

# Fiscal Note

State of Alaska  
2016 Legislative Session

Bill Version: SB 91  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: SSSB091-DOC-COMM-02-12-16  
Title: OMNIBUS CRIM LAW & PROCEDURE;  
CORRECTIONS  
Sponsor: COGHILL  
Requester: (S) State Affairs

Department: Department of Corrections  
Appropriation: Administration and Support  
Allocation: Office of the Commissioner  
OMB Component Number: 694

## Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2017 Request	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
<b>OPERATING EXPENDITURES</b>	<b>FY 2017</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
Personal Services	2,887.3		6,622.9	(426.8)	(78.7)	(50.4)	(24.6)
Travel	(813.0)		(2,831.1)	(697.9)	(128.7)	(82.5)	(40.2)
Services	2,055.3		(5,464.4)	(1,745.3)	(321.9)	(206.2)	(100.6)
Commodities	(2,612.8)		(9,405.7)	(2,384.9)	(439.9)	(281.8)	(137.5)
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>1,516.8</b>	<b>0.0</b>	<b>(11,078.3)</b>	<b>(5,254.9)</b>	<b>(969.2)</b>	<b>(620.9)</b>	<b>(302.9)</b>

## Fund Source (Operating Only)

1004 Gen Fund	1,516.8		(11,078.3)	(5,254.9)	(969.2)	(620.9)	(302.9)
<b>Total</b>	<b>1,516.8</b>	<b>0.0</b>	<b>(11,078.3)</b>	<b>(5,254.9)</b>	<b>(969.2)</b>	<b>(620.9)</b>	<b>(302.9)</b>

## Positions

Full-time	36.0		94.0				
Part-time							
Temporary							

## Change in Revenues

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**Estimated SUPPLEMENTAL (FY2016) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2017) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

## ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?  
If yes, by what date are the regulations to be adopted, amended or repealed?

## Why this fiscal note differs from previous version:

Prepared By: <u>April Wilkerson</u>	Phone: <u>(907)465-3460</u>
Division: <u>Administrative Services - Department of Corrections</u>	Date: <u>02/12/2016 01:05 PM</u>
Approved By: <u>Dean Williams</u>	Date: <u>02/12/16</u>
Agency: <u>Department of Corrections</u>	

## FISCAL NOTE ANALYSIS

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### Analysis

This legislation makes several changes to sentencing, probation, parole and bail statutes.

This legislation makes changes to sentencing statutes by reducing and limiting the sentence length of imprisonment. This is anticipated to reduce the offender population by 21% over a 10 year period. The current projected population reductions are:

FY2017 (440) for a generated savings of (\$6,663.3), FY2018 (1,500) for a generated savings of (\$22,715.8), FY2019 (347) for a generated savings of (\$5,254.9), FY2020 (64) for a generated savings of (\$969.2), FY2021 (41) for a generated savings of (\$620.9), FY2022 (20) for a generated savings of (\$302.9)

#### **Probation and Parole incentive reductions**

This section allows probationers to receive earned compliance credit when the probationer successfully complies with all conditions of probation or parole allowing for early termination. This will require revisions to the department's current inmate time accounting system. The current anticipated costs for system redesign, training, implementation and maintenance is anticipated to be approximately \$750.0 with on-going operational costs once fully implemented.

#### **Pre-Trial Services**

This section establishes a Pretrial Services Program within the Department of Corrections. This program requires pretrial risk assessments for all defendants to be submitted to the Courts within 24 hours of arrest and may include basic community supervision. This requires the adoption of a pretrial risk assessment tool that does not require a defendant to be interviewed, but instead relies only on factors that could be found in public safety and court records; A pretrial officer will conduct risk assessment scoring on all defendants prior to their first appearance before a judicial officer; and make recommendations to the court regarding the release/detain decision, and appropriate conditions of release; provide basic supervision through phone contact to monitor compliance with release conditions for high-risk defendants and some moderate-risk defendants who have been released; and provide "enhanced supervision" which involves face-to-face supervision or state-monitored electronic monitoring for higher-risk defendants who are released .

The following assumptions were made to calculate pre-trial costs:

Approximately 32,000 persons would be processed annually and require a risk assessment, of which 70% (or 22,500 persons) would release pretrial. Of the pretrial releases approximately 66% (or 14,850 persons) would release to basic supervision with an average length of supervision of 4.66 months (based on current Department of Corrections reporting) for 5,767 persons on supervision at any given time. In addition, this legislation allows for enhanced supervision of which it is assumed that approximately 10% of the population released pre-trial population (or 2,250 persons) would release to enhanced supervision or electronic monitoring with an average length of supervision of 4.66 months (based on Department of Corrections data) for 874 persons on enhanced supervision at any given time.

It is anticipated this program will require 125 full-time positions and \$15,616.6 in funding (or 95 full-time positions and \$11,274.6 without electronic monitoring) over two years allowing for the establishment of policy and training criteria for the program. Three regional offices would be established in Anchorage, Juneau and Palmer to oversee the persons placed into this Program. Based on these assumptions above the funding break-out for each of these areas is anticipated to be:

Offender Assessments of 32,000 persons annually (required within 24-hours / no face to face interviews):

\$2,892.2 – Personal Services  
\$ 60.0 – Travel and training  
\$ 709.5 – Contractual Services (including indirect costs)  
\$ 165.0 – Supplies (excludes OTI startup costs)  
\$3,826.7 – Total

31 Positions would include:

1-Adult Probation Officer V, 3-Adult Probation Officer III supervisors for each regional office, 24-Adult Probation Officer I/II , 3-Criminal Justice Technician I/II

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Analysis Continued

**Pre-Trial Services (continued)**

Basic Supervision of 14,850 persons annually (estimated 5,767 daily with 75 caseloads per officer):

\$5,643.5 – Personal Services  
\$ 135.0 – Travel and training  
\$1,354.5 – Contractual Services (including indirect costs)  
\$ 315.0 – Supplies (excludes one-time start-up costs)  
\$7,448.0 - Total

63 Positions would include:

54-Adult Probation Officer I/II positions, 6-Criminal Justice Technician I/II, 3-Office Assistant

Enhanced Supervision of 2,250 persons annually (estimated 874 daily with 45 caseloads per officer):

\$2,755.0 – Personal Services  
\$ 52.5 – Travel and training  
\$ 709.5 – Contractual Services (including indirect costs)  
\$ 825.0 – Supplies (excludes one-time start-up costs)  
\$4,342.0 - Total

31 Positions would include:

3-Adult Probation Officer III supervisors to oversee each regional office, 19-Adult Probation Officer I/II positions, 6-Criminal Justice Technician I/II, 3-Office Assistant

In FY2017 the department would require a portion of the funding to establish and set programmatic policy and training criteria needs. This would require the following:

\$2,822.7 – Personal Services  
\$ 61.9 – Travel and training  
\$ 693.4 – Contractual Services (including indirect costs)  
\$ 326.3 – Supplies (excludes one-time start-up costs)  
\$3,904.3 – Total

Initial 31 Positions would include:

1-Adult Probation Officer V, 6-Adult Probation Officer III supervisors to oversee each regional office, 15-Adult Probation Officer I/II positions (5 for each regional office), 6-Criminal Justice Technician I/II, 3-Office Assistant

The remaining funding and positions would be necessary in FY2018 to fully deploy the program. This would require the following:

\$ 8,468.0 – Personal Services  
\$ 185.6 – Travel and training  
\$ 2,080.1 – Contractual Services (including indirect costs)  
\$ 978.8 – Supplies (excludes one-time start-up costs)  
\$11,712.5 – Total

Remaining 94 Positions would include:

81-Adult Probation Officer I/II positions, 10-Criminal Justice Technician I/II, 3-Office Assistant

**Board of Parole**

This section establishes automatic Administrative Parole allowing offenders a limited category of automatic release without a hearing if the prisoner has met the conditions of imprisonment, is not excluded by court order, has agreed to the conditions of parole, the victim does not request a hearing, and the prisoner has met the requirements of the case plan. This section is anticipated to reduce the overall institutional population and is included in the above population projections. Revisions to the department's Victim Information Notification (VINE) System may be required and is anticipated to be \$750.0 for the redesign, implementation and maintenance with on-going operational costs once fully implemented.

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## FISCAL NOTE ANALYSIS

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### Analysis Continued

#### **Board of Parole (continued)**

This section will also expand and streamline the use of discretionary parole. It is anticipated this will increase the number of offenders who are eligible to apply for parole as well as streamline the decision making process. A conservative estimate is this recommendation would double the number of discretionary parole hearings conducted by the board. This recommendation does not allow for "automatic" releases onto discretionary parole as with the administrative parole.

In addition, it implements specialty parole options for the oldest cohort of inmates. This section will create a new category of parole eligible inmates: all inmates over the age of 55 and have served at least 10 years in prison are now eligible to apply for discretionary parole, regardless of the offense or length of sentence. At this time there are approximately 117 inmates that could meet this section. The board anticipates an increase in the requested hearings associated with this section.

It is anticipated each of these increases will impact the number of hearings held annually increasing the board member Honoraria. The Honoraria is calculated based on work days and file reviews. Each additional work day is \$250.00 per board member and \$16.00 per file review. It is anticipated that this will increase the number of work days to 200 for each board member from 140 days per Board Member. This increases the personal services costs by \$110,000.00 for the Parole Board Member Honoraria (\$100,000.00 for the increased work days for the 5 board members and \$10,000.00 for the increased file reviews).

Reduce the pre-hearing length of stay and cap the overall incarceration time for revocations on technical violations of supervision. This recommendation will limit incarceration lengths for parole violations and require a shorter response time by the board for technical violations. Currently board members have 15 working days to conduct an initial hearing for remanded parolees this changes the timeframe and requires a hearing within 3 days for the first violation. This will require the Parole Board to re-configure the current violation response process in order to meet this timeframe. Currently the board members are part-time employees, in order to respond timely to remanded parolees four additional full-time hearing officer positions will be needed.

The anticipated cost for these four Hearing Officer positions is:

\$415.2 – Personal Services  
\$ 10.0 – Travel and training  
\$ 60.0 – Contractual Services (including indirect costs)  
\$ 68.0 – Supplies (including \$60.0 OTI startup costs)  
\$553.2 - Total

Establishes a system of earned compliance credits. The board or a staff member designated by the board will review and calculate the parole eligibility date of a case brought to the board's attention and will notify the prisoner and department in writing of the correct calculation date. This calculation by the board or designated staff member is the official eligibility date. Currently there is no dedicated position within the Parole Board certified in time accounting. With the anticipated increases in the number of expected discretionary hearings and also calculating earned compliance credits which will consistently reduce parole expiration dates, the board will need a certified time accounting position.

The anticipated cost for one Criminal Justice Technician I/II is:

\$ 80.7 – Personal Services  
\$ 15.0 – Contractual Services (including indirect costs)  
\$ 17.0 – Supplies (including \$15.0 OTI startup costs)  
\$112.7 - Total

It is anticipated these changes will require a total of 5 positions and \$775.9 in FY2017.

#### **Correctional Restitution Centers**

This section requires the centers to provide certain offenders with rehabilitation through comprehensive treatment for substance abuse, cognitive behavioral disorders, and other criminal risk factors, including aftercare support. In addition, it requires the department to implement quality assurance measures, treatment standards, implement a process to assess an offender's risk of recidivating to include limiting the mixing of low and high risk prisoners. It is anticipated this change will require an increase of \$2,000.0 in FY2017 for contractual changes.