

HB

909

POSITION PAPER
HOUSE BILL #909

"An Act making special appropriations to the Alaska Court System; the Office of the Governor, public defender's office; and the Department of Administration and Law; and providing for an effective date."

The passage of this bill will have a definite and significant impact on the operating and capital budgets of the Division of Corrections as follows:

The only available data to estimate the impact on the Department of Health and Social Services, Division of Corrections, originates with the Court System projections of April 1979. According to their reports, the flow rate of the Anchorage area offenders into and through the justice system will increase by a factor of 1.411 as the result of an augmented Anchorage police force.

In an earlier study by the Division of Corrections and supported by private consultants' reports, the admissions for the Anchorage Annex plus Ridgeview Correctional Center are estimated for FY'79 at 8242 and FY'80 at 8984 excluding "peaking" effects.

The table below reflects the incremental affects on those earlier projections which result from the augmentation anticipated by the Court System.

	1 Projections Before Augmentation		2 Projections With Augmentation		3 Differentials Col. 2 less Col. 1	
	1979	1980	1979	1980	1979	1980
Admissions	8,242	8,984	11,629	13,152	3,387	4,168
Man Days	49,452	53,904	69,774	78,781	20,322	24,877
Average Head Count	135	148	191	215	56	67
Man Day Cost	\$ 50	\$ 55	\$ 50	\$ 55	-	-
Operating Cost	\$2,472,600	\$2,964,720	\$3,488,700	\$4,332,955	\$1,016,100	\$1,368,235

The need for additional bedspace in FY'79 to handle this augmented police effort, based on the above, represents a capital outlay estimated at 56 x \$90,000/bed = \$5,040,000 without consideration for expansion capability. This bedspace is in addition to those facility requirements contained in the Governor's FY 79 bond package for justice facilities. The Department of Transportation - Public Facilities study by Gruzen & Partners - Consultants, was made prior and did not consider the augmentation of the Anchorage police force. During the past nine months, the period subsequent to the study data, the Division of Corrections has consistently experienced inmate populations above the study projections.

The earliest date for a facility of this size to be on line considering general funding would be July, 1980. Meanwhile, the overcrowding of existing facilities would be compounded, necessitating significant additions to the correctional staff.

U.S. DEPARTMENT OF HEALTH AND SOCIAL SERVICES

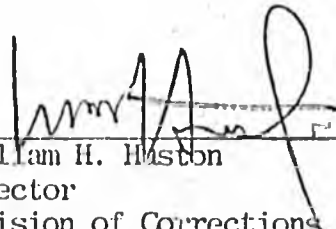
The Division of Corrections will request supplemental appropriations to the FY 79 budget when and as actual needs are identified. It is believed that the Division could be critically impacted about January, 1979. It is reasonable to expect that from January 1, 1979 to June 30, 1979 at least 15 additional correctional officers will be needed and a minimum of \$500,000 expended for care and custody costs of the additional man days of confinement involved.

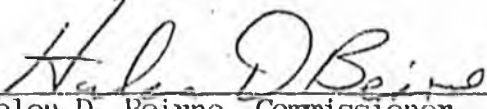
The Probation and Parole services will also be affected. Using January 1, 1979 as the critical point of need, the FY 79 additional personnel and related costs are as follows:

1 - P.O. II - Investigations	\$ 32,000
1 - P.O. II - Presentence Work	32,000
3 - P.C. II - Community Supervision	96,000
1 - Clerk Typist III - Clerical Support	19,100
Annual Total	<u>\$179,100</u>

Other Annual Support Costs for the above are
estimated at: 46,000

Less: One-Half year amount \$225,100
Total 112,550
\$112,550

Recommended by:  4/24/78
Date
William H. Houston
Director
Division of Corrections

Approved by:  4/24/78
Date
Helen D. Beirne, Commissioner
Department of Health and
Social Services

392
Introduced: 3/27/78
Referred: Judiciary and Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 HOUSE BILL NO. 909

3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

1.3
800,000
400,000

6 For an Act entitled: "An Act making special appropriations to the Alaska
7 Court System; the Office of the Governor, public
8 defender's office; and the Departments of Administra-
9 tion and Law; and providing for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. The sum of ~~\$720,000~~^{70,000} is appropriated from the general fund
12 to the Alaska Court System to meet expenses of additional personnel ~~and re-~~
13 ~~lated costs~~ for the trial courts at Anchorage.

14 * Sec. 2. The sum of ~~\$274,000~~^{32,000} is appropriated from the general fund to
15 the public defender's office in the Office of the Governor to meet expenses
16 of additional personnel, ~~increased office space, and related costs~~ for the
17 public defender's office in Anchorage.

18 * Sec. 3. The sum of \$107,000 is appropriated from the general fund to
19 the Department of Administration to meet expenses of additional personnel and
20 relocation of the office of the state recorder in Anchorage.

21 * Sec. 4. The sum of ~~\$169,000~~^{32,000} is appropriated from the general fund to
22 the Department of Law to meet expenses of additional personnel ~~and related~~
23 ~~costs~~ for the office of the district attorney, Third Judicial District, at
24 Anchorage.

25 * Sec. 5. This Act takes effect July 1, 1978.

26
27 * Sec 3 32,000
28 Division of Corrections
29

Dept of HSS

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

POUCH N - JUNEAU 99811

April 20, 1978

The Honorable Terry Gardiner
Representative
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Gardiner:

Noting the increases in the budgets of the Alaska Court System, Public Defenders Office, Department of Administration and the Department of Law contained in House Bill 909, I would like to call to your attention the recent cuts made to the two Alaska State Trooper BRUs which are assigned the responsibility of serving the increased activity of the Court System which will parallel this increase in their budget. The budget originally submitted by the Governor to the Legislature anticipated this increase in activity, as well as numerous other statewide law enforcement problems.

The House budget, however, deleted from the Judicial Services' BRU one new Trooper, as well as two existing Troopers. In the Detachments and CIB BRU, the House reduction included fourteen new Troopers plus one existing Trooper. Had these budget reductions not been imposed, I would have felt comfortable proceeding into FY 1979 without inclusion of our Department in the special provisions of House Bill 909. It was reported to us that the reduction of three commissioned positions was the result of their vacancy for a major portion of FY 1978. It should be apparent that it is virtually impossible to maintain a 100% occupancy of positions available particularly in a unit such as the State Troopers which require three months of Academy training and where hiring only occurs twice a year. Since there is no point in time when we can legally hire more positions than authorized, there will continue to be isolated vacancies in the future which if viewed similarly would result in budget cuts in every succeeding year. If the same logic had been applied during pipeline construction when a substantial number of Troopers terminated, we would have lost many more than two positions.

As to the specific problem of dealing with prisoner transportation, as a result of the increased number of enforcement officers in the Anchorage area, I feel that a minimum of three Troopers should be added to the Judicial Services' unit. That would be restoration of the two cut plus

April 20, 1978

the one new one requested. However, the problem we are facing in serving the Court System and the Division of Corrections is more extensive than just the increase which will occur in the Anchorage area.

In the past two years, inmate population has grown by almost 200 prisoners in Alaska's correctional facilities. This has resulted in serious overcrowding and no relief of this situation is anticipated during FY 1979. As the overcrowding increases, the demand for prisoner transportation between institutions to balance population by moving prisoners to where beds are available has and will continue to increase. Another serious factor which is basically outside of my control and has affected our efficiency very adversely is the recent labor contract negotiated with Public Safety Employees Association. This contract does not allow us to have officers move prisoners voluntarily on their day off at their request as has been the past practice. This reduction in total available man hours must either be met by more overtime or more positions. Obviously at time and one-half for overtime, creation of new positions is preferable.

Up to this point, I don't feel that the Department of Public Safety has been responsible for any logjamming in the administration of justice system, however, that time is rapidly approaching. Another factor which the budget reductions probably did not recognize was the impact in the Fairbanks "I" Detachment area of gasline pre-construction activities. Simply stated, with a cut of \$96.2 in the Judicial Services' BRU and \$641.8 in the Detachments and CIB BRU, the level of law enforcement services provided by the Alaska State Troopers during FY 1979 will deteriorate substantially if no increase is received either through House Bill 909 or the Free Conference Committee budget.

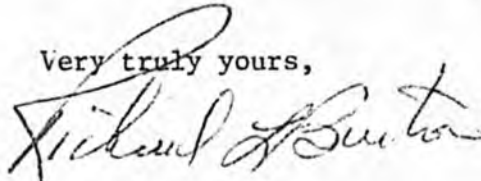
I have attached several excerpted pages from the Quarterly Field Program Reports for the quarter ending March 31, 1978. These reports are prepared in the field and sent directly to my office to keep me abreast of the various types of manpower, equipment, logistics and operational problems being faced by field personnel. From these, you will note that in Anchorage, senior officers responsible for administering the Judicial Service function statewide are themselves escorting prisoners, acting as court bailiffs and performing other related duties which should normally be accomplished by their subordinates if adequate in numbers. In Juneau, Ketchikan, Bethel and several other locations around the State, we had to terminate the temporary help which in the past has been assigned to assist the Troopers in carrying out the Judicial Service function. There is no provision for temporary State Troopers, and we are not recommending it both because of the liability exposure to the State and the inefficiency of training personnel only to be forced to terminate them after nine months employment. We prefer to have permanent, fully trained and qualified personnel in numbers adequate to meet the responsibility assigned. This past practice of utilizing temporary Judicial Service Officers has been appropriately discontinued.

April 20, 1978

In general, from the material attached, you can see that it is an everyday occurrence around the State that officers assigned to local patrol are diverted to the service of the Courts and prisoner transportation problems under the Judicial Services' unit. The final page of the attachments was contained in the Fairbanks Quarterly Reports and shows that in the three month period ending March 12, 1978, we were basically falling behind in our workload every month in Fairbanks.

Although I do not want to be the harbinger of gloom, this is and should be an area of concern demanding the specific attention of your Judiciary Committee.

Very truly yours,



Richard L. Burton
Commissioner

Enclosures

cc: Senator George Hohman, Chairman, Senate Judiciary Committee
Michael C. Harper, Administrative Assistant to the Governor

MEMORANDUM

TO : Commissioner Richard L. Burton

DATE: April 12, 1978

Department of Public Safety

FILE NO

TELEPHONE NO

 FROM : Captain A. A. English *al*
 Commander/Civil Section
 Alaska State Troopers

 SUBJECT: FIELD PROGRAM REPORT
 FIRST QUARTER 1978
 ANCHORAGE CIVIL SECTION

1. Events adversely effecting local operations:

Classification of prisoners is still a time consuming function of J.S. personnel. We no longer participate in Eagle River and Annex Classifications as all of their classifications are "in house". A J.S. supervisor still spends an average of two hours per week at Ridgeview (female facility) and five hours per week at Third Avenue jail participating in Corrections Classifications. The reason for no longer classifying at Eagle River and the Annex is that Eagle River accepts only sentenced classified prisoners and the Annex ships all its prisoners to Third Avenue as soon as they are sentenced.

The volume of transportation of prisoners between Alaskan cities remains high. A great many of these moves are for psychiatric examinations at API or Langdon Clinic. Prisoners are brought up from Juneau or down from Nome for such psych. exams, and are often ready for return to their place of arrest within two days. As an example of high expense: The Ketchikan Superior Court recently ordered a juvenile murder defendant transported to Fairbanks for a partial day psych. exam., which required us to provide escorts and the fare.

(continued)

With the new PSEA contract we have had to re-evaluate our P.T. policy. Past policy was to utilize troopers on their days off at their request. In such cases we paid only minimum per diem and round trip airfare. The troopers donated their time so they could visit their destination for personal reasons. With the new PSEA contract such voluntary travel will have to be with the approval of the troopers Detachment Commander authorizing the overtime.

2. Significant Changes

I am presently conducting a study of statewide J.S. functions being done in the Anchorage J.S. Office. The possibility of moving some of the responsibility to the Director's Office is the reason for this study.

Anchorage courts are often in session from 8:00 a.m. until 6:00 p.m. these busy days, especially with jury trials. This makes it necessary for us to have troopers available for the purpose of prisoner control.

3. Prevention development progress:

The plan mentioned in the January 3, 1978 report of APD warrant section moving out of the court building has been altered and City warrants instead moved to AST-J.S.'s former office area in the old court building. It is hoped that the holding cells in that area will someday also be utilized for City prisoners, thus cutting down the volume of prisoner traffic in AST-J.S. Prisoner Transportation Holding area. We will continue to assist the court with all remands whether State or City.

(continued)

4. Operations:

Manpower continues to be a problem. To keep up with the court prisoner duties alone J.S. supervisors (Capt., Lt., 1st Sgt., and Cpl.) find themselves in court several hours weekly. Our writ load has been down this quarter but if the usual increase of summer materializes in both prisoners and writ volume we will not be able to keep up without an increase in overtime.

Personnel Actions include the following:

- 1) Trooper Bob Adams will be off duty until approximately June 1 following heart surgery.
- 2) Temp. JSO/Dispatcher Len Bunts was promoted to Trooper 4-10-78 and assigned to Vehicle Enforcement.
- 3) Effective 4-1-78 Trooper Rod Pilch was permanently assigned to Anchorage J.S. following a three month TDY assignment from "C" Detachment.
- 4) Effective 4-10-78 Trooper Atkinson was returned to "C" Detachment following three months TDY training at J.S.
- 5) Effective 4-16-78 Trooper Coffey will be transferred to Talkeetna Post.
- 6) Trooper Reed has been frequently utilized by CIB and Intelligence for polygraph examinations.
- 7) Pilot/Officer McMillon is utilized heavily for pilot duties by the various Departmental sections during the summer months.

The result of the manpower shortage is having to schedule heavily on day shift to cover court (8:00 a.m. - 6:00 p.m.) and to have a skeleton crew on swings and weekends (the best writ serving

(continued)

times). Warrant section troopers are heavily used in court and for prisoner transports giving each man only a few hours a week to work straight warrants. Manpower utilization is being re-evaluated with the thought in mind of the possibility of reassigning responsibilities.

5. Training

It is still not fully decided what additional training the reclassified Troopers (from JSOs) will be receiving or what "grandfather" rights may be granted them. The decision is expected from the Commissioner's Office in April of 1978.

6. Support

It would seem that any office walls or carpet for the squad room is out of the question. The Court System will not fund the requested charges and we do not have the funds.

7. Logistics

Four vehicles of our total eighteen remain without screens (silent patrolman) but all four will be replaced over the next year. Two are 1974 Novas and two are 1975 Chevilles.

Sirens and shotguns have been ordered for all J.S. vehicles not so equipped.

8. Facilities

Two needs, whenever money is available, within the Court System or Public Safety budget are:

- 1) SEPERATE men's and women's rest rooms in the squad room. Right now our male and female troopers and office staff use a system

of changing signs on the rest room door, i.e.,; Male/Female and Occupied/Not Occupied. Presently twenty-four personnel (five females) utilize this rest room.

- 2) A drive-in secure prisoner loading/unloading area is needed at the Court building. Presently we often have to walk prisoners across the parking lot over ice exposing the troopers and prisoners to abtact or accidental injury besides the escape risk factor.

- 9) A new antenna for our J.S. radio frequency on top of the Court building is still in the plans for this summer.

The private line has been moved from the upstairs, Captain's, office to Warrant Section. The phone is used for all warrant long distance calls, for informant calls, for "trick" call backs, and for phone tracing purposes.

10) Communications

As reported in the January report the MX 360 portable radios have not been received as of this time. There has been no changes from the last report the radio equipment we presently have is working very satisfactorily.

AME/lwh

cc: Major Vaden

MEMORANDUM

TO Major Ray Rush
 Field Enforcement Commander
 Zone 2

DATE March 31, 1978

FILE NO

REFERENCES

FROM Captain John Monagle
 Commander
 B Detachment, Juneau

SUBJECT Field Program Report
 B Detachment
 1st Quarter 1978

EVENTS ADVERSELY AFFECTING LOCAL OPERATIONS:

Manpower continues to be the major problem affecting local operations. B Detachment has been four positions down for the past year. Two of those positions will be filled immediately with transfers. Although we have assumed additional obligations in the vehicle enforcement (commercial vehicles) program, the vacated BVE position is not being filled.

The decision to terminate temporary JSOs and make these positions permanent Trooper positions, has effectively reduced that operation from a four man operation to a two man operation. The additional work is being assigned from Troopers in the respective posts and is therefore the result of additional work with the reduced manpower. If this tendency continues, it will adversely affect the initiation of any innovative enforcement programs.

With the continuing policy of having to escort prisoners to doctors offices and hospitals for treatment programs, there is a continual drain on the service section officer's time. Unfortunately he has been unable to keep up with the continuing escalation of prisoner demands for treatment and this has necessitated the use of the patrol officer taking him away from his assigned duties.

The lack of funding for SAR Programs which is mentioned in Sergeant Morris Rogers' report, is one that will have to be taken care of through a budgetary process. Expanded SAR efforts will always cost additional money, the majority of which is going to have to be funded through U. S. Coast Guard facilities and personnel.

SIGNIFICANT CHANGES:

The program initiated February 1, 1978, of using the IBM cards in the computer for initial complaints, has worked well to reduce manpower needs and paperwork flow.

New PCN has been received for the fifth Dispatcher I position in Ketchikan.

Chief of Police George Clouse, has been terminated as Chief in Craig Alaska and as yet, no replacement has been hired.

Juneau's bar closing, reduced by three hours, has noticeably affected the availability of the patrol function for security checks and general patrol.

FIELD PROGRAM REPORT

SOLDOTNA POST

March 31, 1978

1. Events Adversely Affecting Local Operations.

Although the goal during this reporting period was special emphasis on on-view patrol, the entire month of January was spent on cross training and in-service training of six Soldotna Post Troopers which was conducted by Marion Sellars in Bureau of Vehicle Enforcement. The instruction was given during daytime hours which left several evening shifts uncovered. This may have been the reason for some of the late evening burglaries.

Another situation which hampered local patrol was the required assignment of one of the Soldotna Troopers to Judicial Services and another trooper on annual leave throughout the three months. Although burglaries and break-ins were minimal, the loss of manpower from patrol could possibly prove responsible for the reported offenses. This shortage in patrol was due to the combination of troopers handling Judicial Services functions from January 8 to February 12 at which time Trooper John Tanguy was assigned Judicial Services for a period of two months. In the future this assignment will change to the various troopers of the Soldotna Post.

I strongly support and contend that the Soldotna Post be reclassified as a flexible post to allow freedom of movement for special projects and programs. This would allow Soldotna Post to initiate a team policing concept for selective enforcement of traffic and other offenses or problem areas and to alleviate additional overtime.

2. Significant Changes.

On February 24, 1978 Soldotna Police Department and Dispatch vacated the present Department of Public Safety building. Soldotna Police Department and Dispatch are now located in the previous City Hall building near the present Public Safety facility. Since this severance, Soldotna Post troopers and supervisors have actively engaged in cleaning this entire structure and rearranging offices. This rearrangement provided additional office space and desks for the troopers and also provided an office which is used for interrogations and interviews. Video equipment has been relocated.

The reassignment of Corporal Schadle as Outpost Supervisor and Sergeant Radisch as Soldotna Post Supervisor has proven effective. Reclassifying as troopers the two Vehicle Enforcement officers and Judicial Service Officer has provided an interrelated duty assignment and all three of these officers are progressing satisfactorily and are handling their additional responsibilities.

A guard hire system has been initiated and seems to be operating satisfactorily. The procedures need to be observed and evaluated for possible streamlining and/or improving.

DATE March 28, 1978

Commissioner Richard L. Burton
 Department of Public Safety
 Juneau

FILED

PRIORITY

TO: Lieutenant James Lansbery
 Commander Detachment E
 Alaska State Troopers
 Kodiak

SUBJECT: Field Program Report
 1st Quarter
 Detachment E

1. Events Adversely Affecting Local Operations

The magistrates' positions at Unalaska, Sand Point, Naknek and Hooper Bay have been vacated during the past quarter. Also the magistrate at Saint Paul Island has indicated that he is going to resign and has submitted an application to the Department of Public Safety for the position of constable there. Of those positions vacated a temporary magistrate has been assigned at Naknek but no date of filling these posts on a permanent basis has been determined yet.

The reclassification of JSOs to trooper level positions, although giving us more versatility in the Kodiak Post itself, caused a reduction of manpower of one man in the Bethel area where the JSO was a temporary and was released.

The bids for the new Kodiak office space were opened the last part of February. Only one bidder responded at that time and did not respond adequately to the conditions of the bid so it was rejected. A new bid date of the 17th of April was set and there are currently several bidders indicating that they are interested in submitting a bid for the space required. Of these, two are indicating that they are interested in building a new building to the specifications set out in the bid.

In December the State Goose assigned to the Kodiak area was left in Anchorage for maintenance to be performed while the pilot was on approximately one month annual leave. Upon his return it was learned that no maintenance had been performed on the aircraft. Aircraft section indicated that they would get to it as soon as possible. Due to several incidents that arose after this period of time i.e. construction of new hanger doors, fire during construction etc. the maintenance on the State Goose has been continually delayed. As of this date indications are that the aircraft will be ready to return to Kodiak approximately the first of April. This has left both AST and FWP Detachments without the use of this aircraft through the entire quarter.

CIVIL PROC. REC. 36

CIVIL PROC. SVD. 32

CIVIL PROC. REC. 216

CIVIL PROC. SVD. 169

WARRANTS REC. 95

WARRANTS SVD. 28

WARRANTS OUTSTANDING 508

CIVIL PROC. REC. 2

CIVIL PROC. SVD. 33

CRIM. PROC. REC. 887

CRIM. PROC. SVD. 263

WARRANTS REC. 97

WARRANTS SVD. 56

WARRANTS OUTSTANDING 488

CIVIL PROC. REC. 22

CIVIL PROC. SVD. 20

CRIMINAL REC. 410

CRIMINAL SVD. 256

WARRANTS REC. 75

WARRANTS SVD. 41

WARRANTS OUTSTANDING 453

18 WORK DAYS

11/7/78 - 2/12/78
25 WORK DAYS

11/3/78 - 11/7/78
5 WORK DAYS



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

April 20, 1978

The Honorable Terry Gardiner
Chairman, House Judiciary Committee
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Gardiner:

The attached fiscal notes are furnished in support of the Administration's position on HB 909.

The position we have adopted is that should additional judges and related positions be funded through special appropriation to the Court System, resources will be required for Executive agencies as well in addition to those planned for in the Governor's FY 79 budget submission. More judges will decrease case calendaring flexibility and require additional attorneys to cover the added courtrooms. Because the appointment process for new judges may take several months, a phase in funding approach is proposed which will authorize some of the resources beginning July 1, 1978 and the rest later in the year.

Sincerely,

A handwritten signature in cursive script that reads "Michael C. Harper".

Michael C. Harper
Administrative Assistant
to the Governor

bcc:

Avrum Gross, Attorney General
Helen Bjerne, Commissioner, Health & Social Services
Richard Burton, Commissioner, Public Safety
Brian Shortell, Public Defender

41% increase in number of law enforcement officers
for FY79

8 to 3 judges

Why more state troopers in
ANC

219
304

41
28

305) 220.000

220

85

305) 85.000

610

2900

Startup time needed → to appoint everybody

Cut funding therefore 3 months to
appoint judges