Alaska Fish and Game Sentences: 1980-81

Alaska Judicial Council
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Alaska Judicial Council

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STATISTICAL ANALYSIS OF MAJOR

FISH AND GAME OFFENSE

SENTENCING OUTCOMES

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STATISTICAL ANALYSIS OF MAJOR FISH & GAME SENTENCING OUTCOMES IN ALASKA (1981 - 82)

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INTRODUCTION

In the spring of 1981, the Alaska Judicial Council released a preliminary statistical report analyzing fish and game sentences certified in the years 1977 through 1979. The data analyzed in the report was supplied by the Department of Public Safety's Division of Fish and Wildlife Protection and thus, since it was not collected in a scientific manner, it would not be able to withstand scientific scrutiny. Even though this report was limited in scope, it noted that statistically significant differences existed in sentence outcomes that could not be "explained" by the factors available in analysis. The report identified three potential problem areas: (1) that otherwise similarly convicted defendants received disparate sentences depending upon the court location; (2) that the sentences imposed for the more serious commercial fishing offenses appeared insufficient to deter future misconduct; and (3) that many district court judges and magistrates lacked a sufficient technical understanding of major violations.

In late summer of 1981, the Alaska Court System's Fish and Game Sentencing Guidelines Subcommittee was established to investigate problems with fish and game sentencing. The Subcommittee was composed of judges and magistrates with extensive experience in fish and game violations including District Court Judges Robin Taylor, Chairman (Wrangell), Henry Keene (Ketchikan), James Hornaday (Homer), and Steven Cline

(Fairbanks); Superior Court Judge Roy Madsen of Kodiak; and Magistrate Skip Slater (Nenana). In addition, Alaska Judicial Council staff served as technical advisors to the Subcommittee. In carrying out their mandate, the Subcommittee held public hearings in Kodiak, Homer, Anchorage, Ketchikan, Dillingham, Naknek, Fairbanks and Bethel. Testimony was received from Fish and Wildlife Protection personnel, Fish and Game biologists, local Fish and Game Advisory Board Members, District Attorneys, defense attorneys, commercial fishermen's organizations, professional hunting and guiding organizations, commercial processors, resource conservation organizations, commercial fishermen, sport fishermen, sport hunters, community leaders, and others interested in fish and game resources.

Testimony at public hearings indicated that past sentencing practices of the courts have resulted in a lack of public respect and concern for fish and game laws. Participants also testified that (1) sentences in fish and game cases have been far too lenient to be an effective deterrent to future misconduct; (2) the complex nature of most major fish and game violations requires an educated and informed judiciary; (3) fish and game statutes and the regulations promulgated thereunder are incomprehensible to the average citizen; and (4) there is a need for a mail-in bail schedule for administrative and de minimus offenses.

In early summer of 1982, the Senate Special Committee on Alaska Fisheries was asked to gather information on the industry. Members appointed to the Committee were: Senator

Dick Eliason of Sitka, Chairman; Senator Nels Anderson, Jr. of Dillingham; and Senator Bob Mulcahy of Kodiak. The Committee held public hearings in Dutch Harbor/Unalaska, Kodiak, Dillingham, Kotzebue, Bethel, Ketchikan, Petersburg, Cordova, Anchorage and Kenai/Soldotna.

The Committee's final report of January 1983 concluded that disparity in court decreed fines and sentences around the state created an enforcement problem. The final report went on to state that fishermen themselves are in favor of heavy penalties for repeat offenders with permit suspension being a possibility. Also, the Committee found that educational programs may be needed for judges to adequately understand the industry and requested that the Judicial Council make recommendations for changes in the fish and game area.

SUMMARY OF FINDINGS

1983 JUDICIAL COUNCIL

FISH AND GAME SENTENCING REPORT

In February 1983, the Alaska Judicial Council completed a descriptive multivariate sentencing analysis of major commercial fishing, game and subsistence offenses. The purpose of this summary is to highlight some of the most significant findings. These statistical findings confirm the testimony given repeatedly at the public hearings during the past two years.

1. Alaska Statutes Title 16 and Chapter 5 of the Alaska Administrative Code are confusing, unorganized and often unintelligible. This is partially due to duplication and contradictions in fish and game laws.
2. The judge imposing sentence for a major commercial fishing or game conviction is the single most important factor in determining the sanction to be levied. The judge is a more important factor than either the seriousness of the offense or the offender's prior record of fish and game convictions.
3. Offenders who plead guilty or nolo contendre (no contest) are fined less than those offenders who are convicted by a jury.
4. A non-resident of Alaska convicted of a major commercial fishing violation will receive more severe sanctions than Alaska residents convicted

of the same or similar offense. Also, non-residents are more often required to post bail and in higher amounts than are Alaska residents.

5. Conviction for a major game violation led to a jail sentence far more often than did conviction for a major commercial fishing violation.
6. Illegally taken fish or game were forfeited after conviction more frequently than was equipment seized at the time of the violation.

RECOMMENDATIONS

These recommendations have been developed by the Judicial Council based on the statistical findings as well as testimony from the public hearings held during the past year.

1. It is recommended that the Legislature create a Code Revision Commission to rewrite and codify laws and administrative regulations pertaining to the regulation of fish and game resources. Also, offense classifications similar to those in Alaska's new Criminal Code should be developed.

2. (a) It is recommended that the Legislature consider a fish and game sentencing scheme, similar to presumptive sentencing, for major fish and game violation convictions and/or;

   (b) the Supreme Court adopt experimental sentencing guidelines for major fish and game offense convictions to determine whether or not the desired uniformity and deterrent aspects of sentencing can be achieved by this approach.

3. It is recommended that the Supreme Court and Legislature create a mail-in bail schedule for administrative and de minimis offenses which would allow the court to focus its time and resources on major offenses.

4. It is recommended that the Legislature consider legislation which would allow limited entry and/or interim use permit suspension as a sanction for repeat major commercial fishing offense violators.
5. It is recommended that Court System Administration develop an ongoing educational program for magistrates and judges in the area of fish and game law. This program is necessary to insure that the complex and technical aspects of major fish and game violations are easily understandable by the sentencing authority.
6. It is recommended that the Court System Administration develop a procedure to provide more information about the defendant for use by judges in major fish and game offense sentencings. This will insure that the judges have adequate pertinent information at their disposal at the time of sentencing.

CONCLUSION

The Judicial Council's sentencing study on major fish and game offense convictions identified disparity in sentencing, and also strongly indicated that many sentences have been far too lenient to serve as a deterrent.

The most significant factor contributing to these problems lies with the Statutes and Administrative Code. The laws governing fish and game regulation are unorganized and are often incomprehensible. A good example of this is that commercial fishing laws, as presently structured, make few distinctions between serious violations which threaten direct and immediate damage to the fishery resources and minor offenses of an entirely different nature. In order for judges to impose sanctions which fit the crime, they must be able to understand the crime and have adequate information at hand before sentencing.

The Judicial Council's recommendations not only address disparity in sentencing, but also address deterrence to enhance the maintenance of Alaska's fishery resources on the sustained yield principal. This principal is the goal embodied in the State Constitution (Article VIII, § 4). The protection of fish and game resources for the people of this state is at least as important as the elimination of disparity in sentencing. In order to achieve the ultimate goal of protection, the profit motive must be taken away from offenders.

PART I

RESEARCH DESIGN AND STATISTICAL METHODOLOGY

A: Data Collection Methodology

This section of the report describes the analytical decisions as well as processes by which cases were selected and information gathered on Alaska fish and game offenders, their cases and sentences.

The data collection methodology employed in this study, while based largely on methods used in earlier Judicial Council studies of felony and misdemeanor sentencing, is sufficiently different to warrant comprehensive discussion.

1: Case Selection

The data base for this study includes the majority of serious fish and game (misdemeanor) offenses committed in Alaska in calendar years 1980 and 1981 and prosecuted under the auspices of Alaska Statutes Title 16 or Alaska Administrative Code Chapter 5. Due to significant fiscal as well as time constraints, a decision was made to collect data from caseloads at twenty-eight Alaska court locations. Three criteria were employed in the location selection process, including: (1) the number of cases processed; (2) the representativeness or significance of the types of offenses processed; and (3) whether a district court judge or magistrate was permanently situated at the location.

Virtually all district court locations and the major magistrate courts are represented in the twenty-eight locations included in the study. The final data base includes 1451 commercial fishing, game, and subsistence-related offenses

resulting in a conviction and sentenced in these twenty-eight locations during 1980-1981. In addition, 93 cases that were diverted or for which prosecution was deferred that otherwise met our selection criteria were also collected for a total number of 1544 cases.

Cases were identified by checking case-file numbers against computer print-outs provided by the Alaska Court System listing cases that met the above criteria. All other 1980-1981 offense files were then checked in each location in an effort to identify any additional cases not identified by the court system. This process resulted in our finding many such additional cases.

2: Design of Forms

The data sources available for studies of misdemeanor sentences, which include all fish and game offenses, are considerably more limited than those for studies of felony sentences. This is largely due to two reasons. First, misdemeanor offenders are sentenced without the preparation of a pre-sentence report that is done for nearly all felons. In addition, due to the great numbers of misdemeanants and the tendency for offenders to plead guilty/nolo at arraignment and be sentenced immediately, fewer factors regarding the offender and offense are documented and considered by the judge at sentencing as compared with felonies.

The data sources relied upon in the present study included court case files (judgement sheets, information, log notes, etc.), and Public Safety Fish and Wildlife Protection Case Reports (completed by the Fish and Wildlife officer assigned to the case and filed with the Department of Public Safety).

The data collection or coding instrument was divided into two sections -- one devoted to information regarding the defendant and one concerning information regarding the offense(s) committed. Coders recorded an array of information legally, administratively and hypothetically relevant to sentence and other dispositional outcomes including, for example, the defendant's prior criminal history and demographic characteristics, the specific offense, seizures and forfeitures of resources and/or equipment and the type of disposition and sentence outcomes.

3: Coders and Coding

Six coders, most with backgrounds in criminal justice research and/or experience in data collection were hired by the Judicial Council to collect the data. Coders spent their first two weeks in Anchorage pre-testing the coding instrument and training on actual court case files. Coding for the study was conducted from mid-August through late October (1982), during which time the six coders traveled extensively among the many court locations included in the study. Each coder spent

approximately thirty to forty minutes with the case file and case report, recording answers to questions on the coding form. A second coder then independently checked through the coding forms, case file and case report for errors. Since some of the variables being collected required discretionary judgement, any disagreement concerning a coding decision was resolved by the coding supervisor. The coding supervisor also checked each coding form a second time for errors in codes, discrepancies in sentence and prior record variables and missing data.

4: Final Processing

Completed coding forms were assigned a unique number by the coding supervisor at the completion of the project to identify the case so that defendants' names would not be computerized with the data. The procedure facilitated maximum confidentiality for each defendant and provided a method for identifying individual cases for later error/ambiguity corrections.

Keypunching of the data, which is a necessary intermediate step between data collection and computer analysis, was performed locally by a private business specialist. The data were punched onto IBM cards and each card was checked by an independent verification of the original recording of the data to minimize the possibility of errors.

B: Statistical Methodology

The primary dependent or outcome variables analyzed in this study concern sentence length -- defined as the net fine and the active prison time imposed by the court for the conviction. Suspended amounts and time were subtracted from fine and jail sentence in determining "net" fine and "active" time, respectively. If no fine or active time was imposed or if the entire sentence was suspended, fine amount/jail length are treated as zero. Secondary outcome variables considered in the study concern the proportionate likelihood of receiving a totally suspended or zero fine and jail sentence. In addition, the analysis considers the likelihood of restitutionary payments and amount of "net" restitution payment required by the court.

The unit of analysis in the study is a single misdemeanor fish and game offense charge against a defendant that resulted in a conviction. Accordingly, each of a series of multiple charges against a defendant appears as a unique case in the study.

The Judicial Council's 1980-1981 data base of fish and game offenses includes N-1451 cases. These offenses were organized into three groups or classes on the basis of their substantive nature for purposes of analysis. The three offense groups include: (1) Commercial Fishing Offenses (61.1% of all cases); (2) Game Offenses (32.6%); and (3) Subsistence Offenses (6.3%).

1: Analytical Objectives

The statistical and analytical methods employed in our multivariate analysis have two primary objectives. The first is to identify the factors which most significantly contribute to increases in sentence amount (fine) or length (jail) or the likelihood of receiving a totally suspended or zero sentence. Having identified these factors, a further goal is to "explain" sentencing variation by estimating the degree to which each of the most significant factors affects sentence outcomes while statistically controlling for variation among the other factors.

As an analytical tool for coordinating and assessing the potential impact of the many factors which may affect sentence outcomes, all variables were grouped into five groups on the basis of substantive similarities and (hypothetically) shared temporal and causal characteristics. The six groups of independent variables whose impact on sentence outcomes were considered include: (1) offender demographic variables (e.g., age, sex, race); (2) offender prior criminal history (number of prior fishing and/or hunting offenses and whether the defendant was on probation at the time of the offense); (3) offense variables (including specific offense, contemporaneous cases, resource and/or equipment seizures); (4) process/administrative variables (e.g., custodial/bail status of the defendant, type of final disposition, type of attorney, judge at sentencing);

and (5) sentence outcome variables (including type of sentence, net fine, active jail, restitution, license suspension or revocation and sentence conditions).

2: Statistical Procedures

The goal of the statistical methods is to identify factors most significantly associated with sentence outcome variation. After identifying such factors, a further goal concerns estimating the contribution or impact of the presence of these factors to a typical sentence. Finally, having identified the factors most significantly associated with sentence outcome variation and determined their contribution to sentence (length/amount), the analysis seeks to describe the impact of these factors in an empirically meaningful way.

A series of statistical procedures were utilized to achieve these goals. Each independent variable (among the groups described, supra) was initially screened through one-way analysis of variance. This statistical procedure assesses the impact of each variable on sentence (length or amount, respectively, for jail or fine) by calculating and comparing mean values for each category of a variable and testing the between-groups differences for statistical significance. The procedure eliminates from further analytic consideration factors that exhibit little or no statistically significant association with sentence variation. This process was performed for each variable against fine and jail sentence outcomes imposed for cases in each of the three offense groups which comprise the study.

Factors which survived the analysis of variance screening in offense groups of sufficient size were then subjected to a two-stage stepwise multiple regression analysis, which simultaneously analyzes the impact of many factors on sentence variation. The final outcome of multiple regression analysis includes identification of a set of factors with the greatest explanatory power and an indication of the relative, independent contribution of each factor to sentence variation.

Due to limitations in the number of cases required for a reliable multiple regression model, no such analysis was performed on subsistence offense cases. We relied upon descriptive statistics, including an analysis of subpopulations, to analyze and represent sentence outcome variation among these cases. Multiple regression analysis modeling was performed for commercial fishing offense fine outcomes and game offense fine and jail outcomes. There were too few commercial fishing cases resulting in an active jail sentence to make any multivariate analysis meaningful.

Finally, descriptive statistics, including subpopulation analysis, were performed with the factors identified in the regression models in an effort to better describe, empirically, the impact of these factors on sentence outcome variation.

PART II

ALASKA FISH AND GAME

OFFENSES AND SENTENCING PATTERNS

A: Introduction

This section of the report describes fish and game offenses and sentencing patterns for offenses committed in 1980-1981 that resulted in conviction. Serious fish and game misdemeanor offenses involving commercial fishing and game offenses, as well as subsistence-related offenses from twenty-eight study locations are analyzed.

After noting some analytical observations regarding specific offenses included in the study, the section outlines some descriptive statistics summarizing the distribution of offenses according to court location, year of offense and offense group. We next present detailed descriptions of offenses and sentence outcomes, including statistical sentencing models, for each of three generic groups of offense -- commercial fishing, game and subsistence offenses. Finally, we discuss some of the more significant relationships and findings discerned in the statistical analysis of these offenses.

B: Offense Groups and Specific Offenses

Before turning to a statistical description of the data, some comments regarding the definition and organization of offenses in the study are required.

As noted, we collected all 1980-1981 offenses resulting in conviction from twenty-eight court locations which involved (1) commercial fisheries offenses, (2) game offenses, and (3) subsistence offenses. One finding which we believe deserves major attention concerns the disorderly and largely unsystematic method of citing and charging otherwise similar offenses which became apparent as we collected case data across locations. We noted numerous examples of a variety of different statutory citations used to support the same offense label, and inconsistent and incorrect citations. The widespread presence of this practice posed significant analytical research issues concerning the concept of specific offense which has largely dictated the organization of many of our prior (felony and misdemeanor) sentencing studies. More importantly, it underscores the perception that fish and game laws are largely complex and unintelligible. A statutory method of organization, consolidation and/or classification of Alaska Statutes Title 16 and Alaska Administrative Code Title 5 criminal fish and game offenses may be necessary to remedy this situation.

We developed two distinct methods of classifying offenses for each of the three offense groups which define this study. A condensed specific value format was developed and employed for most descriptive analysis while an expanded value format was developed for the most detailed analysis, including the offense and sentence distribution and multiple regression

tables. The latter (expanded) format represents our best analytical effort to validly and reliably delineate the specific offenses represented in each of the offense groups.

C: Description of Data: Court Locations, Year of Offense and Offense Groups

The data upon which the analysis is based includes 1451 convictions rendered from fish and game offenses committed in 1980 and 1981 among twenty-eight court locations.

Table I, below, indicates the distribution of cases by offense group for each of the two study years.

TABLE I

DISTRIBUTION OF DATA BASE
BY THREE OFFENSE GROUPS AND
TWO STUDY YEARS

	1980		1981		Totals		
OFFENSE GROUP:	n of Cases	(%)	n of Cases	(%)	n of Cases	(%)	(N)
Commercial Fishing	338	(61.1)	546	(60.9)	884	(61.1)	
Game Offenses	174	(31.3)	300	(33.4)	474	(32.6)	
Subsistence Offenses	42	(7.6)	51	(5.7)	93	(6.3)	
	n=554=100%		n=897=100%		N=1451=100%		

The distributions in Table I reveal that while the proportionate representation of each offense group was stable across the two study years, the absolute number of 1981 cases

was substantially greater than 1980 cases. Overall, the n=884 commercial fishing offenses constitute 61.1% of the data while game and subsistence cases represent 32.6% and 6.3%, respectively.

Table II, which follows, indicates the distribution of cases by offense group for each of the twenty-eight court locations represented in the study.

TABLE II

DISTRIBUTION OF DATA BY COURT LOCATION FOR THREE OFFENSE GROUPS (1980, 1981 OFFENSES)

		Commercial Fishing		Game Cases		Subsistence Cases	
COURT LOCATION:	Total Cases	n of Cases	(%)	n of Cases	(%)	n of Cases	(%)
South East:							
Craig	(61)	47	(5.3)	6	(1.3)	8	(8.6)
Haines	(17)	12	(1.4)	1	(0.2)	4	(4.3)
Juneau	(52)	23	(2.6)	28	(5.9)	1	(1.1)
Ketchikan	(91)	79	(8.9)	10	(2.1)	2	(2.2)
Petersburg	(21)	13	(1.5)	8	(1.7)	--	--
Sitka	(55)	39	(4.4)	12	(2.5)	4	(4.3)
Wrangell	(32)	22	(2.5)	5	(1.1)	5	(5.4)
South Central:							
Anchorage	(93)	16	(1.8)	75	(15.8)	2	(2.2)
Palmer	(47)	3	(0.3)	42	(8.9)	2	(2.2)
Homer	(69)	57	(6.4)	3	(0.6)	9	(9.7)
Kenai	(88)	61	(6.9)	22	(4.6)	5	(5.4)
Seward	(14)	6	(0.7)	8	(1.7)	--	--
Valdez	(25)	10	(1.1)	11	(2.3)	4	(4.3)
Yakutat	(30)	21	(2.4)	9	(1.9)	--	--
Cordova	(73)	53	(6.0)	20	(4.2)	--	--

TABLE II

DISTRIBUTION OF DATA BY
COURT LOCATION FOR THREE
OFFENSE GROUPS
(1980, 1981 OFFENSES)
(Continued)

COURT LOCATION:	Total Cases	Commercial Fishing n of Cases	Commercial Fishing (%)	Game Cases n of Cases	Game Cases (%)	Subsistence Cases n of Cases	Subsistence Cases (%)
Kodiak/Peninsula:							
Kodiak	(210)	148	(16.7)	53	(11.2)	9	(9.7)
Cold Bay	(21)	12	(1.4)	9	(1.9)	--	--
Unalaska	(65)	62	(7.0)	--	--	3	(3.2)
Bristol Bay/ Kuskokwim:							
Naknek	(57)	52	(5.9)	5	(1.1)	--	--
Dillingham	(105)	102	(11.5)	3	(0.6)	--	--
Bethel	(65)	34	(3.8)	17	(3.6)	12	(12.9)
Western:							
Kotzebue	(12)	8	(0.9)	3	(0.6)	1	(1.1)
Nome	(9)	3	(0.3)	5	(1.1)	1	(1.1)
Interior:							
Fairbanks	(62)	1	(0.1)	55	(11.6)	6	(6.5)
Delta Junction	(15)	--	--	15	(3.2)	--	--
Glennallen	(27)	--	--	12	(2.5)	15	(16.1)
Healy	(20)	--	--	20	(4.2)	--	--
Tok	(17)	--	--	17	(3.6)	--	--
		n=884=100%		n=474=100%		n=93=100%	

TOTAL N = 1451 CASES

As these distributions reveal, Kodiak processed the greatest number of fish and game cases (n=210) as well as the greatest number of commercial fishing cases (n=148), followed by Dillingham with n=105 overall cases and n=102 commercial fishing cases. The greatest number of game offenses were

processed in the Anchorage courts (n=75) followed by Fairbanks (n=55) and Kodiak (n=53). Glennallen processed the greatest number of subsistence offense cases (n=15) followed by Bethel (n=12). Overall, the fewest number of fish and game offense cases were processed in Nome and Kotzebue with n=9 and n=12 cases, respectively.

Finally, Table III, below, represents the distribution of 93 cases that were diverted or for which prosecution was deferred that were also collected as data for the present study.

TABLE III

DISTRIBUTION OF DIVERTED/DEFERRED CASES BY OFFENSE GROUP AND YEAR OF OFFENSE

OFFENSE GROUP:	Year 1980	Year 1981	Totals n of cases	Totals % of N
Commercial Fishing	81	10	91	97.8%
Game Offenses	1	1	2	2.2%
	n=82 (88.2%)	11 (11.8%)	N=93	= 100%

It is particularly interesting to note that 82 of the n=93 diverted/deferred cases occurred in 1980 and that 81 of the 82 involved commercial fishing offenses. Comparatively, only 11 total cases were diverted or deferred in 1981. Whether this skewed distribution is an anomaly or represents policy changes or unique practices of the Department of Law's prosecutions is beyond the scope of the statistical analysis.

However, further statistical analysis revealed that of the 82 1980 diverted/deferred commercial fishing cases 81 were Kodiak offenses involving fish tickets or other "paper offenses" against commercial possessors.

D: Analysis of Offenses and Sentence Outcomes by Offense Group

1: Commercial Fishing Offenses

Table IV, below reflects the distribution of the 884 commercial fishing offense convictions studied by offense type and year of offense.

TABLE IV

COMMERCIAL FISHING OFFENSES
BY TYPE OF OFFENSE AND YEAR

	Year					
	1980		1981		Totals	
OFFENSE TYPE:	n	(%)	n	(%)	n	(%)
Closed Area	60	(17.8)	123	(22.6)	183	(20.8)
Closed Period	29	(8.6)	39	(7.2)	68	(7.7)
Gear	51	(15.1)	121	(22.2)	172	(19.5)
Size	58	(17.2)	42	(7.6)	100	(11.3)
Vessel	21	(6.2)	42	(7.6)	63	(7.1)
Fish Tickets	11	(3.3)	4	(0.7)	15	(1.7)
License	67	(19.8)	113	(20.7)	180	(20.4)
Limited Entry	29	(8.5)	50	(9.2)	79	(8.9)
Misc. Possession and Taking	12	(3.5)	12	(2.2)	24	(2.6)
	n=338=100%		n=546=100%		N=884=100%	

p=.001

The 1981 offenses reflect an increase of more than 60% over the number of 1980 offenses. The most significant changes in the proportionate distribution of cases between the two years include 1981 increases among closed area offense convictions (from 17.8% to 22.6%) and gear offense convictions (from 15.1% to 22.2%) and a 1981 decrease in size offense convictions (from 17.2% in 1980 to 7.6%).

Offenses and Sentence Distribution

Table I-1, Appendix, summarizes the offenses at conviction and provides detailed descriptive statistics concerning sentence outcomes -- including fine amounts, jail and restitution amounts -- for 884 commercial fisheries misdemeanor cases during 1980-1981. Twenty-eight specific offense types are represented, with convictions for crab size violations (n=96) and closed (salmon) area violations (n=91), the most common. The least frequent offenses included conviction for false statement on a limited entry permit (n=2), improper fish ticket and closed (crab) period violations (n=3 cases each).

The sentence outcome statistics are divided into fine, jail and restitution information. Fine statistics include the mean (average) fine (in dollars) and number (n) of cases receiving a fine greater than zero and the proportionate distribution of cases receiving (a) no fine, (b) a fine of $1 to $500, (c) $501 to 1000, and (d) over $1000. Jail statistics include mean jail length (in days), the number of cases sentenced to an active jail term and the proportion of cases

receiving a straight probationary, totally suspended or otherwise zero jail sentence. Finally, restitution statistics include the proportion of cases required to make a restitutionary payment, mean restitution amount (in dollars) and the number of cases required to pay a restitutionary amount.

Consider the n=74 closed area (general) offense cases (the first entry on Table I-1) as an example of the application of these summary statistics. These cases represent 8.4% of all (884) commercial fishing cases included in the data. The mean fine was $1173.08 based on 65 cases actually involving a fine; 12.2% were not fined while 40.5% were fined between $1 and $500, 28.4% between $501 and $1000 and 18.9% over $1000. Two cases involved an active jail sentence with a mean of 4.0 days, while 97.3% of all (74) cases received a suspended or probationary jail sentence. Finally, 13.5% were required to make restitution. These 10 cases paid a mean restitutionary amount of $275.

Overall, the highest mean (average) fines were imposed upon convictions for closed area (general) violations ($1173.08), crab size violations ($1013.41) and fishing without a limited entry permit violations ($1039.71). The lowest mean fines involved convictions for crew license violations ($101.62), failure to submit fish ticket offenses ($114.29) and no commercial fishing license violations ($121.23).

Only 22 of the total 884 cases received a jail sentence with mean periods ranging from 1.0 day for 1 salmon size violation to 24.0 days for 2 illegal taking violations.

The vast majority of cases did not involve restitution. Those that did ranged in mean amounts from $25 for 1 failure to submit a fish ticket offense to $10,451 for 2 illegal taking offenses.

It is interesting to note that considerable variation is displayed in the sentence outcomes, particularly fine distributions, within and between specific offenses. It is also worth noting that the sentences imposed on the overwhelming majority of cases were substantially below the statutory maximums existing for these offenses. The great majority of fines were between $1 and $500, a very insignificant number of cases resulted in a jail sentence and the vast majority of cases did not result in required payment of restitution.

Frequency and Value of Seizures/Forfeitures

An additional case outcome that should be considered in the context of sentencing concerns the proportion of cases in which fish and/or equipment were seized and forfeited and the value of the forfeiture(s). Table I-2, Appendix, summarizes this information for each of the twenty-eight offenses discussed above. The proportion of cases resulting in a seizure and subsequent forfeiture of fish, the mean value of

the forfeiture and the number of applicable cases are provided. These descriptive outcome statistics are replicated for equipment seizure and forfeiture outcomes. (Note that, following the analytical logic used in computed mean fines in Table I-1, mean forfeiture values were computed only for those cases resulting in a forfeiture. The number (n) of such cases is provided to the immediate right of the mean values.)

A total of 156 cases (20 of which contained missing value information) resulted in both seizure and subsequent forfeiture of fish. Offenses with the greatest number of fish forfeitures included closed (salmon) area violations (57.1% or n=46 cases), crab size violations (28.1% or n=26 cases) and illegal possession offenses (86.7% or n=10 cases). Fish forfeitures involving illegal taking violations resulted in the highest mean value ($2960.50) followed by closed period (general) violations ($1769) and commercial fishing without a license ($1273).

Only 30 cases (10 containing missing value information) resulted in seizure and forfeiture of equipment. Violations for fishing for salmon in a closed area had the greatest number of equipment forfeitures (n=11). As anticipated, equipment forfeiture values tend to be considerably higher than those for fish. The highest mean value ($9997) involved one case of closed area fishing. Others ranged from $300 to $5248.50).

Considerable variability is displayed in the number, proportion and types of offenses resulting in fish and/or equipment forfeitures. Overall, the numbers of cases of both fish and equipment forfeitures renders meaningful comparison of mean values difficult if not impossible. Nevertheless, the distributions demonstrate the low number of cases involving fish, and especially equipment, forfeiture and suggest the appearance of an unsystematic application of Title 16 forfeiture provisions.

Most Significant Factors Affecting Fine Amount

As confirmed by the descriptive outcome statistics of sentences presented in Table I-1, a fine is the most typical and usual sentence imposed for conviction of a commercial fishing offense. Because of this and the small number of cases resulting in jail or restitutionary payments, our multivariate analysis of commercial fishing offense sentencing practices is limited to fine variation and amount.

Tables I-3 and I-4, Appendix, list nine factors that survived the statistical screening procedures and were identified by multiple regression analysis as most significantly associated with variation in fine amount. They include:

1. The judge at sentencing was "strict";
2. The defendant was required to post bail pending disposition of his/her case;

3. The type of offense at final disposition;

4. The defendant's residency status;

5. The court location;

6. The defendant was convicted after a jury trial (rather than having pled guilty/nolo);

7. The number of prior commercial fishing violation convictions;

8. The defendant's age; and

9. The defendant's sex.

Table I-3 indicates the estimated contribution of each of the nine factors to sentence length, independent of the effects of all other significant factors. The factors are listed in the order of their relative ability to significantly explain variation in fine amount. The sum total of the variance explained by the complete set of factors (or "model") is represented by the statistic R^2 (which is 35% in Table I-3).

The estimated contribution of each factor is expressed with a plus sign (indicating an anticipated increase) or minus sign (indicating an anticipated decrease). The figures which follow these signs indicate the relative magnitude, in dollars, of the estimated effect on a typical fine when the factor is present. Thus, for example, the impact of having a "strict" judge at sentencing adds $350.45 more to the fine than would be the case if the judge were categorized as "lenient" or "other",

other things being equal. Finally, the effects of the individual factors in the model are additive. Accordingly, the presence of multiple factors in a given case would result in the additive sum of the estimated impact of each individual factor.

Table I-4 represents a descriptive statistical summary of fine outcomes for each category of variables whose factor(s) were identified as most significant in commercial fishing offenst (fine) sentencing. Included is the number (n) of cases within each category, the proportionate distribution of fine amount, mean fine and number of fined cases for cases within the category. These statistical summaries are included in an effort to facilitate a more empirically meaningful understanding of the impact of each of the nine factors by comparing their fine outcomes against those of other categories.

For example, referring to the first entry (judge) on Table I-4, 12.5% of the n=184 cases sentenced by a "strict" judge received a zero fine compared to 17.9% and 27.6%, respectively, of those cases sentenced by a "lenient" or "other" judge. In addition, 35.3% of those sentenced by "strict" judges received a net fine sentence of $1 to $500, 27.7% a fine between $501 and $1000 and 24.5% a fine over $1000. The mean (average) fine for the 161 cases receiving a fine greater than zero was $1164.91. Note that the mean values expressed in this table should not be confused with the estimated contribution of each factor represented as multiple regression coefficients in Table I-3. The latter values

represent the magnitude of the independent contribution of each factor to fine amount while statistically controlling for the impact of variation among all other significant factors.

The statistics underlying each group of distributions denote the level of statistical significance of the differences. As a general rule, the minimum accepted level of statistical significance generally relied upon in studies such as this is .05, indicating 95% certainty that observed differences are not due to chance variation. As the p= decreases (e.g., from .05 to .001), statistical significance increases. A "n/s" notation denotes no significance.

Comparison and Explanation of Most Significant Factors

Some of the factors identified in Table I-3 (and summarized in Table I-4) have been identified in earlier studies of felony and misdemeanor sentencing practices as having a significant impact on sentence length (generally defined as the likelihood and length of a jail sentence). However, many of those identified in the analysis of commercial fishing offense sentencing are unique; still others raise interesting if not problematical issues.

The single most significant factor accounting for sentence variation was a "strict" judge at sentencing. Fines imposed by "strict" judges were more than $350 higher than those imposed by other judges, other things being equal.

Judges were categorized as "strict", "lenient", or "other" following a procedure developed and implemented in earlier Judicial Council sentencing studies. The sentencing patterns of individual judges cannot be validly determined since most sentenced too few cases of any specific offense. However, this does not prevent a consideration of the effect of a group of judges in the class as a whole.

Numerous judges and magistrates imposed sentences in the 884 commercial fishing offense cases. Those whose mean (fine) sentences were 50% or more above the overall mean for the class were termed "strict". Conversely, if a judge's mean fine amount was 50% or more below the overall mean, he was termed "lenient". Designation of judges as "strict" and "lenient" was limited to those who sentenced five or more cases. All others, including those whose sentences were closer to the overall mean, were designated "other". The procedure has proven invaluable in prior research as a means of testing for sentence variability on the basis of individual judge's sentencing practices. By including "strict" and "lenient" judges in the multiple regression analysis, we are able to assess the extent to which their apparent strictness or leniency is better explained by other factors regarding the offense and/or offender, or is in fact something unique regarding their sentencing practices.

Defendants who were required to post bail pending disposition of their case received fines $447 higher than those released on their own recognizance. While this outcome may seem strange, we interpret the imposition of bail as a likely proxy for relative offense seriousness.

Conviction for license offenses (as a group) were associated with a fine $193 lower and those for closed area and gear offenses (as groups) associated with fines $242 and $296 higher, respectively, than other offense groups. Table I-4 includes summary fine statistics for nine generic groups of commercial fishing offenses.

Other things being equal, non-resident offenders received fines $274 higher than those imposed on residents. This result poses some interesting legal issues that are beyond the scope of the present analysis. Nevertheless, the differential outcome adjusts for differences among all other significant factors identified in Table I-3.

Our analysis revealed that non-resident offenders were also proportionately more likely to be required to post bail and in higher amounts than resident offenders. Table V, below, summarizes these outcomes.

TABLE V

FREQUENCY AND MEAN AMOUNT
OF PRE-TRIAL BAIL BY DEFENDANT'S
RESIDENCY
-- COMMERCIAL FISHING OFFENSES --

DEFENDANT'S RESIDENCY: *	(n) of Cases	No Bail	1 - 500	501 +	Mean Bail (In $)	(n) Cases Req'd. to Post Bail
Resident	(601)	94.8%	4.3%	0.8%	437.10	(30)
Non-Resident	(257)	88.7%	6.6%	4.6%	765.52	(29)
		p=.009			p=.05	

* 18 missing cases and 8 commercial entity cases omitted.

In addition to the contribution to fine amount of "strict" judges, Naknek and Cold Bay court-processed cases resulted in a fine over $600 higher, other things being equal, than those imposed in other locations. This finding also raises interesting issues that go beyond this report. We have included, however, summary statistical descriptions of fine outcomes for each court location represented in the commercial fishery data in Table I-4.

Convictions after a jury trial resulted in fines $626 higher than those imposed for pleas of guilty or nolo contendere. This is a finding that has been observed in prior Judicial Council studies of felony sentencing patterns. The summary descriptive statistics presented in Table I-4 confirm

this result. Cases resulting in a conviction after a jury trial are least likely to result in a zero fine. In addition, the mean fine imposed on these cases is many times that imposed for pleas.

The analysis indicates that fine increased by $136 for each prior commercial fishing offense conviction. In addition, fine was $167 lower for offenders under twenty-one years of age than those over twenty-one and was $204 lower for female offenders in comparison with males.

2: Game Offenses

Table VI, below, indicates the distribution of the 474 game offense convictions by offense type and year of offense.

TABLE VI

DISTRIBUTION OF GAME OFFENSES
BY TYPE OF OFFENSE AND YEAR

OFFENSE TYPE:	Year 1980 n	1980 (%)	1981 n	1981 (%)	Totals n	Totals (%)
Taking Game	47	(27.2)	82	(27.1)	129	(27.2)
Possession Game	23	(13.3)	39	(13.0)	62	(13.1)
Transportation	6	(3.5)	16	(5.4)	22	(4.6)
Sale/Barter	2	(1.2)	4	(1.3)	6	(1.3)
Aircraft	17	(9.8)	1	(0.3)	18	(3.9)
License/Tags	28	(16.2)	95	(31.8)	123	(25.9)
Waste	15	(8.7)	17	(5.7)	32	(6.8)
False Info.	29	(16.8)	42	(13.7)	71	(14.9)
Misc. Hunting	6	(3.5)	5	(1.7)	11	(2.3)
	n = 173	= 100%	n = 301	= 100%	N = 474	= 100%

p=.001

The distributions in Table VI indicate that taking offenses and license and tag violations (27.2% and 25.9%, respectively, of all game cases) were the most typical game offenses. The least typical offenses, conversely, were sale/barter violations (1.3%), miscellaneous hunting offenses (2.3%) and transportation violations (4.6%).

The number of game offenses resulting in conviction was over 40% higher in 1981 than those in 1980 for the court locations included in the study. The most notable proportionate changes in the distribution of offense types between the two years include a substantial decrease in aircraft violations in 1981 (from n=17 or 9.8% of 1980 cases to n=1 or 0.3% of 1981 cases) and significant increase in license and tag violations (from n=28 or 16.2% of 1980 offenses to n=95 or 31.8% of 1981 offenses).

Offenses and Sentence Distribution

Table I-5, Appendix, indicates the charge at final disposition of the N=474 game offense convictions included in the study. Descriptive statistics regarding fine, jail and restitutionary outcomes are provided for each of seventeen (17) specific offense types. The most typical offense involved license and tag violations (n=123 cases or 25.9% of the sample) followed by false information on licenses (n=71 or 15.0%) and taking (big) game during a closed season (n=50 or 10.5%).

Average (mean) fines ranged from $91.67 for proof of sex possessionary offenses to $780.22 for waste of big game. As noted, supra, mean values have been computed only for cases involving a value amount greater than zero. Accordingly, those cases resulting in no net fine are excluded from the computation of mean (average) fines. The number of cases included in the computation is provided in the column to the right of the mean fine, while the proportionate number of cases with no net fine is presented in the next (right) column.

It is particularly interesting to note that mean fine amounts for the majority of offenses range between $250 and $450, which is confirmed in the proportionate distribution figures. The proportion of offenders sentenced for no net fine amount varies considerably, however, among specific offenses.

Eighty-four cases (or 17.7% of the total) resulted in an active jail sentence. Convictions for taking (big) game during a closed season, possession of illegally taken game, transportation of illegally taken game and aircraft (same day airborne) offenses were proportionately most likely to result in an active jail sentence. Mean active jail length varied from 2.5 days to 22.3 days among the specific offense types for offenders sentenced to jail. The longest mean sentences included those for waste violations (22.3 days -- 7 active sentences) and taking big game in a closed area (20.0 days -- 4 active sentences).

A total of 67 cases (or 14.1% of all cases) resulted in the required payment of restitution. The proportionate distribution of cases required to make restitution varied considerably among specific offense types, as did mean restitutionary amounts. The majority of cases required to make restitution involved between $100 and 200 payments.

Comparison and Explanation of Most Significant Factors Affecting Fine Amount

Eight factors survived the statistical screening procedure and were identified by stepwise multiple regression as having the most significant explanatory impact on fine variation. The results of the multiple regression analysis, including the magnitude of the independent contribution of each factor to fine amount, are provided in Table I-6 while Table I-7 (both in the Appendix) provides descriptive statistical summaries of fine outcomes (mean net fine and proportionate fine distributions) for each of the categories of variables identified as most significant in the regression model. The eight factors include:

1. The offense type at conviction;
2. The defendant's guide status;
3. Whether equipment was seized prior to case disposition;
4. Whether the judge at sentencing was "strict" or "lenient";

5. Whether a (hunting) license was revoked in addition to other sentence outcomes;

6. The number of prior game offenses;

7. The type of big game resource involved in the offense; and

8. The presence of contemporaneous convictions.

Not surprising, the most significant factor identified in the regression model of fine variation was the generic offense type at conviction. Conviction for waste violations was identified as contributing $375 to a typical fine. The descriptive statistics provided in Table I-7, Appendix, indicate that waste offense cases were proportionately least likely to receive a zero net fine and received the highest mean fine amount among the nine generic offense types.

Cases in which the defendant was a guide or assistant guide resulted in a fine $625 higher, other things being equal, than those involving non-guides or their assistants. The magnitude of the contribution of this factor was the greatest of all factors identified in the analysis. Comparison of mean fine amounts on Table I-7 for these two groups indicates that the average fines paid by the guide group were many times greater than those paid by by non-guides.

Cases in which equipment was seized prior to disposition of the cases -- regardless of whether the equipment was subsequently returned or forfeited -- were associated with a fine nearly $143 greater than cases in which equipment was not seized. We interpret the presence of this factor as a proxy for case-seriousness, such that cases in which equipment was seized, independent of the effects of other case-related factors, were relatively more serious offenses than those in which they were not.

The sentencing practices of the judge were again identified as independently and significantly associated with fine outcomes. Cases sentenced by "strict" judges resulted in an $83 addition to fine, while those sentenced by a "lenient" judge resulted in a $136 decrease in fine, as compared to cases sentenced by "other" judges. The summary descriptive statistics provided in Table I-7 confirm these outcomes. Cases sentenced by "strict" judges were least likely, while those sentenced by "lenient" judges were most likely, to receive a "no fine" outcome. Comparison of mean fine amounts reveals that "strict" judges sentenced cases to substantially higher fines than "lenient" judges. The operational and analytical methods by which "strict" and "lenient" judges were defined were exactly the same as described in our analysis of commercial fishing offense sentencing outcomes.

Cases in which the judge at sentencing revoked the offender's hunting license resulted in an addition of $118 to fine. As with equipment seizures, we interpret the presence of this sentencing factor as indicative of case-seriousness.

Each prior game offense conviction within the past three years contributed $140 to fine. In addition, cases with contemporaneous convictions were associated with a $58 addition to fine amount. Finally, offenses in which the resource involved was a moose -- as compared to caribou, bear and other big game -- resulted in a $79 increase to fine.

Comparison and Explanation of Most Significant Factors Affecting Jail Sentence

Tables I-8 and I-9, Appendix, present seven factors which survived statistical screening and were analytically identified as contributing most significantly to the length and variation among jail sentences for big game offenses. These factors include:

1. The judge at sentencing was "strict";
2. The defendant was convicted after a jury trial;
3. The presence of contemporaneous convictions;
4. The specific offense type at final disposition;
5. The type of resource;
6. The defendant's age; and
7. The defendant was on formal probation for another offense at the time of commission of the present offense.

Table I-8 indicates the magnitude of the estimated independent contribution of each factor to typical sentence length (in days), while Table I-9 provides descriptive statistical summaries of jail outcomes -- including the proportionate likelihood of receiving a straight probationary, suspended or otherwise zero jail sentence and mean active jail length -- for each of the categories of variables identified as most significantly associated with big game offense jail sentencing.

The most significant factor associated with big game offense jail sentencing in the regression model was sentencing by a "strict" judge. The estimated independent impact of a "strict" judge adds 7.8 days to a typical jail sentence. The magnitude of this impact is the greatest (along with the presence of a jury trial disposition) among the model's factors. The descriptive summaries provided in Table I-9 reveal that cases sentenced by "strict" judges were proportionately considerably less likely to result in straight probation/zero sentence length than "lenient" or "other" judges. In addition, the mean active sentences imposed by "strict" judges were substantially longer than those imposed by others. The identical analytical procedures described in preceding sections of the report were used in defining and calculating the "strict" - "lenient" dimension of judicial sentencing practice.

Conviction after a jury trial was also found to contribute 7.8 days to a typical sentence. While one would expect more serious cases to go to trial, this result is independent of the other offense-related outcomes identified in the model -- including some specific offense types, the type of resource and presence of contemporaneous convictions.

Conviction for taking big game during a closed season added 3.3 days to a typical jail sentence. A summary breakdown of outcome statistics are not included for the offense type variable in Table I-9, since the identical information is available in the offenses and sentence distribution table (I-5) for game offenses.

As noted in the regression model of fine outcomes for these (game) offenses, cases in which the resource involved in the offense was a moose -- vis-a-vis other big game resources -- resulted in an addition of 2.1 days to jail length. Reference to the summary statistics provided for resource types in Table I-9 further indicates that offenses involving moose were least likely, proportionately, to result in a probationary, suspended or zero jail sentence.

Defendants whose ages were between 31 and 45 years were associated with a jail sentence 1.8 days longer than those younger or older. Table I-9 reveals that these offenders constituted the most typical age group (n=204).

The presence of contemporaneous convictions increased sentence length by 2.6 days. Finally, cases involving offenders who were on formal probation for another offense were associated with a 7.5 day increase in jail sentence.

3: Subsistence Offenses

Table VII, below, provides a distribution of 93 subsistence-related offenses that comprise this analysis by generic offense type and year of offense.

TABLE VII

DISTRIBUTION OF SUBSISTENCE OFFENSES RESULTING IN CONVICTION BY OFFENSE TYPE AND YEAR

	Year					
	1980		1981		Totals	
OFFENSE TYPE:	n	(%)	n	(%)	n	(%)
Closed Area	5	(11.9)	5	(9.8)	10	(10.8)
Closed Period	6	(14.3)	6	(11.8)	12	(12.9)
Possession	3	(7.1)	18	(35.2)	21	(22.6)
Gear	10	(23.8)	11	(21.6)	21	(22.6)
Permit	7	(16.7)	10	(19.6)	17	(18.2)
Selling	11	(26.2)	1	(2.0)	12	(12.9)
	n = 42	= 100%	n = 51	= 100%	N = 93	= 100%

The above distributions indicate that, overall, possessionary and gear-related offense violations constituted the most typical subsistence offenses in the sample (n=21 cases or 22.6% of all cases, each). In comparing the proportionate distribution of the n=42 1980 offenses with the n=51 1981

offenses, we note a very substantial increase in possessionary offenses in 1981 (from n=3 or 7.1% of 1980 cases to n=18 or 35.2% of 1981 cases) and a substantial decrease among selling offenses (from n=11 or 26.2% of 1980 cases to n=1 or 2.0% of 1981 cases). The relative distribution of other offense types between the two years is roughly equivalent.

Offenses and Sentence Distribution

Table I-10, Appendix, summarizes the offense at final disposition and provides descriptive statistical summaries regarding sentence outcomes -- including fine, jail and restitution -- for the 93 subsistence violations captured in our data. Ten offense types are represented ranging in frequency from 5 unspecified ("other") possessionary offenses to 13 type-of-gear violations.

A total of 61.3% or n=57 cases resulted in a fine greater than zero. The mean (average) fine among offense types for these 57 cases ranged from $54.17 for permit violation offenses to $342.86 for selling subsistence caught fish. The vast majority of all fines were under $250.

The only summary statistic concerning jail outcomes presented concerns the proportionate number of cases receiving no active jail sentence for each offense type. As the distributions reveal, the only offense in which any cases resulted in jail concerned a closed period violation.

Finally, 24 cases or 25.8% of the total sample included a restitutionary sentence. The proportionate distribution of offense type cases required to make restitution ranged from 0% to 60%. Mean restitutionary values for cases required to make restitution ranged from $43.50 to $141.67.

Most Significant Factors in Fine Outcomes

Due to the relatively small number of subsistence offense cases in the sample, we were unable to include multiple regression modeling of sentence outcomes. We performed regression analysis on factors that survived significant screening of fines for purposes of identifying those most significantly associated with outcomes. However, due to the questionable overall reliability of coefficients rendered upon the small number of cases, our analysis of subsistence fine outcomes is limited to summary descriptive statistics of outcomes.

Table I-11, Appendix, presents descriptive statistical summaries of outcomes imposed for subsistence offenses for five variables whose categories were identified as significantly associated with fine variation. The fine variables include:

1. Type of defense attorney;
2. Defendant's sex;
3. Offense type;
4. Defendant's residency status; and
5. The sentencing practices of the judge ("strict"/"lenient"/"other").

The statistical summaries in Table I-11 indicate that the cases represented by private counsel were less likely to result in the imposition of a zero fine than those where no attorney represented the offender. In addition, the mean fine imposed on private counsel cases was substantially greater than that imposed on cases without an attorney. A very likely interpretation of this result concerns the types of cases likely represented by private counsel; i.e., it is likely that the 18 cases represented by counsel involved relatively more serious offenses than those without legal representation.

Female offenders were less likely than males to receive a zero fine. In addition, the mean fine imposed on the n=10 female offender cases was nearly twice as great as that imposed on n=83 male offender cases.

The distributions based on six generic offense types indicate that closed area offenses were least likely, proportionately, to result in a zero fine, while selling offenses resulted in a mean (average) fine significantly greater than the fines imposed on other types of offenses.

It is interesting to note that 15 subsistence cases involved non-resident offenders. Moreover, these offenders were considerably more likely than resident offenders to receize a zero fine, and their mean fine was much smaller than that imposed on resident cases.

Finally, as found in our analysis of commercial fishing and game offense sentences, cases sentenced by "strict" judges resulted in average fines much greater than those imposed by "lenient" and "other" judges.

E: Significant Relationships/Effects in Fish and Game Sentencing Patterns

The statistical sentencing models presented and discussed in the last section provide a rigorous analytical "explanation" of sentencing for fish and game offense violations. The purpose of this section of the report is to summarize overall findings and systematic patterns and relationships discerned in our analysis of commercial fishing, big game and subsistence sentencing patterns.

1: Sentence Variation and Judges

Perhaps the most significant overall finding of the present study concerns the considerable variation that exists in the sentences imposed on most fish and game offense cases. This conclusion is based upon a combination of findings and observations rendered in the analysis.

First, a review of summary descriptive sentence outcomes presented in the offenses and sentence distribution tables (Tables I-1, I-5 and I-10 in the Appendix) reveals considerable empirical variation in the distribution of most sentence outcomes by specific offense types. In addition,

specific offenses were identified in all regression models as one of the factors significantly and independently associated with the variation.

Finally, it is particularly interesting that the analytical identity of the judge at sentencing as "strict" or "lenient" was identified as a significant factor -- indeed in many instances the most significant factor -- in all regression models. Accordingly, fish and game sentence outcomes are better explained by what judge or magistrate imposed sentence than by other factors, including offense seriousness and the severity of the offenders' prior records.

Table VIII, below, facilitates a comparison of fine outcomes for commercial fishing, big game and subsistence offense convictions imposed by "strict", "lenient" and "other" judges.

TABLE VIII

COMPARISON OF SUMMARY FINE OUTCOMES FOR THREE OFFENSE GROUPS BY TYPE OF SENTENCING JUDGE

	Judge		
	"Strict"	"Lenient"	"Other"
Commercial Fishing			
(n) of Cases	(184)	(251)	(449)
% Receiving No Fine	12.5%	17.9%	27.6%
Mean Fine ($)	1164.91	205.56	483.01
(n) Fined Cases	(161)	(206)	(325)

TABLE VIII

COMPARISON OF SUMMARY FINE OUTCOMES FOR THREE OFFENSE GROUPS BY TYPE OF SENTENCING JUDGE (Continued)

	Judge		
	"Strict"	"Lenient"	"Other"
Game Offenses			
(n) of Cases	(97)	(107)	(270)
% Receiving No Fine	19.6%	39.3%	26.3%
Mean Fine ($)	512.81	106.85	285.22
(n) Fined Cases	(78)	(65)	(199)
Subsistence Offenses			
(n) of Cases	(10)	(5)	(78)
% Receiving No Fine	50.0%	40.0%	37.2%
Mean Fine ($)	400.00	26.67	139.59
(n) Fined Cases	(5)	(3)	(49)

The distributions and summary outcomes presented in Table VIII reveal a strong statistical association between type of judge and fine outcome. With the exception of subsistence offenses, whose small number of cases renders statistical description less reliable, cases sentenced by "strict" judges are least likely to result in a zero fine while "lenient" and/or "other" judge cases are most likely. More importantly, the sentences imposed by "strict" judges have, in the case of all three offense groups, the highest mean values. While the reader may question the interplay of other offense and offender factors which may affect these "overall" statistics, recall that the multiple regression coefficients discussed in the report control for variation among such other significant factors.

2: Plea - Trial Sentence Outcome Differential

The multiple regression analysis model of commercial fishing offenses indicated that convictions after trial by jury resulted in a fine $626 greater than those based upon pleas of guilty or nolo. Moreover, the magnitude of the contribution of this factor was the greatest among all factors in the model. The regression jail length model by big game offenses revealed that conviction after trial by jury was associated with an increase of 7.8 days in jail sentence. Again, the magnitude of the contribution of this factor to jail length was the greatest among factors in the model. Similar findings have been repeatedly observed in Judicial Council studies of felony sentencing practices and they raise significant legal and constitutional issues.

3: Seizures and Forfeitures of Fish/Game and Equipment

The regression model of big game fines revealed that cases in which equipment was seized pending case disposition -- regardless of subsequent return or forfeiture -- were associated with increased fine amounts. In addition, factors relating to equipment and fish/game seizures and their dispositions were identified as showing significant relationships to outcomes in all offense groups during initial significance screening. This fact prompted us to examine more closely the relationship of seizures to forfeitures. Table IX, below, represents the relationship between fish/game and

equipment seizures with subsequent forfeiture outcomes. Part (A) includes commercial fishing offenses, part (B) game offenses and part (C) subsistence offenses.

TABLE IX (A)

PROPORTION OF CASES RESULTING IN SEIZURES/FORFEITURES OF FISH AND/OR EQUIPMENT -- COMMERCIAL FISHING OFFENSES --

OFFENSE TYPE:	% Cases Fish Seized	% Cases With Fish Seizures Resulting In Forfeiture	% Cases Equip. Seized	% Cases With Equip. Seizures Resulting In Forfeiture
Closed Area	36.8	98.5	14.4	57.7
Closed Period	17.9	91.7	11.9	50.0
Gear	6.5	81.8	37.3	20.6
Size	33.0	100.0	0	N/A
Vessel	1.6	100.0	0	N/A
Tickets	0	N/A	0	N/A
License	1.1	100.0	0	N/A
Limited Entry	29.1	86.9	7.6	16.7
Misc. Possession and Taking	70.8	100.0	12.5	100.0

TABLE IX (B)

PROPORTION OF CASES RESULTING IN SEIZURES/FORFEITURES OF GAME AND/OR EQUIPMENT
-- GAME OFFENSES --

OFFENSE TYPE:	% Cases Game Seized	% Cases With Game Seizures Resulting In Forfeiture	% Cases Equip. Seized	% Cases With Equip. Seizures Resulting In Forfeiture
Taking Game	71.9	98.9	28.7	48.6
Possession Game	61.7	81.1	13.3	62.5
Transportation	45.0	88.9	10.0	50.0
Sale/Barter	66.7	50.0	0	--
Aircraft	29.4	100.0	50.0	62.5
License/Tags	31.1	71.1	5.8	28.6
Waste	53.1	100.0	43.8	35.7
False Info.	2.9	100.0	0	N/A
Misc. Hunting	9.1	100.0	54.5	83.3

TABLE IX (C)

PROPORTION OF CASES RESULTING IN SEIZURES/FORFEITURES OF FISH/GAME OR EQUIPMENT
-- SUBSISTENCE OFFENSES --

OFFENSE TYPE:	% Cases Fish/ Game Seized	% Cases With Fish/Game Seizures Resulting In Forfeiture	% Cases Equip. Seized	% Cases With Equip. Seizures Resulting In Forfeiture
Closed Area	70.0	100.0	30.0	0
Closed Period	50.0	100.0	9.1	100.0
Possession	47.6	90.0	14.3	100.0
Gear	19.0	100.0	57.1	41.5
Permit	11.8	100.0	17.6	0
Sell/Buy	16.7	100.0	0	N/A

N/A = not applicable

As the above proportionate distributions indicate, equipment seizures are substantially less likely to result in forfeiture than fish and/or game seizures. This is particularly true among commercial fishing offenses, where, for example, 36.8% of closed area violations resulted in fish seizures of which 98.5% resulted in subsequent forfeiture; however, 14.4% of these offenses resulted in equipment seizures of which only 57.7% resulted in subsequent forfeiture. In addition, the distribution of proportionate seizures by offense types reveals considerable variation in seizures, especially among commercial fishing offenses. The proportion of cases resulting in fish seizures among these offenses ranged from 1.1% of license violations to over 70% of miscellaneous possession and taking offenses.

APPENDIX

TABLE I-1

OFFENSES AND SENTENCE DISTRIBUTION

-- COMMERCIAL FISHING OFFENSES --

			FINE						JAIL			RESTITUTION		
			MEAN	(n)	FINE DISTRIBUTION				MEAN			% REQ'D.	MEAN	
OFFENSE:	n	% OF N	FINE (IN $)	CASES FINED	NO FINE	1 - 500	501 - 1000	1000 +	JAIL (DAYS)	(n) ACT. CASES	% PROB.	MAKE RESTIT.	RESTIT. (IN $)	(n) CASES
Closed Area (General)	74	8.4	1173.08	(65)	12.2%	40.5%	28.4%	18.9%	4.0	(2)	97.3	13.5	275.00	(10)
Closed Area (Salmon)	91	10.3	938.46	(78)	14.3%	44.0%	20.9%	20.9%	14.6	(5)	94.5	12.1	481.82	(11)
Closed Area (Crab)	5	0.6	675.00	(2)	60.0%	20.0%	0	20.0%	--	--	100.0	80.0	2435.00	(4)
Closed Area (Other)	13	1.5	285.75	(8)	38.5%	61.5%	0	0	--	--	100.0	38.5	354.00	(5)
Closed Period (General)	32	3.6	497.22	(27)	15.6%	75.0%	6.3%	3.1%	--	--	100.0	9.4	116.67	(3)
Closed Period (Salmon)	18	2.0	356.88	(16)	11.1%	72.2%	16.7%	0	5.0	(1)	94.4	16.7	301.33	(3)
Closed Period (Crab)	3	0.3	533.33	(3)	0	66.7%	33.3%	0	--	--	100.0	0	--	--
Closed Period (Other)	15	1.7	300.00	(11)	26.7%	73.2%	0	0	5.0	(1)	93.3	26.7	225.0	(4)
Gear Storage	44	5.0	655.76	(26)	40.9%	34.1%	25.0%	0	--	--	100.0	50.0	458.86	(22)

TABLE I-1

OFFENSES AND SENTENCE DISTRIBUTION

-- COMMERCIAL FISHING OFFENSES --

(Continued)

			FINE						JAIL			RESTITUTION		
						FINE DISTRIBUTION								
OFFENSE:	n	% of N	MEAN FINE (IN $)	(n) CASES FINED	NO FINE	1 - 500	501 - 1000	1000 +	MEAN JAIL (DAYS)	(n) ACT. CASES	% PROB.	% REQ'D. MAKE RESTIT.	MEAN RESTIT. (IN $)	(n) CASES
Gear Marking	30	3.4	228.13	(24)	20.0%	73.3%	0	6.7%	--	--	100.0	10.0	259.00	(3)
Gear Use	44	5.0	344.34	(38)	13.6%	72.7%	9.1%	4.5%	--	--	100.0	15.9	72.14	(7)
Gear Size	54	6.1	379.92	(49)	9.3%	79.6%	9.3%	1.9%	19.0	(4)	92.6	11.1	280.33	(6)
Size (Salmon)	4	0.5	510.75	(4)	0	75.0%	0	25.0%	1.0	(1)	75.0	0	--	--
Size (Crab)	96	10.9	1013.41	(71)	26.0%	16.7%	38.5%	18.8%	--	--	100.0	27.1	673.08	(26)
Vessel Ident.	27	3.1	163.04	(23)	14.8%	81.5%	0	3.7%	--	--	100.0	11.1	58.33	(3)
Vessel License	36	4.1	135.94	(32)	11.1%	88.9%	0	0	--	--	100.0	11.1	93.75	(4)
Fish Ticket (Processors)	4	0.5	175.00	(4)	0	100.0%	0	0	--	--	100.0	0	--	--
Fish Ticket (Improper)	3	0.3	183.33	(3)	0	100.0%	0	0	--	--	100.0	0	--	--
Fish Ticket (Fail Submit)	8	0.9	114.29	(7)	12.5%	87.5%	0	0	--	--	100.0	12.5	25.00	(1)
No Crew License	58	6.6	101.62	(37)	36.2%	63.8%	0	0	--	--	100.0	31.0	92.50	(18)

TABLE I-1

OFFENSES AND SENTENCE DISTRIBUTION

-- COMMERCIAL FISHING OFFENSES --

(Continued)

			FINE						JAIL			RESTITUTION		
			MEAN	(n)					MEAN			% REQ'D.	MEAN	
		%	FINE	CASES	----------	FINE DISTRIBUTION	----------		JAIL	(n) ACT.	%	MAKE	RESTIT.	(n)
OFFENSE:	n	of N	(IN $)	FINED	NO FINE	1 - 500	501 - 1000	1000 +	(DAYS)	CASES	PROB.	RESTIT.	(IN $)	CASES
False Stmt. On License	5	0.6	175.00	(2)	60.0%	40.0%	0	0	--	--	100.0	80.0	162.50	(4)
Unregistration	48	5.4	215.54	(28)	41.7%	56.3%	0	2.1%	--	--	100.0	31.3	117.20	(15)
Fish Without License	69	7.8	121.23	(53)	23.2%	76.8%	0	0	--	--	100.0	18.8	80.00	(13)
No Limited Entry Permit	47	5.3	1039.71	(34)	27.7%	36.2%	14.9%	21.3%	--	--	100.0	19.2	915.33	(9)
Limited Entry False Stmt.	2	0.2	510.00	(2)	0	50.0%	50.0%	0	--	--	100.0	0	--	--
Limited Entry Not Present	30	3.4	367.33	(24)	20.0%	73.3%	6.7%	0	10.0	(1)	96.7	20.0	100.00	(6)
Possession (Illegal)	15	1.7	325.00	(13)	13.3%	66.7%	20.0%	0	3.2	(5)	66.7	0	--	--
Illegal Taking	9	1.0	675.00	(8)	11.1%	55.6%	22.2%	11.1%	24.0	(2)	77.8	22.2	10,451.00	(2)
			p=.001			p=.001			p=.07		p=.001	p=.001	p=.001	

N = 884 = 100%

TABLE I-2

PROPORTIONATE FREQUENCY AND MEAN VALUE AMOUNTS OF FISH AND EQUIPMENT SEIZURES/FORFEITURES BY OFFENSE

-- COMMERCIAL FISHING OFFENSES --

		FISH SEIZURE/FORFEITURE			EQUIP. SEIZURE/FORFEITURE		
OFFENSE:	(n) OF CASES	% CASES FISH SEIZED/FORFEITED	MEAN FORFEIT VALUE (IN $)	(n) CASES * RESULTING IN FORFEITURE	% CASES EQUIP. SEIZED/FORFEITED	MEAN FORFEIT VALUE (IN $)	(n) CASES** RESULTING IN FORFEITURE
Closed Area (Gen.)	(74)	9.5	941.00	(6)	1.4	(missing data)	
Closed Area (Salmon)	(91)	57.1	1047.41	(46)	14.3	2181.82	(11)
Closed Area (Crab)	(5)	0	--	--	0	--	--
Closed Area (Other)	(13)	46.2	210.75	(4)	7.8	9997.00	(1)
Closed Period (Gen.)	(32)	3.1	1769.00	(1)	0	--	--
Closed Period (Salmon)	(18)	27.8	235.00	(4)	16.7	425.00	(2)
Closed Period (Crab)	(3)	0	--	--	0	--	--
Closed Period (Other)	(15)	33.3	805.00	(5)	0	--	--
Gear Storage	(44)	2.3	(missing data)		0	--	--
Gear Marking	(30)	3.3	118.00	(1)	25.0	1250.00	(1)
Gear Use	(44)	11.4	266.33	(3)	9.1	(missing data)	
Gear Size	(54)	3.7	133.00	(2)	5.6	1125.00	(2)

TABLE I-2

PROPORTIONATE FREQUENCY AND MEAN VALUE AMOUNTS OF FISH AND EQUIPMENT SEIZURES/FORFEITURES BY OFFENSE

-- COMMERCIAL FISHING OFFENSES --

(Continued)

		FISH SEIZURE/FORFEITURE			EQUIP. SEIZURE/FORFEITURE		
OFFENSE:	(n) OF CASES	% CASES FISH SEIZED/FORFEITED	MEAN FORFEIT VALUE (IN $)	(n) CASES * RESULTING IN FORFEITURE	% CASES EQUIP. SEIZED/FORFEITED	MEAN FORFEIT VALUE (IN $)	(n) CASES** RESULTING IN FORFEITURE
Size Salmon	(4)	100.0	37.25	(4)	0	--	--
Size Crab	(96)	28.1	513.35	(26)	0	--	--
Vessel Ident.	(27)	0	--	--	0	--	--
Vessel License	(36)	2.8	80.00	(1)	0	--	--
Processor Fish Ticket	(4)	0	--	--	0	--	--
Fish Ticket Improper	(3)	0	--	--	0	--	--
Fish Ticket Fail Submit	(8)	0	--	--	0	--	--
No Crew License	(58)	0	--	--	0	--	--
False Stmt. On License	(5)	0	--	--	0	--	--
Unregistration	(48)	0	--	--	0	--	--
Fish Without License	(69)	2.9	1273.00	(2)	0	--	--
No Ltd. Entry Permit	(47)	23.4	2074.11	(9)	2.1	300.00	(1)

TABLE I-2

PROPORTIONATE FREQUENCY AND MEAN VALUE AMOUNTS OF FISH AND EQUIPMENT SEIZURES/FORFEITURES BY OFFENSE

-- COMMERCIAL FISHING OFFENSES --

(Continued)

		FISH SEIZURE/FORFEITURE			EQUIP. SEIZURE/FORFEITURE		
OFFENSE:	(n) OF CASES	% CASES FISH SEIZED/FORFEITED	MEAN FORFEIT VALUE (IN $)	(n) CASES * RESULTING IN FORFEITURE	% CASES EQUIP. SEIZED/FORFEITED	MEAN FORFEIT VALUE (IN $)	(n) CASES** RESULTING IN FORFEITURE
Ltd. Entry False Stmt.	(2)	0	--	--	0	--	--
Ltd. Entry Not Present	(30)	30.0	401.63	(8)	0	--	--
Illegal Possession	(15)	86.7	60.20	(10)	6.7	(missing data)	
Illegal Taking	(9)	44.4	2960.50	(4)	22.2	5248.50	(2)
				n=136*			n=20**
		p=.06	p=.08		p=.001	p=.08	

* 20 MISSING CASES OTHERWISE INVOLVING FISH SEIZURE AND FORFEITURE

** 10 MISSING CASES OTHERWISE INVOLVING EQUIPMENT SEIZURE AND FORFEITURE

TABLE I-3

ESTIMATED CONTRIBUTION OF FACTORS
TO TYPICAL FINE SENTENCE

-- COMMERCIAL FISHING OFFENSES --

FACTOR:	ESTIMATED INCREASE (+) OR DECREASE (-) TO FINE WHEN FACTOR PRESENT (IN DOLLARS):	
1. Sentencing Judge	+ 350.45	If "Strict"
2. Defendant's Pre-Trial Custodial Status	+ 447.23	If released on bail
3. Present Offense	- 193.01	If "License" offense
	+ 242.60	If "Closed Area" offense
	+ 296.55	If "Gear" offense
4. Residency of Defendant	+ 274.21	If non-resident
5. Court Location	+ 606.36	If Naknek or Cold Bay
6. Type Disposition	+ 626.70	If jury trial
7. Prior Commercial Fishing Offenses	+ 136.09	For each prior conviction
8. Defendant's Age	- 167.02	If under 21
9. Sex of Defendant	- 204.20	If female

R^2 = 35%

All coefficients significant at least to p=.05.

TABLE I-4

DESCRIPTIVE STATISTICS OF OUTCOMES FOR VARIABLES IDENTIFIED AS MOST SIGNIFICANTLY ASSOCIATED WITH FINE VARIATION

-- COMMERCIAL FISHING OFFENSES --

VARIABLE:	(n) OF CASES	FINE DISTRIBUTION: NO FINE	1 TO 500	501 TO 1000	1000 +	MEAN FINE (IN DOLLARS)	(n) OF FINED CASES
1. JUDGE:							
"Strict"	(184)	12.5%	35.3%	27.7%	24.5%	1164.91	(161)
"Lenient"	(251)	17.9%	80.5%	0.8%	0.8%	205.56	(206)
"Other"	(449)	27.6%	52.4%	14.5%	5.5%	483.01	(325)
			p=.001			p=.001	
2. CUSTODIAL STATUS:[1]							
Own Recon.	(810)	22.2%	58.4%	12.8%	6.5%	506.35	(630)
Bail	(56)	10.7%	37.5%	19.6%	32.1%	1187.50	(50)
Jailed	(9)	11.1%	77.8%	11.1%	0	343.75	(8)
			p=.001			p=.001	
3. PRESENT OFFENSE:							
Closed Area	(183)	16.4%	43.2%	21.9%	18.6%	1000.56	(153)
Closed Period	(68)	16.2%	73.5%	8.8%	1.5%	421.67	(57)
Gear	(172)	20.3%	65.2%	11.6%	2.9%	395.81	(137)
Size	(100)	25.0%	19.0%	37.0%	19.0%	986.60	(75)
Vessel	(63)	12.7%	85.7%	0	1.6%	147.27	(55)

TABLE I-4

DESCRIPTIVE STATISTICS OF OUTCOMES FOR VARIABLES IDENTIFIED AS MOST SIGNIFICANTLY ASSOCIATED WITH FINE VARIATION

-- COMMERCIAL FISHING OFFENSES --

(Continued)

VARIABLE:	(n) OF CASES	FINE DISTRIBUTION: NO FINE	1 TO 500	501 TO 1000	1000 +	MEAN FINE (IN DOLLARS)	(n) OF FINED CASES
3. PRESENT OFFENSE: (Continued)							
Fish Ticket	(15)	6.7%	93.3%	0	0	146.43	(14)
License	(180)	33.3%	66.1%	0	0.6%	138.08	(120)
Limited Entry	(79)	24.1%	50.6%	12.7%	12.7%	753.10	(60)
Misc. Offenses	(24)	12.5%	62.5%	20.8%	4.2%	458.33	(21)
			p=.001			p=.001	
4. RESIDENCY:[2]							
Resident	(601)	22.0%	62.7%	10.8%	4.5%	413.52	(469)
Non-Resident	(257)	19.5%	44.0%	19.1%	17.5%	901.59	(207)
Commercial Entry	(8)	12.5%	87.5%	0	0	185.71	(7)
			p=.001			p=.001	
5. LOCATION:[3]							
Anchorage	(16)	25.0%	43.8%	6.3%	25.0%	1077.08	(12)
Bethel	(34)	20.6%	70.6%	8.8%	0	277.41	(27)
Cold Bay	(12)	0	8.3%	75.0%	16.7%	1233.53	(12)

TABLE I-4

DESCRIPTIVE STATISTICS OF OUTCOMES FOR VARIABLES IDENTIFIED AS MOST SIGNIFICANTLY ASSOCIATED WITH FINE VARIATION

-- COMMERCIAL FISHING OFFENSES --

(Continued)

VARIABLE:	(n) OF CASES	FINE DISTRIBUTION: NO FINE	1 TO 500	501 TO 1000	1000 +	MEAN FINE (IN DOLLARS)	(n) OF FINED CASES
5. LOCATION:[3] (Continued)							
Cordova	(53)	7.5%	66.0%	22.6%	3.8%	505.10	(49)
Craig	(47)	34.0%	59.6%	4.3%	2.1%	275.81	(31)
Dillingham	(102)	9.8%	51.0%	23.5%	15.7%	783.15	(92)
Haines	(12)	33.3%	66.7%	0	0	112.50	(8)
Homer	(57)	0	94.7%	3.5%	1.8%	271.05	(57)
Juneau	(23)	17.4%	65.2%	13.0%	4.3%	333.68	(19)
Kotzebue/Nome	(11)	27.3%	72.7%	0	0	75.00	(8)
Ketchikan	(79)	19.0%	67.1%	5.1%	8.9%	402.27	(64)
Kenai	(61)	9.8%	88.5%	1.6%	0	231.55	(55)
Kodiak	(148)	56.1%	27.7%	12.2%	4.1%	546.51	(65)
Naknek	(52)	0	51.9%	19.2%	28.8%	1401.92	(52)
Palmer	(3)	33.3%	66.7%	0	0	100.00	(2)
Petersburg	(13)	15.4%	46.2%	38.5%	0	524.55	(11)
Sitka	(39)	2.6%	94.9%	0	2.6%	189.34	(38)

TABLE I-4

DESCRIPTIVE STATISTICS OF OUTCOMES
FOR VARIABLES IDENTIFIED AS MOST
SIGNIFICANTLY ASSOCIATED WITH
FINE VARIATION

-- COMMERCIAL FISHING OFFENSES --

(Continued)

VARIABLE:	(n) OF CASES	FINE DISTRIBUTION: NO FINE	1 TO 500	501 TO 1000	1000 +	MEAN FINE (IN DOLLARS)	(n) OF FINED CASES
5. LOCATION:[3] (Continued)							
Seward	(6)	0	100.0%	0	0	108.33	(6)
Unalaska	(61)	26.2%	11.5%	36.1%	26.2%	1183.33	(45)
Valdez	(10)	40.0%	50.0%	10.0%	0	341.67	(6)
Wrangell	(22)	27.3%	68.2%	4.5%	0	250.00	(16)
Yakutak	(21)	23.8%	76.2%	0	0	175.00	(16)
			p=.001			p=.001	
6. TYPE DISPOSITION:[4]							
Guilty Plea/Nolo Plea	(838)	21.6%	57.6%	13.0%	7.8%	539.04	(657)
Plea Bargain	(3)	66.7%	33.3%	0	0	152.00	(1)
Jury Trial	(20)	15.0%	25.0%	25.0%	35.0%	1545.59	(17)
Bench Trial	(19)	26.3%	52.6%	21.1%	0	417.86	(14)
			p=.001			p=.001	

TABLE I-4

DESCRIPTIVE STATISTICS OF OUTCOMES FOR VARIABLES IDENTIFIED AS MOST SIGNIFICANTLY ASSOCIATED WITH FINE VARIATION

-- COMMERCIAL FISHING OFFENSES --

(Continued)

VARIABLE:	(n) OF CASES	FINE DISTRIBUTION: NO FINE	1 TO 500	501 TO 1000	1000 +	MEAN FINE (IN DOLLARS)	(n) OF FINED CASES
7. PRIOR FISHING CONVICTIONS:[5]							
None	(779)	21.8%	58.5%	12.6%	7.1%	517.29	(609)
One	(63)	19.0%	49.2%	14.3%	17.5%	742.55	(51)
Two	(12)	25.0%	41.7%	8.3%	25.0%	1188.89	(9)
Three	(9)	0	66.7%	11.1%	22.2%	1030.56	(9)
Four/More	(7)	42.8%	14.6%	42.8%	0	875.00	(4)
			p=.007			p=.01	
8. AGE:[6]							
Under 21	(102)	20.6%	66.7%	11.7%	1.0%	310.17	(81)
22 To 25	(126)	23.0%	56.3%	11.1%	9.5%	608.92	(97)
26 To 30	(172)	22.1%	54.1%	13.4%	10.5%	581.33	(134)
31 To 45	(339)	20.9%	57.5%	15.0%	6.5%	508.20	(268)
Over 45	(136)	22.8%	50.0%	13.2%	14.0%	831.32	(105)
Commercial Entity	(8)	12.5%	87.5%	0	0	185.71	(7)
			p=.16			p=.001	

TABLE I-4

DESCRIPTIVE STATISTICS OF OUTCOMES FOR VARIABLES IDENTIFIED AS MOST SIGNIFICANTLY ASSOCIATED WITH FINE VARIATION

-- COMMERCIAL FISHING OFFENSES --

(Continued)

VARIABLE:	(n) OF CASES	FINE DISTRIBUTION: NO FINE	1 TO 500	501 TO 1000	1000 +	MEAN FINE (IN DOLLARS)	(n) OF FINED CASES
9. SEX:[7]							
Male	(818)	21.5%	55.7%	14.1%	8.7%	577.12	(642)
Female	(52)	23.1%	71.2%	3.8%	1.9%	332.75	(40)
Commercial Entity	(8)	12.5%	87.5%	0	0	185.71	(7)
			p=.06			p=.08	

1 9 missing cases
2 18 missing cases
3 1 missing case/1 Fairbanks case omitted
4 1 missing case
5 4 missing cases
6 1 missing case
7 6 missing cases

TABLE I-5

OFFENSES AND SENTENCE DISTRIBUTION

-- GAME OFFENSES --

			FINE						JAIL			RESTITUTION		
					FINE DISTRIBUTION									
OFFENSE:	n	% OF N	MEAN FINE (IN $)	(n) CASES FINED	NO FINE	1 - 500	501 - 1000	1000 +	% ST. PROB.	MEAN JAIL (DAYS)	(n) ACT. JAIL CASES	% REQ. MAKE RESTIT.	MEAN RESTIT. (IN $)	(n) CASES
Take Game Closed Area	22	4.6	331.58	(19)	13.6%	81.8%	4.5%	0	81.8	20.0	(4)	9.1	125.00	(2)
Take Game Closed Season	50	10.5	422.50	(36)	28.0%	54.0%	18.0%	0	52.0	14.3	(24)	10.0	300.00	(5)
Take Game - Size	15	3.2	337.50	(8)	46.7%	46.7%	6.7%	0	100.0	--	--	33.3	180.44	(5)
Take Game - Limit	10	2.1	450.00	(6)	40.0%	50.0%	10.0%	0	90.0	2.0	(1)	30.0	116.67	(3)
Take Game Illegally	28	5.9	286.25	(20)	28.6%	64.3%	7.1%	0	85.7	10.5	(4)	3.6	500.00	(1)
Take Game - Other	4	0.8	200.00	(1)	75.0%	25.0%	0	0	50.0	2.5	(2)	25.0	125.00	(1)
Proof/Sex (Possession)	11	2.3	91.67	(9)	18.2%	81.8%	0	0	100.0	--	--	0	--	--
Process Illeg. Taken Game	29	6.1	312.86	(21)	27.6%	69.0%	3.4%	0	55.2	14.9	(13)	13.8	200.00	(4)

TABLE I-5

OFFENSES AND SENTENCE DISTRIBUTION

-- GAME OFFENSES --

(Continued)

			FINE						JAIL			RESTITUTION		
OFFENSE:	n	% OF N	MEAN FINE (IN $)	(n) CASES FINED	NO FINE	1 - 500	501 - 1000	1000 +	% ST. PROB.	MEAN JAIL (DAYS)	(n) ACT. JAIL CASES	% REQ. MAKE RESTIT.	MEAN RESTIT. (IN $)	(n) CASES
					FINE DISTRIBUTION									
Process - Other	22	4.6	138.46	(13)	40.9%	59.1%	0	0	81.8	10.5	(4)	27.3	175.00	(6)
Transport Illeg. Taken Game	19	4.0	290.00	(15)	21.1%	68.4%	10.5%	0	63.2	13.9	(7)	15.8	166.67	(3)
Transport - Other	3	0.6	300.00	(3)	0	100.0%	0	0	100.0	--	--	0	--	--
Sale/Barter	6	1.3	225.00	(2)	66.7%	33.3%	0	0	100.0	--	--	33.3	125.00	(2)
Aircraft	18	3.8	600.00	(13)	27.8%	44.4%	27.8%	0	61.1	11.4	(7)	11.1	125.00	(2)
License/Tags	123	25.9	170.22	(86)	30.1%	63.4%	6.5%	0	95.9	13.6	(5)	18.7	103.57	(23)
Waste	32	6.8	780.32	(28)	12.5%	50.0%	25.0%	12.5%	78.1	22.3	(7)	0	--	--
False Info.	71	15.0	166.09	(55)	22.5%	76.1%	1.4%	0	97.2	3.5	(2)	8.5	80.50	(6)
Misc. Hunting	11	2.3	364.29	(7)	36.4%	54.5%	9.1%	0	54.5	10.0	(5)	36.4	212.50	(4)
	N=474=100%		p=.001	n=342		p=.001			p=.001	N/S	n=84	p=.02	p=.03	n=67

TABLE I-6

ESTIMATED CONTRIBUTION OF
SIGNIFICANT FACTORS TO
FINE SENTENCE

-- GAME OFFENSES --

FACTOR:	ESTIMATED INCREASE (+) OR DECREASE (-) TO TYPICAL FINE (IN DOLLARS):	
1. Offense Type At Conviction	+ 375.58	If waste
2. Defendent Is Guide Or Asst. Guide	+ 625.00	
3. If Equipment Seized	+ 142.99	
4. Judge	+ 83.26 - 136.52	If "Strict" If "Lenient"
5. License Revoked by Judge	+ 118.86	
6. Prior Game Offenses	+ 140.61	For each prior offense within past 3 years
7. Resource	+ 79.51	If moose
8. Companion Convictions	+ 58.59	If contemporaneous convictions

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R^2 = 46%

All coefficients significant at least at p=.05.

TABLE I-7

DESCRIPTIVE STATISTICS OF OUTCOMES FOR VARIABLES IDENTIFIED AS MOST SIGNIFICANTLY ASSOCIATED WITH FINE VARIATION

-- GAME OFFENSES --

VARIABLE:	(n) OF CASES	FINE DISTRIBUTION: NO FINE	1 TO 500	501 TO 1000	1000 +	MEAN FINE (IN DOLLARS)	(n) OF FINED CASES
1. OFFENSE TYPE:							
Taking	(129)	30.2%	58.9%	10.9%	0	364.83	(90)
Possession	(62)	30.6%	67.7%	1.6%	0	213.84	(43)
Transportation	(22)	18.2%	72.7%	9.1%	0	291.67	(18)
Sale/Barter	(6)	66.7%	33.3%	0	0	225.00	(2)
Aircraft	(18)	27.8%	44.4%	27.8%	0	600.00	(13)
License/Tags	(123)	30.1%	63.4%	6.5%	0	170.22	(86)
Waste	(32)	12.5%	50.0%	25.0%	12.5%	780.32	(28)
False Info.	(71)	22.5%	76.1%	1.4%	0	166.09	(55)
Misc. Hunting	(11)	36.4%	54.5%	9.1%	0	364.29	(7)
			p=.001			p=.001	
2. GUIDE STATUS:[1]							
Guide/Asst. Guide	(11)	9.1%	18.2%	63.6%	9.1%	859.90	(11)
Non-Guides	(455)	28.6%	63.5%	7.3%	0.7%	287.86%	(325)
			p=.001				

TABLE I-7

DESCRIPTIVE STATISTICS OF OUTCOMES FOR VARIABLES IDENTIFIED AS MOST SIGNIFICANTLY ASSOCIATED WITH FINE VARIATION

-- GAME OFFENSES --

(Continued)

VARIABLE:	(n) OF CASES	FINE DISTRIBUTION: NO FINE	1 TO 500	501 TO 1000	1000 +	MEAN FINE (IN DOLLARS)	(n) OF FINED CASES
3. EQUIP. SEIZURES:[2]							
No Seizure	(383)	27.9%	66.4%	5.5%	0.3%	244.05	(276)
Seizure	(82)	30.5%	44.0%	22.0%	3.7%	589.72	(57)
			p=.001			p=.001	
4. JUDGE:							
"Strict"	(97)	19.6%	58.7%	17.5%	4.1%	512.81	(78)
"Lenient"	(107)	39.3%	59.8%	0.9%	0	106.85	(65)
"Other"	(270)	26.3%	65.5%	8.1%	0	285.22	(199)
			p=.001			p=.001	
5. LICENSE ACTION:							
Revoked	(63)	22.2%	57.1%	17.5%	3.2%	524.80	(49)
Suspended	(50)	16.0%	70.0%	14.0%	0	344.38	(42)
Neither	(361)	30.5%	62.8%	6.1%	0.6%	253.08	(251)
			p=.001			p=.001	
6. PRIOR GAME OFFENSES:							
None	(446)	28.5%	62.6%	8.1%	0.9%	297.66	(319)
One	(6)	50.0%	16.7%	33.3%	0	750.00	(3)
Two	(1)	0	100.0%	0	0	450.00	(1)

TABLE I-7

DESCRIPTIVE STATISTICS OF OUTCOMES FOR VARIABLES IDENTIFIED AS MOST SIGNIFICANTLY ASSOCIATED WITH FINE VARIATION

-- GAME OFFENSES --

(Continued)

VARIABLE:	(n) OF CASES	FINE DISTRIBUTION: NO FINE	1 TO 500	501 TO 1000	1000 +	MEAN FINE (IN DOLLARS)	(n) OF FINED CASES
6. PRIOR GAME OFFENSES: (Continued)							
Three	(3)	0	66.7%	33.3%	0	666.67	(3)
			p=.13			p=.01	
7. RESOURCE:							
Moose	(147)	24.5%	59.2%	15.0%	1.4%	394.18	(111)
Big Game	(86)	24.4%	71.0%	2.3%	2.3%	399.23	(65)
Bear	(44)	43.2%	40.9%	15.9%	0	419.00	(25)
Not Applicable	(197)	28.4%	67.0%	4.6%	0	166.84	(141)
			p=.001			p=.001	
8. COMPANION CASES:[3]							
No Others	(325)	32.3%	62.1%	5.2%	0.3%	249.31	(220)
Other Contemporaneous	(147)	18.4%	63.9%	15.6%	2.0%	405.03	(120)
			p=.001			p=.001	

1 8 missing cases
2 9 missing cases
3 2 missing cases

TABLE I-8

ESTIMATED CONTRIBUTION OF
SIGNIFICANT FACTORS TO
JAIL SENTENCE

-- GAME OFFENSES --

FACTOR:	ESTIMATED INCREASE (+) OR DECREASE (-) IN JAIL SENTENCE WHEN FACTOR PRESENT (IN DAYS):	
1. Judge	+ 7.8	If "Strict"
2 Type of Disposition	+ 7.8	If by jury trial
3. Other Convictions	+ 2.6	If contemporaneous cases
4. Specific Offense	+ 3.3	If conviction for taking game during closed season
5. Resource	+ 2.1	If moose
6. Defendant's Age	+ 1.8	If between 31 and 45
7. Defendant on Probation at Time of Offense	+ 7.5	

R^2 = 39%

All coefficients significant at least at p=.05.

TABLE I-9

DESCRIPTIVE OUTCOME STATISTICS
FOR VARIABLES IDENTIFIED AS MOST
SIGNIFICANTLY ASSOCIATED WITH
JAIL VARIATION

-- GAME OFFENSES --

VARIABLE:	(n) OF CASES	% RECEIVING STRAIGHT PROBATION	MEAN JAIL SENTENCE (IN DAYS)	(n) ACTIVE JAIL CASES
1. JUDGE:				
"Strict"	(82)	50.0	20.44	(41)
"Lenient"	(265)	94.3	4.87	(15)
"Other	(127)	77.2	8.79	(29)
		p=.001	p=.001	
2. TYPE DISPOSITION:[1]				
Guilty/Nolo Plea	(435)	84.6	12.79	(67)
Plea Bargain	(8)	62.5	8.67	(3)
Jury Trial	(20)	25.0	18.87	(15)
Bench Trial	(5)	100.0	--	--
		p=.001	p=.17	
3. OTHER CASES:				
Contemporaneous Cases	(147)	71.4	15.98	(42)
No Others	(325)	86.8	11.51	(43)
		p=.001	p=.09	
4. RESOURCE:				
Moose	(147)	62.6	14.3	(55)
Big Game	(86)	82.6	17.4	(15)
Bear	(44)	84.1	4.7	(7)
Not Applicable	(197)	95.9	10.5	(8)
		p=.001	(not significant)	

TABLE I-9

DESCRIPTIVE OUTCOME STATISTICS
FOR VARIABLES IDENTIFIED AS MOST
SIGNIFICANTLY ASSOCIATED WITH
JAIL VARIATION

-- GAME OFFENSES --

(Continued)

VARIABLE:	(n) OF CASES	% RECEIVING STRAIGHT PROBATION	MEAN JAIL SENTENCE (IN DAYS)	(n) ACTIVE JAIL CASES
5. DEFENDANT'S AGE:[2]				
18/Under	(5)	60.0	5.5	(2)
19 To 21	(33)	84.8	9.6	(5)
22 To 25	(74)	85.1	5.8	(11)
26 To 30	(93)	81.7	11.8	(17)
31 To 45	(204)	79.4	18.2	(42)
Over 45	(60)	86.7	9.9	(8)
		(not significant)	p=.02	

1 6 missing cases

2 5 missing cases

TABLE I-10

OFFENSES AND SENTENCE DISTRIBUTION

-- SUBSISTENCE OFFENSES --

			FINE						JAIL	RESTITUTION		
OFFENSE:	n	% OF N	MEAN FINE (IN $)	(n) CASES FINED	FINE DISTRIBUTION: NO FINE	1 - 250	251 - 500	500 +	% REC. STRAIGHT PROB.	% REQ'D. MAKE RESTIT.	MEAN RESTIT. (IN $)	(n) CASES
Closed Area	10	10.8	94.40	(9)	10.0%	90.0%	0	0	100.0	0	--	--
Closed Period	12	12.9	145.00	(8)	33.3%	50.0%	16.7%	0	91.7	0	--	--
Possession - Over	10	10.8	100.00	(4)	60.0%	40.0%	0	0	100.0	60.0	104.17	(6)
Possession - Illegal	6	6.5	83.33	(3)	50.0%	50.0%	0	0	100.0	50.0	91.67	(3)
Possession - Other	5	5.4	0	--	100.0%	0	0	0	100.0	100.0	100.00	(5)
Gear - Use	8	8.6	130.00	(6)	25.0%	62.5%	12.5%	0	100.0	12.5	50.00	(1)
Gear - Type	13	14.0	227.78	(9)	30.8%	38.4%	30.8%	0	100.0	23.1	141.67	(3)
No Permit	7	7.5	141.00	(5)	28.6%	57.1%	14.3%	0	100.0	28.6	67.50	(2)
Permit Violations	10	10.8	54.17	(6)	40.0%	60.0%	0	0	100.0	40.0	43.50	(4)
Selling	12	12.9	342.86	(7)	41.7%	8.3%	50.0%	0	100.0	0	--	--
				n=57								n=24
N = 93 = 100%			p=.02		p=.005				N/S	p=.001	N/S	

TABLE I-11

DESCRIPTIVE STATISTICS FOR VARIABLES IDENTIFIED AS MOST SIGNIFICANTLY ASSOCIATED WITH FINE OUTCOMES

-- SUBSISTENCE OFFENSES --

VARIABLE:	(n) OF CASES	FINE DISTRIBUTION: NO FINE	1 TO 250	251 TO 500	MEAN FINE (IN DOLLARS)	(n) CASES FINED
1. TYPE ATTORNEY:						
None	(73)	41.1%	54.8%	4.1%	99.30	(43)
Public Defender	(2)	0	50.0%	50.0%	275.00	(2)
Private	(18)	33.3%	11.1%	55.6%	341.67	(12)
			p=.001		p=.001	
2. SEX:						
Male	(83)	42.2%	47.0%	10.8%	139.48	(48)
Female	(10)	10.0%	40.0%	50.0%	247.22	(9)
			p=.008		p=.06	
3. OFFENSE TYPE:						
Closed Area	(10)	10.0%	90.0%	0	94.44	(9)
Closed Period	(12)	33.3%	50.0%	16.7%	145.00	(8)
Possession	(21)	66.7%	33.3%	0	92.86	(7)
Gear	(21)	28.6%	47.7%	23.8%	188.67	(15)
Permit	(17)	35.3%	58.8%	5.9%	93.64	(11)
Selling	(12)	41.7%	8.3%	50.0%	342.86	(7)
			p=.001		p=.01	

TABLE I-11

DESCRIPTIVE STATISTICS FOR VARIABLES IDENTIFIED AS MOST SIGNIFICANTLY ASSOCIATED WITH FINE OUTCOMES

-- SUBSISTENCE OFFENSES --

(Continued)

VARIABLE:	(n) OF CASES	FINE DISTRIBUTION: NO FINE	1 TO 250	251 TO 500	MEAN FINE (IN DOLLARS)	(n) CASES FINED
4. DEFENDANT'S RESIDENCY:						
Resident	(78)	28.2%	53.9%	17.9%	158.39	(56)
Non-Resident	(15)	93.3%	6.7%	0	50.00	(1)
			p=.001		(not significant)	
5. JUDGE:						
Strict	(10)	50.0%	0	50.0%	400.00	(5)
Lenient	(5)	40.0%	60.0%	0	26.67	(3)
Other	(78)	37.2%	51.3%	11.5%	139.59	(49)
			p=.01		p=.001	

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February 15, 1983

PRESS RELEASE

The Alaska Judicial Council announced today that sentences for violations of fish and game codes show significant disparities. A recently-completed study looked at jail, fines, restitution, and forfeitures for offenses committed in 1980 and 1981. The study was funded by the legislature in 1982 to determine whether widespread reports of inconsistencies and inequities in fish and game sentencings could be substantiated.

Findings described in the Council's report showed:

-- A "strict" judge influences the offender's sentence more than the seriousness of either the actual offense or the offender's prior record of other fish and game violations;

-- Offenders who are convicted after a jury trial receive more severe sentences than those who plead guilty or no contest to their charges;

-- Commercial fishing violators who are not residents of Alaska are sentenced more harshly than are residents. They are also more likely to have monetary bail required of them, and the amounts required will probably be larger than for residents;

-- On the other hand, anyone convicted of a commercial fishing violation is much less likely to be sentenced to a jail term than offenders convicted of game violations;

-- Game offenses involving moose (as compared to bear, caribou, and other big game) were sentenced most severely, and guides or their assistants convicted of game offenses received larger fines than non-guides;

-- Fish or game seized at the time of a violation is much more likely to be forfeited as part of the sentence than equipment which may also have been seized. This is especially true in commercial fishing violations.

In addition to the specific findings described above, the Judicial Council also noted that sentences fluctuated widely for no apparent reasons. These inconsistencies, combined with widespread variations in the language used for charging offenses may suggest a need to revise the statutes and regulations governing fish and game.

The Judicial Council's report will be formally submitted to the legislature along with its recommendations at a April meeting with the Judiciary Committees of both houses.