found these regulations unconstitutional as irrational qualifications because they excluded groups whose use of the property was the same as a family of related persons. The court was sympathetic to the fact that the ordinance was an attempt to control obnoxious behavior by seasonal users, but it pointed out that obnoxious or antisocial behavior should be controlled by the police power, not zoning:

> Ordinarily, obnoxious personal behavior can best be dealt with officially by a vigorous and persistent enforcement of general police power ordinances and criminal statutes of the kind earlier referred to. Zoning ordinances are not intended and cannot be expected to cure or prevent most anti-social conduct in dwelling situations.

Id. at 599 A. 2d at 1312, quoting Kirsch Holding Co. v. Borough of Manasquan, 281 A. 2d 513 (N.J. 1971). Accord Borough of Glassboro v. Vallorosi, 568 A. 2d 888 (N.J.1990)("noise and other socially disruptive behavior are best regulated outside the framework of municipal zoning.")(ten college students who intended to reside together during college were family, as distinguished from house for recovering alcoholics where stay was only six months.)

As discussed more fully below, the need to interpret zoning regulations as based on uses rather than users applies to the construction of both (1)the phrase "supervision and other services" in the CBJ's definition of "halfway house" and (2) the phrase "serving a sentence" in the CBJ's definition of "group home" .

IV. Haven House is not a Halfway House. The director's decision stated that Haven House "best fits the definition of halfway house because it would be people, living together, who could be serving a sentence." Under CBJ Ord. 49.80.120, "halfway house" means:

> a single-family dwelling for not more than nine persons over the age of 12, together with not more than two persons providing supervision and other services to such persons, all of whom live together as single housekeeping unit. Residents may be serving a sentence for a criminal act. Uses with ten or more residents shall be regulated as institutional correction facilities.

As an initial matter, we note that the CBJ's definition of "halfway house" specifies that "not more than two persons" could be providing supervision and services to others. It therefore appears that Haven House would not be a "halfway house" under the CBJ definition if it had three "supervisors" for the residents. Does the CBJ agree?

Secondly, although residents of halfway houses may be serving a sentence, they do not need to be doing so. So, the effective parts of the definition (other than the maximum number of adult residents) is that there are also one or two persons "providing supervision and other services" to the other persons living there. The "supervision and services" requirement is all that distinguishes a halfway house from those living together as a "family". Initially, it should be noted that the house manager and co-directors of Haven Housewill be supervising activity in the home. However, the general supervision of the resident's activities elsewhere in the community will provided by probation and parole officers. In addition, as Haven House's business plan clearly indicates, Haven House staff will not provide services to the residents, but instead will encourage the residents "to participate in life skills development, job skills training, substance abuse recovery, and similar programs available through external organizations." Haven House's focus is on providing safety--"physical safety and safety from life patterns that lead back to prison." Co-directors and the house manager will provide only "community, individual mentoring/support, life skill modeling, and friendship," which describes the support given friends and family members,

not "services" provided to patients or clients.

Construing "services" as used in the definition of "halfway house" to mean only those of a commercial or medical nature makes sense because those uses may be inappropriate in a residential district. This is the distinction made in Township of Washington v. Central Bergen Community Mental Health Center, Inc., 383 A. 2d 1194 (N. J. Super. 1978), discussed above, between support and services similar to those given family members on the one hand and services typically given in a clinic or commercial setting on the other. The former do not change the residential nature of the dwelling's use, whereas the latter would.

Similarly, in Jeffrey O. v. City of Boca Raton, 511 F. Supp.2d 1339(S.D. Fla. 2007), the court found that an ordinance violated the FHAA when it excluded substance abuse treatment housing from residential areas simply because the housing required residents to be subject to drug testing. The city took the position that a treatment center that provided services of a commercial or medical nature was inappropriate in a residential area. The court did not disagree, but pointed out that no such services were being provided at the residence. The residents were required to undergo drug and alcohol testing as a condition of continued residence, but the court did not believe this was a prohibited medical "service". As the court stated, the drug testing requirement "would make no change to the outward appearance of the residence" and did not change the essential residential use of the housing . Id., 511 F. Supp. 2d at 1352. See also Sammons v. City of Batavia, 557 N.E. 2d 1246 (Ohio Ct. App. 1988)("uses of a service type" construed to include court reporting service business, as opposed to sales of goods; ambiguity in definition to be construed in favor of free use of property).

It may also be that the "supervision and services" aspect of the halfway house definition should be even more strictly construed so that the phrase describes the level of supervision and services present in a correctional facility. The CBJ definition indicates that what would be a halfway house with nine or fewer residents becomes an "institutional correction facility" when there are ten or more residents. Therefore the meaning of "supervision and services" that applies to the CBJ's definition of "halfway house" will also apply to "correction facility". Since the CBJ zoning ordinance does

not define "correction facility", the common meaning of the term would apply. Sammons v. City of Batavia, supra. AS 33.30.901(4) defines "correctional facility" as " a prison, jail, camp, farm, half-way house, group home, or other placement designated by the commissioner for the custody, care, and discipline of prisoners." "Prisoner" means a person held under authority of state law "in official detention". AS 33.30.901(12). "Official detention" means custody, arrest, surrender in lieu of arrest, or actual or constructive restraint under order of a court in a criminal or juvenile proceeding, other than an order of conditional bail release." AS 11.81.900(b)(41). "Official detention" does not include probation or parole. Williams v. State, 301 P.3d. 196(Alaska Ct. App. 2013). It does include time spent at a correctional restitution center (CRC) under AS 33.30.151 because the person is confined to the center except for limited purposes, e.g., when at work or doing community service. AS 33.30.181. Similarly, a person can be in official detention at a treatment facility if, among other things, the court ordered the person to the treatment facility and the program imposes "substantial restrictions on a person's liberty that are equivalent to incarceration" AS 12.55.027. Obviously the level of supervision and services provided at correctional institutions is not remotely similar to what is provided at Haven House. Subject to curfew, Haven House residents are free to come and go at will, whereas the movement of prisoners in correctional institutions, even low-security ones like CRCs or treatment facilities, is strictly controlled.

A strict construction of "supervision and services" is necessary to ensure that the CBJ is regulating uses instead of attempting to discriminate against users. As discussed above, the only significant difference between a "family" and a "halfway house" (aside from the maximum number of adults that can live in a halfway house) is that in a halfway house one or two people are providing "supervision and other services" to the others. Of course, in the typical family of related persons, one or two persons (parents, grandparents, aunts, etc.) are also providing what could be described as supervision and services to the others (children). Or, one member of the family (perhaps an adult child) may be giving supervision and services to an elderly parent or grandparent, or conceivably to both parents and both sets of grandparents (6 adults). If the difference between a family residence and a halfway house is to depend on the uses occurring in and about the

dwelling rather than the identity of the users, as it should, the "supervision and services" that delineate a halfway house have to be qualitatively different from the supervision and services a parent, grandparent, aunt or similar person would give to another family member. If, for example, a college alumni association decided to rent a house where six or seven foreign students could live together along with a housemother, or perhaps a head resident, and a member of the association regularly visited the house to see how the students were doing and help them find jobs, transportation, or recreation, this would not be a "halfway house" because the supervision and services are similar to those that would be provided by family members or friends. If six nuns and a Mother Superior lived together in a home, they would not be a halfway house because the supervision and services were of a familial nature, rather than commercial or correctional. If three adult couples and their children decided to live together for religious or philosophical reasons, or just because they liked living together, they would not constitute a halfway house because the supervision and services they would give to each other would be typical of a family. On the other hand, if "supervision and services" is construed to refer to the supervision and services given in what most people, and the state Department of Corrections, see Exhibit D, think of as a "halfway house", i.e., a correctional restitution center or a treatment center under AS 12.55.027, then the different treatment of halfway houses and family homes makes sense because the level of security and the therapeutic nature of the services is qualitatively different from the supervision and services given by family members.

Therefore, when the "supervision and services" requirement of the halfway house definition is properly construed--- to mean either services of a commercial or medical type, or services and supervision of the sort found in state correctional facilities--- it is clear that Haven House does not fall within that definition. Because Haven House will not be providing services of a medical or commercial nature to the residents and the women will no longer be in prison, it does not fall within the definition of a halfway house.

V. Residents of Haven House will "not be serving a sentence for a criminal act." The CBJ ordinance defining "group home" states: "Residents [of group

homes] must not be serving a sentence for a criminal act. CBJ Ord.49.30.120 Although the Director's letter did not conclude that a person on probation or parole is "serving a sentence," we understand that the Director's position might be that a person on parole or probation is "serving a sentence" and this might be grounds for the Director to deny Haven House's request for alternative relief as determination as a group home. Haven House will therefore address it.

Interpreting the phrase "serving a sentence for a criminal act" to include probation or parole would be unreasonable, and we urge CBJ not to adopt such an interpretation. That interpretation would be inconsistent with the common meaning of the term; with Alaska statutory provisions; with Alaska court decisions; with policy; and with a cardinal principle of zoning that zoning should regulate use rather than users. A city may not use zoning to keep "those people" out of a neighborhood. A city may use zoning to set rules for how property owners use their property.

A. Common meaning. Because "serving a sentence" is not defined in the CBJ ordinances, the common and usual meaning of the term should apply. Sammons v. City of Batavia, 557 N.E. 2d 1246 (Ohio Ct. App. 1988). In common speech a woman on probation or parole is not "serving a sentence" unless she is confined to a particular place that is a jail or a place with jail-like restrictions. A person on probation or parole generally can live anywhere, subject to the approval of the probation/parole officer. If a woman on probation is living in an efficiency apartment and is free to come and go at will, is she "serving a sentence for a criminal act" in her efficiency apartment? If that woman is living at her parent's house, is she "serving a sentence for a criminal act" at her mother's house? If that woman is living at the Glory Hole, is she "serving a sentence for a criminal act" at the Glory Hole?

Fairly answered, the answer to those questions is "no" because any reasonable construction of the term "serving a sentence" must mean serving a sentence *in a particular place*. Any reasonable construction of the term "serving a sentence" must include the element of confinement to a particular place and the significant curtailment of the right to leave that place. Thus, in common usage, a person is "serving" a sentence at the Lemon Creek

Correctional Facility or the Anka Street Halfway House because a court has ordered that the person must "serve" the sentence, or part of the sentence, at that particular correctional facility; because the person's liberty and freedom of movement is substantially curtailed while in that facility; and because the person will be guilty of the crime of escape within AS 11.56.300 – AS 11.56.320 if he or she leaves without lawful authority.

The common meaning attached to "serving a sentence" by professionals in the field is that a person is "serving a sentence" when in the custody of the Department of Corrections, or the functional equivalent thereof. See Statement of Tom Wagner, Attorney, attached as Exhibit D ("Accordingly, in my view, a person on probation is not 'serving a sentence for a criminal act.'") The Department of Corrections staff does not view Haven House as a part of the prison system. See Exhibit D.

A woman will reside at Haven House as a result of a voluntary agreement between the woman and Haven House. She will have freedom of movement to go to work, seek professional services, visit her family, go to church, visit her friends, etc. She will not be guilty of the crime of escape if she is absent without permission from the home. And, as explained below, under Alaska statutes and case law, if she goes back to prison for violating conditions of parole or probation, the time she spent living at Haven House will not be considered as time spent "serving a sentence."

If the City seeks to adopt an idiosyncratic definition of "serving a sentence" by interpreting it to include probation and parole. Haven House asks that the City explain any precedents it is relying on and explain its policy reasons for defining "group home" in a way that excludes from the definition a group of women coming out of prison who wish to live together in a home where the focus is recovery from addiction.

B. Statutory Provisions. Probation is granted by a court under AS 12.55.090, but since a defendant may refuse probation--i.e., since the court does not have the power to impose probation on a convicted defendant--- "when a defendant accepts probation conditions announced by the court, we [the courts] analyze the probation conditions as analogous to contracts between

the court and the defendant." Sweezey v State, 167 P.3d 79 at 80 (Alaska Ct. App. 2007). So, probation is an agreement between the defendant and the court, not, strictly speaking, a sentence. Parole is granted by the parole board. Under AS 33.16.010(a), prisoners (except those convicted of certain serious crimes) who follow the rules during their imprisonment are "entitled to a deduction of one-third of the term of imprisonment." In addition to this mandatory parole, the parole board may grant discretionary parole under AS 33.16.100 if, among other things, the parolee would not be a danger to society. Since the term of imprisonment is actually being reduced by one-third once the defendant has served two-thirds, the sentence really ends when parole is granted, subject to being reinstated if parole conditions are violated.

C.Court Decisions. However, the clearest indication that a person on parole or probation is not serving a sentence is the courts' treatment of time spent on parole or probation. If time on probation or parole were part of serving a sentence, then the person would have to receive credit for that time if parole or probation were revoked. For example, if a person serves two years of an initial three-year sentence, is released on mandatory parole and remains on parole for sixth months, and then violates conditions of parole and has his or her parole revoked, the question is: Does that person have to serve for six months more or one year more? If the person were serving a sentence while on parole, the person would have to serve only six months more. If, on the other hand, the person is not considered to be serving a sentence while on parole, then the person has one more year to serve. Alaska's courts are quite clear that the time on parole or probation (assuming the person is not subject to electronic monitoring) is not counted as serving of the sentence. In Paul v State, 560 P.2d 754 at 758 (Alaska 1977) Alaska's Supreme Court stated as follows:

> In permitting probation, the court, in an effort to rehabilitate Mr. Paul, permitted him to remain at liberty. While certain restrictions were imposed, they in no manner may be equated to serving a period of incarceration. We do not think that the term of probation should be credited against the original suspended sentence. This result is in accord with the several federal courts which have reached

> this issue. [citations omitted] We hold that Mr. Paul was not entitled to have the period he served on probation credited against his sentence.

It is even clearer that time spent on parole is not counted toward service of the sentence because AS 33.16.240(f) provides that "... the time the parolee was at liberty on parole does not alter the time the parolee was sentenced to serve." Based on this statute, Alaska's Court of Appeals stated that one "who remains 'in custody' for the purpose of maintaining the parole board's jurisdiction over him may still be deemed 'at liberty' for denying credit under AS 33.16.240(f)." Dulier v. State, 789 P.2d 372 at 374 (Alaska Ct. App. 1990). [1] Because Alaska's courts do not count time on probation or parole as part of service of a sentence, a person on probation or parole is not "serving a sentence" for a crime.

D. Policy . In addition to the technical reasons discussed above, there is a policy reason why persons on probation or parole should not be considered to be "serving a sentence" for purposes of the CBJ code---namely, they do not pose a high risk of danger to the public. A court will grant probation only if the judge believes that the defendant will not pose a danger to the public. Mandatory parole is not available for serious crimes such as first degree murders and sex offenses that are unclassified or class A felonies. AS 33.20.010(a). The parole board may grant discretionary parole only if it "determines a reasonable probability exists that...(3) the prisoner will not pose a threat of harm to the public if released on parole". AS 33.16.100(a)(3).

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1. While it is unlikely that any residents at Haven House will be there before their sentence is imposed, time at Haven House would also not qualify as time served against a sentence before imposition of sentence because conditions at Haven House do not approximate "those experienced by one who is incarcerated." Nygren v. State, 658 P.2d 141 at 146 (Alaska Ct. App. 1983). Accord, McKinley v State, 215 P. 3d 378 (Alaska Ct. App. 2009)(no credit for aftercare program that did not require 24 hour custody or supervision). For those on probation or parole after sentence has been imposed, the degree of supervision is not even relevant because "official detention" does not include supervision on probation or parole, even though the parole or probation may include genuinely restrictive parole conditions. Williams v. State, 301 P.3d 196 , (Alaska Ct. App. 2013)

E. Regulation of use rather than user. Under the CBJ's interpretation of the phrase "serving a sentence", a person on probation or parole who otherwise qualified for residence in a "group home" would be prevented from living there. However, the presence of a person on probation or parole in a group home would in no way change the use of the residence or its effect on the neighborhood. The home would still be a place where persons sought healthcare, rehabilitation or recovery from disabilities in a family setting. Supervisors/caregivers would still live on site. The presence of a person on probation or parole would not change the use at all, and therefore would be an improper requirement. On the other hand, if "serving a sentence" were interpreted---as Haven House believes it should be--- to describe people who are still in official custody, the restriction would not limit the user so much as it would define the prohibited use as a jail. Under Haven House's interpretation, a residential treatment facility of the type defined in AS 12.55.027 would be excluded from the CBJ's definition of "group home" because the residents were still effectively in jail. This is a rational, constitutionally defensible exclusion because the level of security and supervision in a jail is inappropriate in a residential neighborhood. Preventing a parolee or probationer from living in a group home, however, is not reasonable because the person's status does not affect the use of the property.

VI. To the extent the CBJ Zoning Ordinances prevent Haven House from operating in a D-5 district, those ordinances are arbitrary and irrational, and therefore violate the Due Process Clauses of the state and federal constitutions. Due process requires that zoning ordinances be reasonable and not arbitrary. Seward Chapel Inc. v. City of Seward, 655 P.2d 1293, 1297 1298, citing Village of Euclid v. Ambler Realty Co., 272 U.S. 365, 47 S.Ct.114, 71 L.Ed. 303 (1926). Assuming that the director's decision is correct---that Haven House is not a "group home," but is "halfway house" and cannot operate in a D-5 residential district --- the CBJ zoning code is arbitrary and unreasonable. Under CBJ Ord 49.25.300, the following uses in a D-5 district require no permit except in conjunction with a building permit:

1. A single family, which means one or more persons living as a single housekeeping unit.

2. A duplex.

3. A group home (which may be a for-profit business) for 6 to 9 persons with mental, emotional, or physical disabilities, plus one or two supervisor/ caretakers, where the primary method of supervision or care is provided at the residence.

4. Child care or adult care for 8 or fewer people.

5. Home occupations.

The following uses are allowed in a D-5 residential district with a conditional use permit:

1. Day care for 9 - 12 children or adults.

2. Child care residence for 6 - 9 children under 18 , where not more than two adults supervise the children for compensation.

3. Rooming houses, boarding houses, bed and breakfasts, all of which are commercial (for profit) establishments.

4. Single room occupancies with shared facilities (where one person rents a room, but shares the use of bathroom and kitchen).

5. Professional offices of 1000 square feet or less.

6. Nursing care, where skilled nursing care and medical supervision is provided.

7. Assisted living (not defined).

8. Sheltered care (not defined).

7. Institutional correctional facilities (apparently those having 10 or more inmates) .

It is difficult to see any logical pattern that would allow these uses, but exclude Haven House. Clearly, up to twelve women on probation or parole who just wanted to save money and enjoy each other's company could live in the 6 bedroom house if they rented it together, shared rooms, and lived as a single housekeeping unit. They would unquestionably meet the CBJ's definition of a single family because no one would be providing anything that could possibly be called "services" to anyone, nor would they be seeking respite treatment for anything. Haven House will have 2 co-directors on site during the day, but this would be no more disruptive to the neighborhood than 8 children or adults arriving to receive day care, or a daily meals on wheels delivery, or a caregiver coming to stay with an elder during the day, or a babysitter

coming to stay with children during the day. Whatever "supervision" or "services" the women at Haven House would receive would certainly be no greater than those received by the disabled individuals living in an allowed group home, or those provided at conditionally allowed nursing care or assisted living facilities. Haven House will not even be a commercial establishment, as a group home could be and as rooming houses and bed and breakfasts definitely are. Finally, of course, institutional correctional facilities (jails) could be allowed with a conditional use permit, but Haven House cannot be allowed at all if the Director's decision is correct. Admittedly classifications do not need to be perfect, but the CBJ's is so irrational as to be unconstitutional.

Finally, it appears that the CBJ may believe that its definitions are actually regulatory provisions in disguise, and that these regulatory provisions can be interpreted and applied on an ad hoc basis, e.g., that "services" in the definition of "halfway house" means one thing if the residents are a certain type of person, but has an entirely different meaning if they are someone else; or that the CBJ can require certain levels or types of supervision for one group home, but a different type or level for another group home, without setting up a regulatory process for that determination or stating, in law, what factors would be used for that determination. The conditional use process, of course, does allow for specific projects to have specific conditions attached . But, a group home does not require a conditional use permit, nor is such a process even allowed for a halfway house in a D-5 district. What is at issue in this case is the meaning of the CBJ's definitions. Due process requires that those meanings be clearly stated in law and consistently applied in fact.

VII Summary.

Because most, and probably all, of Haven House residents will have a history of substance abuse or mental health problems, they---and organizations like Haven House that provide them with supportive housing--- are protected by the FHAA from discrimination in zoning. The most appropriate way to avoid that discrimination is to find Haven House to be a single family dwelling. It certainly meets the definition of "family" in the CBJ code.

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Since Haven House will not be providing any services of a commercial, medical, or jail-like nature, its use of the dwelling will not be inconsistent with other uses in the neighborhood. It is simply supportive housing of the type that has been allowed in residential districts in cases involving the FHAA and in cases that did not involve the FHAA. Haven House does not present the complicating factor of treatment and services provided on-site that has bedeviled zoning schemes in other jurisdictions, and perhaps led to the adoption of the definition of "group home" in the CBJ code. Because the CBJ allows communal living by unrelated individuals as a general matter, it must also allow it for Haven House.

If, on the other hand, the CBJ believes that for some reason Haven House should not be treated as a single family, then the studies attached hereto as exhibits A - C should provide all the evidence needed that Haven House will indeed be providing housing for the disabled (recovering substance abusers and those with mental health problems), which was the reason the Director gave for denying Haven House status as a group home. In either case, Haven House should be allowed to locate in a D-5 district.

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Why Consider Expanding Programs?

In 1980, 2 in 1,000 Alaskans were behind bars; today that share is approaching 10 in 1,000. The sharp increase started in the 1980s, when the state government began collecting large oil revenues. The state used some of that money to expand police agencies, courts, and other parts of the criminal justice system statewide. Also in the 1980s, it made sentencing for the most serious felonies more uniform and stiffened sentences.

The crime rate in Alaska has declined since the 1980s. But the number of Alaskans in prisons, jails, and halfway houses has increased much faster, as have costs for the state justice system. Alaska's prisons are full, and the 1,500-bed prison scheduled to open in 2012 is projected to be full soon after it opens.

Locking people up is expensive, whether their crimes are major or less serious. Alaska spends on average $44,000 a year per inmate in prisons, jails, and halfway houses. Adjusted for inflation, that's actually less than in the 1980s—but it's still a lot (Figure 4).

Studies in other states have shown that some intervention and prevention programs can help cut both costs and crime, either by keeping people who have served their sentences from committing new crimes after they're released, or preventing some people from going to prison in the first place.

What Programs Did We Analyze?

The Alaska Criminal Justice Working Group gave us a list of programs to analyze. We looked for programs with the biggest potential payoff for the state—those that could reduce growth in both numbers of inmates and in spending for corrections, at a reasonable cost for the state.

Alaska already has a number of programs in place, and we found that expanding some of those would be most cost-effective. Table 1 lists the programs in our final analysis. As a guideline for what was a "reasonable" expansion, we used 10% to 20% of the eligible people not already served—except for very small programs that can't easily be expanded that much.

These programs would serve inmates, at-risk juveniles, and young children. They are all intended to reduce future crime in some way. Programs that treat substance-abuse or mental heath disorders have been shown to reduce recidivism—and as Figure 5 shows, almost all current inmates have those disorders.

Figure 4. Annual State Costs Per Inmate,* 1981-2008
(In Thousands of Dollars)

*Average cost of incarcerating people in prisons, jails, and halfway houses.
Source: Alaska Department of Corrections

Figure 5. How Many Alaska Inmates Have Substance Abuse or Mental Health Disorders?

Sources: Alaska Department of Corrections; Alaska Mental Health Trust

Table 1. Current Size and Potential Expansion of Intervention and Prevention Programs[a]

Programs	Currently serve	Reasonable expansion	Potentially eligible (2008)
Prison-based programs			
Education (adult basic; vocational)	More than 1,000	500	Almost all inmates (4,500)
Substance-Abuse (residential; intensive outpatient)	Close to 500	500	90% of inmates (approximately 4,000)
Sex-offender treatment[b]	0	50	10% of 500 eligible inmates
Transition from prison			
Transition for inmates with mental health disorders (Institutional Discharge Project)	70	100	36% of inmates (1,600)
Alternatives to Incarceration	500	500	Approximately 5,000[c]
Mental health, drug, alcohol courts; electronic monitoring; residential substance-abuse treatment			
Juvenile offenders	Approximately 500	1,000	Approximately 3,000
Aggression replacement training; family therapy; residential treatment; institutional transition			
Prevention	3,025	450	Approximately 8,000[e]
Head Start for 3- and 4-year olds from low-income families[d]			

[a] Programs included in our final analysis are those for which we found evidence that expansion would have significant pay-offs for the state at a reasonable cost. We evaluated additional programs not included here, either because there wasn't sufficient evidence to assess their effectiveness or because they weren't feasible to implement in Alaska at this time.
[b] To effectively reduce crime, sex offender treatment programs need to be offered in both prison and the community. Treatment is currently available only in the community, so the number served in prison is currently zero—but there are proposals to add treatment in prison.
[c] People facing low-level charges and with substance-abuse problems.
[d] Head Start is a federal program, but the state supplements federal money and Governor Sarah Palin has proposed additional state funding.
[e] We assume all children from families with up to double the poverty-level income would be eligible.

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We looked at but excluded other programs from our final analysis. The criminal justice working group decided that a few programs, while effective elsewhere, wouldn't be feasible to implement in Alaska at this time. For other programs, there wasn't enough available evidence to judge how effective they were in saving money or reducing crime, or the available evidence showed them to be largely ineffective.

How Do the Programs Compare?

As Figure 3 (front page) shows, expanding programs to serve more of the eligible people would save the state about $321 million and reduce the projected number of inmates 10% by 2030. Figures 6 and 7 show how the various programs contribute to costs, savings, and reductions in the number of Alaskans behind bars.

- *Education and substance-abuse treatment programs for inmates save two to four times what they cost*, reduce recidivism by about four percentage points, and can reach the most people.
- *Intervention programs for juveniles who have committed crimes are very effective* at saving money and reducing recidivism, but they serve a much smaller number of people.
- *Programs that set up transition services for inmates with mental-health disorders* coming out of prison are among the most effective—but they can't readily be expanded to serve the many people who could benefit from them.
- *Alternatives to prison for some people charged with lesser offenses save the state money right away, and almost all reduce recidivism.* The exception is electronic monitoring, which is inexpensive but hasn't been shown to reduce future crime.
- *Treatment programs for sex offenders do reduce crime,* but they are very expensive and so don't save the state money.
- *Programs that prevent future crime by helping very young at-risk children are the most effective.* But the effects of spending for those programs aren't apparent until many years later.

Figure 6. How Effective Are Various Programs at Saving Money and Reducing Crime?

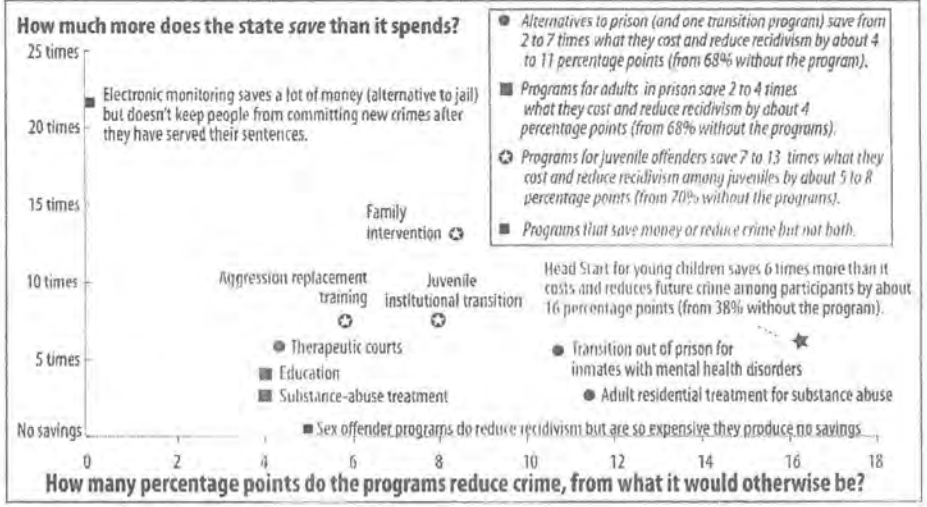
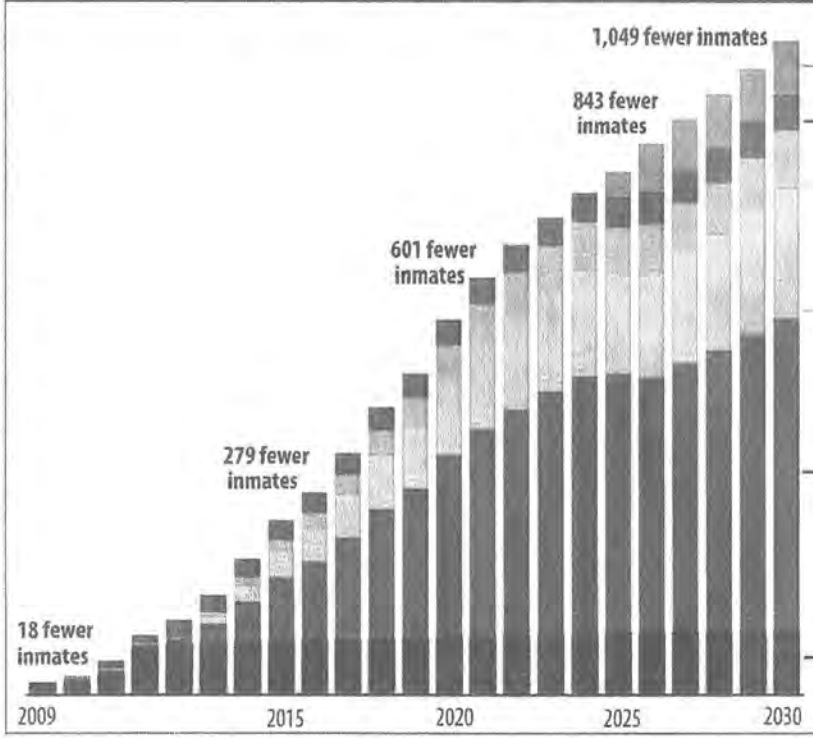


Figure 7. How Would Expanding Specific Programs Contribute to Reducing Growth in Numbers of Inmates?



Pre-school programs for at-risk children cost about $1,000 per child but save many times that much, by reducing future crime. The effects of the spending aren't apparent for years, until the children grow up.

Programs for juveniles offenders cost an average of about $2,500 per person, but save almost 10 times that much by keeping kids out of prison. They serve only a subset of the population of 12- to-17-year-olds.

Transition programs for people with mental health disorders are extremely effective, add about $2,000 per person to inmate costs, and save about four times that much. But the programs currently serve very few people and can't readily be expanded to serve large numbers.

Programs that treat inmates for substance abuse add about $2,000 a person to inmate costs, but over time save about twice as much. They are effective, but can't readily be expanded to reach all the people who need them.

Education and job training programs in prison add about $1,000 to inmate costs, but they reach the most people and save about four times more than they cost. Because they are offered in every facility, they can easily be expanded and can reach more people. (Reductions in the number of inmates as a result of the sex-offender treatment program are also included here, but are only one or two people a year.)

Programs that keep people out of prison save the state money right away, because they cost much less than the $44,000 per person the state spends to lock people up. They include therapeutic courts for substance abuse and mental health disorders, electronic monitoring, and residential substance-abuse treatment.

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Conclusion

In conclusion, Figure 8 shows how Alaska's corrections system got where it is and where it's likely to go—if intervention and prevention program are kept at their current levels, and if the most effective programs are expanded to serve more of the eligible people.

We found that the state could both reduce the number of Alaskans in prison or jail and save considerable money over the next 20 years, by adding about $4 million a year to the $17 million it currently spends to keep people from returning to prison— or prevent them from ever going there at all.

Spending more for these programs even as oil prices and state revenues are falling may not seem like a good idea. But Alaska also needs to look to the future—and over time the benefits of strategically expanding those programs that reduce crime and keep more Alaskans out of prison far outweigh the costs.

Method of Analysis

Our job was to assess whether specific programs could reduce long-term state spending for corrections by reducing growth in the number of inmates. As a starting point, we needed evaluations of how effective various programs are at reducing future crime.

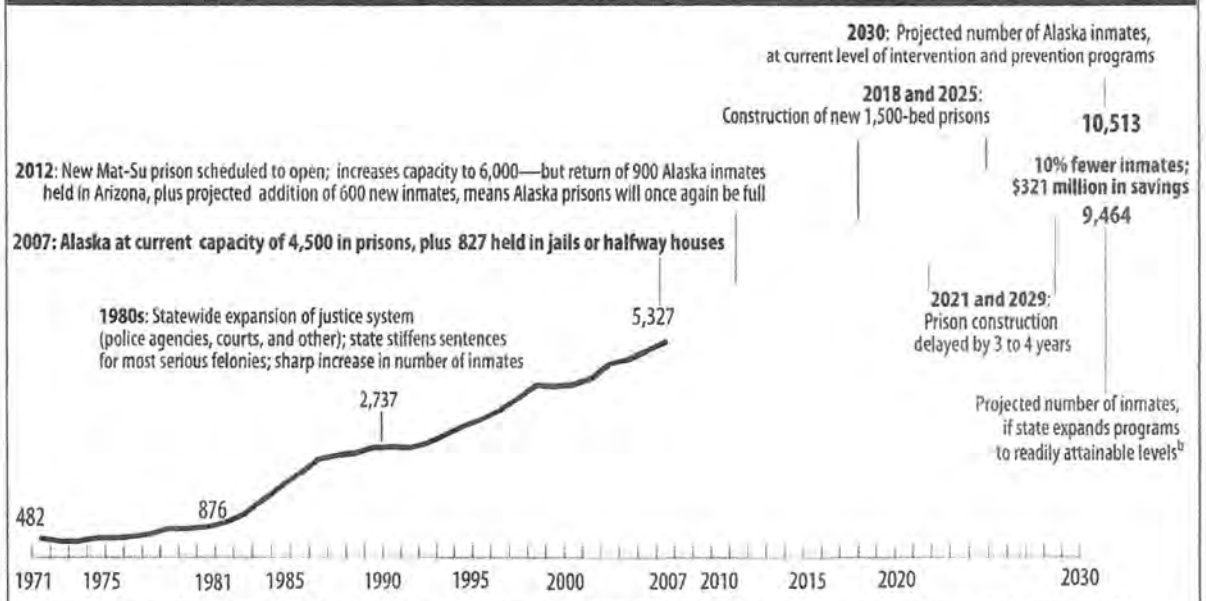
But except for some of the therapeutic court programs, most programs in Alaska have not been rigorously evaluated. Therefore, we used results of a Washington state assessment that systematically reviewed 571 program evaluations from around the country.

To be included, evaluations had to have carefully designed control groups, replicable results in multiple settings, and long-lasting effects. This method is evidence-based public policy, which merges research and practice. It is similar to clinical trials in medicine. Keep in mind that this is a new field, and only about 10% of programs in place nationwide have been evaluated at this standard.

With data from rigorous evaluations, the Washington State Institute of Public Policy created a model that estimated the effects of programs on recidivism—and then combined those results with a cost-benefit analysis to estimate the long-term effects on state spending and inmate populations.

We combined the institute's estimates of recidivism with Alaska data on program costs, eligible groups, and state population to [illegible]cts on crime and state spending.

Figure 8. Average Number of Alaska Inmates,[a] 1971-2007, and Projected Number, 2008-2030



[a] Average daily number of people in prisons, jails, and halfway houses. [b] The number of people who could be readily added to program rolls varies considerably by program; see Table 1.

Sources: Alaska Department of Corrections; ISER projections of number of prisoners, based on Alaska Department of Labor projections of Alaska population 18-64 and assuming no change in current use of rehabilitation programs as well as expanded use; Washington State Institute of Public Policy

The authors thank the members of the Alaska Criminal Justice Working Group for their help in identifying programs to evaluate and for comments on drafts of this publication. The Alaska Legislature funded this group in 2007 and authorized the Alaska Judicial Council to act as its staff.

The group is chaired by a justice of the Alaska Supreme Court and Alaska's lieutenant governor. Other members include top policymakers from the departments of Corrections, Public Safety, Health and Social Services, and Law, as well as the Alaska Mental Health Trust Authority; the heads of the Alaska Public Defender Agency and the Office of Public Advocacy; the administrative and deputy directors for the Alaska Court System; the executive director of the Judicial Council, the U.S. attorney, and Anchorage's police chief.

This group meets monthly to talk about long-term justice issues, as well as to resolve any inter-branch issues that come up among the many agencies and organizations that deal with aspects of Alaska's justice system.

The authors also thank Elizabeth Drake and Steve Aos of the Washington State Institute of Public Policy for developing the methods and models we used and for helping us apply them to Alaska. For more information go to www.wsipp.wa.gov.

This research summary and many other publications on a wide range of topics are available on ISER's Web site:

www.iser.uaa.alaska.edu

Editor: Linda Leask Graphics: Clemencia Merrill

Alaska Prisoner Reentry Task Force

Five-Year Prisoner Reentry Strategic Plan, 2011 - 2016

"The country was built on the belief that each human being has limitless potential and worth. Everybody matters. We believe that even those who have struggled with a dark past can find brighter days ahead. One way we act on that belief is by helping former prisoners who've paid for their crimes -- we help them build new lives as productive members of our society. . . .
the work of redemption reflects our values.

The bill I'm signing today, the Second Chance Act of 2007, will build on work to help prisoners reclaim their lives. In other words, it basically says:
We're standing with you, not against you."

President George W. Bush's remarks on signing the
Second Chance Act, April 9, 2008

"Given the importance of prisoner re-entry to the overall well being of our communities, I will be watching with great interest the work of the Alaska Prisoner Re-entry Task Force. I look forward to receiving the Task Force's recommendations regarding Alaska's five-year strategic re-entry plan."

Governor Sean Parnell, March 25, 2010
Letter to Chief Justice Walter Carpeneti and Attorney General Dan Sullivan

March 2011

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Though changes have been made, in some of the Division's probation offices, there are still significant gaps in linking the probationer with needed community resources such as housing, employment, mental health and sober support and family integration. In order for probation officers in the state's larger communities to better assist probationers in making this linkage, continued cultural change may be required. Most importantly, however, probation officers need lower caseloads and access to readily available community resources. Chapter 6 of this Plan outlines the specific strategies aimed at improving community referral resources available to institutional and field probation officers.

B. Community-Based Substance Abuse and Mental Health Treatment

One of the most common conditions of probation is the requirement that probationers abstain from the use of alcohol and/or drugs. This is because in Alaska there is a very strong correlation between alcohol and drug use and criminal behavior. In 1999, an Alaska Judicial Council study on Alaska's felony process reported that two-thirds of all individuals convicted of a felony had an alcohol problem and approximately half had a drug problem.[43] The study further found that more than a third of the persons convicted of a felony were actively under the influence of alcohol at the time of the offense. [44] Another study, in 2001, found that over 90 percent of all prisoners surveyed reported having a substance abuse problem at some point in their lives. [45] 79 percent of those prisoners reported an active substance abuse problem within 12 months of their most recent arrest. [46]

When a probationer is found to have used drugs and/or alcohol, probation officers make an effort to find treatment for the probationer. The availability of such programs, however, is minimal at best, as the number of publicly funded substance abuse treatment programs has declined. A significant factor in the overall reduction of community-based substance abuse treatment capacity is that State grant funding for these services over several years has not kept pace with the increased operating costs of the programs, despite new funding approved through the legislature. Substance abuse treatment programs declined from 87 in 2002 to 70 in 2006. [47]

Access to community-based mental health treatment has become more restrictive and challenging for probationers as well. This change in access was largely a consequence of the state's decision to shift funding for these services from State

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[43] Alaska Judicial Council, Alaska Felony Process: 1999, at p. 10.
[44] Alaska Judicial Council, Alaska Felony Process: 1999 at p. 65.
[45] North Charles Research and Planning Group, Substance Abuse Treatment needs of Alaska's Newly Incarcerated Prisoner Population Prior to Incarceration: Final Report, at viii.
[46] North Charles Research and Planning Group, Substance Abuse Treatment needs of Alaska's Newly Incarcerated Prisoner Population Prior to Incarceration: Final Report, at viii.
[47] Office of Applied Studies, Substance Abuse and Mental Health, "States in Brief: Alaska" (2009) at p. 2.

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Chapter Nine
Addressing the Behavioral Health Needs for Returning Prisoners

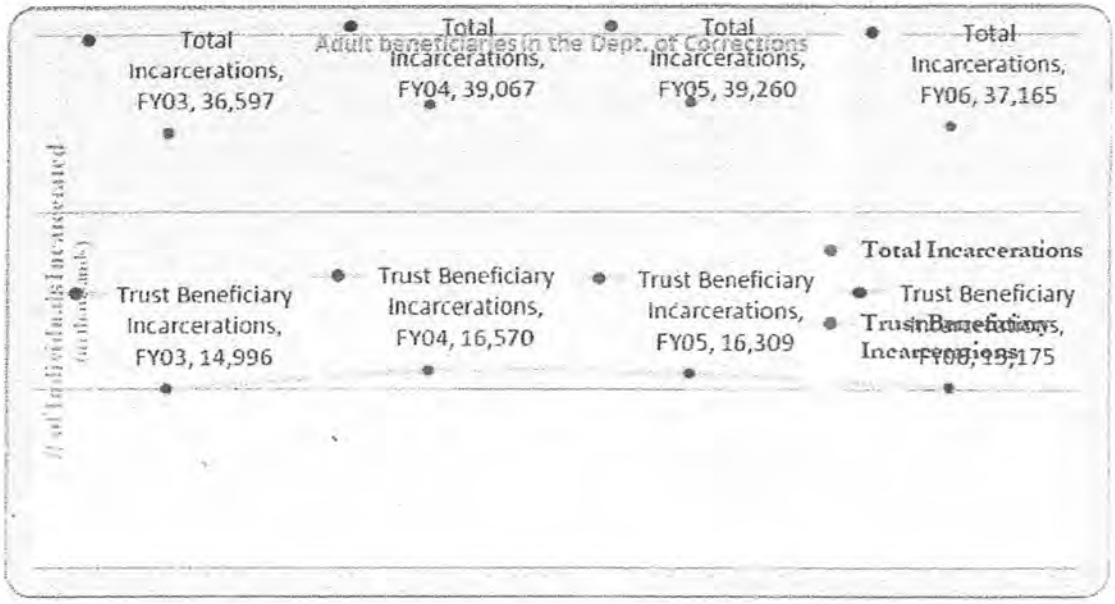
A. The Goal

The Behavior Health Service (BHS) Workgroup identified its performance goals as:

1. Adults are screened and identified for behavioral health disorders (substance abuse and mental health) at the time of booking into an Alaska Correctional Institution.
2. Identified adults are connected with the appropriate level of behavioral health treatment services while incarcerated.
3. Identified adults are engaged with the appropriate level of community behavioral health treatment services within ten days post-release.

B. The Baseline

As discussed in Chapter 2, section F, 42 percent of offenders under the care of the ADOC are adults who are Trust beneficiaries defined as a person with mental illness, developmental disabilities, Alzheimer's disease & related dementia, and/or chronic alcoholism.[84]



Nine out of ten prisoners or 91 percent had a substance abuse disorder at some time in their lives and four out of five recently incarcerated at the time of that study had

[84] *A Study of Trust Beneficiaries in the Department of* Corrections, Hornby Zeller Associates, Inc., December 2007

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HAVEN HOUSE

Haven House Juneau
PO Box 20875
Juneau, Alaska 99801
HavenHouseJuneau@gmail.com

March 8, 2014

Re: Haven House reserving beds for women recovering from addiction

At a Haven House board meeting on March 4, 2014, the board took the following action:

"Larry moved that Haven House reserve 7 of 9 beds for women who are in recovery from addiction. Chris seconded. Motion passed."

This motion clarifies Haven House's mission to provide safe and supportive housing for women coming out of prison who are committed to recovery from addiction. The Haven House board has been aware of ISER statistics stating that approximately 90 percent of women coming out of prison will have experienced substance abuse issues. We have previously sought funding from AMHTA and other sources based on that understanding. The March 4 motion is not expected to alter our future clientele or our support approach. The change was made in recognition that we could be more effective advocates for our clientele if we made our intent to serve this population more explicit.

Sincerely,

Larry Talley
Secretary, Haven House, Inc.

EXH C

Fwd: Haven House

Haven House Juneau Today at 1:17 PM
To Me, Anne Flaherty, Talitha Lukshin, and 7 More...

---------- Forwarded message ----------
From: **Rep. Cathy Munoz** <Rep.Cathy.Munoz@akleg.gov>
Date: Tue, Feb 4, 2014 at 11:58 AM
Subject: Haven House
To: "Kim_Kiefer@ci.juneau.ak.us" <Kim_Kiefer@ci.juneau.ak.us>, "Hal_Hart@ci.juneau.ak.us" <Hal_Hart@ci.juneau.ak.us>, "havenhousejuneau@gmail.com" <havenhousejuneau@gmail.com>

Hi All,

According to Kaci Schroeder, Legislative Liaison with the Department of Corrections, Haven House is considered a transitional living home. In their view it is NOT a halfway house. The home doesn't meet their standards; the women staying there do not receive credit toward their sentence, and is NOT part of the prison system. As she understands it, it was not their goal to be a halfway house.

While I know the CBJ may have a different definition of a "halfway house", it is interesting to see what Corrections has to say about it.

Cathy

Cathy Muñoz
Representative, District 31
(907) 465-3744

Reply, Reply All or Forward | More

EXH D

Tom Wagner, Lawyer

417 Harris Street
Juneau, AK 99801
Tel 907-586-2529; fax 907-586-8012
Email: tomwagner@alaska.com

February 23, 2014

To Whom It May Concern:

I am writing as an attorney experienced in criminal law matters about the meaning of the term "serving a sentence for a criminal act," as used in the zoning ordinances regarding Haven House. I have been a licensed attorney in Alaska for thirty-two years, was a state prosecutor for some seven years, and have now been a public defender for city misdemeanors for some twelve years.

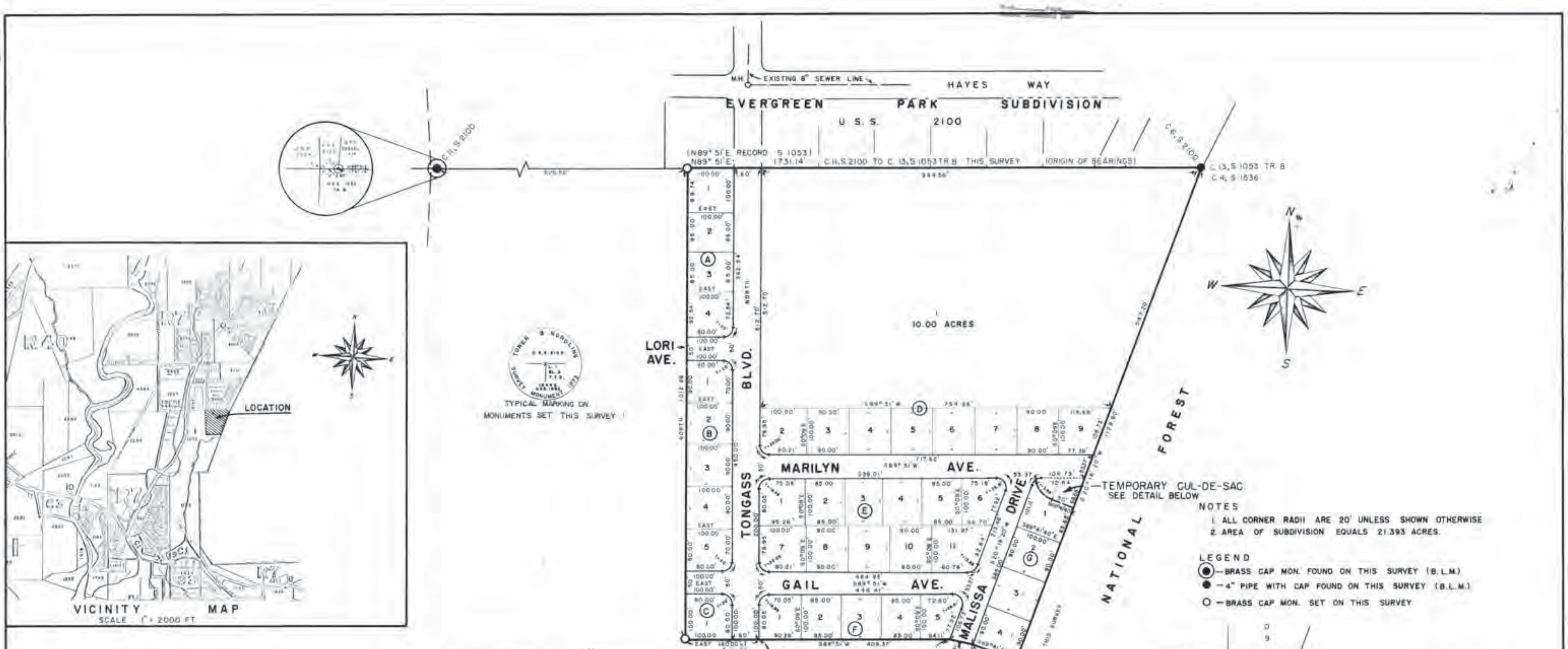
In my experience, the expression "time to serve" means time actually spent in the custody of the Department of Corrections, or the functional equivalent thereof. (Sometimes the courts will approve time spent under court order in a residential treatment facility in which the living situation is the "functional equivalent of incarceration," as time served.) A sentence might be seven years with three suspended, four to serve, and the person might be placed on probation for a period of time after the "time to serve" is served. That means the three years suspended time is not time to serve. It is essentially a threat of time that might be imposed if the person violates the terms of his or her probation, but it is not imposed as part of the sentence. Accordingly, in my view, a person on probation is not "serving a sentence for a criminal act."

Sincerely,

Tom Wagner

Tom Wagner

EXH E



ALSO

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision with our free consent, and dedicate all streets, alleys, and other open spaces to public or private use as noted.

5-23-73

Witnessed by:

Juneau Recording District }
} ss
STATE OF ALASKA }

On this 23rd day of May, 1973, before me, the undersigned, a Notary Public in and for the State of Alaska, residing at Auke Bay in said State, personally appeared E. L. McNabb and Joe G. Shaw, known to me to be the persons who executed the foregoing certificate, and acknowledged to me that they executed said certificate freely and voluntarily for the uses and purposes therein mentioned.

In witness whereof, I have hereunto affixed my signature and official seal the day, month, and year in this certificate first above and therein mentioned.

Notary Public in and for the State of Alaska
My commission expires Nov. 22, 1976

CERTIFICATE OF SURVEYOR

I hereby certify that I am a registered professional land surveyor and that this plat represents the survey made by me or under my direct supervision, and that all dimensional and other details are correct to the best of my knowledge.

May 23, 1973

STATE OF ALASKA 49TH GEORGE R. MARKS No. 1644-S REGISTERED PROFESSIONAL LAND SURVEYOR

CERTIFICATE OF APPROVAL BY THE COMMISSION

I ... certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the City and Borough of Juneau Planning Commission and that said plat has been approved by Plat Resolution No. 343 dated May 31, 1973 and that the plat shown hereon has been approved for recording in the office of the District Judge, Juneau.

Chairman

Attest:

Clerk

732074

73-8

PLAT OF
TALL TIMBERS
SUBDIVISION NO.1
A SUBDIVISION OF FR. U.S.S.1053TR.B
JUNEAU ALASKA
SCALE: 1" = 100' MAY 1, 1973
TONER & NORDLING REGISTERED ENGRS.

73-8

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Juneau Recording Dist.

CITY AND BOROUGH OF JUNEAU, ALASKA

PLANNING COMMISSION

73-8

Platting Resolution, Serial No. 343

WHEREAS, Joe Shaw and E. L. McNabb
(Applicant(s))
has applied to the City and Borough Planning Commission in proper form for approval of the following described subdivision:

Tall Timbers Subdivision No. 1

Subdivision of fraction of U. S. Survey 1053, Tract B

Juneau, Alaska

WHEREAS, the Commission finds that the proposed subdivision complies with the subdivision regulations of the City and Borough of Juneau, Alaska.

BE IT RESOLVED BY THE CITY AND BOROUGH PLATTING COMMISSION AS THE PLATTING AUTHORITY FOR THE CITY AND BOROUGH OF JUNEAU, ALASKA:

That the said application for a subdivision plat of the above described property is hereby granted.

Dated May 31, 1973

Void

73-2073

RECORDED-FILED
JUNEAU REC.
DISTRICT
JUN 22 3 50 PM '73

REQUESTED BY Richard C. Bradley

ADDRESS

Karl F. Wielke
Clerk

CITY & BOROUGH OF JUNEAU, ALASKA
PLANNING COMMISSION

By

Thomas E. Ehlers
Chairman

73-8
RESOLUTIONS

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John Shinholser
President/Co-Founder

Honesty B. Liller
CEO

Frank Brewer
Caroline County Recovery Community Center Peer Leader

Mike Mason
Director of Development

David Rook
Intake Specialist/ Peer Leader

Michelle Rook
Compliance Manager

Blake Rosenbaum
Peer Leader

Wayne Blanks
Board Member

Nancy Spratley
Secretary
Board Member

Terry Kinum
Board Member

John Rueger
Board Member

Jimmy Brooks
Board Member

Carol Pleasants
Board Member/ Vice-President

Matthew Daniel
Board Member

Chick Jordan
Board Member

Bernie Meyer, Jr.
Board Member

Darin Parr
Board Member

Dr. James Thompson
Board Member

John Finn
Board Member

Cynthia May
Board Member

Wil Inge
Board Member

Jimmy Christmas
Board Member

April 17, 2014

June Degnan
President
Haven House Board of Directors
PO Box 20875
Juneau, Alaska 99802

Re: Haven House in Juneau

Dear Ms. Degnan,

I am writing to support your efforts to open Haven House in Juneau Alaska. Haven House will be a recovery and reentry home for up to nine women coming out of prison.

Activities in Alaska March 5 – March 11, 2014

I know about Haven House because I was in Juneau from March 5 to March 11, 2014, on a trip hosted by the Juneau Reentry Coalition. While in Juneau, I visited the site of Haven House at 3202 Malissa Drive with Kara Nelson, one of the co-directors of Haven House.

The purpose of my trip to Juneau was to reach out to people in recovery from drug and alcohol addiction and to raise awareness and educate the public and providers about addiction and recovery.

I am Founder and President of The McShin Foundation, which was established in 2004. The McShin Foundation is Virginia's leading Peer to Peer Recovery Community Organization, which uses recovering addicts and alcoholics to educate, mentor and spread the message of recovery to individuals new in sobriety. I have also testified as an expert witness in the field of addiction to help courts determine the proper sentence for a criminal defendant who has a history of substance abuse problems. I have been working to help individuals and families in or seeking recovery from the disease of addiction since 1982.

The good news is that there are twenty million persons in this country in long-term recovery. Recovery from addiction is real. However, our jails are still full of people who have substance abuse problems. If we offer them safe, sober, supportive housing when they are released from prison, this greatly increases their chances to stay clean and sober and live a healthier life.

While in Juneau, I made a presentation to the general population at Lemon Creek Correctional Institute; met with Lemon Creek Staff; attended "Success Inside and Out;" met with persons involved with the Juneau Therapeutic Court; attended a Board meeting for the Juneau chapter of the National Council on Alcoholism and Drug Dependence; at the Alaska State Legislature, presented a "Lunch and Learn" talk for legislators and their staff on Addiction and Recovery; and met individually with twelve legislators or their staff on the same topic. My activities at the Alaska State Legislature were with the Alaska Mental Health Trust Authority.

I also presented a daylong training on "Recovery Coach Training" in Juneau, which about 50 people attended. The training teaches people in the community how to offer peer support to individuals new to sobriety. I also showed to a packed house at a local theatre a new documentary, "The Anonymous People," on 12-step programs and the historic recovery movement that is spreading across this country.

I hope that the City government in Juneau supports this vital movement and supports Haven House in opening a sober living home in Juneau dedicated to women getting out of prison. The recovery community in Juneau is alive and well and would support such a home.

Experience With Opening and Operating Recovery Homes

What may be most relevant to your situation is that, since 1982, I have helped start at least 30 recovery homes in the Richmond, Virginia metropolitan area. The McShin Foundation currently operates five recovery homes in Richmond with a total of 60 beds. Our homes have a "house manager" that lives there and oversees the home. If needed, a staff is always reachable by telephone for emergencies. Many of the current and past residents of McShin Homes have a criminal record. The McShin homes accept people directly released from prison in accord with a home plan approved by the prison authorities. The Richmond Virginia area has approximately 100 recovery homes in an area of about one million people.

Based on this experience, I can say with confidence that a well-maintained and well-run recovery home does not decrease property values in a neighborhood. In fact, these homes increase property values. They are value-added to the community because they make the community safer. Most people in prison have a history of substance abuse and, when they come out of prison, if they have a safe and sober place to live with sound house rules, they are more likely to stay out of prison.

It is also my experience that the neighbors to a recovery home come to value it when they see that it is not a source of disturbance in their neighborhood. The

neighbors also come to appreciate it when they experience a loved one who is released from prison and needs a safe and sober place to live.

The residence at 3202 Malissa Drive seemed quite suitable for a recovery home. The home had nice, fairly large, common areas. The bedrooms were small but adequate for two persons. The neighborhood seemed quiet.

Recovery homes are being started all over the country because they help people lead healthier lives. Recovery homes are a mark of a community that is forward thinking. I wish you success in your efforts to open one in Juneau.

If I can provide any additional information, please contact me or Honesty B. Liller Chief Executive Officer of the McShin Foundation.

Sincerely,

John Shinholser
President

c.c.: Honesty Liller

James R. Wakefield
17325 Point Lena Loop Road
Juneau, AK 99801
907-723-2733

April 10, 2014

To Whom It May Concern:

I have lived in Alaska for the last 46 years. Except for a several month period in late 1974 and early 1975 while living in Fairbanks and working on the pipeline, I have lived in Juneau.

I was the Assistant Business Manager for the Laborers Local 942 from 1975 to 1987. I was a member of the CBJ Assembly (Valley seat) from 1976 to 1982. I was Special Assistant to the Commissioner of Labor from 1987 to 1991.

From 1992 until 2006, I worked full-time as a real estate agent. In 1996, I was President of the Southeast Board of Realtors. In 2000, I was President of the Alaska Association of Realtors.

As a Realtor, I sold mainly residential and some commercial real estate in Juneau, representing both buyers and sellers. If I was representing a seller, I had to provide a broker's opinion, with a report, recommending to the seller what price to list their home for sale. My report required evaluating the particular residence for sale, the neighborhood, and comparable homes that had sold recently and comparable homes currently on the market.

I am aware that Haven House Inc. wishes to open a residence at 3202 Malissa Drive for up to nine women who have recently been released from prison. I have inspected the exterior of the property and the neighborhood in question. I have not inspected the inside of the residence.

In my opinion if the home at 3202 Malissa Drive is used for this purpose and the home is well-maintained and the residents do not disturb the peace of the neighborhood, the home would not decrease the property values of nearby properties.

Sincerely,

James R. Wakefield

Streets Menu

- Streets Homepage
- Projects
- Problems
- Mailboxes and Standards
- Spring Clean-up
- Summer Guide
- Waste Release Form
- Winter Maintenance Information
- Snow Removal Schedule
- Public Works Homepage
- Ed Foster, Streets and Fleet Superintendent

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Page 1 of 2

Streets Division of Public Works

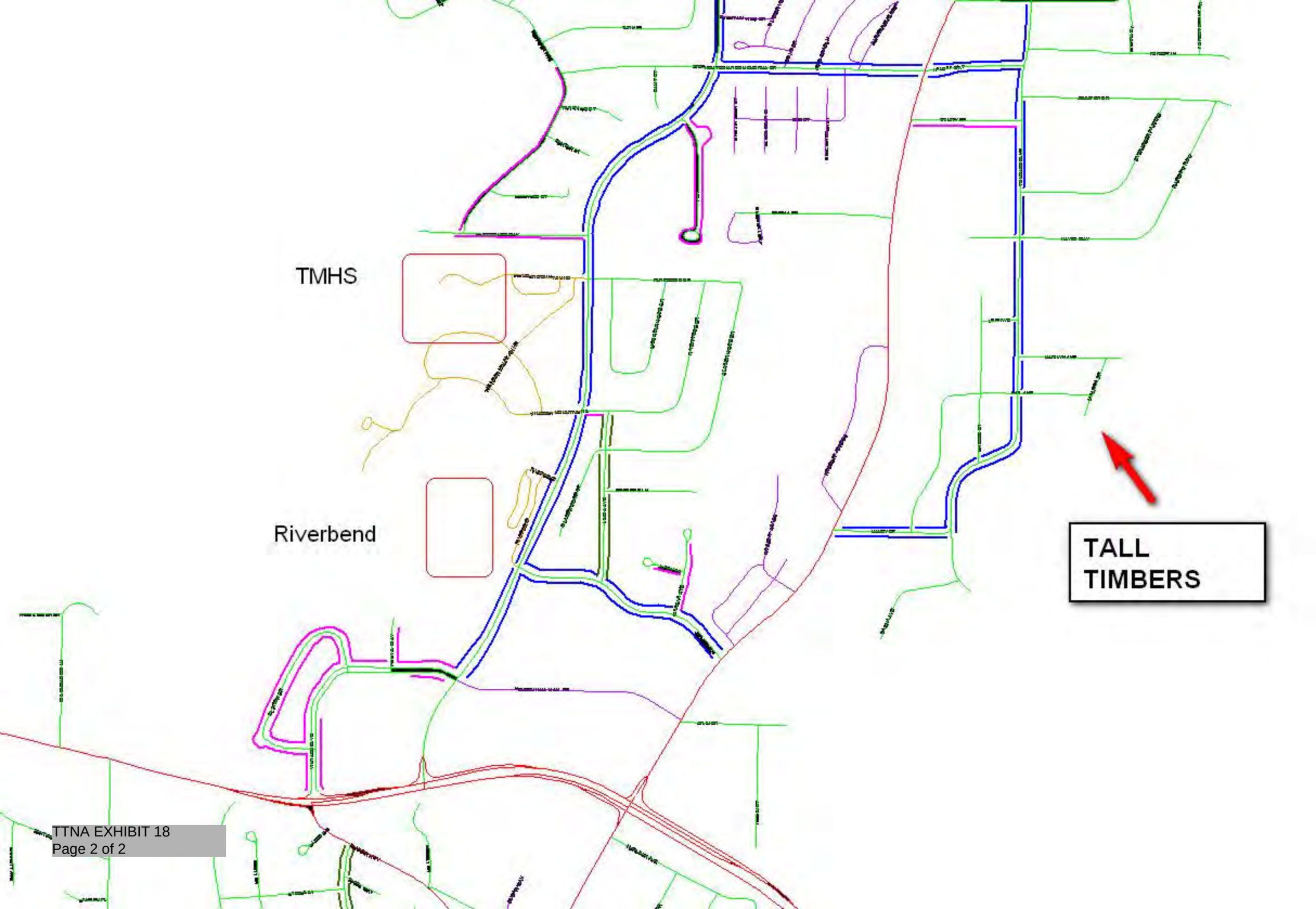
North Valley

LEGEND

Maintained **Periodically Maintained** **Not Maintained**

CBJ Sidewalks
N. Valley
Downtown
S. Valley

©2014 City and Borough of Juneau


TMHS
Riverbend
TALL
TIMBERS

Criminal Recidivism in Alaska

Alaska Judicial Council

January 2007

Judicial Council Staff:
Teresa White Carns, Senior Staff Associate
Susan McKelvie, Research Analyst
Larry Cohn, Executive Director

Institute for Social and Economic Research:
Dr. Stephanie Martin

Contact:
Alaska Judicial Council
1029 West Third Avenue, Ste. 201
Anchorage, Alaska 99501
Phone: (907) 279-2526
Email: lcohn@ajc.state.ak.us

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Table of Contents

Recidivism in Alaska

Executive Summary

How well does Alaska's criminal justice system work to protect the public? What works best? What needs improvement? Can less costly alternatives more effectively promote public safety? Knowing what happens after offenders serve their sentences can help answer these questions.

This report by the Judicial Council is the first general study of recidivism in Alaska. It describes the percentages of offenders who were re-arrested, had new court cases filed, were re-convicted, or remanded to custody for new offenses or for probation or parole violations. The report shows how soon after release these events occurred, and what factors were most closely related to an increased chance that offenders would be involved again in the criminal justice system. The Alaska Department of Health and Social Services funded the report.

The Council followed 1,934 offenders, all of whom were charged with at least one felony in 1999 and convicted. Of those, 59% were convicted of a felony, and 41% of a misdemeanor. This report focuses on the 1,798 offenders who had been out of custody for at least three years after they had served their sentence. The Council found that within three years after release from their sentence on the 1999 offense:

- 66% of all offenders in the sample had been re-incarcerated at least once, for a new offense or a probation or parole violation.
- 59% were arrested at least once for a new offense.

Recidivism rates during the three-year period by demographic factors and type of offense *(see Parts 3 and 6)*

- The likelihood that an offender would be re-arrested was affected by the type of offense for which the offender was convicted in 1999: 67% of Property offenders were re-arrested, as compared to 61% of Driving offenders, 60% of Violent offenders, 52% of Drug offenders, and 39% of Sexual offenders.
- The factors most closely related to increased recidivism were the offender's age, and indigent status (indigent offenders were those who qualified for public attorney representation in 1999).
- An offender's ethnicity (if Native), prior criminal history, alcohol, drug and mental health problems were other factors that increased the chance of re-arrest.

Types and seriousness of new convictions *(see Part 4)*

- Youthful offenders, males and those previously convicted of a Violent offense were more likely to commit a new offense at a more serious level than their 1999 offense.
- Most offenders who were convicted of a new offense were convicted of an offense of the same or lesser seriousness level than their 1999 conviction. Offenders with alcohol or drug problems in 1999 were less likely than others to be convicted of a more serious offense. An offender's indigency or mental health problems were not related to conviction on a more serious offense.
- Sexual offenders were the least likely to commit the same offense again; those previously convicted of Driving offenses were the most likely to commit the same offense again.

Timing of recidivism *(see Part 5)*

- Offenders were arrested for most of their new offenses within the first year after release, particularly during the first six months after release.

Part 1
Measures of Recidivism

The Council looked at four measures of recidivism for offenders charged with a felony filed in calendar 1999, and convicted of a felony or misdemeanor.[1] They were:[2]

- Re-arrests of the offender (using Department of Public Safety data).
- New court cases filed against the offender (using data from Alaska Court System).
- Re-convictions of the offender (using Department of Public Safety data).
- Remands to incarceration of the offender, which included remands for new arrests, and for probation and parole violations (using Department of Corrections data).[3]

These sources chosen for data are standard sources of information about criminal justice events for specific offenders.[4] Similar databases are used by all fifty states to report information and conduct statistical analyses. Therefore, the Council's data on recidivism can be compared more easily to data from other jurisdictions.

As in other jurisdictions, reports such as this one rely on criminal justice record repositories that probably understate the actual level of re-arrests and re-convictions.[5] Although many recidivism reports use only one or two of these measures, the Council has chosen to use all four. Three of the four: re-arrest, new cases filed, and remands to custody do not reflect proven criminal behavior.

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[1] The Alaska Judicial Council reported data about these offenders and their 1999 offenses in ALASKA FELONY PROCESS: 1999, published in February 2004. It is available at the Judicial Council web site, www.ajc.state.ak.us under "Publications." All 2,331 defendants (about two-thirds of all persons charged with a felony offense in 1999) included in the 1999 report were charged with at least one felony. The offenders in the present report were those who were convicted of at least one offense, felony or misdemeanor, and who met other criteria for selection (e.g., still alive). The Alaska Department of Health and Social Services funded the report.

[2] Each measure of recidivism refers to the period of three years after the offenders' releases from custody following their convictions on the 1999 offenses. Each measure includes only in-state recidivism. Resources did not allow the Council to obtain data about offenders' possible out-of-state arrests, court cases and convictions.

[3] These measures of recidivism overlap substantially. The most inclusive measure of an offender's subsequent contacts with the criminal justice system is remands to custody.

[4] P. Langan and David Levin, "Recidivism of Prisoners Released in 1994," Bureau of Justice Statistics (BJS), June 2002, Reference number NCJ 193427. This report served as a model for the Council's report. It contained data about recidivism for offenders in other states.

[5] The police agency making the arrest or the court disposing of the case and recording the conviction may not send the notifying document to the repository. Even if the document is sent, the Department of Public Safety may not be able to match the person in the document to the correct person in the database, or may not enter the new information. The court system data had fewer identifying numbers than did data from the other agencies, making it more time-consuming to match individual offenders to their cases. The Department of Corrections provided computerized databases from its former data collection system (Offender Based Corrections Information System, or OBSCIS) and its current system (Offender Tracking Information System, or OTIS). Council staff worked carefully to account for any overlapping information that appeared in both systems. However, the Council did not have enough information to determine whether the remands were for new offenses or for probation or parole violations.

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Remands may reflect violations of conditions of probation or parole (for example, no drinking) that are not criminal behavior, or they may be a remand because the offender was arrested for a new offense.[6] The fourth measure, new convictions, shows only criminal behavior that has been proven in court, whether by a plea from the defendant or conviction after trial. Re-arrests, new cases filed, and remands are useful to understand the frequency with which the criminal justice system had new contacts with offenders.

[6] In addition, an offender may be arrested for a new offense and a violation of probation simultaneously. In these cases, prosecutors may decided to drop the new offenses charged and prosecute the offender only on the probation violation.

Part 2
Characteristics of the Offenders

The offenders who had been out of custody for at least three years after their 1999 offense had the following characteristics.[7]

A. Demographics

Of the offenders released from incarceration after their 1999 offense:

- 83% were male.
- 52% were Caucasian.
- 33% were Alaska Native or American Indian.
- 11% were Black.

B. Type of 1999 offenses

Among released offenders:

- 26% were convicted in 1999 of Violent offenses (assaults, robbery).
- 31% were convicted in 1999 of Property offenses (burglary, thefts, frauds).
- 9% were convicted in 1999 of Sexual offenses (sexual assaults, sexual abuse of a minor, various levels of seriousness).
- 16% were convicted in 1999 of Drug offenses (mainly possession and sales).
- 6% were convicted in 1999 of Other offenses (e.g., weapons, public order, perjury, escape, etc.).
- 12% were convicted in 1999 of Driving offenses (drunk driving, refusals to take tests, eluding, etc.).[8]

C. Class of 1999 offenses

- 41% of the 1999 convicted offenders were convicted of a misdemeanor as their single most serious offense, and 59% were convicted of a felony.[9]

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[7] Some of the offenders convicted in 1999 were not included in this report. Twelve had died, and thirty-one who had appeared twice in the 1999 report were used only once in this report. The remaining group of 1,934 offenders included forty-eight offenders who were still incarcerated in November 2005 when the Council began its research. They had been convicted of assaults, homicides, robberies, sexual offenses, and a handful of other serious offenses. The still-incarcerated offenders were not part of the analysis.

[8] Other driving offenses included Driving While License Suspended, Revoked or Invalid; Leaving Scene of Accident; Failure to Render Assistance; and Reckless or Negligent Driving.

[9] Data from ALASKA FELONY PROCESS: 1999, *supra* note 1. This is one of the most important differences between the BJS report, *supra* note 4, and the Judicial Council review, *supra* note 1. The BJS report looked at a sample of all offenders released from prisons in 1994. Those offenders had been convicted of felonies and a few serious misdemeanors and had sentences of one year or more. The Judicial Council sample had been charged with

Part 3

Recidivism rates three years after release according to demographic and other characteristics[10]

A. Type of 1999 offense

The likelihood that an offender would be re-arrested was affected by the type of offense for which the offender was convicted in 1999.

- More Property offenders were re-arrested (67%), when compared to 61% of Driving offenders, 60% of Violent offenders, 52% of Drug offenders, and 39% of Sexual offenders.
- Offenders previously convicted of a Sexual or a Drug offense had a much smaller likelihood of being arrested for a new offense, having a new case filed, being re-convicted during the first three years following release or being remanded to custody.
- Persons convicted in 1999 of Property offenses were the most likely to recidivate, by any of the measures used.
- Offenders who used a weapon in the 1999 case recidivated at about the same rate as the offenders who did not use a weapon.

B. Location of 1999 offense

The Council did not find any significant differences in recidivism between offenders in urban areas and those in rural areas.

C. Offender characteristics[11]

Specific characteristics of the offenders were related to each of the four measures of recidivism. An offender's age, ethnicity (if Native), economic status (indigent offenders were those who qualified for public attorney representation in 1999), prior criminal history, alcohol, drug and mental health problems were among the factors tied to a greater chance of re-arrest. Men were more likely to be remanded to custody than women.

1. Age of offender at release

- The youngest offenders, between the ages of 17 and 24, had the highest rates of recidivism.
- Offenders from the ages of 25 to 44 also had higher rates of each measure of recidivism.
- At age 45 and older, the recidivism rates dropped substantially.

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felonies in 1999 but often were convicted of misdemeanors. The Judicial Council group, as a whole, probably consisted of a much different mix of serious and less-serious offenders, when compared to the BJS report.

[10] The analysis in Parts 3 through 6 was based on 1,798 offenders who were released from incarceration of their 1999 offense at least three years prior to the analysis. Tables for each of the following sections are in Appendix B, Tables.

[11] All of the findings in section C on offender characteristics were statistically significant, unless noted.

2. Ethnicity

In this report, 52% of offenders were Caucasian, 33% were Native/Indian, 11% were Black, and 3% were Asian/Pacific Islander.[12]

- Alaska Native/American Indian and Black offenders were the ethnic groups most likely to be rearrested. In both groups, 66% had a new arrest within three years after release on the 1999 offense. Of the Caucasians, 55% were rearrested within the first three years after release. Fewer Asian/Pacific Islanders, 35%, were rearrested.[13]
- Alaska Natives/American Indians had a 62% re-conviction rate in the three years following release on the 1999 offense. Blacks had a 61% re-conviction rate, and the Caucasian re-conviction rate was 50%. For Asian/Pacific Islanders the re-conviction rate was 33%.
- All of the groups had more remands to custody than re-arrests, new court cases, or re-convictions. Alaska Native offenders were remanded to custody at a 75% rate at some time during the first three years after release on their 1999 offense. Black offenders had a 73% remand rate and 61% of Caucasian offenders were remanded to custody at least once. Asian/Pacific Islanders had a 45% remand rate.

3. Indigent offenders

One indicator of an offender's socioeconomic status at the time of the 1999 offense was whether an attorney had been appointed for the offender at public expense.[14] Offenders had to meet specific guidelines to show that they could not afford to employ their own attorneys. Their lack of ability to afford an attorney indicated that they had less income and fewer resources than offenders who used a private attorney to represent them in their 1999 cases.

- 63% of the offenders who were indigent in 1999 were re-arrested, compared to 41% of offenders who used a private attorney in 1999.
- 61% of the offenders who were indigent in 1999 had at least one new court case filed during the three years after release, compared to 40% of those with a private attorney.
- 59% of the offenders who were indigent in 1999 had at least one new conviction, compared to 35% of those who had a private attorney in 1999.
- 70% of the offenders who were indigent in 1999 were remanded to custody at least once during the three years after release, compared to 47% of the offenders with private attorneys.

[12] Only 1% were Hispanic.

[13] The number of Asian/Pacific Islanders (N=52) in this data set was small, but enough for some analysis.

[14] Information about the offenders' incomes was not consistently available from any source.

4. Number of prior convictions in 1999

Among all of the offenders, 19% had no prior record of criminal convictions at the time of their 1999 felony case, and no record of any new arrests after the 1999 charge(s).

- In general, the more prior convictions that an offender had in 1999, the greater the likelihood that the offender would be rearrested during the three years after the release from the 1999 sentence.[15]
- 70% of Alaska 1999 offenders with four or more prior misdemeanor (but no felony) convictions were rearrested during the three years following their release, compared to an overall 59% re-arrest rate for all of the offenders in the sample.
- Offenders with one prior felony conviction in 1999 were rearrested at a rate of 64%. Of those with two prior felony convictions in 1999, 80% were rearrested within three years.
- Offenders with four or more prior misdemeanors, or with any number of prior felonies were very likely to have a subsequent remand to custody.

5. Alcohol problem indicators[16]

Two-thirds, 68%, of all of the offenders had an indication of an alcohol problem.

- 62% of offenders with an alcohol problem in 1999 were re-arrested during the first three years after release, compared to 54% who did not have an alcohol problem.
- 59% had a new case filed, compared to 53% who had no alcohol problem,
- 57% of offenders with an alcohol problem in 1999 were re-convicted during the first three years after release, compared to 50% without a problem.
- 70% of offenders with an alcohol problem were remanded to custody at least once during the first three years after release, compared to 57% of offenders without an alcohol problem.

6. Drug problem indicators

Of all of the offenders in this sample, 48% had an indicator of a drug problem.

- 62% of the offenders with a drug problem indicator were re-arrested in the first three years after release, compared to 57% of those without.
- 60% of those with a drug problem had new cases filed, compared to 55% of those without.
- 57% had new convictions in the first three years, compared to 53% of those without a drug problem.

[15] *Supra*, BJS, note 4 at p. 10. The BJS Report made a similar finding, saying, "the longer the prior record, the greater the likelihood that the recidivating prisoner will commit another crime soon after release."

[16] See Appendix A, Methodology, for detailed information about how alcohol, drug and mental health problems were identified.

- 72% of the offenders with a drug problem were remanded to custody at least once in the three years following release, compared to 60% of those without a drug problem.[17]

7. Mental health indicator

Of the offenders in this group, 29% had data indicating a mental health problem.

- 65% of those with a mental health problem had at least one re-arrest after release on the 1999 conviction, compared to 57% who had no mental health problem.
- 63% of these offenders had a new case filed, compared to 55% without.
- 61% of these offenders had a new conviction, compared to 52% without.
- 76% of these offenders were remanded to custody, compared to 62% of the offenders without a mental health problem.

8. Gender

Of the offenders in this group, 17% were women and 83% were men.

- 60% of the men, and 57% of the women were rearrested during the first three years after release.
- 58% of the men and 53% of the women had new cases filed against them in the court.
- 55% of the men and 53% of the women had a new conviction.
- More men (67%) than women (60%) were remanded to custody at least once during the three years following release on their 1999 offense.

[17] The differences between offenders with a drug problem indicator and those without were significant, except for the differences in convictions. There was no statistically significant difference in re-convictions between the two groups.

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Part 4
Types and seriousness of new convictions

A. Types of new convictions

Within the first three years of their release, 864 released offenders were convicted of new offenses.[18] The Council compared the type of new offense with the type of offense committed by the offender in 1999 to see how often repeat offenders committed the same type of offense. The Council found that:

- 28% of the persons who were convicted of a Driving offense in a 1999 case had at least one new Driving conviction during the first three years after their release on the 1999 offense.
- 23% of the persons who were convicted of an "Other" offense in a 1999 case had at least one new "Other" conviction.[19]
- 23% of the persons who were convicted of a Property offense in a 1999 case had at least one new Property conviction.
- 22% of the persons who were convicted of a Violent offense in a 1999 case had at least one new Violent conviction.
- 7% of the persons who were convicted of a Drug offense in a 1999 case had at least one new Drug conviction.
- 3% of the persons who were convicted of a Sexual offense in a 1999 case had at least one new Sexual conviction.

The data showed that:

- Sexual offenders were the group least likely to be convicted of the same type of offense that they were convicted of in the 1999 sample.
- Driving offenders were the group most likely to be convicted of the same type of offense that they were convicted of in the 1999 sample.
- Driving offenders were eight times more likely to have a new Driving conviction than Sexual offenders were likely to have a new Sexual conviction.
- Most offenders, no matter what their 1999 conviction, were more likely to be convicted of a new Driving offense than of any other type of offense.[20]

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[18] Some offenders were convicted of more than one type of new offense.

[19] New offenses in the "Other" category included escape, perjury, alcohol-related offenses (e.g., bootlegging), prostitution, obstruction of justice, and weapons offenses. There were too few of any specific type of offense to make a new category, and the offenses could not be categorized in any of the other five groups.

[20] 28% of Driving offenders were convicted of new Driving offenses, along with 28% of Property offenders, 24% of violent offenders, 19% of Drug offenders, 14% of Sexual offenders and 21% of Other offenders. Sexual offenders were most likely to be convicted of a new "Other" offense (16%), and Other offenders were most likely to be convicted of a new "Other" offense (23%).

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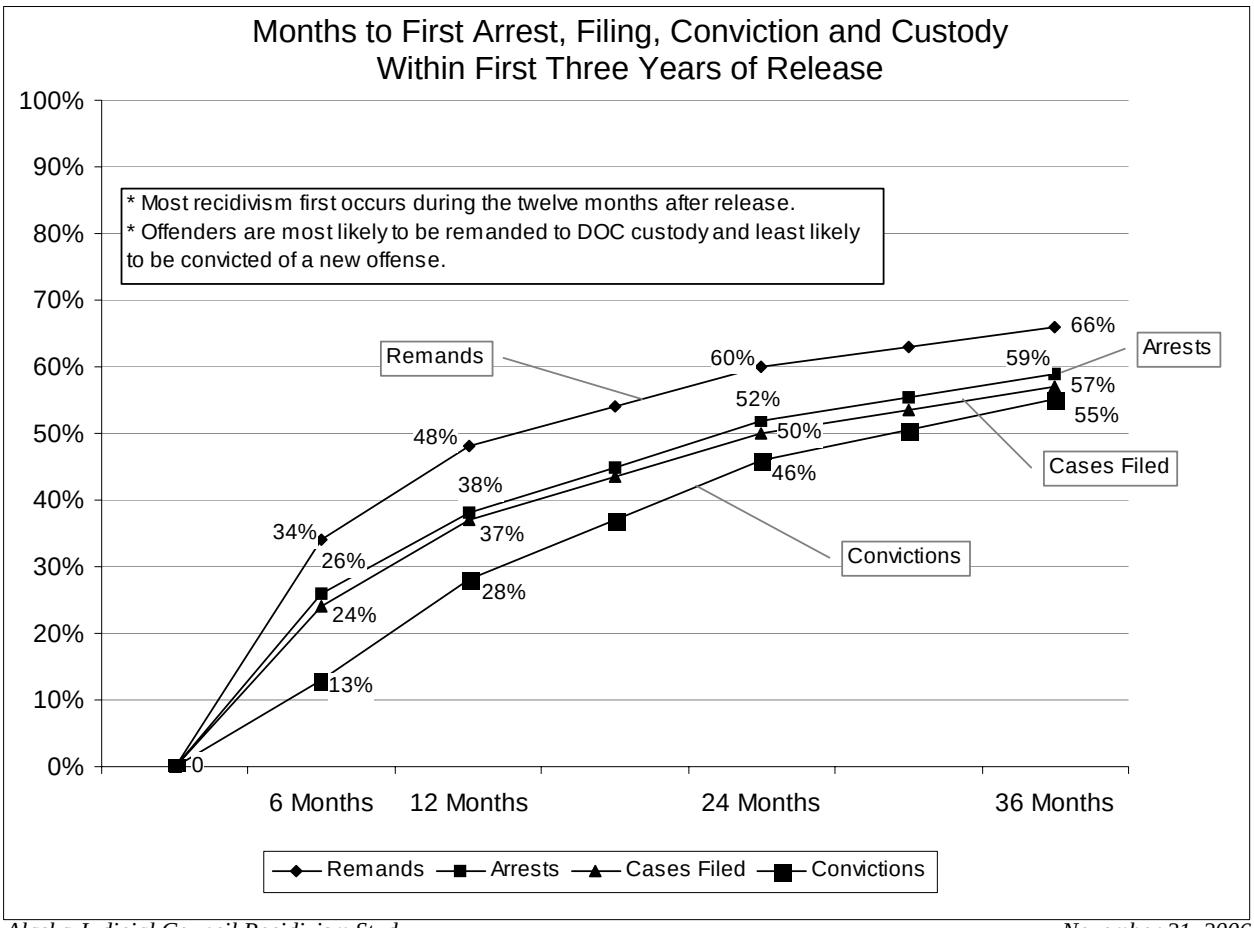
B. Seriousness of new convictions, compared to 1999 conviction

Most offenders who were convicted of a new offense after release from their 1999 case were convicted of an offense that was less serious, or of the same seriousness, as their earlier offense. Seriousness was defined by class of offense. Alaska's laws include Unclassified (the most serious offenses), Class A, Class B, Class C felonies, and Class A and B misdemeanors.

- No Sexual offenders were convicted of any offense more serious than their 1999 offense.
- Only 4% of Drug offenders were convicted of an offense more serious than their 1999 offense.
- Violent (18%), Driving (16%), Property (15%), and Other (14%) offenders resembled each other in the likelihood that they were convicted of an offense more serious than their 1999 offense.
- Males, and the youngest group of offenders (ages 17-24), were more likely to commit more serious offenses.
- Offenders with alcohol and drug problems were less likely to commit more serious offenses.
- An offender's mental health problems, prior criminal history, and type of attorney did not influence the chances that an offender would commit a more serious offense.

Part 5
Timing of Recidivism

The Judicial Council established the release date for each offender in its sample, and then determined how many arrests, cases filed, convictions, and remands to custody the offender had at different times after that release date. This showed how soon after release the offender came into contact with the justice system.



Alaska Judicial Council Recidivism Study *November 21, 2006*

A. Re-arrests

- The longer an offender was released without being re-arrested, the less likely that the offender would ever be re-arrested. These data were consistent with national studies that showed that offenders were most likely to be rearrested for new offenses soon after their release from a previous incarceration.[21]

[21] BJS, *supra* note 4, at p. 3.

- Within the first six months after release, 26% of the offenders had been arrested at least once.[22] This represented about two-fifths or 43% of all of the re-arrests during the three years after release.
- Within the first year, 38% of the offenders had been re-arrested at least once. This represented 65% of all the re-arrests during the three years after release.[23]
- After two years, 52% of the offenders had been re-arrested at least once. This represented 88% of all of the re-arrests during the three years after release. The great majority of re-arrests had occurred by the end of two years after arrest.
- After three years, 59% of the offenders had been arrested at least once.

B. Other measures: new cases filed, new convictions, remands to custody

The pattern of recidivism was similar for the other measures: new cases filed in court, new convictions, and remands to custody. Remands to custody were the most frequent form of recidivism. Remands to custody occurred because of arrest or conviction on a new offense, and they also occurred because an offender violated conditions of release on probation or parole.

- Within the first six months after release, 34% of the offenders had been remanded to custody at least once.[24] This was 52% of all of the remands that occurred during the first three years.
- Within the first year after release, 48% of the offenders had been remanded to custody at least once. This was 73% of all of the remands that occurred during the three years after release.
- After three years, 66% of the offenders had been remanded to custody at least once.

[22] Within the first month after release, 6% of the offenders had been re-arrested, and at the end of three months, 15% had been re-arrested.

[23] Similarly, in the BJS report about two-thirds of the recidivism occurred during the first year. *Supra* note 4, at p. 3.

[24] Within the first month after release, 8% of the offenders had been remanded to custody, and within the first three months, 21% had been remanded.

Part 6

Factors that affected the likelihood that an offender would commit new offenses or go back to jail

Many factors affected the likelihood that an offender might commit new offenses or go back to jail. Part 3 of this report looks at the effects of these factors one at a time. However, these factors overlapped. Multivariate analysis was used to distinguish among the effects of these factors. For example, the Council found that younger offenders were more likely to be rearrested. Indigent offenders also were more likely to recidivate. Multivariate analysis[25] isolates and measures the effect of a single factor such as age, while taking into account other facts known about the offender such as indigency.[26]

A. Factors related to more recidivism

An offender's age and economic status were the most important factors affecting an offender's chance of coming back to the justice system. The next most important factors affecting an offender's chance of returning to the justice system were whether the offender had a mental health, alcohol, or a drug problem; whether the offender had a criminal history prior to 1999;[27] and whether the offender was an Alaska Native. Each factor was related to a greater likelihood of recidivism. They all increased recidivism by about the same amount.

The data showed that:

- Being indigent increased the chance of being remanded to custody, being re-arrested, having a new conviction, or having a new case filed by about 50%.
- The younger the offender, the more likely to return to the justice system when compared to older offenders. Eighteen-year-olds were 81% more likely to recidivate than were 45 year-olds.

B. Factors related to less recidivism

- Offenders whose 1999 convictions were more serious were less likely to return to the justice system.[28]
- Asian-Pacific Island offenders were less likely to have a re-arrest, a new case filed or a new conviction.
- Offenders whose 1999 felony charges resulted in conviction of a Sexual offense were among the least likely to be re-arrested, have new cases filed, be re-convicted, or return to custody.

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[25] The type of multivariate analysis used in this report is survival analysis.

[26] Tables for this section are in Appendix B. The tables show the effects of each of the important factors, for each of the recidivism measures: re-arrests, new cases filed, new convictions, and remands to custody.

[27] Prior criminal histories were categorized as 1) no prior convictions; 2) 1-3 prior misdemeanor convictions; 3) 4 or more prior criminal convictions; 5) 1 prior felony; 6) 2 prior felonies; 3) 3 or more prior felonies.

[28] Offenses were categorized (in descending order of seriousness) as Class A felonies, Class B felonies, Class C felonies, and misdemeanors. None of the offenders convicted of Unclassified felonies had been released for as much as three years after serving their sentence for the 1999 offense.

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- Offenders convicted of a Drug offense in 1999 were less likely to have a new case filed, or be remanded to custody, but they had about the same chance as other offenders of having a re-arrest, or of being re-convicted.

Part 7
Summary

If all offenders received life sentences, there would be no recidivism. This would maximize public safety but would exact prohibitive social and economic costs. Policymakers need to make decisions on how best to use available resources to promote public safety. Prison is the most expensive choice. Can the criminal justice system increase public safety, have fewer crimes and fewer victims, and save money at the same time? Information about recidivism helps policymakers answer these questions and make effective decisions. The findings in this report suggest different ways that the Judicial Council's data might be helpful. For example:

- Two-thirds of all offenders in this sample returned to the Department of Corrections custody within three years of their release. Over half of all offenders were re-arrested, had a new case filed, or had a new conviction within three years. This level of recidivism suggests that current practices need reexamination. Many offenders are more likely to re-offend than before they entered the justice system.

- Offenders are much more likely to re-offend or be remanded to custody during the first year after release, and especially during the first six months. Using existing resources for "re-entry" programs may be a cost-effective way to reduce recidivism by helping offenders to adjust to the expectations of employers, treatment providers, and others with whom they must interact. Re-entry programs can also deal with offenders' treatment needs, and help them find safe, sober housing.

- Indigent offenders and offenders who commit property crimes are more likely to recidivate. Shifting resources from prisons to community-based institutions may be a more effective and less costly way to reduce recidivism by these offenders.

- The higher recidivism rates for offenders with alcohol, drug or mental health problems may suggest that treatment or some other alternative to incarceration might be a more effective long term response that ultimately provides greater public safety.[29]

- Lower recidivism rate for some types of offenses and offenders (e.g., older offenders; drug offenders; offenders with no prior convictions) may suggest that some offenders could be safely incarcerated for shorter periods of time, or that they could serve the public through monitored community service.

- The recidivism data in this report may serve as a baseline to which data about particular programs, like therapeutic courts, may be compared. Baseline data may be useful in the context of evaluating treatment programs, electronic monitoring programs, re-entry programs, and other criminal justice initiatives.[30]

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[29] Aos, Miller and Drake, *Evidence-Based Public Policy Options to Reduce Future Prison Construction,* Criminal Justice Costs, and Crime Rates, October 2006, Washington State Institute for Public Policy. Exhibit 4, page 9, shows a variety of treatment and monitoring programs nationally, many of which have been shown to reduce recidivism and to be cost effective.

[30] The Judicial Council plans to use this baseline recidivism data immediately in a report about the effectiveness of three felony therapeutic courts; the Anchorage felony drug and DUI courts, and the Bethel Therapeutic Court. In 2005, the Council published a report showing that recidivism for participants, especially

Within the limits of its resources, the Council can answer more detailed questions about its recidivism data. Those using the data may wish to have more detail about groups of offenses or offenders. The Council will respond to those questions as completely as possible.

graduates, in these courts, was lower than recidivism by comparison groups (EVALUATION OF THE OUTCOMES IN THREE THERAPEUTIC COURTS, Alaska Judicial Council, April 2005; available at the Council's web site, under "Publications" at www.ajc.state.ak.us.) The Council has collected new data with a longer period in which to track recidivism for participants in these therapeutic courts. It will use the baseline data from this report to help assess the effectiveness of the three therapeutic courts.

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Appendices

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Appendix A
Methodology

This Appendix describes the procedures that the Judicial Council used to create the database and carry out the analysis for this report.

Sample

The Council published *Alaska Felony Process: 1999*, using data from a sample of about two-thirds of the defendants for whom 1999 felony charges were filed (a total of 2,331 defendants included in the report). For the present report, the Council used the 1,963 offenders of that group who were convicted of at least one charge. A number of offenders did not meet the criteria for further review, and were excluded.[31] The 1999 offenders came from all of the state's superior court sites.

Data about release and subsequent recidivism

The Department of Public Safety, the Department of Corrections, and the Alaska Court System provided access to current data sets that contained information about the 1999 offenders. The format of each data set varied from agency to agency.[32]

Release dates

The Council first established a release date for each offender. The release date was defined, for this report, as the first date after the offender's sentencing date on which the Department of Corrections movement files showed the offender as out of custody. For some offenders, the release date and the sentencing date were the same, because the offenders did not spend any additional time in custody after sentencing (although they may have spent time in custody before sentencing). Forty-eight offenders were still in custody on November 17, 2005 (having not been released from custody since they began to serve their sentence for the 1999 offense), the cutoff date for data collection on this report, and are not included in the analysis. The Council identified 1,798 defendants who were released from incarceration at least three years prior to the Council's analysis.

Recidivism: Department of Corrections

After Council staff first reviewed the Department of Corrections data to establish the release date for each offender in the sample, staff looked for the first remand to custody after the release date, and recorded it. Staff counted the total number of remands to custody for any reason – new

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[31] Twelve offenders had died before the November 17, 2005 date used for the cutoff point for cases included in this report, and were not considered.

Some defendants had two distinct felony cases filed against them during calendar year 1999. If the first felony case had been sentenced before the second felony case was filed, the second felony in 1999 was treated as a unique new offender for purposes of the earlier report. For the present report, the offender was characterized by the first felony case filed, and the second felony case was treated as a re-conviction.

[32] More detailed information is available from the Judicial Council.

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arrest, probation violation, or parole violation – after the release date, and recorded the number. The Department of Corrections database did not have enough information to describe the reasons for remands.

Recidivism: Department of Public Safety

The Department of Public Safety provided the Council with a database that included only the offenders' arrests and convictions on or after the date of release. Information for each offender included the charges arrested and convicted, and the dates of arrest and conviction. For each offender staff recorded the date of the first arrest for any reason after the release date, the total number of charges and arrests after the release date, the date of the first conviction after the release date, and the total number of convicted charges and cases after the release date.

Recidivism: Alaska Court System

The Alaska Court System provided a database that included all of the cases in its system. From this larger data set, the Council extracted the information about the offenders in its sample. Council staff used the release date established from the Department of Corrections data to determine the date of the first charge(s) filed after the offenders' releases, the number of charges and number of cases filed, the date of the first conviction after the release date, and the number of charges and cases convicted.

New recidivism database

From its existing database of the 1999 offenders, and information from each of the three agencies, the Council created a recidivism database. The database included details about the offenders in 1999 (ethnicity, date of birth, gender, type of attorney, type of offense, alcohol, drug and mental health problems[33] and information about the offender's convictions and sentences), and the information described above from each of the cooperating agencies. This new database was used for the analyses described in this report.[34]

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[33] See ALASKA FELONY PROCESS: 1999, *supra* note 1, pages 64-65. Indicators of an alcohol problem included: under the influence of alcohol at the time of offense; two or more prior convictions in which alcohol use was an element of the offense; conditions of probation that involved substance abuse treatment; conditions of probation that restricted alcohol use; identification of an alcohol problem by Department of Corrections; and a history of alcohol treatment.

Indicators of a drug problem included: under the influence of drugs at the time of the offense; one or more prior convictions involving an illicit drug; substance abuse treatment as a condition of probation; identification of a drug problem by the Department of Corrections; and a history of drug-related arrests or past drug treatment.

Indicators of a mental health problem came primarily from the Department of Corrections, who reviewed every defendant in the 1999 report, and reported whether their records showed indications of mental health issues. Court files may also have described mental health problems.

[34] The Council also created a separate database with information about therapeutic court participants in the Anchorage Felony DUI and Drug Courts and the Bethel Therapeutic Court. A separate report about recidivism for these groups is also available from the Council.

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Analyses and report

The Council used a federal report as the model for its analysis so that Alaska data could be placed, to the extent possible, in a national context.[35] The Institute for Social and Economic Research at the University of Alaska conducted the analysis for the Council. Statistical techniques used included bivariate analyses (cross-tabulations) and survival (multivariate) analyses. The Council also conducted some bivariate analyses in-house.

The Council prepared this report about the data and analyses. Results of significance tests and greater detail about the data and methods are available by contacting the Council.

[35] P. Langan and David Levin, "Recidivism of Prisoners Released in 1994," BJS, June 2002, Reference number NCJ 193427.

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Appendix B
Tables

Part 3 Tables
Recidivism rates during the three-year period according to demographic and other characteristics

Part 3. Section A. Type of Offense/Three Year Recidivism				
Type of 1999 Offense	**Re-arrested (DPS)**	**New Case Filed (Court)**	**Re-convicted (DPS)**	**Remands to Custody (DOC)**
Violent offenses	60%	59%	56%	65%
Property offenses	67%	65%	61%	70%
Sexual offenses	39%	36%	35%	63%
Drug offenses	52%	48%	48%	57%
Other offenses	62%	63%	57%	66%
Driving offenses	61%	59%	56%	73%
Overall	**59%**	**57%**	**55%**	**66%**

Alaska Judicial Council Recidivism Report *January 2007*

Part 3. Section C. Table 1 Age at Release/Three Year Recidivism				
Age	**Re-arrested (DPS)**	**New Case Filed (Court)**	**Re-convicted (DPS)**	**Remands to Custody (DOC)**
17-24 years	67%	66%	62%	73%
25-29 years	59%	56%	53%	64%
30-34 years	60%	58%	57%	67%
35-39 years	61%	59%	56%	68%
40-44 years	58%	55%	54%	67%
45-49 years	39%	39%	37%	46%
50-54 years	39%	39%	37%	45%
55 and older	31%	31%	27%	42%
Total	**59%**	**57%**	**55%**	**66%**

Alaska Judicial Council Recidivism Report *January 2007*

Part 3. Section C. Table 2 Ethnicity of Offenders/Three Year Recidivism				
Ethnicity	**Re-arrested (DPS)**	**New Case Filed (Court)**	**Re-convicted (DPS)**	**Remands to Custody (DOC)**
Caucasian	55%	53%	50%	61%
AK Native/Am. Indian	66%	63%	62%	75%
Black	66%	67%	61%	73%
Asian/Pacific Islander	35%	37%	33%	45%
Total	**59%**	**57%**	**55%**	**66%**

Alaska Judicial Council Recidivism Report *January 2007*

Part 3. Section C. Table 3 Indigent Offenders/Three Year Recidivism				
Indigency Status	**Re-arrested (DPS)**	**New Case Filed (Court)**	**Re-convicted (DPS)**	**Remands to Custody (DOC)**
Offenders with a Private Attorney in 1999	41%	40%	35%	47%
Offenders with a Public attorney (PD or OPA) in 1999 (Indigent)	63%	61%	59%	70%
Total	**59%**	**57%**	**55%**	**66%**

Alaska Judicial Council Recidivism Report *January 2007*

Part 3. Section C. Table 4 Prior Record in 1999/Three Year Recidivism				
Number of prior convictions in 1999	**Re-arrested (DPS)**	**New Case Filed (Court)**	**Re-convicted (DPS)**	**Remands to Custody (DOC)**
No prior convictions	46%	44%	40%	51%
1-3 prior misd. convictions	56%	55%	51%	63%
4 or more prior misd. convictions	70%	68%	66%	79%
1 prior felony conviction	64%	63%	61%	72%
2 prior felony convictions	80%	78%	77%	86%
3 or more prior felony convictions	74%	71%	71%	78%
Total	**59%**	**57%**	**55%**	**66%**

Alaska Judicial Council Recidivism Report *January 2007*

Part 3. Section C. Table 5 Alcohol Problem Indicators/Three year Recidivism				
Alcohol Problem	**Re-arrested (DPS)**	**New Case Filed (Court)**	**Re-convicted (DPS)**	**Remands to Custody (DOC)**
No Alcohol Problem	54%	53%	50%	57%
Had an Alcohol Problem	62%	59%	57%	70%
Total	**59%**	**57%**	**55%**	**66%**

Alaska Judicial Council Recidivism Report *January 2007*

Part 3. Section C. Table 6 Drug Problem Indicators/Three Year Recidivism				
Drug Problem	**Re-arrested (DPS)**	**New Case Filed (Court)**	**Re-convicted (DPS)**	**Remands to Custody (DOC)**
No Drug Problem	57%	55%	53%	60%
Had a Drug Problem	62%	60%	57%	72%
Total	**59%**	**57%**	**55%**	**66%**

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Part 3. Section C. Table 7 Mental Health Situation of Offender/Three Year Recidivism				
Mental Health Situation	**Re-arrested (DPS)**	**New Case Filed (Court)**	**Re-convicted (DPS)**	**Remands to Custody (DOC)**
No Mental Health Problem	57%	55%	52%	62%
Had a Mental Health Problem	65%	63%	61%	76%
Total	**59%**	**57%**	**55%**	**66%**

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Part 3. Section C. Table 8 Gender of Offender/Three Year Recidivism				
Gender	**Re-arrested (DPS)**	**New Case Filed (Court)**	**Re-convicted (DPS)**	**Remands to Custody (DOC)**
Male	60%	58%	55%	67%
Female	57%	53%	53%	60%
Total	**59%**	**55%**	**55%**	**66%**

Alaska Judicial Council Recidivism Report *January 2007*

Part 5 Table

Timing of recidivism

Cumulative percentages of released offenders who recidivated				
Time after Release	**Rearrested (DPS)**	**New Case Filed (Court)**	**Re-convicted (DPS)**	**Remands to Custody (DOC)**
One month	6%	5%	2%	8%
Six months	26%	24%	13%	34%
One year	38%	37%	28%	48%
Two years	52%	50%	46%	60%
Three years	59%	57%	55%	66%

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Part 6 Tables
Multivariate Analysis

Survival Analysis Table/Chance of Re-arrest (DPS)		
Variable	**Comparison group**	**Increased chance of re-arrest**
Indigent in 1999	Private attorney in 1999	50%
Alcohol problem in 1999	No alcohol problem in 1999	25%
Alaska Native	Caucasian	24%
Mental health problem in 1999	No mental health problem, 1999	20%
Drug problem in 1999	No drug problem in 1999	19%
Level of criminal history		19% more, for each increase in severity level
Age		18 year-olds are 81% more likely to be re-arrested than 45 year-olds
Violent offense	Property offenses	14% less chance of re-arrest
Class of conviction		18% less chance of re-arrest for each level of more serious offense
Asian/Pacific Islander	Caucasian	34% less chance of re-arrest
Sexual offense	Property offenses	35% less chance of re-arrest

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Survival Analysis Table/Chance of New Case Filed (Court)		
Variable	**Comparison group**	**Increased chance of new case filed in court**
Indigent in 1999	Private attorney in 1999	45%
Alaska Native	Caucasian	22%
Alcohol problem in 1999	No alcohol problem in 1999	21%
Drug problem in 1999	No drug problem in 1999	20%
Level of criminal history		18% more, for each increase in severity level
Mental health problem in 1999	No mental health problem, 1999	15%
Age		18 year-olds are 81% more likely to have a new case filed than 45 year-olds
Violent offense	Property offenses	14% less chance of new case filed
Drug offense	Property offenses	19% less chance of new case filed
Class of conviction		18% less chance of new case filed for each level of more serious offense
Asian/Pacific Islander	Caucasian	34% less chance of new case filed
Sexual offense	Property offenses	44% less chance of new case filed

Alaska Judicial Council Recidivism Report *January 2007*

Survival Analysis Table/Chance of New Conviction (DPS)		
Variable	**Comparison group**	**Increased chance of new conviction (DPS)**
Indigent in 1999	Private attorney in 1999	52%
Alaska Native	Caucasian	24%
Alcohol problem in 1999	No alcohol problem in 1999	24%
Black	Caucasian	21%
Level of criminal history		19% more, for each increase in severity level
Drug problem in 1999	No drug problem in 1999	18%
Mental health problem in 1999	No mental health problem, 1999	15%
Age		18 year-olds are 81% more likely to be re-convicted than 45 year-olds
Class of conviction		21% less chance of new conviction for each level of more serious offense
Asian/Pacific Islander	Caucasian	37% less chance of new conviction
Sexual offense	Property offenses	42% less chance of new conviction

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Survival Analysis Table/Chance of New Remand to Custody (DOC)		
Variable	**Comparison group**	**Increased chance of new remand to custody (DOC)**
Indigent in 1999	Private attorney in 1999	50%
Alaska Native	Caucasian	44%
Drug problem in 1999	No drug problem in 1999	35%
Mental health problem in 1999	No mental health problem, 1999	26%
Male	Female	25%
Black	Caucasian	22%
Alcohol problem in 1999	No alcohol problem in 1999	20%
Level of criminal history		19% more, for each increase in severity level
Age		18 year-olds are 81% more likely to be remanded than 45 year-olds
Sexual offense	Property offenses	22% less chance of new remand
Drug offense	Property offenses	22% less chance of new remand

Alaska Judicial Council Recidivism Report *January 2007*

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FIN TRAVEL PROGRAM


From the Midnight Sun to the Sunshine State

Hometown: Sitka and Juneau, AK United States
Profession: Park Ranger at Sitka National Historical Park & President at Haven House

June I. Degnan (B.S. '79 & '84) and her siblings are the first generation of formally educated members of her family. They are aboriginal people known as Yupik Eskimos. Her late father, Frank A. Degnan, was the first Yupik Eskimo elected to the Territorial Legislature and the co-founder of the Alaska Federation of Natives (AFN), established in the 1960's as the lobbying effort that was successful in acquiring the Alaska Native Claims Settlement Act (ANCSA) Public Law 92-203 on December 18, 1971. He began this effort in 1924 and lived to see the success of his efforts in 1971. This entitled 44 million acres of land along the rim of Alaska and $1 billion to the aboriginal people. This was placed in 12 corporations to manage with developments including drilling for oil, military contracting and more.

Serving as corporate directors, Degnan and her siblings got the corporations off the ground, later entrusting the management to others. They needed advanced education to run the corporations, which led her to attend Nova. "Nova had everything I needed to succeed. The instructors were excellent, the climate was warm, and I appreciated the philosophy and delivery of the curriculum. Nova showed me a world I otherwise would have never known. My degrees grounded me, and allowed me to feel good about myself." She is grateful to her mentors at Nova for shaping her into the exceptional writer, public speaker, and advocate for social justice she is today.

With occupations changing about every five years including jobs as a teacher, researcher, librarian, urban planner, paralegal, lobbyist and park ranger, Degnan has enjoyed a varied career path. "I change what I do so I can stay involved as a role model, mentor, and advocate for our people." She has a deep passion for the spiritual element of her tribe and for poetry, which she studied in France. She very much believes in education and empowering others. Whether she is lobbying for a healthy workplace or mentoring the next generation of leaders, Degnan makes inspiration and empowerment her goal.

Dividing her time between Sitka as a national park ranger, Degnan spends the other half in her Juneau home with Haven House, a halfway house for women recently released from prison. Haven House is a non-profit, faith based organization for which she is president and grant writer. Her experiences working at the Broward County Courthouse while studying at Nova led to her ambition to establish Haven House.

Degnan is currently looking for a publisher for a book that she is writing on the stories of her life. (Her sister, Frances has written their life story of growing up in a remote village in, "Under the Arctic Sun.") "I'm writing the story of us. Things happen for a reason, and we have gained our strength from adversity. Life is about family, friends and protecting the environment. Our voice may be small, but it is strong."

Degnan returns to her "second home" of South Florida once a year, and visits with former Nova classmates. She encourages the next generation of Nova students to "know who you are. Look in the mirror and like that person. Carry that person and know your strengths; for you are unique. Find the passion and joy in life; it is always out there."

Basic Organization Information

HAVEN HOUSE INC

Physical Address:	Juneau, AK 99802
EIN:	27-3085950
Web URL:	havenhousejuneau.org
Blog URL:	havenhousejuneau.blogspot.com
NTEE Category:	I Crime, Legal Related I31 Transitional Care, Half-Way House for Offenders/Ex-Offenders I Crime, Legal Related I40 Rehabilitation Services for Offenders P Human Services P73 Group Home (Long Term
Ruling Year:	2011

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Haven House Inc

Juneau, Alaska

EIN: 27-3085950

Crime, Legal-Related

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DEMOGRAPHIC

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N/A

ADDRESS
PO BOX 20875
99802-0875

IN CARE OF NAME
TALITHA LUKSHIN

TELEPHONE / FAX
N/A

WEBSITE / EMAIL
havenhousejuneau.org

DBA NAME(S)
N/A

FACEBOOK PAGE
N/A

GOOGLE+ PAGE
N/A

TWITTER PAGE

CLASSIFICATION

ORGANIZATION CODE
1: Corporation

DEDUCTIBILITY CODE
1: Contributions are deductible

AFFILIATION CODE
3: Independent

SUBSECTION/CLASSIFICATION CODES
N/A

ACTIVITY CODES
N/A

NTEE COMMON CODE
I: Crime, Legal-Related

NTEE CODE
I31: Transitional Care, Half-Way House for Offenders, Ex-Offenders

FOUNDATION CODE
15: Organization which receives a substantial part of its support from a governmental unit or the general public 170(b)(1)(A)(vi)

EXEMPT ORGANIZATION STATUS CODE
1: Unconditional Exemption

FINANCIALS

TAX PERIOD
06/2013

ACCOUNTING PERIOD
06

INCOME CODE
N/A

INCOME AMOUNT
$0.00

FORM 990 REVENUE AMOUNT
$0.00

RULING DATE
06/2011

ASSET CODE
N/A

ASSET AMOUNT
$0.00

FILING REQUIREMENT CODE
990 - Required to file Form 990-N - Income less than $25,000 per year

PF FILING REQUIREMENT CODE
No 990-PF return

EXTERNAL LINKS FOR "HAVEN HOUSE INC"

Haven House Inc in Juneau, Alaska (AK) - NonProfitFacts.com- Haven House Inc: Employer Identification Number (EIN) 273085950: Name of Organization: Haven House Inc: In Care of Name: June Degnan: Address: Po Box 20875, Juneau ...

HAVEN HOUSE INC - Razoo- HAVEN HOUSE INC is in our database and can receive donations. Do you work for this nonprofit? Claim Admin Access and tell your story. Do you know ...

501(c)(3) Lookup: BRODYS HOUSE FOUNDATION- 501(c)(3) Information for BRODYS HOUSE FOUNDATION of JUNEAU, Alaska. Animal Protection and Welfare.

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CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

January 24, 2014

June Degnan, President
Haven House, Inc.
P.O. Box 20875
Juneau, AK 99802

RE: Haven House Transitional Housing located at 3202 Malissa Drive

Dear Ms. Degnan:

The City and Borough of Juneau (CBJ) Community Development Department has reviewed the business plan for Haven House, Inc. submitted with Building Permit application BLD20130767. The project description on the building permit is "change of use from single family to transitional group home". According to the business plan Haven House, Inc. is a faith based organization to provide supported and structured living opportunities to foster healing and self-sufficiency for women coming out of prison.

CBJ 49.80.120 defines a Group Home as follows:

> *Group home means a residential use such as a roominghouse or dwelling for at least six but not more than nine persons of any age seeking extended healthcare, rehabilitation or recovery from any physical, mental, or emotional disability, or any combination thereof, in a family setting. Residents must not be serving a sentence for a criminal act. One to two supervisors/caregivers must live on site. Residents and supervisors/caregivers live together as single housekeeping unit. Additional non-residential support may be provided but shall not constitute the primary method of supervision or care supplied. Similar uses with five residents or less shall be regulated as single-family residences. Uses with ten or more residents shall be regulated as institutional residential or healthcare facilities.*

CBJ 49.80.120 defines a Halfway House as follows:

> *Halfway house means a single family dwelling for not more than nine persons over the age of 12, together with not more than two persons providing supervision and other services to such persons, all of whom live together as a single housekeeping unit. Residents may be serving a sentence for a criminal act. Uses with ten or more residents shall be regulated as institutional correction facilities.*

The house which Haven House, Inc. proposes to use for transitional housing at 3202 Malissa Drive is located within the D-5 zoning district. In the D-5 zoning district group homes are allowed outright, and halfway houses are not permitted. After reviewing the business plan and the definitions of Title 49, the Community Development Department has determined that Haven House is not a group home because the shelter would not be housing people "seeking extended healthcare, rehabilitation or recovery from any physical, mental, or emotional disability". Haven House best fits the definition of a halfway house because it would be people, living together, who could be serving a sentence.

Because operating a halfway house is not a permitted use in this zoning district, Haven House cannot operate as described in the business plan in this location. An option available to Haven House, Inc. is to find a location in a zoning district where halfway houses are permitted. These are Light Commercial, General Commercial, Mixed Use, Mixed Use 2, and Rural Reserve. In all of these zoning districts an approved conditional use permit is required before operations and housing can begin.

Please contact me at 586-0757 if you have any questions or would like to discuss this further.

Sincerely,

Hal Hart, AICP
Director

TTNA EXHIBIT 23
Page 1 of 1

A Handbook for Victims of Crime in Alaska

Revised September 2001

alaska judicial council

A Handbook for Victims of Crime in Alaska

- The Alaska Judicial Council nominates applicants for judgeships and evaluates judges standing for retention. It makes recommendations to the legislature and the supreme court to improve the administration of justice. It is located at 1029 West Third Avenue, Suite 201, Anchorage, AK 99501, (907) 279-2526, e-mail: teri@ajc.state.ak.us.

- Copies of this booklet in English and Spanish are available from the Alaska Judicial Council. It can be downloaded from the Internet at http://www.ajc.state.ak.us. The Judicial Council also publishes "A Guide to Alaska's Criminal Justice System," with more information on how criminal cases are handled in Alaska.

This booklet was written in 1995 as a joint project of Victims for Justice and the Alaska Judicial Council. The Judicial Council updated it in 1998 and 2001. Parents of Murdered Children in Cincinnati, Ohio allowed us to use their pamphlet as a foundation. We thank them for their help.

The Alaska Judicial Council published this handbook for $.46 per copy. It was printed in Anchorage, Alaska.

Contents

Introduction

Being a victim of a crime can be a very difficult experience. Each person deals with being a victim in his or her own way. If a person has been victimized, he or she may feel anger, guilt, shame, insecurity, fear, powerlessness, and depression. Victims do not have to live with all of these emotions alone. Many people can help them understand this experience and support them as they work through it.

This handbook was written to help crime victims. The more they know about the criminal justice system, the more comfortable they will feel when events happen. They also can start to influence those events. This booklet will not solve all problems or answer all questions, but it will answer many of them, and show victims and others how to get help with the rest.

Part I.

What Happens After a Crime Occurs

In the United States and Alaska, citizens consider a person who is accused of a crime to be innocent until proven guilty. The public demands a fair process for a person accused of a crime, to lessen the chance that an innocent person might be punished for something he or she did not do. Citizens want to be sure that the government does not misuse its immense power to decide guilt and punishment.

The police officer, prosecutor, defense attorney, judge, jury, and probation/parole officer all play important roles in the case. The victim can choose to participate at some points. Victims often are called to testify as witnesses. The following pages explain the roles of each person, and how victims can take part in the proceedings.

Police

When a crime occurs, usually the first person to go to the scene is a law enforcement officer. The officer investigates the crime by gathering physical evidence, questioning witnesses, photographing or videotaping the scene, and collecting other information. If police find evidence to show that a certain person committed the offense, they may file criminal charges against that person, or they may refer the case to the state or municipal (city) prosecutor. Police officers sometimes arrest a defendant when they file charges.

Once someone reports a crime to the police, the case can go forward even if the victim does not want it to. Sometimes victims or parents of victims change their minds about wanting to prosecute the offender. However, the prosecutor can take the case to trial anyway. A victim advocate can help victims sort through their feelings about this issue. On the other hand, the prosecutor may decide to not file charges if he or she believes the evidence will not support them at trial.

If the police question a person, that person should be honest about what he or she knows. Survivors or relatives of a homicide or murder victim must give honest answers about the victim. Holding back information can hurt the investigation. Persons being questioned by the police should tell about any evidence that may help the case. If people later remember more information, they can call the police and add the information to their statements. People have the right to speak freely or not to speak at all.

Police officers must be fair in their investigation and they must look at all possibilities. Often the police cannot give a victim much information until after they question or arrest a suspect. The police may keep some information about the crime private, to help them question a suspect who knows things about the crime that only the person who committed it could know.

Victims may want to know more information than the police or the prosecutor can give. The investigation of a crime can be very hard on victims and survivors. This is a good time to call a victim support group for assistance. The back of this booklet lists many of these groups. They can help victims work with the police and the prosecutor to get the information they need.

Sometimes police identify one or more suspects but do not have enough evidence to charge anyone. In other cases the police do not identify a suspect right away. Police keep case files for serious crimes open for a long time. Crimes sometimes are solved long after they happen. The police can not stay in constant contact with a victim or family, but the victim or family can contact them regularly.

The police or prosecutor may have to hold some of a victim's personal things for a time as evidence. The police agency or prosecutor handling the case will decide what they can release to the victim. They will provide a list of the things they are holding, so the belongings can be returned as soon as possible.

Medical Exams

Anyone who knows something about a person who has died must report the death to the police and to the state medical examiner, unless a doctor was present at the person's death. Often it is the medical examiner who decides that a person did not die of natural causes, and who orders an autopsy. The autopsy tries to find out how a person died, and it documents any harm suffered by the victim. The medical examiner can order an autopsy without permission from the victim's next of kin (closest relatives). The medical examiner keeps control over the body of the victim until it is taken to a funeral home chosen by the victim's next of kin.

Victims of sexual assault or abuse may be asked to have a medical exam at a nearby hospital or clinic. If the sex offense has just happened, an immediate medical exam may provide the evidence needed to convict the offender. These exams may be stressful both for adults and children. Most larger communities have a victims' organization that will send a trained advocate to the hospital with the victim. Whether or not an advocate goes with a victim, a close friend or family member can go along.

Victims of domestic violence, child abuse, assault, and drunk driving also may be asked to have a medical exam. The sooner the exam takes place after the offense, the more evidence can be saved. Generally these exams cause less stress than exams for sex offenses, but victims still may want to bring a friend or an advocate for support.

Court Hearings

Before a person who is accused of a crime goes to trial, the court may hold several hearings. The number of hearings often depends on how serious the offense was. These hearings can include:

First Appearance. A case officially starts when the prosecutor or police officer files charges against a person suspected of a crime. Suspects often are arrested, either before or after they are charged. A suspect who has been charged with a crime is called the "defendant." Usually, the first time a defendant goes to court is for "arraignment." At this time the judge tells the defendant what crime he or she is charged with. The judge makes sure the defendant has an attorney (also called a lawyer) if the defendant wants one, and sets the bail. If the only crimes charged are minor offenses (misdemeanors), the defendant must plead "not guilty" or "guilty" or "no contest." If a felony (serious offense) is charged, the defendant usually comes back to court later to enter the plea.

Bail. The Alaska constitution says that a defendant has the right to bail. The judge can set conditions to assure that the defendant will appear for trial and will not commit other crimes. The constitution gives a victim the right to protection from the defendant, and the right to speak at the bail hearing. At the hearing, the judge decides how much money or property, if any, the defendant should put up as bail. The judge may require that another person supervise the defendant. This person usually is called a third party custodian, and he or she must follow court conditions. If the custodian does not, that person could be charged with a crime too. The judge also sets conditions of release to protect the victim and the public.

If the defendant can not meet the bail conditions, the defendant stays in jail. However, defendants can ask the judge to review bail at any time until the end of the case. The victim has the right to be present and comment at any bail review hearing.

If a defendant puts up bail and then does not show up for a hearing, the government may keep the bail money or property. If the defendant has been released on a performance bond, and then violates any condition of the release, the government may keep the bail money or the property. The defendant also may be arrested, put back in jail and charged with the additional crime of violating conditions of release.

Grand Jury. A grand jury may consider the case if it is a felony. The grand jurors review the evidence against an accused person. This may happen either before or after the person is arrested. Police officers, victims and witnesses testify. The testimony becomes part of the public record once a person is charged. The grand jury hearing is closed, which means that no one can watch or listen to it. Anyone who receives a subpoena (a court order) to testify at a grand jury hearing must go. If the grand jury decides the prosecutor has enough evidence to take a person to trial, it indicts (states the charges against) the accused person. If not, the accused person goes free.

Pretrial Motions. The judge may hold several hearings before the trial. One of these may be a suppression hearing, for the defense to challenge some or all of the prosecution's evidence. The purpose is to make sure that the prosecutor uses at trial only evidence that was gathered properly and legally.

Guilty or No Contest Plea. After the pretrial hearings, the case can go to trial. Most defendants choose to plead guilty or no contest to a charge. When

this happens there is no trial. No witnesses testify. Instead, the prosecutor provides a statement of facts to the judge, and tells the judge about any agreements the prosecutor and the defendant made about the plea. A guilty plea or a no contest plea means that the defendant is convicted and sentenced for the criminal charge. The victim or another person can use a guilty plea in a later civil law suit, to prove the defendant committed the crime.

Trial. If a defendant pleads not guilty a trial is held, at which the judge or a jury decides if the defendant is guilty. Defendants have the right to have a jury hear their case, but they may choose to have a judge hear it instead. At the trial, the prosecution presents testimony and evidence first. Then the defense may present testimony and evidence for the defendant, if it chooses to do so. If the defendant presents evidence, the prosecutor may present additional evidence. The defendant never has to testify, but may do so if he or she chooses.

After hearing the evidence, the judge or jury must decide if the defendant is guilty. All the jurors in a criminal case must agree on this decision. If the jury cannot agree, the judge may order a new trial to be held in front of a different jury. Other problems also can cause the judge to call for a new trial.

If the judge or jury finds the defendant not guilty, the defendant is free to go. If the judge or jury convicts the defendant (finds the defendant guilty), the judge will sentence the defendant.

Timing. Alaska has rules to make sure that courts hold trials on time. Even so, the pretrial process may take six to twelve months, or even longer, to finish. The attorneys and the judge cannot control all of the delays in the process. Delays probably will happen, and this can be difficult for the victim. Court dates often change.

Prosecutor

The prosecutor is the attorney who represents the government. That means the prosecutor is the lawyer for the people of a community against a person charged with a crime. Prosecutors who work for the state are called district attorneys. A few cities hire prosecutors to enforce city ordinances. One or more prosecutors handle the case through the pretrial hearings, the trial, and any appeal. If the case goes to trial, the prosecutor must prove "beyond a reasonable doubt" that the defendant committed the crime. Prosecutors try to do this by having witnesses testify and by presenting physical evidence.

Most cases do not go to trial, because the defendant pleads guilty or no contest. The prosecutor may agree to dismiss or reduce some charges, or to make favorable recommendations to the judge at sentencing. This arrangement is called a plea agreement or plea bargain. In deciding whether to offer a plea agreement, a prosecutor looks at how strong the evidence is and what the sentence is likely to be. Victims have the right to speak with the prosecutor, but only the prosecutor can decide whether to offer a plea agreement. The prosecutor must consider society's best interests, along with the interests of the victim or the victim's survivors.

The prosecutor also can decide to dismiss all the charges against the defendant or choose not to file charges at all. Although the judge also can dismiss charges it is unusual. If the judge dismisses charges because of an error that can be corrected, the prosecutor may file the charges again. The prosecutor may have many reasons for dismissing the charges. If charges are dismissed or a defendant is acquitted, the victim may still file a civil case, in most instances. To do this, the victim needs to ask for legal advice from a lawyer other than the prosecutor.

The prosecutor or a victim-witness coordinator can give victims information about their case. They can help prepare for trial and sentencing, and they can give information about how to apply for crime victim compensation. The district attorney's office has booklets on sexual assault, domestic violence, stalking, victims' rights, and safety planning (see Directory of Services in the back of this booklet for phone numbers).

Defense Attorney

The United States and Alaska constitutions say that a defendant has the right to have an attorney. A defendant cannot be convicted or sentenced unless the defendant has an attorney, or does not want an attorney. If a person accused of a crime cannot afford to pay for an attorney, the government will provide one, for the trial and one appeal. The defense attorney works for the best interests of the defendant, not the interests of the prosecutor, the judge, society, or victims.

Courts must follow rules of evidence, rules of procedure, and principles of constitutional law. An important job of the defense attorney is to make sure that the prosecutor and the judge follow the rules. The defense attorney does not need to prove that the defendant is innocent. Instead, the defense attorney makes sure that the defendant's legal rights are not violated.

Victims and families may be shocked and angry at the strategies a defense attorney uses. They may hear unpleasant things or things they believe to be untrue about themselves or about people close to them. However, the defense attorney has an ethical obligation to only present evidence that is based on facts. Being cross-examined by a defense attorney often is difficult. A witness should try to stay calm and answer questions as simply and honestly as possible. The assistance of a victims' support group can be very helpful at trial.

People sometimes feel that the defendant has more rights than the victim or than society. However, it is important that a competent and thorough defense attorney represent the defendant. A good defense attorney lessens the chance that the prosecutor or the judge will make a mistake at the trial, and therefore lessens the chance that the courts will overturn the conviction on appeal.

A defense attorney or a defense investigator may want to speak with the victim or others before the trial. No one has to talk with the defense unless the court orders the person to do so. The defense cannot tape record any interview without the witness's permission. The victim or family may wish to talk with the prosecutor before talking to a defense attorney or defense investigator.

Judge

Judges do many things in the criminal justice system. Most important, the judge must make fair decisions. A judge cannot take sides in a criminal case; he or she must treat everyone fairly. The judge cannot have any personal contact with the victim or members of the victim's family while the case is going on. The judge cannot meet with an attorney, victim, witness, defendant, juror or any other person involved in the case, unless the attorneys for both sides are present.

The judge decides what evidence to admit in the case, using the law, rules of evidence and rules of procedure. The judge also controls the timing of the case by setting deadlines and making the prosecution and defense meet the deadlines. Victims and their families often want the case to finish as soon as possible so that they can go on with their lives. However, many things can happen to slow a case.

After a felony trial (or after a defendant pleads guilty or no contest to a felony offense) the judge schedules a later time for sentencing. In a misdemeanor (less serious) case, the judge may sentence the defendant right away. The defendant may or may not be sentenced to serve time in jail, and may or may not go to jail right away, depending on many factors.

Jury

A jury is a group of citizens that the court randomly chooses from the community using the permanent fund distribution list. Before choosing jurors in a criminal case, the judge or the attorneys ask potential jurors some questions. They want to find fair and impartial people to be on the jury. For example, a jury member should not have personal knowledge about the crime or be related to any person involved in the case.

The jury (or the judge if the defendant has chosen to have the judge try the case) decides if the prosecution has proven the defendant guilty, based on the evidence presented in court. Jurors usually do not hear evidence about the character of the defendant or the victim, to make sure that they decide the case based on the current offense and not on feelings about a person's past behavior or character. If the defendant argues that he or she acted in self-defense, then the judge or jury may hear more about the victim's character. The courts have special rules for child abuse and domestic violence cases that allow the jury to hear evidence about past acts of child abuse or domestic violence by the defendant. Sometimes victims and others may feel frustrated about what facts the judge will and will not allow as evidence, but the judge must follow the court rules.

Victims may watch the trial, but cannot try to influence it in any way. Some of the evidence and testimony may be very painful, but if victims react to it, they could cause the trial to be stopped. Jury members may feel sympathy for victims, and a victim's emotional display could affect their ability to decide the case fairly. Victims should be careful about talking about the case in hallways, elevators, restrooms, or even restaurants near the courthouse. Jurors could be there and they might hear the comments.

The Victim's Role as a Witness

Victims can play an important role in the trial as witnesses. If they receive a subpoena (an order from the court requiring them to testify) they should go where it tells them to at the proper time. The prosecutor may want to talk with them before trial to find out what they know. Victims have the right to watch the trial and sentencing, whether they are testifying or not.

Even if they do not want to testify, the prosecutor may continue to prosecute the case. This is because crimes are offenses against society as well as offenses against a victim. The prosecutor may subpoena victims to testify,

even if the victim is related to the defendant, and even if the victim does not want to testify.

People who testify should try to remember these ideas:

1. Always tell the truth. Do not guess at answers or give an opinion unless the judge asks for it. If you don't know the answer to a question, say you do not know.
2. Think before speaking. Make sure you understand the question. Answer the question and then stop. Don't memorize answers.
3. Speak loudly enough for everyone in the courtroom to hear. Answer questions out loud so that the tape recorder picks them up. Don't just nod your head.
4. Try to stay calm. Do not become angry or argue, even if an attorney suggest something that you think is wrong or seems angry with you.
5. Stop talking if an attorney objects or if the judge interrupts. Begin again when the judge tells you to continue. If you have forgotten the question, ask to hear it again.
6. If an attorney asks if you have discussed the case with anyone, answer truthfully. It is okay to have talked with the police, prosecutor, defense investigator or attorney, family and friends.

In some cases, the court may set up special protections for child victims and witnesses under age 13. The court may hold a hearing to decide if a child needs special conditions. If so, the judge may order the use of one-way mirrors or closed circuit television to reduce emotional harm and stress to the child.

Earlier sexual conduct of victims of sexual assault or abuse cannot be discussed at trial unless the defendant gets a special order. If the defendant asks for an order the judge will hold a private hearing to decide if the value of the evidence is greater than the harm it would cause to the prosecution and the victim's right to privacy. Also, if the defendant argues that he or she acted in self-defense, the judge may allow the attorneys to present a great deal of information about the victim's character.

Part II.

What Happens After Conviction

Sentencing Hearing

After an offender is convicted, the judge imposes a sentence within limits set by lawmakers. A judge has some choices, but the criminal code and case law set out the shortest and longest possible sentences, aggravating and mitigating factors that the judge must consider, and guidance about acceptable sentences.

Sentencing hearings are usually short. Attorneys may bring in evidence and witnesses at the hearing. The defense attorney may speak for the offender, and may note factors that the judge could use to lower the sentence. The prosecutor gives the government's position, which may include reasons why the judge should lengthen the sentence or set certain conditions. If the crime is a felony (a serious crime) a probation officer from the Department of Corrections files a written presentence report in some cases. The report tells about the offender's earlier criminal history, education, jobs, drug and alcohol use, and mental health. The report also tells the facts of the case, and how the crime affected the victims. The victim may speak and the offender may speak.

Victim Impact Statement. When preparing a presentence report, a probation officer will contact victims of the crime and ask them if they would like to give a victim impact statement. This statement goes to the probation officer, the prosecutor, the defense attorney and the judge. The statement lets the victim tell the judge about the different kinds of injuries caused by the crime. The victim can ask for restitution and for conditions of probation that will help to protect the victim and any others affected by the crime. Besides writing a statement and talking to the probation officer who is writing the presentence report, the victim has a right to speak at the sentencing hearing. If the crime is a misdemeanor (a less serious crime) no presentence report will be prepared. However, a victim of a misdemeanor may speak at the sentencing hearing, and may also give a victim impact statement. A victim who wishes to do so should contact the prosecuting attorney.

The court process itself may help some victims with their healing process, and may bring a sense of satisfaction or completion. Not all victims experience this, even when they choose to participate by making statements. Each person's reaction is individual, and victims' advocates, counselors and friends

can provide support and understanding to help cope with the experiences with the justice system.

Sentences. Sentences can have several parts: jail time, suspended time, probation with conditions, and fines. Jail sentences may range from no time in jail to more than 99 years, depending upon the offense, the history of the offender and many other factors set out in the law. At the time of sentencing, an offender receives credit for any jail time he or she served before the trial and sentencing.

Usually, if a defendant is sentenced to jail time and must serve some of it, he or she goes to jail right away. Some reasons why the defendant might not go to jail right away include an appeal, lack of space in the jails, or permission from the judge to take responsibility for a family or job before starting to serve the sentence.

Incarceration

Incarceration means that the offender's freedom is taken away. Once the judge says that a defendant will be incarcerated, the Department of Corrections decides where the defendant will go. The choices include:

Prison or Jail. These may be maximum, medium, or minimum security institutions. Most prisoners serve their time in Alaska, particularly if it is less than two years, but some may go to prisons outside the state for a variety of reasons. Offenders with short sentences (less than six months) usually serve them in local institutions or CRCs (see below). While the offenders are incarcerated in prison, jail, or in a CRC, the institutions usually offer opportunities for them to work, get some treatment, education or other help. The services offered depend on the offender, the length of the sentence, and the institution.

Halfway Houses/Community Residential Centers (CRCs). These institutions usually are operated by private corporations (profit or nonprofit) that are paid by the Department of Corrections to house offenders. Offenders may have opportunities to work in the community at paid jobs or as volunteers. Offenders at CRCs sometimes have permission to go into the community for a short time, to work, to do community work service, to get treatment, to go to school, or for other approved reasons. If an offender leaves the CRC without authorization, a warrant is issued for arrest, and the offender may be charged with escape. Some CRCs also supervise offenders who are on bail.

Residential Treatment. If an offender is receiving treatment for alcohol or substance abuse or other problems in a place that restricts the offender's liberty and provides 24-hour security, the offender may receive credit for time served just as if the offender had spent the same amount of time incarcerated. Again, the offender who has done well in treatment may have limited permission to go into the community for approved reasons.

Electronic Monitoring. If a defendant is electronically monitored, either before or after conviction, the defendant must wear an "ankle bracelet" always. This device transmits signals to a central location constantly. If the defendant moves outside the permitted places, the movement sets off an alarm at the central location and a security officer immediately checks the situation. Sometimes the electronic monitoring system is combined with a system that allows security officers to check using the telephone to see if the defendant has been drinking. Usually the defendant pays the costs of these types of monitoring.

House Arrest. This is another name for a Department of Corrections program called the Community Residential Centers (CRC) Offender Supervision Program. The offenders who qualify are within six months of release from incarceration. They live at home and work at an approved job, but are supervised by the CRC staff. They must stick to strict schedules, obey their conditions of release, make restitution and report their activities daily. This program lets the Department of Corrections assure public safety and at the same time, helps the offender become a responsible person. If an offender violates any of the conditions of house arrest, the offender can be returned to incarceration. Victims may comment on an offender's house arrest status and inform the department of any special concerns.

Probation/Parole

Probation and parole are different legally, but similar in many ways. They refer to periods after the offender is convicted during which the offender is not in jail, but still must live under conditions that the judge or Parole Board decide. These conditions can include making restitution to the victim, getting assessment or treatment for substance abuse problems, getting training in anger management or parenting, not drinking or abusing drugs (and getting tested to assure this), getting a job or being financially responsible, or staying away from the victim or from certain places or people. Also, the offender must not break any laws.

Probation. The judge may sentence an offender to a period of probation, either as the only sentence, or with jail time. Or, the judge may impose a jail sentence, suspend (hold back) some or all of the jail time, and put the offender on probation. Probation lasts from a few months up to ten years. If the offender violates the conditions of probation, the probation officer asks the prosecutor (or may file a request directly with the court) to ask the judge to revoke the probation. If the judge finds that the offender has violated the conditions of probation, the judge can send the defendant to jail. This will happen after a hearing at which the prosecutor, defendant, defense attorney, probation officer, and possibly others testify.

Offenders convicted only of misdemeanor offenses are not supervised while they are on probation. The judge may set conditions of probation that the offender must follow, but if the offender does not obey, the judge often does not find out about it. If the judge does find out, usually a bench warrant is issued that calls for the offender's arrest. When the offender is brought back into court, the judge can revoke the probation and send the offender to jail.

Parole. Parole is a type of release that happens after an offender has served some time in jail. There are different types of parole, legally, but all offenders on parole are under the authority of the Parole Board, not the judge. The Parole Board is a group of citizens with the authority to decide conditions of parole (much like conditions of probation) and to send an offender back to jail if the offender does not obey the parole conditions.

The Parole Board holds hearings to decide whether offenders who are eligible for discretionary parole will receive it. They consider the seriousness of the offense, the offender's criminal record, the behavior and progress while incarcerated and the plans for the future. Victims may write to the Parole Board about the cases they were involved in, or may appear at a hearing. The victim is not required to do any of this.

The Parole Board cannot refuse to release offenders who are on mandatory release because the offender has earned enough "good time" to be released. The law requires the Department of Corrections to reduce the offender's sentence by one day of good time for every two days during which the offender behaved well in prison. Although the prisoner must be released when he or she has built up enough good time, the Parole Board still sets conditions that the offender must follow or be returned to jail.

Probation/Parole Officers. The same employees of the Department of Corrections supervise all of the offenders who are on felony probation or parole. Usually, they are called probation officers. The officer keeps track of

the offender to make sure that the offender follows the judge's or Parole Board's conditions. The probation officer also may help the offender find a job, get treatment, find housing or go to school. Some probation officers have extra training to work with sex offenders, repeat offenders, or other special situations.

The probation officers also write pre-sentence reports for some felony offenders before the sentencing occurs. The pre-sentence report describes the offense, tells the offender's prior criminal record, gives the judge information about education, work history, mental health, substance abuse and any information that would help the judge decide what sentence to give. It includes information about the effect that the crime had on the victim.

Restitution

If the crime caused expenses such as property damage, lost wages or medical expenses, the judge may order the offender to pay restitution to the victims and others. When victims ask for restitution it is important that they have good records of their losses and receipts for their expenses. The judge may hold a hearing to decide the amount of restitution. Restitution payments can be collected while an offender is in prison. Offenders often make payments each week or each month and the payments are given to the victim. Restitution in criminal cases can repay victims only for their actual monetary expenses or losses. To recover for other losses, such as pain and suffering or loss of companionship, victims or others must file a separate civil law suit against the defendant.

Restorative and Therapeutic Justice

Many new programs in the justice system work to involve victims and communities in criminal cases as more than witnesses. The programs have several purposes: they help victims heal and often help them get restitution. They work to make offenders more accountable and better citizens. Communities can be made whole by working with both victims and offenders in different ways.

The court system or Judicial Council can provide information about these programs. They include drug courts, mental health courts, drunk driver courts, domestic violence courts, circle sentencing, victim-offender mediation, and a variety of juvenile programs. In many communities, tribal courts or councils

work with offenders and victims, often cooperating with the state courts. The programs do different things and may not be suitable for all victims.

Appeal and Post Conviction Process

Offenders convicted at trial have the right to one appeal. The defense tells the appellate court in writing about the parts of a case where mistakes may have occurred. Some reasons defendants may appeal include their belief that their arrest was improper, that the judge admitted evidence that should not have been admitted, or that the judge gave improper instructions to the jury. Some offenders also appeal the length of their sentences. The prosecution responds in writing to the offender's arguments. These written arguments (called "briefs"), and a transcript or tape of the trial, go to the appellate court for review. No one gives new evidence or testimony, but the court may hold a hearing to listen to the attorneys for both sides explain their arguments.

The appellate court may either affirm (agree with) or overturn the conviction. It also may decide that the sentence is incorrect for some reason and tell the trial court what guidelines to follow to re-sentence the offender. If the court overturns the conviction, the prosecutor sometimes files the charges against the defendant again. The state supreme court may review cases after the court of appeals has made a decision.

An offender also may ask the trial court judge to change the sentence or overturn the conviction. The offender may argue that the defense attorney was not effective, that new evidence has been found, or that the judge did not understand the law. Sometimes offenders give new evidence or testimony to support a request for this type of relief.

The appeals process may take a year or more and the delay can be frustrating. Victims have the right to be told about these proceedings and to attend them but they do not need to be there. The prosecutor's office and local victim assistance programs have more information about appeals.

Part III.

Other Matters

Juvenile Offenders

For defendants who are juveniles (under age 18), the law has very different procedures. The Division of Juvenile Justice, part of the Alaska Department of Health and Social Services, handles most juvenile cases. In less serious cases, a juvenile intake officer decides an appropriate outcome (for example, requiring the juvenile to do community work service, write a letter to the victim, or pay restitution). If the offense is serious enough to require court action, the intake officer sends the case to a judge for an adjudication hearing.

One goal of juvenile proceedings is to help troubled teenagers grow into law-obeying adults. Whenever possible, the system tries to find alternatives to locking juveniles up. Judges can sentence juveniles to a youth correctional facility only when necessary to protect the public.

If a juvenile is charged with a very serious crime, the case may be tried in adult court. This always happens for 16- and 17-year-olds charged with murder, kidnaping, armed robbery, first-degree arson, first-degree assault, and serious sexual assaults. A prosecutor also may ask that a child younger than 16 be tried in adult court if the child is charged with a very serious crime, has a history of committing crimes, or is unlikely to be rehabilitated before age 20.

Most juvenile proceedings are closed to the public. A victim of a juvenile crime can get information about the case and can attend all proceedings that the juvenile has a right to attend. A victim has the right to make a statement before sentencing or adjudication. Victims also have the right to be told if the juvenile is released or escapes from custody.

In some communities, intake officers who work for the Division of Juvenile Justice can refer certain juvenile offenders to Youth Court. In Youth Court, teens act as judges, prosecutors and defense attorneys. The Youth Court gives a sentence that the offender must obey. In Anchorage and Juneau, some juvenile cases also can be referred to victim-offender mediation. If the victim agrees, trained volunteer mediators hold a meeting with the victim and the offender to talk about the harm the victim suffered. This helps the young offender understand the seriousness of the crime and its effect on a real person. It may give a victim a feeling of closure and reduce the fear of being

harmed again by the offender. The victim and the offender also may work out a restitution or repayment agreement as part of the mediation.

Legal Rights of Victims and Survivors

Victims and survivors have many legal rights. Alaska and the United States have laws that protect the rights of victims, and Alaska has a constitutional amendment that adds to and strengthens those laws. Parents and guardians of child victims, and survivors of victims who have died also have these rights.

- The victim has the right to immediate medical assistance.
- The victim has the right to protection from further harm, threats, and harassment by the defendant.
- The victim has the right to be treated with dignity, respect, and fairness.
- The victim has the right to talk with the prosecutor.
- The victim has the right to expect timely disposition of the case.
- The victim has the right to take part in the process, at the request of the prosecutor or the police. The victim's employer may not punish the victim for participating.
- The victim has the right to know about and to attend any hearings where the defendant has the right to be present, including juvenile proceedings.
- The victim has the right to speak at sentencing and at any hearing where the offender's release from custody is considered.
- The victim has the right, after an offender is convicted, to know the offender's complete conviction record.
- The victim has the right to restitution (repayment) for monetary expenses and losses from the offender.
- The victim has the right to be told when the offender is released from custody or if the offender escapes. The victim has the legal right to speak at any hearing.

Victim Assistance Programs

Many crime victims don't understand how the criminal justice system works and what to expect in or out of court. Some victims have trouble dealing with the strong emotions they feel. Programs in Alaska serve crime victims and their families in many ways, at no charge or for payment that considers each family's income and situation. They can help 24 hours a day, every day. The section at the end of this book lists many of the groups that can help.

Victim assistance programs can help different people, in different ways. The victims' advocates who work for the programs can:

- Help **make a personal safety plan** that the victim or family can use to avoid being victimized again, or to use if someone thinks that he or she might be in danger. If a victim is thinking about leaving a violent relationship, that person should have a safety plan because the risk of violence gets higher when a victim leaves. Victims of sexual assault, sexual abuse of a minor, stalking and harassment also should have safety plans. A victims' advocate can help think about planning for work, travel, housing, moving, child care and other aspects of life.
- Help **act as support or spokesperson** in difficult situations. Victims' advocates can go with victims to medical exams or to court hearings or appointments. They can help victims find grief or mental health counseling, housing, emergency assistance, compensation from the Alaska Violent Crimes Compensation Board, alcohol or drug treatment, suicide prevention, legal advice, information about immigration or deportation, or job counseling. The victims' assistance programs can help victims find translators or interpreters if they need them.
- Help the victim **get on VINE** to be notified about future hearings for the offender or about the offender's release from custody. The victim can tell the victims' advocate, or the prosecutor or the Department of Corrections if the victim wants to know where the offender is. VINE is a telephone notification system (Victim Information and Notification Everyday) that will call and tell the victim if the offender is transferred from one institution to another, or if the offender is released or escapes from custody.

Alaska Violent Crimes Compensation Board. The Alaska Violent Crimes Compensation Board can help crime victims, people who support them or people who they supported, with some expenses that can occur as the result of a violent crime. The Board may pay some or all of the cost of medical and counseling bills, lost wages, loss of support, funeral expenses and some other losses. The Board cannot pay for property losses or mental anguish.

A victim or other person must ask for the help of the Board. The Alaska State Troopers, local police, prosecutors and hospitals can help get victims the forms that they need to fill out to qualify. Victims' advocates can help, or a person can call the Violent Crimes Compensation Board at the number listed in the back of this book.

To get help, the victim or others must ask for it within two years of the crime. If the Board makes a decision that the victim does not agree with, the victim can ask the Board for a special hearing within thirty days of the Board's decision. At the hearing, the victim or other person can explain why the Board should give the help asked for.

Victims for Justice. Victims for Justice, located in Anchorage, helps victims of violent crime anywhere in Alaska. It sends victims' advocates to court with victims, works with victims and their families in difficult situations, offers grief support, and helps victims find other resources. It sponsors experimental programs that encourage restitution and reconciliation between victims and offenders. It also works for changes in laws and the way the justice system works to better protect victims of crime.

Mothers Against Drunk Drivers (MADD). This group helps victims of drunk drivers anywhere in Alaska. It helps victims in court, and sets up victim impact panels to teach drunk drivers about the seriousness of their offenses. MADD also offers community education programs and works for changes in the laws and justice system procedures.

Increasing Safety for Victims and Others

Victims can increase safety for themselves and others in several ways. They can make personal safety plans, ask for temporary or permanent protective orders from the court, tell the court and Parole Board how the crime affected them and what their needs are, and ask to have the VINE system notify them of the offender's location.

Personal Safety Plan. A personal safety plan helps the victim and others think about how to be more safe at work, home, and other places. No plan can guarantee safety, but thinking about how to be safe can improve the chances that the victim and others will not be harmed. The plan takes into account how to avoid being followed or harassed, how to protect children, how to have enough money and provisions when needed, where to go in an emergency and who to call on for help. Victims' advocates can help create safety plans.

Protective Orders and Conditions of Release. Victims can ask a judge for a temporary protective order, or for conditions of release for an offender that will reduce the chance that the offender will contact the victim. Again, this cannot prevent contact, but if the offender violates any condition of the order or conditions of release, the court can order the offender's arrest. If a person is a victim of domestic violence (including physical abuse, sexual abuse, threats or stalking done by a present or former spouse, partner, household member or relative), the victim can ask the court for a temporary protective order even if the prosecutor does not file criminal charges. Any courthouse or victims' assistance organization can help fill out the forms and get the order. An attorney does not need to help.

The court can order the offender not to contact, threaten or harm the victim, not to enter the victim's home or workplace, to move out of the house, to surrender weapons, or to take a batterer's intervention program. The court can give the victim temporary custody of the children. If the offender violates the order, the victim can call the police immediately to enforce it. The court also will honor protective orders from another court or another state.

If a victim or person associated with a victim feels threatened or bothered by the offender or someone acting with the offender, that person should contact the police, the prosecutor, or a victim advocate right away. The law says that people have the right be to protected against threats or harassment and future harm, but no one can guarantee the safety of a person.

VINE. A telephone notification system called VINE (Victim Information and Notification Everyday) will call and tell the victim or others if the offender is transferred, released or escapes from custody. A person must register with VINE before the system will begin to notify that person. The phone number for registering with VINE is listed at the back of this book. In order for the VINE system to continue to work for the victim or others, the victim must keep the phone numbers that VINE has up to date. If the victim moves or changes their phone number, that person must tell VINE by calling the number at the end of this book. Then the VINE system will automatically call the victim's or other person's phone number whenever the status of the offender changes.

Newspapers and Television

Newspaper and television reporters often want to talk to victims and survivors. It may be hard to deal with them, for many reasons. Reporters have the job of telling a story. They may want to do this with photographs, TV

scenes, and news stories. It is the victim's or survivor's decision whether to talk to the reporter. Victims and survivors have the right to say "no" to any or all contact with reporters. Victims and survivors also have the right to not give out their names and addresses.

A victim or other person who agrees to give an interview has several choices. The victim can take the time to talk to someone, such as a victim advocate, the prosecutor, friends or others before giving an interview. Or, the victim can agree only to a written statement that he or she can take time to think about. The victim or survivor can refuse to let the reporter talk to children or other family members in the victim's or survivor's care. The victim can ask that only certain quotes, pictures or information be used in the story, but once the reporter has the information, it is the reporter's decision whether to use the information.

If the newspapers and television give the story a great deal of publicity, the defendant may ask to have the trial in a different location (a "change of venue"). This is something for the victim to think about before agreeing to say anything in public. Another thing to think about is the fact that if the case goes to trial, the defense attorney and prosecutor can ask the victim or survivor about any statements that the victim or survivor made before the trial, and can compare them to statements made at the trial or at other times.

Civil Lawsuits

Sometimes victims or survivors file separate cases in court to recover their losses. They can do this even if the prosecutor decides not to file charges, or dismisses the case. Some victims or survivors sue the offender, and they also sue other people who they believe should have prevented the offender's misconduct, such as an employer, a parent or a property owner. A victim can ask for compensation (called "damages") for things that cost the victim money, such as medical bills, burial expenses, damages to property and lost time at work. Damages also can include things like mental suffering, pain, grief and loss of companionship. If the offender committed the crime because of the victim's sex, race, religion or other factors, the victim may be able to sue for violation of civil rights.

The laws set time limits to begin lawsuits. If the victim does not file the case quickly enough, or if it is filed in the wrong court, the law may not allow the case to be heard even if it is a good case. To help decide whether to sue, the

person who wants to sue should talk to an attorney about the case as soon as possible. The person should not wait until the criminal case is decided.

Grieving and Healing

Victims of crimes may feel anger, hatred, self-blame, guilt and confusion. Their sense of trust and order may be shattered. They may have many different feelings and behaviors, and sometimes find it hard to control their emotions. Everyone reacts differently and has a different timetable for healing.

The emotions a victim feels are very personal, and may continue for months or years. Some victims have nightmares or trouble sleeping. Some have periods of uncontrolled sobbing or hysterical laughter, and others have stomachaches, headaches, fatigue or a feeling of going crazy. An individual victim may experience all of these things at different times. Family relationships can change because each family member may deal with these emotions in different ways. Being a crime victim can lead to money problems, family troubles, divorce, substance abuse and other problems. It is important to realize how much the experience has changed each person's life.

In time, healing begins. It may happen slowly, so people should try not to make any big changes in their lives for at least a year. Victims of crime should not push themselves or let others push them to follow a certain timetable, or pressure them into "getting on with your life." They should act when they are ready, not when others tell them they should be ready. They should take time to cry, be angry, feel sad and experience the other feelings they have.

Victims of crime often find that telling their stories helps them heal. Friends, victim advocates and counselors all offer support and will listen. Many other people have had the same experiences and can help victims and their families. One of the victims' organizations listed at the end of this booklet can often help. Sometimes victims participate in victims' panels, or contribute their time to groups that are working to provide more justice and healing for all victims of crime.

Directory of Services

Statewide

Alaska Council on Domestic Violence & Sexual Assault **907-465-4356**
www.dps.state.ak.us/cdvsa

Alaska Department of Public Safety: coordination of statewide services, education, grants to organizations

Alaska Department of Corrections
Parole information **907-465-3384**
Probation information **907-269-7370**
VINE (Victim Information and Notification Everyday) **1-800-247-9763**

victim impact statements, information and referral, notification of release, transfer, or escape of offenders

Alaska Judicial Council **907-279-2526**
1-888-790-2526
www.ajc.state.ak.us

criminal justice system: booklets on criminal justice system, victim's guide

Alaska Legal Service Corporation

free civil legal assistance to low-income Alaskans: family law, housing, public benefits, Native law, consumer law, health issues and wills

Anchorage	**272-9413**	Juneau	**586-6425**
Barrow	**852-2311**	Ketchikan	**225-6420**
Bethel	**543-2237**	Kotzebue	**442-3500**
Dillingham	**842-1452**	Nome	**443-2230**
Fairbanks	**452-5181**		

Alaska Network on Domestic Violence & Sexual Assault **907-586-3650**
andvsa.org

domestic violence/sexual assault: advocacy for victims, public education, training, technical assistance

Catholic Social Services Immigration & Refugee Project **907-276-5590**

immigration problems resulting from domestic violence, divorce, and criminal proceedings

District Attorney Offices

criminal prosecutions, victim-witness coordinators, booklets on sexual assault, domestic violence, stalking, victim's rights, and safety planning

Anchorage	**269-6300**	Ketchikan	**225-6128**
Barrow	**852-5297**	Kodiak	**486-5744**
Bethel	**543-2055**	Kotzebue	**442-3396**
Dillingham	**842-2482**	Nome	**443-2296**
Fairbanks	**451-5970**	Palmer	**745-5027**
Juneau	**465-3620**	Sitka	**747-5851**
Kenai	**283-3131**		

Mothers Against Drunk Driving **907-562-6890**
Fax 907-562-6896
madd@corecom.net

drunk driving: advocacy, court support, court monitoring, public education, victim assistance

National Domestic Violence Hotline **1-800-799-7233**

domestic violence: crisis intervention, information and referral, telephone language translation and translated materials

Office of Public Advocacy

provides court appointed defense attorneys for criminal defendants who cannot afford to hire an attorney, and who for some reason cannot be represented by the Public Defender Agency

Anchorage	**269-3500**
Fairbanks	**451-5933**
Juneau	**465-4173**

Public Defender Offices

provides court appointed defense attorneys for criminal defendants who cannot afford to hire an attorney

Anchorage	**264-4400**	Ketchikan	**225-6189**
Barrow	**852-2520**	Kodiak	**486-8114**
Bethel	**543-2488**	Kotzebue	**442-3736**
Dillingham	**842-4582**	Nome	**443-2281**
Fairbanks	**452-1621**	Palmer	**745-5660**
Juneau	**465-4911**	Sitka	**747-6808**
Kenai	**283-3129**		

Victims for Justice **907-278-0977**

violent crime: advocacy, grief support, crisis intervention, assistance for homicide and assault survivors

VINE (Victim Information and Notification Everyday . . . **1-800-247-9763**

automatic notification of release, transfer or escape of offenders

Violent Crimes Compensation Board **907-465-3040**
1-800-764-3040
www.dps.state.ak.us/vccb

financial compensation for victims of violent crime

By Area

Anchorage:

Abused Women's Aid in Crisis (AWAIC) . . . . . **Business 279-9581**
Crisis 272-0100
www.awiac.org

domestic violence: shelter, counseling, advocacy, crisis line, children's services, batterers' counseling

Alaska Women's Resource Center **907-276-0528**
akwomens@ak.net

domestic violence: crisis intervention, counseling, advocacy, information and referral services

Chugachmuit **907-562-4155**

sexual assault: response teams, advocacy, training, village outreach

Community Dispute Resolution Center **274-1542**

mediation: victim-offender, neighborhood disputes

Standing Together Against Rape (STAR) . . . . . **Business 276-7279**
Crisis 276-7273, 1-800-478-8999
www.star.ak.org

sexual assault/child sexual abuse: advocacy, crisis line

Anvik Tribal Council/Tanana Chiefs Conference **907-663-6322**

domestic violence: prevention, advocacy, information and referral, village outreach

Barrow: Arctic Women in Crisis . . . . . **Business 852-0261**
Crisis 852-0267, 1-800-478-0267

domestic violence/sexual assault: shelter, counseling, advocacy, crisis line, rural outreach, children's services

Bethel: Tundra Women's Coalition . . . . . **Business 543-3455**
Crisis 543-3456, 1-800-478-7799
twcpeace@alaska.com

domestic violence/sexual assault: shelter, counseling, advocacy, crisis line, rural outreach, children's services

Cordova: Cordova Family Resource Center . . . . . **Business 424-5674**
Crisis 424-4357
cfrc@ptialaska.net

domestic violence/sexual assault: shelters, crisis line, advocacy, library, public education

Dillingham: Safe and Fear-Free Environment . . . . . **Business 842-2320**
Crisis 842-2316, 1-800-478-2316

domestic violence/sexual assault: shelter, counseling, crisis line, rural outreach, children's services, village safe homes, coordination with Bristol Bay Native Association

Emmonak: Emmonak Women's Shelter . . . . . **Business 949-1443**
Crisis 949-1434, 1-800-478-1434

domestic violence: shelter, crisis intervention

Fairbanks: Women in Crisis - Counseling & Assistance . . . . . **Business 452-2293**
Crisis 452-2293, 1-800-478-7273
women@polarnet.com

domestic violence/sexual assault: shelter, advocacy, counseling, crisis line, elder abuse, children's services, rural outreach

Homer: South Peninsula Women's Services . . . . . **Business 235-7712**
(South Peninsula Hospital after hours) **Crisis 235-8101, 1-800-478-7712**

domestic violence/sexual assault: safe homes, counseling, advocacy, crisis line, rural outreach, children's services

Juneau:

Aiding Women from Abuse & Rape Emergencies . . . . . **Business 586-6623**
Crisis 586-1090, 1-800-478-1090
aware@alaska.com

domestic violence/sexual assault: shelter, counseling, advocacy, crisis line, elder abuse, children's services, rural outreach, child sexual abuse counseling

Tongass Community Counseling Center **586-3585**
www.ptialaska.net/~tcccjuno

domestic violence: batterers' (men & women) counseling, children's services, sex offender treatment, drug and alcohol treatment

Kenai/Soldotna: Kenai/Soldotna Women's Resource & Crisis Center . . . . . **Business 283-9479**
Crisis 283-7257

domestic violence/sexual assault: shelter, support, advocacy, crisis line, elder abuse, children's services, transitional living center, men's re-education program

Ketchikan: Women in Safe Homes . . . . . **Business 225-0202**
Crisis 225-9474, 1-800-478-9474
www.wishorca.org

domestic violence/sexual assault: shelter, counseling, advocacy, crisis line, rural outreach, children's services, services to victims of other violent crimes, coordination with Ketchikan Indian Corporation

Kodiak: Kodiak Women's Resource & Crisis Center . . . . . **Business 486-6171**
Crisis 486-3625

domestic violence/sexual assault: shelter, counseling, advocacy, crisis line, rural outreach, children's services

Kotzebue: Maniilaq Family Crisis Center . . . . . **Business 442-3724, 1-888-478-3969**
(available for collect calls on emergency basis) **Crisis 442-3969**

domestic violence/sexual assault: shelter, counseling, advocacy, crisis line, village advocate

Mat-Su Valley: Valley Women's Resource Center . . . . . **Business and Crisis 746-4080**

domestic violence/sexual assault: shelter, counseling, advocacy, crisis line, children's services

Nome: Bering Sea Women's Group . . . . . **Business 443-5491**
Crisis 443-5444, 1-800-570-5444

domestic violence/sexual assault: shelter, counseling, advocacy, crisis line, rural outreach, children's services

Seward: Seward Life Action Council . . . . . **Business 224-5257**
Crisis 224-3027

domestic violence/sexual assault: safe homes, counseling, advocacy, crisis line

Sitka:

Sitkans Against Family Violence . . . . . **Business 747-3370**
Crisis 747-6511, 1-800-478-6511
www.ptialaska.net~akwoman/safv

domestic violence/sexual assault: shelter, counseling, advocacy, crisis line, rural outreach, children's services

Sitka Tribe of Alaska **1-800-746-3207**

tribal court: domestic violence prevention, crisis intervention, advocacy

Unalaska: Unalaskans Against Sexual Assault & Family Violence **581-1500**
1-800-478-7238

domestic violence/sexual assault: safe homes, counseling, advocacy, crisis line

Valdez: Advocates for Victims of Violence . . . . . **Business 835-2980**
Crisis 835-2999, 1-800-835-4044

domestic violence/sexual assault: shelter, counseling, advocacy, crisis line, rural outreach, children's services

Alaska Constitution

Article I. Section 24

Rights of Crime Victims

Crime victims, as defined by law, shall have the following rights as provided by law: the right to be reasonably protected from the accused through the imposition of appropriate bail or conditions of release by the court; the right to confer with the prosecution; the right to be treated with dignity, respect, and fairness during all phases of the criminal and juvenile justice process; the right to timely disposition of the case following the arrest of the accused; the right to obtain information about and be allowed to be present at all criminal or juvenile proceedings where the accused has the right to be present; the right to be allowed to be heard, upon request, at sentencing, before or after conviction or juvenile adjudication, and at any proceeding where the accused's release from custody is considered; the right to restitution from the accused; and the right to be informed, upon request of the accused's escape or release from custody before or after conviction or juvenile adjudication.

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Anchorage, Alaska 99501-1969
(907) 279-2526
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www.ajc.state.ak.us