

Report Highlights

Why DLA Performed This Audit

The audit was performed to determine if there is a continued need for the board and if its termination date should be extended. The board is set to sunset on June 30, 2025, and will have one year from that date to conclude its administrative operations.

What the Legislative Auditor Recommends

1. The board chair should work with DOC's commissioner to ensure all hearings are conducted in a confidential manner.
2. The board chair and DOC's commissioner should ensure regulations are updated in a timely manner.
3. DOC's commissioner should ensure fiscal notes for pending legislation properly reflect decreases, as appropriate.

A Sunset Review of the Department of Corrections (DOC), Board of Parole (board)

July 31, 2024

Audit Control Number 20-20139-24

REPORT CONCLUSIONS

The audit concluded that the board generally complied with State law when conducting its meetings, setting parole conditions, and holding hearings. Furthermore, the board complied with State law when granting discretionary parole; however, the board granted discretionary parole at a much lower rate than it granted before criminal justice reform. The board was unable to provide specific reasons why its parole approval rate decreased.

The audit found that the board's fiscal note for House Bill 49, the bill that repealed criminal justice reform, did not decrease staff positions even though it was clear the bill would decrease the board's workload. The continued need for five board staff positions is questionable given the board's workload reverted back to pre-reform levels. The audit also noted the board and DOC management did not update regulations in a timely manner.

In accordance with AS 44.66.010(a)(2), the board is scheduled to terminate on June 30, 2025. We recommend that the legislature extend the board's termination date four years to June 30, 2029, which is half of the maximum allowed by statute. The reduced extension recommendation reflects the need for more timely legislative oversight considering the unexplained decrease in the parole approval rate, as well as the audit findings related to unjustified staff positions and outdated regulations.

(Intentionally left blank)

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P.O. Box 113300
Juneau, AK 99811-3300
(907) 465-3830
FAX (907) 465-2347
legaudit@akleg.gov

August 13, 2024

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 and Title 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Board of Parole and the attached report is submitted for your review.

DEPARTMENT OF CORRECTIONS BOARD OF PAROLE

SUNSET REVIEW

July 31, 2024

Audit Control Number
20-20139-24

The audit was conducted as required by AS 44.66.050(a). Per AS 44.66.010(a)(2), the board is scheduled to terminate on June 30, 2025. We recommend the legislature extend the board's termination date four years to June 30, 2029.

The audit was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Fieldwork procedures utilized in the course of developing the findings and recommendations presented in this report are discussed in the Objectives, Scope, and Methodology.

A handwritten signature in black ink, appearing to read "Kris Curtis".

Kris Curtis, CPA, CISA
Legislative Auditor

ABBREVIATIONS

AAC	Alaska Administrative Code
ACN	Audit Control Number
ACOMS	Alaska Corrections Offender Management System
AS	Alaska Statute
board	Board of Parole
CISA	Certified Information Systems Auditor
CPA	Certified Public Accountant
DLA	Division of Legislative Audit
DOC	Department of Corrections
FY	Fiscal Year
HB	House Bill
SB	Senate Bill

CONTENTS

Report Sections	Organization and Function	1
	Background Information	3
	Report Conclusions	7
	Findings and Recommendations	13
	Objectives, Scope, and Methodology	17
Agency Responses	Department of Corrections	25
	Board of Parole	27
	Legislative Auditor’s Additional Comments	29
Appendices	Appendix Summary	21
	Appendix A: Analysis of Public Need Criteria	23
Exhibits	Exhibit 1: Board of Parole Members as of March 31, 2024	1
	Exhibit 2: Board of Parole Schedule of Expenditures and Funding Sources, FY 19 through December 31, 2023	2
	Exhibit 3: Discretionary Parole Hearings, Calendar Years 2014-2023	9
	Exhibit 4: Revocation Hearings, Calendar Years 2016-2019	9
	Exhibit 5: Board Discretionary Parole Decisions, Calendar Years 2014-2023	11

(Intentionally left blank)

ORGANIZATION AND FUNCTION

Alaska Board of Parole

The Board of Parole (board) is the designated parole setting authority for the State of Alaska. Per AS 33.16, the board consists of five members who serve staggered five-year terms. Appointments to the board must be made with regard for representation of ethnic, racial, sexual, and cultural populations of the state. Representation must also be comprised of at least one member from the First Judicial District, Third Judicial District, and Second or Fourth Judicial District. See Exhibit 1 for a list of board members as of March 31, 2024.

Exhibit 1

Board of Parole Members as of March 31, 2024

Leitoni Tupou, Chair
Public

Jason Wilson
First Judicial District

Sarah Possenti
Second/Fourth Judicial District

Richard Larson
Third Judicial District

Steve Meyer
Public

Source: Office of the Governor, Boards and Commissions website.

The primary responsibility of the board is to determine an offender’s suitability for discretionary or special medical parole. The board adopts regulations to establish parole eligibility standards and conducts hearings to address parole revocations and establish parole conditions for offenders. The board also investigates clemency applications when requested by the governor.

The board is organized within the Department of Corrections and is authorized to hire an executive director who, in turn, is authorized to hire additional staff. As of March 2024, nine of 10 authorized positions were filled, in addition to the executive director.

A schedule of expenditures and funding sources for FY 19 through December 2023 is shown in Exhibit 2 on the following page. The board was primarily funded by general funds. Expenditures were mainly for personal services, travel, and office rental costs.

Exhibit 2

**Board of Parole
Schedule of Expenditures and Funding Sources
FY 19 through December 31, 2023
(In thousands)
(Unaudited)**

	FY 19	FY 20	FY 21	FY 22	FY 23	July 1, 2023 - December 31, 2023
Operating Expenditures:						
Personal Services	\$1,520.1	\$1,554.9	\$1,487.4	\$1,564.8	\$1,613.1	\$803.0
Travel	67.6	46.3	-	0.2	29.8	18.0
Services	142.9	110.0	173.5	142.9	144.9	8.2
Commodities	5.0	23.0	17.8	17.9	21.2	1.9
Total Operating Expenditures	<u>\$1,735.6</u>	<u>\$1,734.2</u>	<u>\$1,678.7</u>	<u>\$1,725.8</u>	<u>\$1,809.0</u>	<u>\$831.1</u>
Funding Source:						
General Fund Appropriation	\$1,745.8	\$1,776.8	\$1,872.6	\$1,971.9	\$1,960.2	\$1,990.8
Power Cost Equalization Endowment	-	\$77.3	-	-	-	-

Source: Board management.

BACKGROUND INFORMATION

Discretionary parole may be granted after consideration of several factors.

The Board of Parole (board) is statutorily required to consider an offender for discretionary parole when an offender serves the minimum sentence prescribed in law. Consideration for parole eligibility involves an interview with the offender during a hearing and review of pertinent documentation. Additionally, crime victims are invited to provide written or oral statements for the board to consider as part of its deliberations.

Alaska Statute 33.16.100 authorizes the board to release a prisoner on discretionary parole who is statutorily eligible, if the board determines a reasonable probability exist that:

1. the prisoner will live and remain at liberty without violating any laws or conditions imposed by the board;
2. the prisoner's rehabilitation and reintegration into society will be furthered by release on parole;
3. the prisoner will not pose a threat of harm to the public if released on parole; and
4. the release of the prisoner on parole would not diminish the seriousness of the crime.

Other forms of parole may be granted.

Alaska law allows for three other types of parole as described below:

Special medical parole: AS 33.16.085 authorizes the board to grant special medical parole to an offender who is suffering from a severe medical or cognitive disability and meets certain other criteria established in statute. Any offender released on special medical parole is subject to the same evaluation process and supervision as offenders granted discretionary parole.

Geriatric parole: AS 33.16.090(a)(2) allows for inmates at least 60 years of age who have served at least 10 years of a sentence, and not been convicted of an unclassified or sexual felony, be released on discretionary parole if approved by the board.

Mandatory parole: An offender with a sentence of two or more years is statutorily required to be released on mandatory parole when their sentence(s), minus any good time credit earned toward the sentence(s), has been served. In contrast to discretionary, geriatric, and special medical parole, mandatory parole is not a voluntary process and release does not depend upon the board's approval. However, the board does establish parole conditions for offenders receiving mandatory parole.

Parole may be revoked by the board.

The board is responsible for holding a parole revocation hearing when a parole officer alleges that a parolee has violated a parole condition or law. There are two types of parole violations, technical and non-technical, that can cause a parole revocation hearing. Technical violations occur when a parolee violates a parole condition. Non-technical violations are for new violations of law, as well as violations of parole conditions related to sex offender treatment and domestic violence intervention programs.

A preliminary hearing is to be performed for both technical and non-technical violations within 15 working days of an alleged violation, per AS 33.16.220(b). Typically, a preliminary hearing for technical violations is conducted by a hearing officer of the board. Preliminary hearings for non-technical violations are conducted by an individual board member. A preliminary hearing determines whether there is probable cause to believe that a parolee has committed a new crime or has violated a parole condition. If probable cause is found, the preliminary hearing will also determine whether the parolee should remain in custody pending a final revocation hearing.

A final revocation hearing is conducted by a quorum of board members. The board has 120 days from the parolee's arrest to complete a final revocation hearing if a preliminary hearing was conducted. The board can skip a preliminary hearing if the board performs a final hearing within 20 working days after a parolee's arrest.

The board has several options when considering revocation:

1. continue the hearing to a later date;
2. revoke parole and impose the remaining time the offender owes. The offender may be eligible to be re-paroled;
3. reprimand and warn the offender; or
4. find there is no just cause that a condition of parole was violated and take no action.

A parolee can waive their right to a revocation hearing, per AS 33.16.230, by submitting a written waiver to the board.

Criminal justice reform significantly changed the board's workload effective 2017.

Senate Bill (SB) 91 enacted major criminal justice reform effective January 1, 2017. The bill expanded the number of offenders eligible for discretionary parole, removed the requirement that offenders apply for a discretionary parole hearing, shortened the required timelines for technical violation revocation hearings, and reduced terms of parole via compliance credits. These changes caused a significant increase in discretionary parole hearings during 2017 and 2018.

As part of SB 91, the board was appropriated an additional five staff positions to cope with the increased workload. The positions included:

- One hearing officer IV,
- Three hearing officer IIIs, and
- One criminal justice technician I/II.

Most aspects of criminal justice reform were repealed effective 2019.

Much of SB 91 was repealed or changed by enactment of House Bill 49 that was effective July 1, 2019. Specifically, offenders were required to apply for parole unless an offender had no disciplinary actions while in custody, eligibility for parole was scaled back, compliance credits were reduced, and hearing timelines reverted back to those that existed prior to SB 91. Consequently, the number of discretionary parole hearings returned to the level that existed pre-SB 91.

REPORT

CONCLUSIONS

In developing our conclusion regarding whether the Board of Parole's (board) termination date should be extended, its operations were evaluated using the 11 factors set out in AS 44.66.050(c), which are included as Appendix A to this report. Under the State's "sunset" law, these factors are to be considered in assessing whether an entity has demonstrated a public policy need for continuing operations.

The audit concluded that the board generally complied with State law when conducting its meetings, setting parole conditions, and holding hearings. Furthermore, the board complied with State law when granting discretionary parole; however, the board granted discretionary parole at a much lower rate than it granted before criminal justice reform. The board was unable to provide specific reasons why its parole approval rate decreased.

The audit found that the board's fiscal note for House Bill (HB) 49, the bill that repealed criminal justice reform, did not decrease staff positions even though it was clear the bill would decrease the board's workload. The continued need for five board staff positions is questionable given the board's workload reverted back to pre-reform levels. The audit also noted the board and Department of Corrections (DOC) management did not update regulations in a timely manner.

In accordance with AS 44.66.010(a)(2), the board is scheduled to terminate on June 30, 2025. We recommend that the legislature extend the board's termination date four years to June 30, 2029, which is half of the maximum allowed by statute. The reduced extension recommendation reflects the need for more timely legislative oversight considering the unexplained decrease in the parole approval rate, as well as the audit findings related to unjustified staff positions and outdated regulations.

Detailed report conclusions are as follows.

Board staff positions authorized by criminal justice reform continued to be funded despite the subsequent repeal.

An additional four parole hearing officers were authorized during FY 17 as part of the main criminal justice reform bill, Senate Bill (SB) 91, to respond to an increase in hearings. The board's SB 91 fiscal note estimated approximately \$493,000 in recurring costs for the four hearing officer positions. Additionally, a criminal justice technician was authorized to facilitate the newly established system of compliance credits at a recurring cost of approximately \$98,000. The additional positions helped the board effectively address the significant increase in workload resulting from SB 91.

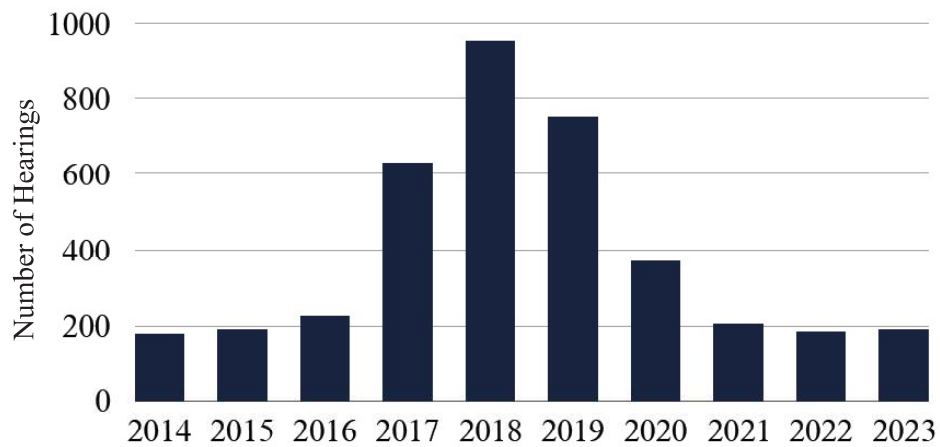
Criminal justice reform laws were largely repealed during 2019 by HB 49. As a result, the number of hearings declined. Exhibit 3 on the following page shows discretionary parole hearings returned to the level that existed prior to SB 91. Furthermore, Exhibit 4 on the following page shows that the number of parole revocation hearings was lower after HB 49 when compared to the level that existed before passage of SB 91.

Despite the decrease in hearings and the scaling back of compliance credits, all five positions authorized by SB 91 were retained by the board. (See Recommendation 3) The audit questions whether those positions continued to be necessary. Rather than decrease positions, the parole board's HB 49 fiscal note requested an additional board staff position, beginning FY 20, to help determine whether parole decisions were confidential and to post board non-confidential decisions to a public website. Once the new position was approved, the board hired an administrative assistant position to carry out the duties. However, a different board administrative position was transferred from the board to DOC's Division of Administrative Services during FY 23. The transfer of the board administrative position raises the question as to whether the additional position authorized as part of HB 49 was necessary, or whether it continued to be necessary.

The audit also noted that despite the significant statutory changes noted above, parole regulations had not been updated since 2015. (See Recommendation 2)

Exhibit 3

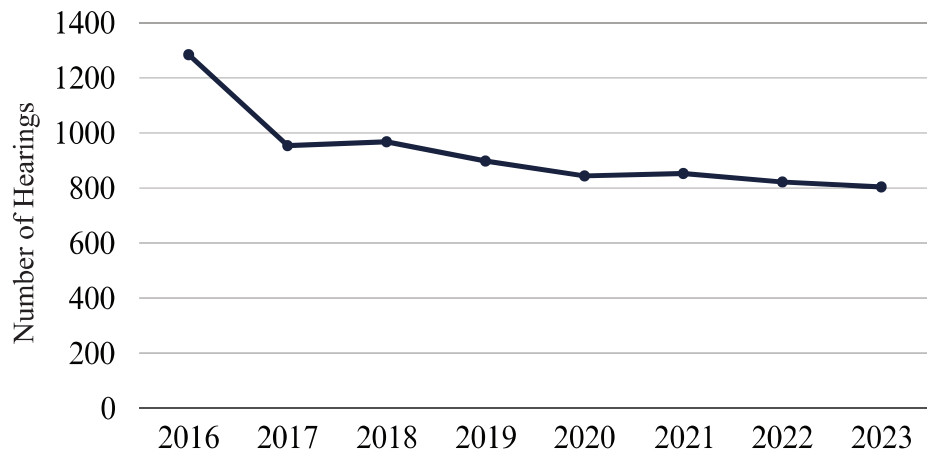
Discretionary Parole Hearings Calendar Years 2014-2023 (Unaudited)



Source: Board website.

Exhibit 4

Revocation Hearings Calendar Years 2016-2019 (Unaudited)



Source: Board website.

The board generally conducted parole hearings as required by State law.

The board conducted parole hearings monthly, with hearings held at each institution at least quarterly. After the onset of the Coronavirus Disease 2019 pandemic in the spring of 2020, the board transitioned to the Zoom platform and all parole hearings were conducted remotely. The board resumed in-person discretionary parole hearings around six months after the public health emergency ended (January 2023). The Zoom platform continued to be used for most revocation hearings.

The audit reviewed 32 of 1,328 revocation hearings and 15 of 1,267 waived revocation hearings held from January 2019 through December 2023 and found the board consistently followed statutory requirements. Additionally, the audit reviewed 32 of 1,702 discretionary parole hearings and three of nine special medical parole hearings held during the same time period and found the board followed State laws when considering an offender for parole, except for one case. The one exception involved a hearing where the victim was notified of the upcoming hearing two days later than required and the board's decision was not sent to the victim. Furthermore, the audit noted that hearings were held, at times, via telephone in an institution's non-confidential, general population area. (See Recommendation 1)

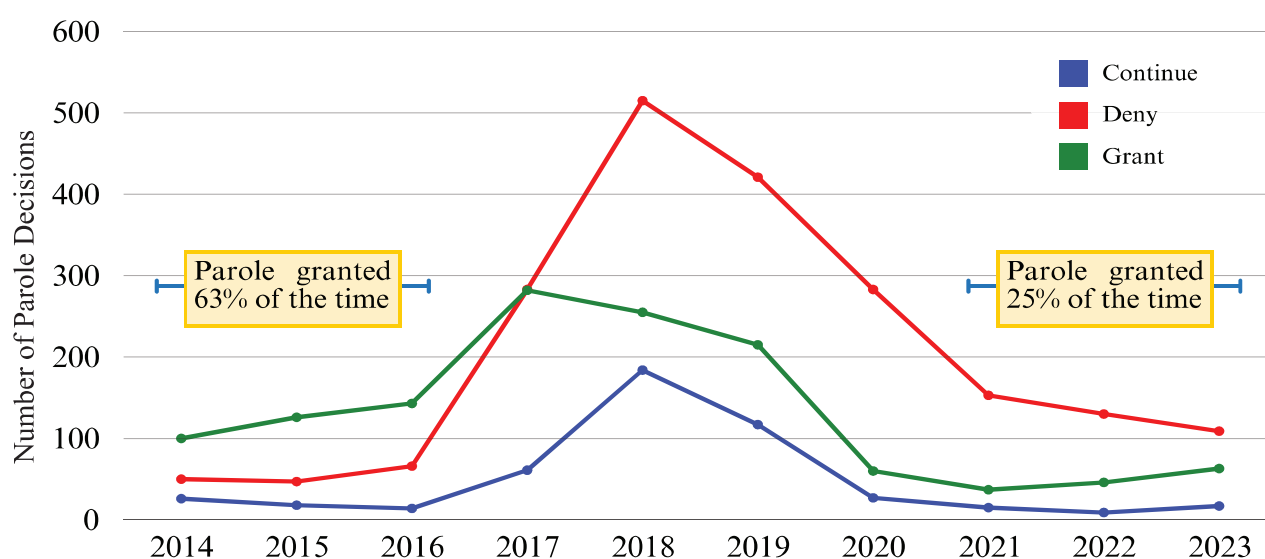
The board granted discretionary parole at a decreasing rate.

Statistics published by the board show a change in the rate the board granted discretionary parole. As demonstrated in Exhibit 5, the board granted parole much more frequently during the years before criminal justice reform than it granted after reform was repealed.

During the three years before criminal justice reform (2014 through 2016), on average, the board granted discretionary parole 63 percent of the time. In contrast, after criminal justice reforms were repealed (2021 through 2023), the board granted parole, on average, only 25 percent of the time. The board chair and the executive director were unable to provide specific reasons why the parole rate decreased.

Exhibit 5

Board Discretionary Parole Decisions Calendar Years 2014-2023



Source: Board website.

The board conducted annual administrative meetings in accordance with State law and did not duplicate the efforts of other entities.

Annual board meetings were conducted in an effective manner. A review of the five annual board meetings held during the audit period found meetings were public noticed and properly allotted time for public comment. Quorum was met for all five meetings.

As the only entity authorized to grant parole, the board did not significantly duplicate the efforts of other entities.

(Intentionally left blank)

FINDINGS AND RECOMMENDATIONS

The prior 2019 sunset audit made four recommendations:

- The Board of Parole's (board) executive director should improve procedures to ensure final revocation hearings are performed timely.
- The board's executive director should work with Department of Corrections' (DOC) commissioner to improve the quality of telephonic hearings.
- The board's executive director should take steps to ensure regulations are properly updated.
- DOC's Administrative Services director should take steps to ensure the Alaska Correctional Offender Management System (ACOMS) complies with State information technology security standards and national best practices.

The prior recommendation to improve procedures to ensure final revocation hearings are performed timely was resolved. Testing of revocation hearings performed as part of this audit found all final revocation hearings were conducted timely in accordance with statutes and regulations.

The prior recommendation to improve the quality of telephonic hearings was materially resolved with the use of Zoom. The prior recommendation regarding updating regulations was not resolved and is reiterated below as part of Recommendation 2.

The prior recommendation to take steps to ensure ACOMS complies with State information technology security standards and national best practices was resolved.

Recommendation 1

The board chair should work with DOC's commissioner to ensure all hearings are conducted in a confidential manner.

Preliminary revocation hearings held at the Hiland Mountain Correctional Center were periodically conducted in a general population area during the audit period.

Per 22 AAC 20.095, board parole hearings are closed to the public. Conducting hearings in a general population area violates an offender's right to confidentiality. According to DOC management, the breach of confidentiality was due to human error.

We recommend the board chair work with DOC's commissioner to ensure all hearings are conducted in a confidential manner.

Recommendation 2

The board chair and DOC's commissioner should ensure regulations are updated in a timely manner.

The board and DOC's commissioner failed to amend regulations following significant statutory changes. A comprehensive regulatory update had not occurred since 2015.

Per AS 33.16.060(b), the board must adopt regulations including those:

1. establishing standards under which the suitability of a prisoner for special medical or discretionary parole shall be determined;
2. providing for the supervision of parolees and for recommitment of parolees; and
3. governing procedures of the board.

Furthermore, per AS 33.05.020(g), the DOC commissioner must adopt regulations to implement the administrative sanction and incentive program.¹

According to the board's executive director and DOC commissioner, regulations were not updated due to staff turnover, human error,

¹ The administrative sanction and incentive program established a decision-making guide that allows probation officers to sanction parolees for technical violations, thereby reducing the board's workload.

and competing priorities. Per the executive director, an extensive revision of parole regulations was submitted to the Department of Law for review during April 2024. Outdated regulations may cause confusion and may lead to inaccurate decisions.

We recommend the board chair and the DOC commissioner ensure regulations are updated in a timely manner.

Recommendation 3

DOC's commissioner should ensure fiscal notes for pending legislation properly reflect decreases, as appropriate.

During 2019, the board's fiscal note for House Bill (HB) 49, a bill that repealed most criminal justice reform laws, did not decrease board staff positions that were added by Senate Bill (SB) 91, the main criminal justice reform bill.

Five board positions were authorized by SB 91 to help cope with increased hearings and other work associated with compliance credits. The positions were estimated to have a recurring annual cost of \$591,000. Department of Corrections' management was unable to explain why the positions were not reduced as part of the board's fiscal note for HB 49.

Per AS 24.08.035, before a bill or resolution, except an appropriation bill, is reported from the committee of first referral, there shall be attached to the bill a fiscal note containing an estimate of the amount of the appropriation increase or decrease that would result from enactment of the bill for the current fiscal year and five succeeding fiscal years. The fiscal note or statement shall be prepared by the department or departments affected and may be reviewed by the office of management and budget. Not eliminating staff positions when a bill reduces the need for positions overstates the board's budget needs and may lead DOC management to use excess funding for other purposes; circumventing the legislative budget process.

We recommend DOC's commissioner ensure fiscal notes for pending legislation properly reflect decreases, as appropriate.

(Intentionally left blank)

OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Title 24 and 44 of the Alaska Statutes, we have reviewed the activities of the Board of Parole (board) to determine if there is a demonstrated public need for its continued existence.

As required by AS 44.66.050(a), this report shall be considered by the committee of reference during the legislative oversight process in determining whether the board should be reestablished. Currently, under AS 44.66.010(a)(2), the board will terminate on June 30, 2025, and will have one year from that date to conclude its administrative operations.

Objectives

The three central, interrelated objectives of our report are to determine:

1. If the termination date of the board should be extended.
2. If the board is operating in the public's interest.
3. The status of recommendations made in the prior sunset audit.

Scope

The assessment of operations and performance of the board was based on criteria set out in AS 44.66.050(c). Criteria set out in this statute relates to the determination of a demonstrated public need for the board. We reviewed the board's activities from January 1, 2019 through December 31, 2023. Financial information is presented, unaudited, from July 1, 2018 through December 31, 2023.

Methodology

During the course of our audit, we reviewed and evaluated the following:

- The prior sunset audit report (ACN 20-20116-19) to identify issues affecting the board and to identify prior sunset audit recommendations.

-
- Applicable statutes and regulations to identify board functions and responsibilities, determine whether statutory or regulatory changes enhanced or impeded board activities, and help ascertain if the board operated in the public interest.
 - The State's Online Public Notices System to verify the board meetings were adequately public noticed in accordance with state law.
 - Board meeting minutes to gain an understanding of board proceedings and activities, the nature and extent of public input, whether a quorum was maintained, and whether board vacancies impeded operations.
 - Various state and news related websites to identify complaints against the board, other board related concerns, and potential duplication of efforts.
 - Expenditures and funding sources to identify board related costs and sources of revenue.
 - Discretionary parole application files considered by the board between January 1, 2019 and December 31, 2023, to determine the board's compliance with statutes and regulations.
 - Special medical parole application files considered by the board between January 1, 2019 and December 31, 2023, to determine the board's compliance with statutes and regulations.
 - Revocation hearing files considered by the board between January 1, 2019 and December 31, 2023, to determine the board's compliance with statutes and regulations
 - Four discretionary parole hearings were attended in-person and two revocation parole hearings were attended via Zoom to gain an understanding of board operations.

To identify and evaluate board activities, interviews were conducted with State agency staff and board members. Specific areas of inquiry included: board operations, regulations, duplication of efforts, and complaints against the board.

The Office of the Ombudsman was contacted to determine if any complaints were filed against the board or its members between January 1, 2019 and January 31, 2024, and whether those complaints were efficiently resolved.

Internal controls over the Alaska Corrections Offender Management System (ACOMS) were assessed to determine if controls were properly designed and implemented and if the prior sunset audit finding related to ACOMS was addressed.

During the audit the following samples were selected:

- A random sample of 32 discretionary parole files was selected from the 1,702 discretionary parole hearings completed between January 1, 2019 and December 31, 2023. The files were assessed for statutory and regulatory compliance. The sample size was based on a risk of incorrect acceptance of 10 percent, tolerable deviation of seven percent, and no expected deviations. Test results were projected to the population.
- A random sample of 32 revocation hearings was selected from the 1,328 revocation hearings completed between January 1, 2019 and December 31, 2023. The files were assessed for statutory and regulatory compliance. The sample size was based on a risk of incorrect acceptance of 10 percent, tolerable deviation of seven percent, and no expected deviations. Test results were projected to the population.
- A judgmental sample of 15 waived revocation hearings was selected from the 1,267 revocation hearings waived between January 1, 2019 and December 31, 2023. The files were assessed for statutory and regulatory compliance. Test results were not projected to the population.
- A sample of one denied and two granted special parole hearings were judgmentally selected from nine special medical parole hearings completed between January 1, 2019 and December 31, 2023. The files were assessed for statutory and regulatory compliance. Test results were not projected to the population.

(Intentionally left blank)

APPENDIX SUMMARY

Appendix A provides the sunset criteria used in developing the conclusions regarding whether the Board of Parole's termination date should be extended.

(Intentionally left blank)

APPENDIX A

Analysis of Public Need Criteria AS 44.66.050(c)

A determination as to whether a board or commission has demonstrated a public need for its continued existence must take into consideration the following factors:

1. the extent to which the board or commission has operated in the public interest;
2. the extent to which the operation of the board or commission has been impeded or enhanced by existing statutes, procedures, and practices that it has adopted, and any other matter, including budgetary, resource, and personnel matters;
3. the extent to which the board or commission has recommended statutory changes that are generally of benefit to the public interest;
4. the extent to which the board or commission has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service that it has provided;
5. the extent to which the board or commission has encouraged public participation in the making of its regulations and decisions;
6. the efficiency with which public inquiries or complaints regarding the activities of the board or commission filed with it, with the department to which a board or commission is administratively assigned, or with the office of victims' rights or the office of the ombudsman have been processed and resolved;
7. the extent to which a board or commission that regulates entry into an occupation or profession has presented qualified applicants to serve the public;

APPENDIX A

(Continued)

8. the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board or commission in its own activities and in the area of activity or interest;
9. the extent to which statutory, regulatory, budgetary, or other changes are necessary to enable the board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection;
10. the extent to which the board or commission has effectively attained its objectives and purposes and the efficiency with which the board or commission has operated; and
11. the extent to which the board or commission duplicates the activities of another governmental agency or the private sector.

Agency Response from the Department of Corrections



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Corrections
OFFICE OF THE COMMISSIONER

P.O. Box 112000
Juneau, Alaska 99811-2000
Main: 907.465.3480
Toll Free: 1.800.334.2381
Fax: 907.465.3315

November 13, 2024

Kris Curtis, CPA, CISA
Legislative Auditor
Division of Legislative Audit
PO Box 113300
Juneau, AK 99811-3300

RECEIVED

NOV 19 2024

LEGISLATIVE AUDIT

Dear Ms. Curtis:

Thank you for the opportunity to respond to the Legislative Audit Report dated October 24, 2024, regarding the sunset of the Board of Parole.

Regarding the report conclusions, DOC agrees the fiscal note for HB49 for the Board of Parole did not decrement the five positions and funding received with SB91. Three positions, along with funding for two, were reallocated out of the Parole Board. One position was reallocated to Administrative Services, due to the length of time the position had been vacant, and funding was retained within the Parole Board; two additional positions were reallocated to the Training Academy with funding to support the probation/parole officer training needs within DOC. The remaining two positions continue to reside within the Board of Parole with funding and perform work as assigned.

DOC also agrees with the Report Conclusions that the DOC and the Board of Parole did not coordinate and update regulations in a timely manner.

The department has reviewed the three (3) recommendations and agrees with each item listed as follows:

Recommendation No. 1

The board chair should work with the DOC's commissioner to ensure all hearings are conducted in a confidential manner.

The department concurs that hearings should be conducted in a confidential manner. DOC has addressed any training as well as physical space issues that were preventing this from happening and will ensure that all offenders are provided confidentiality during their parole hearing.

Kris Curtis, CPA, CISA
Legislative Auditor

- 2 -

November 13, 2024

Recommendation No. 2

The board chair and DOC's commissioner should ensure regulations are updated in a timely manner.

The department concurs that regulations should be updated and implemented timely. Due to staffing vacancies and turnover, changing legislation and competing priorities, DOC has been delayed in ensuring regulations are updated. DOC has recently designated a liaison who will assist in meeting the statutory requirements for regulations.

Recommendation No. 3

The DOC's commissioner should ensure fiscal notes for pending legislation properly reflect decreases, as appropriate.

The department concurs that fiscal notes for pending legislation should properly reflect all impacts to the department/component, if the legislation were to pass. This would include a full review of the legislation itself and effective dates (with any retro impacts identified). Consideration will also be given to any potential litigation as well as any remaining changes in workload when evaluating the fiscal impacts.

Thank you again for the opportunity to respond to your letter. Should you need additional information or have questions, please do not hesitate to contact our office.

Sincerely,



Jen Winkelman
Commissioner

Cc: Leitoni Tupou, Chair, Board of Parole
Jeffery Edwards, Executive Director, Board of Parole
April A Wilkerson, Deputy Commissioner, Corrections
Teri West, Administrative Services Director, Corrections

Agency Response from Board of Parole



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Corrections

Board of Parole
Jeff Edwards, Executive Director

550 West 7th Avenue, Suite 1800
Anchorage, Alaska 99501
Main: (907) 269-4642
Email: parole.board@alaska.gov

November 14, 2024

Leitoni Tupou, Chair
Sarah Possenti, Vice Chair; Ole Larson, Member; Steven Meyer, Member; Jason Wilson, Member

Legislative Audit Team
P.O. Box 11330
Juneau, Ak
99811

RECEIVED

NOV 15 2024

LEGISLATIVE AUDIT

Dear Ms. Curtis,

The Alaska Board of Parole has received the findings of the Legislative Sunset Audit. The report makes three (3) recommendations in total of which two (2) are directed to the Parole Board and one (1) is directed to the DOC's Commissioner. The Board has reviewed the report conclusions as well as the findings. The Board concurs with the recommendations and is providing updates regarding the corrective measures taken for each finding in this response.

The Board also concurs with the report conclusion except the following statement found on p/7, "the Board was unable to provide specific reason why its parole approval rate decreased."

However, Exhibit #5 presents an inaccurate comparison by trying to compare a collection of unrelated, individual hearings. Each individual hearing is very unique and as such, is considered and evaluated on its own merits, alone. Never, does the Board compare one hearing to another in order to reach a decision. Therefore, to try and identify the reason(s) for the decrease in parole being granted after SB91 is impossible. Any conclusions drawn by a faulty comparison would be in error and inaccurate.

Recommendation #1: The Board Chair should work with DOC's Commissioner to ensure all hearings are conducted in a confidential manner.

Agree: On April 10, 2024, DOC issued a directive to implement a practice to ensure all hearings are conducted in a confidential manner. The Board and Hearing Officers are continually monitoring this practice. All background noise and distractions are continually being eliminated and hearings are now being conducted in a confidential manner.

Recommendation #2: The Board Chair and DOC's Commissioner should ensure regulations are updated in a timely manner.

Agree: Effective November 5, 2024, the Board, with the assistance of the Department of Law, updated and adopted the Regulations in Title 22 of the Alaska Administrative Code, dealing with Parole eligibility and Victim participation in Parole Hearings.

Sincerely,

A handwritten signature in black ink, appearing to read "Leitoni Tupou".

Leitoni Tupou
Chair, Alaska Board of Parole

(Intentionally left blank)

Legislative Auditor's Additional Comments

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P.O. Box 113300
Juneau, AK 99811-3300
(907) 465-3830
FAX (907) 465-2347
legaudit@akleg.gov

November 18, 2024

Members of the Legislative Budget
and Audit Committee:

I have reviewed management's responses to this audit. Nothing contained in the responses causes me to revise or reconsider the report conclusions or recommendations.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Curtis".

Kris Curtis, CPA, CISA
Legislative Auditor