

HB

983

#4

(parallel hand)



Alaska State Legislature

House of Representatives

Committee on Judiciary

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

TO: Charlie Parr, Chairman
FROM: Margaret W. Berck, Staff
DATE: February 6, 1980
RE: Sunset Review of the Parole Board (Based on review of audit report and Corrections Master Plan)

Each of the five recommendations of the Legislative Auditor should be explored. The audit report is riddled with factual disputes between the auditor and the Parole Board. Despite these disputes, it seems clear that the Parole Board has not submitted annual reports to the Legislature as required in AS 37.07.090, a copy of which^{is} attached hereto. The board's response is that^{they} need forms from Legislative Audit and additional staff in order to comply with this requirement.

One of the Auditor's recommendations would require the board to codify its regulations. From the materials in our files, it seems that the board is in the midst of adopting new regulations. The Corrections Master Plan indicates that the Parole Board is not subject to the APA and recommends that legislation be adopted to make them subject to the APA. The board should probably be questioned on this point. Furthermore, as the nuts and bolts of Parole Board policy and procedure would be contained in those regulations, the Committee may wish to obtain a copy of those proposed regulations.

The main objective of the Parole Board is to maintain a less than 8% rate of felonies committed by parolees within one year after parole release. Regardless of the differing statistics offered by the auditor and by the board on this point, it is clear that the board is meeting this objective. This 8% figure compares well with available national statistics as well as other States on an individual basis. The fact that the board's statistics as well as the auditor's statistics both indicate a figure something less than 8%, raises a question of whether the board has been too tight fisted in paroling individuals. In any case it seems that one can not criticize the board for acting contrary to the interest of general public safety.

Existing criteria used by the board in determining who gets paroled should be explored. Presently the board is in the midst of establishing parole guidelines to supplant existing vague criteria. These proposed guidelines should be explored both for content as well as operation. This line of questioning is significant to determining whether the board acts in a racially discriminatory manner or generally in an irrational manner. In fact on this point you may wish to ask the board if they keep any statistics based on race. The special commission on ^{minority} racial sentencing looked at the parole board. You may wish to obtain their comments on this point. Hopefully the new guidelines will prevent irrational or racially motivated decisions.

In many cases the board responded to the auditor's recommendations with the cry for more money and staff. These needs are echoed in the Corrections Master Plan Report. The need for additional funds should possibly be explored in terms of the new criminal code. Under the new

code ONLY first-time offenders will be eligible for parole. Will this reduce the Board's caseload? The new criminal code certainly limits discretion of the Board to adjust sentences. How else does new code affect them?

The conditions imposed on the parolee should be explored. The majority of Alaska parolees are subject to revocation for technical violations. Are these technical violations reasonable in light of additional tax burdens resulting from re-confinement in institutions? (Copies of the forms used for parole orders as well as the special conditions of parole will be in each member's files).

The exact counting method utilized by the parole board to determine when a prisoner might obtain parole should be clarified. It seems that those serving more than 180 days must serve 1/3 of their maximum sentences (for lifers, 15 years). How does good time, which is computed at the ratio of one day off the sentence for every three served with good conduct, fit into this picture? A few examples might be instructional to the Committee.

What are the board's responsibilities regarding mandatory release violators?

How does the Board handle Alaskans in institutions located out of state?

How can one now appeal a Parole Board decision. Will this be changed at all in the proposed regulations?

Parole Board hearings presently aren't recorded nor are summaries of findings made. The Corrections Master Plan Report recommends that such procedures be established. This matter should be explored by the Committee.



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MEMORANDUM

TO: HOUSE JUDICIARY COMMITTEE
FROM: ROCKY PLOTNICK
DATE: SEPTEMBER 13, 1979
SUBJECT: ALASKA BOARD OF PAROLE

The Alaska Board of Parole has been assigned to this committee for sunset review. I have started to gather information about the Parole Board and its duties and will share what I have with you. Please note these are preliminary findings and more specific information will be supplied to you.

Before I go any further, a distinction must be made between parole and probation. Parole is administered by the Executive Branch and must proceed sentenced time in prison. Probation is administered by the Judicial Branch in lieu of prison. The Alaska Statutes specify when a prisoner is eligible for parole. AS 33.15.080 says,

"However, no prisoner may be released on parole who has not served at least one-third of the period of confinement to which he has been sentenced, or in the case of a life sentence, has not served at least 15 years." *

*Effective January 1, 1980, delete "or in the case of a life sentence, has not served at least 15 years".

The Parole Board is a separate agency within the Department of Health & Social Services, and not within the Division of Corrections. It has an executive director with one clerical person. There are five part-time members on the Board serving without pay, though they do get travel costs. The Parole Board conducts hearings at least quarterly at state correctional institutions. At those hearings parole may be granted, denied, continued (pending), or revoked.

When parole is revoked it means some law or condition of parole has been violated. However, it is important to note that sometimes parole is revoked and then a person is reparaoled, never going back to prison. So while Alaska's revocation rates are higher than the national average on the attached statistics, in reality not that many are returning to prison. Also, the revocations are mainly for technical violations or misdemeanors. An example would be a parolee getting stopped for having one marijuana joint, a misdemeanor in Alaska. That person could have parole revoked and be reparaoled at the same time. So in some cases, the revocation serves as a warning.

The Corrections Master Plan makes several recommendations for the Parole Board. They include:

1. three full-time members
2. an increase and reorganization of staff
3. change hearing procedure
4. establish a formal appeals process
5. adopt a guideline or matrix system to aid decision making

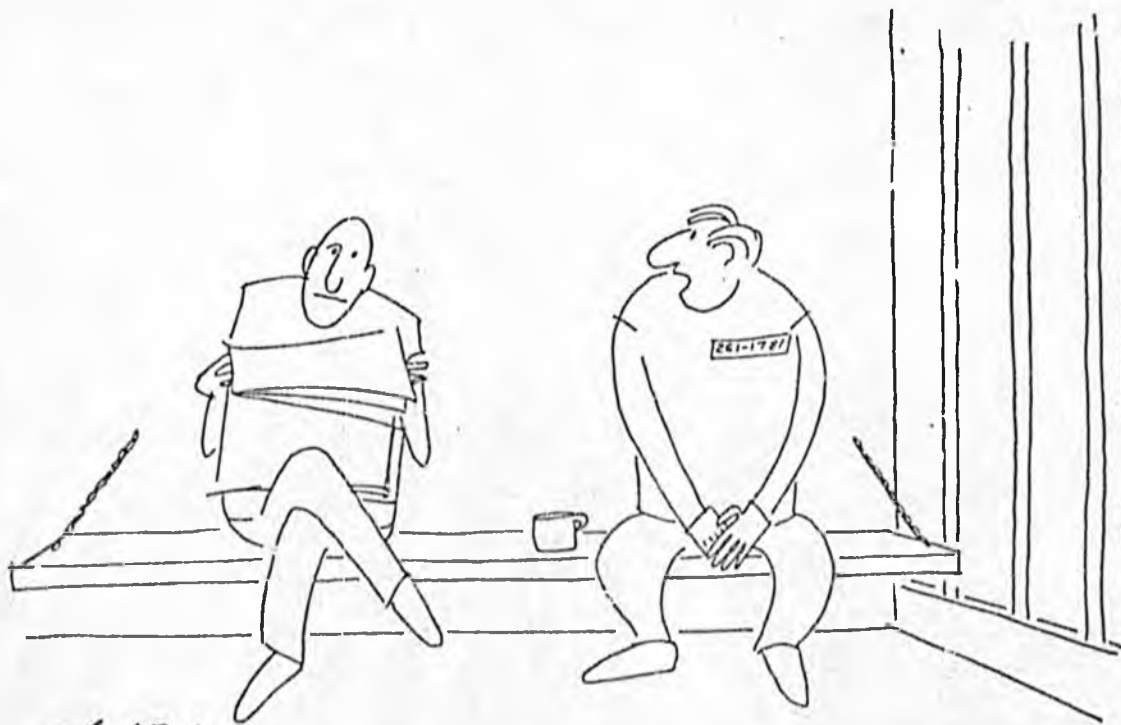
6. prepare a manual of policy
7. introduce legislation to allow credit for "street time" when parole is revoked
8. introduce legislation to allow the release from parole after two years of successful parole
9. conduct hearings to determine presumptive release date
10. obtain a common philosophy between the Parole Board and the Division of Corrections

When I met with Sam Trivette, the executive director, he said he was already working on the recommendations. We went over each one of them and I plan to follow-up in the future.

As we look at the Division of Corrections, keep in mind these people effect a person applying for parole. They are responsible for getting the application to the Parole Board. They make a report of a person's conduct in prison. Indirectly, the Division of Corrections does play a very significant part in the parole process.

THE NEW YORKER

JULY 30, 1979



ET ARNO

"Which are you—a victim of society or a crook?"

ALASKA BOARD OF PAROLE

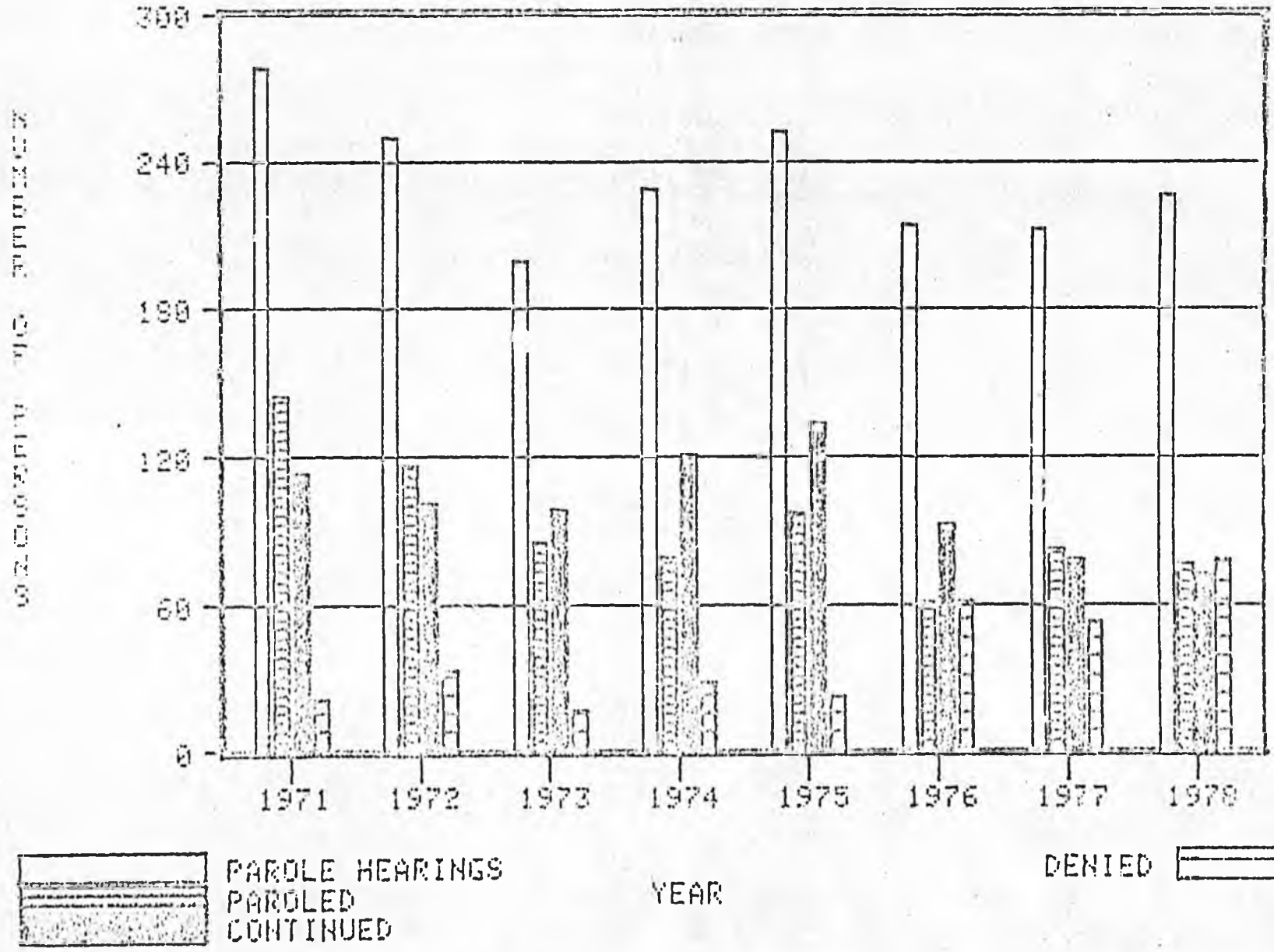
STATISTICS

	1975	1976	1977	1978	1979 (First Half)	
PAROLE HEARINGS	252	214	212	226	91	
PAROLED	93	53	75	64	34	
CONTINUED	133	92	78	72	30	
DENIED	22	61	52	78	27	
OTHER	4	8	7	12		
REVOCATIONS	TECH/FELONY		TECH/FELON		TECH/FELONY	
1-3 Months (on parole)	10	3	5	1	5	3
4-6 Months	7		6	2	8	
7-12 Months	7		4	2	4	1
13-18 Months	3		4	1		
19-24 Months	1					
25 Or More Months	2		1			
TOTAL	30	3	16	3	19	4
AVERAGE PERIOD * OF SUPERVISION REMAINING	20.3 Mo.	16.6 Mo.	17.4 Mo.	15.4 Mo.	15.4 Mo.	18.1 Mo.
REVOCATION RATE (Total)	3 1/2 Yr. Follow Up 35%	<i>to 3 1/2 yr</i> 2 1/2 Yr. Follow Up 36%	<i>to 2 1/2 yr</i> 1 1/2 Yr. Follow Up 31%	<i>to 18 months</i> 6 Mo. Follow Up 20%		
FELONY REVOCATION RATE	3.2%	5.6%	5.3%	1.6%		

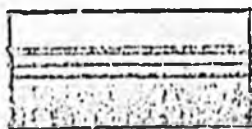
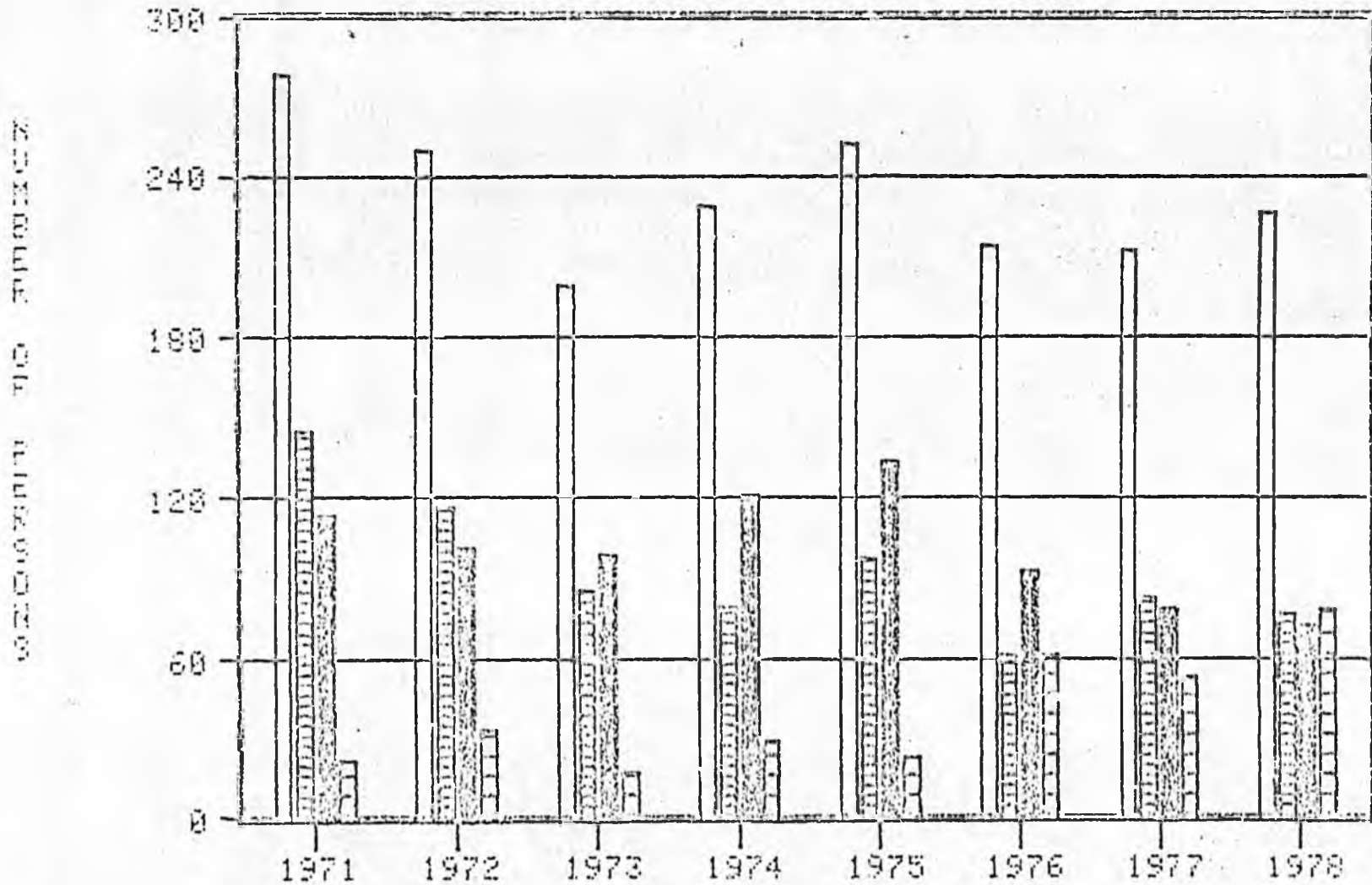
(nat'l average @ 8% 1 yr. follow up - 14% 2 yr.)

* IN EACH YEAR THE BOARD PAROLED A FEW INDIVIDUALS THAT HAD SUCH A LONG PERIOD OF SUPERVISION IT INFLATED THE AVERAGE. THIS FIGURE ONLY INCLUDES THE 90% WITH UNDER FOUR YEARS OF SUPERVISION LEFT.

PAROLE BOARD ACTIVITY
 (Tektronix 4051 -- Data Graphing)



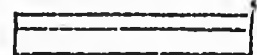
PAROLE BOARD ACTIVITY
 (Tektronix 4051 -- Data Graphing)



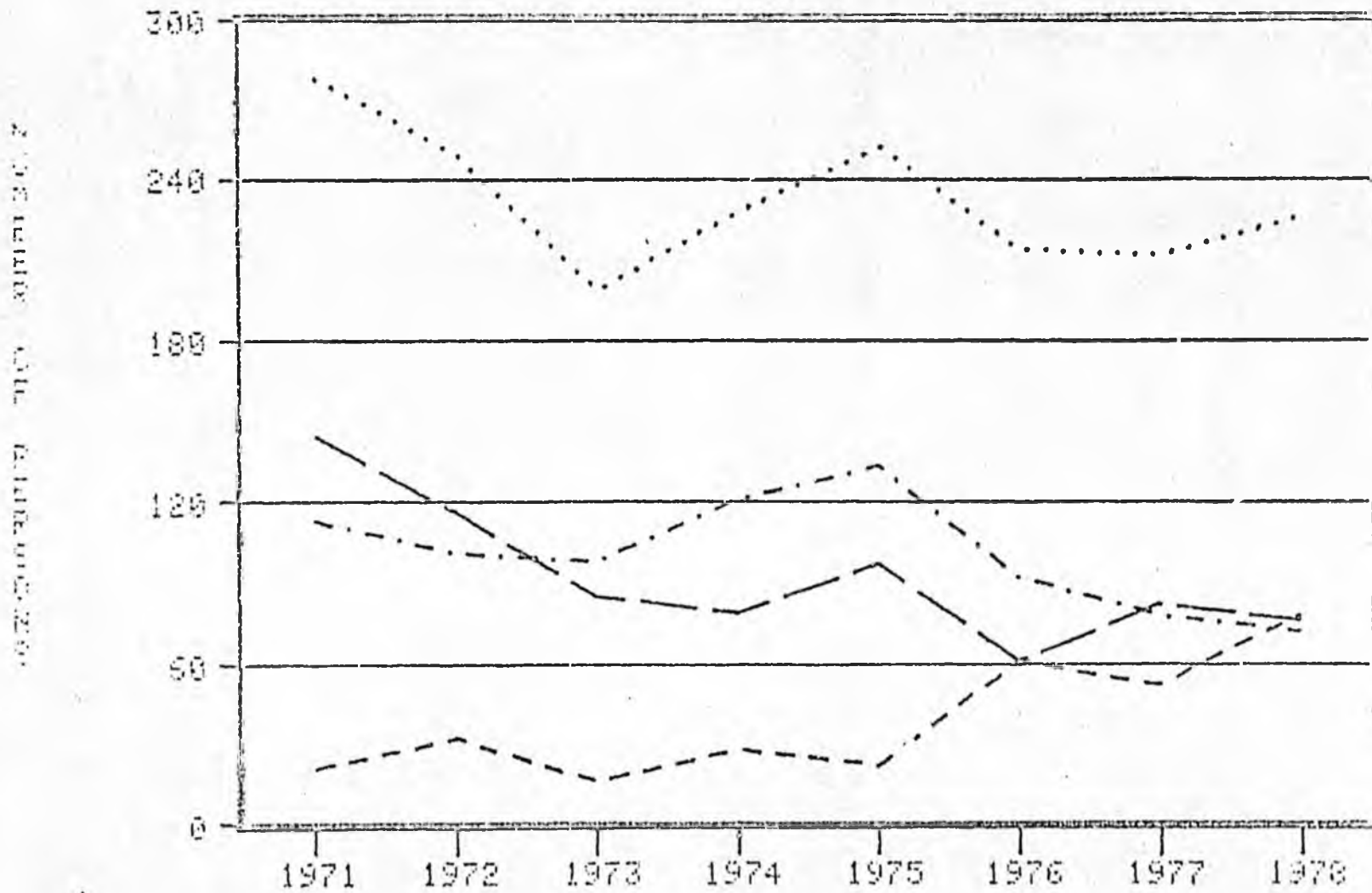
PAROLE HEARINGS
 PAROLED
 CONTINUED

YEAR

DENIED



PAROLE BOARD ACTIVITY
 (Tektronix 4051 -- Data Graphing)



..... PAROLE HEARINGS
 _____ PAROLED
 - - - - - DENIED

YEAR

DENIED - - - - -

PAROLE STATISTICS

1979

($\frac{1}{2}$ year)

PAROLE HEARINGS	91	
PAROLED	34	37%
CONTINUED	30	33%
DENIED	27	30%

PAROLE STATISTICS

1978

PAROLE HEARINGS	221	
PAROLED	64	29%
CONTINUED	75	33%
DENIED	78	35%
PAROLED (NOT RELEASED)	7	3%

*REVOCATIONS:

	Technical Violations Misdemeanors	Felonies
1-3 Months	3	(1) 1
4-6 Months	8	
7-12 Months	1	
13-18 Months		
19-24 Months		
25 of More	_____	_____
TOTAL	12 19%	1 1%

(1) Rape committed in Juneau.

As of May 1, 1979, short, inconclusive, Follow up.

PAROLE STATISTICS

1977

PAROLE HEARINGS	210	
PAROLED	73	35%
CONTINUED	78	37%
DENIED	52	25%
PAROLED (NOT RELEASED)	7	3%

*REVOCATIONS:

	Technical Violations Midemeanors	Felonies
1-3 Months	5	
4-6 Months	6	(1) (2) 2
7-12 Months	4	
13-18 Months	4	(3) 1
19-24 Months		
25 or More	<hr/>	(4) <hr/> 1
TOTAL 31%	19 25%	4 5%

- (1) Armed Robbery Committed in Anchorage.
 - (2) Burglary (Interstate) Committed in Washington.
 - (3) Burglary (Interstate) Committed in Texas.
 - (4) Assault (Interstate) Committed in Louisiana.
- *As of May 1, 1979, 6 months to 18 months Follow up.

PAROLE STATISTICS

1976

PAROLE HEARINGS	219	
PAROLE	49	22%
CONTINUED	92	42%
DENIED	61	28%
PAROLED (NOT RELEASED)	17	8%

*REVOCATIONS:

	Technical Violations Misdemeanors	Felonies
1-3 Months	5	(1) 1
4-6 Months	6	
7-12 Months	4	(2) (3) 2
13-18 Months		
19-24 Months		
25 or More	<u>1</u>	<u> </u>
TOTAL	39%	16 33%
		3 6%

(1) Possession of Stolen Property (Interstate) Committed in New York.

(2) Armed Robbery, Committed in Anchorage.

(3) Robbery, (Interstate) committed in New Mexico.

*As of May 1, 1979, 18 months to 30 months Follow up.

Introduced: 3/31/80
Referred: Judiciary

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 *CS for* HOUSE BILL NO. 983

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to parole of offenders; continuing the
7 Board of Parole; and providing for an effective date."

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

9 * Section 1. AS 33 is amended by adding a new chapter to read:

10 CHAPTER 16. PAROLE ADMINISTRATION.

11 Sec. 33.16.010. BOARD OF PAROLE. (a) There is in the Department
12 of Health and Social Services a Board of Parole consisting of seven
13 members appointed by the governor subject to confirmation by a majority
14 of the members of the legislature in joint session.

15 (b) Members of the board serve for staggered terms of five years
16 and until their successors are appointed and qualified. A vacancy on
17 the board shall be filled for the unexpired term.

18 (c) The governor shall designate the presiding officer of the
19 board.

20 Sec. 33.16.020. NOMINATIONS. The governor shall seek nominations
21 for board members from civic^{professional} and ethnic organizations in the state and
22 shall make appointments to the board with due regard for representation
23 on the board of the^{sexual} ethnic, racial, and cultural populations of the
24 state.

25 Sec. 33.16.030. SELECTION CRITERIA FOR BOARD MEMBERS. (a) The
26 governor shall appoint board members on the basis of their qualifica-
27 tions to make decisions that are compatible with the welfare of the
28 community and of individual offenders. The governor shall appoint board
29 members who are able to consider the character and background of

1 offenders and the circumstances under which offenses were committed.

2 (b) At least one person appointed to the board shall have ex-
3 perience in the field of criminal justice, psychology, or human rela-
4 tions.

5 (c) Officers or employees of the department may not be appointed
6 to the board.

7 Sec. 33.16.040. REMOVAL OF MEMBERS. (a) The governor may remove
8 a board member only for disability, inefficiency, neglect of duty, or
9 malfeasance in office.

10 (b) Removal of a board member is initiated by delivering to the
11 board member a written statement of the charges against the board member
12 and by giving the board member an opportunity to be heard in person or
13 through counsel at a public hearing in defense of the charges. The
14 hearing shall be before the governor or his designee. The time fixed
15 for the hearing may not be less than 10 days after the statement is
16 delivered to the board member. At the hearing the board member has the
17 right of confrontation and cross-examination of the witnesses who
18 testify.

19 (c) The removal of a board member is effective 15 days after a
20 statement of the charges made against the board member and the findings
21 on those charges are filed by the governor in the main office of the
22 board. However, the board member may appeal the findings of the gover-
23 nor or his designee to the superior court. The court shall limit its
24 review to a determination of whether the findings of the governor or his
25 designee are substantiated by the evidence presented. The removal of
26 the board member is suspended while an appeal from the findings of the
27 governor or his designee is pending.

28 Sec. 33.16.050. COMPENSATION AND EXPENSES. (a) A board member is
29 entitled to compensation of \$100 per day for each day he is concerned

1 with the business of the board and is also entitled to the per diem and
2 travel allowances provided by law for other boards and commissions.

3 (b) The governor shall adjust the compensation in (a) of this
4 section to compensate the board members for changes in the cost of
5 living as reflected in the consumer price index for Anchorage, Alaska.

6 Sec. 33.16.060. MEETINGS OF THE BOARD. (a) The board may meet as
7 often as it considers necessary to consider its responsibilities. The
8 board shall meet no less than four times a year.

9 (b) ~~Four~~ ^{Three Four} members of the board constitute a quorum for the conduct
10 of business.

11 (c) Decisions and orders of the board require the votes of a
12 majority of the members present and in no case less than the votes of
13 ~~three~~ ^{two} ~~members~~ ^{members}.

14 Sec. 33.16.070. PROCESS. The board or a member of the board may
15 issue subpoenas and subpoenas duces tecum. *In addition to any other responsibility prescribed by law, the*

16 Sec. 33.16.080. RESPONSIBILITIES OF THE BOARD. (a) ~~The~~ ^{board}
17 shall

- 18 (1) serve as the parole authority for the state;
- 19 (2) consider the suitability for parole of all prisoners
20 serving sentences who are eligible for consideration for parole, unless
21 a prisoner waives consideration of parole;
- 22 (3) discharge a person from ~~prison~~ ^{parole} when supervision ~~within~~ ^{is}
23 ~~the prison is~~ no longer required;
- 24 (4) maintain records of the meetings and proceedings of the
25 board; *which apply fairly to all prisoners not including RACE OF SEX*
- 26 (5) adopt standards[^] for the determination as of when a pri-
27 soner should be considered for and receive parole;
- 28 (6) recommend to the legislature changes in the laws ad-
29 ministered by the board;

1 (7) recommend to the commissioner changes in the practices of
2 the department and of other departments of the executive branch.

3 (b) The board shall adopt regulations under the Administrative
4 Procedure Act (AS 44.62) *which apply fairly to all prisoners*
not including race or sex

5 (1) establishing the standards under which the suitability of
6 a prisoner for parole will be decided; and

7 (2) providing for the supervision of parolees and for recom-
8 mitment of parolees.

9 Sec. 33.16.090. EXECUTIVE DIRECTOR. The board shall ^{appoint} hire an
10 executive director who has training and experience in the field of
11 probation and parole. The executive director shall serve as the execu-
12 tive officer for the board in the accomplishment of its functions. He
13 shall serve at the pleasure of the board. The executive director shall
14 employ the staff of the board.

15 Sec. 33.16.100. ELIGIBILITY FOR PAROLE. (a) A state prisoner
16 other than a juvenile delinquent, wherever confined, who is serving a
17 definite term of over 180 days or a term the minimum of which is at
18 least 181 days and who is not imprisoned in accordance with AS 12.55.-
19 125(c)(1), (c)(2), (c)(3), (d)(1), (d)(2), (e) 1), or (e)(2), whose
20 record shows that he has observed the rules of the institution in which
21 he is confined, may, in the discretion of the board, be released on
22 parole subject to AS 33.16.110 and 33.16.120(b).

23 (b) A state prisoner imprisoned in accordance with AS 12.55.125(a)
24 or (b) may not be released on parole until he has served at least the
25 prescribed minimum term of imprisonment.

26 (c) ^{ANY} state prisoner ^{including ONE} imprisoned in accordance with AS 12.55.125-
27 (c)(1), (c)(2), (c)(3), (d)(1), (d)(2), (e)(1), or (e)(2), who is released
28 under AS 33.20.030 shall be placed on parole for the period specified in
29 the certificate of deduction, subject to written ~~release~~ conditions

1 imposed by the board, ~~or his parole officer.~~

2 Sec. 33.16.110. FIXING ELIGIBILITY FOR PAROLE AT TIME OF SEN-
3 TENCING. When in its opinion justice and the best interests of the
4 public require that a defendant be sentenced to imprisonment for a term
5 exceeding one year, the court having jurisdiction to impose sentence,
6 upon entering a judgment of conviction, may designate in the sentence of
7 imprisonment a ~~minimum~~ term at the expiration of which the prisoner is
8 eligible for parole. The ~~minimum~~ term shall be at least one-third of
9 the ~~maximum sentence~~ ^{period of confinement} imposed by the court ^{or the minimum term}
10 ^{prescribed in AS 12.25.125, whichever is greater.}

11 Sec. 33.16.120. GRANTING OF PAROLE. (a) The board may authorize
the release of a prisoner on parole if it determines that

12 (1) the prisoner eligible for parole will, in reasonable
13 probability, live and remain at liberty without violating the laws or
14 without violating the conditions imposed by the board; and

15 (2) his release on parole is not incompatible with the welfare
16 of society.

17 (b) A prisoner may not be released on parole until the prisoner
18 has served at least one-third of the period of confinement to which he
19 was sentenced.

20 Sec. 33.16.130. SUITABILITY FOR PAROLE. In determining whether a
21 prisoner is suitable for parole, the board shall consider

22 (1) the presentence report made to the sentencing court;

23 (2) the recommendations made by the sentencing court, by the
24 prosecuting attorney, by the defense attorney, and any statement made by
25 the prisoner at sentencing;

26 (3) the prisoner's history at the correctional facility to
27 which he was assigned by the department;

28 (4) a recommendation made by an officer responsible for the
29 correctional facility to which the prisoner was assigned;

1 (5) official reports of earlier crimes and earlier probation
2 and parole experiences;

3 (6) physical, mental, and psychiatric examinations of the
4 prisoner;

5 (7) information submitted by the prisoner, the attorney of
6 the prisoner, a victim of the crime, or other persons; and

7 (8) other useful information that may be reasonably avail-
8 able.

9 *to a prisoner* Sec. 33.16.140. LACK OF TREATMENT. The board shall not deny parole
10 *otherwise* on the basis that the prisoner did not obtain desirable or necessary
11 *suitable* treatment while confined if such treatment was not available to the
12 *for* prisoner at the correctional facility to which he was designated to
13 *parole* be confined by the Division of Corrections.
14 *Society*

15 Sec. 33.16.150. HEARING ON APPLICATION FOR PAROLE. (a) The board
16 shall hold a hearing to review the suitability of a prisoner for parole
17 or for the setting, posting, or rescinding of parole dates. The prisoner
18 shall be provided reasonable notice of the hearing.

19 (b) The prisoner shall be permitted to have a copy of all infor-
20 mation and records which will be considered by the board no less than 30
21 days before the hearing. The prisoner has a right to enter written
22 responses to all information and records which will be considered by the
23 board.

24 (c) The prisoner has a right to be present at the hearing, to
25 present evidence on his behalf, *and* to cross-examine witnesses who testify
26 against him, ~~and to remain silent~~

27 (d) The board shall issue its decision in writing and provide
28 reasons for the decision. The prisoner is entitled to a copy of the
29 decision on its issuance.

30 Sec. 33.16.160. ORDER FOR PAROLE. The board shall furnish to each
31 person released under its supervision an order for parole. The order for

1 parole shall contain the conditions imposed by the board for parole and
2 the date that the parole supervision expires. The order for parole does
3 not take effect until it is accepted and signed by the parolee.

4 Sec. 33.16.170. COMPUTATION OF GOOD TIME WHILE ON PAROLE. A
5 person released from confinement under AS 33.16.120 or under AS 33.-
6 20.040 is entitled to a deduction from the term of parole of one day for
7 every three days of good conduct while on parole. Good time earned
8 while on parole is subject to forfeiture by the board if a violation of
9 a condition of parole occurs during parole.

10 Sec. 33.16.180. CONDITIONS OF PAROLE. (a) The board shall re-
11 quire that a prisoner released on parole refrain from violation of state
12 or federal law as a condition of parole.

(b) Depending upon the nature ^(AND CIRCUMSTANCES) of the crime for which the prisoner
was convicted, the board may also require as a condition of parole
under AS 33.16.160 that a parolee accept ^{one or more of following} the requirement, that he

- 16 (1) meet his family obligations;
- 17 (2) apply himself to employment, education, training, or
18 subsistence;
- 19 (3) remain within stated geographic limits unless granted
20 written permission from his parole officer to depart from the stated
21 limits;
- 22 (4) report on release to his parole officer;
- 23 (5) report at regular intervals to his parole officer;
- 24 (6) reside at a stated place and notify the parole officer of
25 a change in his place of residence;
- 26 (7) have in his possession no dangerous firearm or dangerous
27 weapon unless granted permission in writing by ~~his parole officer~~ ^{the board;}
- 28 ~~(8) refrain from consuming alcoholic beverages;~~
- 29 ~~(9) refrain from possessing or consuming illegal drugs;~~
- (10) submit to searches and seizures conducted reasonably by a

officer;

- (11) submit himself to necessary available medical, psychiatric, alcohol, or other examination or treatment;
- (12) refrain from entering into any agreement or other arrangement with any law enforcement agency which will place him in the position of violating any state or federal law or any condition of his parole;
- (13) refrain from opening, maintaining, or utilizing a checking account;
- (14) refrain from entering into any contracts, other than a pre-nuptial contract or a contract of marriage, unless granted permission in writing by his parole officer;
- (15) refrain from operating a motor vehicle;
- (16) refrain from entering any liquor store, bar, pub, tavern, or night club specifically designated by the board.

Sec. 33.16.190. HEARING ON APPLICATION FOR CHANGE IN PAROLE CONDITIONS. (a) A parolee is entitled to reasonable notice of and may request a hearing on a proposal to change a parole condition or to add new parole conditions. The board shall provide the parolee with the reasons for the proposal.

(b) The parolee shall be permitted to have a copy of all information and records which will be considered by the board no less than 30 days before the hearing. The parolee has a right to enter written responses to all information and records which will be considered by the board.

(c) The parolee has the right to be present at the hearing, to present evidence on his behalf, to cross-examine witnesses who testify against him, and to remain silent.

(d) The board shall issue its decision in writing and provide reasons for the decision. The parolee is entitled to a copy of the decision on its issuance.

Sec. 33.16.200. WAIVER OF HEARING. A prisoner or parolee may waive a hearing provided under AS 33.16.150 or 33.16.190 by submitting a written waiver to the board.

Sec. 33.16.210. CONFIDENTIALITY OF RECORDS AND INFORMATION. The pre-parole reports submitted to the board are confidential and may not be disclosed to anyone other than the board, the sentencing judge, the prosecuting and defense attorneys, ^{the prisoner and prisoner's attorney} or others granted the right under this chapter to receive the information.

Sec. 33.16.220 APPEALS. A prisoner or a parolee may appeal a decision or order of the board to the superior court on the ground of arbitrariness or abuse of discretion.

1 Sec. 33.16.230. DUTIES OF THE COMMISSIONER. The commissioner
2 shall

3 (1) conduct investigations of prisoners eligible for parole
4 as the board requests;

5 (2) supervise the conduct of parolees and institute programs
6 for reform and rehabilitation of parolees as the board requests;

7 (3) appoint and assign parole officers and personnel to the
8 judicial districts in the state and to train and supervise parole offi-
9 cers and personnel;

10 (4) keep records, files and accounts as the board requests.

11 Sec. 33.16.240. ACCESS TO LAW BY PRISONERS. The commissioner
12 shall make available at each correctional facility in the state and at
13 each correctional facility outside the state at which a prisoner of the
14 state is maintained a current edition of Alaska Statutes and of the
15 ~~regulations of the board.~~ *ALASKA ADMINISTRATIVE CODE, Rules of Court*

16 Sec. 33.16.250. PAROLE OFFICERS. The commissioner may assign the
17 duties of probation officers under AS 33.05 to parole officers appointed
18 under AS 33.16.230(3).

19 Sec. 33.16.260. DISCHARGE OF PAROLEE. (a) The board retains
20 legal custody of a parolee until the expiration of the maximum term or
21 terms to which the parolee is sentenced less a good time allowance
22 provided by AS 33.16.170 *AND AS 33.20.010.*

23 (b) The disability imposed by AS 33.30.320 applies to a parolee as
24 long as he is in the legal custody of the board but the disability does
25 not deny a parolee access to the courts to protect rights he may have.

26 (c) A parolee who has been on parole for five years and who has
27 not been convicted of, *INDICTED FOR, or bound over for prosecution of*
28 ~~or charged with~~ a felony since entering parole
shall be discharged from parole and from the custody of the board.

29 Sec. 33.16.270. DISCRETIONARY DISCHARGE OF PAROLEE. The board may

1 discharge a parolee from supervision and the custody of the board and
2 from further liability under his sentence after the parolee has com-
3 pleted two years of parole.

4 Sec. 33.16.280. RELEASE OF PRISONER TO ANSWER PROCESS. If a court
5 of this state, another state, or the United States, or other authority
6 issues a warrant charging a prisoner with a crime, the board may release
7 the prisoner on parole to answer the warrant.

8 Sec. 33.16.290. REVOCATION OF PAROLE. (a) The board may revoke
9 the parole granted to a parolee for violation of a state or federal law
10 or a condition imposed by the board under AS 33.16.180(b).

11 (b) A parolee has the right to a preliminary hearing before a
12 single member of the board ^{or a person authorized by the board to act as} to determine whether probable cause exists to ^{A hearing}
13 revoke parole. The preliminary hearing shall be held within ¹⁴ ~~10~~ days of ^{officer}
14 the arrest of the parolee on the charge of violation of a state or
15 federal law or violation of a condition of parole. The single member of
16 the board ^{or the authorized hearing officer} who holds the hearing may release the parolee pending the
17 hearing under (c) of this section.

18 (c) The parolee is entitled to a hearing before the board at the
19 first meeting of the board held after the preliminary hearing held under
20 (b) of this section. The parolee has the rights of a parolee under
21 AS 33.16.150 and 33.16.190 at the hearing. The board shall issue its
22 decision in writing and provide reasons for the decision. The parolee
23 is entitled to a copy of the decision on its issuance.

24 (d) At a hearing under this section, the commissioner has the
25 burden to show that parole should be revoked by clear and convincing
26 evidence.

27 (e) If after the hearing the board determines that a violation of
28 a condition of parole has occurred, it may revoke a portion of the
29 parole granted, change the conditions of parole, or cancel a portion of

1 the good time earned on parole. If the board does not revoke a portion
2 of the parole granted, the parolee shall be released from confinement
3 and continued on parole under terms and conditions established by the
4 board.

5 (f) If after the hearing the board determines that a parolee has
6 violated a state or federal law, the board may require the parolee to
7 serve all or a part of the remainder of the term to which he was sen-
8 tenced. In fixing the term to be served, the board shall ~~subtract~~ ^{deduct} good
9 time earned by the parolee while on parole.

10 (g) If the board revokes parole for a reason other than a violation
11 of a state or federal law, the board may not return the parolee to
12 confinement for a period in excess of six months.

13 (h) A parolee may waive a hearing under (b) or (c) of this section
14 by submitting a written waiver to the board.

15 Sec. 33.16.300. ARREST OF PAROLE VIOLATOR. (a) A parolee charged
16 with violation of a condition of his parole may be arrested only on a
17 warrant for arrest issued by a judicial officer based on probable cause
18 to believe that a violation of the condition of parole has occurred.

19 (b) A parolee may be arrested without a warrant for his arrest for
20 a violation of a condition of parole only under exigent conditions which
21 require immediate arrest.

22 Sec. 33.16.310. EXECUTION OF WARRANT FOR ARREST OF PAROLEE. (a)
23 A parole officer or a peace officer acting at the request of a parole
24 officer shall execute the warrant issued under AS 33.16.300 by arresting
25 the parolee and confining the parolee in a correctional facility desig-
26 nated by the commissioner.

27 (b) The parole officer shall immediately notify the board or a
28 member of the board of an arrest under (a) of this section. If the
29 arrest was without warrant, the parole officer shall immediately provide

1 the board or a member of the board with a report in writing indicating
2 in what manner the parolee violated a condition of his parole.

3 Sec. 33.16.320. APPLICABILITY TO PERSONS ON PAROLE OR INCARCERATED.

4 (a) This chapter applies to all persons convicted and sentenced in the
5 superior court and the district courts of the state.

6 (b) If the appropriate officers of the United States agree, the
7 legislature intends that this chapter also apply to persons convicted
8 before Alaska statehood of a crime punishable under the laws of a state
9 notwithstanding the fact that the prosecution may have been brought by
10 the United States and the prisoners were convicted and sentenced in
11 courts of the United States before Alaska became a state or before the
12 Alaska state court system was in operation.

13 Sec. 33.16.330. DEFINITIONS. In this chapter

14 (1) "board" means the Board of Parole;

15 (2) "commissioner" means the commissioner of health and
16 social services;

17 (3) "department" means the Department of Health and Social
18 Services;

19 (4) "parole" means the release of a prisoner to the community
20 by the board ^{or by operation of law} before the expiration of his term, subject to conditions
21 imposed by the board and subject to its supervision;

22 (5) "parolee" means a prisoner released to the community by
23 the board or by operation of law.

24 * Sec. 2. AS 44.66.010(a)(3) is amended to read:

25 (3) State Board of Parole (AS 33.16.010 [AS 33.15.010] -
26 June 30, 1984 [1980];

27 * Sec. 3. AS 33.16 enacted in sec. 1 of this Act applies to persons on
28 parole or being considered for parole on the effective date of this Act.

29 * Sec. 4. The terms of the members of the Board of Parole appointed under

1 AS 33.15.010 terminate on the effective date of this Act. The governor shall
2 appoint members to the Board of Parole established under AS 33.16.010 enacted
3 in this Act for the following initial terms: two members for five-year terms;
4 two members for four-year terms; one member for a three-year term; one member
5 for a two-year term; and one member for a one-year term.

6 * Sec. 5. AS 33.15 is repealed.

7 * Sec. 6. This Act takes effect July 1, 1980.

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Sec. 7 AS 33.20.040 is amended to
read:

Sec. 33.20.040. Released prisoner as parolee. (a) A prisoner serving the term or terms for which he was sentenced less good time deductions shall be released unconditionally if there remains less than 180 days to serve under his sentence. If there remains more than 180 days to serve under his sentence a prisoner, ~~upon release shall be considered as if released on parole~~ until the expiration of the maximum term or terms for which he was sentenced less 180 days.

(b) This section does not prevent delivery of a prisoner to the authorities of a state or the United States entitled to his custody. (§ 4 ch 107 SLA 1960)

The prisoner
shall be
released on
parole
pursuant
to AS 33.16.100(c)



Official Business

Alaska State Legislature

Senate

Office of the Secretary

from
Sunset
Pouch V
State Capitol
Juneau, Alaska 99811

February 11, 1980

MEMORANDUM TO: Judiciary Committee
From: Secretary of the Senate
Subject: Sunset Audits

The President has referred the following to your committee
for review and recommendation:

A Performance Review of the Alaska State
Board of Parole

Encl: Report

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DOES PAROLE MAKE A DIFFERENCE?

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Journal of
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sity (1971).

HOWARD R. SACKS

Professor of Law
The University of Connecticut School of Law

CHARLES H. LOGAN

Associate Professor of Sociology
The University of Connecticut

THE UNIVERSITY OF CONNECTICUT SCHOOL OF LAW PRESS

information about the disposition. Since the charge was a serious one, it probably was not dismissed lightly. On the other hand, we had no evidence as to a conviction. The conservative course of action was to eliminate the case, which we did.

The figures on the Success/Failure variable for the two groups were dramatically different:

TABLE I Comparison of Experimental Group (Dischargees)
With Control Group (Parolees) on Success/Failure
Variable

	<u>Experimental Group</u> N=112	<i>Parolees</i> <u>Control Group</u> N=57
Successes	41 (37%)	36 (63%)
Failures	<u>71 (63%)</u>	<u>21 (37%)</u>
Total	112 (100%)	57 (100%)

This finding--that parolees failed at the rate of 37% while dischargees failed at the rate of 63%--is "statistically significant". By this, we mean that the possibility that our finding is due to chance, and would not recur if we repeated the study on similar groups, is very slight. Usually, social scientists require a "significance level" of .05 or less--five chances in a hundred that a finding could be due to chance--before being willing to state that the finding is "statistically significant". The .05 level is what we will use in this report, unless otherwise indicated. However, as to our finding on the difference in failure rates between the parolees and the dischargees, the significance level is .02, i.e. there are only two chances in a hundred that the



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

TO: Legislative Affairs Agency
FROM: Margaret W. Berck, Staff *1/11/80*
DATE: February 11, 1980
RE: House Judiciary Sunset Review of Alaska Parole Board.

The House Judiciary Committee has been designated the committee of referral by the House for the sunset review of the Alaska Parole Board. In conjunction with its sunset obligations the Committee requests the following legal opinion. Pursuant to the Alaska Constitution (Art. III, Sec. 21) " A parole system shall be provided by law." My reading of this constitutional provision is that a parole system must be provided, but that this does not necessarily require the continuation of a Parole Board. If this interpretation is correct, it seems that the Committee could terminate the Parole Board so long as it set up a parole system. A parole system without a board might be accomplished by providing for the following: automatic release of prisoners before their sentence terms are completed at the time which their good time (computed at the rate of one day^{off sentence} for every three days served with good conduct) permits their release. Thus the prisoner would serve the remainder of his sentence on parole in the community. Perhaps revocations could be handled by the original sentencing judge. Do you believe that the above scheme would meet the constitutional requirements of a parole system? Do you have any alternative suggestions as to how a parole system might be accomplished without a board?



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

TO: Charlie Parr, Chairman
FROM: Margaret W. Berck, Staff
DATE: February 6, 1980
RE: Sunset Review of the Parole Board (Based on review of audit report and Corrections Master Plan)

Each of the five recommendations of the Legislative Auditor should be explored. The audit report is riddled with factual disputes between the auditor and the Parole Board. Despite these disputes, it seems clear that the Parole Board has not submitted annual reports to the Legislature as required in AS 37.07.090, a copy of which^(L/M) is attached hereto. The board's response is that^{they} need forms from Legislative Audit and additional staff in order to comply with this requirement.

One of the Auditor's recommendations would require the board to codify its regulations. From the materials in our files, it seems that the board is in the midst of adopting new regulations. The Corrections Master Plan indicates that the Parole Board is not subject to the APA and recommends that legislation be adopted to make them subject to the APA. The board should probably be questioned on this point. Furthermore, as the nuts and bolts of Parole Board policy and procedure would be contained in those regulations, the Committee may wish to obtain a copy of those proposed regulations.

The main objective of the Parole Board is to maintain a less than 8% rate of felonies committed by parolees within one year after parole release. Regardless of the differing statistics offered by the auditor and by the board on this point, it is clear that the board is meeting this objective. This 8% figure compares well with available national statistics as well as other States on an individual basis. The fact that the board's statistics as well as the auditor's statistics both indicate a figure something less than 8%, raises a question of whether the board has been too tight fisted in paroling individuals. In any case it seems that one can not criticize the board for acting contrary to the interest of general public safety.

Existing criteria used by the board in determining who gets paroled should be explored. Presently the board is in the midst of establishing parole guidelines to supplant existing vague criteria. These proposed guidelines should be explored both for content as well as operation. This line of questioning is significant to determining whether the board acts in a racially discriminatory manner or generally in an irrational manner. In fact on this point you may wish to ask the board if they keep any statistics based on race. The special commission on ^{minority} racial sentencing looked at the parole board. You may wish to obtain their comments on this point. Hopefully the new guidelines will prevent irrational or racially motivated decisions.

In many cases the board responded to the auditor's recommendations with the cry for more money and staff. These needs are echoed in the Corrections Master Plan Report. The need for additional funds should possibly be explored in terms of the new criminal code. Under the new

code ONLY first-time offenders will be eligible for parole. Will this reduce the Board's caseload? The new criminal code certainly limits discretion of the Board to adjust sentences. How else does new code affect them?

The conditions imposed on the parolee should be explored. The majority of Alaska parolees are subject to revocation for technical violations. Are these technical violations reasonable in light of additional tax burdens resulting from re-confinement in institutions? (Copies of the forms used for parole orders as well as the special conditions of parole will be in each member's files).

The exact counting method utilized by the parole board to determine when a prisoner might obtain parole should be clarified. It seems that those serving more than 180 days must serve 1/3 of their maximum sentences (for lifers, 15 years). How does good time, which is computed at the ratio of one day off the sentence for every three served with good conduct, fit into this picture? A few examples might be instructional to the Committee.

✓ ~~Corre~~ What are the board's responsibilities regarding mandatory release violators?

How does the Board handle Alaskans in institutions located out of state?

✓ How can one now appeal a Parole Board decision. Will this be changed at all in the proposed regulations?

✓ Parole Board hearings presently aren't recorded nor are summaries of findings made. The Corrections Master Plan Report recommends that such procedures be established. This matter should be explored by the Committee.

(3) reallocation between appropriation items. (§ 1 ch 188 SLA 1970; am §§ 1—3 ch 26 SLA 1976; am §§ 2, 3 ch 74 SLA 1977)

Effect of amendments. — The 1976 amendment deleted paragraph (3) of subsection (c) relating to modification or withholding of planned expenditures during the appropriation period and in subsection (e), substituted "Transfers or changes" for "Appropriation transfers or changes as" and "between allocations" for "activity areas within a program" in the first sentence, deleted the former second sentence, relating to appropriation transfers or changes between programs within an agency, and substituted "appropriations" for "agencies" in the present second sentence. The amendment also added subsection (g).

The 1977 amendment added "except as provided in (h) of this section" to the end of subsection (e) and added subsection (h).

Editor's note. — Section 5, ch. 26, SLA 1976, provides: "Notwithstanding the provisions of Section 2 of this Act, transfers between appropriations may be made as provided by law between appropriation items contained in Section 16(a) and (b) of Chapter 209, SLA 1975."

Section 4, ch. 74, SLA 1977 provides: "The requirement of approval by both the governor and the Legislative Budget and Audit Committee of revision of appropriations to the extent permitted in AS 37.07.080(h) is intended to provide a

degree of flexibility in administration of the budget provided both required approvals are obtained. It is not intended that these revisions may be made with the sole approval of the governor. If a court of competent jurisdiction invalidates the requirement of approval by the Legislative Budget and Audit Committee for revision as authorized in AS 37.07.080(h) (1), (2) or (3), the entire paragraph or paragraphs for which that requirement was invalidated shall be totally void and of no effect whatsoever. If that requirement is invalidated for the entire subsection AS 37.07.080(h), that entire subsection shall be totally void and of no effect whatsoever."

Section 5, ch. 74, SLA 1977 provides: "Executive Order No. 20 dated June, 1962 is repealed."

Legislative committee report. — For report on ch. 26, SLA 1976 (HB 760 am S), see 1976 House Journal, p. 388.

Budgetary system established by statutes implementing Constitution. — Statutory language implementing Alaska Const., art. IX, § 13, establishes a budgetary system in which all appropriations are made by legislative act. Municipality of Anchorage v. Frohne, Sup. Ct. Op. No. 1477 (File Nos. 3050, 3104), 568 P.2d 3 (1977).

Sec. 37.07.090. Performance reporting. (a) Each state agency shall submit a performance report to the division no later than September 1 for the preceding fiscal year. These reports shall be in the form prescribed by the division after consultation with the legislative finance division, and shall include

(1) an identification of the objectives intended for the program and the problem or need which the activities and operations of the board, commission or program is intended to address;

(2) an assessment of the degree to which the original objectives of the program have been achieved expressed in terms of performance, effects, or accomplishments of the program and of the program or need which it was intended to address;

(3) a statement of the performance and accomplishments of the program in each of the last four completed fiscal years and of the costs incurred in the operation of the program;

(4) a statement of the number and types of persons affected by operation of the program;

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(5) a summary statement, for each of the last three completed fiscal years, of the number of personnel employed in carrying out the program and a summary of the cost of personnel employed under contract carrying out the program;

(6) an assessment of the effect of the program on the economy of the state;

(7) an assessment of the degree to which the overall policies of the program, as expressed in regulations adopted by the agency, board or commission and its decisions, meet the objectives of the legislature in establishing the program; and

(8) an analysis of the services and performance estimated to be achieved if the life of the agency, board or commission were to be continued.

(b) The division shall summarize the performance reports and forward copies to each member of the legislature. (§ 1 ch 188 SLA 1970; am § 5 ch 95 SLA 1971; am § 6 ch 149 SLA 1977)

Effect of amendment. — The 1977 amendment deleted "statements concerning" following "legislative finance division, and shall include" in the second sentence of subsection (a) and substituted present paragraphs (1) through (8) for former paragraphs (1) through (4) in that sentence.

Editor's note. — Section 1, ch. 149, SLA 1977, provides: "The legislature finds that the substantial increase in the number of state agencies, boards and commissions, and the proliferation of rules and regulations which each has adopted have

contributed to a public disenchantment with the operation of state government, and that there is need for an effective and regular system of scrutiny of the programs and activities of all agencies, boards and commissions. The legislature further finds that the establishment of a system of periodic review by the public and the executive and legislative branches of certain state agencies, boards and commissions will help the governor and the legislature to determine the need for the continued existence of each of the agencies, boards and commissions."

Sec. 37.07.100. Proposed supplemental or deficiency appropriations. The governor from time to time may transmit to the legislature proposed supplemental or deficiency appropriations which in his judgment are necessary on account of laws enacted after the transmission of the budget, or are otherwise in the public interest. He shall accompany each proposal with a statement of the reasons for it, including the reasons for its omission from the budget. (§ 1 ch 188 SLA 1970)

Budgetary system established by statutes implementing Constitution. — Statutory language implementing Alaska Const., art. IX, § 13, establishes a budgetary system in which all

appropriations are made by legislative act. *Municipality of Anchorage v. Frohne*, Sup. Ct. Op. No. 1477 (File Nos. 3050, 3104), 568 P.2d 3 (1977).

Sec. 37.07.110. Interpretation of chapter. This chapter shall be construed as supplemental to all other state laws not in conflict with it. If a section or part of a section of this chapter is in conflict with federal requirements for a program for which federal grant-in-aid funds are

Alaska State Legislature

*Ref. Nels Anderson
Jan. 21/6*

HOME ADDRESS
P.O. BOX 65
GALENA, ALASKA 99741

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
TELEPHONE 465-3753



SENATOR
John C. Sackett
CHAIRMAN
SENATE FINANCE COMMITTEE
MEMBER
BUDGET & AUDIT COMMITTEE

Senate

MEMORANDUM

TO: Senator John Sackett

FROM: Alephe Morris

SUBJECT: Native Culture Group - Juneau Correctional Center
Saturday, January 26, 1980

Present: Representative Nels Anderson
Alephe Morris

The meeting was called to order by the newly elected president, Byron Charles. The main topics of discussion were indiscriminate transferring of prisoners without due process, good time being held over their heads like a whip, discrimination at disciplinary hearings and horrible food.

TRANSFER:

In October, 1979, Michael Clary and former president of the Native Group, Anatak Buell were transferred to Fairbanks without due process. Recently, Larry Uptagraft, David Meeks and former president Ross Shakley were transferred to Fairbanks without due process. It was inadvertently discovered in their "jackets" a charge of inciting a riot which is a criminal offense. This could go against them in a parole hearing, work-release, and they could be charged with it. There was no hearing at the sending institution.

Please note the DOC classifies Fairbanks Medium Custody even though it is the exact floor plan as the Juneau facility, other than Fairbanks has a gym and Juneau a GUN TOWER. They have men, women and children, both sentenced and unsentenced offenders. One man transferred was starting a 10 year sentence and the other 27 years. It was mentioned the person with 27 was kept behind because of some action on his case.

EDUCATION:

The group voiced their concern about **CETA** funding that is going to be discontinued, as the educational classes at the institution are funded fully by **CETA**. They are asking legislation insure their funding. Please note enclosed letter from the Native Group requesting classroom furniture. There are 48 students involved in education and the equipment earmarked for various institutions didn't get there. I had the same complaint at Ridgeview when I visited there in December.

It is my impression the discussion with this group barely skims the surface of the underlying problems within the institution as well as others. Senator Ferguson received a letter from the 6th avenue jail in which a person stated a man handcuffed in the next cell was whipped. It is also my feeling that there may be near-riot circumstances in Juneau. I do not believe its parancia, it comes from experience.

cc: Representative Nels Anderson

AM/lh

JAN 15 1980

Native Culture Group
box, 309



Juneau, Ak, 99802



Senator John C. Sackett
Pouch "V"
Juneau, Alaska 99811

January 13, 1980

Dear Senator Sackett:

I write you this letter at the request of the Native Culture Group. At a meeting of the group, the discussion was the needs of the institution and how the group could help to better our situation. The decision was that the institution needs to have chairs and reading tables for the library, and also for the classroom. The library is in need of two reading tables, and about six chairs. The classroom now has six tables that go in a circle but need replacing. Chairs for the classroom are now carried from the dining room to the classroom and back. Twelve chairs for the classroom would be very effective for the time being. Also needed are two electric typewriters for the law library. The two electric typewriters now in the law library are just about useless; they have been around this institution for about four years. They came to this institution as secondhand typewriters.

Rather than appropriate money to the budget for this equipment, it would be appreciated if you could find a way to get this equipment to us for this school semester. There are 48 students participating in classes; 41 in college, and 7 students in Adult Basic Education classes. Should this information arouse your interest and you believe you should have more information, you would be greeted warmly by our group: The Native Culture Group. We are patiently waiting to hear what your reply will be.

Thank You

Ross T. Sheakley
Native Culture President

Alphe received 1/29/80



By John Deacon

The Alaska Parole Board system is unfair to Native Alaskans. That is the assertion of all Native inmates. You, the reader may ask, "Why is the Alaska Parole Board unfair to the natives?"

The parole board is comprized of five members. There are three Whites, one Native, and one Black. The Governor personally appoints the members to the board, it is entirely at his discretion.

It is the opinion of the Native inmates here at the Juneau correctional facility that two or more Natives or of Native lineage be appointed to the parole board, for the following reasons. 50% or more of the inmate population are Native. Statistics reveal that the Alaska Native receives longer sentences than Whites, furthermore the Native has the lowest percentage of being released on parole. Therefore it should be of top priority of business for the Bush Caucus to resolve this problem. Without some form of revision, the parole board will continue to be bias to the Native inmates.

The Parole Board has certain stipulations an inmate must meet even to be considered as a possible parolee. The stipulation of having a job is the Native's greatest drawback. It is common knowledge to everyone in the bush areas, that jobs are virtually nonexistent. Statistics will also verify this statement.

The majority of the Native inmates are from small bush communities. They do not have college degrees or any technical training. All they know is fishing, hunting, and trapping. So why not parole them back to their respective villages, as subsistence lifestylers.

There is a considerable amount of controversy on the definition of the subsistence way of life. In my opinion, subsistence is living in a small bush community, without a regular job; hunting, fishing, and trapping for a livelihood. Carving and making artifacts could also fit this category. There should be a wide generalization in the categorization of the subsistence way of lifedue to the wide geographical differences.

An example is comparing Kaltag with Point Hope. Both communities are predominantly Native and can be categorized as maint ining a subsistence lifestyle. However, there the similarity ends. The Point Hope area is situated on the northwest coast of Alaska. The surrounding area is completely devoid of trees. The people's main source of livelihood is derived from marine mammals, such as seals, wulrus, and whales. Whereas, the inhabitants of Kaltag depend chiefly on moose, bear, and beaver to supply their major food supplements. Kaltag is also situated in a wooded region.

My purpose is not to discuss the pros and cons of living in either community. It is merely a hypothetical illustration to show the wide differences in the subsistence lifestyles due to geographical locations.

There are communities where fishing is the major source of income. Can inhabitants of such communities be classified on a subsistence basis. It is possible for these people to catch \$10,000, \$20,000, or even \$30,000 with fish in a season. At some point there must be a distiction between being a component of the fishing industry and the subsistence person. However a fishermen's income is highly inconsistant, depending on the fish spawn.

Can an ivory carver claim to be a subsistence person when he is carving up to five or six thousand dollars of artifacts, yearly. This figure may be a bit high or low, depending on the quantity and quality of the individual's work. At what dollar amount dose the carver cease being a subsistence individual and become a sole proprietor of a small business enterprize.

This breif backgroud on life in the bush may seem immaterial to the parole of Native inmates. Nothing could be further from the truth, based on the following reasons. (1) Jobs are virtually nonexistent in the bush areas; (2) many Native inmates have very little or no formal education or technical skills to secure jobs in the metropolitan areas like Anchorage or Fairbanks.

For these reasons among others, once again, I argue that the Native inmate should be granted parole to his respective village.

While the law will argue against this issue for the following reason; that one law or stipulation imposed on one citizen should pertain to all. For all practical purpose I would be inclined to agree, however here lies a very unique situation.

The Federal Government has always introduced special legislation in the past to deal with Indian problems. They recognized the various differences and dealt with them accordingly. For this very purpose the Bureau of Indian Affairs was established. I believe the State Government can follow similar guide lines in setting down policies to insure the Native inmate an equal opportunity on the issue of parole.

I will state again, it is my firm conviction that the Department of Corrections should lift the stipulation of having a job, a requisite to the Native seeking parole. Simply for the reason there are no jobs in the bush communities.

It should be no great problem for the state government to establish a network of acting parole officers within the villages. The village councils could be given implied or expressed powers in determining if they would be willing to accept the parolee. They would also have the power to revoke should the occasion arise. Without a doubt, the Department of Corrections and its component the Alaska Parole Board in conjunction with the village councils can implement a feasible program that is long overdue.

In conclusion, I will say, it is the task of the Native leaders to fight for these reforms. It is now time for the Bush Caucis to stand in unison and shout, we demand equal treatment for our people.

(THE UNDERSIGNED ARE IN FULL ACCORD WITH THIS ARTICLE)

- (1) Timothy Adams Sr.
- (2) P. Phillip Campbell
- (3) Thomas Wood
- (4) Fred Eukamaw
- (5) George E. Sutherland
- (6) Vernon Mott
- (7) Robert Nord
- (8) Edward Anderson
- (9) Harold H. Gale
- (10) Don Stephens
- (11) Salomon Roberts
- (12) Ray Walter
- (13) Peter Christian
- (14) Lawrence V. Gregson
- (15) ...

- (16) ...
- (17) ...
- (18) ...
- (19) ...
- (20) ...
- (21) Benon E. Charles
- (22) Peter M. Church Jr.
- (23) Edward L. Starnish
- (24) ...
- (25) ...
- (26) Raymond J. Jacobs
- (27) Larry O. Larson
- (28) Conrad Kruloff
- (29) Emil Krasnikoff
- (30) ...

31. Chester Ferrer
32. Robert O. Penn

Native Culture Group
box, 309



Juneau, Ak, 99802

January 30, 1980

To : Rep. Nels Anderson
Pouch "v"
Juneau, Alaska 99802

From : Byron E. Charles
Native Culture President
Juneau, Alaska 99802

Subject; Invitations

Dear Mr. Anderson;

I received the list of names of the Senators, Representatives. I would like to make you aware that instead of sending an invitation to each Senator, Representative; I thought it would be easier if I just sent you this letter stating that you and the following names below are cordially invited to attend our scheduled February 9th, 1980 meeting at 7:00 pm.

Senators

Sen. John Sackett
Sen. George Hohman
Sen. Frank Ferguson
Aide;; Alphi Morris

Representatives:

Rep. Phillip Guy
Rep. Jack Fuller
Rep. Sharoff
Rep. Vern Herlbert
Rep. Leo Schafer

Thank you for your time and attention to the above invitations.

Sincerely;

Byron E. Charles

Byron E. Charles
Native Culture President



rec'd 2/1/80

STATE OF ALASKA

JAY S. HAMMOND, Governor

DEPT. OF HEALTH AND SOCIAL SERVICES

BOARD OF PAROLE

ALASKA BOARD OF PAROLE
POUCH H-01E
JUNEAU, ALASKA 99811
PHONE: (907) 465-3384

November 21, 1979

Ms. Rochelle Plotnick
Administrative Assistant
Committee on Judiciary
House of Representatives
Alaska State Legislature
1016 W. 6th Avenue, Suite 201
Anchorage, Alaska 99501

Dear Ms. Plotnick:

I have enjoyed talking to you on the several occasions we have had a chance to discuss Parole Board matters. Per your recent letter and as you requested personally of me during our attendance at the Criminal Justice meeting on October 13, I have reviewed the letter to the Editor in the Tundra Times dated August 15, 1979, and the following information is provided to you and the Judiciary Committee.

It is evident from the letter the author, who chose to remain anonymous, is currently an inmate at the Juneau Correctional Center. Unfortunately, we do not know anything about his background or involvement with the Parole Board, and therefore we are unable to give the letter any case perspective. This information would probably be invaluable to the members of the committee in assessing the weight to give such correspondence.

The author asserts that "all native inmates" support his contention in the letter that the Board discriminates against all native inmates. As you probably aware, there is a strong native culture group there at the institution. There is no indication that this letter by one inmate was supported by that group. The letter to the Editor is as entitled in the paper, one person's opinion, and not based upon accurate statistics and facts as the author would have the reader believe.

Rochelle Plotnick
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Let me point out some of the errors in the letter. The author states the appointment of Board members is entirely at the discretion of the Governor. It is true the Governor does appoint all Board members as he does his commissioners, division directors, deputy directors, and hundreds of other board and commission members throughout the state. The Governor also has the authority to appoint all judges in the state. However, all appointments of Board members (the same as any commissioner, director, and other board and commission members) must be confirmed by both Houses of the Legislature. This is a similar selection process to the one utilized in many other jurisdictions. Although the author of the letter implies that the Governor has extraordinary power in Alaska, the process here is not unusual from that utilized in other jurisdictions.

The author states 50% or more of the inmate population in the Juneau Correctional Center are natives. This figure is relatively accurate. However, that information is of little importance specifically. Alaska natives comprise about 27% of the total population in Alaska correctional facilities according to the Division of Corrections. The Parole Board handles all parole applications statewide and it is the statewide statistics that are relevant in considering the scope of its operation. The author suggests the Parole Board membership of Alaska natives needs to be increased to two because of the high native population in Juneau. If that were the case, then the Board should have a higher black composition in other correctional facilities because of the larger percentage of black inmates. His contention does not hold much credence when the overall picture is viewed. The author states Alaska natives have the lowest percentage of being released on parole. He offers no data to support this and I do not believe he has any. Most unfortunately, there is very little data regarding the parole process in Alaska. We do however have some data regarding release rates of various ethnic groups, and the most recent data we have for the major categories is as follows.

Black	40 %
Native	25.5%
White	22.6%

This information unfortunately has not been updated since the report was completed in early 1977. I would encourage the State to devote more resources to the research on Parole

Rochelle Plotnick
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Board matters that would make this information available to the public on an ongoing basis. By the way, to my knowledge, this study was the only one available that has even attempted to look at the issue of "parole rates", and criminal justice statisticians that have reviewed the report indicate the figures are not statistically significant. This lack of statistical significance is related to the small number of cases reviewed in the sample by the researcher.

The next paragraph in the letter to the Editor states "the Parole Board will continue to be biased to the native inmates" without intervention by the Bush Caucus. Again, there is absolutely no data available to my knowledge regarding the decisions of the Board that indicate a bias toward any racial or minority group. The data I have supplied regarding parole release by racial groups are the facts.

The author states the Board requires full time employment before considering release on parole and will not consider releasing a person on parole to a subsistence life style. The Board's requirement regarding employment is not as stated by the author. The Board's policy reads as follows. "In the best interest of the applicant and society the Parole Board usually insists that the applicant has verified employment, a domicile in which to live when paroled, acceptance back within the family and the community, . . .". The Board maintains the flexibility to review all of the facts in each case and will require suitable employment in most cases where the defendant is released in a "non-subsistence area." The Board has released offenders to subsistence plans including fishing, trapping, ivory and wood carving, training others to carve, chopping firewood to heat the home, repair fishing gear for the next season, etc. The Board has even paroled people to subsistence gardening in an appropriate case. The issue here is not one of native versus non-native, but that of the life style of the offender before his involvement in criminal behavior and the circumstances that will likely lead to his non-involvement in criminal behavior in the future. The Board does release persons other than native persons to a rural Alaska subsistence plans and will continue to do so when the Board members feel the offender's plan is realistic considering his entire life history. Some parole applicants have continually failed in some bush settings and the Board will not release any offender to a remote location so that he can escape supervision or just to get him out of sight.

Rochelle Plotnick

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In the next paragraph of the article the author states a majority of native inmates are from small bush communities. I assume the author's definition "from bush communities" has some relationship to the offender's life style and his place of residence before his current incarceration. Any reasonable definition would use this as a basis. To check the accuracy of the author's statement I reviewed the files from a fairly recent Board hearing of all Alaskan native applicants that applied for parole to get some idea of the proportion of rural to urban applicants. Fortunately information regarding previous residence is easily retrievable from the presentence reports prepared by the Division of Corrections. Sixteen Alaska native offenders applied for parole at the particular Board hearing. Twelve of the sixteen had been residents of Juneau, Anchorage, Fairbanks, or Ketchikan prior to their current incarceration. One had been a residence of Bethel prior to incarceration, and the other three were from small bush communities. Even counting Bethel as a "small bush community", only 25% of the applicants fit into the "bush" category. Only 19% of the applicants came from truly bush communities where subsistence is a way of life for a majority of the residents. The Bethel applicant was not living a subsistence life style before his incarceration. The author's statement regarding a majority of native inmates coming from bush communities is far from being correct.

The author suggests that the village councils be given authority in determining whether or not they would be willing to accept the parolee for supervision. The author also suggests that the village council be given the power to revoke parole, and stated that the Board and councils could "implement a feasible program that is long overdue." The Board has often made contact with village councils through the Division of Corrections when offenders applying for parole presented the Board with a plan to return to a bush community where a village council has been established as an active body. The Board will continue to do so in the future. If a parolee is released on supervision to a bush community, the Board certainly has and will continue to welcome and encourage testimony regarding a parolee's behavior at a hearing if he is alleged to have violated conditions of his parole. The Board actively encourages information from any reasonable persons in a community regarding a parolee and

Rochelle Plotnick
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will continue to do so, whether it be bush or urban communities. There is no need to "implement a feasible program" to accomplish this, this cooperation between correctional agencies and village councils has been a common occurrence in years past. As a matter of fact our policy encourages parole applicants to seek out support in bush areas before they apply for parole and further makes it clear that the Board is interested and concerned with the community's willingness to have the parolee return as a residence of such communities.

A particularly pertinent paragraph from the Board policy reads as follows. "Those inmates who expect to reside in a community not regularly serviced by a parole officer are advised to arrange for a parole advisor. A parole advisor can be anyone who will be living near the parolee and is of reputable character. A parole advisor has no responsibility for the actions of the parolee and no authority over him. An advisor offers to assist and counsel the parolee in anyway possible and to cooperate with the parolee's assigned parole officer." Another short paragraph is also of some value in attempting understanding the Board's position and factors it considers. "The attitude of the community toward the parolee and his release has considerable bearing on the individual's adjustment. Assessment of this community attitude must be made in determining the adequacies of the release plan." Of course, the village councils are an excellent vehicle for assessing this willingness to work with the parolee if he is returning to an area where a council is established.

The author several times throughout his article refers to the Parole Board as being a component of the Department of Corrections. First of all, there is no department of corrections in Alaska. Both the Division of Corrections and the Parole Board are separate administrative entities within the Department of Health and Social Services. Neither entity is responsible to the other although obviously the Division and the Board do work closely together and are interdependent upon each other for information and services. The Legislature did separate the Parole Board from the Division of Corrections in 1972, to insure that the persons responsible for the day to day operation of correctional facilities would not have an undue influence upon the decision-making processes of the Parole Board.

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In summary, article that appeared on page 11 of the August 15, issue of the Tundra Times is just as it is entitled; "Opinion: A Native Looks at the parole system". The author has offered no citations to research papers for any of the erroneous figures he claims are facts. I certainly believe there are some problems with the parole system in Alaska, and certainly one of the biggest problems we have is lack of concrete data on which to evaluate the system. Unfortunately, the State has shown no interest in the past in devoting the necessary resources to allow for the gathering and analysis of data regarding the parole process.

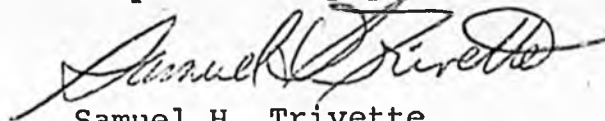
There is hope. The Parole Board applied for and is currently the recipient of a grant from the National Institute of Corrections to aid us in developing a parole guidelines matrix model. Some research has been completed in order to assist us in developing this model. A final report from the contractor under that grant will be available within the next few weeks. The Division of Corrections grant to establish the OBSCIS system will hopefully give us the capability in the future of providing some ongoing research with a small amount of additional money appropriated to the Parole Board for this task.

I have worked for the Division of Corrections or the Parole Board in Alaska for over 13 years now, and I personally do not feel the decisions of the Board are based upon racial issues. Although the Board has made decisions in which I have been a participant in which I might disagree with the final outcome, I again do not believe my disagreement with any case decision has any relationship to the applicant's race or ethnic background. The Parole Board is the only component I am aware of in the criminal justice system where a black, a native, and a female make up the majority of the voting Board members. I believe the remainder of the system does have something to learn from the makeup of the Board and I personally believe the makeup of the Board does have some relationship to the lack of bias in the Board's decision-making process. Chairman William Lyons and I certainly appreciate the opportunity to appear before the House Judiciary Committee, and we look forward to seeing you in the morning of November 30, 1979.

Rochelle Plotnick
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Again, we do appreciate the invitation to appear before the House Committee. I am glad to see an interest in this segment of the criminal justice system.

Very sincerely yours,

A handwritten signature in cursive script, appearing to read "Samuel H. Trivette".

Samuel H. Trivette
Executive Director

SHT/vh



Official Business

Alaska State Legislature

House of Representatives

277-7540
or 277-7549

Committee on Judiciary

Address until Dec. 1:
1016 West 6th Ave., Suite 201
Anchorage, Alaska 99501

Pouch V
State Capitol
Juneau, Alaska 99811

October 29, 1979

Susan Knighton
Criminal Justice Planning Agency
Pouch AJ
Juneau, Alaska 99811

Dear Susan:

Sam Trivette, Executive Director of the Parole Board, told me you were compiling some data on the Parole Board. He said you were breaking down the number of denials and paroles granted by race (Alaska Natives, Blacks, Caucasians, etc.). Is CJPB doing this or anything like it?

The House Judiciary Committee is reviewing the Parole Board and one of the items the Committee is interested in, is discrimination. Please let me know what kind of research CJPB is doing regarding this matter and when it will be available.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rochelle".

Rochelle Plotnick
Administrative Assistant for
the Committee



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

March 11, 1980

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Pouch Y, State Capitol
Juneau, Alaska 99811

Dear Mr. Speaker:

In compliance with AS 44.66.010 - 060 and referral by the Speaker of the House on January 15, 1980, the House Judiciary Committee has conducted a review of the State Board of Parole.

By letter of July 31, the Speaker had notified the Committee of the forthcoming referral, thereby permitting advance work to be done during the interim between legislative sessions.

Committee staff conducted the necessary research. Also available to the Committee were the Executive Summary, Alaska Corrections Master Plan, 1979, and A Performance Review of the Alaska State Board of Parole, Division of Legislative Audit, May 9, 1979.

In addition to receiving testimony during interim hearings, the Committee held three hearings in Juneau. Also, two teleconference hearings were held to receive testimony from Anchorage, Fairbanks, Ketchikan, Dillingham, Kenai, Nome and Bethel.

A total of about 35 witnesses testified, including the Director, Division of Corrections; the present Chairman, a former Chairman, and the Executive Director of the Board. One other member of the Board attended a hearing but did not testify.

Art. III, Sec. 21, of the Alaska Constitution requires that "a parole system shall be provided by law". The Committee received an opinion from the Legislative Affairs Agency to the effect that the Constitution does

not mandate a parole board. One option which was considered would have done away with the Parole Board and had the sentencing judge retain jurisdiction over the parolee. Once this option was rejected, the choices narrowed to a parole board in some form.

Testimony indicated that the workload of the present Board is heavy. The Chairman estimated that the average member spends 60 days a year on Board duties. The Committee considered the possibility of a full-time, paid board, but rejected it. (The new criminal code which prohibits parole for those convicted of second and succeeding felonies may result in a reduced workload after a few years.)

Also considered was the possibility of establishing a second board and dividing the work between the two. Prisoner reclassification and transfer could, however, result in both boards being involved with the same parolee or potential parolee. This seems undesirable.

Testimony indicates that Parole Board members may rely too heavily on "gut reactions" in deciding whether or not to grant parole. Although no human being can be perfectly objective, and a completely mechanical system would probably be unacceptable, there is need for a proper balance. The Board has recognized this need and is considering objective criteria which have shown a high correlation with successful parole.

A matter of concern to the Committee was the recidivism rate among parolees. Although only about 4% were reincarcerated because they committed a new felony, about 20% went back to prison for technical violations (violating conditions set by the Board at the time parole was granted). Examples of such conditions are (1) that the prisoner have an assured job as part of his parole plan, which may be impossible in a village situation, and (2) that the parolee not associate with other felons, although these may be in some cases his only friends or close acquaintances. In effect, about a fourth of all parolees are returned to prison, a disturbing statistic in view of the present and expected overcrowding in Alaska's correctional institutions. The Judiciary Committee, therefore, spent a significant amount of time considering the parole conditions now being set.

Findings required by AS 44.66.050(d) follow:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

Finding: There is a need to avoid unnecessary incarceration.

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments;

Finding: The Parole Board is intended to provide for mitigation of sentence while simultaneously protecting the general public.

(3) an identification of any other programs having similar, conflicting or duplicate objectives;

Finding: There are no similar or conflicting programs.

(4) an assessment of alternative methods of achieving the purposes of the program;

Finding: The program could be handled by the judicial branch but this would remove the element of judgment by one's peers.

(5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level;

Finding: The program is constitutional and cannot be eliminated. Funding it at a lower level would make it very ineffective.

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts; and

Finding: The program is necessary and no other agency performs similar functions.

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

Finding: Other information will be contained in legislation to be introduced or in other portions of this report.

The Judiciary Committee finds that:

- (1) The Alaska State Board of Parole is necessary and should be continued.
- (2) Statutory changes are needed to improve the functioning of the Board. The Committee will propose a bill incorporating these changes.
- (3) The chances that parole will be successful, from the standpoints of both society and the parolee, are to some extent dependent on the prisoner's willingness and ability to change while in prison. Educational, alcohol treatment, psychiatric counseling and work programs are generally unavailable or inadequate. The Judiciary Committee recommends approval of additional funds and personnel spaces for the Division of Corrections for programs which can be shown to reduce recidivism.

Charles H. Parr, Chairman

Nels A. Anderson, Jr.

Ramona L. Barnes

Fred E. Brown

Thelma Buchholdt

Hugh Malone

Terry Martin

Patrick M. O'Connell

Randy Phillips

P. 6 Anch Times, 1/19/73

Parole board conference set

Associated Press

Juneau — The House Judiciary Committee will begin "sunset review" hearings on the State Parole Board on Feb. 6-7 in Juneau, with teleconference broadcast of the proceedings planned, according to Rep. Charles Parr, chairman of the committee.

Parr said the hearings can be listened to, or witnesses can testify at

teleconference outlets in Anchorage, Fairbanks, Nome, Ketchikan, Barrow, Bethel, Kenai and Dillingham.

Sunset reviews are held to reassess the need for existing state agencies and offices.

Local legislative offices can provide information on the review process and local times of the hearing, Parr said. Written testimony also will be accepted.

Alaska State Legislature

file

REPRESENTATIVE
ALVIN OSTERBACK

BOX 71
SAND POINT, ALASKA 99601
(907) 303-2303

CO-CHAIRMAN
HOUSE RESOURCES COMMITTEE



WHILE IN JUNEAU
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99811
(907) 465-3715
465-3701

House of Representatives

DISTRICT 15

- ADAK
- AKHIOK
- AKUTAN
- ALITAK
- ATKA
- BEUKOPSKI
- CHIGNIK
- CHIGNIK LAGOON
- CHIGNIK LAKE
- COLD BAY
- FALSE PASS
- IVANOF BAY
- KARLUK
- KING COVE
- LARGEN BAY
- NELSON LAGOON
- NIKOLSKI
- OLD HARBOR
- PERRYVILLE
- PORT LIONS
- SAND POINT
- SQUAW HARBOR
- ST. GEORGE
- ST. PAUL
- UGANIK BAY
- UNALASKA

February 20, 1980

TO: ALL LEGISLATORS

SUBJECT: Criminal Justice System

FROM: Alvin Osterback, Chairman
House Resources Committee

Alvin Osterback

I am attaching a copy of an article that appeared in Newsweek/February 18, 1980 "The Killing Ground" - Justice.

Referral is made to the fact that Alaska export 21% of it's prisoners to other states. This article brings to light the problem we face regarding our very own criminal justice system.

I have introduced HB 812 "Commission to Secure Equality of Justice." My bill deals directly with some of the problems addressed in this article. A 1976 study by the Judicial Council showed that Natives/Blacks are sentenced to state prison at a rate five times higher than that of whites.



Buddy Mays—Black Star

Chill aftermath: Blanket-clad inmates huddle in the prison yard after escaping from the carnage inside

JUSTICE

The Killing Ground

No shots were fired, no prison guards were killed, and state authorities from Gov. Bruce King to warden Jerry Griffin showed remarkable restraint. And yet, through 36 hours of rage last week, the New Mexico State Penitentiary near Santa Fe was the site of one of the most brutal prison riots in U.S. history—a sadistic display of convict-against-convict violence that included beheading, hanging, torching and rape. In the end, 33 inmates were dead—four burned so badly that their race could not be determined. The prison itself was almost destroyed: water

from broken pipes flowed through the corridors; walls were blackened from fire; offices were sacked; the kitchen, educational wing, psychological unit and Protestant chapel were trashed beyond repair, and the gymnasium was gutted to its girders. "Man's inhumanity to man," said warden Griffin, "is mind-boggling."

The New Mexico riot is certain to revive concern about how U.S. society warehouses its felons (following story). The New Mexico pen, praised at its 1954 dedication as "among the most advanced correctional institutions in the world," turned into one of the worst. There were 1,136 prisoners packed into space designed for 800.

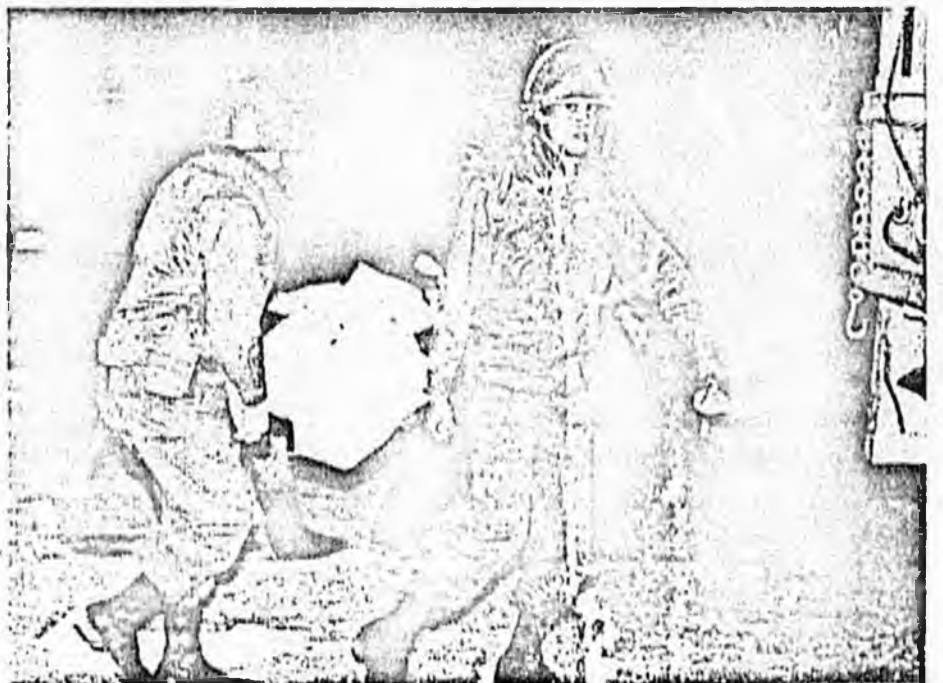
Young inmates serving time for relatively minor crimes were housed, sometimes five to a cell, alongside case-hardened long-termers. The prisoners complained often about rats in their cells, roaches in their food and rough treatment by guards. One diabetic inmate told his father that when he went into insulin shock late at night and pleaded for help, he was ignored.

"Russian Roulette": Despite protests from the inmates and their families, the state government was reluctant to spend money on the facility, which was run by five wardens in five years. The guard staff was undermanned, underpaid and poorly trained. Some progress was made after the American Civil Liberties Union filed a Federal lawsuit two years ago to end the overcrowding, but the improvements—a new housing wing, more pay for the guards—were slow in com-



Gory destruction in Cellblock 4 (left), National Guardsmen removing a prisoner's corpse: 'Stop killing each other,' an inmate said, 'there's blood up to your ankles'

Photos by Jim Nachtwey—Black Star



ing. Last month, two California corrections experts were hired to analyze the situation after eleven prisoners escaped. The consultants reported that the official attitude toward the prison "results in playing Russian roulette with the lives of the inmates, the staff and the public." During last week's chaos, inmate Vincent Candelaria put it more bluntly: "If you pull the pin to a grenade, sooner or later it's going to go off."

It went off just after midnight on a Friday night. Some of the 50 inmates in dorm E-2 were watching a late movie on television; two were in their bunks drinking raisinjack, a homemade hooch. One of only 22 guards on duty, Capt. Greg Roybal, attempted to confiscate the booze, but the two prisoners, in a drunken rage, jumped him and grabbed his keys. Seizing the moment, the cons raced down the 1,000-foot central corridor to the control center of the administration building, where they quickly broke through newly installed, 1½-inch-thick "shatter-proof" glass. At the push of a button, electrically controlled gates swung open throughout the prison.

Other guards were quickly overpowered. Two barricaded themselves in an unused gas chamber, and a medical technician locked himself in a pharmacy vault as seven prisoners grabbed the guard in the infirmary ward. One guard walking outside patrol spotted the trouble and shouted to watchmen in one of four guard towers; he was tackled and dragged inside a cellblock. Still, the watchmen were unable to call for help because phone lines had been cut.

Berserk: When Captain Roybal failed to come home on time, his wife called the state police, who called the prison and got no response. At 2 a.m., a patrol car arrived at the prison and reported smoke and flames

coming from the complex. At 2:30, state police chief Martin Vigil was awakened at home; he called Governor King, who called out the National Guard. Finally, at 10 a.m. Saturday, 60 policemen and 50 guardsmen surrounded the prison.

By that time, many of the prisoners had simply gone berserk. Unable to reach the prison armory, they fashioned makeshift weapons and went on a destructive rampage. They set fire to nearly every mattress in the prison and destroyed much of three cellblocks and four dorms. They broke into the infirmary and stuffed themselves with mixtures of every drug they could find. Some even made their way to the shoemaking shops and sniffed the glue in a frantic attempt to get high.

Carnage: The most brutal cons went after the "snitches," a group of prison informers held in protective isolation in Cellblock 4. The marauders opened cell doors with acetylene torches—then turned the torches on the informers. Margaret Babcock, a prison secretary, was able to see some of the carnage. "Four or five men were holding one man down and burning his head and face with a torch," she said. "He was screaming. I couldn't believe it." The torchers grabbed another man, pulled down his pants and burned their way up his legs until they melted his genitals; then they seared his face.

Another snitch had a steel rod driven through one ear and out the other. One was stomped to death. One had the word "rat" carved into his abdomen. Seven were slashed to death in their cells, their bodies then thrown off a second-tier catwalk. One man had a rope tied around his neck and looped around a second-tier railing. He was thrown off the tier and jerked at the end of

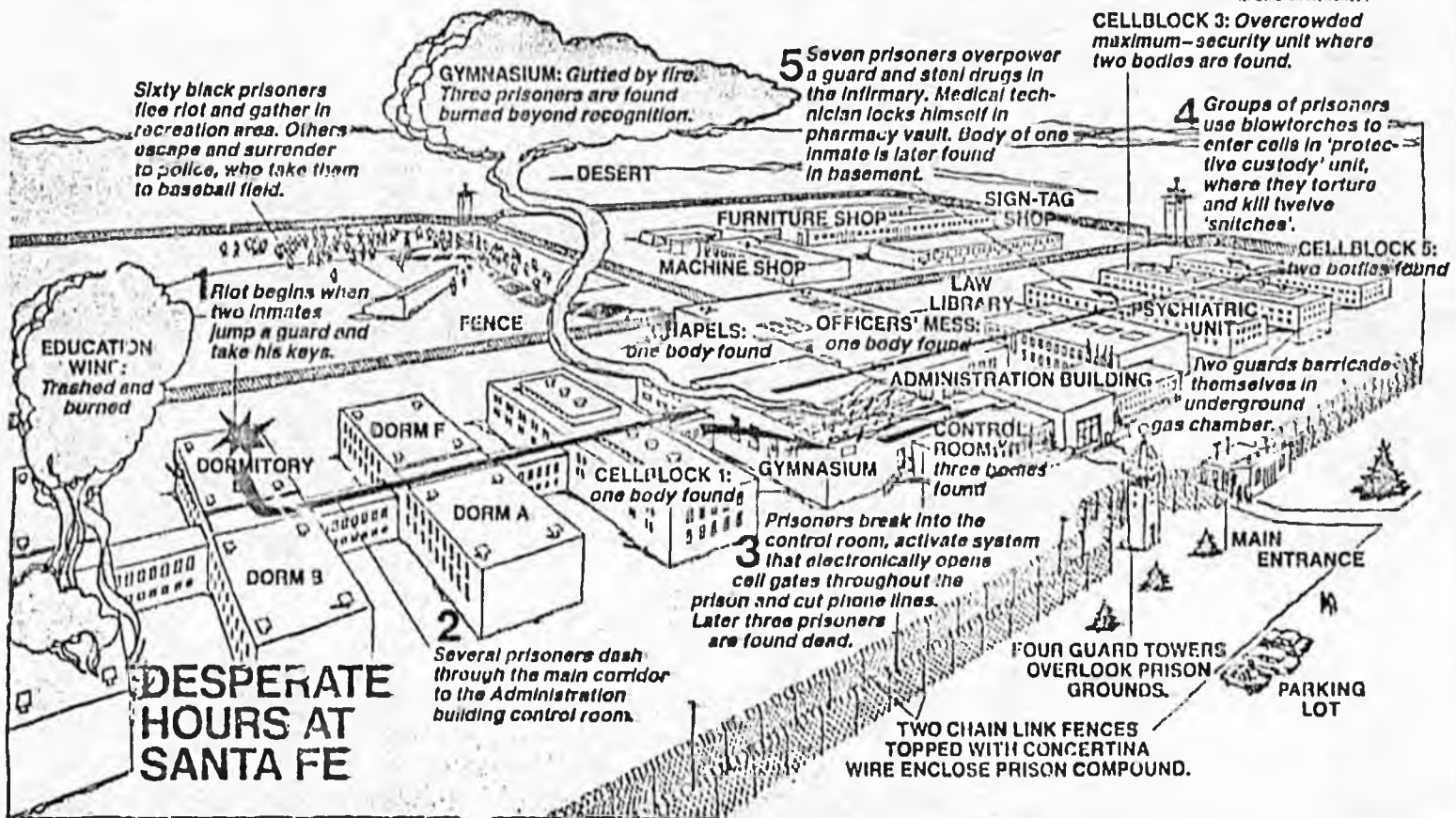
the rope so violently that his head was nearly severed. Another con, his face beaten and right eye nearly gouged out, was beheaded with several whacks of a shovel. Much of the killing was done in Cellblock 4, but bodies were found throughout the prison, some the victims of fire. The savagery sickened the most hardened observers. "I was in World War II in the Marine Corps and I saw a lot of bodies," said National Guard Lt. Col. Bill Fields. "I don't remember anything as bad as this."

The uncontrolled fury frightened many inmates. "Everybody turned into animals once this whole thing started," said Robert Mosley, 21, a handsome blond who said he was locked naked in a room, tied, gagged, hooded and raped at least ten times. Some inmates tried to escape to the police lines outside. One group of 84 cut their way out of a cellblock and rushed to surrender.

By the end, 700 had given themselves up. They were handcuffed, questioned and kept in areas within the outer prison fence or in the baseball field, where they huddled through freezing nights with blankets and scant food and water. Sixty frightened blacks were moved to a separate area after militant chicanos inside threatened to come out and kill them. (The prison population is 58 per cent chicano, 30 per cent white and 12 per cent black; most of the dead were chicanos, apparently killed by other chicanos.)

'Stop Killing': Throughout the day-and-a-half ordeal, inmate leaders communicated with officials by phone and on the walkie-talkies. The first message was delivered to Governor King Saturday morning: "We want to be treated like men, not children." Later, state correction officials met at the prison gate with masked inmate negotiators, who demanded media presence, an end to

By Ohlsson Newsweek



overcrowding and better food. As the siege wore on, the negotiators made repeated threats against the eleven guards held hostage: "We've got a whole bunch of people we're going to start killing." But by Saturday night, the mood had changed. "Attention all units," one inmate radioed. "Stop killing each other. There's blood all over the corridor, blood up to your ankles."

At that point, the riot seemed to be running out of steam, confirming the strategy of state officials to wait out the inmates. "As long as there was no confirmation any guards were killed, we were going to let it go the way it was," said Chief Vigil, who felt that an assault on the prison would have jeopardized the hostages and probably not saved the murdered inmates. As it turned out, the inmate negotiators traded their hostages for interviews with reporters until they were all released. The guards received mixed treatment. Two were released before the first dawn, suffering from smoke inhalation. One, who had hidden under a bed, was befriended by prisoners who gave him an inmate's uniform and a steel bar to protect himself and smuggled him out with surrendering prisoners. But another guard, Mike Schmitt, was bludgeoned and sodomized with an ax handle.

'It's Over': On Sunday afternoon, nineteen minutes after the last two hostages walked out, 24 members of police SWAT teams with shotguns, pistols, automatic rifles and gas grenades marched double-file into the administration building, followed by 60 National Guardsmen with M-16s. The soldiers were under strict orders to keep silent and avoid shooting unless a guard's life was in danger. But what the cops and soldiers found inside was a group of glassy-eyed prisoners sitting peacefully drugged or reeling around. In ten minutes, the word was passed outside: "It's over with." There was no resistance as the cops flushed the prisoners out one by one. "I think we did it perfect this time," said guard commander Bill Fields, remembering the bloody retaking of Attica prison in 1971.

In the aftermath of the riot, the state government soon came in for its share of blame. "Obviously, it didn't happen overnight," said King. This spring, he will call a special session of the legislature to consider emergency prison expenditures that may well wipe out his planned \$60 million tax rebate. Quick repairs at the prison along with temporary housing costs will come to an estimated \$28.5 million. In addition, King is also pushing for a new maximum-security facility that would relieve overcrowding and separate hard-core cons—at a cost of \$45 million. "They wouldn't spend the money before," sniffed one inmate's mother last week outside the prison gates. "Now they'll have to spend a goddam lot of money."

DENNIS A. WILLIAMS with MARTIN KASINDORF and PETER KATEL in Santa Fe



Cliphart © 1980 Washington Star

'Tell the governor not to sweat it—we'll have all murder, mutilation, brutality, rape and mayhem back to the normal acceptable levels in no time!'

When Will It Happen Again?

America's prisons are a riot waiting to happen. Throughout the vast U.S. penal system, violence has become just another routine commodity in the catalog of wretched conditions. Every day, somewhere, an inmate beats or is beaten, rapes or is raped, stabs or is stabbed. And, at least once a decade, the level of this *mano a mano* abuse slides far enough up the brutality scale that it simply can't be ignored any longer. Indeed, experts agreed last week that the truly ghastly question about the

estimate that 45 per cent of all inmates live in unreasonably cramped conditions. They offer little to fill the time of prisoners, breaking the spirit of some and giving others the opportunity to complain and plot. They debilitate prisoners with petty rules and endanger their health with inferior medical care. They allow tough convicts and gangs to control cellblocks and entire prisons. "There are too many institutions that are overcrowded, underfunded and run by an undertrained and underpaid staff," says former California prisons chief Ray Procunier. "With these conditions, you have the certainty of other Santa Fe's."

There is some hope for improvement. In the past decade, a dedicated cadre of lawyers and judges has forced states to begin putting their big houses in order. Prisons in fifteen states have actually been declared unconstitutional. Legal challenges to another fifteen—including New Mexico's—are in progress. Conjugal visits relieve tension, and some states have stepped up alternate punishment programs.

While the Federal prison system still runs large, dangerous, archaic penitentiaries, forces outside its control have recently relieved some problems. Since the Department of Justice has stopped pursuing small-time hoods, the Federal prison population has dropped sharply. This year, it's down more than 6,000. But state systems haven't had such good fortune. Still, with crime continuing to frighten people, many states see the answer as more of the same. About \$10 billion in new prison construction is under way or under consideration. The only certainty about these \$75,000-a-cell plans, says Milton G. Rector, president of the National Council on Crime and Delinquency, is that "if cells are built, the states will fill them."

Only fifteen years ago, prison reform

Prisons fail in almost every way, and more riots like Santa Fe's seem certain.

New Mexico slaughter was not how men could behave like that, but rather when it would happen again.

By any standard, America's prisons do not accomplish their mission. They do not seem to rehabilitate—at least not in any systematic fashion. They don't deter—crime rates seem to be unaffected by incarceration. They don't satisfy the victim's need for vengeance—the erroneous perception continues that many criminals are coddled. Prisons do punish, but often in a way that repels civilized society. "Would we tolerate a penal law that said guilty men must be sent away, gang raped, and returned home?" asks Daniel Steinbock, a veteran prison-rights lawyer. "No, but we allow it to exist in fact."

No one should be surprised that prisons fail. They are overcrowded; authorities

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seemed to be distinctly possible. Inmate populations were dropping and some states began experimenting with work-release programs and other alternatives. But once the baby-boom generation entered its crime-prone adolescence, urban crime rates increased and "law and order" returned as a *lingua franca* for many politicians.

New Rights: Almost immediately, the prisons felt the impact. In the ten years ending in 1978, inmate population jumped by almost two-thirds to more than 300,000, a record. The inmates themselves appeared different. They were younger, more aggressive, openly rebellious and insistent upon their rights even if it meant creating new ones. They were also, in distressingly disproportionate numbers, black and Hispanic. While these significant changes were occurring, neither legislators nor the public paid much attention to the unpleasant subject of prisons. Now, Santa Fe has forced them to notice—and at a time when important decisions about the future of U.S. prisons must soon be made.

In the long list of problems facing U.S. prisons now, overcrowding is the most obvious. The Federal system is operating at 97.2 per cent of capacity, and many state institutions are filled to overflowing. In Texas, 2,000 inmates—one of every ten—sleep on the floor. Alaska exports 21 per cent of its prisoners to other states. At Boston's Deer Island House of Correction, an old saw barn has been converted into a dormitory. Last month, Boston penal commissioner William R. Celester himself filed suit against state officials, demanding that 200 inmates be moved so he could begin making \$1.8 million of badly needed repairs.

Braying: The jammed cells are more than inconvenient. "Under normal circumstances, a prison is a volatile place," says Anthony Trivisono, executive director of the American Correctional Association. "When it's crowded, it becomes more volatile. All the elements are there for a disturbance." No one knows that better than the inmates. In California's Folsom Prison, Richard Davis spends seventeen hours a day in his cell—131 inches long, 52 inches wide and 86 inches high. A convicted murderer doing 25 years to life, Davis now must share his space with another killer. "They are forcing men doing a long, long time to double-cell," Davis says with an air of resignation. "Then they sit back and bray about prison violence."

As state prisons reach and pass capacity, they spill over into local jails. Corrections Magazine reported last year that more than 5,000 inmates wait, sometimes for months,

in municipal and county pens for cell assignments to prisons. Since local jails are supposed to hold inmates for only short periods of time, they offer almost no activities and few amenities. The problem is particularly acute in the South. Twenty Louisiana parish jails have been attacked in court for their inhumane conditions. In Alabama, 1,700 state inmates are stuck in local jails, and a Birmingham Federal judge has ordered the counties to relieve overcrowding. In Mississippi, 1,000 felons are waiting for room in Parchman Penitentiary. A 1978 study found that two-thirds of these jails are firetraps and half of them have no heat in the cells.



Overcrowding in Alabama: Cruel and unusual punishment

Overstuffed cells only exacerbate a host of other problems. For example, an American Medical Association official said last fall that a majority of prisons "are so lacking in appropriate resources that they actually may contribute to the health problems of inmates." Examples are almost endless. In a 1978 lawsuit, an Alabama female inmate testified that after prison doctors set her broken leg in a cast, her leg itched excessively. When doctors reluctantly agreed to remove the cast, they found roaches inside eating her leg. In Colorado, a depressed prisoner requested an appointment with the prison psychologist. The doctor sent back a note, asking, "What the hell do you want me to do about it?" Within a week the prisoner committed suicide.

Guards tend to be just as unsympathetic and inadequate as doctors. All over the nation, guards are poorly paid, casually trained and psychologically overwrought. In a Tennessee test, guards at the state's maximum-security prison had no idea how to evacuate prisoners in case of fire. In Rhode Island, it took a guard more than twenty minutes to open a door during a fire drill. Since guards can't possibly watch everything in a prison, they often cede control of areas to inmates, who badly outnumber them anyway. And because guards find themselves locked behind the same walls as their charges, they suffer from similar anxieties. "You're always under pressure," says Ernest Benevento, 33, a New York state corrections officer. "It turns your insides upside down."

Game of Wits: The task of corrections officers is made more difficult by enforced idleness within prisons. Wardens simply cannot find enough jobs and recreational or educational programs to keep prisoners busy. "Life in prison becomes a game of wits, a game in which prisoners spend their time trying to outwit the guards and do the things guards try to keep them from doing," says Dr. Robert E. Gould, a psychiatrist who advised the commission investigating the 1971 riot at New York's Attica prison. "When the game gets out of bounds, it becomes dangerous." Last December, U.S. Judge John L. Kane Jr. found that lack of activity damaged the minds of prisoners in Colorado's Old Max prison, one reason that he held the penitentiary unconstitutional.

Most insidious of all prison conditions is the unceasing violence. Behind bars, the inmates' safety depends entirely upon the state, but prison officials can offer them only minimal security. Nearly 100 inmates and guards have been killed in California since 1970. At the Michigan state prison in Jackson, the world's largest walled pen, there have been seven murders in eighteen months. In the last ten years, 30 inmates have been killed at Walpole Prison in Massachusetts—the latest last week.

Most of this violence is inmate against inmate. This was a relatively minor phenomenon until recent years, according to Columbia University historian David Rothman: in the past, prisoners had more to fear from brutal guards and wardens. Now, the law of the prison jungle permits tough cons to extort all manner of favors and requires comparatively weaker men to fight, lest they become prey for an entire tier. Homosexual rapes are commonplace. For example, one Colorado inmate last month wrote a friend the following note: "I was threatened to get beat up and possibly killed if I didn't go to this man's cell to

How many inmates?

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visit. I did and it ended up in a horrifying experience. I was beaten and raped with a razor blade to my throat and also getting burnt in the face with a cigarette. I am really hurt emotionally, as I have never encountered an act like this before. I'm scared. I couldn't tell the authorities because I had to be a rat. I need help!"

Poor Males: The cauldron of prison life also boils with racial tension. While blacks and Hispanics account for only 17 per cent of the U.S. population, they make up about 55 per cent of the state prison count. Many explanations have been offered for this disquieting fact. One is that crimes of violence, which are more likely to be punished by imprisonment, tend to be committed by young, badly educated, poor males in urban settings. Blacks and Hispanics fall heavily into those categories. A 1979 national study showed that blacks are sentenced to state prison at a rate eight times higher than that of whites, and a Minnesota survey disclosed that a black or American Indian who committed a felony had twice as great a chance of going to jail as a white person. Whatever the reason for the disproportionate number of minority-group convicts, race relations in prisons are terrible. Prisoners of different races usually segregate themselves voluntarily in dining halls, for example, and violence is traced to racial conflict. Ironically, blacks, who form the majority in many prisons, often have power that is denied them outside. It is small comfort, as Cornell sociologist James B. Jacobs observes, that "prison may be the one institution in American society that blacks control."

This catalog of problems will not be solved for years, if ever. For the moment, the most promising avenue for reformers is

the Federal court system. In the most famous case, U.S. Judge Frank Johnson upheld the American Civil Liberties Union's prison project and declared the Alabama state prison system unconstitutional. Johnson held in 1976 that conditions were so inhuman that they violated the Eighth Amendment prohibition against cruel and unusual punishment. Among other things, the judge found, "as many as six inmates were packed in 4-foot by 8-foot cells with no beds, no lights, no running water and a hole in the floor for a toilet."

Winning cases in court is one thing, but causing real change in the prisons is another. Alabama officials refused to obey Johnson's order for three years until Fob James replaced George Wallace as governor. James has fired some corrupt prison workers and has cracked down on guards who helped inmates deal in drugs.

In another major case two years ago, U.S. Judge Anthony Alaimo ordered reforms at the Reidsville, Ga., state penitentiary—perhaps the South's most violent prison. Acting on suits by Reidsville inmates, Alaimo ordered Georgia officials to reduce the prisoner population by 300, and improve safety and living conditions. In late 1979, however, the judge's special monitor reported that state officials still had not obeyed Alaimo's orders. The judge then gave the state until the end of February to improve conditions in about one-third of the prison's 600 cells. Only then did the state partially comply and improve its isolation cells.

Promise: For decades, U.S. penologists operated on the philosophical premise that they could rehabilitate most criminals. According to this widely accepted theory, prison officials could diagnose a criminal's problems, counsel him, teach him a trade and release him when he was fit to return to society. To make this possible, judges gave



James D. Wilson—NEWSWEEK

Reforms: A conjugal visit at San Quentin

"indeterminate" sentences, such as ten to twenty years, designed to allow for adjustments in the convict's behavior and response to treatment. For a variety of reasons—lack of funds, qualified staff and inadequate facilities—prisons did not deliver on their promise. "The rumors of the existence of rehabilitation were always greatly exaggerated," University of Chicago law Prof. Franklin Zimring says. The failure was evident when many convicts were released and returned to a life of crime.

Today, liberals and conservatives agree that rehabilitation as conceived and practiced did not work. Still, the nation's leading criminologist, Marvin E. Wolfgang of the University of Pennsylvania, urges that work-and-treatment programs continue on a voluntary basis for prisoners interested enough to use them. Many corrections officials contend that if inmates cannot gain early release by trying to rehabilitate themselves, prison unrest will grow even greater. "The inmates have got to have hope of getting out early," says the director of Michigan's corrections department, Perry Johnson. "Otherwise, they're just a time bomb ticking."

Hope: The theory of rehabilitation is being widely replaced by another old concept: prison as sheer punishment or "just deserts." According to this view, a convict should be judged according to the severity of his crime, rather than his individuality. Punishment must be swift and certain; a

Strip-searching prisoners after Attica riot: 'Most criminals get out in a short time'

N.Y. State Special Commission on Attica



JUSTICE

criminal would know that if caught he would go to prison for a definite period. Since few prisoners served the maximum time under the flexible sentencing, advocates of determinate sentences contended that short, but specific, prison terms were sufficient punishment for all but the most heinous crimes. But that sounded too soft to anxious legislators. When they wrote determinate sentences into the law, they wrote them long. The new bills stripped convicts of any hope of early release, and helped boost prison populations even further.

The seemingly easy way to solve those problems is to build more prisons, but reformers resist that idea. Groups have organized across the country to oppose the estimated \$10 billion of current and proposed cell construction. A campaign of ads, letters and demonstrations, for example, is being mounted against the U.S. Bureau of Prisons' plan to convert the Winter Olympics village at Lake Placid, N.Y., into a Federal prison.

Victims: Reformers contend that not every felon needs to be imprisoned. As many as half the nation's inmates are serving time for non-violent crimes. It is more humane and far cheaper to punish these unarmed criminals without locking them up, many criminologists argue. This approach, a variation on traditional court probation programs, appears to be catching on. In the last decade, Minnesota, Kansas and Oregon, among others, have passed laws that provide extra funds and other blandishments for communities that keep criminals at home. Mississippi and Oklahoma operate restitution programs so that crime victims can reap some benefits from the criminals' punishment. For instance, not long ago a teen-age Pascagoula, Miss., burglar repaid a victim \$160, which he had earned working as a kitchen helper as part of the local restitution program. The cause has been endorsed by prominent law-enforcement officers as well. "We're locking up too many people," says sheriff John Buckley of Middlesex County, Massachusetts. "We have to move toward other penalties."

Americans have preferred to ignore the conditions in the country's prisons, or to support superficial reforms at best. "Each generation discovers anew the scandals of incarceration, each sets out to correct them and each passes on a legacy of failure," writes historian Rothman. The American attitude overlooks the fact that the current penal system simply breeds more crime and a desire for revenge—inside and outside prison walls. Unless the U.S. begins to rehabilitate its prisons by running better, more humane facilities, and adopts new ways of punishing nonviolent criminals, it will be only a matter of time before another Attica or Santa Fe bursts on the nation.

ARIC PRESS with MICHAEL REESE in San Francisco, VERN SMITH and VINCENT COPPOLA in Atlanta, DIANE CAMPER in Washington, EMILY F. NEWHALL in New York and bureau reports



Sketch by Steven Rumbough

Male Aegyptopithecus: He feasted on fruits and showed glimmerings of intelligence

SCIENCE

A Catty Ancestor Of Man and Ape

The Faiyum Depression, southwest of Cairo, is one of the most inhospitable places on earth, its temperatures soaring above 135 degrees, its annual rainfall less than an inch. It wasn't always so. Thirty million years ago, the region bloomed with grasslands and forests, in which creatures the size of house cats roamed. These animals, a team of U.S. paleontologists concluded last week, are the oldest common ancestors of man and apes yet discovered.

The rich trove of fossils, preserved under volcanic lava, tells a story about a whole animal society. *Aegyptopithecus zeuxis* ("connecting ape of Egypt") gathered in complex groups headed by dominant males. The creatures lived in trees, feasted on fruits and showed glimmerings of intelligence. "The animal is 30 million years old, yet we know as much about its daily life as we do about any other fossil primate," says anthropologist John Fleagle of the State University of New York at Stony Brook, a member of the team that has been unearthing fragments of *Aegyptopithecus* since 1965.

The key to this knowledge was provided by the creature's teeth. According to team leader Elwyn Simons of Duke University, they foreshadow the teeth of *Dryopithecus*, another common ancestor of man and the apes that lived in East Africa more recently, between 22 million and 12 million years ago.

Eyeteeth: Anthropologists confirmed the social structure of *Aegyptopithecus* in two ways. First, they did dental studies of the ancient creature; then they made comparisons with modern apes and monkeys. For example, the *Aegyptopithecus* males possessed larger eyeteeth than females. Since such variations occur today only among primates in male-dominated bands, the researchers inferred that *Aegyptopithecus* inhabited a similar environment. Their eye sockets were small enough to indicate that the creatures roamed during the day rather than the night—another clue consis-

tent with a complex social organization. The animals also displayed enlargement of the brain's visual cortex, which processes messages from the eye. This suggests that man's 30-million-year-old ancestors were already developing the intelligence necessary to deal with complex social surroundings.

Is There a Ring Around the Sun?

The moon will hide the sun for about four minutes this week in an eclipse that will sweep a narrow swath over Africa and Asia. Theologians and scientists plan to greet the event in very different ways. Pilgrims in India will take holy baths during the darkness. Hindus have been warned to fast before and during the eclipse. Brahman priests will recite Vedic hymns to ward off any likely disaster. Astronomers will focus on more concrete matters. They will measure energy levels in the corona (the solar atmosphere) and seek evidence of a brand new possibility—a faint ring around the sun.

Energy: By studying the corona—which can be seen from Earth only when the sun's bright light is obscured by the moon—scientists hope to learn why it is millions of degrees hotter than the solar surface. They will test a theory that energy moves in waves like sonic booms, which shake the corona. Astronomers will also try to discover how the sun ejects charged subatomic particles into its atmosphere which ultimately disrupt radio communications on Earth.

The ring-around-the-sun theory is even newer. Since planets such as Jupiter, Saturn and Uranus are now known to have rings, astronomers speculate that other giant cosmological bodies may have them as well. Unlike Saturn's rings, which are probably formed mainly of ice, a solar ring would have to be made of a material like carbon that does not melt except at extremely high temperatures. If the astronomers find evidence of rings, they will again have to modify their conclusions about how bodies in the solar system formed eons ago.

Robert F. Cochrane
71316-011
P.O. Box 1000
Oxford, Wisconsin 53952

Mike
1/10/79

The Honorable Jay S. Hammond
Governor of the State of Alaska
Pouch A
Juneau, Alaska 99811
and all the
Legislature

Sir:-

I am an Alaskan State prisoner incarcerated in the federal system, unlawfully and against my will.

This writing is to show Alaska Corrections, is perforating a fraud on the People of Alaska. Alaska Corrections is not following the Legislative Intent as shown in the Administrative Justice Budget of 1980. "The number of Alaskan prisoners confined out of state shall not exceed 161. That number shall be reduced to 125 by the end of the fiscal year 1980."

On June 7th, 1979, a story appeared in the Anchorage Times, as well as, Mr. Bob Spindie, (of the corrections department) appearing on T.V. News. The story and news cast stated Alaska Corrections was reducing the number of prisoners in out of state institutions. Alaska Corrections had no intentions of reducing these numbers. Infact Corrections did transfer a number of short time prisoners back to Alaska, but for everyone transferred back one prisoner from the Alaska system took his place. End result, just as many or more Alaskans in the federal system.

My wife has written Mr. Spindie, in an attempt to have me transferred back to the west coast. At that writing, we were informed, "the outlook for the next few years is that we shall be sending more and more people to the federal system. I see no real prospect of a change in this pattern until such time as our capacity to house prisoners within Alaska is greatly expanded." This is not the Legislative intent at all.

Alaska Corrections, criteria for prisoners with a sentence of 10 years or more, without any consideration are automadically transferred out of state. No consideration is given to his loved ones or family. The unwanted one can be incarcerated any where in the United States. Granted, some prisoners have to be transferred. But not all that fit ths criteria.

When I was first seen by the counselor at 3rd ave jail, Anchorage, I was told that due to the length of sentence. Corrections was not able to house me. I was also told that the federal system was the only place I could be incarcerated. Since I became one of Alaska's unwanted ones, I asked to be placed at McNiel Island, Washington, or Lompoc, Calif. Close to my family in the lower 48.

I was accepted in to the federal system on March 21, 1979, after vacating a court order holding me in Alaska, I was transferred to McNiel on July 6th, 1979. In late July, I was classified and told I would stay at McNiel. I moved my wife to the Seattle area, only to be transferred away from her once more. On Sept. 10th, 1979, I was transferred via, "see America in chains", to Oxford F.C.I., Wisconsin. Since my sentencing, this unwanted one has travel over 12,000 miles in chains, all at the expense of the People of Alaska. As a Rent-A-Prisoner, no consideration has been given this unwanted one; only the available Bed Space in the federal system.

The people of Alaska have voted a \$31 million bond package for new jails and prisons. These moneies have been allocated for sometime. Where are these new prisons, the people of Alaska have voted for?

It would seem that last year someone was putting pressure on the Legislature to bring it's unwanted ones home. So, Corrections put on a BIG SHOW to make the people of Alaska think they were complying with the intent of the Legislature. But infact, they had no intentions of doing any such thing. The bottem line; this is another fraud to the people of Alaska to cover up mismanagment in the Alaska Corrections System.

I have filed a petition for writ of Habeas Corpur, challenging 18 U.S.C. § 5003, per; Lono vs. Fenton, No. 77-1141, (581 F2 645) (7th Cir., 1978). Other Alaska prisoners have also challenge 18 U.S.C. § 5003. some of these cases are before the 7th Cir. Court of Appeals, to be answered some time in April, 1980. If these petitions are granted, Alaska will have to take her unwanted ones home. Due to the Department of Corrections useing this law unwisely, Alaska may lose this some time need facilities to house it's unrulely prisoners.

The Government provides the State of Alaska with a Rent-A-Prison, so why build a prison in Alaska to house it's long term prisoners, when the Government so willingly excepts it's unwanted ones.

The Courts of Alaska do not consider where a long term prisoner is housed or his rehabilitative purposes. Granted the federal system is more set up to provide custody, care and treatment for long term prisoners. But, no consideration is given by Alaska Corrections Classification Committee to there rehabilitation; per; Keeping the person close to his loved ones or family;: what programs or trades may be offered, so when he does reture to society he will beable to find work and become useful to society.

As it stands now, the only consideration in the federal system is available bed space. This is not rehabilitation, this is cruel and unusual punishment on the unwanted ones. These unwanted ones begain to hate and withdrew fdr̄m society, for they are the out cast of Alaska. Surely, this is not the intent of rehabilitation, Alaska wishes for it's longterm prisoners.

At this time I have a long running paper battle going on with the Bureau of Prisons. I am asking proper Security/ Designation, as well as programing, as stated in the Alaska, Bureau of Prisons Contract Jlc-20,759. The only thing I am receiving at this time is bed space. Clearly a violation of this contract, as well as 18 U.S.C. § 5003.

Short term prisoners are placed in institions, where they receive proper rehabilitation. Contact visits, freedom to move and reaccess there values in life. Long term prisoners are locked away and for̄oten about till they are released. Consequently, society recieves a more hardened person, then when he was incarcerated. Rebellious of all societ̄ies rules.

Inclosing, I beleave Alaska should take a long hard look at the Department of Corrections. These prisoners are Alaskan citizens too, and someday will return to Alaska's society. Alaska does not wait this type of person in there society. But, Alaska Corrections have made them the person they are when they return, As the Governing Body in Alaska, is this what you want for Alaska'a longterm UNWANTED ONES?

Very truly yours,

R.F. Cochrane

RFC/rfc
cc; file

JAY S. HAMMOND, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF CORRECTIONS
CENTRAL OFFICE ANCHORAGE

338 DENALI, ROOM 209
ANCHORAGE, ALASKA 99501
PHONE: 1907/274-7573

November 15, 1979

Lynn Cochrane
9911 31st Avenue S.E.
Everett, WA 98204

Dear Ms. Cochrane:

Reference is made to your letter of October 18, 1979 regarding your husband, Robert Cochrane. I appologize for the delay in responding. I simply had a period when I fell a bit behind in transacting the business at hand.

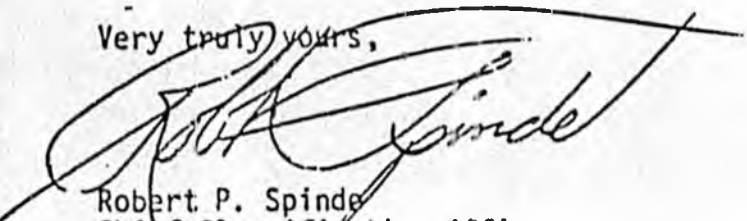
The selection of a specific federal facility for an Alaska prisoner rests entirely with federal officials. Mr. Cochrane's very best channel of communication to effect a transfer would be through his federal caseworker. That is not to say that he will get the results that he desires, but only that such a request would have to be submitted in that fashion.

There is no possibility at all of your husband's being moved to Idaho. Our contract there is only for an extremely small number of individuals who absolutely cannot be placed in the federal system.

With regard to the possibility of his being returned to Alaska, the outlook for the next few years is that we shall be sending more and more people to the federal system. I see no real prospect of a change in this pattern until such time as our capacity to house prisoners within Alaska is greatly expanded.

I regret that I am unable to give you a more favorable response at this time.

Very truly yours,


Robert P. Spinde
Chief Classification Officer

RPS/1jt

Alaska Prisoners Will Be Returned

About 50 Alaska prisoners now held in federal prisons Outside are being returned to Alaska because the state has no money to keep them Outside.

Bob Spinde, chief classification officer for the division of corrections, said this morning the Legislative finance committees told the division that the state's fiscal 1980 budget does not allow for more than 122 prisoners to be held in the federal prison system.

Until recently there were 170 Alaska convicts in federal prisons.

"It turns out we were budgeted for 122 but had 170 out there," Spinde said, "so that's the reason right there."

Orders were handed down to bring a dozen prisoners home immediately, he said.

Two women have been returned to the Ridgeview Correctional Center for Women, five men to the state jail in Juneau, one to Fairbanks and four to the Third Avenue state jail in Anchorage. The prisoners returned to the Third Avenue jail will be reclassified and sent to other state prisons.

Spinde said prisoners are being brought back a few at a time because state prisons "just cannot absorb the almost 50 that it would take" to bring the level Outside down to the 122-prisoner limit.

"Those that we have out there are the worst to start with," Spinde said. "And we're bring back the best of what we have out there."

Corrections guidelines provide that prisoners sentenced to more than 10 years or those with psychological or medical problems are incarcerated Outside.

But the cost of maintaining prisoners in the federal system is much less than keeping them in Alaska, Spinde said. "What we pay is really a bargain. It's less, far less, than our own cost of care, which is right around \$50 per day."

He said the prison at McNeil Island, Wash., is the cheapest. It costs about \$25 a day. Other prisons, such as Leavenworth in Kansas, average between \$25 and \$30 a day, he said.

Even considering the cost of transportation for prisoners and their Alaska State Trooper escorts, Spinde said, if a prisoner's stay is long, the state saves money by placing them in the federal system.

Additionally, Alaska would be hard-pressed to keep all state prisoners here. "We simply do not have

any place to put them," Spinde said, referring to the 122 kept in the federal system. "It would take two new institutions the size of Juneau or Fairbanks to put them in." The Juneau and Fairbanks jails have capacities of about 95 inmates each.

Spinde said corrections officials don't have the option of keeping certain prisoners in Alaska because of the length-of-sentence criteria for classification. "If somebody gets a 25- to 30-year sentence we really don't have a choice but to send him out there."

The pressure to return prisoners to Alaska has not come from federal officials but from the Legislature's finance committees, Spinde said. Federal prison officials "have treated us very well," he said.

A shuffling of prisoners within the state to make room for the returned convicts has created few problems, Spinde said.

But the Eagle River jail is overcrowded, with 91 prisoners, about a dozen more than its usual capacity of 80. "It's kind of a domino effect," Spinde said.

February 18, 1980

Mr. Byron Charles
P. O. Box 309
Juneau, Alaska 99802

Dear Mr. Charles:

This is to inform you that a meeting between inmates at Lemon Creek wishing to comment on the functions and performance of the Parole Board and the House Judiciary Committee of the Legislature has been arranged for Monday night, February 25, from 7:00 to 9:00 p.m. Captain Huston is helping the Committee set up the meeting.

Sincerely,

Sandra Stringer
Administrative Assistant
House Judiciary Committee

SS:vc

February 18, 1980

Captain William Huston
P. O. Box 309
Juneau, Alaska 99802

Dear Captain Huston:

This letter confirms our telephone request to meet with any inmates at the Lemon Creek facility who might be interested in commenting on the functions and performance of the Parole Board next Monday night, February 25, from 7:00 to 9:00 p.m.

Any assistance you can provide us in advertising this meeting to inmates would be greatly appreciated.

Sincerely,

Sandra Stringer
Administrative Assistant
House Judiciary Committee

SS:vc

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

BOARD OF PAROLE

JAY S. HAMMOND, Governor

ALASKA BOARD OF PAROLE
POUCH H-01E
JUNEAU, ALASKA 99811
PHONE: (907) 465-3384

February 4, 1980

Members

House Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Members:

This letter is being prepared for your information and will be presented at the public hearings conducted on the Parole Board Sunset Audit scheduled for February 6-8, 1980. This letter is being prepared to provide you pertinent information in case sufficient time is not made available during the hearing process.

The comments in this correspondence relate to four areas of concern. These are areas that the statutes require you to look at in making your Sunset Review decision and other areas which you raised questions about when Chairman Lyons and I appeared before your committee on November 30, 1979. I hope this information will be valuable to you as you deliberate.

The first topic of concern relates to racial discrimination. As you know, the allegation of racial discrimination has been leveled against all segments of the criminal justice system in Alaska during the past year. I believe the data now available supports my long-standing contention that the Parole Board does not racially discriminate against any minority or "protected class" of prisoner. Let me first redirect your attention to my letter of November 21, 1979, which was handed out to all of the members and staff of the House Judiciary Committee on November 30, 1979.

Members
House Judiciary Committee
Page 2
February 4, 1980

Let me again point out the data compiled in Mel Martin's study completed in 1977 regarding prisoners released by the Board in 1976. This information gives us some idea of how frequently prisoners from various racial backgrounds are paroled, but let me emphasize that these figures are not a true parole rate. In compiling this information, the researcher looked only at the people seen by the Board in 1976 and how many of various races were released to parole supervision during that same year.

Blacks	40.0%
Natives	25.5%
Whites	22.6%

Although the figures for Blacks appears inordinately high, a quick check of those prisoners' files showed that they had served a significantly larger portion of their sentences before being released on parole. Again, let me reemphasize that this data gives some indication of the direction of the Board's decisions, but is not a true parole rate. Many of the prisoners seen in 1976 and not paroled at that time were paroled at future hearings.

As a result of a supplemental parole guidelines grant we anticipate receiving from federal sources in the near future, we have pulled together other data from our files that will hopefully will give a more realistic picture of the Board's parole rates by various categories. The following data are UNOFFICIAL totals for the years 1971-1979. These figures include only those prisoners who have actually been released from prison either after serving their entire sentences minus good time, or through parole. There are a large number of prisoners in the system who are eligible for release in the future but have not yet been released. Obviously when those people are released, the parole rates for all categories are expected to increase somewhat. Although these figures are much closer to being accurate than the data from the Mel Martin study conducted in 1977, they still are not complete and cannot yet be called "true parole rates". As of December, 1979, the unofficial totals are as follows:

Blacks	77%
Whites	54%
Others	53%
Natives	49%

eligibles - 100%

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Let me again emphasize the figures in the above paragraph are unofficial and we anticipate having additional information and an explanation of these and related figures within the next few months. For example, probably even more important than the parole rate data per se is how much time we are requiring people to serve for a specific crime with a certain background. At least some of this information is going to become available soon if our supplemental guidelines grant is approved.

The Parole Board is the only segment of the criminal justice system that has historically had a substantial representation in its members by persons from the minority and "protected class" citizens on a consistent basis.

Secondly, I believe that the Board is currently making fair, just, and responsible decisions. I believe the data will support my contention when sufficient funds are made available for an indepth analysis of the Board's decision making processes. To support this content the following information is presented. Three of the five members of the Parole Board are racial minorities or in the "protected class". Parole rates are not significantly lower for minority applicants. The Board has adopted a system of parolee release based upon verified, measureable, researched factors that have a direct statistically-significant relationship to success or failure on parole. Although some lip service has been paid in the media by many other segments of criminal justice system about fairness and equity, no other segment has adopted anything close to this comprehensive statewide policy of administrating releases. The Board has been actively working on this approach since 1977, long before there was any public concern expressed in the media regarding the issues of discrimination, equity, and fairness.

The Board members have shown themselves to be a responsible group of citizens making sound decisions even before the development of the specific guidelines. This is shown by the fact that Alaska parolees have fewer problems than parolees released elsewhere in the nation, thereby providing better protection to the public.

The following information is taken from the Uniform Parole Reports tables and show the outcome of persons paroled from all parole jurisdictions around the country two years following release. Negative behavior or problems occurring after the two year period would not be reported in these figures.

Continued on Parole	73%
Absconder	5%
Technical Violation	15%
New Felony	8%

The following data gives follow-up information regarding all Alaska prisoners released on parole during the years 1971 through early 1979, and includes parolees that were under supervision sometimes for as long as 8 years. The much longer follow-up period normally results in a much higher violation rate. Only technical violations are higher in Alaska, and only after the much longer follow-up period.

Continued on Parole	75%
Absconder	2%
Technical Violation	17%
New Felony	6%

Although many paroling authorities in other jurisdictions interview and make decisions on as many as 35 cases per day, the Alaska Parole Board has gone the other direction and has reduced the number of hearings from up to 22 hearings per day down to less than 12 hearings a day in recent years. Frequently the Board does not hear more than 10 cases a day, thereby providing us with more time to carefully review each case before making a decision.

The Parole Board is currently releasing a number of prisoners from institutions each year following constitutionally and statutorily mandated guidelines with very little risk to the community and at a substantially reduced cost to taxpayers over the cost of incarceration of these offenders.

Thirdly, the Parole Board is a relatively cheap and efficient agency in carrying out its responsibilities under state law. With no additional state funding, the Parole Board has accomplished the following objectives in recent years.

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1. Substantially streamlined the executive clemency investigation process, requiring much less staff time with no decrease in the thoroughness of investigations.
2. Completed a comprehensive revision and expansion of all policies, procedures, forms and instructions.
3. Developed a master case file system with the assistance of federal funds, greatly decreasing the time spent on case files and dramatically increasing the information available to the Board at parole release hearings.
4. Developed a comprehensive parole guidelines matrix as set forth in the report sent to Committee members. This report is being utilized as the basis for developing similar decision-making tools by the Division of Corrections for prisoners in correctional institutions and in helping to make probation release decisions.

Part of the work of the Alaska Corrections Master Plan Consultants in 1978-1979 was to provide an analysis of the operation of various segments of the corrections system. The staff of the consultants spent in excess of three days reviewing the operations of the Board and discussing matters with the staff of the Board during the development of the plan. At least one member of the team of consultants that spent time going through our files has previous work history with a well recognized parole authority. The consultants were in an excellent position to evaluate the overall operation of the Board, and they did review its operations in relationship to national standards developed by the Commission on Accreditation for Corrections in 1976. These standards are stringent and very few parole agencies in the country have yet become accredited. Here are some of the pertinent comments from the Corrections Master Plan report.

"As can be seen from the foregoing, the Alaska Parole Board is doing nearly all that it can within its current capabilities and limitations to operate a professionally competent

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parole authority. With some organizational changes and minor increases in staff it can do even better." "The present status of the Alaska Parole Board presents an excellent base upon which to build, and it would appear highly desirable to undertake those additional steps which would improve the professional capability and efficiency of the Board." "The Parole Board is not sufficiently staffed to carry out as fully as might be desirable the remaining four recommendations of the Accreditation Commission, related to public legislative relations:". "In connection with all of the foregoing recommendations regarding planning and coordination, it is essential to point out that the Board's less-than-perfect compliance with these standards is due primarily to lack of sufficient staff to carry out all of these activities." "In examining the Board's operations, as this section will illustrate, it is apparent that in most respects it meets or exceeds national standards for adult paroling authorities." "In general, there seems to be a desire to professionalize the operations of the Board, so as to further ensure that decisions will be made in accordance with court requirements and national standards." "The additional staff would make it possible for the Board to undertake tasks that are not now within its capabilities, particularly in the areas of research, report preparation, manual preparation and updating, and the increasingly detailed procedures that are being imposed upon modern paroling authorities. It is essential that the staff be enlarged, even if Board members are full-time appointees."

A fourth area that the statute requires be addressed is the analysis of public need. The recent data made available as a result of our parole guidelines grant shows that many offenders can be released from custody at a substantially reduced cost to the taxpayers of the State of Alaska with very little risk to the community. (e.g., only 1 parolee was convicted of a new felony in 1978.) The Board has developed a policy of releasing offenders that is comprehensive and is applied statewide without regard to other data not relating to risk on parole. The Board appears to be the only entity capable of establishing and implementing statewide guidelines that can fairly and equitably be applied to all

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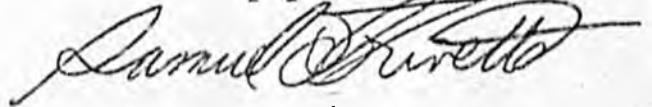
offenders sentenced to imprisonment. Unfortunately, the new criminal code will make a number of offenders ineligible to be reviewed by the Board, and therefore the system cannot be utilized to its fullest extent.

The legislative auditors did make some recommendations regarding the Board. The Board certainly wishes to comply with the recommendations made in the areas of ongoing research, holding public hearings, report writing etc., and I feel that these recommendations probably can be followed if the FY-81 budget as approved by the Department and the Governor's Review Committee is funded. Based upon the information presented to the House Judiciary Committee in earlier correspondence, in person, and information contained in this letter, I believe the Board has met the test of adequately and efficiently providing for the public need of the citizens of the State of Alaska.

At our meeting on November 30, 1979, the members of the Committee mentioned that they expected to invite the Board back during the current legislative session to discuss Parole Board policy and legislation. We would certainly welcome the opportunity and believe we can assist the Committee in gaining some perspective regarding the legislative history of parole in Alaska.

Feel free to contact me if you require additional information before making a final decision on the Sunset Audit regarding the Parole Board.

Sincerely yours,



Samuel H. Trivette
Executive Director

SHT/vh

cc: William B. Lyons
Chairman
Parole Board

Helen D. Beirne
Commissioner
Department of Health
and Social Services

All Board Members

STATE OF ALASKA

JAY S. HAMMOND, Governor

DEPT. OF HEALTH AND SOCIAL SERVICES

BOARD OF PAROLE

ALASKA BOARD OF PAROLE
POUCH H-01E
JUNEAU, ALASKA 99811
PHONE: (907) 465-3384

February 1, 1979

Mr. Arne Maki
Legislative Audit
Audit Section
Pouch W
Juneau, Alaska 99811

Dear Mr. Maki:

Enclosed with and attached to this letter is information you have verbally requested from the Parole Board during your numerous trips to our office during the last three months. This information is an addition to the various material copied for you or Mr. Martin and the material we have loaned to you. The information enclosed covers a variety of topics. As you know, I have spent many hours with you discussing some of the basic whys and wherefores of the criminal justice field in general, and specifically the parole process. As I mentioned before, it is difficult to understand the operation of a parole board without a thorough knowledge of the other workings of the criminal justice system.

Before your agency completes its audit of the Alaska Parole Board, I would highly recommend your reviewing at least a few materials to help familiarize yourself with the criminal justice system from some of the respected resources in the field. "Issues In Sentencing" is a concise bibliography of material relating to various issues in the sentencing arena which, of course, relate directly to the parole decision-making process. This document will provide you with a great deal of material from which to select for your reading. We have some of that reading material in our office. I understand you have already been provided with a copy of Andrew vonHirsch's paper entitled "Abolish Parole?". Also, I understand Susan Knighton from the Criminal Justice Planning Agency has provided you with various recent papers relating to the suitability of maintaining parole as part of the justice

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system. "Parole Systems In The United States" provides the reader with an excellent short summary of each paroling authority in the United States that would allow you to compare the Alaska Board with other similarly-situated agencies. A very recent publication, "The Future of Parole" dated October, 1978, gives a very fresh perspective to a hotly debated subject. I would also refer you to articles written by Drs. William Moseley and Vincent O'Leary who are well established as researchers and authorities in the area of criminal justice. We have a few in our office.

One other reference source that is frequently utilized as a text book in criminal justice programs throughout the country is entitled "Parole", edited by William E. Amos and Charles L. Newman. I specially refer you to Professor Wilkins' article on pages 154. The article on page five will provide you with some additional background information regarding the parole process and you will probably also like to read Professor Newman's article beginning on page 22.

I have also included some background information on the Alaska Parole Board I developed for a consultant that will give you some historical perspective. We have already copied the "Standards for Adult Paroling Authorities" developed by the Commission on Accreditation for Corrections which you will probably want to use as a tool in assessing the Alaska System.

Let me briefly note some of the other material I have copied for which you requested documentation. Attached will be the second letter I mentioned to you regarding my appointment to the Parole Board temporarily as a voting member, as I already gave you the most recent letter of appointment. These are the only two times I have acted as a voting Board member since working for the Parole Board.

You were interested in lawsuits against the Parole Board. The attorney we work with on a regular basis in the Attorney General's office has spoken with Legislative Audit staff, made his files available to Legislative Audit staff, and has made copies of any material you requested. I guess your staff understands that irrespective of how we conduct our hearings or write our policy, lawsuits are inevitable in this business. As I am sure you are aware after reviewing some of Mr. Guaneli's files, most judges do not hand down any formal written decisions when lawsuits are settled. An

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exception to this was a recently decided case involving the Parole Board here in Juneau, and I will include a copy of that memorandum of decision (regarding David Avery) written by the judge for your information. This should give you some idea of the kinds of charges frequently made against the Board that we must defend. I will also include a copy of a memo I sent to Mr. Guaneli in early 1978 regarding another lawsuit filed against the Board. That particular case has been dismissed against the Board as not having any merit and the judge has ordered the defendant returned to custody to resume serving his sentence. You will note from my memo to Mr. Guaneli lawsuits are extremely time-consuming on the part of the staff, even if they are frivolous and the court finds in our favor. I will also include the order from another case (regarding Jeff McCracken) as this case relates specifically to some of our written policy regarding special hearings. This policy deals with appeals of the Parole Board decisions, which the Superior Court found to be sufficient. These three cases are typical of litigation against the Board.

You also requested information regarding other objectives of the Parole Board besides those listed in our current budget document. I have researched our files, notes of administrative meetings, and have put together this information for you from the various sources. Many of these objectives were established two or three years ago during discussions with the Board members while preparing budgets, and they have been continued since that time, even though the budget people do not want the information in the actual budget document. Since your agency has access to all relevant state government files, I have not had copies made of the program performance reports or the budgets referred to in this memo.

Although I do not have these documents in our office, the Division of Corrections has done a recidivism study for a number of years which gives you some data regarding the success or failure of parolees or other kinds of persons released from the correctional system. This information should be available through Dr. Mohr in the Division of Corrections. Enclosed is a sample of information (data) we have put together each year for the Criminal Justice Planning Agency which they include in their Annual State of Alaska Criminal Justice Plan. This document is widely

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distributed throughout the Criminal Justice community and in the public sector. I believe we have already furnished you with copies of the Board's annual reports through 1976. The 1977 and 1978 reports were completed in recent months and are enclosed.

As I mentioned to you before, the Parole Board has worked very diligently in attempting to gather data that would aid us in individual case decision-making and to assist us with management decisions. Information is enclosed regarding our work to get on line with the Uniform Parole Reports people and our work with other data people here in the Department of Health and Social Services. The one year data from Uniform Parole Reports is also in the enclosures. The Parole Board will soon be designated a primary user of the Alaska Justice Information System which will give us more complete direct access to data on offenders in the correctional system. Also, I will be on the Advisory Board of the OBCIS Grant which will oversee the collection of data on offenders and can be used by the Parole Board. My staff has also worked very closely with Dr. Mohr, Research Director, Division of Corrections, in helping him set up a risk assessment profile for corrections offenders. Documentation of these last few comments may be obtained by contacting Dr. Mohr, Division of Corrections, and Susan Knighton, Criminal Justice Planning Agency.

Also enclosed are a number of memoranda that address the Board providing information regarding the parole process to other agencies and individuals and requesting input from them. Many other meetings took place or information was solicited by phone for which no documentation will exist. This information includes contact with such diverse groups as the Coalition on Corrections, Superior Court Judges, Division of Corrections employees, local corrections advisory groups, the Governor, Commissioner of Public Safety, Commissioner of Health and Social Services, and others. The Parole Board has written several articles that have been published in the "Alaska Justice Forum" in order to publicize the proposed changes in Board's release policies. A formal presentation regarding these changes was also made at the Statewide Conference on Corrections held in Anchorage in 1978, and a written report of the presentation was made a part of the Conference's official report distributed statewide. This

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conference was heavily attended by citizens of southcentral Alaska. Also included is a list from my appointment calendar of some of the various meeting staff have attended to solicit input. Information you requested regarding other meetings will also be on that list.

A document of some significance is available from C.J.P.A. entitled "Corrections Task Force on Standards and Goals". Thousands of man hours of staff time, task force member time, interviews with criminal justice staff, and time with citizens in public hearings around the state, were spent in compiling this document. As chairman and a vocal member of this task force, I was responsible for that recommendation of the task force that sentence disparity - be identified as one of the major problem areas. I was very much aware this discussion might finally result in a recommendation to abolish the Parole Board. Although I raised the issue, I continued to study it and became increasingly concerned that the State not make major changes in the system without having made a responsible analysis of the problem and all available solutions. (See my memo dated 4-27-76 to Peggy Zufelt). That is exactly what happened with the revised criminal code.

The question of possible racial bias has been making headlines in recent months in Alaska. Inequities in the justice system, including racial bias, were reported at public hearings of the Governor's Commission on the Administration of Justice as early as 1975. See my enclosed letter to the Executive Director of C.J.P.A. dated May 29, 1975.

Also, you will probably want to look at some of the recommendations that came out of the Statewide Conference on Incarceration and Re-Entry that took place about a year ago on January 19-21, 1978. A copy is enclosed and two sections refer specifically to the Parole Board.

As you requested, I will also enclose a copy of the statutory revisions we have submitted to the department for transmittal to the Department of Law in recent years.

You requested documentation regarding problems we have had with the Commissioner's office as well as with other governmental entities. A great deal of information is enclosed regarding the problems with the Commissioner's office, especially

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relating with our inability in getting responses to our communications from that office. Also included is some information documenting problems with budgeting and with the Division of Corrections.

Also enclosed is documentation you requested that we had initiated formal record-keeping for Parole Board policy meetings (August 1978 being our last one). Also included is information regarding the training of Division of Corrections staff, Parole Board members, Parole Board staff, and a sample of information staff and members bring back from outside meetings that generate ideas for changes in the parole process. Much of this information has been transformed into positive, concrete changes in our operation in recent years.

You also requested information regarding some of the accomplishments of the Parole Board in recent years, and a copy of such correspondence is also enclosed with this memo. Also enclosed is a sample of some of the work we have done on revising our policies and procedures. We have much more and will copy it if necessary. You have already been provided a copy of recent policy changes.

If I have overlooked any other information you requested, please contact me at your convenience. For ease of reference I have attempted to title each enclosed document in large letters. Some material will refer to more than one topic but I have tried to arrange the enclosures to coincide with the order they were covered in this memo to you.

As a reminder all of the Board members indicated their willingness to sit down and discuss Parole Board matters with your staff at the staff's convenience. I advised Mr. Martin of this again shortly before the Board members were due to meet down here in Juneau last month at which time I also advised him a short administrative meeting to discuss cases would be held in the Parole Board office on January 24. Feel free to contact them if you wish.

Sincerely yours,



Samuel H. Trivette
Executive Director

SHT/vh
Enclosures
Dictated 2/1/79
Typed 2/15/79
Proofread and signed 3/27/79

<u>DATE</u>	<u>GROUP/PERSON MEETING WITH</u>	<u>PAROLE BOARD MEMBER/STAFF</u>	<u>PURPOSE OF MEETING</u>
8/24/74	D.O.C. Superintendents, Regional Administrators, D.O.C. Director, etc.	Executive Director (E.D.)	Discussion of policy areas needing attention, problems areas D.O.C. having with the operation of the Parole Board.
12/04/74 Thru 12/07/74	D.O.C. Institutional P.O.'s from Anchorage area	Executive Director	Train staff, solicit input for areas needed to be included in policy manual and suggested changes in existing policy.
1/14/75 Thru 1/15/75	Criminal justice staff & citizens from around the State	Executive Director & Member William Lyons	Conference on Sentencing. Guest speaker David Fogel proponent of "flat-time sentencing". Discussion of current sentencing practices in Alaska & the nation, problems area, mock sentences by all conference participants, discussion of sentencing process, etc.
4/26/75	Corrections Forum, Eagle River Correctional Center	Executive Director	Discussion of Parole Board policies and statutes, requirements and limitations of each, recent policy changes, and citizens concerns for future policy changes.
May, 1975	Anchorage Daily Times staff	Executive Director & members	Detailed interview regarding current Parole Board policies, procedures, practices, trends, relation- ship of the Parole Board to other criminal justice agencies, state and national trends in the justice system, etc.
8/29/75	Superior Court Judges Anchorage area	Executive Director	Discuss current Parole Board policies and solicit recommendations for changes, discuss problem areas statutory authority.
8/29/75	Staff of Anchorage Office Public Defender Agency	Executive Director	Discuss current Parole Board policies and solicit recommendations for changes, problem areas relating to Public Defender representation before the Board, and training for new Public Defender staff.
9/29/75	Eagle River Correctional Center Advisory Committee	Executive Director	Parole Board policies, procedures and operations as they relate to the offenders housed at the Eagle River Correctional Center. Solicit recommendations for perceived problem areas.

<u>DATE</u>	<u>GROUP/PERSON MEETING WITH</u>	<u>PAROLE BOARD MEMBER/STAFF</u>	<u>PURPOSE OF MEETING</u>
9/22/76 Thru 9/24/76	Institutional & Field P.O.'s, Anchorage & Fairbanks areas	Executive Director	Discuss current policies/procedures with D.O.C. staff and solicit input from them for changes to be presented to Board members.
12/18/76 Thru 12/10/76	Institutional & Field P.O.'s, D.O.C., Fairbanks and Anchorage areas	Executive Director	Same as above.
3/14/77 Thru 3/18/77	Field Parole Officers, D.O.C., in Fairbanks, Anchorage, Palmer and Kenai areas	Executive Director and Parole Board Officer	Review proposed policy & procedure changes, including conditions of parole, rules relating to all types of revocation hearings, parole supervision reports, parole plans, etc. with the D.O.C. staff for suggestions and comments before changes presented to Parole Board members in April, 1977.
6/20/77	Eagle River Correctional Center parole and administrative staff	Executive Director	Review of policy with staff, policy relating to conduct of parole hearings, suggestions for changes.
11/19/77 Thru 11/20/77	Alaska Criminal Code Revision Commission	Executive Director & member Beverly Dunham Guest Ira Blalock, Chairman Oregon Parole Board	Discussion of current Parole Board policies & procedures, proposed changes adopted by Board members on 11/18/77; discussion of how these relate to proposed sentencing scheme of new criminal code. Suggestions for improving the new criminal code generally.
11/21/77	Governor's staff & Criminal Justice Planning Agency staff	Executive Director and Ira Blalock	Advised them of the recent policy changes adopted by the Parole Board relating to parole guidelines, explaining expected impact on the justice system, requesting feedback from the staff we spoke to.
12/9/77 Thru 12/10/77	Alaska Criminal Code Revision Committee	Executive Director	Continuation of meeting of 11/20/77. Working with Commission members to provide additional input to various anticipated statutory changes and help finalize the draft of the Commission's bill to the Legislature.

<u>DATE</u>	<u>GROUP/PERSON MEETING WITH</u>	<u>PAROLE BOARD MEMBER/STAFF</u>	<u>PURPOSE OF MEETINGS</u>
3/31/78	Anchorage radio station KJZZ-FM audience	Executive Director	Explanation of some of the current practices and trends of the decisions of the Alaska Parole Board, recent proposed policy changes, discussions of guidelines and other pertinent topics relating to the Board's operation. Two separate taped interview of 15-20 minutes each. Reportedly tapes made available to other radio stations around the State.
4/21/78	Institutional P.O.'s Anchorage area, and various drug abuse treatment staff, Anchorage	Executive Director	Discussion of current Parole Board policies and procedures, the proposed guideline model and effect and relationship to these various programs. Feedback and comments from participants.
5/25/78	Coalition on Corrections	Executive Director	Discussion of current Parole Board policies and procedures and the proposed guidelines model and how these relate to the current practices of the Division of Corrections. Suggestions for changes.
5/26/78	Public Defender Agency Anchorage area	Executive Director	Answer questions regarding Parole Board procedures and policies and take comments for suggestions for changes.
1/19/78 Thru 1/21/78	Statewide Criminal Justice Conference in Anchorage	Executive Director and members	Executive Director presided over one session, providing information regarding recent proposed policy changes and soliciting input for the Parole Board policy changes and discussion of other proposed changes in the criminal code bill.
1/17/79	Municipality of Anchorage Health Department staff and drug abuse treatment staff from Anchorage area	Executive Director	Discussion of the new criminal code and impact on the drug treatment programs in the Anchorage area, the relationship to recent changes in Parole Board policies to these same programs.
1/17/ 79	Assistant Superintendents and Superintendents, Eagle River Correctional Center	Executive Director	Discussion of Parole Board policies implemented in the recent years, their effects, and problem areas still needed to be addressed.

In addition, Parole Board members from the Anchorage area have attended several other criminal justice conferences in the Anchorage area in years 1976-78 on behalf of the Parole Board, but no specific records were kept of these meetings.

EXECUTIVE SESSIONS

The following is a list of Executive Sessions conducted by the staff and members of the Parole Board. I have only gone back through our records for the last few years in gathering this specific information.

9/23/76	Anchorage
11/18/76	Anchorage
4/04/77	Anchorage
6/22/77	Anchorage
11/18/77	Anchorage
3/29/78	Anchorage
3/31/78	Anchorage
7/28/78	Anchorage
8/04/78	Anchorage
9/07/78	Anchorage
1/24/79	Juneau

Because of the lack of funds and sometime because the extreme demands made on the Parole Board members' time, short executive sessions are frequently held in conjunction with regular parole board hearings. Although policy decisions were made and other action taken, no documentation was made of these meetings outside of the implementation of the new policy through the Board's staff.

OTHER SIGNIFICANT MEETINGS ATTENDED

<u>DATE</u>	<u>GROUP/PERSON MEETING WITH</u>	<u>PAROLE BOARD MEMBER/STAFF</u>	<u>PURPOSE OF MEETINGS</u>
6/24/75	Corrections Task Force on Standards & Goals	Members of Task Force (See list in P.B. office)	Discussion of problems areas in the Alaska corrections system and establishing the goals to help resolve them and establishing standards for improve the overall operation of the criminal justice system. During the process of completing its work, the Task Force staff conducted numerous public hearings and personal interviews with citizens and criminal justice employees around the state, and this information was fed back to the members of the Task Force for discussion before the Standards and Goals were finalized in 1976. (See 4-76 Memo to Task Force)
8/27/79	Same	Same	Same

<u>DATE</u>	<u>GROUP/PERSON MEETING WITH</u>	<u>PAROLE BOARD MEMBER/STAFF</u>	<u>PURPOSE OF MEETING</u>
1/06/76 Thru 1/09/76	Same	Same	Same
5/24/76 Thru 5/25/76	Same	Same	Same
<p>The following is a list of specific meetings between the staff of the Parole Board and the Board's Chairman or Vice-Chairman that have taken place in the last few years. Again, many of these have taken place in prior years without being documented in the Board's files, and this list is not exhaustive of the meetings held, but these are the formalized meetings in the recent past when specific policies have been discussed, suggestions for changes aired, and have resulted in the change of Board operation. Because only one Parole Board member resides in Juneau and the remainder reside in various cities throughout the State, much of the Board's business, including the discussion of proposed policies and procedures, is taken care of by telephone. A review of our telephone log over the last few years will indicate the frequency with which the staff communicate with the Board members.</p>			
4/29/77	Chairman Lyons, Executive Director & Parole Board Officer		Discussion of Parole Board policy matters.
6/21/77	Chairman Lyons & Executive Director		Same, and specifically preliminary revocation hearings procedures.
6/23/77	Vice Chairman Dunham & Executive Director		Same
12/20/78	Chairman Lyons & Executive Director		Same
1/03/79	Chairman Lyons & Executive Director		Same
1/11/79	Chairman Lyons and Executive Director		Discussion of conducting of Parole Board hearings.
6/24/77 Thru 6/27/77	Tennessee Parole Board Nashville, Tennessee	Executive Director	Onsite review of the operation of the Tennessee Parole Board, copies of files Parole Board executive clemency forms and procedures, review operation procedures and statutes, and sit in on parole board hearings in various locations to view the actual conduct of the hearings. (See log in travel file for specific activities)
9/22/77 Thru 9/25/77	Oregon Parole Board Salem & Portland Oregon	Executive Director	Meet with staff and members of the Parole Board and the Division of Corrections. Discussion of the Oregon guidelines model, review of parole files, attend various kinds of parole board hearings. See travel file daily log and 8/31/77 memo to Deputy Commissioner for details of trip and the good derived from working with the Oregon Board.

<u>DATE</u>	<u>GROUP/PERSON MEETING WITH</u>	<u>PAROLE BOARD MEMBER/STAFF</u>	<u>PURPOSE OF MEETING</u>
7/13/78 and 7/14/78	Criminal Justice Researchers in Iowa and other states	Dr. Richard Mohr, Director of Research, Division of Corrections	The Parole Board funded several days of this trip so that Dr. Mohr could review the findings and discuss research he was helping the Parole Board with in the development of our parole guidelines model, specifically the multiple discriminate analysis. Dr. Mohr is on the advisory committee for the federal grant to develop the guidelines.

Considerable time has been spent attempting to get professional training for the staff and members of the Parole Board, outside of technical training for the office/administration training (see correspondence with Dr. Vincent O'Leary). As we were in the process of finalizing such training in 1975, federal money was made available on the national level to establish the training under the National Parole Institutes with top criminal justice professors from around the country. The following is list of the training provided thus far.

10/75	National Parole Institutes Board Member Training	Members Steve Hotch & Thomas Carey	Six day training session conducted in Oregon for parole board members from western United States regarding the parole board hearing processes, structuring of hearings, factors considered, relevant research, improving decision-making skills, etc.
3/02/76 Thru 3/05/76	National Parole Institutes Policy Seminar	Executive Director	Discussion of parole policy trends nationwide, case decisions, system changes; training on conducting hearings, due process changes, new research data, etc.
3/19/78 Thru 3/24/78	National Parole Institutes Board member training	Al Widmark, Member Joe Montgomery, Member Beverly Dunham, Vice-Chairman	Six day training session similar to one offered other-Board members in 1975, with the addition of new information regarding changes in the parole process since 1975, including parole guidelines, parole research data, etc.
7/11/78 Thru 7/14/78	National Parole Institutes Policy Seminar	Executive Director and Al Widmark, Member	With the assistance of a number of national criminal justice specialists, examined the parole process in depth, assessing strengths, weaknesses, the role of the Parole Board, and ways of improving the parole process. Discusses changes in various jurisdictions around the country and what might be more effective ways of managing the justice system.

<u>DATE</u>	<u>GROUP/PERSON MEETING WITH</u>	<u>PAROLE BOARD MEMBER/STAFF</u>	<u>PURPOSE OF MEETING</u>
9/30/74 Thru 10/02/74	Uniform Parole Reports Training Seminar	Executive Director	Receive information justice on only national data system tracking offenders released on supervision; learn the contents of the system, how it is collected and reported; discuss other related parole topics of concern to parole board personnel.
10/13/75 Thru 10/17/75	U.P.R. Seminar	Executive Director	Similar to above. Review new categories of data being collected under the U.P.R. system, suggestions on improving the data and gaining wider distribution of the information. Discussion of current parole related subjects.
9/13/76 Thru 9/15/76	U.P.R. Seminar	Executive Director	Similar to two above. Trained about the intricacies of coding of data for U.P.R., costs involved of supplying data to data system, advantages of belonging to the system, and worked with U.P.R. staff on providing technical assistance to get on board with the system.
1/19/77 Thru 1/20/77	U.P.R. Co-Director William Moseley	Executive Director, Parole Board Officer; research from C.J.P.A.	Dr. Moseley provided onsite training to Alaska personnel to enable the Alaska Parole Board to send data & receive feedback from the U.P.R. system. Data coded for 1976 cases as a result.
12/12/77 Thru 12/14/77	U.P.R. Seminar	Executive Director	Information about U.P.R.'s changes in the gathering and reporting of data for Parole Boards, and about U.P.R.'s involvement in collecting other non-parole board data for the criminal justice system. Reviewed the revised criminal code proposal with other criminal justice employees.
8/16/75 Thru 8/22/75	American Correctional Association & American Probation/Parole Association	Executive Director	National Training conference with major criminal justice speakers from around the country. Specialized work sessions dealing with parole board problems as well as general sessions about the entire operation of the justice system. Information regarding specialized treatment programs role of various segments of the justice system, etc. See 8-75 memo for specifics.
8/22/76 Thru 8/26/76	Same as above	Executive Director	Same as above. See 9-1-76 memo and memo to C.J.P.A.
8/20/77 Thru 8/24/77	Same as above	Executive Director	Same as above. See C.J.P.A. training memo.

STATE
of ALASKA

MEMORANDUM

TO: {

DATE: February 1, 1979

Memo to the File

FILE NO:

TELEPHONE NO:

FROM: Samuel H. Trivette
Executive Director *SH*
Alaska Board of ParoleSUBJECT: Recent Meetings With
Agencies and Public

Information for this memo was taken from the travel files of the staff and members of the Alaska Board and from the daily work calendars of the Parole Board. This list is representative of the numbers and kinds of meetings attended but is by no means exhaustive. Apparently since it is the desire of the Legislature to have this kind of information available for future, an attempt will be made to keep more complete data in future years.

Our recent records are much more complete and comprehensive. I decided to review our records for part of 1978 to get information on any important meetings during that period of time. The following list only covers the period of August through December 1978, but I believe is fairly representative of Board activities throughout the remaining part of the year and for other recent years.

On August 3, 1978, met with Jami Zipperian, Coalition on Corrections Board member, regarding the new parole guidelines and the likely effects it might have on female offenders. On August 16, 1978 met with Municipality of Anchorage drug treatment program employees and State Office of Alcoholism and Drug Abuse staff regarding Parole Board's policy relating to alcohol and drug offenders. On August 18, 1978 I spent approximately five hours with Assistant Attorney General Dean Guaneli working on Parole Board policy matters. On August 20, 1978, met with Jane Ferris, Assistant Director, Commission on Accreditation For Corrections, regarding the Commission's paroling authority standards and proposed changes. On August 20, 1978, met with Roger Endell, Assistant Professor, University of Alaska Criminal Justice Center, regarding Alaska Parole Board proposed guidelines and other proposed changes in the state's criminal code. On August 21, 1978, met with Robert Willstadter, Director, Washington State Parole Decisions Project, regarding the Alaska Parole Board guidelines grant (Willstadter is on the Advisory Committee for the grant). On August 21-23, 1978, I

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February 1, 1979

attended a number of meetings at the American Correctional Association Conference regarding parole guidelines, use of salient factor tables, new sentencing schemes, etc. On August 22, 1978, met with Larry Solomon from the National Institute of Corrections regarding the grant from N.I.C. for development of parole guidelines in Alaska. On August 22, 1978, met with Oregon Parole Board Parole Analysts Becky Perkins and Janice SanRomani regarding their rules in the Oregon Parole Board system, and the advantages of their placement in a separate unit apart from the state correctional facilities. August 23, 1978, met with Marc Meithercutt and Bob Willstadter regarding parole guidelines models developed elsewhere in the country and sentencing legislation. On August 25, 1978, met with Alaska Parole Board members at the Western Airlines Horizon Club and discussed Parole Board policy matters. Also met later with Board member Montgomery to discuss suggested improvements in the parole process. On August 29, 1978, met with Steve Nagley, Division of Corrections research staff, regarding information necessary to set up a system on the computer for compiling records on the parole eligibility of Alaska offenders. On August 30, 1978, met with Bill Peterson and Nagley from Division of Corrections research staff regarding placement of parole eligibility dates on the AJIS terminal and making it available to the Board.

In August and September, 1978, I spent approximately three days interviewing perspective parole board members at the request of the Governor's office. On September 7, 1978, met with Board member Joe Montgomery to discuss policies, conduct of board members at parole revocations hearings and the board's procedure for continuing cases. On October 14, 1978, met with the superintendents of the adult correctional institutions in the Anchorage area and the superintendent of the Juneau Correctional Center and discussed the Parole Board Policy & Procedures as they relate to the institutional parole officers and the operation of the state correctional centers, and ways of streamlining the Board's processes. On September 18, 1978, extensive discussion with Parole Board Chairman Lyons regarding parole policy matters. On September 18, 1978, met with Institutional Parole Officer Lloyd Cary regarding the role of parole officers in presenting cases to the Parole Board. On September 21, 1978, met with Bill Peterson, Division of Corrections research unit, and Susan Knighton, Research Analyst with the Criminal Justice Planning

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Agency, regarding management information systems, O.B.C.I.S. information needs of the Parole Board and how to get the data collected. On September 21, 1978, met with Boeing Computer Services personnel to discuss the use of their mini-computer for data collection for the Parole Board as a possible alternative due to D.H.S.S. handling the data. On September 22, 1978, met with Susan Knighton and again discussed data needs with the information gathered from the previous day's meeting. On September 28, 1978, met with Rick Stanfield of Barrett Office Equipment regarding the possible use of the "No Problem" machine as a means of data collection and record keeping by the Parole Board.

On October 5, 1978, met with staff of the Ketchikan parole office to discuss parole board policy relating to revocations, parole reports and presenting cases to the Parole Board. On October 27, 1978, the full Parole Board held a policy meeting to discuss its policy of informing inmates of Parole Board decision. The members decided not make any policy changes at that time. On October 24-25, 1978, I spoke as guest lecturer at the Division of Corrections Training Academy included a class of institutional and field parole officers regarding parole matters.

On November 7, 1978, I met with Richard Mohr and Bill Peterson, Division of Corrections research personnel, regarding development of "risk prediction" scale for use by the Parole Board and Division of Corrections that will dovetail with the Parole Board's guidelines model. On November 8, 1978, I met with Lloyd Pukis, D.H.S.S. Data Processing Unit, regarding the data needs of the Parole Board and how the department can meet these needs. On November 11, 1978, met with Board Chairman Bill Lyons regarding the scheduling and conduct of Parole Board revocation hearings. On November 15, 1978, met with Alaska State Troopers investigator Loren Thomas regarding Parole Board policy regarding serious felony cases and obtaining intelligence information relating to these cases. On December 19, 1978, appeared in Fairbanks Superior Court to testify on Parole Board policy before Judge Taylor to assist the Court in understanding current Parole Board policy. On December 20, 1978, met with Board Chairman William Lyons to discuss parole board procedures.

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Addendum

In addition to meeting with the Kentucky and Oregon Parole Boards, I spent most of one day on April 7, 1978, meeting with Washington Parole Board Chairman Diane Oberquell and several other staff persons reviewing their files and discussing the progress and implementation of parole guidelines in Washington State.

SHT/vh
Data gathered 1-28-79
Memo proofread and
signed 3/30/79

50157

<u>DATE</u>	<u>TO WHOM</u>	<u>MEMO/LETTER</u>	<u>SUBJECT</u>	<u>FROM</u>
9/03/75	File	Memo	4/75 Board Meeting	*
12/22/78	Sam Trivette	Letter	Commission on Accreditaion for Corrections	Robert H. Fosen
8/75	File	Memo	American Correctional Associator. Meeting	
2/25/75	Vincent O'Leary	Letter	Training Program For Board Members	
4/04/75	Vincent O'Leary	Letter	Training Program	
2/03/75	Vincent O'Leary	Letter	Training Program	
5/16/78	Dean Guaneli	Memo	Newell, Terry F. (Lawsuit)	
12/06/78	Law Briefs		Avery, David	
3/29/78	Law Briefs		Memorandum of Decision (McCracken, Jeff)	
1/16/79	File	Memo	Parole Board Objectives	
9/14/77	Francis Williamson	Memo	Accomplishments of the Administration	
11/07/77	Sam Trivette	Letter	Responsible Research	Petter Hoffman
4/27/76	Peggy Zufelt	Memo	Corrections Task Force Recommendations	
11/28/78	Larry Solomon	Letter	Data N.I.C.	
2/06/78	William Huston	Memo	Parole Guidelines Proposal	
1/03/78	Charles G. Adams	Memo	O.B.S.C.I.S. Grant	
9/04/75	Sonja Johansen	Memo	Data Task Force	Gwen Byington
	Parole Board		C.J. Plan	

<u>DATE</u>	<u>TO WHOM</u>	<u>MEMO/LETTER</u>	<u>SUBJECT</u>	<u>FROM</u>
10/24/75	Office of the Governor	Memo	Uniform Parole Reports Training Session	
2/27/76	Bill Moseley	Letter	U.P.R.	
7/08/76	Charles Adams	Memo	U.P.R.	
7/12/76	Bill Moseley	Letter	Data U.P.R.	
3/02/77	Bill Moseley	Letter	Data U.P.R.	
3/30/77	Samuel Trivette	Letter	U.P.R. Tables	Bill Moseley
6/28/78	Ellen L. McNeil	Letter	Data U.P.R.	
1977			Annual Report	
1978			Annual Report	
2/14/75	Frederick McGinnis	Memo	Proposed Legislation	
9/03/75	Francis Williamson	Memo	Legislation for 1976 Session	
9/04/75	Avrum Gross	Memo	Attorney General's Opinion	Williamson/Trivette
12/03/75	Francis Williamson	Memo	Additional Legislation 1 76	
1/03/75	Frederick McGinnis	Memo	Proposed Legislation Input	
5/29/75	Lauris S. Parker		Input	
4/27/76	Peggy Zufelt	Memo	Corrections Task Force Recommendations	
9/11/75	Colonel J.P. Wellington	Letter	Input-Troopers	
			Input	
11/27/75	Andrew S. Warwick	Memo	Fogel Plan	
8/14/75	Ed Beu Jr.	Letter	Input-C.J. Commission	

<u>DATE</u>	<u>TO WHOM</u>	<u>MEMO/LETTER</u>	<u>SUBJECT</u>	<u>FROM</u>
2/27/76	Stephen Branchflower	Letter	Input-D.A.	
6/15/76	Jackie Dailey	Letter	Input-Public Hearings Corrections Task Force	
10/01/76	Bill Gordon	Memo	Meeting Agenda 10-7-76	
3/03/77	Mel Martin	Letter	Parole Study, Etc.	
3/08/77	Justice Connor	Letter	Input-Courts	
12/12/76	Probation Officers Institutional Counselors	Memo	Parole Board Policy & Procedure	
1-14-78	Pearl S. West	Letter	Guideline Input-Other P.B.	
2/16/78	Frederick McGinnis	Memo	Relationship with the Municipality of Anchorage	
3/07/77	Samuel Trivette	Letter	Input	Robert Boochever
2/14/77	Judge Thomas Stewart	Memo	Input	Larry R. Weeks
7/9/76	All Superior/District Court Judges	Memo	Input-Judges	Dan Hickey/Tom Turnbull
5/19/77	Judge Thomas Schulz	Letter	Input-Judge	
4/06/77	Representative Terry Gardiner	Letter	Input-Legislators	
4/06/77	Senator Geroge Homan	Letter	Senate Bill No. 206	
8/15/77	Tom McCollum	Letter	Input-NAACP	
1/30/78	Helen D. Beirne	Memo	Meeting With Board Members	
1/20/78	Governor Hammond	Letter	Input-Governor	
2/01/78	Patrick Wright	Letter	Input-C.J. Conference	

<u>DATE</u>	<u>TO WHOM</u>	<u>MEMO/LETTER</u>	<u>SUBJECT</u>	<u>FROM</u>
8/78			Alaska Justice Forum	
1/79			Alaska Justice Forum	
7/26/76	Francis Williamson	Memo	Delegation of Responsibilities	
9/28/76	Francis Williamson	Memo	Discussion of Problems	
1/19/77	David W. Freer	Memo	Legislative Briefing Memorandum	
1/30/77	Francis Williamson	Memo	Problems	
5/31/77	Francis Williamson	Memo	Delegation of Duties	
11/14/77	Francis Williamson	Letter	John P. Watson Jr.	Douglas Baily
11/27/77	Francis Williamson	Memo	Recent Impacts on Alaska Parole Board	
2/16/78	Helen D. Beirne	Memo	Coding Commissioner Expenses to Parole Board	
6/20/78	Helen D. Beirne	Memo	CETA Position	
2/14/75	Les Wertz	Memo	Phone Bill February, 1975	
9/19/75	Francis Williamson	Memo	FY-76 Budget Revised Programs	
12/15/75	Francis Williamson	Memo	Financial Matters	
6/07/76	Cathy Lloyd	Memo	Final Version FY-77 Budget	
7/09/76	Lois Jund	Memo	FY-78 Preliminary Budget	
10/06/76	Marsha Hubbard	Memo	Your 9-30-76 Memo Supplemental Requests	
6/03/77	Francis Williamson	Memo	FY-78 Legislative Appropriation Report	
6/09/77	Catherine Lloyd	Memo	FY-78 Budget Legislation	
8/29/77	Francis Williamson	Memo	FY-78 Appropriation Level & Supplementals	
9/27/77	Francis Williamson	Memo	Cover Program	

<u>DATE</u>	<u>TO WHOM</u>	<u>MEMO/LETTER</u>	<u>SUBJECT</u>	<u>FROM</u>
11/07/77	Francis Williamson	Memo	FY-78 Supplementals	
11/29/77	Francis Williamson	Memo	FY-78 Supplemental Request	
12/06/77	Francis Williamson	Memo	FY-79 Budget Submission	
12/12/78	Helen Beirne	Memo	Cover Program Increment # 17	
12/12/78	Helen D. Beirne	Memo	Cover Program Increment # 16	
12/12/78	Frederick McGinnis	Memo	FY-80 Budget	
12/15/78	Frederick McGinnis	Memo	FY-80 Budget Cover Program Increment # 17	
12/15/78	Helen D. Beirne	Memo	Error in Objective III Cover Program	
7/11/75	Lauris S. Parker	Memo	Executive Clemency Guidelines	
8/27/75	Dwane Burgess	Letter	Probation Division of Corrections	Gwen Byington
1/25/76	Institutional Counselors	Memo	Parole Hearing Parole Expiration Dates	
11/22/76	Institutional Counselors Field Offices	Memo	Communication	
1/30/77	William Huston	Memo	Access to Files	
11/11/77	All Institutional Counselors	Memo	Orders of Parole	
2/9/78	Walter B. Jones	Memo	Your "Communications" Memo 2/3/78	
1/09/77	Walter B. Jones	Memo	Parole Status Reports	
2/09/78	Helen Beirne	Memo	Corrections Masterplan Information	
12/19/78	Robert Spinde	Memo	Parole Eligibility	Richard Collum
3/28/75	Thomas Carey	Letter	Train Board Member	
9/10/76	David Freer	Memo	Monthly Activity Report	

<u>DATE</u>	<u>TO WHOM</u>	<u>MEMO/LETTER</u>	<u>SUBJECT</u>	<u>FROM</u>
10/06/76	David Fr	Memo	September Activity Report	
6/07/77	David Free	Memo	Administrative Meeting 6/21-22/77	
5/05/77	Governor Hammond	Letter	Policy Meeting Gov. Input	
12/18/77	Conrad B. Miller	Letter	Policy Meeting Input	
9/29/76	Ira Blalock	Letter	Policy Meeting-Bd.	
8/17/78	File	Memo	Policy Change	
8/17/78	File	Memo	Administrative Meetin 8/4/78	
8/17/78	File	Memo	New Policy	
10/13/78	Probation Officers Institutional Counselors	Memo	Parole Board Policy Manual	
1/28/76	Licensing and Certifications Task Force Members	Memo	Rough Draft Final Report	

January 16, 1979

Memo to the File

Samuel H. Trivette
Executive Director
Alaska Board of Parole

ST
Parole Board Objectives

Last month, I was requested by Legislative Auditor, Arne Maki, to provide him with a list of Parole Board objectives other than those listed in the current budget document. Please note that one of the primary objectives listed in the FY-80 Budget was not complete and a correction for the objective was sent to the Commissioner's office and they were requested to make the changes on other budget documents that have been dispersed outside the Commissioner's office.

Many of the objectives contained in this memorandum are those adopted by Board members in previous years that we still attempt to meet within the budget constraints placed upon us. For example, the Parole Board has always had an objective of conducting all preliminary revocation hearings within 10 working days after the arrest of parolees, ever since formal preliminary hearings were initiated in 1973. Although this objective is no longer in our budget because of a change in format by the State of Alaska, reference to it is found in the Parole Board's policy, in our rules governing preliminary hearings, in the older program performance reports, and in previous budgets. We have been in 100% compliance of this objective at least beginning with calendar year 1975.

A related objective is that the Board will conduct all final revocation hearings within 90 days after the date of arrest unless the parolee requests a continuance. Information regarding this objective is similarly located in our policy and in previous budgets and in program performance reports. The Board has met this objective 100% of the time since at least 1974.

Another previously established objective (FY-77 Budget) states that the Parole Board will conduct business so no monetary judgments against the state result because of improper Board action. There have been no monetary judgements.

Parole Board Objectives

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January 16, 1979

The Board currently has a program objective of having less than 8% of the parolees returned to confinement within one year following release because of new felony behavior in the community. A similar but somewhat modified objective has been in our budget since FY-76. The one year that data was compiled and analyzed (1976) the Board was well within the 8% figure. (See U.P.R.)

In the FY-76 Budget, the Board adopted an objective of having the Governor make decisions on all Executive Clemency applications within three months of receipt of the fully-completed application. Numerical computations have not been made on all of the clemency files since that time, but I am sure the Board staff did not meet the objective in the calendar year 1978. The objective was probably met part of the time in 1977 and probably most of the time in calendar year 1976.

One very important objective established by the Parole Board when compiling the FY-77 Budget, is that the Parole Board release only those offenders that met the criteria established by the Board, and that the Board prevent any offender from being released on a "technicality". In other words, the Parole Board should follow its Policies and Procedures in such a manner that a court does not order the release from custody of any offender because of improper action by the Parole Board. This objective has been met.

At an administrative meeting in Anchorage in November, 1977, the Board adopted an objective of soliciting funding to allow it to develop a parole guidelines model insuring it could substantiate that offenders are receiving the most fair and equitable treatment. This objective was met in the spring of 1978 when the Parole Board was awarded a grant by the National Institute of Corrections for that purpose.

In the spring of 1978, the Parole Board established an objective to complete the work on the parole guidelines model in its initial form by November, 1978. This objective was thwarted by a number of problems in the state administrative system, and the goal is now to complete the Alaska Guidelines Model by the fall of 1979.

Parole Board Objectives

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January 16, 1979

At the same administrative meeting in November, 1977, the Board established a goal of updating the present policy and codifying it in Alaska Administrative Code format for easier understandability. No specific time frame was placed on the objective, only that work would be completed as soon as possible with the staff available.

The Parole Board members established an objective several years ago to increase the staff by one person. This objective has been of the highest priority and strongly pursued by the members and staff since 1977. The Governor has not approved the position for his FY-80 Budget, and it appears the position will not be funded.

SHT/vh

Dictated 1-16-79

Transcribed 2-14-79

Signed 3-12-79

Parole sunset file

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

BOARD OF PAROLE

JAY S. HAMMOND, Governor

ALASKA BOARD OF PAROLE
POUCH H-01E
JUNEAU, ALASKA 99811
PHONE: (907) 465-3384

February 15, 1980

Honorable Charles Parr
Chairman
House Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Chairman Parr:

We appreciate the time your committee has devoted to the sunset review of the Parole Board. The questions the committee is dealing with are indeed extremely complex, and that is why we have provided the members of the committee with a minimal amount of background material on some important issues. We stand ready to verbally, or in writing, present additional backup information if the committee so desires.

I understand that your committee intends to interview some offenders at the Juneau Correctional Center in the near future, including those not yet eligible for parole, those eligible for parole but not paroled, and those previously paroled that have had their paroles revoked. I am sure any offender wishing to testify would be willing to allow the committee access to his file before the hearing so that you would have some idea of the information that would be available to the Board at the time it reviews his case. Superintendent Huston and his staff will be able to assist you with this. We will be willing to discuss cases and comments with your committee once you complete this process.

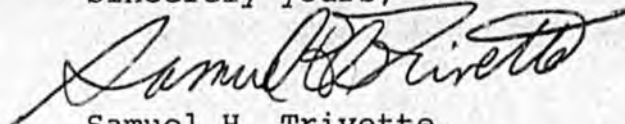
In order to get a more representative sampling of offenders in the Alaska correctional system, I might suggest the committee conduct hearings at the Palmer, Eagle River, or

Honorable Charles Parr
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Anchorage correctional centers. We would also be happy to provide the list of active or discharged parolees in this area so that the committee could have a chance to talk to some of the majority we deal with, the 75% who adjust well on parole.

There were a few more areas that needed clarification after Mr. Marks testified last week, and we will await notification of the Committee's next scheduled hearings for the opportunity to speak to you and the members again. Thank you.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Samuel H. Trivette".

Samuel H. Trivette
Executive Director

SHT/vh

November 14, 1979

Frank Gold, EMD
Program Director
KILA, INC.
3098 Airport Way
Fairbanks, Alaska 99701

David M. Cammack, M.D.
Medical Director

Bonnie McCorquodale
Program Counselor

Cynthia E. Aiken
Program Counselor

Kitty Picotte, LPN
Program Nurse

Dear Staff:

Your letter of October 19 raises a number of issues that require some clarification. The information contained in your letter was based upon facts known to your staff. At least four other persons testified at the revocation hearing and considerable additional information was presented that was not mentioned in your letter. The Board makes decisions based upon all information presented at the hearing and available in the parolee's file. Based upon all of the information available to the Board at the hearing, many of the statements made in your letter to me, to Governor Hammond, Commissioner Beirne, Director Campbell, Parole Board members, Representative Parr, and anyone else that you may have sent copies to, are incorrect, misleading, and obviously intended for one purpose: To put the members of the Board in a very poor light. Your tactic is reprehensible for an organization that represents itself as a group of professionals serving the community and the citizens of the State of Alaska.

Drug Treatment Staff

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November 14, 1979

The Board members are aware of your staff interpretation of federal regulations that you cannot submit negative reports on any client even though a criminal justice waiver has been signed. Although many other program people and I disagree with your interpretation of the federal regulations and many other drug programs do release some additional information without difficulty, that final decision is yours. Obviously that does not put you in a position of being an unbiased participant in any criminal justice situation and any testimony you present must be placed in proper perspective.

Your letter commented that none of the "professionals" involved with Mr. Heflin's case recommended revocation. For the most part, none of the people testifying before the Board made any specific recommendation at all, and the Board members do not see that as the responsibility of those testifying before it. To say that none of the comments made by any of the professional people testifying before the Board including Gene Kingrea, Allen, Rothrock and your two staff would support revocation of Mr. Heflin's parole is simply not true. Much of the testimony before the Board on October 15 and 16 made it very clear that Mr. Heflin was having many other problems than just his return to the use of drugs, and all of these problems did not subside after the preliminary hearing was held on August 10, 1979. The Board members' decision in this case was made after considerable discussion and review of the case and I believe the decision would withstand close scrutiny by any appellant body that might be responsible for making such decisions.

You commented that he might have been treated differently if he had legal counsel to represent him at the hearing. Mr. Heflin was advised of this right in writing and he could have had legal counsel if he so chose. His not having the assistance of counsel certainly did not prohibit him from presenting any evidence or witnesses he wished, and I do not know of any other information he could have possibly presented through an attorney that he did not present through his own testimony or through the testimony of other witnesses. Again, that decision was Mr. Heflin's.

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You commented on the fact that he was released by the hearing officer at the preliminary hearing and therefore should not have been revoked. The purpose of the preliminary revocation hearing is twofold.

First, the hearing officer must determine whether or not there is probable cause that a parole violation may have occurred. Secondly, the hearing officer must determine whether or not the parolee should be released pending the final hearing, based upon the five factors listed on the second page of the hearing form. These five factors are narrowly drawn on purpose and basically relate to the plan of the parolee and his potential risk if returned to the community at that time pending the final hearing. The final decision made by the members of the Board is a significantly different decision than the one made at the preliminary hearing, and the members must consider many other factors. The length of time on parole before violation, the supervisability of the parolee, the number and seriousness of the violations, impact on the parolee and others if revoked, accomplishments, and problems of the parolee, are just a few of these broader factors. The closest analogy would be a preliminary court hearing at which the judge only looks at a few risk factors and then the final decision the judge must make at the time of sentencing considering a number of broad factors other than just the release plan of the defendant. (See Chaney decision).

Obviously Mr. Heflin made some positive strides while on parole. You characterized him as always being "up front", keeping his parole officer advised of his situation, and seeking help before problems arose and dealing with those problems as they took place. The convincing testimony at the final hearing does not support your contention. Obviously Mr. Heflin was having problems some weeks before they were brought to the attention of his parole officer. The parole officer became aware of potential problems through others in the community, not through Mr. Heflin or through the drug program. When the parole officer discussed this situation with Mr. Heflin, he did not advise the officer fully of the problems he had been having. When questioned specifically about the area of drug abuse, he denied the presence of anything illegal at his residence.

Drug Treatment Staff

Page 4

September 14, 1979

Frank Gold testified at the hearing about the necessity for early intervention when problems arise. Of course, the notification of problems must normally come from the parolee himself and as Frank testified at the hearing, "I'm talking about before there is drug use. I am talking about the fact that Joe came over and saw me last night and I really wanted to take some of the stuff, but I didn't. That's when I want to know about it. I don't want to know about it after he uses, that's too late." It was apparent from the testimony at the hearing that Mr. Heflin did not meet this expectation. He did not make contact with his parole officer or with the drug program. The parole officer was the person initiating the contact and after he was unable to get a hold of the parolee himself, notified the drug program personnel who made contact with Heflin.

The Board members encourage the development of a trust relationship by the parolee with whomever he chooses in the community. The Board members do not automatically revoke every person's parole when a violation of parole has occurred, be it the use of drugs or any other specific violation. The Board has in the past had cases in which parolees have returned to the use of drugs in which parole was not revoked. Each case must and will continue to be reviewed individually based upon all information made available. The system does recognize that Mr. Heflin did make some progress while on parole. The parole officer took note of this and as a result did not press forward with the District Attorney's office for a new conviction on the possession of narcotics found in Mr. Heflin's residence. The Board considered Mr. Heflin's progress while on parole and the decision handed down by the Board makes it possible for Mr. Heflin to reapply for parole at any time.

The Board is certainly concerned about rehabilitation and reduced recidivism. Having a parolee return to the use of drugs certainly is not going to decrease recidivism. Because of the infrequent urinalysis that Mr. Heflin was giving, we can only speculate how long he would have gone and how much more deeply he might have become involved in the use of drugs and possibly further criminal behavior before there was any intervention. Let me remind you that Mr. Heflin is not serving time for the possession of drugs, but as a result of his involvement in an armed robbery with a pistol. The responsibility for Mr. Heflin if he becomes involved in serious criminal activity rests with the Board and this is one of the factors it must seriously consider.

Drug Treatment Staff
Page 5
November 14, 1979

Considering the many-faceted responsibility of the Board and taking into the account the testimony of Dr. Rothrock, Gene Kingrea, Don Allen, Donald Heflin, and the drug treatment program staff, along with Mr. Heflin's entire file, I believe any reviewing body would consider the Board's decision responsible and reasonable. Mr. Heflin is verbal and articulate himself, and he certainly has a choice of appealing the Board's decision back to the Board or to the Superior Court if he feels the action the Board took was clearly mistaken. For your information, Mr. Heflin advised us at the final revocation hearing that the chances of his returning to the use of drugs had he been placed on the same urinalysis schedule as he was after the preliminary hearing would have been extremely low. Heflin told us that his giving regular UA's was very helpful to his continued abstinence from the use of drugs after the preliminary hearing. Since you expressed a concern about catching clients before they become heavily reinvolved with drugs, and since we all know that clients are high risk for the first six months or more after release, it would seem to be cost effective in the long run to use more frequent urinalysis than the once or twice a month schedule you had Mr. Heflin on. This whole set of hearings and Mr. Heflin's reincarceration might have been avoided if this was your programs' current policy.

I hope this letter has been of some value in clarifying the Board's position and responsibilities and the fact that a great deal of other information was considered by the Board other than that presented by the staff of the Drug Treatment Center.

Sincerely yours,



Samuel H. Trivette
Executive Director

SHT/vh
cc: Donald Heflin

Fairbanks Drug Treatment
Center
(907) 456-5715

Fairbanks Drug Education
Center
(907) 452-1841

KILA, Inc.

Locally Controlled
Integrated and Coordinated
Human Services
3098 Airport Way
Fairbanks, Alaska 99701
(907) 452-5972

October 19, 1979

Beverly Dunham
P.O. Box 97
Seward, Alaska 99664

Dear Ms. Dunham:

We would like to register our personal and professional objections to the decision made by the Board regarding Donald E. Heflin on October 15, 1979. While we know that in all likelihood nothing can be done about it now, we would greatly appreciate your consideration of the following information. Perhaps it will prove helpful to all of us in the future.

The Fairbanks Drug Treatment Center has been operational since April 1974. Since that time we have had contact with and/or treated over 250 persons with serious addiction problems. We have learned a great deal and would like to share some of what we've learned with you. In light of the above mentioned decision, and because you are all familiar with his case, we will use Mr. Heflin as an example.

As you know, the FDTC has a long-standing policy pertaining to Parole Board and Court appearances. We do not appear for any addict simply because he/she happens to be participating in our program. Because of Federal confidentiality regulations we cannot submit negative reports on individuals: we think our absence speaks for itself. When we do appear it is because the individual has demonstrated a commitment to treatment and an ability to take responsibility within the framework of that treatment. Mr. Heflin has done that and much more. I

Drug addiction is not merely a social or criminal problem. It is a serious and often dangerous illness. While addicts have no known propensity towards psychosis, they--like millions of other people--often have other emotional problems that must be dealt with before full recovery can be achieved. This is not a simple process--nor does it occur simply because the addict desires recovery. 27.

Our experience indicates that successful recovery (or graduation normally requires 2 - 3 years involvement in a structured treatment program. The exception to this is often people whose treatment began in prison. While there is no denying the value of programs inside the prisons, the final treatment phase must take place in the community where the individual must cope with daily frustrations and the pressure from former associates in the drug world.

Mr. Heflin made a meaningful commitment to treatment while incarcerated. He participated in group and individual counseling for almost two years prior to applying for parole. He was also a full-time student during much of that time. While his progress was significant and his prognosis better than most, it is neither accurate nor fair to say that he was completely recovered. Neither the FDTC nor Mr. Heflin expected any major regression. While we expected "graduation" within a year or so, we knew that the first year out would be a difficult and occasionally traumatic one.

The fact that Mr. Heflin experienced serious difficulties during the fourth month following his release is not at all unusual. What is unusual is the fact that he sought additional help immediately. Far more common is the addict who denies any problem and who is afraid to seek help because the very nature of the problem is a violation of his/her parole or probation conditions. The end result--and the FDTC has seen it happen on a number of occasions--is that the individual successfully hides the problem, becomes re-addicted and eventually, returns to some form of criminal behavior. Mr. Heflin was quite familiar with this syndrome. He knew that unless he honestly confronted the problem in the beginning, his personal growth and eventual success would be seriously threatened. He also knew that part of the problem (association with known felons and two occasions of drug abuse) was a violation of his parole conditions. Mr. Heflin obviously felt that his need for support and treatment outweighed the risk of being violated. He discussed the problems, in detail, with his employer, his supervisor and the FDTC staff. His FDTC counselor spoke with his Parole Officer at some length and advised Mr. Heflin to do the same.

Parole Board
Heflin
Page 3

Since Mr. Heflin has since had his parole revoked and is currently serving a minimum of three more months in jail, we now have some serious questions regarding the priorities of both the Parole Board and the Adult Probation and Parole Office. Participation in a treatment program was a condition of Mr. Heflin's original release. What is the point of such a condition if the professional recommendations of the treatment staff are so readily set aside by a board obviously less experienced in this field? For the average individual in treatment, situations such as the one experienced by Mr. Heflin are common in the beginning. When dealt with in an appropriate manner, they decrease in frequency and soon stop altogether. Punishment is not an appropriate response in this case since Mr. Heflin recognized the problem immediately, sought help and stopped the behavior prior to being sent back to jail. 1.C 2.C

It should be noted that in addition to his obvious commitment to treatment, Mr. Heflin is a full-time University student. He has an overall grade point average of 3.4 and has made the Dean's List twice in the last year and a half. Incarceration at this time means that he has to withdraw from school--an event that cannot possibly be in his best interest. There is, however, no advanced education program at F.C.C. this year. Again, we wonder what anyone hopes to accomplish by this action? I.6 I.7

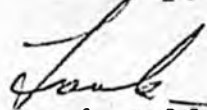
The argument could be made that had Mr. Heflin had legal counsel and had he vigorously denied the Parole Officer's charges, he might still be a free man. There was, after all, considerable evidence of successful rehabilitation in other areas of his life. Such an argument, however, was never considered by Mr. Heflin and would have been in direct opposition to everything the FDTC is striving for. The fact remains that our efforts toward helping addicts re-enter society and develop some trust in the system are made considerably more difficult every time that system fails to recognize genuine effort. 3.C 4.C

Parole Board
Heflin
Page 4


We do not know why the Board or the Parole Office felt that it was necessary to re-incarcerate Mr. Heflin--particularly in light of the fact that the Preliminary Hearing Officer released him. We do know that there were other options. Incarceration was not recommended by any of the professionals involved and cannot possibly be viewed as therapeutic. We would like to believe that rehabilitation and reduced recidivism are Board priorities. Unfortunately, the decision in Mr. Heflin's case cannot support such a belief.

5.C
6.C
7.C


Sincerely,



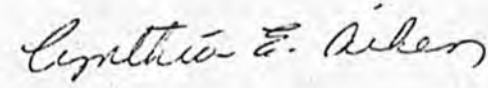
Frank Gold, EdD
Program Director



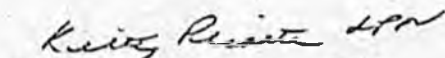
David M. Cammack, M.D.
Medical Director



Bonnie McCorquodale
Program Counselor



Cynthia E. Aiken
Program Counselor



Kitty Picotte, LPN
Program Nurse



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary
1016 West 6th Ave., Suite 201
Anchorage, Alaska 99501
277-7540 or 277-7549

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Sam Trivette, Executive Director
Alaska Board of Parole

FROM: *Rocky* Rocky Plotnick, Admin. Asst.
House Judiciary

DATE: October 13, 1979

As discussed at our meeting this morning, I am giving you a copy of the article that was printed in the Tundra Times. In all fairness, I think you should be given the opportunity to defend the Board's position. Please take some time to read and think about the article and reply no later than December 1. That way I can have time to include your reply in my final report to the Legislature.

Also, the Committee is interested in some specific examples of technical violations of parole. Could you please provide me with some?

Thank you very much for your cooperation. I did enjoy talking with you this morning and hope we keep in contact.

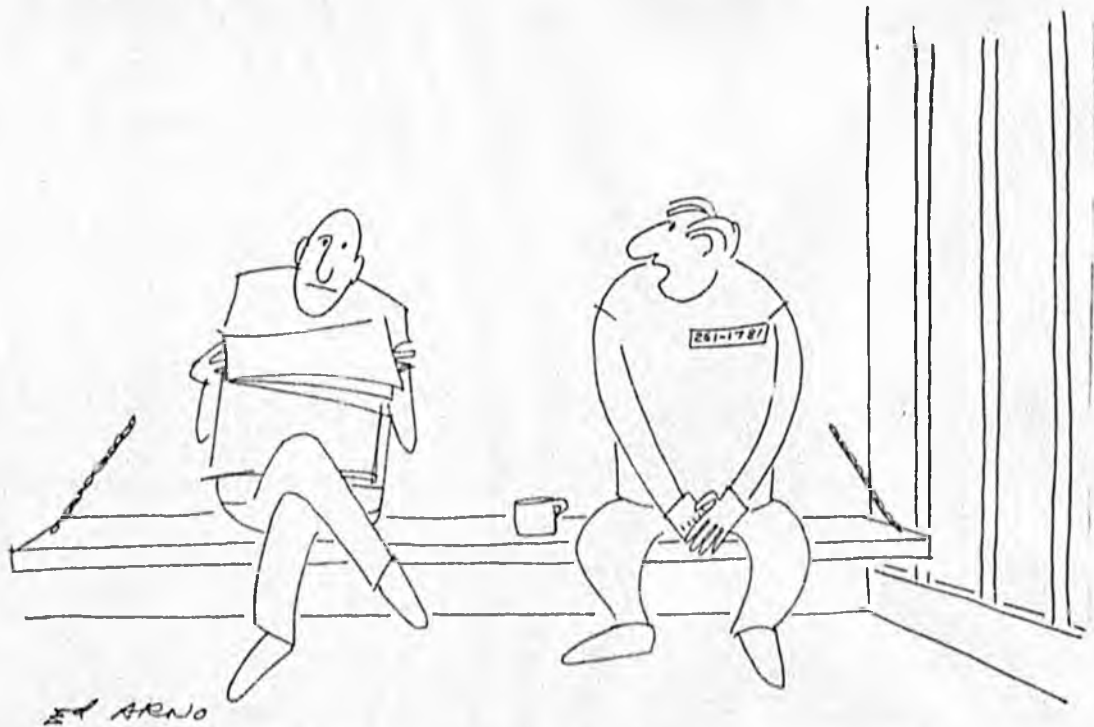
advertise? Does Public know it exists?
Parole Board

- 1) when a person speaks as a character witness can he be denied a chance to speak by either the Board or executive director
- 2) rehabilitation -
type of crime taken into account plus conduct - (rape)
- 3) Good time
- 4) reduction in time - less than $\frac{1}{3}$ in jail
- 5) Part of Present Board members back to - get a past member to testify -

- 6) get specific tech. violations
what are they? Not being
able to associate w/ certain person?
- 7) mail copies of audit report
to members

THE NEW YORKER

JULY 30, 1979



ED ARNO

"Which are you—a victim of society or a crook?"

Parole Board - from Master Plan ^{draft}
grant from Nat'l Institute of Corrections
to develop a parole guidelines model - would
should visit all institutions annually
lack of staff (\$)

2 manuals procedures & policies
not available for public review

no administrative procedures policy
because small staff - not applicable

page 9 criteria of Board members
includes those w/ B.A.'s / B.S.'s
minorities, criminal justice experience

no staff to have info. gathering system

meets in (Arch.) Akks, & Juneau
(F.P.)
(Palmer)

no recording or summary of hearings

no written / structured appeal process

doing well considering staff size

Board make up pg. 21

check w/ Sam T. @ research Ocd.

~~give Sam a schedule of interviews~~

mid for date great

counts - probation
(in lieu of prison)

parole admin - appeal branch
has to be sentenced 1st

conflict w/ M. Han & C. Cade

"goodtime" Corrections

if Sam testifies letter
to Birnie & P.C. Sam —

PAROLE BOARD CALENDAR

Date: 10-25 & 26, 1979

Applicant	Offense	Reason for Appearance	Board Action
Spencer, Kenneth	M. R. Violation	Final Hearing	
Harris, Joseph	M. P. Violation	Final Hearing	3 months Jail
Hughes, Brett	Forgery	Initial	
Kunkle, Richard	BNIAD, Larceny, Introduction of Contraband Into a Prison	Special	
Lear, Jeffrey	Rape	Initial	
Sielak, Stanley	Manslaughter, Escape	Review	
Sisson, Robert	ADW, BNIAD	Initial	Postponed until January Trans. to A.P.F.
Terry, Hulon	Probation Violation (Rape)	Review	
White, Fred	OMVI	Initial	
Knudson, Wilbur	BNIAD, LIAB	Initial (Ketchikan)	
Arrington, Michael	BNIAD	Initial (Ketchikan)	Waive
Black, Vernon	Rape	Initial	Waive
Chavez, Richard	BIAD, ADW	Review	Waive
Ferreira, Chester	BIAD	Initial	Waive
Kurkoff, Conrad	ADW, Prob. Viol. (Rape)	Initial	Waive
Jacobs, Raymond	ADW	Review	Waive
Johnson, Randall	B, IAD	Initial	Waive
Meyer, John	BNIAD, LIAB, Forgery	Initial	Waive
Snyder, Wallace	Rape	Initial	Waive
Stephan, Donald	2 cts. ADW, Prob. Viol.	Review	Waive

M.R. = Mandatory Release

3) corrections - write up summary of Master Plan - how are prisoners currently classified, including outside the state - is there a breakdown on the classification of minorities? - who or how are the locations of correction facilities determined? - is there a category for race in job applications for corrections? - what about the funds for education at Ridgeview/Eagle River?

4) judges - get the travel time for Supreme Court Judges in the past year (fiscal or calendar) - how much was spent on travel and where did they go? - confirm the number of complaints the Judicial Qualifications Committee receives and the action taken - how are they planning to "advertise" or let the public know they exist?

5) parole board - find out exactly what technical violations are with specific examples - are there any statistics on minorities in terms of paroles granted, denied, or revoked? - how does the board determine character witnesses? - what specific factors are taken into account to determine granting of parole? - what is "good time" and how does it play a part in parole? - get some past board members to testify at invitational hearing - follow-up on Nel's question about parole being granted before 1/3 of the sentence - obtain copies of audit's report and mail to members

C. Hartie Campbell -

Reduction of discretion OK, elimination not OK

Favors professional board (not nec experts)

Doesn't find that prisoners all trying to con him

Evidence that longer stay in prison more likely to commit crimes

Thelma - Advisory Board good? Campbell - yes,

→ Might be ~~for~~ some full-time, some lay

Clinical psychologist, attorney, etc but personal qualifications more important

Limited service (3-4 years, maybe)

Campbell -

2/22/80

169 prisoners outside of 785, most not dangerous

Dormitory not adequate for long-term prisoners, and we are short of bed-space.

Feds may be getting ~~full~~ full, too -

ACA standards call for 400-bed max

Bonds - Hugh - why not appropriate?

Alcohol treatment -

Energy-efficient

Security

Visitors facility - good telephone

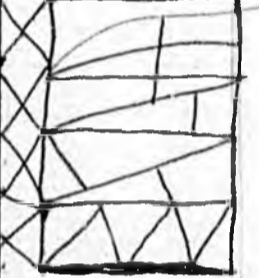
Mike Clements -

2-hour 5-mile, 1 Ft Yukon

uninterrupted power source for computer (ASIS),
traffic,

44347
84 | 3547808

32
34
32 7
22 2
38
32 6



Conditions of parole -

marriage (me) -

association (Nels) -

employment (Nels) -

travel (Thelma) - co. pact

weapons (Nels) waiver of Fed law
check w/ crim code

Counseling -

alcohol req but
not avail (Thelma)

Membership - (Thelma)

trained in human rel,
psych, counseling
~~ethnic req~~

training - Nels

nominees from Just Comm (Nels)

Parole officers

Village council (Nels) yes

Veto of order (me) No

Hearing off powers

Appeal -

Sat off -

Good time on parole - Nels

Parole Bd reqs
in all prison
libraries

Preparation of case files -

copy of records
made available
to inmate before
heard

Lemon Creek 2/25/80

Harold Joe - before Board - violated ^(moved) (drinking in bar) ^{14 mos} out
Only condition should be #3 - not to break
any Fed or state laws. Had association w/ others
2-3 years, now supposed to stop.

George Westall -

Att class asked for min custody - told no
go until turned down by Parole Board. Some
people get min custody right away.

Randall Johnson - before Board

Drop assoc w/ others is wrong.

Disturbed by clergyman passing judgment on him.

Larry Larson - before Board twice

No control on Board - not taped

Board objected to him fighting his case
w/ (Lyons) - Alcohol treatment rec, ignored
at 2nd hearing.

Board concentrated on appeal, bail, not
on rehab which had occurred.

* Good behavior time on parole doesn't count

Timothy African Jr - before Board - denied

Talk to Board, go out, don't know results
Couldn't get attorney to work with him,
in prison 26 months.

Convicted of ADW - head doesn't work since
beaten on head by cop. Didn't stab anyone.

Went to Att, got GED, taking college courses.
Has hearing problems.

*

Ernest Carroll - Parole Bd April 79

- Talked about juvenile record - and Att,
not about offense for which serving

Thelma - job lined up, family to take you
Larson - pretty standard that don't get parole
first time around - didn't want to have employer
hold job.

Ed Skaruzich - before Board Apr 79 (23 mos)
- lined up, went to AA meetings. Had two
jobs, half dozen places to stay
- Board brought up juvenile records (Lyons)
- Lyons started yelling, wouldn't let him
get word in
- Board doesn't really know cases
- " member hard of hearing
- " turned him down on juvenile record,
some on institutional record

Larson - letter of denial may not give all reasons,
always considers past record

Dwight Curly -

- parole counselors took fake accusations be-
fore Board. Need to separate inst counselors
from parole counselors.

- alleged that had been in fist fight every
night Feb-Apr
- Board not in good standing nationally

Eddie ~~Parade~~ Loreds - in 6 years -

- Board leaves it to inst counselor to put
together packet on inmate

- Inmate doesn't see packet

- Judge see psychiatric counseling, didn't
get it for five years.

- Never got letter from Board on denial

parole officer
should have
auth to let
him go outside
to work -
parole bd
marriage
permission

William Hawley -

- judge rec alcoholic counseling, Board looks heavily at it - counseling not available
- AA doesn't work in inst although does on the streets
no inst counseling, no alcohol in inst

Philip Axatara -

- Lyons compared him w 10-year old son
- parole officer out to bust you

Byron Charles -

Board always asks about alcohol programs, but there aren't any

Board should have professional ~~members~~ counselors (psychiatrist, e.g.)

AA visits not considered by Board
Court rec never followed through
adjust

Harry Halverson - goes before Board in Apr

Martin Smith - before Board summer 1975, ^{and} again

- ^{jailed} no funds for counselor, so got AA

- Robert Collins, parole off Ktn turned down approved plan

- statutes say if follow inst req should get favorable consideration

- believes admin and parole off tell Board what to do

- need full-time board

Pete Gaona - before Board twice

- Board doesn't consider person, decides beforehand

- had plan

- Board holds past against him

- Lyons said insult to ask for parole
(Norm Anderson + rest of parole board)

- not allowed to see file

Thomas Wood -

- no jobs in rural areas, but Board says have to have one.

Bob Corbett - violated parole from Walla Walla

- on parole two years, worked all time

* - went into house w/o search warrant, went back next day with one

- sent to Walla Walla for 8 mo sentence
- parole officer invited police in
- was living w/ minor w/ knowledge of parole officer
- picked up for assault (on wife)
- smoked pot w/ knowledge of parole officer
- unlicensed - not training to do

Tom Naves
PD

Marrisey
vs
Brewer

Norman Franzen - two year sentence, in 11 mo

- before Board, denied because of past record. No inst record. Had job, place to stay

Bill Croize - 8 yrs ADW (under drugs) July 78

- has tried to get drug counseling, suing
- expects to go outside for rehab
- due before Board ~~April 8~~

Terry ~~St~~ Shine - 2 yrs for pot sale

- refused to go before Board, force
- had four months to do on 3-yr sentence,
- revoked because of change of residence
- come out of jail start over, no job, no training

John Deacon - 5 yrs -

- went before Board, denied, doesn't know why

Edward Andrews - 6 yrs, before Board last July

- denied because violated probation (drunk)

Sinka Crane -

- 3 yrs to go. Shot man who burned house down -
- not before Board yet
-

Abel Kozmikoff - before Board, denied

- denied because no alcohol treatment -
- violated probation for drinking in public

Vernon Black - before Board, year set off

- ~~no~~ Bd said need alcohol counseling, ~~but~~ ^{he}

~~accept~~ won't accep' - AA.

- wants evidence to show
- had job, village council willing act as probation, Board wants to parole to city

Monty Charles - before Board, 2-yr set off

- asked only about alcohol treatment
- Koyuk - firearms

Terry Gray -

- inmate back for rest of sentence because of technical violation
- picked up on assoc w/ felon, leaving area of residence
- in for felon in possession firearm

Roy Montgomery - not before Board, goes in July

- Cannon Mills (Kannapolis, N.C.)
-

Lyons shouting at him
Lyons provoked him

ALASKA BOARD OF PAROLE

Order of Parole

The Alaska Board of Parole, by the authority vested in it by Alaska Statute 33.15.080, authorizes the release to parole supervision of _____.

This parole is granted effective _____, or as soon thereafter as a release plan is approved by the Alaska Division of Corrections, and parole will expire on _____.

Parole is granted under the following conditions with the understanding the board can, at any given time during the period of parole, cause the parolee to be returned to custody when it is determined that any of the following conditions of parole are violated:

1. I will make diligent effort to maintain steady employment and support legal dependents. I will not voluntarily change employment without receiving permission from my parole officer to do so; if discharged or if employment at present job is terminated (temporarily or permanently) for any cause whatsoever, I will notify my parole officer or his designee within 48 hours. If I am involved in an education or training program, I will continue active involvement in the program unless I receive permission of my parole officer to quit. If I am released or removed from the program for any reason, I will notify my parole officer within 48 hours.
2. I will report to my parole officer at least monthly in the manner prescribed by him. I will follow any other reporting instructions established by my parole officer.
3. I will obey all state, federal and local laws, ordinances, and orders.
4. I will obtain permission from my parole officer before changing residence. I will notify my parole officer at once of an intended change of address and the reasons I expect to move.
5. I will obtain the prior written permission of my parole officer in the form of an interstate travel agreement before leaving the State of Alaska. Failure to abide by the conditions of that agreement is a violation of my conditions of parole.
6. I will not own, possess, have in my custody, handle, purchase or transport any kind of firearm without the prior written permission of the Alaska Board of Parole. I understand the federal law prohibits me from having any kind of contact specified above with firearms. State laws prohibit anyone convicted of assault and battery and other assaultive charges, from having any contact with a concealable weapon, including pistols, revolvers, other concealable firearms, and from concealing about his person a knife with a blade over 2" long, metal knuckles, or an instrument by the use of which injury could be inflicted upon the person or property of another. I will contact my parole officer if I have questions about the use of firearms or weapons.
7. I will not use any narcotic, hallucinogenic, stimulant, depressant, amphetamine, barbiturate or prescription drug not specifically authorized by a licensed physician.
8. I will report to my parole officer, no later than the next working day, any contact with law enforcement officers that involves arrest or interrogation for any crime or suspected crime.
9. I will not enter into any agreement or other arrangement with any law enforcement agency which will place me in the position of violating any law or any conditions of my parole.
10. I will obey any special instructions, rules or orders given to me by the board or by my parole officer.

SAMPLE

ALASKA BOARD OF PAROLE

SAMPLE

DATE _____

I have read these conditions of parole or have had them read to me, and I fully understand the conditions of my release on parole; by accepting this parole, I agree to abide by them. I understand it is my responsibility to contact my parole officer if I have any questions about the meaning or intent of any of these conditions of parole. I realize that I may be arrested at any time by a parole officer with or without a parole violation warrant. I do hereby waive extradition to the State of Alaska from any state in the Union, and agree I will not contest any effort to return me to the State of Alaska.

WITNESS _____

PAROLEE _____

DATED _____

1001, always conditions of Parole

1. I will report to the supervising parole officer's office the next working day after the arrival in the state in which I am being supervised.
2. I understand that I am obligated to abide by the conditions of parole established by the Alaska Board of Parole, as well as conditions of the state where I will be supervised on parole. I understand the interstate supervising parole officer may set up any additional conditions he finds necessary; if this is done, informational copies will be sent to the Alaska Division of Corrections and the Alaska Board of Parole. My interstate supervising officer has the authority to change any of the conditions set by his state, but only the Alaska Board of Parole has the authority to have any conditions changed on the Alaska Board of Parole order.
3. I will not leave the state where I am being supervised without the prior written permission of my supervising parole officer, including an interstate travel permit.
4. I will receive permission of my parole officer before I enter into any contracts, open or utilize a bank checking account, borrow any money or go into debt, apply for or use any credit cards, purchase an automobile, truck, snow machine, motorcycle, motorhome, trailer, house or property. I will advise my parole officer of any debts I currently owe. I will pay all bills when due, maintain all credit accounts current, and keep my parole officer advised of my financial condition and of any financial problems.
5. I will not open, maintain or utilize a checking account. I will not at any time have in my possession any checks, except payroll or business checks payable to me as the first party. I will not fill out any portion of any check except to endorse my name to a payroll or business check made payable to me.
6. I will consult with my parole officer before entering into an agreement to marry or marrying.
7. I will participate in mental health, psychiatric, psychological, or other counseling programming approved by my parole officer as directed by the Parole Board or my parole officer. I will continue active participation and attendance in any such programming determined appropriate by my parole officer, to his satisfaction. I will obtain the prior written permission of the parole officer before voluntarily discontinuing any programming established. If I am discharged or if this programming is terminated (temporarily or permanently) for any reason I will notify my parole officer or his designee within 48 hours. I agree to permit my parole officer access to any information obtained by these program personnel, including my attendance.
8. I will participate in approved alcohol/drug programming as directed by the Parole Board or my parole officer. I will continue active participation and attendance in any such programming determined appropriate by my parole officer, to his satisfaction. I will obtain the prior written permission of the parole officer before voluntarily discontinuing any programming established. If discharged or if this programming is terminated (temporarily or permanently) for any reason I will notify my parole officer or his designee within 48 hours. I agree to permit my parole officer access to any information obtained by these program personnel, including my attendance, and I will sign an approved criminal justice referral consent to release information to my parole officer.
9. I will notify my parole officer within 48 hours of the use of any drugs prescribed by a licensed physician.

barbiturate, or prescription drug not specifically prescribed by a licensed physician. I will not at any time have on my person, or in my residence or in my car any paraphernalia normally associated with the illicit use or abuse of drugs. This includes but is not limited to: syringes, injecting needles, cooking spoons, hash pipes, cocaine spoons or weighing scales and substances used for cutting down, packaging or diluting drugs.

11. I will not consume or have in my possession at any time any alcoholic beverages. I will not enter any establishment whose primary business is the dispensing of alcoholic beverages; this includes liquor stores, bars, pubs, taverns, night clubs. I will notify my parole officer within 48 hours of the use of any prescription or counter drugs containing alcohol.
12. I will not at any time allow alcoholic beverages to be brought into my residence or to be carried in any motor vehicle that I am driving.
13. Upon request by or at the direction of a parole officer at any reasonable time, I will submit to a search of my person, personal property, my residence or any vehicle under which I have control, for the presence of dangerous weapons, knives or firearms. This search of my person may consist only of a pat down or frisk search to determine the presence of weapons, unless the searching officer reasonably believes that I have a weapon concealed on my person which is not detectable by a pat down or frisk search.
14. Upon request by or at the direction of a parole officer at any reasonable time, I will submit to a search of my person, my personal property, my residence or any vehicle under which I have control, for the presence of narcotic, hallucinogenic, stimulant, depressant, amphetamine, barbiturate or other drugs or drug paraphernalia.
15. Upon request by or at the direction of a parole officer at any reasonable time, I will submit to a search of my person, my personal property, my residence or any vehicle under which I have control, for the presence of alcoholic beverages. This search of my person is limited to a pat down or frisk search.
16. Upon request by or at the direction of a parole officer at any reasonable time, I will submit to a search of my person, my personal property, my residence or any vehicle under which I have control, for the presence of property that may be stolen. A search of my person will normally be limited to a pat down or frisk search unless the searching officer reasonably believes that there is stolen property on my person which is not detectable by a pat down or frisk search.
17. I will submit to testing at any reasonable time upon request by or at the direction of a parole officer to determine whether or not I have used any narcotic, hallucinogenic, stimulant, depressant, amphetamine, barbiturate or prescription drug. This testing includes, but is not limited to, blood test, breathalyzer, urinalysis. I understand that if any of these tests show that I have ingested drugs not specifically prescribed by a licensed physician, my parole may be revoked. Refusing to cooperate when requested to submit to testing will constitute a violation of my conditions of parole.
18. I will submit to testing at any reasonable time upon request by or at the direction of a parole officer to determine whether or not I have used alcoholic beverages. This testing includes, but is not limited to, blood test breathalyzer, urinalysis. I understand that if any of these tests show that I have ingested alcoholic beverages, my mandatory release may be revoked. Refusing to cooperate when requested to submit to testing will constitute a violation of my conditions of mandatory release.

will not apply for a motor vehicle operator's license without the prior written permission of the Alaska Board of Parole. If I am presently licensed to operate any kind of motor vehicle, I will immediately surrender this/these license(s) to my parole officer, who will forward them to the issuing authority and advise the issuing authority why it is being returned.

20. I will not operate a motor vehicle without first obtaining liability insurance, and providing proof of this insurance to my parole officer.
21. I will provide information to my parole officer about any motor vehicle that I own, am buying, or operate. I will advise him of the make, model, year, color, and license number of these vehicles.
22. I will receive permission from my parole officer before leaving the area of the state to which my mandatory release case is assigned. I agree to abide by the limits set by my parole officer.
23. I will not associate nor have any non-employment related contact with a convicted felon, without the permission of the Alaska Parole Board. This includes corresponding or visiting with any person confined in a prison, penitentiary, correctional institution, jail, correctional work camp or work release center, etc. I will notify my parole officer if I have any job-related or any other contact with a felon.
24. I will enroll in the TASC program immediately and remain in the program unless and until written permission is granted by the Alaska Parole Board. I will cooperate with TASC program personnel and will sign the consent to release confidential information as a criminal justice referral.

Master file

D. Randolph
586-3392

From Board Member - Rev. William Lyons.

For an Act entitled: "An Act Relating to Parole Administration Act and to Prisoners."

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

Section 1. AS 33.15.010 is amended to read:

Sec. 33.15.010. STATE BOARD OF PAROLE. There is in the department a board of parole consisting of five members to be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The governor shall designate one of the members as chairman of the board. The member shall remain chairman until the expiration of his term as a board member. [ONE OF THE MEMBERS, WHO SHALL BE CHAIRMAN OF THE BOARD, SHALL BE A PERSON WITH TRAINING OR EXPERIENCE IN THE FIELD OF PROBATION AND PAROLE, AND HE]. The members may be [AN] officials or employees of the department but may not be [AN] officials or employees of the division of corrections. As much as possible, the governor shall appoint board members that represent a broad cross section of the makeup of Alaskan residents. The term of each of the five members [EACH OF THE OTHER FOUR MEMBERS] of the board is five [FOUR] years and until his successor is appointed. [AND QUALIFIES.] Terms of all members shall be staggered to expire at one year intervals. Successors are appointed in the same manner as provided for the board members first appointed. A vacancy shall be filled for the unexpired term. The governor may remove a board member for nonmalfeasance, or for any behavior not in keeping with the code of ethics of the American Correctional Association or the written regulations of the parole board.

Section 2. AS 33.15.015 is amended to read:

Sec. AS 33.15.015. EXECUTIVE DIRECTOR. The board shall hire an executive director who has training and experience in the field of probation and parole. The executive director shall serve as the executive officer for the board in the accomplishment of its functions. He shall serve [THE BOARD] at the pleasure of the [GOVERNOR] board.

Section 3. 33.15.020 is amended to read:

Sec. 33.15.020. COMPENSATION AND EXPENSES. The members of the board, [OTHER THAN THE CHAIRMAN, SHALL NOT RECEIVE SALARIES BUT] are entitled to compensation per day at an amount [TO BE SET BY THE GOVERNOR FOR EVERY DAY THEY ARE IN SESSION,] commensurate with the salary of the executive director on an hourly basis during the time they are actually conducting board business, and a per diem and travel allowance as provided by law. [THE CHAIRMAN IS NOT ENTITLED TO A SALARY OR COMPENSATION FOR DAYS HE ATTENDS A SESSION OF THE BOARD, BUT IS ENTITLED TO A PER DIEM ALLOWANCE AND TRAVEL COSTS AS PROVIDED BY LAW.]

Section 4. 33.15.050 is amended to read:

Sec. 33.15.050. DUTY OF BOARD TO CONSIDER THOSE ELIGIBLE FOR PAROLE. The board shall consider all prisoners serving sentences who may be eligible for parole. A prisoner may waive the board considering him for parole for any portion of his sentence.

Section 5. 33.15.060 is amended to read:

Sec. 33.15.060. CONSIDERATIONS IN DETERMINING SUITABILITY [ELIGIBILITY] FOR PAROLE. In considering a prisoner, the board shall consider the presentence report made to the sentencing court, the recommendations

by the sentencing court and the prosecuting attorney, the report from the proper officers of the institution where the prisoner is incarcerated, the record of the prisoner and all pertinent information that will enable the board to make a determination.

Section 6. 33.15.070 is amended to read:

Sec. 33.15.070. ORDER OF PAROLE. An order for parole shall contain the conditions imposed, [INCLUDING THE FIXING OF THE PAROLEE'S RESIDENCE,] which may be changed in the discretion of the board, and the parole expiration date. The order does not take effect until signed by the parolee and the plan of parole is approved.

Section 7. 33.15.100 is amended to read:

Sec. 33.15.100. ADOPTION OF RULES AND HOLDING OF MEETINGS. The board shall adopt rules which it considers necessary or proper with respect to the [ELIGIBILITY] suitability of prisoners for parole, the conduct of parole hearings, and conditions of release to be imposed on parolees. The board shall meet as often as it finds necessary, but it shall meet at least four times [TWICE] each year. Three members constitute a quorum for the conduct of business.

Section 8. 33.15.130(b) is amended to read:

(b) The board shall keep a record of its acts and shall notify the commissioner of its decisions relating to prisoners considered for parole. At the close of each fiscal year the board shall submit to the governor, the commissioner, and the attorney general, a report containing statistical and other data of its work, including research studies which it may make of probation, sentencing, parole or related functions [, AND A COMPUTATION AND ANALYSIS OF DISPOSITIONS IN CRIMINAL MATTERS BY THE COURTS IN THE STATE].

Section 9. 33.15.180 is amended to read:

Sec. 33.15.180. PERSONS ELIGIBLE FOR PAROLE.

[Effective January 1, 1980.] a) A state prisoner other than a juvenile delinquent, whenever confined and serving a definite term over 180 days or a term the minimum of which is at least 181 days, and who is not imprisoned in accordance with AS 12.55.125 (c) (1), (c) (2), (c) (3), (d) (1), (d) (2), (e) (1), or (e) (2), [WHOSE RECORD SHOWS THAT HE HAS OBSERVED THE RULES OF THE INSTITUTION IN WHICH HE IS CONFINED,] may, in the discretion of the board, be released on parole, subject to the limitation prescribed in Sec. 80 and 230(a) (1) of this chapter.

(b) A state prisoner who has been imprisoned in accordance with AS 12.55.125(a) or (b) may not be released on parole until he has served at least the prescribed minimum term of imprisonment.

(c) A state prisoner imprisoned in accordance with AS 12.55.125(c) (1), (c) (2), (c) (3), (d) (1), (d) (2), (e) (1), or (e) (2) who is released under AS 33.20.030 shall be [PLACED] released as if on parole for the period specified in the certificate of deduction, subject to written rules and conditions imposed by the board or his parole officer.

(d) The board may revoke the release of a prisoner for a violation of a law or ordinance, or condition of release. The revocation results in the forfeiture of all good time earned by the prisoner.

Section 10. AS 33.15.200 is amended to read:

Sec. 33.15.190. RELEASE AND TERMS AND CONDITIONS OF RELEASE. The board may permit a parolee to return to his home if it is in the state, or to go elsewhere in the state, upon such terms and conditions, including personal reports from the paroled person as the board

prescribes. The board may permit the parolee to go into another state upon terms and conditions as the board prescribes, and subject to the provisions of any compact executed under the authority of chapter 10 of this title and amendments to it. A prisoner released on parole remains in the legal custody of the board until the expiration of the maximum term or terms to which he was sentenced, less good time allowances provide by law. However, the board, in its discretion, may discharge a parolee from supervision and from the remainder of his sentence after he has completed at least two years successfully on parole supervision. While in the custody of the board, a person is subject to the disabilities imposed by AS 11.05.080; but this section shall not deny a parolee access to civil tribunals.

Section 11. AS 33.15.200 is amended to read:

Sec. 33.15.200. RETAKING OF PAROLE VIOLATOR. A warrant for the retaking of a state prisoner who violates his parole may be issued only by the board or a member of it and the warrant shall issue before midnight on the day his parole is due to expire. [WITHIN THE MAXIMUM TERM OR TERMS TO WHICH THE PAROLEE WAS SENTENCED.] A parole violator may be retaken with or without a warrant for violation of a law, ordinance or condition [TERM] of parole. The unexpired term of imprisonment of the parolee shall be served and begins to run from the date he is returned to the custody of the commissioner under the warrant, and the time the prisoner was at liberty on parole does not diminish the time he was sentenced to serve, unless some or all credit is specifically allowed by the board, under the rules adopted by the board.

Section 12. AS 33.15.260 is amended to read:

Sec. 33.15.260. DEFINITIONS.

(1) "board" means the Board of Parole;

(2) "commissioner" means the commissioner of the Department of Health and Social Services or his designee;

(3) "parole" means the release of a prisoner to the community by the parole board before the expiration of his term, subject to conditions imposed by the board and subject to its supervision.

(4) "department" means the Department of Health and Social Services.

(5) "parolee" means any prisoner released to the community by the board, or any prisoner released to the community by operation of law as if on parole.

Section 13. AS 33.20.040 is amended to read:

Sec. 33.20.040. RELEASED PRISONER AS PAROLEE.

(a) A prisoner serving the term or terms for which he was sentenced less good time deductions shall be released unconditionally if there remains less than 180 days to serve under his sentence. If there remains more than 180 days to serve under his sentence a prisoner, upon release, shall be considered as if released on parole until the expiration of the maximum term or terms for which he was sentenced less 180 days.

(b) This section does not prevent delivery of a prisoner to the authorities of a state or the United States entitled to his custody.

(c) The parole board may revoke the release of a prisoner for a violation of a law or ordinance, or condition of release. Revocation results in the forfeiture of all good time earned by the prisoner.

DRAFT COMMITTEE REPORT ON PAROLE BOARD

In compliance with AS 44.66.010 - 060 and refferal by the Speaker of the House on Jan 15, 1980, the House Judiciary Committee has conducted a review of the State Board of Parole.

Committee staff conducted the necessary research. Also available to the Committee were the Master Plan and A Performance Review of the Alaska State Board of Parole, Division of Legislative Audit, May 9, 1979.

By letter of July 31 the Speaker notified the Committee of the forthcoming referral, thereby permitting advance work to be done during the interim between legislative sessions.

The Committee held four hearings, in Anchorage and Juneau. In addition, two teleconference hearings were held to receive testimony from Anchorage, Fairbanks, Ketchikan, Dillingham, Kenai, Nome and Bethel.

A total of 35 witnesses testified, including the Director, Division of Corrections, and Chairman and Executive Director of the Board. One other member of the Board attended a hearing but did not testify.

Art. III, Sec. 21, of the Alaska Constitution requires that "a parole system shall be provided by law". One option which was considered would have done away with the Parole Board and had the sentencing judge retain jurisdiction over the paroler. Once this option was rejected, the choices narrowed to a parole board in some form.

Testimony indicated that the workload of the present Board is heavy. The Chairman estimated that the average member spends 60 days a year on Board duties. The Committee considered the possibility of a full-time, paid board, but rejected it. (The new criminal code which prohibits parole for those convicted of second and succeeding felonies may result in a reduced workload after a few years.)

Also considered was the possibility of establishing a second board and dividing the work between the two. Prisoner reclassification and transfer could, however, result in both boards being involved with the same parolee or potential parolee. This seems undesirable.

The Judiciary Committee finds that:

- 1 - The Alaska State Board of Parole is necessary and should be continued.

- 2 - Statutory changes are needed to improve the functioning of the Board. The Committee will propose a bill incorporating these changes.

DRAFT COMMITTEE REPORT ON PAROLE BOARD

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By letter of July 31, the Speaker had notified the Committee of the forthcoming referral, thereby permitting advance work to be done during the interim between legislative sessions.

Committee staff conducted the necessary research. Also available to the Committee were the Executive Summary, Alaska Corrections, 1979, and A Performance Review of the Alaska State Board of Parole, Division of Legislative Audit, May 9, 1979.

In addition to receiving testimony during interim hearings, the Committee held three hearings in Juneau. Also, two teleconference hearings were held to receive testimony from Anchorage, Fairbanks, Ketchikan, Dillingham, Kenai, Nome and Bethel.

A total of about 35 witnesses testified, including the Director, Division of Corrections; the present Chairman, a former Chairman, and the Executive Director of the Board. One other member of the Board attended a hearing but did not testify.

Art. III, Sec. 21, of the Alaska Constitution requires that "a parole system shall be provided by law". The Committee received an opinion from the Legislative Affairs Agency to the effect that the Constitution does not mandate a parole board. One option which was considered would have done away with the Parole Board and had the sentencing judge retain jurisdiction over the parolee. Once

this option was rejected, the choices narrowed to a parole board in some form.

Testimony indicated that the workload of the present Board is heavy. The Chairman estimated that the average member spends 60 days a year on Board duties. The Committee considered the possibility of a full-time, paid board, but rejected it. (The new criminal code which prohibits parole for those convicted of second and succeeding felonies may result in a reduced workload after a few years.)

Also considered was the possibility of establishing a second board and dividing the work between the two. Prisoner reclassification and transfer could, however, result in both boards being involved with the same parolee or potential parolee. This seems undesirable.

Testimony indicates that Parole Board members may rely too heavily on "gut reactions" in deciding whether or not to grant parole. Although no human being can be perfectly objective, and a completely mechanical system would probably be unacceptable, there is need for a proper balance. The Board has recognized this need and is considering objective criteria which have shown a high correlation with successful parole.

A matter of concern to the Committee was the recidivism rate among parolees. Although only about 4% were re-incarcerated because they committed a new felony, about 20% went back to prison for technical violations (violating conditions set by the Board at the

time parole was granted). In effect, about a fourth of all parolees are returned to prison, a disturbing statistic in view of the present and expected overcrowding in Alaska's correctional institutions. The Judiciary Committee, therefore, spent a significant amount of time considering the parole conditions now being set.

The chances that parole will be successful, from the standpoints of both society and the parolee, are to some extent dependent on the prisoner's willingness and ability to change while in prison. The Committee found that educational, alcohol treatment, psychiatric counseling and work programs are generally unavailable or inadequate. The Judiciary Committee recommends approval of additional funds and personnel spaces for the Division of Corrections for programs which can be shown to reduce recidivism.

In compliance with AS 44.66.050(d), the Committee finds that

- (1) There is a need to avoid unnecessary incarceration.
- (2) The Parole Board is intended to provide for mitigation of sentence while simultaneously protecting the general public.
- (3) There are no similar or conflicting programs.
- (4) The program could be handled by the judicial branch but this would remove the element of judgment by one's peers.
- (5) The program is constitutional and cannot be eliminated. Funding it at a lower level would make it very ineffective.

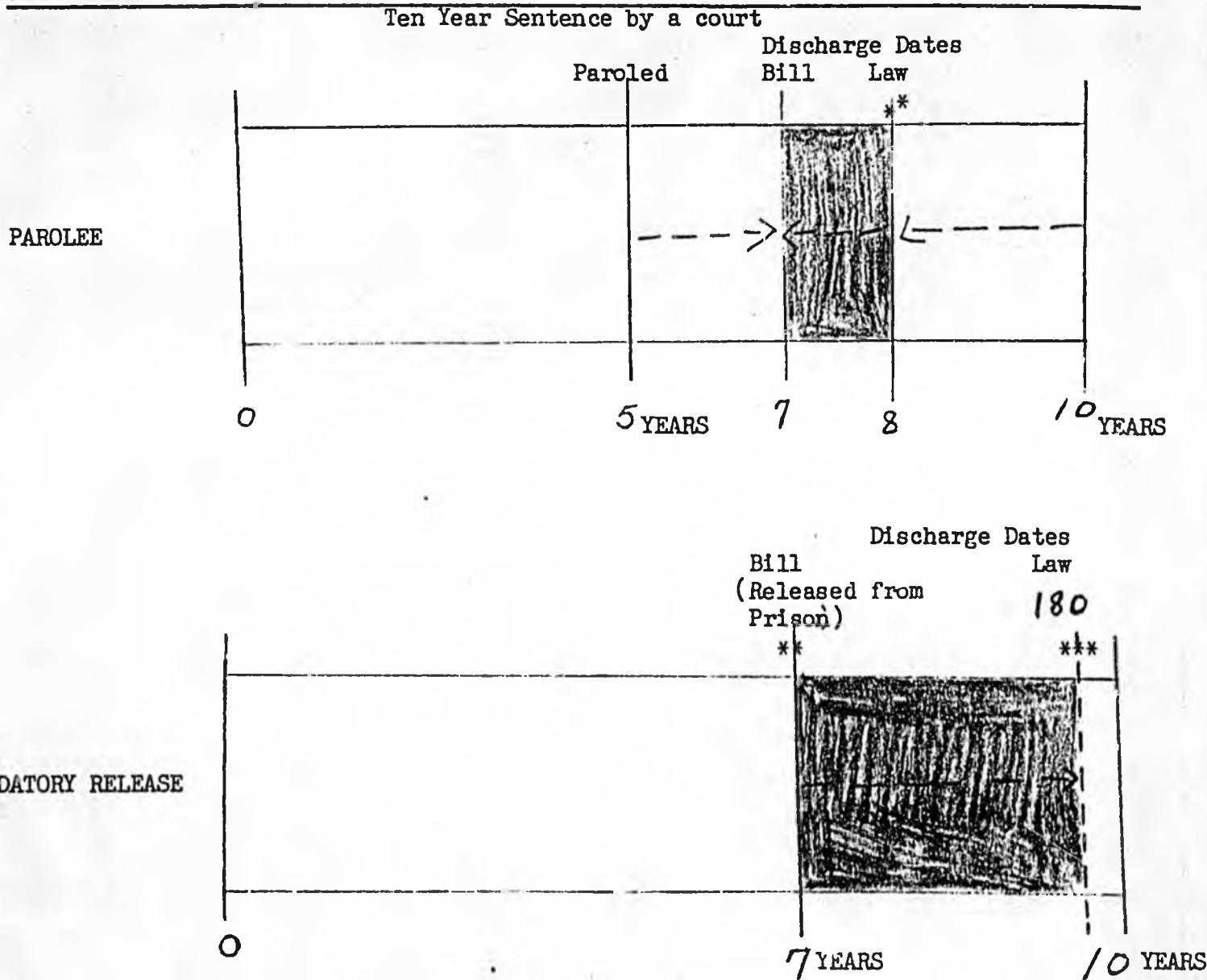
- (6) The program is necessary and no other agency performs similar functions.
- (7) Other information will be contained in legislation to be introduced or in other portions of this report.

The Judiciary Committee finds that:

- (1) The Alaska State Board of Parole is necessary and should be continued.
- (2) Statutory changes are needed to improve the functioning of the Board. The Committee will propose a bill incorporating these changes.

TO: Charlie Parr, Chairman, and Members of the House Judiciary Committee
FROM: M.W. Berck, Staff
DATE: Mar.5, 1980
RE: Sunset Review of the Parole Board.

EFFECT OF GOOD TIME ON A TEN YEAR SENTENCE FOR BOTH A PAROLEE
AND A MANDATORILY RELEASED PRISONER



Feb ⁶ 11, 1980 Tues

Sunset hearing - Parole bd
called Sam Towette 465-2384
11:30 am 2/11/80
he suggested notifying parole
bd members by letter, tho
he also agreed to notify
verbally

tele conf - 3 pm -> dinner

✓ Bruce Horvath

7:30 pm -> ?
Lindsley

Called Rick ~~Mensley~~, ch. public
defender 4911

Legal
Sgt. B. Black - 1st
officer

✓ *Campbell - Corrections *

✓ Dept. of Law

Dean
Guaralle
Div. of
Corrections

✓ Legal Services

Walter (Crim Justice Center) ?
1 Bud Carpenter 586-1786
Pub. Def.

Walter
319 Seward

Burt Campbell -
Alison

subcom. a monthly part.

Parole Bd

- 6-6 teleconf (3pm)
- 6-6 " (7pm)
- 6-7 in-person (3pm)
testimony
- 6-8 com. discuss. (3pm)
parole bd
- 12- further (3:30pm)
testimony
parole bd
- 25 discussion (3:30pm)
parole bd
- 25 testimony (7pm)
parole bd - ~~Lenora~~
Creek

Feb 27 discussion (3pm)
parole bd

SCHEDULED

mar 5 discus. (7:30pm)
parole bd

STATE OF ALASKA

PAROLE BOARD

PAROLE PROGRESS REPORT
(OUTLINE)

PRIOR BOARD ACTION

PRESENT OFFENSE

- A) OFFICIAL VERSION
- B) APPLICANT'S VERSION
- C) JUDGE'S REMARKS AT SENTENCING
- D) JUDGE'S RESPONSE
- E) DISTRICT ATTORNEY'S RESPONSE
- F) SUPREME COURT COMMENTS (IF APPLICABLE)

PRIOR RECORD

- A) JUVENILE RECORD
- B) ADULT RECORD
- C) PREVIOUS PROBATION/PAROLE EXPERIENCES

MEDICAL/PSYCHOLOGICAL

- A) MEDICAL INFO. *and*
- B) PSYCHOLOGICAL; PSYCHIATRIC, OR OTHER EMOTIONAL
PROBLEM INFO.

INSTITUTIONAL RECORD

RELEASE PLAN

EVALUATION/RECOMMENDATION

ATTACHMENTS TO PROGRESS REPORT

JUDGMENTS

PRE-SENTENCE REPORT

PSYCH. MATERIAL

PAROLE APPLICATION

0165. DIVISION OF CORRECTIONS RESPONSIBILITIES. (a) The Division of Corrections will supply prisoners with parole applications furnished by the Parole Board.

(b) The Division of Corrections staff will advise prisoners of the availability of the Board's regulations and of the criteria utilized by the Board in case decisions.

(c) The Division shall solicit comments from the District Attorney and sentencing judge and provide these comments to the Board on each case presented.

(d) The Division shall provide the Board in a timely manner with a comprehensive parole progress report as outlined in instructions from the Parole Board.

(e) The Division shall not disclose the parole progress report to anyone without the specific written permission of the Alaska Board of Parole.

(f) The Division shall make the applicant's entire file available for review at the release hearing.

(g) The Division shall distribute paperwork to the applicant from the Board as directed.

(h) The Division shall provide the Board with a current psychiatric examination on any applicant convicted of Lewd or Lascivious Acts Toward Children pursuant to AS 11.15.134.

Authority:	11.15.134
	12.55.075
	33.15.060
	33.15.100
	33.15.140
	33.15.150
	33.15.230

0170. PAROLE BOARD RESPONSIBILITIES AND PROCEDURAL OPPORTUNITIES. (a) The Parole Board will make use of the most comprehensive and complete information available to it in arriving at case decisions. The Board may use any of the following information that it considers to be trustworthy in arriving at a decision. The Board shall determine the creditability and the weight of the information required by it.

(1) Presentence Report.

(2) All attachments to the presentence report.

(3) The transcript prepared at the sentencing hearing and any information testified to by any party at sentencing.

(4) Other documents or testimony presented at the sentencing hearing.

(5) Psychiatric, psychological, and other mental health reports.

(6) Relevant information made available to the Board from the trial or during any other part of the legal proceedings leading to the conviction in the present offense(s).

(7) Information relating to the person's previous or subsequent delinquency or criminal experience, including juvenile record.

(8) Information relating to the applicant's previous violations of laws, ordinances, or orders verified information regarding other crimes, and information regarding the other antisocial or violent behavior.

(9) Information relating to the social background, capabilities, lifestyle, and mental and physical health of the applicant.

(10) Information regarding the applicant's behavior in the community if released on bail, bond or O.R. pending trial or sentencing.

(11) Recommendations of the sentencing court and the district attorney's office.

(12) Information regarding the behavior of the applicant since incarcerated.

(13) The release plan of the applicant.

(14) Information from those persons the applicant plans on living with, their feelings towards the applicant, the applicant's financial solvency, residence, and the community and environment to which he is requesting parole.

(15) All references and recommendations submitted to the Board regarding the applicant either recommending or protesting the applicant's release to parole supervision.

(16) Police reports considered relevant by the Parole Board.

(17) Information which the Board thinks might reasonably relate to the success or failure on parole if the applicant was released from custody. This includes the attitude of the community toward the applicant and his assessed ability by the Board to adjust to any given release plan presented.

(18) Any other information the Board feels would be helpful in making the most informed decision possible in a given case.

(b) The Parole Board will preserve all written material made available to it and utilized by it in arriving at a decision in the case.

(c) When considering an application for parole, the Board will review the following factors, determining the interrelationships and priorities and weights to be given each factor, in determining whether or not to release the prisoner on parole.

(1) The applicant's readiness and willingness to face his obligations in the community and to undertake normal responsibilities.

(2) The applicant's family status, and how the family views the applicant, and their interest and readiness to accept him back as part of the family.

(3) The residence, including the home, neighborhood and the community in which the applicant will reside.

(4) The employment history, including vocational and academic skills and training learned within the institution. Also previous training, job experiences including military training are also factors where appropriate in determining the applicant's employability.

(5) The availability of community and family resources to assist the applicant if he is released on parole.

(6) Other important factors regarding the applicant's release plan.

(7) The institutional conduct of the applicant such as adjustment to group living, performance within the assigned institutional area, relationship to the institutional staff, overall behavior during the period of incarceration and how this might relate to the applicant's adjustment in the community.

(8) Whether or not there is any information indicating the applicant has ever misused any drugs or alcoholic beverages, the extent of the misuse or abuse of these, and the relationship to the applicant's behavior, criminal behavior, and current offense(s). Previous involvement in any treatment programs and applicant's subsequent behavior after release from treatment.

(9) Relevant information from the sentencing judge and the district attorney's office.

(10) Previous probation or parole experience and behavior when out of custody on bail, bond or OR release, and the recency of these experiences.

(11) The applicant's willingness to discuss all information the Board considers relevant in making a responsible decision, The applicant's willingness to accept criminal responsibility and remorse expressed. The applicant's truthfulness with the Board when presenting information in any form.

(12) Noticeable changes in the application, his behavior, self concept, and his general attitude toward the offense, and his understanding of causal factors and a need for change. Information regarding the applicant's lifestyle, productivity, any previous assaultive behavior and any other antisocial acts in the community.

(13) The physical and emotional condition of the applicant including written or verbal reports from psychiatrists, psychologists, and related mental health persons.

(14) The applicant's attitudes including behavior and concern for his fellow man, his readiness to return to free society, and how he views himself and the society he will return to if paroled.

(15) Any letters, petitions or other information from concerned citizens or groups recommending the applicant be or not be paroled, and the reasons for these recommendations.

(16) The applicant's willingness to abide by any special conditions of parole discussed with him at the parole release hearing.

(17) The relationship between the applicant's crime, length of sentence, background, and the Board's handling of similarly-situated sentenced prisoners in the past.

(18) The relationship between the applicant's crime, his sentence, his background, and other similarly-situated sentenced prisoners and their handling by the court system.

(19) Whether the applicant's release at this time is compatible with the welfare of society and whether it would depreciate the seriousness of the offense, considering the amount of time served by the applicant, the length of his sentence, and other relevant factors.

(20) The Board will consider all relevant factors involved in the present offense based upon the best evidence available from all sources. The Parole Board is not limited to considering the title of the crime of conviction, but may consider any information it considers reliable regarding the facts of the crime.

(21) The Board's perception of the applicant's risk to the community if released on parole.

(22) Any other factors which the Board determines to be relevant in considering the prisoner's application.

(d) The Parole Board will insure that the following information is provided to the parole applicant who is granted parole.

File: Alcoholism



Superior Court
State of Alaska
THIRD JUDICIAL DISTRICT
BOX 1367
KODIAK, ALASKA 99615

Chambers of
JUDGE ROY H. MADSEN

February 22, 1980

Hon. Nels A. Anderson, Jr.
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Nels:

I have been long concerned and at times frustrated in my efforts to deal with individuals appearing before me on criminal charges who obviously have serious drinking problems.

Knowing that the programs, if any, in our correctional facilities are negligible or non-existent makes it very difficult to fashion a sentence that truly reflects the need of the offender if he is to be rehabilitated.

In some instances I have imposed conditional sentences, i.e. two years with one year suspended on condition the defendant is accepted into an alcohol rehabilitation program and making that a condition of any parole provisions. It would be so much more beneficial for the offender if there were on-going alcohol rehabilitation programs in the institutions and some kind of a program on the outside for those being released. The hearings which I was fortunate to see on the Capital 80 T.V. program are hopefully signs of steps to be taken in the near future to deal with these problems.

Keep up the good work!

Sincerely,
Roy

ROY H. MADSEN,
SUPERIOR COURT JUDGE

RHM:tw

*Copied meekins
Suckett 2/27/80*

rec'd 2/25/80

SCHEDULE OF PAROLE BOARD

SUNSET REVIEW

Wednesday, February 6

3:00 p.m. - Teleconference testimony:

~~Anchorage~~
~~Ketchikan~~
~~Kenai~~
~~Dillingham~~

7:00 p.m. - Teleconference testimony:

Fairbanks
Nome
Bethel
Barrow

Thursday, February 7

3:00 p.m. - In-person testimony:

Juneau

Friday, February 8

3:00 p.m. - Committee consideration of testimony

(2) employ a person whose duties require expertise in determining or reducing the hazards of radiation.

(b) As used in this section, "state agency" or "agency of the state" means a state department or agency, whether in the legislative, judicial, or executive branch, including such entities as the Alaska State Housing Authority; "state agency" or "agency of the state" does not include the University of Alaska, a municipality, or an agency of a municipality.

(c) As used in this section, "radiation" does not mean radiation emitted from a Federal Communications Commission licensed facility emitting radiation of a wave length longer than one centimeter and an average power output not exceeding two kilowatts. (§ 2 ch 172 SLA 1978)

Cross reference. — As to radiation protection, see AS 18.60.475.

Chapter 66. Review of the Activities of Agencies, Boards and Commissions.

Section	Section
10. Termination of state boards and commissions	30. Program identification
20. Agency programs	50. Legislative oversight
	60. Existing claims

Cross reference. — As to the termination, continuation and reestablishment of regulatory boards, see AS 08.03.010.

Editor's note. — Section 1, ch. 149, SLA 1977, provides: "The legislature finds that the substantial increase in the number of state agencies, boards and commissions, and the proliferation of rules and regulations which each has adopted have contributed to a public disenchantment with the operation of state government,

and that there is need for an effective and regular system of scrutiny of the programs and activities of all agencies, boards and commissions. The legislature further finds that the establishment of a system for periodic review by the public and the executive and legislative branches of certain state agencies, boards and commissions will help the governor and the legislature to determine the need for the continued existence of each of the agencies, boards and commissions."

Sec. 44.66.010. Termination of state boards and commissions. (a) Boards and commissions listed in this subsection expire on the date set out after each:

- (1) Alcoholic Beverage Control Board (AS 04.05.010) — June 30, 1979;
- (2) Alaska Transportation Commission (AS 42.07.011) — June 30, 1979;
- (3) State Board of Parole (AS 33.15.010) — June 30, 1980;
- (4) Alaska Public Utilities Commission (AS 42.05.010) — June 30, 1980;

- (5) Alaska Pipeline Commission (AS 42.06.010) — June 30, 1981;
- (6) Alaska Council on Science and Technology (AS 44.19.181) — June 30, 1983;
- (7) Alaska Renewable Resources Corporation (AS 37.12.010) — June 30, 1982.

(b) Upon termination, a commission listed in (a) of this section shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs.

(c) A commission scheduled for termination under this chapter may be continued or reestablished by the legislature for a period not to exceed four years. (§ 3 ch 149 SLA 1977; am § 3 ch 101 SLA 1978; am § 10 ch 1979 SLA 1978)

Effect of amendments. — The first 1978 amendment added paragraph (6) of subsection (a). The second 1978 amendment added paragraph (7) of subsection (a).

Sec. 44.66.020. Agency programs. (a) Agency programs and activities listed in this subsection which are specifically designated as provided in § 30 of this chapter are subject to termination during the regular legislative session convening in the month and year set out after each:

- (1) programs in the budget categories of general government, public protection, and administration of justice — January, 1980;
- (2) programs in the budget categories of education and the University of Alaska — January, 1981;
- (3) programs in the budget categories of health and social services — January, 1982;
- (4) programs in the budget categories of natural resources management, development and transportation — January, 1983.

(b) An agency program or activity designated in (a) of this section shall be subject to termination during the regular legislative session convening four years after the preceding review and may be subject to termination at any time upon the recommendation of the Legislative Budget and Audit Committee and the concurrence of the legislature as if under § 30 of this chapter. (§ 3 ch 149 SLA 1977)

Sec. 44.66.030. Program identification. During the legislative session preceding each of the years set out in § 20 of this chapter, the Legislative Budget and Audit Committee shall designate, not later than March 1 of those years, the programs and activities within each program category which shall be subject to termination in the next fiscal year. The recommendations of the Legislative Budget and Audit Committee shall be submitted to the respective houses of the legislature in the form of a bill which, if enacted into law, would terminate those designated programs and activities on or before July 1 of the following year. (§ 3 ch 149 SLA 1977)

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Sec. 44.66.050. Legislative oversight. (a) Before the termination, dissolution, continuation or reestablishment of a board or commission under AS 08.03.010 or § 10 of this chapter, or of an agency program under §§ 20 and 30 of this chapter, a committee of reference of each house, which shall be the standing committee of legislative jurisdiction as provided in the Uniform Rules of the Legislature, shall hold one or more hearings to receive testimony from the public, the commissioner of the department having administrative responsibility for each named board, commission, or agency program, and the members of the board or commission involved. The hearings may be joint hearings. The committee shall also consider the proposed budget of the board, commission, or agency program, prepared in accordance with AS 37.07.050(f), and the performance audit of the activities of the board, commission, or agency program, prepared by the legislative audit division as prescribed in AS 24.20.271(1). The committee may consider any other report of the activities of the board, commission or program, including but not limited to annual reports, summaries prepared by the Legislative Affairs Agency, and any evaluation or general report of the manner of conduct of activities of the board, commission, or agency program prepared by the office of the ombudsman.

(b) During a public hearing, the board, commission or agency shall have the burden of demonstrating a public need for its continued existence or the continuation of the program, and the extent to which any change in the manner of exercise of its functions or activities may increase efficiency of administration or operation consistent with the public interest.

(c) A determination as to whether a board or commission or agency program has demonstrated a public need for its continued existence shall take into consideration the following factors:

(1) the extent to which the board, commission or program has operated in the public interest;

(2) the extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters;

(3) the extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest;

(4) the extent to which the board, commission or agency 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 which it has provided;

(5) the extent to which the board, commission or agency 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, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved;

(7) the extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public;

(8) the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest; and

(9) the extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

(d) As to each board, commission, or agency program assigned to it for purposes of review, the committee of reference shall, not later than the 60th day of the legislative session, submit a report to the presiding officer of the house. The report shall contain a summary of the findings of the committee as to the compliance of the board, commission or program with the factors enumerated in (c) of this section, together with a summary or recommendations of the committee as to each of the following:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments;

(3) an identification of any other programs having similar, conflicting or duplicate objectives;

(4) an assessment of alternative methods of achieving the purposes of the program;

(5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level;

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts; and

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

(e) The committee of reference may introduce a bill providing for the reorganization or continuation of the board, commission or agency program. No more than one board, commission, or agency program shall be continued or reestablished in any legislative bill, and the board,

commission, or agency
(§ 3 ch 149 SLA

Sec. 44.66.060.
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Sec. 44.77.010.

Legislative history
State v. ZIA, Inc., Su
(File No. 2518), 556 P.

This section is only
claimant has pursued
remedy. State v. ZIA, I
1337 (File No. 2518), §

The word "given" is
the word "services."
Sup. Ct. Op. No. 1337
P.2d 1257 (1976).

It is apparent that
"money," "labor,"
"supplies," each term
modifier and the statu
to construction not c
legislature. State v. ZI
No. 1337 (File No. 2
(1976).

For the purposes
contract claims, "i
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Inc., Sup. Ct. Op. No. 1
556 P.2d 1257 (1976).

If the legislature ha
"promptly" for other
contract claims) and ha

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Section

70. Special use of hi
areas

Sec. 44.80.070. I
state, or a departm
highway or vehicu

commission, or agency program shall be mentioned in the title of the bill. (§ 3 ch 149 SLA 1977)

Sec. 44.66.060. Existing claims. This chapter shall not cause the termination or dismissal of a claim or right of a citizen against a board, commission or program of an agency terminated under this chapter which is subject to litigation. Claims and rights shall be assumed by the department to which the board or commission terminated under this chapter was attached for administrative purposes. (§ 3 ch 149 SLA 1977)

Part 8. Claims and Liability.

Chapter 77. Claims Against the State.

Sec. 44.77.010. Presentation of claims.

Legislative history of section. — See State v. ZIA, Inc., Sup. Ct. Op. No. 1337 (File No. 2518), 556 P.2d 1257 (1976).

This section is only applicable after the claimant has pursued an administrative remedy. State v. ZIA, Inc., Sup. Ct. Op. No. 1337 (File No. 2518), 556 P.2d 1257 (1976).

The word "given" serves only to modify the word "services." State v. ZIA, Inc., Sup. Ct. Op. No. 1337 (File No. 2518), 556 P.2d 1257 (1976).

It is apparent that if "given" modified "money," "labor," "materials" and "supplies," each term would have a double modifier and the statute would be subject to construction not contemplated by the legislature. State v. ZIA, Inc., Sup. Ct. Op. No. 1337 (File No. 2518), 556 P.2d 1257 (1976).

For the purposes of the filing of contract claims, "promptly" is not defined in calendar terms. State v. ZIA, Inc., Sup. Ct. Op. No. 1337 (File No. 2518), 556 P.2d 1257 (1976).

If the legislature had intended to define "promptly" for other claims (including contract claims) and had a period of time in

mind, it can be assumed that a reasonable legislature would have so legislated. In the absence of those intentions, no definite time limit should delimit "promptly" as applied to contract claims under subsection (a). State v. ZIA, Inc., Sup. Ct. Op. No. 1337 (File No. 2518), 556 P.2d 1257 (1976).

The legislature chose to define "promptly" only for medical claims. State v. ZIA, Inc., Sup. Ct. Op. No. 1337 (File No. 2518), 556 P.2d 1257 (1976).

Corporation's claim for damages against state for breach of contract was based on contract. — See State v. ZIA, Inc., Sup. Ct. Op. No. 1337 (File No. 2518), 556 P.2d 1257 (1976).

And was reimbursement for money expended for state. — Where, in its complaint, a corporation sought recovery against the state for money expended for labor, materials, administrative expenses, design and lost profits due to breach of contract, it sought "reimbursement for money expended ... for the state ..." as contemplated by this section. State v. ZIA, Inc., Sup. Ct. Op. No. 1337 (File No. 2518), 556 P.2d 1257 (1976).

Chapter 80. Liability of the State.

Article 3. Special Use of Highways.

Section

70. Special use of highways and other areas

Sec. 44.80.070. Special use of highways and other areas. When the state, or a department or agency of the state, which has control over a highway or vehicular way or area, permits a portion of the highway or

LIST OF PARTICIPANTS

2/16/80

- PAROLE BOARD -

Anchorage:

KETCHIKAN:

DICK PEARSON, STATE JAIL

BART PENNY, PROBATION OFFICER

SITKA: (OBSERVE ONLY)

LINDA ZAUG, SITKA PROBATION
OFFICER

DILLINGHAM:

KENAI PENINSULA:

JANUARY Testimony

* SOB COLLINS, DISTRICT PROBATION OFFICER
JANUARY

Charlie

It is my opinion

that Beard testimony officially
under 44.66 (Sunset
Law) must be given during
the session, not the interim (when
we didn't even yet have the referrals
from the speaker).

FRO

PRESS RELEASE

BERT CAMPBELL, PRESIDENT
ANCHORAGE NATIVE CAUCUS 264-7730

IN HIS STATE OF THE JUDICIARY ADDRESS TO THE STATE LEGISLATURE, CHIEF JUSTICE RABINOWITZ STATED IN REFERENCE TO THE RACIAL DISCRIMINATION OCCURRING IN THE COURT SYSTEM THAT: "THE REMARKABLE THING IS THAT IN THE SUPERIOR COURTS IT NOW SHOWS, IN FACT, THAT THERE IS NO DIFFERENCE IN THE SENTENCING PATTERNS", REGARDING NATIVES AND BLACKS, EXCEPT POSSIBLY IN THE AREA OF DRUG CRIMES AFFECTING BLACKS.

IN RESPONDING TO THE ADDRESS, BERT CAMPBELL, PRESIDENT OF THE ANCHORAGE NATIVE CAUCUS AND CHAIRMAN OF THE ADVISORY COMMITTEE ON MINORITY SENTENCING PRACTICES, WHICH HAS BEEN MANDATED BY THE LEGISLATURE TO INVESTIGATE RACIAL DISCRIMINATION IN THE ENTIRE CRIMINAL JUSTICE SYSTEM STATED: "THE CHIEF JUSTICE'S REMARKS WERE IMPROPERLY PREMATURE AND SHOW A RECKLESS DISREGARD FOR THE TRUTH, SINCE THE STUDY IS ONLY 1/5 COMPLETE AND MOST OF THE STATISTICAL ANALYSIS HAS NOT BEEN COMPLETED BY THE JUDICIAL COUNCIL. ALTHOUGH THE CHIEF JUSTICE MENTIONED THAT THE NEW STUDIES WERE PRELIMINARY FINDINGS, TO USE SUCH INFORMATION AS A BASIS IN STATING THAT THERE IS NO LONGER ANY DISPARITY IN SENTENCING IS EXTREMELY MISLEADING TO THE LEGISLATORS AND THE PUBLIC, AND EXEMPLIFIES THE SMOKE SCREENING ATTITUDE OF THE CRIMINAL JUSTICE SYSTEM TO THIS HIGHLY SENSITIVE AREA. THE INCOMPLETE STUDY THE CHIEF JUSTICE WAS REFERRING TO, IN NO WAY, SHAPE OR FORM SHOWS THAT RACIAL DISPARITY IN THE SUPERIOR COURTS HAS DISAPPEARED."

"WHEN THE INITIAL STATISTICS AROSE OUT OF THE JUDICIAL COUNCILS PLEA BARGAINING STUDY FOR 1974 to 1976, THE MINORITY COMMUNITIES FOUND SUPPORT TO THEIR STRONG BELIEF THAT THE CRIMINAL JUSTICE SYSTEM DID NOT GIVE THEM EQUAL TREATMENT. THE CHIEF JUSTICE WAS HIGHLY CRITICAL OF THE STUDY AND CONTESTED THE VALIDITY OF THE STATISTICS, WHICH CLEARLY SHOWED THAT MINORITIES RECEIVED SIGNIFICANTLY LONGER SENTENCES. HOWEVER, AS SOON AS THE CHIEF JUSTICE LEARNED THAT THE VERY PRELIMINARY ANALYSIS OF THE DATA OF THE 1976 to 1979 STUDY, WHICH IS ONLY 1/5 COMPLETE, BEGAN WITHOUT SHOWING SIGNIFICANT DISPARATE SENTENCING, HE IMMEDIATELY CONGRATULATED THE COURT SYSTEM AND ACCEPTED THE INCOMPLETE STATISTICS AS A VALID INDICATION THAT ALASKA'S CONSTITUTIONAL MANDATE OF EQUAL JUSTICE WAS BEING FULFILLED. SUCH APPARENT WILLINGNESS TO ACCEPT PREMATURELY AND INCOMPLETE STUDY SHOWS A DISTURBING ATTITUDE THAT THE COURT SYSTEM WILL GRASP AT STRAWS TO FIND VINDICATION FOR THEIR RACIALLY DISCRIMINATORY SENTENCING PRACTICES."

THE "SIGNIFICANT STEPS", WHICH THE CHIEF JUSTICE REFERRED TO AS TAKEN BY THE COURT SYSTEM TO ALLEVIATE RACIALLY DISPARATE SENTENCES, CONSISTED MAINLY OF A 2 or 3 DAY SENSITIVITY TRAINING SESSION FOR THE JUDGES HELD IN SITKA LAST JUNE. CAMPBELL FURTHER STATED: "I DO NOT FEEL THAT THIS REPRESENTS A SIGNIFICANT STEP IN REMOVING RACIALLY DISPARATE SENTENCES. IN ADDITION, A SENTENCING GUIDELINES COMMITTEE WAS CREATED, HOWEVER, IT PROGRESS HAS BEEN LIMITED TO A FEW DRUG CRIME AREAS."

"THE PUBLIC MAY NOT BE AWARE OF IT, BUT THE CHIEF JUSTICE OF THE SUPREME COURT, THE JUDICIAL COUNCIL, AND ART SNOWDEN, DIRECTOR OF THE ALASKA COURT SYSTEM, ALL LOBBIED VERY STRONGLY AGAINST THE FORMATION OF THE ADVISORY COMMITTEE ON MINORITY SENTENCING PRACTICES, BUT THE GOVERNOR AND THE LEGISLATURE SHOWED THEIR CONCERN FOR EQUAL JUSTICE IN MANDATING THIS COMMITTEE TO PROCEED WITH AN INVESTIGATION OF THE CRIMINAL JUSTICE SYSTEM."

CONCLUDES CAMPBELL, "MY COMMITTEE IS IN THE FINAL PREPARATION OF ITS REPORT TO THE GOVERNOR AND THE LEGISLATURE, AND I CAN ASSURE YOU BEYOND A SHADOW OF A DOUBT THAT RACIAL DISCRIMINATION IS ALIVE AND WELL IN THE CRIMINAL JUSTICE SYSTEM OF THE STATE OF ALASKA, DESPITE THE CHIEF JUSTICE'S WISHFUL THINKING."

END.

Charlie
I thought
you might
want to review
this. It regards
Parole Bd.

Will
have me
tomorrow

Paul

CORRECTIONS MASTER PLAN

DRAFT

Rec'd 1/20/79
S. M. M. M.

PAROLE DECISION-MAKING

Parole policies and practices have as direct an effect on corrections as do court actions in pretrial release and sentencing decisions. Parole policies determine, within statutory and judicially determined limits, the length of time a sentenced inmate serves in prison, and the type of conditions that are imposed on his or her parole. The criteria used by the Parole Board in its decision-making shape the manner in which the Division of Corrections utilizes its institutional and community supervision resources.

As previously stated, if a sentencing guidelines model is adopted, eventually the need for parole as a means of adjusting for sentencing disparities may well disappear, and at this point it will become necessary to consider the statutory abolishment of parole decision-making. However, one must differentiate between parole decision and the reintegrative services offered by the Division of Corrections to parolees. Such "parole" services should not be discontinued; whether releasees are released through Parole Board action or at the end of a sentence determined by statute and guidelines, most will continue to require some type of "depressurization" to help them adjust to life in their home communities. Prerelease programs operated by the Division, such as work release and furlough, will become even more critical if parole is abolished. At this juncture, it may also prove to be necessary to statutorily provide for some portion of the end of every sentence to incarceration to be served under community supervision (similar to the mandatory release law now in effect).

What
is
it
all
about
Changes

There is!! see new Crim. Code

However, it is not likely that parole decision-making will be abolished in Alaska in the near future, since such a step would require a thorough reexamination of the revised Criminal Code, and concerted efforts to develop a guidelines matrix for sentencing decisions which could eliminate

examples

And all ~~some~~ ~~inmates~~ ~~of~~ ~~the~~ ~~Alaska~~ ~~Parole~~ ~~Board~~ ~~will~~ ~~be~~ ~~eligible~~ ~~for~~ ~~parole~~ ~~under~~ ~~the~~ ~~old~~ ~~statutes~~ ~~and~~ ~~will~~ ~~continue~~ ~~to~~ ~~be~~ ~~eligible~~ ~~for~~ ~~parole~~ ~~for~~ ~~some~~ ~~time~~ ~~to~~ ~~come~~ ~~.~~ ~~Therefore~~ ~~,~~ ~~given~~ ~~that~~ ~~the~~ ~~Parole~~ ~~Board~~ ~~will~~ ~~continue~~ ~~to~~ ~~function~~ ~~in~~ ~~Alaska~~ ~~for~~ ~~the~~ ~~foreseeable~~ ~~future~~ ~~,~~ ~~it~~ ~~is~~ ~~important~~ ~~that~~ ~~the~~ ~~Parole~~ ~~Board's~~ ~~policies~~ ~~and~~ ~~practices~~ ~~are~~ ~~consistent~~ ~~with~~ ~~the~~ ~~state's~~ ~~overall~~ ~~corrections~~ ~~philosophy~~ ~~,~~ ~~and~~ ~~that~~ ~~the~~ ~~Board~~ ~~is~~ ~~provided~~ ~~with~~ ~~sufficient~~ ~~resources~~ ~~and~~ ~~authority~~ ~~to~~ ~~efficiently~~ ~~accomplish~~ ~~its~~ ~~responsibilities~~ ~~.~~ ~~This~~ ~~section~~ ~~describes~~ ~~the~~ ~~current~~ ~~operations~~ ~~of~~ ~~the~~ ~~Board~~ ~~,~~ ~~comparing~~ ~~it~~ ~~with~~ ~~ACA~~ ~~standards~~ ~~,~~ ~~and~~ ~~suggests~~ ~~actions~~ ~~which~~ ~~could~~ ~~be~~ ~~taken~~ ~~to~~ ~~improve~~ ~~the~~ ~~Board's~~ ~~functioning~~ ~~and~~ ~~to~~ ~~enhance~~ ~~coordination~~ ~~between~~ ~~the~~ ~~Board~~ ~~and~~ ~~the~~ ~~Division~~ ~~of~~ ~~Corrections~~ ~~.~~*

sentenced under old sentencing statutes will continue to be eligible for parole for some time to come.*Therefore, given that the Parole Board will continue to function in Alaska for the foreseeable future, it is important that the Parole Board's policies and practices are consistent with the state's overall corrections philosophy, and that the Board is provided with sufficient resources and authority to efficiently accomplish its responsibilities. This section describes the current operations of the Board, comparing it with ACA standards, and suggests actions which could be taken to improve the Board's functioning and to enhance coordination between the Board and the Division of Corrections.

Operations of the Alaska Parole Board have attracted limited attention in recent years, the controversy which has surrounded other criminal justice decision-making areas (especially sentencing and correctional classification) has been largely absent from Alaska's parole decision-making process. Although nationally the fairness of parole decision-making has come under attack from many sources (inmates, corrections agencies, the courts, researches), this has not been echoed in Alaska. This may in part be due to the fact that Alaska's Parole Board has observed the controversies in other parts of the nation, and has reacted with efforts to prevent such conflicts before they arise. In examining the Board's operations, as this section will illustrate, it is apparent that in most respects it meets or even exceeds national standards for adult paroling authorities. In addition, the Board has received a grant from the National Institute of Corrections to develop a parole guidelines model for Alaska, *has commenced 4/78* ~~although work on this task has not yet commenced.*~~

*In one of the few comments in any recent Alaskan study which was directed at the Parole Board, the report of the January 1978 Statewide Conference on Incarceration and Re-entry Alternatives recommended that a guidelines system, similar to that of Oregon and the Federal parole board, be used for parole decision-making.

Division of Corrections, and the Parole Board a mutual understanding of what would be expected of the offender during his imprisonment, and could facilitate joint programming and release preparation programming decisions.

10. A mechanism should be established within the Department of Health and Social Services to assure that the Board of Parole and the Division of Corrections function under a common correctional philosophy and policy. At present there appears to be some difference in the goals of these two organizations. As indicated in other sections of this master plan, for example, the Division of Corrections makes virtually no use of the community-based programs that are useful for pre-parole testing and preparation. Also, the Board has a very limited role, other than informal contacts of the Executive Director with community services offices of the Division of Corrections, in the training of parole supervision personnel. Joint meetings of Division of Corrections and Parole Board personnel should be established on a regular basis, to evaluate programs affecting parole readiness and to work out procedures under which, for example, the Parole Board may, in its decisions in individual cases, require that applicants be sent to halfway house or prerelease center for a period of time before the parole date becomes effective. Such considerations involve the use of personnel and funds of both agencies, and management policies and decisions affecting them should be worked out on a mutual basis.

(needs Commissioner to act)

from parole should be denied, a hearing should be granted the individual parolee.

9. ^{planned} Consideration should also be given to legislation, and/or changes in Parole Board procedure, under which the Board would conduct initial hearings, in the case of prisoners with maximum sentences of five years or less, within four months of their commitment, for the purpose of setting a presumptive release date, either by parole or by mandatory release (the latter in effect a denial), or of setting an effective date of parole. Prisoners with maximum terms of more than five years would be heard within a month prior to the completion of their minimum terms, also for the purpose of setting a presumptive release date, either by parole or by mandatory release, setting an effective date of parole, or setting a future date for a reconsideration hearing.

Where presumptive release dates have been set, the case should be reviewed administratively by a Parole Board member two to three months prior to the presumptive release date, to determine whether the conditions of the presumptive release date have been satisfied. Upon the basis of his or her findings, the member should be authorized to approve the parole date, advance or retard the parole date for good cause, or refer the case to a two-member panel for a rescission hearing at the next regularly scheduled quarterly meeting of a panel at the institution where the offender is confined.

The actual provisions of a proposal of this kind should be much more detailed. However, under this general procedure the prisoner would be much more aware of his or her parole status than at present during the course of confinement. Also, the Division of Corrections, with a similar awareness of the prisoner's parole status, would be in a more informed position to make decisions concerning the prisoner such as custody classification and assignment to community-based programs such as halfway houses, furloughs and work, educational or vocational training release. It would give the prisoner, the

21

In general, there seems to be a desire to professionalize the operations of the Board, so as to further ensure that decisions will be made in accordance with court requirements and national standards.

Organization of the Parole Board

For the most part parole decision-making in most jurisdictions in the United States remains in the traditional pattern, dependent upon the judgments of individual board members augmented only by due process procedures imposed by the courts. This is also presently the situation in Alaska. The Alaska Parole Board is composed of 5 part-time members appointed by the Governor for staggered terms of 4 years; as of July 1, 1978 they are paid \$50 a day plus travel expenses when on official business. The Board is administratively located in the Department of Health and Social Services, but is separate and apart from the Division of Corrections. It has a staff of 3 persons: an Executive Director, a Parole Board Officer, and a clerk. The office is located in Juneau.

*Alaska
Department of
Health and Social
Services*

The Board has jurisdiction over parole release, rescissions and revocations. The Parole Board is also responsible for processing mandatory release violators. The Board's Executive Director, in addition to performing the administrative work of the Board, is an advisor to the Governor's Executive Clemency Advisory Board and handles administrative duties for the Advisory Board, including investigations and recommendations.

The Board meets every three months at the institutions in Anchorage, Fairbanks and Juneau. At Anchorage the hearings are held at Eagle River, and eligible applicants from ~~Ridgeview~~, 3rd Avenue, 6th Avenue and Nome are transported there for personal appearances. Hearings are also held at Palmer *and*

Ridgeview.

At Juneau, the Board also hears the cases of eligible applicants from Ketchikan, who are transported there for this purpose. Every six months ~~two~~ ^{or 1 board member & 1 staff member} board members and one staff member travel to the Federal institutions at McNeil Island, Washington; Lompoc, California; and Springfield, Missouri to conduct hearings for Alaska prisoners boarded in those institutions.

At each institution counselors prepare reports for the use of the Board, assist inmates in the preparation of applications, and counsel inmates and work with community services offices in connection with arrangements for releases on parole.

The Board hears about ²⁵⁰ ~~300~~ ^{same} cases annually, although there may be a considerable variation in number by quarter, from about 60 to 100 or more. On the average, prisoners serve nearly half of their terms before being released on parole. While perhaps half of the applications (the proportion varies by quarter) are denied or continued for future consideration at their initial hearings, approximately two-thirds are eventually granted parole. At any one time there are about 200 offenders on parole.

Under current law prisoners (those serving more than a 180-day sentence) must serve one-third of their maximum sentences (for lifers, 15 years) before becoming eligible for parole; however, the court can increase this one-third minimum up to the maximum sentence length. Under the new sentencing law, to become effective January 1, 1980, only first-time felon offenders will be eligible for parole consideration within the above limits. Under both the old and new codes, good time is computed at a ratio of one day off the sentence for every three served with good conduct. ^{- No MGT under new Code!}

As a result of parole hearings the board may issue one of three alternative decisions in individual cases: (1) parole denied with no provision for further review (under which the prisoner will serve his full term minus good time), (2) action deferred and a date set for a future review, or (3) a grant of parole to an approved release plan.

NO
at
with
part

O.R.

NO
NOT
SAME

WRONG
33.20.020

Operations of the Parole Board

The work of the Board can perhaps best be examined by reviewing the recommended standards of the ACA's Accreditation Commission and comparing them with actual practice in Alaska. "The Manual of Standards for Adult Parole Authorities" has several sections, the first of which is Organization. The organization of the Alaska board is generally consistent with these recommendations, which indicate that the board should have full statutory authority for parole decision-making, it should be autonomous, it should be administratively independent of field services, and it should have the authority to impose general and specific parole conditions. The last recommendation in this section, which permits the use of hearing examiners, is not applicable to Alaska due to the relatively small workload in comparison to other states, excepting where the Board uses parole administrative staff for preliminary revocation hearings.

The section on Legal Basis contains five recommendations. As suggested by the Commission, the Alaska Board "has power to grant or deny parole and does not serve merely as an advisory body to another official or agency." The Board also "has the statutory power to cause the arrest of parolees and the power to revoke parole," and it has "the statutory power to secure prompt and full information...from institutional staff, parole field staff, and those responsible for the administration of part-way programs, such as halfway houses and furloughs," although it should be noted that under current practice the use of halfway houses and furloughs in Alaska is very minimal. The recommendation that written policy should set forth "the roles, functions, duties and responsibilities of the hearing examiners" is implemented in Alaska to the extent that Parole Board staff may conduct preliminary revocation hearings.

The Alaska Board does not have the "statutory power to discharge from parole" which is recommended by the ACA standards. It does have the authority to discharge parolees from supervision, but they must remain in parole status until the end of their terms, minus earned good time.

*see institution
in institution
(no good time on street)*

Agreed

The seven standards on Planning and Coordination are only partially implemented in Alaska. The Board does not have "a written set of long-range goals and policies which are developed continuously and reviewed annually..." and does not "document the existence of practical and specific plans to move toward the realization of these long-range goals and policies." The Board does participate "through the agency of which it is a part...in criminal justice planning efforts," but it does not "meet at least annually with representatives of relevant criminal justice agencies...to develop means of coordinating programs, to undertake joint planning, and to agree on means of implementing and evaluating such plans." Nor do members of the Board "meet at least semi-annually with the directors of institutions from which paroles are granted and/or with the head of the jurisdiction's correctional agency" for the same purpose. A mechanism of this kind seems particularly appropriate and necessary.

The standards recommend similar meetings of Board members with field service staff, but in Alaska this is not done on any formal basis. Also, board members are to "visit all institutions and a representative sample of the part-way facilities in their jurisdiction at least annually, specifically for the purpose of gaining first-hand information about the operations and programs in these facilities from both staff and inmates/residents." The Alaska Board does meet on a quarterly basis at several institutions, but these meetings are exclusively for the purpose of holding hearings.

However, ^{at times} have toured some facilities when time allows. (Palmer, E.R., Redona, 1/2 Way Home, Fairbanks. & some members some of these. Also toured some F.B.P.'s)

The last standard states that there should be "documentation that the parole authority promotes and enhances communication with field parole staff through such means as visits, conferences, and seminars at field parole offices." The Executive Director of the Alaska board does visit field offices from time to time to provide advice and some measure of training, although this interaction is limited due to lack of time on the part of the

Director. *Dist. in @ training academy 10/70, 1st time invited in 2 yrs.*

In connection with all of the foregoing recommendations regarding planning and coordination, it is essential to point out that the Board's less-than-perfect compliance with these standards is due primarily to lack of sufficient staff to carry out all these activities. Moreover, it is frequently difficult for part-time Board members to find time to attend the quarterly institutional hearings, let alone participate in supplementary meetings, visitations, conferences and seminars as recommended by the standards.

The Manual's section on Administration and Budget has 15 standards, the implementation of which in Alaska is also impeded by the organization of the Board and the lack of adequate staffing. The Board does have a "clearly defined budget" but is not a system "which allows it to weigh the costs of the various functions carried out and thereby plan effectively for the wise allocation of resources". However, the operation of the Board cannot be said to be so elaborate as to require a system of this kind.

The standards provide that the Chairman of the Board should be responsible for the preparation of the budget, that Board members and staff participate in this process, and that the Chairman participates in budget hearings. In Alaska, all of these functions are carried out by the Executive Director, who is not required to consult with the Chairman or Board members (although such communication ~~usually~~ does occur) *and the members are given the*

budget info.

The board does not have the staff needed to carry out "the variety of administrative tasks which are required of it," and while its "space and equipment" is adequate for the present number of staff, the space and equipment, as well as the staff, are not sufficient to meet the requirements of an "effective and efficient processing of the authority's business."

One of the standards recommends that "all current procedures and policies of the parole authority are written and available for public review." The board does have two manuals which set forth procedures and policies, but these manuals have been modified and supplemented over the years by a variety of memoranda, which are not readily available for public review. As recommended in another standard, the Board does have "skilled legal assistance" available through the Attorney General's office, but it shares this attorney with the Division of Corrections, and occasionally other state agencies as well. The standards stress that "with present-day demands on parole authorities, sufficient and effective legal staff must be available on a continuous basis"; therefore, it is essential that the responsibility of the Assistant Attorney General assigned to work with the Board be clearly defined.

The Board is in general compliance with the standard recommending that the staff be covered by a merit system. However, the staff is not large enough that the recommendations providing for the grouping of tasks, for clear lines of demarcation between administrative personnel, and a supervision ratio of six to one, have any significant relevance.

The Board does not have "a manual of administrative procedures which specifies the operating procedures of the parole authority's administrative staff," again primarily because the staff is so small that no one has time to develop one. The standards also recommend that "all employees of the parole

authority attend staff meetings at least quarterly, where they participate in shaping policies which affect their work." The staff is so limited in numbers and works so closely together that it can virtually be said that they are in continuous staff meeting. The last standard, recommending at least 40 hours of training annually for "all staff who relate to offenders in either a decision-making or a supervisory capacity" would appear to apply to the Executive Director and the Parole Board Officer, but under current circumstances these two persons simply do not have time for this training, nor does the Board have the funds.

The section on Personnel has a number of recommendations affecting the appointment of parole board members:

- members should be chosen through a statutorily or administratively defined system, with explicitly defined criteria, which results in the merit appointment of parole authority members.
- at least two-thirds of the members of the parole authority should have at least a B.A. or B.S. degree in one of the social or behavioral sciences or related fields.
- at least two-thirds of the members should have at least three years experience in a responsible criminal justice or juvenile justice position, or equivalent experience in a relevant profession, such as law or clinical practice.
- both sexes are represented among parole board members, as well as members of the racial and ethnic groups which are represented significantly in the population of the jurisdiction.
- members of the parole authority do not seek or hold partisan elected office while a member of the authority.
- positions on the parole authority are full-time.
- tenure is no less than 5 years.

--if a fixed term of office is used, the terms of the members are staggered.

--salaries of parole board members are comparable to those paid judges of courts of general jurisdiction (or highest trial court).

--the Board consists of no less than three members.

In Alaska there is no merit system for the appointment of parole board members, nor any statutory requirement as to education and experience. There is a woman on the Board, and the major ethnic groups are represented. The statute does not prohibit members from seeking elective office. The five Board positions are part-time, and tenure is for four years, on a staggered basis. The salary rate, for the time worked, is not consistent with that of a Superior Court judge, which averages about 200 a day statewide. Obviously, to meet accepted standards, some changes in the method of appointment and status of the Board members are warranted.

The standards also provide for the designation of one of the members as the Chairman, with the responsibility for coordinating the work of members, acting as official spokesperson for the board, directing the work of staff, and involving colleagues and staff in the formulation of policy. In Alaska, the Board does have a Chairman, who functions chiefly in that capacity at parole hearings. The other functions are carried out by the Executive Director, which is necessitated by the part-time status of the Board's members.

Three other standards, relating chiefly to hearing examiners, are not currently applicable to Alaska. However, the last of these, which recommends that parole board members also receive at least 40 hours of relevant training and education annually, is not in effect in Alaska. Again, considering the part-time status of members and the difficulty they have in finding time even for parole hearings, it would not be feasible to comply with this

*members have attended at least one National Parole Institute
+ staff hearing seminar*

standard under current circumstances.

The first standard in the section on Management Information Systems recommends that the Parole Board have "available to it an organized system of information retrieval and review, which is part of an overall research capacity." The discussion on this standard states:

"A parole authority can neither chart new policies, control the applications of old ones, nor even be aware of their consequences without an organized system of information retrieval and review. Not only is such a system important in terms of controlling applications of policy, but also in providing a base for evaluating different kinds of policy options. It is crucial that parole authority members have competent research personnel who are available to work with them in designing data to be collected and interpreting results."

Three other standards also recommend that the parole board should (1) maintain parole outcome measures, such as those developed by the Uniform Parole Reports, (2) receive at least quarterly summaries of the population characteristics and statuses of inmates in the correctional institutions and part-way programs from which paroles are granted, and (3) receive at least quarterly summaries of the population characteristics and statuses of parolees under supervision.

The Board does collect data on parolees, and has available to it the statistics prepared and analyzed by the research staff of the Division of Corrections. But the system is not as elaborate, as organized, nor as structured as the Accreditation Commission's standards call for. The Board itself does not have the staff and resources to develop and operate an information-gathering system on the scale recommended.

The limitations of the Board in this respect also impede its ability to comply with the standard recommending that the Board "receives management information from the institutions and field authorities pertinent to parole policy, that it puts aside regular time for study of this information, and that

the authority demonstrate that management information is considered and acted upon where appropriate." The Board does comply to some extent with the standard recommending that it "or the larger agency of which it is part collaborates with criminal justice and human service agencies in programs of information gathering, exchange, and standardization." As a participant since 1976 in the Uniform Parole Reports program sponsored by the National Council on Crime and Delinquency Center, the Board has enacted the standard recommending that "the parole authority or the larger agency of which it is a part participates in national data collection efforts."

The Board does not have a research capability, but as it moves to carry out its parole guidelines project under the National Institute of Corrections grant, the recommendations of the Accreditation Commission in its section on Research would appear to apply. The completion and adoption of the proposed guidelines would implement the recommendation that "statistical and research data are used by parole authority members in decision-making and policy development," as well as the recommendation that "parole authority members participate with researchers in shaping the nature of data to be gathered, the form of its presentation, and the types of questions which are to be addressed." The Commission recognizes that "it is impractical for a parole agency to carry out internally all research needed," and recommends that in addition to internal research, the parole authority "permits, encourages, and utilizes.... research conducted by outside professionals." * Given the lack of staff resources on the part of Alaska's Board, the National Institute of Corrections project will most likely have to be done primarily by outside personnel. The Board, as a matter of course, recognizes the principle of the last standard in this Research section, which states that "the privacy and interests of offenders, their families and other persons" should be safeguarded.

* This the Board has done by encouraging research & allowing access to its files by the Alaska Court system to do some basic research

The Board has substantially implemented the standards in the section on Scheduling and Information. One of the board's manuals sets forth "the criteria which are employed...in its decision-making," but whether or not these criteria "are specific enough to permit consistent application to individual cases" is questionable. The fact that the Board applied to the National Institute of Corrections for a grant to develop parole guidelines would suggest to the contrary. However, once developed and adopted, the guidelines would fulfill this recommendation.

In Alaska, offenders are not "scheduled automatically for hearing and review by the parole authority when they are first legally eligible for parole consideration, or within one year after being received in a correctional institution." Offenders must apply for parole, but this requirement would not appear to violate the intent or spirit of this recommendation. Similarly, although Alaska procedure differs, the Board's practice would appear to be consistent with the recommendation that:

"At the first hearing, the parole authority sets a tentative release date. If circumstances prevent the setting of a tentative release date at the first hearing, a subsequent hearing is held within one (1) year for the purpose of setting a tentative release date. In any event, the parole authority gives reasons in writing for any deferral of decision."

At the first hearing, the board may deny a parole, with no further review, set a date for a future review, or grant a parole to an approved release plan. It also gives the applicant the reasons for a denial of parole or deferral of a decision until a future review date; these reasons are stated in writing and are specific and clear.

A further standard provides that "inmates are not held beyond tentative release dates once fixed, except upon a hearing by the authority at which time the reasons for deferral of parole are articulated in writing."



is
~~violated~~
obligated
33.15.050

This standard would appear to apply to Parole Boards which fixed advanced parole dates early in the term of sentence; this is not the practice in Alaska. Delays in releasing Alaska prisoners granted parole are infrequent and usually consistent with the standard's observation that "temporary delays may be required because of circumstances surrounding a specific release plan or situation."

The standard providing that "inmates are released earlier than initially anticipated, according to law and in conformity with the authority's previously established and written criteria" would not appear to be fully applicable to Alaska. The Board may authorize a release earlier than scheduled for various reasons, but not as a result of "the behavior of the inmate in a work-release program, particularly meritorious efforts while in the institution, or a mutually agreed upon program contract." However, one of the Board's manuals does provide that applicants at initial hearings may present "the goals they hope to achieve while incarcerated, and the approximate length of time it will take to achieve them." This would appear to carry out the substance of the Commission's recommendation.

The Board does have "available in writing information about an offender's prior history, his current situation, events in his case since any previous hearing, information about the inmate's future plans, and relevant conditions in the community." Also, the materials in the Board's case files "are appropriately classified, organized, and identified according to the authority's established procedures." However, it does not appear that these materials "are clearly identified as to source, verification and confidentiality," although the Board's instructions as to their preparation include these considerations.

The Board is in substantial compliance with the recommendation that "in those cases which in the opinion of parole authority members require an examination and opinion by psychiatrists or psychologists, certified members of the appropriate professions are available for such examination and review." For example, under Alaskan law, an offender convicted of lewd and lascivious acts towards a child cannot be paroled "until the paroling authority receives a report from a reputable psychiatrist stating the mental condition of the person and stating that the person was under observation while confined in prison." It is the Board's policy that it will not review the case of an applicant who has not been seen by a psychiatrist, and at the time of the hearing the Board must have available to it a recent psychiatric report and a parole progress report in which appropriate attention has been given to this consideration.

The final recommendation in this section states that "the parole authority and the agency of which it may be a part have a written policy regarding the confidential nature of individual case information, and have promulgated specific rules as to the persons who may have access to such information, and the staff who are responsible for the release of that information." While the Board apparently does not have a written policy of this kind, it is reflected in section 302 of the proposed institutional manual of the Division of Corrections. Inasmuch as the Division has custody of the primary case files, the proposed regulation and its detailed procedures would appear to conform to the Commission's recommendation.

The practice of the Board are reasonably consistent with most of the Accreditation Commission's recommendations in the section on Hearings.

However, the Board's practice does not conform to the Commission's recommendation that "the person conducting the hearing records and preserves a summary of the major issues and findings in the hearing." In this connection the Commission comments:

"It is essential that a record of the events of the hearing be kept for the purpose of subsequent review. It is particularly important for future hearings to be able to review the record of a hearing, and have an awareness of the issues which had been raised previously. The use of dictating equipment is quite appropriate for this purpose."

The board does not record the hearing or prepare a summary. However, during the hearing, notes are taken.

The Commission also recommends that "There is a process, available in written form, whereby parole authority decisions can be reviewed under the rules fixed by the authority, and inmates are informed of the steps necessary to avail themselves of that process." The explanation accompanying the recommendation states:

"The development of a decision review process is an important development in parole. In general, most parole decisions should be made by the hearing examiners or panels of parole authority members who interview the offender. However, a system of appeal, preferably to authority members not involved in the first hearing, should be established, and rules for the use of this appellate process should be fixed. If there are only a few authority members, and all of them participate in initial decisions, some process of review or rehearing in a case should nonetheless be in effect. Such a system tends to make parole consideration more careful, and the probabilities of developing reasonable criteria through an appeal process are enhanced."

The board does not have a written or structured appeals process, *as outlined above,*
but does allow offenders to apply at any time for a review of
The board's practice is generally consistent with the ~~board's policy~~ *which may*
Commission's recommendations on Conditions of Parole.

hearing based upon specific guidelines outlined in the Board's policy.

has request for "special hearing"

However, the Board's practice is in conflict with one standard in this section which recommends that "general conditions for release which apply to all parolees and mandatory releases under supervision are limited to requirements that a parolee observe the law, maintain appropriate contact with the parole system, and notify the parole agency of changes in residence."

The Board's general conditions for parolees and mandatory releasees ^(employment) are rather ^{number 10} numerous.)

However, in view of the trend toward increasing litigation in the corrections field, the board's practice ^{in specifically worded conditions} can be supported. Offenders should be fully advised of the rules and regulations that will be expected of them, so that they cannot charge that the correctional authority failed to inform them.

Another standard in this section recommends that "the offender is given an opportunity to present his or her views to the parole authority about specific parole conditions which may be imposed on him or her." While this process is not formally reflected in written policy or procedure, it is informally carried out during the course of the hearing.

The board's policies and procedures are for the most part in compliance with the standards in the section on Arrest and Revocation. These standards discuss procedures for issuance of arrest warrants, use of pretrial release for arrested parolees, the timing and nature of preliminary hearings, and revocation procedures.

However, state law does not permit compliance with the recommendation that "in reimprisonment of the parolee, the parole authority's written policies provide for credit to the parolee for time served on parole in the community," with the Commission noting in this respect:

and all but one do conform to the

"Careful review of individual cases is required in reaching the decision on provision of credit to the parolee for time served in the community when the parolee is reimprisoned for a parole violation. Written policy should state specific criteria for allowing or disallowing credit for time served in the community."

In Alaska, when parole is revoked, the parolee loses all credit for the time spent on parole, and he or she must serve the remainder of his term, less good time credits *earned in the institution.*

The Parole Board does not have the statutory authority to implement either of the two recommendations in the section on Discharge. The first of these reads, "The parole authority uses its power to provide both release from active parole supervision, and to grant complete discharge to offenders, "with the comment:

"The powers to provide for no active supervision and the discharge of offenders are essential to the parole authority. These powers should be employed frequently. It is both uneconomical, and an unnecessary intrusion in the lives of offenders, to continue active supervision when it is no longer required. It is important that parole authorities look for opportunities to use means other than active parole supervision in individual cases."

The other reads, "Parolees are not continued under active supervision after two years unless, consistent with the parole authority's written policy, good reasons exist to show that such continued supervision is required," with the comment:

"There is evidence that the number of violations of parole decline after the first two years under supervision. There is also a tendency for parole systems to continue to exercise active supervision over cases when there is no longer a necessity to do so. A policy should exist stating that continued active supervision of an individual after two years under supervision requires a specific affirmative justification."

Alaska statutes do authorize the Board to adopt rules and regulations for "discharge from supervision" but do not provide for complete discharge from parole statutes. Under the Board's written policy a parolee may petition the board for a conditional discharge from parole supervision. The parolee must discuss this request with the supervising parole officer, and receive a favorable recommendation from that officer. The Board hears these requests at its regularly scheduled quarterly meetings, and to be considered, the parolee must usually have served at least one year on parole with satisfactory performance. If the parolee is granted early discharge from supervision, he or she is no longer supervised but remains under the jurisdiction of the board until his or her sentence expiration date, less good time. If the unsupervised parolee violates the conditions of parole, his or parole may be revoked; alternatively if it is later determined that he or she requires parole supervision, the parolee may be reinstated to active supervision for the remainder of his or her sentence. Thus, many cases not actively supervised remain on the paper caseload of the Board, some for many years; this may in part account for the relatively high percentage of murder convictees observed among parolees (see survey data).

The Parole Board is not sufficiently staffed to carry out as fully as might be desirable the remaining four recommendations of the Accreditation Commission, in the section on Public/Legislative Relations:

- The parole authority provides evidence of a public information program, which includes the development and distribution of information about the authority, its philosophy and operations.
- The parole authority publishes a report, at least biennially, which conveys the major work of the authority, and describes trends in parole release, revocation and discharge, along with similar information.

--The parole authority has a written policy which assures that accurate and timely information on cases is disseminated to the public (including written policy as to who is to provide such information and how it is to be provided).

--The parole authority maintains regular liaison with appropriate legislative committees, during at least each regular session of the legislature, for the purpose of offering advice and opinions on appropriate legislative matters.

The Board does collect basic information and data concerning its operations, but these are not analyzed and presented in the structured and systematic way apparently contemplated by the ^{SYK C?} ~~sex~~ standards. However, when requested to do so with reference to particular issues, the Executive Director of the Board does work closely with appropriate legislative committees.

Summary of Recommendations

As can be seen from the foregoing, the Alaska Parole Board is doing nearly all that it can within its current capabilities and limitations to operate a professionally competent parole authority. With some organizational changes and minor increases in staff it can do even better. However, the relatively small size of the Alaskan corrections system--in terms of the number of prisoners and parolees--will continue to dictate some compromises with the recommendations of the Accreditation Commission. The present status of the Alaska Parole Board presents an excellent base upon which to build, and it would appear highly desirable to undertake those additional steps which would improve the professional capability and efficiency of the Board.

1. For professional decision-making and operations the Parole Board should be reorganized. While the current members of the Board are doing as well as can be expected under the circumstances that exist, reportedly the members are hard-pressed to find time for their parole duties and Parole

Board business requires 40 to 60 days annually of a member's time and there is an excessive turnover among members. Also, while under the current structure, the overburdened Executive Director is capably directing the work of the Board, with its limited resources, the arrangement under which he in effect must perform the duties that normally would be assigned to the Board Chairman is somewhat awkward. Alaska should have a professionally qualified and structured board.

It is therefore recommended that legislation be enacted providing that:

- a. the Alaska Board of Parole be composed of three full-time members.
- b. appointments be made by the Governor from a panel of candidates submitted by the Commissioner of Health and Social Services, preferably with the aid of an inter-governmental committee.
- c. candidates for appointment to the Board should have a background of education and experience in the social or behavioral sciences, criminal justice, the law or clinical practice.
- d. the Board should represent the major ethnic and minority groups found in Alaska.
- e. the salary of a Board member should be equivalent to that of a Superior Court Judge.
- f. the Board members should be located in Juneau.
- g. the Governor should designate one of the members as Chairman, who would serve as the operational head of the Board.

↳ set in statute

The caseload of the Parole Board is not sufficient to require the then full-time members of the Board to spend all of their time in parole decision-making. However, under the direction of the Chairman there are numerous other essential activities that could more than occupy their available time: (1) formulation of parole board policy, (2) budget preparation, (3) development of manuals (administrative, rules and regulations), (4) coordination with other criminal justice agencies, (5) public information and liaison, (6) their own training and the training of parole board and parole field services personnel, (7) review of appeals, and (8) information-gathering visitations to the facilities, both institutional and community-based, of the Division of Corrections.

2. The staff of the Board should be reorganized and augmented. With the Chairman directing the work of the Board, the position of Executive Director should be reconstituted as that of Staff Director, reporting directly to the Chairman. Another administrative assistant should be appointed, making a total of two, and the clerical staff increased to a total of 3. These personnel would assist the members of the Board in carrying out their respective responsibilities, as assigned by the Chairman. The additional staff would make it possible for the Board to undertake tasks that are not now within its capabilities, in the areas of research, report preparation, manual preparation and updating, and the increasingly detailed procedures that are being imposed upon modern parolling authorities. It is essential that the staff be enlarged, even if Board members are full-time appointees.

The Board should also have an Assistant Attorney General assigned to assist in the formulation of its policy and procedure, to review legal issues raised in individual cases, and to provide advice to Board members to

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Board business requires 40 to 60 days annually of a member's time and there is an excessive turnover among members. Also, while under the current structure, the overburdened Executive Director is capably directing the work of the Board, with its limited resources, the arrangement under which he in effect must perform the duties that normally would be assigned to the Board Chairman is somewhat awkward. Alaska should have a professionally qualified and structured board.

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- e. the salary of a Board member should be equivalent to that of a Superior Court Judge.
- f. the Board members should be located in Juneau.
- g. the Governor should designate one of the members as Chairman, who would serve as the operational head of the Board.

(S) set in Statute

assure that its work is carried out in accordance with the Constitution, as reflected in the mandates of the U. S. Supreme Court, and with the laws of the State of Alaska. The Attorney General's office presently provides such services, but it would be desirable for one AAG to be assigned to work exclusively with the Parole Board and the Division of Corrections. Parole boards elsewhere are becoming more heavily involved in litigation, as parole policies, rules and regulations are challenged in the courts, and such a designation would help to ensure that the assigned AAG would have sufficient time to work both to minimize such litigation and to facilitate the handling of litigation when actions are filed against the Board.

3. With the appointment of a full-time three-member Board, hearing procedures should be changed to provide for parole grant and revocation hearings to be conducted by a two-member panel of Board members, composition of the panels alternating among the three members as directed by the Chairman; at present hearings are attended by three to five members of the Board. Also, one of the members should be designated to conduct the hearings; at present, the Executive Director of the Board performs this function. Preliminary hearings should be conducted by a single Board member.

All hearings--parole, parole rescission, parole revocation--should be recorded. This can be done electronically. The recordings need not be transcribed, but should be filed for availability in connection with appeals and litigation. At the conclusion of the hearing in individual cases, a Board member should dictate a short summary of the proceedings according to a format prescribed by the Board. These summaries should be transcribed by Board staff, and made a part of Parole Board records.

4. A formal appeals process should be established under which a prisoner or a parolee may submit to the Board a written appeal of a decision to grant (usually involving special conditions or the date of parole), rescind, deny or revoke parole, within a reasonable period of time after the decision

Done - in draft reg.

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has been made. Authorized grounds for appeal should include:

- the decision was not supported by the reasons or facts stated by the Board.
- mitigating circumstances appear to justify a different decision.
- the decision was based on faulty information.
- the Board did not follow its prescribed procedures in making its decision and prescribed procedure would have lead to a different decision.
- there was significant information in existence but not known at the time of the hearing.
- there are compelling reasons why a more lenient decision should be made on grounds of compassion.

With a three-member Board, it is not possible to establish a procedure for considering an appeal by members who were not involved in the decision being appealed from. However, as a compromise the appeal should initially go to the board member who was not a part of the two-member panel who made the decision. This member should be authorized to deny the appeal on his or her own signature. However, if he or she feels there are grounds for a different decision, the appeal may be sent to the other two Board members together with the recommended decision and reasons for it, and if one of these members concurs, the original decision will be changed as recommended. If neither concurs, the original decision would stand and the appeal denied.

5. If the Alaska Board works toward adopting a parole guidelines or matrix system similar to that in use in the Federal system, Oregon and Michigan, it should be considered a long-range effort. The guidelines in use elsewhere cannot be applied to the Alaska prisoner population without considerable

modification and research. While the guidelines in use in various jurisdictions have some common elements, the prisoner population differs in some respects from one jurisdiction to another, and this would particularly appear to be the case in Alaska. For example, guideline models usually includes a factor taking into consideration whether the offender was unemployed at the time of his crime or for a period of time prior to the crime. In Alaska it would seem that the unemployment of a native offender who resides in a remote area in a subsistence economy would not have the same significance as unemployment would for a Caucasian in an urban area. *

To develop a guidelines model in Alaska will require extended research into the decisions made by the Board in the past, and a trial run and an in-depth evaluation for a period of time on a sample of the Alaskan prisoner population, prior to adoption for the entire sentenced prisoner population. Also, if experience elsewhere is repeated in Alaska, a guidelines system would require more detailed procedures and more personnel, and may not necessarily bring about more satisfaction with the parole decision-making process on the part of the prisoners, the criminal justice community, or the legislature. Because of the more structured decision-making imposed by guidelines, a higher volume of appeals and litigation is an inevitable consequence.

Finally, because of the statistical basis of guidelines which are applied to categories of prisoners with given matrix scores, their predictive capability is far from perfect. That is, some prisoners with poor scores may in fact be good risks, and on the other hand, some prisoners with scores indicating they are good risks will fail. Therefore, the guidelines should be used as an aid to decision-making and should not entirely replace the discretion of Board members.

Done

6. The Board should prepare and keep up-to-date a manual of policy, rules and procedures, and an administrative manual. At present the Board has two manuals, one of policy and procedure and the other covering parole supervision and revocation standards, and early termination of supervision. Both are out-of-date and have been supplemented by numerous memoranda. The Board is not sufficiently staffed to undertake the needed task of manual preparation. If its staff is augmented as recommended, this tasks should be given early priority.

planned

In this connection legislation should be enacted to make the Board subject to the provisions of the Alaska Administrative Procedures Act, so that its proposed rules, regulations and procedures can be published and comment elicited from interested parties, prior to final consideration and adoption of rules, regulations and procedures by the Board.

yes

7. Legislation should also be considered, as recommended by the Accreditation Commission, to allow the Board to give credit to parolees whose paroles have been revoked credit on their sentence for time served on parole between the date of release from an institution and the date of arrest for a violation of parole conditions.

yes

8. The Board should be authorized by legislation to discharge from parole status at any time after two years in the cases of persons with sentences of more than ten years, parolees who in the judgement of at least two members of the Board have so conducted themselves that they are unlikely to become again involved in violations of the law. Affirmative decisions should be made administratively, without the necessity for a hearing. However, when in the judgement of at least two members of the Board, discharge

Legislators in jail, focus on Native rehabilitation

By SUSAN FISHER
News-Miner Bureau

JUNEAU—Bush legislators will be going back to the Juneau Correctional Center this Saturday, in a followup meeting with Native inmates.

But interest by the Bush delegation is going beyond what might be predicted complaints of rotten food and inadequate facilities.

At the heart of the legislators' interest is what Alaska's judicial and correctional system is doing to—and with—Native offenders.

It was underscored during a recent public hearing before the House Judiciary Committee on a sunset review of the state parole board.

It was re-inforced by a hearing last week on the public defender's office, and was mentioned again this morning in Chief Justice Jay Rabinowitz's annual judicial address.

The issue is a complicated web of social ills, cultural differences, lack of job and educational opportunity, and alcohol abuse.

What Bush legislators learned in meeting with Native inmates in January is that there is no coordination of the educational program offered.

There also is no alcohol treatment program in jail.

Prisoners are not being prepared for jobs or life after release. They wonder what is being done with their confiscated money while they're in jail, and why they can't get medical and dental treatment.

Good time is used as a lever, and earned good time, which can be applied against a sentence, can be taken away arbitrarily.

What legislators are nearing is that aspects of the system may be discriminatory against minorities; Natives have a tougher time earning parole because they do not have job skills recognized by white society, that Natives are not familiar with their rights of attorney and court procedure.

House Minority Leader Rep. Nels Anderson, D-Dillingham, said his interest now is "to see whether or not the state is remiss and neglecting some of the things by law we are required to do" to help rehabilitate offenders.

Anderson, Sen. Frank Ferguson, D-Kotzebue, and other Native legislators are tackling the problem of alcohol abuse in the state through legislation introduced this session.

Witnesses before the judiciary committee have testified that alcohol and crime are closely linked in Alaska.

In testimony before the House Judiciary Committee Wednesday, parole supervisor Robert Collins of Juneau was asked to name the biggest hurdle a parolee faces upon release.

"Without any shadow of a doubt, employment. It's difficult for a person with a criminal record, fresh out of prison, to be hired by anyone to do anything," Collins said.

The problem is compounded in smaller communities, where fewer jobs exist, he added.

"Many who come out have never had successful employment in their life," Collins said, pointing to under-employment, lack of schooling, military or other experiences.

The parole officer maintains an intimate, regular contact with the parolee during the initial stage of release.

"By far the greatest emphasis on the part of the parole officer is to help that person get a job" or into a vocational education or learning program, Collins said.

(See JAIL, page 5)

JAIL . . .

(Continued from page 1)

Rep. Thelma Buchholdt, D-Anchorage, asked Collins what type of training parole officers receive in cultural sensitivity.

Collins said the training academy for correctional and parole officers includes perhaps three to five hours of cultural training. But Collins estimated that 70 per cent of the parole officers have actually taken the training.

Last week, Public Defender Brian Shortell told the committee that the public defender staff has a turnover of about two years or less, depending on the part of the state.

He said caseload assignment per public defender exceeds the national recommended average.

Parole officers also said their caseload exceeds the national average.

This morning, Supreme Court Chief Justice Jay Rabinowitz, in his annual

judicial address, said he was recently informed that the latest Judicial Council studies show Native Americans are not discriminated against in sentencing in Alaska.

There is, however, a preliminary indication that blacks do receive higher sentences than whites in drug cases, he said.

But Rabinowitz pointed out that sentencing is part of the broader question of "unjustified disparity."

He said judges, attorneys and defendants need a system to allow them to know how sentences have been imposed in similar cases.

Without knowing how sentences have been imposed in the past, and on what consideration, "How else can our sentencing courts know whether a particular sentence promotes the goal of reasonable uniformity," Rabinowitz asked.

News Miner
Feb 7, 1980

May 1971
We've considered these
two & I've made some
corrections.

Why

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For an Act entitled: "An Act relating to Parole Administration ^{and} ~~remission of sentences~~"
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 33.15.010 is amended to read:

Sec. 33.15.010. STATE BOARD OF PAROLE. There is in the department a board of parole consisting of five members to be appointed by the governor, subject to confirmation by a majority of the members of the legislative in joint session. One member shall be appointed chairman of the board. [ONE OF THE MEMBERS, WHO SHALL BE CHAIRMAN OF THE BOARD, SHALL BE A PERSON WITH TRAINING OR EXPERIENCE IN THE FIELD OF PROBATION AND PAROLE, AND HE MAY BE AN OFFICIAL OR EMPLOYEE OF THE DEPARTMENT BUT MAY NOT BE AN OFFICIAL OR EMPLOYEE OF THE DIVISION OF CORRECTIONS.] The term of each of the five members [EACH OF THE OTHER FOUR MEMBERS] of the board is ~~four~~⁵ years and until his successor is appointed and qualifies. Successors are appointed in the same manner as provided for the board members first appointed. A vacancy shall be filled for the unexpired term.

* Sec. 2. AS 33.15.020 is amended to read:

Sec. 33.15.020. COMPENSATION AND EXPENSES. The members of the board [OTHER THAN THE CHAIRMAN,] shall not receive salaries but are entitled to compensation per day at an amount to be set by the governor for every day they are in session, and a per diem and travel allowance as provided by law. [THE CHAIRMAN IS NOT ENTITLED TO A SALARY OR COMPENSATION FOR DAYS HE ATTENDS A SESSION OF THE BOARD, BUT IS ENTITLED TO A PER DIEM ALLOWANCE AND TRAVEL COST AS PROVIDED BY LAW.]

* Sec. 3. AS 33.15.060 is amended to read:

Sec. 33.15.060. CONSIDERATIONS IN DETERMINING SUITABILITY
[ELIGIBILITY] FOR PAROLE. In considering a prisoner, the board shall
consider the presentence report made to the sentencing court, ^{The recommendations by the Sentencing} and the ^{local}
prosecuting attorney, the report from the proper officers of the
institution where the prisoner is incarcerated, the record of the
prisoner and all pertinent information that will enable the board to
make a determination.

* Sec. 4. AS 33.15.070 is amended to read:

Sec. 33.15.070. ORDER FOR PAROLE. An order for parole shall
contain the conditions imposed, and the parole expiration date [IN-
CLUDING THE FIXING OF THE PAROLEE'S RESIDENCE, WHICH MAY BE CHANGED AT
THE DISCRETION OF THE BOARD]. The order does not take effect until
signed by the parolee and the plan of parole is approved.

* Sec. 5. AS 33.15.080 is amended to read:

Sec. 33.15.080. GRANTING OF PAROLE. If it appears to the board
from a review that a prisoner eligible for parole will, in reasonable
probability, live and remain at liberty without violating the laws, or
without violating the conditions imposed by the board, and if the
board determines that his release ^{ON PAROLE} is not incompatible with the welfare
of society, the board may authorize the release of the prisoner on
parole. However, no prisoner may be released on parole who has not
served at least one-third of the period of confinement to which he has
been sentenced, but in no case will this mandatory period of confine-
ment exceed the 15 years required for a life sentence [OR IN THE CASE
OF A LIFE SENTENCE, HAS NOT SERVED AT LEAST 15 YEARS].

* Sec. 6. AS 33.15.100 is amended to read:

Sec. 33.15.100. ADOPTION OF RULES AND HOLDING OF MEETINGS. The
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The board shall meet as often as it finds necessary, but it shall meet
at least four times [twice] each year. Three members constitute a
quorum for the conduct of business.

* Sec. 7. AS 33.15.130(b) is amended to read:

(b) The board shall keep a record of its acts and shall notify
the commissioner of its decisions relating to prisoners considered for
parole. At the close of each fiscal year the board shall submit to
the governor, the commissioner, and the attorney general, a report
containing statistical and other data of its work, including research
studies which it may make of probation, sentencing, parole or related
functions, [AND A COMPUTATION AND ANALYSIS OF DISPOSITIONS AND CRIMINAL
MATTERS BY THE COURTS IN THE STATE].

* Sec. ~~3~~⁸. AS 33.15.180 is amended to read:

Sec. 33.15.180. PERSONS ELIGIBLE FOR PAROLE. A state prisoner
other than a juvenile delinquent, wherever confined and serving a
definite term of over 180 day or a term the minimum of which is at
least 181 days [,WHOSE RECORD SHOWS THAT HE HAS OBSERVED THE RULES OF
THE INSTITUTION IN WHICH HE IS CONFINED,] may, in the discretion of
the board, be released on parole, subject to the limitation prescribed
in secs. 80 and 230(a)(1) of this chapter.

* Sec. 9. AS 33.15.190 is amended to read:

Sec. 33.15.190. RELEASE AND TERMS AND CONDITIONS OF RELEASE.
The board may permit a parolee to return to his home if it is in the
state, or to go elsewhere in the state, upon such terms and conditions
including personal reports from the paroled person as the board pre-
scribes. The board may permit the parolee to go into another state
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upon terms and conditions as the board prescribes, and subject to the

1 provisions of any compact executed under the authority of chapter 10 of
2 this title and amendments to it. A prisoner released on parole remains
3 in the legal custody of the board until the expiration of the maximum
4 term or terms to which he was sentenced, less good time allowances
5 provided by law. However, the board may discharge a parolee from
6 supervision and from the remainder of his sentence at its discretion
7 after he has completed at ^{least} one year successfully on parole supervision.
8 While in the custody of the board, a person is subject to the dis-
9 abilities imposed by AS 11.05.070; but this section shall not deny
0 parolees access to civil tribunals.

1 x SEC. 10 - see next page
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