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Goals into Action: An Evaluation Report on the Third Bush Justice Conference

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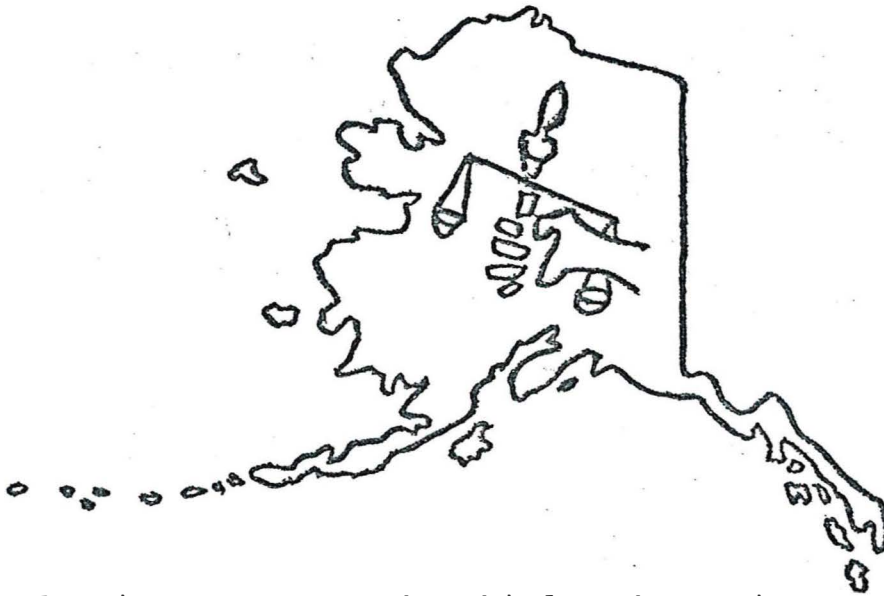
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Summary

This evaluation reports on the Third Bush Justice Conference, held in Kenai, Alaska on November 8–12, 1976. Prior bush justice conferences were held in Girdwood (1970) and Minto (1974). The report outlines themes addressed in all the bush justice conferences, focuses on ways in which bush justice conferences can improve the administration of justice in rural Alaska, and recommends ways in which state justice agencies and Alaska Native representatives can work together proactively to respond to specific problems identified at conferences.

"GOALS INTO ACTION"



An evaluation report on the Third Bush Justice Conference
prepared at the request of the Bush Justice Project,
Alaska Federation of Natives, Inc.
by John Havelock, Director, Criminal Justice Center

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The three Bush Justice Conferences which were held in Alaska at Alyeska in 1970, Minto in 1974 and Kenai in 1976 reflect stages in the evolution of communication between the citizens of rural Alaska and the official justice bureaucracy of the state.

That the absence of communication between these two viewpoints is a root source of discontent with the administration of justice in rural Alaska is no secret to observers of bush justice issues. Are these efforts at communications working? In 1970, after identifying various goals, the Conference closed on the theme of hope for the future:

"7. The conference recommends that another justice in the bush conference be held somewhere in a rural community."

In 1974, the final evaluation came in:

"7. That progress in the improvement of the bush justice system since December 1970 has been much too slow."

In 1976, silence.

The Conferences have all addressed the same great themes:

1. Greater local autonomy must be introduced in justice system administration and policy.

2. Locally available services provided by justice agencies must be increased to levels reflecting the degree of need of rural Alaska.
3. Justice services should be provided by locally recruited and locally trained people.
4. A major education program is necessary to assist village people in understanding the justice system.
5. A major educational effort is needed to assure that system professionals who are not from the village understand village traditional ways.
6. The justice system must be modified to a greater degree to adapt to local culture.

As the conferences have progressed, three specific areas of legal application have been identified as areas of neglect:

7. The importance of fish and game protection to village people has been seriously underestimated and the laws governing fish and game have not been designed giving sufficient weight to the subsistence user.
8. The importance of the legal protection of land to village people has been seriously underestimated and laws governing land have not been designed with the concerns of village people in mind.
9. The significance of the impact of alcohol on village people has been seriously underestimated and laws governing alcohol have not been designed with the concerns of village people in mind.

Before another call goes out for a bush justice conference, some specific performance goals for the justice agencies must be set based on these themes and a measurement of agency performance established for specific time intervals.

Intermittent, ad hoc, conferences every two or three years are not going to produce much effect in changing the administration of bush justice or enhancing citizen-agency communication. The conference can, however, serve as a useful role if it is established as a regular feature of a continuing affirmative action plan for the movement of bush justice towards stated standards.

The cycle might go something like this:

1. October '76 Third bush justice conference;
2. December - August '77 refinement of goals and objectives by Native communities, citizens, representatives followed by;
3. Invitation to agencies to respond with specific objectives under each theme for that agency. This might possibly be accomplished through a survey form designed for the purpose.
4. Technical review meetings. Bush justice agency goals are refined in series of meetings with citizens' representatives. - completed fall of 1977.
5. Research and implementation effort by each agency - fall '77 - fall '78.
6. Closing with preparation of agency self-evaluation. - September '78

7. October '78 - inter-agency review of self-evaluations, overview preparation by CJPA.
8. Review by citizens' standing committee on bush justice (by whatever name).
9. December '78. Fourth Bush Justice Conference.
 - phase 1. citizen evaluation of agency performance
 - phase 2. citizen input on the nature of problems - new, and unsolved old ones.
 - phase 3. citizen redefinition of goals and objectives
 - phase 4. citizen preparation of principle evaluation judgements and redefinition of goals and standards in conference resolutions.
10. Same as 2 - and back into cycle.

The bush justice conference takes on new meaning when understood by its participants as a step in establishing a continuous cycle of citizen input. There is undoubtedly an attitude in justice agencies: "well we got through another of those things." which implies that the conference is basically a pain which intrudes on the agencies minding of its own business. In this view, the conferences have not been helpful to the agency but, a disorganized gripe session, something to be endured.

However, if the bush justice conference does not go away, but is guaranteed to recur every two years so long as it is regular (the specific time interval is not critical) and it is seen as a time when the agencies report on what they have done, get citizen input on problems and start resetting specific objectives, it

may be more helpful to agency managers and citizens alike.

A number of things must happen to make this cycle work:

First, each agency which is substantially involved in bush justice administration must set out in writing a program for the improvement of justice administration built around these nine themes.

In saying that, let us understand that no agency is going to let a citizens' conference take over its own internal planning and programming activities. Besides these bush justice goals, the agencies will have their own structure, their own list of other objectives internally defined, which may not, for instance, reflect distinctions between bush justice and other justice administration. But the agency can be required to state what it is doing and what it proposes to do with regard to organized citizen input and inquiry from bush areas. The agency's bush justice "program" as developed according to this report, is an accountability instrument, not the agency's mission description.

Perhaps, for instance, an agency does not want to decentralize or delegate authority to local institutions further than it already has. If so, it should state this in replying to the inquiry. At least, this provides the essential communication. If the citizens' conference is dissatisfied with the agencies response, at least there has been accountability. The thrust of the next conference resolution, in that case, might be towards a remedial resolution to the legislature for structural change, resource allocation, etc.

Second, the recurrent cyclical nature of the citizens' input

conference should be acknowledged in agency planning. In particular, it should be reflected in the planning and programming cycle of the Criminal Justice Planning Agency.

Thirdly, the Criminal Justice Planning Agency must get involved in overseeing the planning cycle from the perspective of agency follow-through and in providing funding for a bush justice planning project on a long term basis from state planning funds. The bush justice planner must plan and the planning cycle must include a citizens' input conference in the tradition of the bush justice conferences of the past, but with more specific conference objectives.

Fourth, the independence of the citizens' input conference must be structurally guaranteed. That is, it should not be an in-house effort of the CJPA or be prepared with planning direction from agency people. It must remain a citizens' conference - of, for and by citizens and sponsored by an agency outside of the government.

Fifth, the specific roles and form of participation by agency people in the conference should be carefully defined. This means:

1. Prior preparation and submission of agency responses.

When this is not done, the agencies have a natural tendency to view the conference as a captive audience for selling the agencies program ambitions.

2. If any agency or agency representative or individual has a form of resolution or objective or idea which it or he would like the conference to consider, it should likewise submit the proposal in writing in advance. It is a bad

practice to allow an undifferentiated mixture of agency-set goals and citizen-set goals to be before the conference.

3. Conference participation and discussion group management should be by citizens only. The agency people should be involved as expert witnesses, there to testify. While circumstances may allow this principle to be relaxed in the interest of improved dialogue, a pre-designated chairman should run each meeting or section with this objective in mind.

It might be helpful to offer a rough, imaginary scenario of how this might work as applied to a particular theme and agency, say the corrections function and local autonomy.

Step 1. The 1976 conference - General resolution relating to local autonomy as theme adopted. Convention Resolution No. 76-17 relating to the need for probation follow-up in smaller communities adopted as specific area of concern.

Step 2. Citizen input coordinator refines objective as it applies to corrections and prepares request letter to agency.

Step 3. Letter to Division of Corrections informs Division of adoption of resolutions which express feeling that all agencies need to develop an affirmative action plan for local autonomy and that special concern is voiced with regard to probation services.

Step 4. As suggested in the letter, the agency prepares a status report on bush corrections. Probation services are described as one feature and an evaluation of policy changes towards

greater local autonomy over past several years is made. The agency suggests a number of ways in which it could enhance local autonomy in the next year and a half. Discussion takes place at an informal technical review meeting set up by citizens input coordinator between technically knowledgeable people on the issue identified by the coordinator and agency planners and managers. The agency establishes a goal in the area of probation services: that a probation aide program will be established to provide locally based control of probation services. A probation aide will be assigned to cover a specified number of rural probation cases throughout rural Alaska. A pilot program to recruit and train four probation aides, it is stated, will be designed and special funding sought. After evaluation, in fourteen months, it is stated, the program will be redesigned and funding will be requested of the next legislature to support a system of village probation aides at the original case load density chosen.

Step 5. The agency does a literature search and feasibility study on probation aides. A grant application for the pilot program is developed, funded and implemented.

Step 6. In September preceding the conference, the agency evaluates progress in this and other objectives it has set for itself under this theme. The goal has not been met because of schedule slippage, but progress has been made. The pilot, however, has been completed. Problems are identified - probation aides tend to drift to other employment. The cause is traced to low pay, lack of adequate training preparation and direction. Implementation is set to cover one region only as a continuing,

redesigned pilot program.

Step 7. Evaluation reviewed with CJPA. Additional reasons for pilot program problems are identified - lack of adequate standards of delegation of probation authority.

Step 8. Evaluation and CJPA review sent to the conference coordinator. He requests certain back up information from the agency, prepares a background and options report for the conference.

Step 9. Conference meets. Reads agency review of its efforts and hears further reports as specified by conference coordinator. The conference assists in identifying specific training objectives that are needed for rural probation aide, approves approach in concept. Citizens testify and discuss problem of probation administration in the bush as one of several topics under bush corrections performance. Citizens determine that a greater degree of local cooperation and autonomy would occur if project were locally managed. Pass resolution urging contractual probation services as local autonomy and go home.

Step 10. The coordinator evaluates how this might be done and sends resolution to agency with observations. Agency responds with redefinition of goals and the cycle continues.

The Standards and Goals project of the Criminal Justice Planning Agency represents an attempt to encourage planning by objectives but it does not reflect the necessity of a cyclical design for any planning process involving public input.

The Criminal Justice Planning Agency (and its parent organization, the Governor's Commission on the Administration of Justice) have designed and applied an increasingly successful system of

this kind which is used to develop its annual plan. Much can be learned from an examination of that planning process. But necessarily, specific bush justice concerns get short shift in a comprehensive justice plan (see Volume 2 pp.203-210 attached). Nor does the annual plan necessarily tie into specific agency responsibilities, being principally a tool for making decisions regarding the allocation of LEAA funds. The goals are not prepared by the agencies and are not necessarily felt by the agencies to be their goals. They are CJPA or Commission goals.

In our view, planning for bush justice concerns must have its own planning, accountability and citizens input system in light of the serious catch-up situation facing the administration of rural justice and the information and communications problems which pose such formidable barriers in the rural setting.

The establishment of a biennial citizens review bush justice conference as a regular feature of a distinct planning review cycle for rural issues should be considered as a follow-through goal of the third bush justice conference project.

April 23, 1977.