

Alaska Board of Parole

Overview to House Finance Subcommittee

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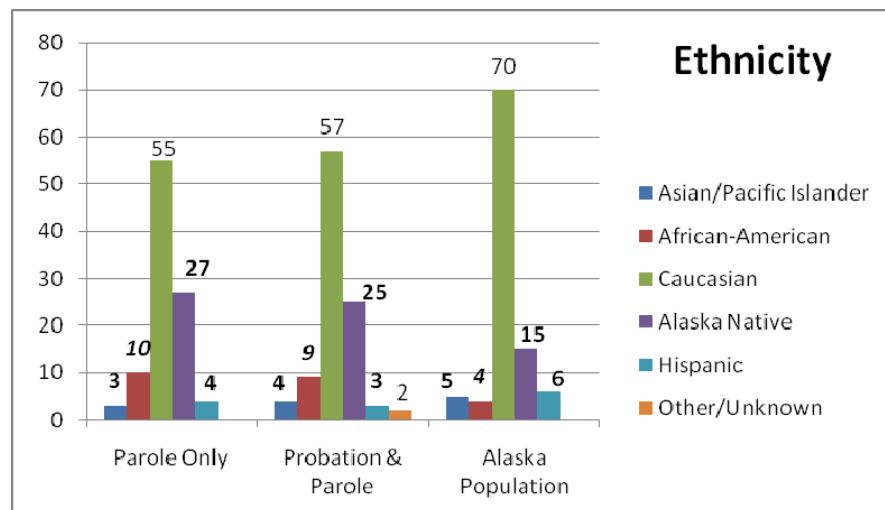


- The Alaska Board of Parole is comprised of five members appointed by the Governor to serve five-year terms, and subject to legislative confirmation. The Governor designates one member as the Chair.
- Members of the Board are selected based on their representation of Judicial Districts, as well as considerations of ethnic, gender, and the cultural populations of the state. Alaska statute, AS 33.16.020 (e), requires an appointment from the 1st, 3rd and either 2nd or 4th judicial districts. Since the statute was changed in 1985, the representation has generally remained the same:

Location	Judicial District	Number of Members
Anchorage	3 rd	2
Palmer	3 rd	1
Juneau	1 st	1
Fairbanks	2 nd	1

- Parole Board Hearings are held throughout the state at various correctional facilities, including the Hudson Correctional Facility in Colorado.
- The hearings are closed to the public (22 AAC 20.095), and all information obtained and used by the Board is confidential, see AS 33.16.170. Those in attendance include the parolee, board members/staff, attorneys for the parolee and state, department employees and security staff, if warranted. Victims are allowed to participate, provide written materials and attend parole hearing. For others wishing to attend and have a legitimate interest in the hearing, a written request can be made to the Board.
- **What is the difference between parole and probation?**
 - Probation is under the jurisdiction of the court. When an offender is sentenced for a felony offense, the judge can order that the offender be placed on community supervision, upon release from or in lieu of incarceration, with a series of conditions that are supervised by Probation Officers.
 - Parole is a function of the Parole Board, and provides the gradual reintegration of the offender into the community to serve the last part of a sentence under community supervision.
- **Who is on parole?**
 - Over 88% of the parolees are male
 - 84% of the parolees are ages 20 to 50, and 14 % are over the age of 50.
 - 55% of the parolees are Caucasian, followed by 27% Alaska Native, 10% African-American, 4% Hispanic and 3% Asian/Pacific Islander
 - At the end of calendar year 2008, there were a total of 1732 offenders on parole. For calendar year 2009, the number of parolees **increased** by 12% to a total of 1939.

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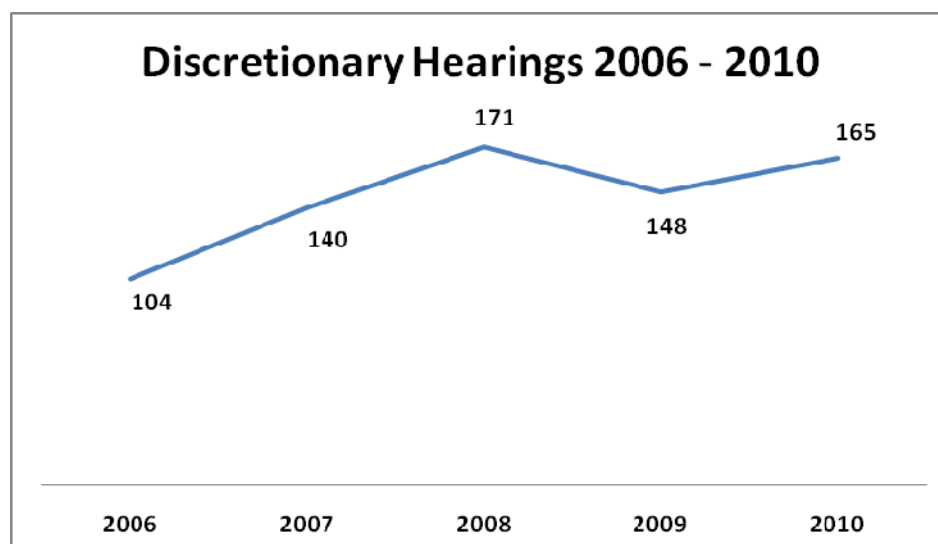


Source: Parole Only – 2010 Parole Board; Probation & Parole – Alaska DOC: 2008 Offender Profile; Alaska Population – 2008 U.S. Census Bureau: State and County QuickFacts.

- **Types of parole**

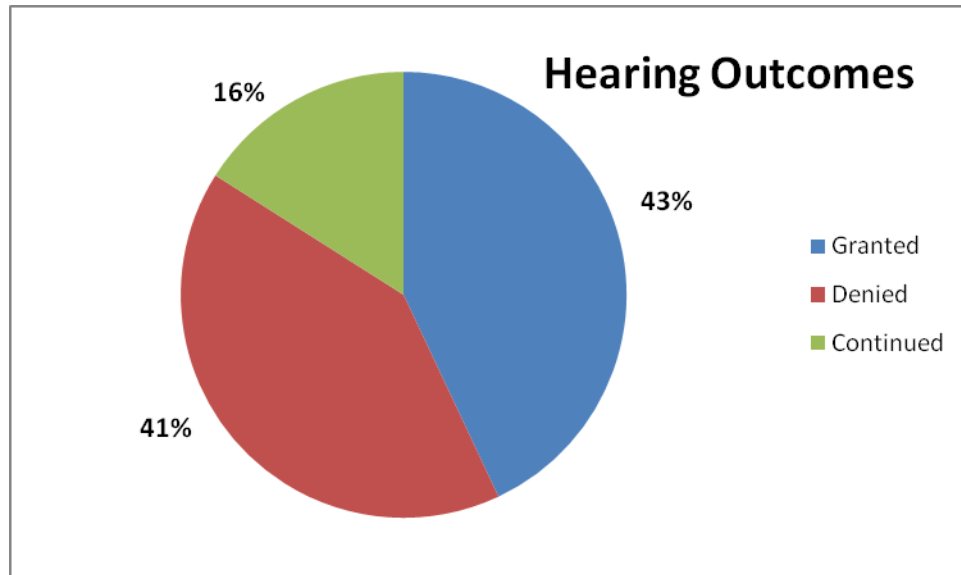
1. **Discretionary Parole** (AS 33.16.090 – 33.16.130; 22 AAC 20.005 – 22 AAC 20.260)

- To receive discretionary parole, an offender must complete one-third or one-fourth of their sentence, depending on the type of case and the time period of the offense. Statutes and regulations outline the basic criteria for eligibility, but the Board decides whether or not an offender can actually be released.
- When making this determination, the Board considers the seriousness of the offense, the offender's criminal record, institutional behavior, treatment and/or other rehabilitative programming while incarcerated, and an offender's release plans.
- Additionally, the Parole Board considers the impact of the crime on the victim and the victim's future safety. Victims and survivors are notified of parole hearings, and they may provide either a written statement or oral testimony to the Board.

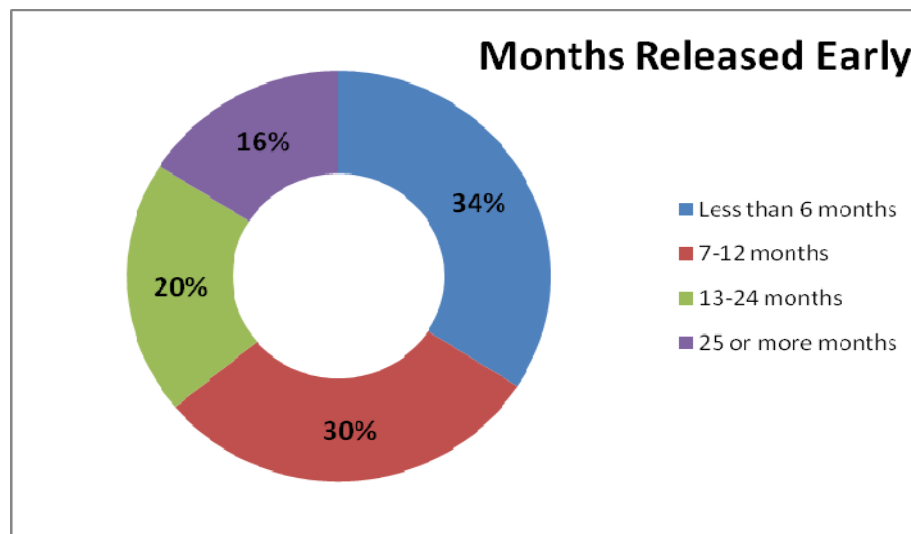


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- 43% of applicants for discretionary parole are granted, followed by 41% are denied, while an additional 16% are continued.



- 64% of the discretionary parolees are released within 12 months of their mandatory release date, and an additional 20% are released within 24 months of their mandatory release date.



2. **Special Medical Parole** (AS 33.16.085 – 33.16.087; 22 AAC 20.600 – 22 AAC 20.660)

- Application process similar to discretionary parole.
- Documentation is needed of the prisoners' medical condition.

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- There must be a reasonable probability that upon release
 - a. the offender will not violate any laws or conditions imposed by the board
 - b. the offender will not pose a threat of harm to the public
 - c. release of the offender would not diminish the seriousness of the crime
- Over the past 10 years, the Board has average only 2-3 requests for medical parole per year. For 2009 & 2010, there were a total of 3 hearings held.

3. **Mandatory Parole** (22 AAC 20.265 – 22 AAC 20.277)

- Mandatory parole means that offenders earn early release from prison or jail by accumulating "good time" credit for their behavior while in custody.
- A parolee cannot refuse to be released to mandatory parole.

• ***Anyone ineligible for parole?***

Discretionary Parole	<ul style="list-style-type: none"> • City/municipal or federal cases • Sentence of 180 days or less • Presumptive Sentence (only involves one case) • Mitigated Presumptive Sentence • SIS of 1 year or less • 99 year mandatory sentence • 3 Strikes sentence • Criminally Negligent Homicide of a Child (effective 3/23/05) • Sex Offenses (excluding SAM III, effective 3/23/05, unless the sentence is aggravated or consecutive) • Mandatory Minimum (must serve minimum or 1/3 whichever is greater)
Special Medical Parole	<ul style="list-style-type: none"> • Sexual Assault 1st – 3rd • Sexual Assault of Minor 1st – 3rd • City/municipal or federal cases
Mandatory Parole	<ul style="list-style-type: none"> • Sex Offenses with a prior sex offense (excluding SAM III effective 9/11/03)

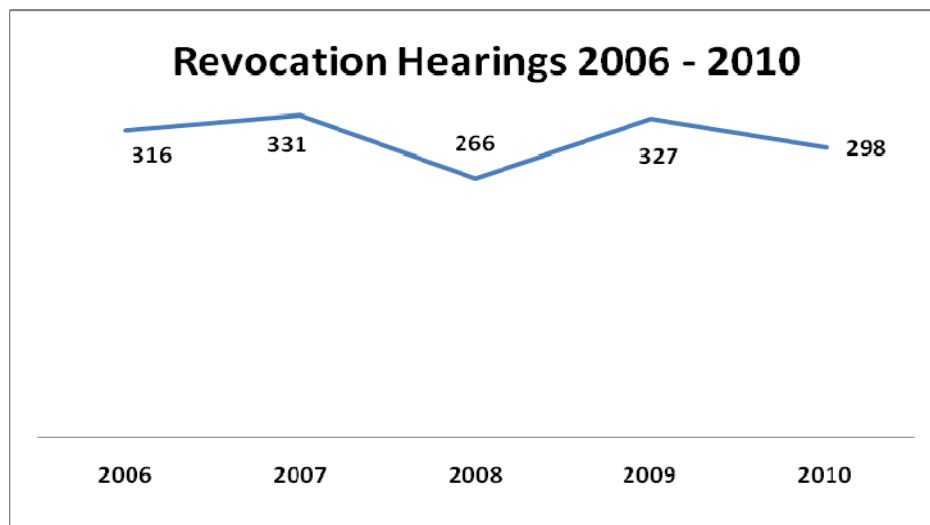
• ***What happens when parolees fail to meet conditions?***

- A parole violation report is prepared by the supervising probation officer, whenever there is a violation of conditions imposed by the Board.
- A supervising probation officer must report to the Board anyone who absconds from supervision or commits a serious misdemeanor or felony behavior, and an arrest warrant is issued.
- A parole violation warrant remains active and valid until executed through the arrest of the parolee, or until the warrant is withdrawn by the board. However, a parolee may be arrested without a warrant only if there is a danger to the public, a likelihood that the parolee will flee, or if the parolee committed a crime in the presence of the probation officer (AS 33.16.240).
- Upon arrest, the parolee must have a preliminary hearing within 15 working days. The first phase of the hearing is to determine whether there is probable cause to believe that a violation of parole

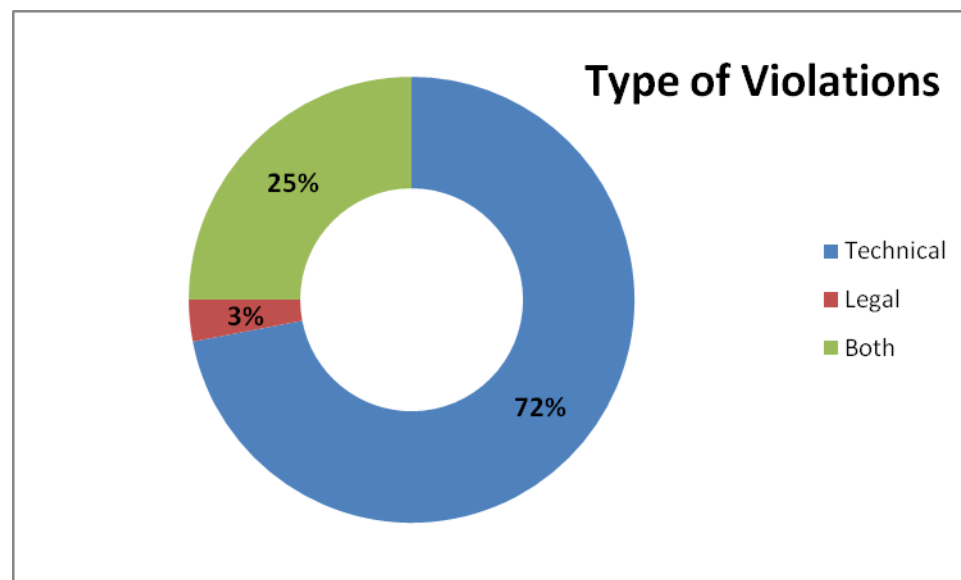
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conditions has occurred. If probable cause is found, then a determination is made whether the parolee should remain in custody pending a final revocation hearing. If the parolee is released, the hearing officer may modify existing parole conditions or impose additional parole conditions.

- Within 120 days, the Board must conduct a final revocation hearing to determine whether the parolee has violated any parole condition, and whether or not to revoke all or a portion of the parole or to change any condition of parole.

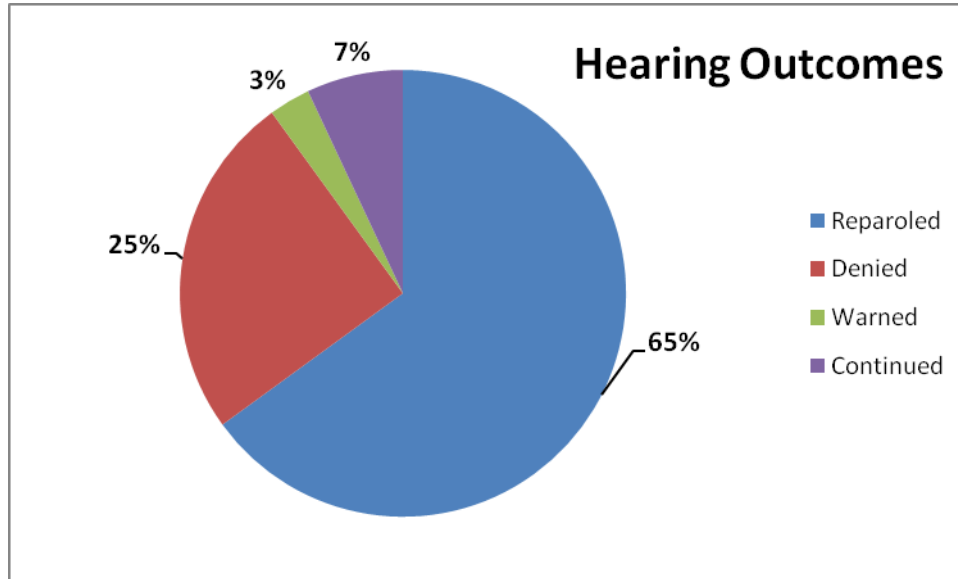


- When parole violations occur, most of the parolees commit technical violations (72%), such as failing to report, alcohol/drug involvement, and failure to complete substance abuse treatment. An additional 25% commit a new legal violation **and** a technical violation.



- 65% of violators have their parole revoke and they are given another opportunity at parole or reparaed; 25% of the parole violators are denied and must serve their remaining jail time; 3% are warned for their behavior and the remaining 7% of parole violation cases are continued.

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- **What is Clemency?**

- Clemency allows the Governor to provide a form of mercy for an individual convicted of a crime, and takes the form of a pardon or commutation. A pardon provides for partial or full forgiveness of a conviction(s) and penalty associated with it, while a commutation reduces the sentence or penalty.
- Staff conducted a thorough review of other states, including in-person review/meeting with Texas and Arizona to develop recommendations for the new process. Based on this research, the clemency process has been outlined into 4 phases – application, investigation, Executive Clemency Advisory Committee (ECAC) and Governor. Additionally, criteria are being developed to identify which applicants are ineligible for clemency.

Governor	Term Start/End		Clemency	Pardons	Commutations
William Egan	1/3/1959	12/5/1966	96	66	30
Walter Hickel	12/5/1966	1/29/1969	22	4	18
Keith Miller	1/29/1969	12/7/1970	4	3	1
William Egan	12/7/1970	12/2/1974	13	9	4
Jay Hammond	12/2/1974	12/6/1982	13	11	2
Bill Sheffield	12/6/1982	12/1/1986	13	5	8
Steve Cowper	12/1/1986	12/3/1990	13	6	7
Walter Hickel	12/3/1990	12/5/1994	5	5	0
Tony Knowles	12/5/1994	12/2/2002	2	2	0
Frank Murkowski	12/2/2002	12/4/2006	7	7	0
Sarah Palin	12/4/2006	7/26/2009	0	0	0
Sean Parnell	7/26/2009	present	0	0	0
Total			188	118	70