

H B

261



# Alaska State Legislature

## House of Representatives

### Committee on Judiciary

Official Business

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### MEMORANDUM

DATE: March 11, 1981

TO: House Judiciary and JESS Committees

FROM: Peter B. Froehlich, Counsel  
House Judiciary Committee

*PDF*

RE: Summary of Parole Board Bills  
HB 261 by H. Judiciary  
HB 225 by Martin

\* \* \* \* \*

The attached chart reflects a comparative summary of two House bills now before the legislature concerning the Parole Board (HB 261 and HB 225). It also includes the final version of last year's bill CSHB 983 (Fin), which includes three House Finance Committee amendments adopted at the request of the House Judiciary Committee. These amendments are noted because they were omitted from HB 261, and the committees may desire to re-insert them.

HB 261, by the House Judiciary Committee is identical to the version of last year's bill, CSHB 983 which was passed out of the House Judiciary Committee. It would make approximately fourteen substantial changes in existing statutes most of which either recognize existing non-statutory rights of prisoners and parolees (E.g. the right to access to law books in prisons) or in some cases grant new rights (E.g. the right to accumulation of good time while on parole). The bill would also make a half dozen or so less substantial changes (E.g. increasing the number of board members from five to seven). These changes to existing statutes are briefly described in the first or left hand column of the chart.

CSHB 983 (Fin) is the final version of the 11th Legislature's 1980 Parole Board bill. It is identical to this year's HB 261 except for three somewhat technical amendments concerning certificates of discharge and release for good time. These amendments are shown in the second or center column of the table.

HB 225 and SB 217, by Martin and Fischer respectively, include many differences from the House Judiciary bills (HB 261 and last year's CSHB 983) both technical (E.g. insertion of single words) and substantial (E.g. eliminating good time while on parole). Nearly all of these differences follow the general themes, less recognition of the rights of

prisoners and parolees and more discretion for the Parole Board. The differences between HB 225 (SB 217) and HB 261 (last year's CSHB 983) are described in the third or right hand column of the table.

In the table "same" means the bill version referred to includes the same provision as does another, and "\_\_\_\_\_" means it does not.

I hope this material is helpful to your consideration of these bills.

Attachment

COMPARISON OF PAROLE BILLS

1980 CSHB 983 (Jud)  
and  
1981 HB 261

1980 CSHB 983 (Fin)

1981 HB 225  
and  
1981 SB 217

p.1, line 13: changes bd.  
from 5 to 7 members

~~-same-~~

p.1, line 13: keeps  
bd. at 5 members

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p.1, lines 20-22: re-  
quires presiding  
officer to have  
experience in  
corrections

p.2, lines 9-10: sets  
grounds for removal  
of bd. members accordg  
to Model Act

~~-same-~~

~~-same-~~

p.3, line 1: sets daily  
compensation for bd.  
member at \$100.

~~-same-~~

~~-same-~~

p.3, line 10: sets quorum  
at 4

~~-same-~~

keeps quorum at 3

p.3, lines 23-29: adds 3  
duties of board (dis-  
charge parolees, keep  
records and set stan-

~~-same-~~

~~-same-~~

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p.4, lines 11-12:  
adds duty of bd.  
to submit budget

p.4, lines 6-12: adds duties  
of bd. to adopt specific  
regs.

~~-same-~~

~~-same-~~

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p.4, lines 21-22:  
adds general au-  
thority for rules.

p.4, line 17: adds that  
exec. director serves at  
pleasure of bd.

~~-same-~~

~~-same-~~

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p.5, lines 4-5:  
adds "less 180  
days" at end of  
33.16.100(c)

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-----	-----	p.5, line 8: adds "discretionary" before "parole"
-----	-----	p.5, line 12: adds "mandatory" be- fore "parole"
-----	-----	P.5, lines 24-29: adds "discretionary" (p.6, lines 1-9:) before "parole"
-----	-----	p.6, lines: 6-7: adds requirement that minimum sentence be served before parole
p.6, lines 14-19: adds that parole cannot be denied because neces- sary treatment was un- available	-same-	-----
-----	-----	p.6, lines 27-29: to- tally different (p.7, lines 1-9:) section on parole hearings less beneficial to prisoners
p.6, lines 24-28: adds requirement that pris- oners get copy of all evidence 30 days before parole hearing	-same-	-----
-----	-----	p.7, line 15: adds requirement of approved parole hearings before pa- role
p.7, lines 12-17: provides for good time deduction while on parole	-same-	-----
p.7, lines 11-19: sets out 15 possible conditions (p.8, lines 1-26) of parole	-same-	p.7, lines 11-23: provides for con- ditions of parole to be set according to reqs. and this

the prisoners  
background as a  
factor

p.8, lines 27-29: estab-  
lishes right to notice  
(p.9, lines 1-13) and hear-  
ing on any change in  
parole conditions

-same-

p.7, lines 24-26: al-  
lows request for  
reconsideration  
of parole condi-  
tions under regs.

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p.7, line 28: substi-  
tute revocation  
hearings for  
change in condi-  
tion hearing in  
waiver of hearing  
section

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p.8, line 4: deletes  
defense attorney,  
prisoners, and  
prisoners attorn-  
e' from those  
with access to  
pre-parole re-  
ports

p.9, lines 23-25: adds  
statutory right to  
appeal

-same-

-same-

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p.8, line 8: substi-  
tutes "capricious-  
ness" for abuse  
of discretion  
in grounds for  
appeal

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p.8, lines 16-27  
adds duty of  
missiones t  
vide time  
to be.

p.10, line 3-7: deletes  
prisoner's right to  
access to law

-same-

-same-

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p.9, line 16-7 adds  
100 day rule not re-  
stricted to prisoners  
clearly by statute  
of procedure

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	-----		p.8, line 29: editorial language changes in middle of line
p.10, lines 23-29: makes discharge of 5 yr. parolee mandatory if no felony charge or conviction	-same-		p.9, lines 8-11: make discharge of 5 yr parolee discretionary
p.11, lines 1-4: allows discretionary discharge of 2 yr parolee	-same-		-same- and p.9, lines 15-18 require 2 yr review of parolee
	-----		p.9, lines 22-26: editorial improvements to language of subsections (a) and (b)
	-----		p.10, line 15: omits reference to good time on parole and omits requirement of release if hearing results in nonrevocation
p.12, lines 7-12: provides that on revocation, bd. has discretion to set time to serve and must give credit for good time on parole	-same-		p.10, lines 16-22: provides that on parole revocation prisoner serves out original sentence with no reduction
p.12, lines 12-18: provides that on revocation for any reason besides violation of law, 6 mos. is max. in confinement	-same-		
p.12, line 19: provides that a judicial officer can issue warrant for arrest for parole violation	-same-		p.10, line 27: provides that only the bd. or a member can issue warrant for arrest for parole violation
	-----		p.11, lines 13-14: adds requirement

that when parolee  
is arrested with-  
out warrant the  
reason for no war-  
rant must be  
reported with the  
manner of viola-  
tion of parole

p.11, line 24: adds  
"discretionary"  
before "parole"  
in definition.

p.11, lines 28-29:  
(p.12, lines 1-2) adds  
definition of  
mandatory parole-  
by operation of  
law

p.14, lines 2-8: amends  
AS 33.20.040(a) to  
provide that prison-  
er released for good  
time with more than  
180 days of sentence  
shall be released as  
provided in the bill.

p.14, lines 3-9: same  
except deletes ref-  
erence to maximum  
term minus 180 days

p.12, lines 9-12: re-  
writes AS 33.20.  
040(a) to reflect  
optional nature  
of good time pa-  
role

Parole Board 2/11/82  
Member  
Comments.

Introduced: 3/4/81  
Referred: Health, Education &  
Social Services and Judiciary

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
BY REQUEST

2 HOUSE BILL NO. 261

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

11 CHAPTER 16. PAROLE ADMINISTRATION.

X  
Five

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

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

X

19 (c) The governor shall designate the presiding officer of the  
20 board. *Chmn, 2 yrs experience.*

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

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

3/11/85 Board of  
9/10/85  
21  
MISNUMBERED  
COMMISSION

1 board members who are able to consider the character and background of  
2 offenders and the circumstances under which offenses were committed.

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

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

8 Sec. 33.16.040. REMOVAL OF MEMBERS. (a) The governor may remove  
9 a board member only for disability, ~~incompetency~~<sup>nonfeasance</sup>, neglect of duty, or  
10 malfeasance in office. *or conviction of a crime.*

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

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

29 Sec. 33.16.050. COMPENSATION AND EXPENSES. (a) A board member

1 is entitled to compensation of \$100 per day for each day he is concerned  
2 with the business of the board and is also entitled to the per diem and  
3 travel allowances provided by law ~~for~~ <sup>under AS 39.20.180.</sup> other boards and commissions,

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

7 Sec. 33.16.060. MEETINGS OF THE BOARD. (a) The board may meet  
8 as often as it considers necessary to consider its responsibilities.

9 The board shall meet no less than four times a year.

10 Three (b) ~~three~~ members of the board constitute a quorum for the conduct  
11 of business.

12 (c) Decisions and orders of the board require the votes of a  
13 majority of the members present and in no case less than the votes of  
14 Two ~~two~~ members.

15 Sec. 33.16.070. PROCESS. The board or a member of the board may  
16 issue subpoenas and subpoenas duces tecum.

17 Sec. 33.16.080. RESPONSIBILITIES OF THE BOARD. (a) The board  
18 shall

19 (1) serve as the parole authority for the state;

20 (2) consider the suitability for parole of all prisoners  
21 serving sentences who are eligible for consideration for parole, unless  
22 a prisoner waives consideration of parole;

23 (3) discharge a person from parole when supervision is no  
24 longer required;

25 (4) maintain records of the meetings and proceedings of the  
26 board;

27 (5) adopt standards which shall apply fairly to all prisoners  
28 for determining when a prisoner should be considered for and receive  
29 parole;

1 (6) recommend to the legislature changes in the laws ad-  
2 ministered by the board;

3 (7) recommend to the commissioner changes in the practices  
4 of the department and of other departments of the executive branch;

5 *(8) present a proposed annual operating to the governor and to the legislature;*  
6 *9(8)* execute other responsibilities prescribed by law.

7 (b) The board shall adopt regulations under the Administrative  
8 Procedure Act (AS 44.62)

9 (1) establishing the standards which shall apply fairly to  
10 all prisoners under which the suitability of a prisoner for parole will  
11 be decided; and

12 (2) providing for the supervision of parolees and for recom-  
13 mitment of parolees.

14 *(3) Adopt other rules which it considers proper for the*  
*operation of the board.*

15 Sec. 33.16.090. EXECUTIVE DIRECTOR. The board shall hire an  
16 executive director who has training and experience in the field of  
17 probation and parole. The executive director shall serve as the execu-  
18 tive officer for the board in the accomplishment of its functions. He  
19 shall serve at the pleasure of the board. The executive director shall  
20 employ the staff of the board.

*DISCRETIONARY*

21 Sec. 33.16.100. ELIGIBILITY FOR PAROLE. (a) A state prisoner  
22 other than a juvenile delinquent, wherever confined, who is serving a  
23 definite term of over 180 days or a term the minimum of which is at  
24 least 181 days and who is not imprisoned in accordance with AS 12.55.-  
25 125(c)(1), (c)(2), (c)(3), (d)(1), (d)(2), (e)(1), or (e)(2), whose  
26 record shows that he has observed the rules of the institution in which  
27 he is confined, may, in the discretion of the board, be released on  
28 parole subject to AS 33.16.110 and 33.16.120(b), and AS 12.55.086(6).

*discretionary*

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

X  
A  
1 (c) Any state prisoner, including a state prisoner imprisoned in  
2 accordance with AS 12.55.125(c)(1), (c)(2), (c)(3), (d)(1), (d)(2),  
3 (e)(1), or (e)(2), who is released under AS 33.20.030 shall be placed  
4 on parole for the period specified in the certificate of deduction,  
5 subject to written conditions imposed by the board.  
6

X  
X  
X  
7 *mandatory*  
8 *125C 100 days*  
9 *DISCRETIONARY*  
10 Sec. 33.16.110. FIXING ELIGIBILITY FOR PAROLE AT TIME OF SEN-  
11 TENCING. When in its opinion justice and the best interests of the  
12 public require that a defendant be sentenced to imprisonment for a term  
13 exceeding one year, the court having jurisdiction to impose sentence,  
14 upon entering a judgment of conviction, may designate in the sentence  
15 of imprisonment a term at the expiration of which the prisoner is  
16 eligible for parole. *DISCRETIONARY* The term shall be at least one-third of the  
17 period of confinement imposed by the court or the minimum term pre-  
18 scribed in AS 12.25.125, whichever is greater.

X  
X  
X  
19 *DISCRETIONARY*  
20 Sec. 33.16.120. GRANTING OF PAROLE. (a) The board may authorize  
21 the release of a prisoner on parole if it determines that  
22 *DISC.*

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

26 (2) his release on parole is not incompatible with the wel-  
27 fare of society *and would not depreciate the seriousness of the crime.*

28 (b) A prisoner may not be released on parole until the prisoner  
29 has served at least one-third of the period of confinement to which he  
30 was sentenced, *or the minimum term prescribed in AS 12.25.125,*  
31 *whichever is greater.*

X  
X  
32 *DISC.* *DISCRETIONARY*  
33 Sec. 33.16.130. SUITABILITY FOR PAROLE. In determining whether a  
34 prisoner is suitable for parole, the board shall consider

35 (1) the presentence report made to the sentencing court;  
36 (2) the recommendations made by the sentencing court, by the  
37 prosecuting attorney, by the defense attorney, and any statement made  
38

1 by the prisoner at sentencing;

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

X 4 (4) a recommendation made by an officer responsible <sup>at</sup> ~~for~~ the  
5 correctional facility to which the prisoner was assigned;

6 (5) official reports of earlier crimes and earlier probation  
7 and parole experiences;

8 (6) physical, mental, and psychiatric examinations of the  
9 prisoner;

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

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

14 Sec. 33.16.140. LACK OF TREATMENT. The board may not deny parole  
15 to a prisoner otherwise suitable for parole solely on the ground that  
16 the prisoner did not obtain necessary or desirable treatment while  
17 confined if the treatment was not available to the prisoner at the  
18 correctional facility to which the prisoner was assigned by the depart-  
19 ment.

DELETE

DISC.

X 20 Sec. 33.16.150. HEARING ON APPLICATION FOR PAROLE. (a) The  
21 board shall hold a hearing to review the suitability of a prisoner for  
22 parole or for the setting, posting, or rescinding of parole dates. The  
23 prisoner shall be provided reasonable notice of the hearing.

24 (b) The prisoner shall be permitted to have a copy of all infor-  
25 mation and records which will be considered by the board no less than  
26 30 days before the hearing. The prisoner has a right to enter written  
27 responses to all information and records which will be considered by  
28 the board.

29 (c) The prisoner has a right to be present at the hearing, to

See HB 225  
for wording

EXTREMELY -6- COSTLY & CONSUMING  
CUMBERSOME

QUORUM TO  
FBR HEARINGS

1 present evidence on his behalf, and to cross-examine witnesses who  
2 testify against him.

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

6 Sec. 33.16.160. ORDER FOR PAROLE. The board shall furnish to  
7 each person released under its supervision an order for parole. The  
8 order for parole shall contain the conditions imposed by the board for  
9 parole and the date that the parole supervision expires. The order for  
10 parole does not take effect until it is accepted and signed by the  
11 parolee. *his parole plan is approved*

12 *DELETED*  
13 ~~Sec. 33.16.170. COMPUTATION OF GOOD TIME WHILE ON PAROLE. A  
14 person released from confinement under AS 33.16.120 or under AS 33.-  
15 20.040 is entitled to a deduction from the term of parole of one day  
16 for every three days of good conduct while on parole. Good time earned  
17 while on parole is subject to forfeiture by the board if a violation of  
18 a condition of parole occurs during parole.~~

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

21 (b) Depending on the nature and circumstances of the crime for  
22 which the prisoner was convicted, *with background of the prisoner,* the board may require as a condition  
23 of parole under AS 33.16.160 that a parolee accept ~~one or more of the~~  
24 *any condition established by the board under regulations*  
~~conditions:~~ *adopted by it.*

- 25 (1) that he meet his family obligations;  
26 (2) that he apply himself to employment, education, training,  
27 or subsistence;  
28 (3) that he remain within stated geographic limits unless  
29 granted written permission from his parole officer to depart from the

*(c) Parolee may request reconsideration at any time during  
period of parole. (See HB 225 wording)*

~~DELETE~~

1 stated limits;

2 (4) that he report on release to his parole officer;

3 (5) that he report at regular intervals to his parole  
4 officer;

5 (6) that he reside at a stated place and notify the parole  
6 officer of a change in his place of residence;

7 (7) that he have in his possession no dangerous firearm or  
8 dangerous weapon unless granted permission in writing by the board;

9 (8) that he refrain from consuming alcoholic beverages;

10 (9) that he submit to searches and seizures conducted reason-  
11 ably by a parole officer or by a peace officer acting under direction  
12 of a parole officer;

13 (10) that he submit to necessary medical, psychiatric,  
14 alcohol, or other examination or treatment if available;

15 (11) that he refrain from entering into an agreement or other  
16 arrangement with a law enforcement agency which will place him in the  
17 position of violating a state or federal law or a condition of his  
18 parole;

19 (12) that he refrain from opening, maintaining, or using a  
20 checking account;

21 (13) that he refrain from entering into a contract, other  
22 than a prenuptial contract or a contract of marriage, without permission  
23 in writing from his parole officer;

24 (14) that he refrain from operating a motor vehicle;

25 (15) that he refrain from entering a liquor store, bar, pub,  
26 tavern, or night club designated by the board.

27 Sec. 33.16.190. HEARING ON APPLICATION FOR CHANGE IN PAROLE CON-  
28 DITIONS. (a) A parolee is entitled to reasonable notice of and may  
29 request a hearing on a proposal to change a parole condition or to add

Delete

DELETE

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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. 33.15.210. 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 the 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.

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

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

and prepare pre-parole reports

X  
213730

X

X

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

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

*(a) board the board in a timely manner with information requested of  
sentenced prisoners who may be eligible for parole release  
or parole supervision.*

6 ~~5(X)~~ keep records, files and accounts as the board requests.

X  
Relocate  
appropriate  
statute

7 Sec. 33.16.240. ACCESS TO LAW BY PRISONERS. The commissioner  
8 shall make available at each correctional facility in the state and at  
9 each correctional facility outside the state at which a prisoner of the  
10 state is maintained a current edition of Alaska Statutes, of the Alaska  
11 Administrative Code, and of the Alaska Rules of Court.

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

15 Sec. 33.16.260. DISCHARGE OF PAROLEE. (a) The board retains  
16 legal custody of a <sup>discretionary</sup> parolee until the expiration of the maximum term or  
17 terms to which the parolee is sentenced less a good time allowance  
18 provided by ~~AS 33.16.170~~ and AS 33.20.010. *Legal custody of MADD. Parolee  
until max. sent, less 180 days.*

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

X  
MUST  
HAVE  
ANOTHER  
Sentence  
part

See HHS  
225  
modification

23 (c) A parolee who has been on parole for five years and who has  
24 not been charged with a felony since entering parole shall be discharged  
25 from parole and from the custody of the board. A parolee who is charged  
26 with a felony within the five years remains in the custody of the board  
27 pending a final decision on the charge. If the parolee is acquitted or  
28 the charge is dismissed, the board shall discharge the parolee from  
29

DELETE

custody.  
CUMBERSOME

Insert 4B 225 wording

1           Sec. 33.16.270. DISCRETIONARY DISCHARGE OF PAROLEE. The board  
2 may discharge a parolee from supervision and the custody of the board  
3 and from further liability under his sentence after the parolee has  
4 completed two years of parole. *Must review annually after 2 yrs on parole*

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

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

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

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

26           (d) At a hearing under this section, the commissioner has the  
27 burden to show that parole should be revoked by ~~the board~~  
28 evidence.

29           (e) If after the hearing the board determines that a violation of

DELETE & USE HB 225 WORDING

HB 225

1 a condition of parole has occurred, it may revoke a portion of the  
2 parole granted, change the conditions of parole, or cancel a portion of  
3 the good time earned on parole. If the board does not revoke a portion  
4 of the parole granted, the parolee shall be released from confinement  
5 and continued on parole under terms and conditions established by the  
6 board.

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

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

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

17 Sec. 33.16.300. ARREST OF PAROLE VIOLATOR. (a) A parolee charged  
18 with violation of a condition of his parole may be arrested only on a  
19 warrant for arrest issued by <sup>the board or a member of the Board</sup> a parole officer based on probable cause  
20 to believe that a violation of the condition of parole has occurred.

21 (b) A parolee may be arrested <sup>by a parole officer or at the direction of a parole officer</sup> without a warrant for his arrest  
22 for a violation of a condition of parole only under exigent conditions  
23 which require immediate arrest.

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

29 (b) The parole officer shall immediately notify the board or a

Same as P. 11

X  
X

1 member of the board of an arrest under (a) of this section. If the  
2 arrest was without warrant, the parole officer shall immediately provide  
3 the board or a member of the board with a report in writing indicating  
4 in what manner the parolee violated a condition of his parole. *and why*

*the arrest was made without a warrant.*

5 Sec. 33.16.320. APPLICABILITY TO PERSONS ON PAROLE OR INCAR-  
6 CERATED. (a) This chapter applies to all persons convicted and sen-  
7 tenced in the superior court and the district courts of the state.

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

15 Sec. 33.16.330. DEFINITIONS. In this chapter

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

17 (2) "commissioner" means the commissioner of health and  
18 social services;

19 (3) "department" means the Department of Health and Social  
20 Services;

*(A) "discretionary parole"*  
*(B) "mandatory parole"*  
21 (4) "parole" means the release of a prisoner to the community  
22 by the board or by operation of law before the expiration of his term,  
23 subject to conditions imposed by the board and subject to its super-  
24 vision;

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

27 • Sec. 2. AS 44.66.010(a)(3) is amended to read:

28 (3) [STATE] Board of Parole (AS 33.16.010) [(AS 33.15.010)]

29 June 30, 1985 [1980];

1986

Insert Sec. 3. fm. HB 225.  
Cleaner language & intent!

1 \* Sec. 3. AS 33.20.040(a) is amended to read:

2 (a) A prisoner serving the term or terms for which he was sen-  
3 tenced less good time deductions shall be released unconditionally if  
4 there remains less than 180 days to serve under his sentence. If there  
5 remains more than 180 days to serve under his sentence a prisoner shall  
6 be released on parole under AS 33.16.100(c) [, UPON RELEASE, SHALL BE  
7 CONSIDERED AS IF RELEASED ON PAROLE] until the expiration of the maximum  
8 term or terms for which he was sentenced less 180 days.

9 \* Sec. 4. AS 33.15 is repealed.

10 \* Sec. 5. AS 33.10 enacted in sec. 1 of this Act applies to persons on  
11 parole or being considered for parole on the effective date of this Act

12 \* Sec. 6. The terms of the members of the Board of Parole appointed  
13 under AS 33.15.010 terminate on the effective date of this Act. The governor  
14 shall appoint members to the Board of Parole established under AS 33.16.010  
15 enacted in this Act for the following initial terms: two members for five-  
16 year terms; two members for four-year terms; one member for a three-year  
17 term; one member for a two-year term; and one member for a one-year term.

18 \* Sec. 7. This Act takes effect July 1, 1981.

19  
20 See HB 225 Lang - for 5 members.  
21  
22  
23  
24  
25  
26  
27  
28  
29

Sec. 1

Sec. 33.16.010. Established (7) member Parole board appointed by governor and subject to confirmation of majority of legislature. Set 5 yr staggered terms and provides for filling vacancies and designation of presiding officer.

Sec. 33.16.020. Provides that board shall be representative of population of state.

Sec. 33.16.030. Sets out criteria for board member selection.

Sec. 33.16.040. Established procedures for removal of member of the Parole Board.

OK  
OK  
OK  
Sec. 33.16.050. Provides \$100/day compensation and per diem and travel allowances as provided by law for other boards and commissions and shall be adjusted according to Anchorage CPI.

Sec. 33.16.060. Established that the parole board meet at least 4 times/year, sets quorum at 4 and majority at 3 members.

Sec. 33.16.070. Establishes authority to issue subpoenas.

Sec. 33.16.080. Delineates responsibilities and role of board including an advisory role to legislature and commissioners in the executive branch. Provides for the adoption of regulations under Administrative Act (AS 44.62).

Sec. 16.050. Provides for an executive director and staff.

Sec. 33.16.100. Outlines parole eligibility.

Sec. 33.16.110. Provides that the court may fix a parole eligibility date for terms of imprisonment over 1 year.

Sec. 33.16.120. Sets out criteria to be considered when granting parole to a prisoner.

Sec. 33.16.130. Sets out sources of information to be used when considering a prisoner for parole.

Sec. 33.16.140. Exempts lack of treatment as sole basis for denial of parole.

- Sec. 33.16.150. Sets up guidelines for hearings and outlines prisoners; rights.
- Sec. 33.16.160. Provides for written order of parole.
- Sec. 33.16.170. Allows good time to be computed while person is on parole.
- Sec. 33.16.180. Lists possible conditions to be imposed on parole.
- Sec. 33.16.190. Provides for hearings on applications for changes in parole conditions.
- Sec. 33.16.200. Provides for parolee's waiver of hearings.
- Sec. 33.16.210. Establishes the confidentiality of records and information regarding a prisoner.
- Sec. 33.16.220. Provides for appeal of board decision to superior court.
- Sec. 33.16.230. The commissioner is responsible for investigations, supervision and rehabilitation of parolees, parole personnel, and maintenance of records.
- Sec. 33.16.240. Charges the commissioner with making statutes, Administrative Code and Rules of the court available to all prisoners.
- Sec. 33.16.250. Gives commissioner authority to assign duties to probations officers.
- Sec. 33.16.260. Defines the date of discharge and legal status of a parolee.
- Sec. 33.16.270. Allows for discharge by board after 2 years.
- Sec. 33.16.280. Jurisdiction of warrants over parolee.
- Sec. 33.16.290. Revocation process; hearing, scope of determination.
- Sec. 33.16.300. Establishes probable cause requirement as basis for warrant for arrest on parole violation.
- Sec. 33.16.310. Authorizes parole or peace officer to issue warrant under 33.16.300.
- Sec. 33.16.330. Definitions.

Sec. 3

Sec. 33.20.040(a) Changes language regarding unconditional release.

Sec. 4

AS 33.15. repealed

Sec. 5

AS 33.16 application defined

Sec. 6

Effective dates  
parole board composition changed and new members appointed by Governor in staggered terms.

Sec. 7

Effective date.

TABLE I

STATISTICAL DESCRIPTION OF  
PRESUMPTIVELY SENTENCED  
CLASS B AND C  
FELONIES

(1980 URBAN COURTS)

I. Class C Offenders:

	<u>N of Cases</u>	<u>% of N</u>	<u>Mean Active Sentence</u> <u>(In Months)</u>
Under 24 Mos.	2	6.2%	18.0
24 Mos. (Presump)	18	56.3%	24.0
Over 24 Mos.	<u>12</u>	<u>37.5%</u>	40.5
	<u>N=32</u>	= <u>100.0%</u>	

*average*  
*i.e. 40% get more*

II. Class B Offenders:

	<u>N of Cases</u>	<u>% of N</u>	<u>Mean Active Sentence</u> <u>(In Months)</u>
Under 48 Mos.	4	20.0%	27.0
48 Mos. (Presump)	6	30.0%	48.0
Over 48 Mos.	<u>10</u>	<u>50.0%</u>	72.0
	<u>N=20</u>	= <u>100.0%</u>	



# 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.

---

Rayona L. Barnes

---

Fred E. Brown

---

Thelma Buchholdt

---

Hugh Malone

---

Terry Martin

---

Patrick M. O'Connell

---

Randy Phillips

TABLE II

STATISTICAL DESCRIPTION  
OF NON-PRESUMPTIVELY SENTENCED  
CLASS B AND C FELONIES  
FOR OFFENDERS WITH A  
PRIOR FELONY CONVICTION

(1980 URBAN COURTS)

I. Class C Offenders:

	<u>N of Cases</u>	<u>% of N</u>	<u>Mean Active Sentence (In Months)</u>
Under 24 Mos.	23	51.1%	9.0
24 Months	14	31.1%	24.0
Over 24 Mos.	8	17.8%	36.0
	<u>N=45</u>	= <u>100.0%</u>	

*1.0, 5/10 get less*

II. Class B Offenders:

	<u>N of Cases</u>	<u>% of N</u>	<u>Mean Active Sentence (In Months)</u>
Under 48 Mos.	20	83.3%	21.7
48 Months	1	4.2%	48.0
Over 48 Mos.	3	12.5%	72.0
	<u>N=24</u>	= <u>100.0%</u>	

STATISTICAL DESCRIPTION  
OF PRESUMPTIVE  
CLASS A  
FELONY SENTENCES

(1980 URBAN COURTS)

I. First Felony Offenders:\*

	<u>N of Cases</u>	<u>% of N</u>	<u>Mean Active Sentence (In Months)</u>
Under 72 Mos.	4	50.0%	58.5
72 Mos. (Presump)	4	50.0%	72.0
Over 72 Mos.	0	0.0%	----
	<u>N=8</u>	= <u>100.0%</u>	

II. Repeat Offenders:

	<u>N of Cases</u>	<u>% of N</u>	<u>Mean Active Sentence (In Months)</u>
Under 120 Mos.	0	0.0%	----
120 Mos. (Presump)	1	25.0%	120.0
Over 120 Mos.	3	75.0%	200.0
	<u>N=4</u>	= <u>100.0%</u>	

\* A six year presumptive term applies if first A felony conviction other than manslaughter, a defendant used or possessed a firearm during the offense or caused serious physical injury.

STATISTICAL DESCRIPTION  
OF NON-PRESUMPTIVE  
CLASS A FELONY  
SENTENCES

(1980 URBAN COURTS)

I. First Felony Offenders:

	<u>N of Cases</u>	<u>% of N</u>	<u>Mean Active Sentence (In Months)</u>
Under 72 Mos.	17	85.0%	22.8
72 Mos.	0	0.0%	----
Over 72 Mos.	<u>3</u>	<u>15.0%</u>	100.0
	N=20	= <u>100.0%</u>	

II. Repeat Felonies:

1 case at 240.0 months to serve.

# MEMORANDUM

# State of Alaska

TO: Barbara Wilkins  
House HESS

DATE: January 25, 1982

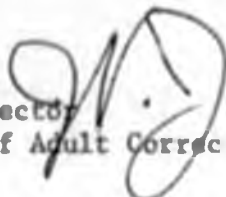
FILE NO: Document# 18-82

TELEPHONE NO: 465-3376

SUBJECT: Requested Date



~~XXXX~~ Allen Korhonen  
THRU: Deputy Commissioner  
Department of Health and Social  
Services

FROM: Walt Jones   
Acting Director  
Division of Adult Corrections

The attached material is in response to your request of January 22nd. We attached current best-fit linear projections of average Adult Correctional populations for January dates through 1987. We also have provided a copy of our charts showing monthly averages and annual admissions from 1974 through 1981. A bar graph which is included shows admission rates by offense for the combined fiscal years 1975 through 1981.

Attachments  
AK/WJ/rj

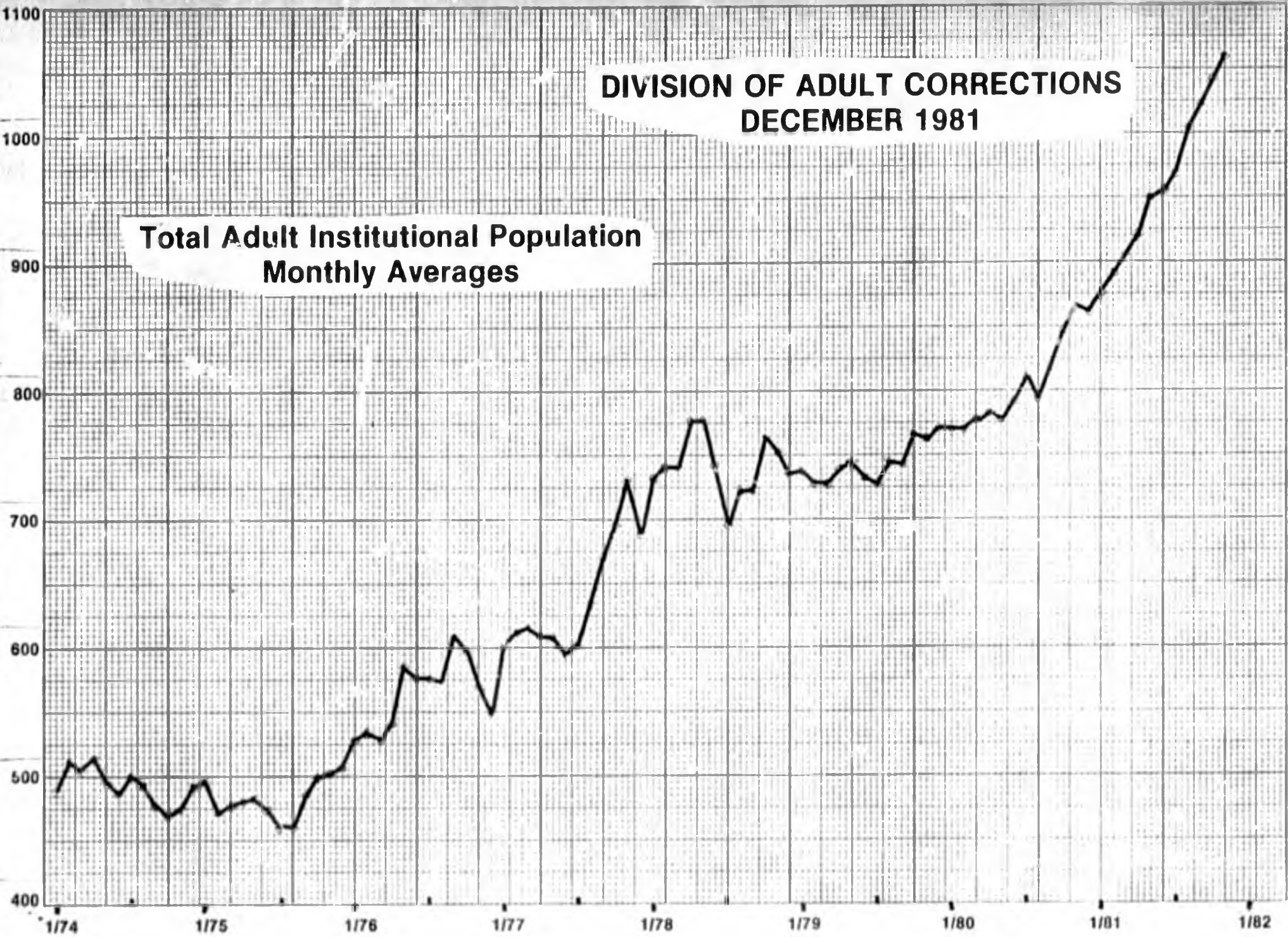
Date	Projected Population*
January 1982	1066
" 83	1236
" 84	1405
" 85	1574
" 86	1743
" 87	1912

\* Average monthly headcount

Note: These projections are based on the rate of growth which has been sustained since January 1980 (the date of commencement for the revised criminal code). There is no certainty however that this growth rate must continue and in view of the number of pending legislative changes, etc. it is reasonable to expect that it will change. The equation for this projection line is a linear function ( $\bar{y} = 14.099x + 713.891$ ). The "slope" (rate of growth) implies an average monthly increase of about 14 inmates. Our historical growth based on complete data since January 1974 shows a more moderate rate equal to approximately 5.6 per month.

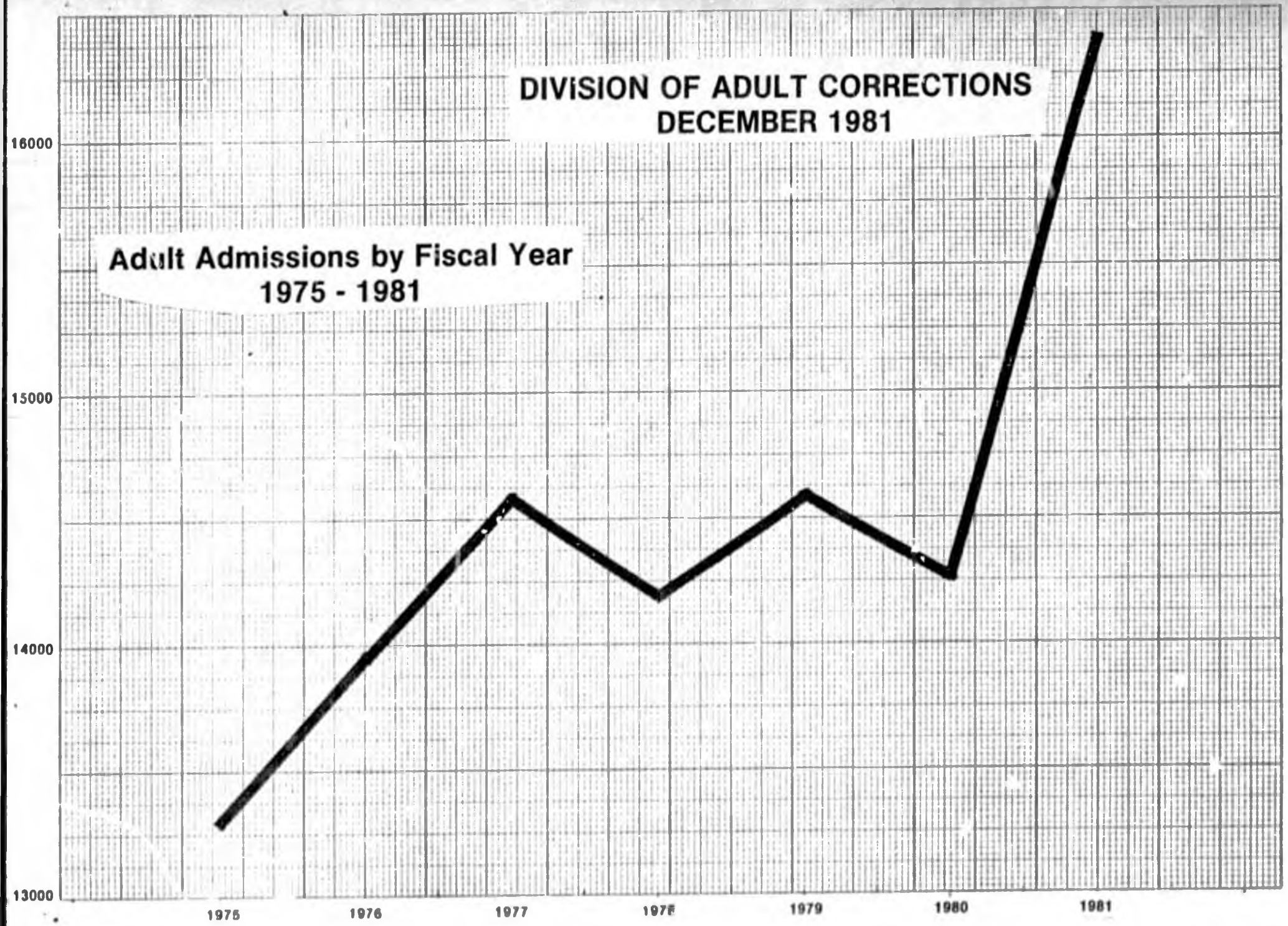
**DIVISION OF ADULT CORRECTIONS  
DECEMBER 1981**

**Total Adult Institutional Population  
Monthly Averages**



**DIVISION OF ADULT CORRECTIONS  
DECEMBER 1981**

**Adult Admissions by Fiscal Year  
1975 - 1981**



RANK →

100,159 Admissions for the Twenty-five most common offenses: 1974 - 1981 - (Based on 107,695 Total Admissions)

Offense	Rank
OMVI (23417)	1
Off Ag. Court (910)	2
Larceny, Theft (626)	3
Traffic, Motor Vehicle Laws (757)	4
Disord. Conduct (7357)	5
Assault (497) (7051)	6
Bench Warrant (4527)	7
Drunkene (4477)	8
Burglary (3224)	9
Susp. Trespass. (2341)	10
Disord. Conduct (other) (2244)	11
Fraud (1497)	12
Possession of Control. Substance (1884)	13
Liquor Law Viol. (1874)	14
Weapons (1713)	15
Probab. Violation (1638)	16
Sale, Distr of Control. Substance (1520)	17
Prostitution (1364)	18
Vandalism (1351)	19
Rebery (1237)	20
Sex Offenses (1181)	21
Assault (other) (982)	22
Stolen Property (928)	23
Boyziding (928)	24
Murder, Negl. Manslaughter (607)	25
Rape (594)	26
Fugitive, AWC (601)	27

Alaska = OVI, L. Lic. Inv.  
 Ark, Prunkene, Fed. Lic. Inv.  
 (California) = assault, burglary, vandalism, weapons, drunkene, weapons  
 (Illinois) = sale, possession, weapons  
 Ex. Marriage Law

25 most com  
 n = 93% of all  
 also missing 2 yrs, 2 mo, 2 w, 2 d, etc (Total)

107,695 Bookings (74-81)  
 Off. Ag. Court %  
 percentage of court  
 1/2 to 1/3 of court  
 1/2 to 1/3 of court

STANDARD FORM SIZES  
 SAME AS SHEET  
 EXCISE  
 BINDER AT  
 PASTED AT  
 COPY NO. OF  
 FOR COMBINED ORDERS ONLY

THE PAROLE SYSTEM

The Commission has considered the purpose and administration of parole systems and recommends that, in its present form, parole be abolished in Alaska. It is recommended that some of the functions purported to be served by parole be abandoned and that the board be eliminated in its entirety.

To provide protection to the public in the sensitive post-release period and guidance to the newly released offender, the Commission recommends that every prisoner serve a period of conditional release akin to probation.

Under the proposal, a convicted offender may serve up to half of his sentence on this conditional release, which may be called "mandatory probation", depending upon his behavior in prison and out. For a model prisoner, half the sentence will be "good time", served on mandatory probation. Any revocation of such release will be handled according to the standards and procedures for probation, generally. Cancellation of "good time" for an offender in custody will be handled according to procedures now mandated by law.

Before exploring further the mechanics and merits of the proposed new system, a review of the principal objections to the present system of parole is in order.

David Fogel, Executive Director of the Illinois Law Enforcement Commission, in a monograph entitled "We are the Living Proof..." written while in residence at the Harvard Law School Center

for Criminal Justice commented on the fact that confusion and aimlessness in sentencing and parole are reflected in the quality of prison life:

"Like both, it too is effectively ruleless. How could it be otherwise with 95% of its prisoners unable to calculate when they will be released or even what, with a degree of certainty, is demanded of them for release candidacy by parole authorities?"\*

The uncertainty created by the present system of parole makes parole a serious enemy of the rehabilitative process and contributes significantly to problems otherwise inherent in depriving individuals of their liberty.

Those who favor the parole system generally offer two grounds in support of their position.

"First, virtually everyone convicted and sent to a correctional institution is destined to return to live in the community. He can be discharged outright with no continuing responsibility on his part to that of the state, or he can be released under supervision at an optimal time and given help in finding a way to live within the law. From this perspective, parole is simply a form of graduated return to the community, a sensible release procedure.

"A second major argument is that a parole board can better judge the precise time at which an inmate should be released. The sentencing judge cannot foretell what new information may be available to a parole board or what

---

\*Fogel, *We are the Living Proof*, p. 18, Chapter 4. Unpublished Monograph, 1975.

circumstances might arise which would render one time more favorable than another for an inmate's release. A paroling agency also has the advantage of being able to observe the behavior of the offender when he is in confinement. A corollary to this argument is the idea that a parole board can more objectively appraise the offender when the passions aroused by his offense have cooled."\*

While these are undoubtedly valid arguments for the existence of some form of reconsideration of sentence, there are those who offer another reason for parole.

"Though it is seldom stated openly, parole boards often are concerned with supporting a system of appropriate and equitable sanctions. This concern is reflected in several ways, depending upon a jurisdiction's sentencing system. One of the most common is through parole decisions seeking to equalize penalties for offenders who have similar backgrounds and have committed the same offense but who have received different sentences." (Emphasis added)\*\*

Briefly stated, parole finds its raison d'etre in the concepts of proof of rehabilitation, leniency or sovereign grace, or equity. Implicit in these concepts are the assumptions that judges are human and will from time to time err in their sentencing decisions and that offenders as humans can change in character and behavior.

The question remains, however, whether or not a parole system is the only means to these ends. The Commission has concluded that the parole board is a poor instrument for measuring rehabilitation, dispersing charity or equalizing sentences.

\* O'Leary, "Issues and Trends in Parole Administration in the United States." 11 Am. Crim. Law J. 100-101. (1972)

\*\* "Corrections" National Advisory Commission on Criminal Justice Standards and Goals (G.P.O. 1973) pp.393-394.

These arguments for parole assume that a parole board is in a position to judge the arrival of an "optimal time". One can legitimately question the efficacy of this assumption. Measuring the success of parole judgements by the frequency of return to prison by those released, the validity of this assumption is highly questionable.

In 1974 the "Citizens Inquiry on Parole and Criminal Justice in New York City" reported the results of their investigation of that state's parole system. Over four years they looked at those who were returned to prison within a year of release. The study groups included those who were released on parole and those who were denied parole and served their full sentences. Overall, there was no significant difference in the return rates for the two groups: about 10-11 percent in each went back within a year's time.\*

Findings of a similar nature have occurred in other jurisdictions.\*\* The results call into serious question the ability of a parole board to judge who is and who is not rehabilitated and the fairness of a discretionary system which cannot meet this criteria.

This result can be only partly blamed on the quality of parole board membership, if at all. In nearly every state one

\* Citizen's Inquiry on Parole and Criminal Justice. "Report on New York Parole." (New York City, 1974)

\*\* See also, Kastenmeier and Eglit, "Parole Release Decision Making" 22 Am. U. L. Rev. (Spring 1973) 477-525.

board sits to review the records of all prisoners incarcerated within the state. Interviews with the prisoner are usually held, but what do they really reveal? Most involve substantial game playing by the prisoner. But even when this is not the case, the incentive to tell the board what it wants to hear is very strong. Parole Board members, generally speaking, are not full-time employees of the criminal justice system.

When not proceeding on dubious intuitive judgments derived from the interview process, the parole board relies upon corrections officials for their information on the progress, or lack thereof, of the prisoner. Since most prisoners must serve a minimum period of time (anywhere from one-third or more of the sentence) before they become eligible for parole, thousands of events transpire upon which corrections officials can form a judgement. Obviously, reporting of this behavior is, inherently, highly selective and thus of questionable reliability.

Even if the board is presented with good information it must still decide how the prisoner is going to act when released to the community. Therein lies the crux of the matter. Predicting human behavior is no small feat under any circumstances. The hard fact is that attitude and behavior behind bars is not an indication of attitude and behavior on the street.

Parole as a moderating influence on sentence assumes that the parole board can more objectively appraise the offender when the passion aroused by his offense have cooled. While this

Alternative methods for providing sentence equalization include strengthening of appellate sentence review,\* extension of the time or the creation of new time intervals (with appropriate safeguards) within which application may be made to the court for sentence revision under the rules of court; and, executive clemency. In general a detailed examination of these recourses is beyond the scope of our report this year. It is sufficient to note that they are all legitimate avenues for modification of sentence and, in our present view, all better adopted to this purpose than parole determination.

Societal charity or "giving the offender a break" is frequently considered as one of the basic concepts underlying parole systems. This role may explain why clergymen are frequently appointed to parole boards, presumably as official dispensers of the sovereign's grace. However, there is no statistical data supporting the rationality with which charity is dispersed. Offenders released on parole appear just as likely to be recidivists as those released unconditionally according to one survey. A 1967 study by the Federal Bureau of Prisons of all prisoners released in the United States in 1964 revealed that the median time served by paroles was 21.1 months, while those discharged unconditionally served only 20.1 months. Moreover, these figures do not indicate how much additional time was served by the parolees for violation of parole conditions.

\* As extensive review of experience under the 1969 Alaska sentence review legislation is set out in "Five Years of Sentencing Review in Alaska", Erwin, Robert C., 5 UCLA-Alaska Law Rev. 1 at page 1.

The arbitrariness of parole procedures as well as the substance of parole decisions has come increasingly under attack. A recent survey conducted by O'Learly and Nuffield\* found that:

"Parole boards were found to be moving away from their roles as autonomous decision makers and instead are developing an expanded function as part of larger departments of corrections. Parole board members are now, to a greater degree than a few years ago, full time personnel serving longer terms of office - perhaps an indication of a trend towards increased professionalism. Procedures at parole release hearings have not changed much in recent years, except for the manner of informing the inmate of the board's decision. On the other hand, procedures at revocation hearings have shown an increased tendency to accord the offender the right to a number of due process safeguards, a trend that was clear even before the requirements set forth in the recent Supreme Court decision in Morrissey v. Brewer."\*\*

As Alaska's prison population has grown, and the weakness of charitably oriented parole has been more manifest, the national trend towards full time boards and staff for the parole system has increasingly discussed as an option for this state. The Commission's proposal for abolishing parole would obviate the necessity of funding for an elaboration of parole professionals.

In lieu of a parole system, the Commission is recommending a system of "good time" served as mandate of probation. For every day a prisoner spends in an institution following its rules his sentence is reduced by a day. Nothing else a prisoner does will result in faster release.

\* O'Leary and Nuffield, "A National Survey of Parole Decision Making." *Crime & Delinquency* July 1973 pp. 378-393.

\*\* Ibid, at 378.

This system will require the Division of Corrections to establish where they have not done so, specific rules of conduct and guides to behavior providing adequate notice to inmates concerning their nature and the penalties which can be imposed for violations. This is not an unreasonable burden on the institution and should result in a more orderly life within institutions, both for inmates and correctional personnel.

Revocation of "good time credit" should result only after an administrative hearing at which the inmate can defend himself according to procedures now generally applicable to good time loss hearings. While we do not propose the adoption of all standards applicable to a probation revocation to an administrative hearing on loss of good time, almost any process would be a clear advance over parole denials at which inmates have almost no procedural rights. Both sides will know in advance what their rights and responsibilities are, and what consequences will flow from disregard of those factors. This system will introduce a new degree of certainty to prison life.

Moreover, because "good time" under this proposal would be the only avenue to early release, the Division of Corrections may find that its rehabilitation programs will become more relevant or even undergo changes in their basic nature. Unquestionably, inmates gravitate towards rehabilitation programs within institutions which they perceive as having current favor with parole boards

rather than those which might be most appropriate to their need or real personal interest. Too frequently, an individual who has no desire to honestly participate in a rehabilitation program will do so because it will look good on his record at parole hearings. These kind of participants inject a motivational distortion disruptive to those who are participating for more sincere reasons.

Elimination of parole con games would create an atmosphere in which it would be desirable to give a more substantial voice in the type of programs offered within institutions to inmates. The result might be an improvement in over-all rehabilitation programming. At the very least one might assume that day-to-day conditions within institutions should improve since the inmates would be engaged in activities serving their goals as opposed to activities serving the ends of the correctional system.

In sum, under a "good time" procedure a prisoner knows the day he enters prison how much time he will have to serve and under what conditions. If his behavior conforms to institution rules and regulations he knows when he will be released. This system removes most release-related incentive for an inmate to participate in rehabilitation oriented programs and allows the programs to operate and be evaluated according to their real justification.

As earlier indicated, though a prisoner may be a model, the special jurisdiction of the criminal justice system over him does not end until his full sentence is served. Earned good time converts to mandatory probationary time in which the state

can both assist in and evaluate the offenders readjustment to society for up to two years.

It is contemplated that the offender will serve his mandatory probation according to general conditions of probation similar to those now used in Alaska but subject to piecemeal release of condition at the discretion of the division of corrections, based upon the necessity of close supervision and other criteria. The condition that no offense be committed during the period of probation would be unreleasable. Just as with probation as now administered, this would give the prosecutor the option of proceeding on a lesser standard of process and proof for minor offenses which could be served within the remaining mandatory probationary time. There is no extension of mandatory probation however without a fresh conviction.

This system of mandatory probation should in many cases relieve the judge of the necessity of imposing a sentence of probation on condition that the offender first serve a certain amount of time in jail, an existing practice which causes some confusion among the public. It is not intended to restrict existing judicial prerogatives to impose additional terms of probation, probation in lieu of imprisonment etc. (except where barred by mandatory sentence requirements.).

Granted, the proposal does not meet the complaint of those who point out that straight time allows an individual who simply

follows the rules to be released from prison in precisely the same condition character-wise as he entered. However, all the data currently available on the success of prison-run rehabilitation programs strongly suggests that straight time would produce no major change in current results.\* It should be clear, however, that the Commission is not questioning the validity of rehabilitation programs currently being offered in Alaska or suggesting that they be abandoned. We are only pointing out that elimination of a system which offers the wrong incentives to participate in such programs is not likely to result in increases in recidivism among inmates after their release from prison.

\* While evaluation of rehabilitation programs is not of immediate concern to the Commission, we can not ignore the impressive array of studies which indicate the general failure of rehabilitation programs within prisons, whatever their nature, to have any appreciable impact on recidivism rates. See generally: Martinson, "What Works? - Questions and Answers About Prison Reform" The Public Interest (Spring 1974) pp. 22-54; Hood, "Research on the Effectiveness of Punishments and Treatments," in Crime and Justice, ed. Leon Radzinowicz and Marvin Wolfgang (New York: Basic Books, 1971), vol. 3 pp. 159-182; Barley, "Correctional Outcome: An Evaluation of 100 Reports," in Crime and Justice, supra, vol. 3, p. 190; and, Wilkins, Evaluation of Penal Measures (New York, Random House, 1969), p. 78.

## GOOD TIME AND ITS RELATION TO PAROLE

The Commission has recommended that the system of credit towards early release from sentence, usually called "good time", replace the present parole system. (A detailed explanation of the Commission's reasons supporting this decision can be found in the preceding comments on parole.)

Though Section 21 of Article III of the Alaska Constitution mandates that a system of parole be provided by the legislature by law, we take the view that enactment of the good time system as modified in this proposal includes sufficient characteristics of parole to meet the constitutional standard even though we concluded that the use of the term "parole" in the contemporary context might be misleading.

The Commission recommends that A.S. 33.20.010 - 50, be modified or repealed should legislative action be taken on this proposal to conform with those recommendations.

The Commission recommends that the Legislature provide for a good time system by statute, leaving the matter of development of administrative guidelines to the Division of Corrections.

To facilitate administration of the good time system the Commission recommends that the statute establishing it provide for a day of credit towards release for each day of the sentence served in conformity with division rules and regulations. This standard should apply to all sentenced prisoners, regardless of the crime for which they were convicted.

The Commission also recommends that the Division of Corrections review its rules and regulations governing inmate conduct and the penalties attached thereto in the event a new system of good time is enacted by the Legislature to insure that those rules, regulations and penalties conform to the spirit and intent of the new system.

While the Commission recommends that the Legislature simply provide for the earning of good time and for its forfeiture by statutory enactment, leaving to the Division of Corrections responsibility for the development of guidelines and procedures governing these matters, the Commission does recommend that the decision of the Alaska Supreme Court in McGinnis, et. al. v. Stevens, et. al. (No. 1207, December 1, 1975), as it applies to good time, serve as a model in developing guidelines and procedures for administration of the recommended system.

The Division's current practice of maintaining a "time accounting sheet" on each inmate should be continued and the practice of making it available to the inmate upon request maintained under the new recommended system. Similarly, the Division should continue under the new system its practice of providing all new arrivals at institutions with written copies of the rules, regulations and procedures for that institution.

In so far as release from sentence resulting from good time served is concerned, the Commission recommends that such release not be unconditional since it is a new form of parole. The balance of the time remaining on the original sentence should be served by

the inmate under conditions established by the Division of Corrections. Those conditions should be set on a case by case basis. They should be designed to reduce the likelihood that the inmate will recidivate upon release. The range of options open to the Division should correspond with those normally associated with conditions of probation.

Violations of the conditions set at the time of good time release should be dealt with in the same manner as violations of the conditions of probation. That is, procedures for the revocation of probation which are in use at the time of violation of conditions of good time release should govern revocation of the latter.

During the period of release on good time, an individual should not be subject to search and seizure except upon issuance of a warrant or a showing of probable cause.

The Commission recommends that regardless of the length of time remaining on the sentence as a result of good time release, a maximum of two years be the limit of supervision under good time release.

Lastly, the Commission is aware that an occasion may arise in which an inmate, in view of corrections personnel, should be released from prison prior to the time at which he would be eligible for release under a good time system. In those circumstances, the Commission feels it would be appropriate for the Division to petition for executive clemency under A. S. 33.20.070.



AMERICAN CORRECTIONAL ASSOCIATION

**STANDARDS**  
**for**  
**Adult Parole Authorities**

**Second Edition**

In cooperation with the  
**COMMISSION ON ACCREDITATION  
FOR CORRECTIONS**



Funded by the Standards Program Management Team, Office of  
Criminal Justice Program, Law Enforcement Assistance Administration,  
United States Department of Justice

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This project was supported by Grant #79-ED-AX-0007 and #79-ED-AX-0007 S-1 awarded by the Law Enforcement Assistance Administration, United States Department of Justice. Points of view or opinions stated in this publication are those of the American Correctional Association and do not necessarily represent the official position of the United States Department of Justice.

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## ORGANIZATION AND ADMINISTRATION

### *Organization and Legal Basis*

**2-1001** The jurisdiction has a single authority provided by statute which has parole decision-making power with respect to all offenders convicted of a felony who are sentenced to a term of imprisonment and are eligible for discretionary parole. (Important)

**DISCUSSION:** Jurisdiction refers to a governmental level parole authority\* which handles convicted felony offenders. In order to ensure uniformity of procedures and to lessen the probability of disparate decisions, it is important that there exist a centralized source of parole decision-making in a given jurisdiction. Decision-making is defined here to mean release, revocation, and the establishment of the conditions of release. This does not exclude certain juveniles or misdemeanants under the authority's jurisdiction.

**2-1002** When the parole authority is administratively part of a federal, state or local overall correctional agency, it is independent from the control of any of the units in the agency in its decision-making functions. (Essential)

**DISCUSSION:** A central principle of parole decision-making is that a parole authority should base its decisions on an objective assessment of the needs of the offender and the community. Thus, while a parole authority needs to be sensitive to the views of many persons, particularly those who have responsibility for operating correctional programs, the authority must retain its autonomy if it is to serve its purposes. A wide variety of factors may be properly weighed in reaching its conclusions. However, the authority must resist outside efforts to unduly attempt to influence its decisions, such as those of the affected institution. (See related standard 2-1007)

**2-1003** While parole investigation and supervisory staff may be administratively independent from the parole authority, they are responsive to the authority in all areas determined by statute, policy\* or procedures.\* (Important)

**DISCUSSION:** There must be a cooperative effort between the parole authority, and the parole investigation and supervisory staff in order to provide the offender with the best possible supervision. Feedback on the status of parolees is important to the parole authority's decision-making process. Likewise, changes in parole authority policy and procedure or conditions of parole can affect the work of parole supervisory staff.

**2-1004** The parole authority has the power to require that general and specific conditions of parole be enforced during the supervision of parolees. (Essential)

**DISCUSSION:** Since a parole authority frequently bases its decisions on the assumption that certain specific procedures will be followed by parole supervisory staff, the authority should have the power to specify general and specific conditions regarding the supervision of parolees. This power should be indicated no matter where the administrative responsibility for field staff is located.

## ORGANIZATION AND ADMINISTRATION

**2-1005** All staff, including any hearing examiners\* employed by the parole authority, are directly responsible to the authority with respect to carrying out the policies of the authority. (Essential)

**DISCUSSION:** Hearing examiners should be considered staff of the parole authority and directly responsible to the authority both administratively and operationally. The decision to grant, deny or revoke parole may be assigned to the hearing examiners. (See related standard 2-1047 and 2-1115)

**2-1006** The parole authority has the legal power to secure prompt and full information which it deems necessary from courts, probation, institutions, parole, halfway houses, and other agencies or staff which would be applicable. (Essential)

**DISCUSSION:** A parole authority cannot operate without the kinds of information necessary for its task. It is crucial that timely and accurate information be made available from the required sources in a form useful to parole decision-makers. Though the parole authority has legal authority to require the submission of such information, it should collaborate with the agencies involved in developing the means through which it is to be delivered and the format in which it is to be presented.

**2-1007** The parole authority has power to grant or deny parole and does not serve merely as an advisory body to another official or agency (Essential)

**DISCUSSION:** In order to achieve competent and impartial parole decision-making, with sound policies and their consistent application, the parole authority should have the power to act with finality. Serving simply as an advisory board to an elected or appointed state official does not meet this test. Such arrangements negate the required autonomous character of parole decision-making. (See related standard 2-1002)

**2-1008** The parole authority has the statutory power to cause the arrest of parolees until the power to revoke parole. (Essential)

**DISCUSSION:** Basic to the functioning of the parole authority is the capacity to revoke as well as to grant parole. As with the power to grant parole, the authority's power to arrest and to revoke should be indicated by statute. Parole field staff may arrest parolees on the issuance of detention warrants.

**2-1009** While the existence of a statutory limit may prevent discharge prior to two years of parole, the parole authority has the statutory power to discharge from parole in all cases subsequent to this limitation. (Essential)

**DISCUSSION:** It is sometimes costly to the resources of the jurisdiction, frequently an unnecessary impediment to a parolee, and always unfair to require a person to remain under parole supervision when it has been demonstrated that neither the jurisdiction nor he or she will benefit from continued parole supervision. The power to discharge from parole in some jurisdictions may apply only after statutory minimums of not more than two years have been met. Even if this is the case, the authority should have the ultimate power to discharge from parole. (See related standard 2-1124 and 2-1125)

**2-1010** When requested in matters of clemency, the authority conducts an investigation, provides necessary factual information and, when requested, makes a recommendation to the clemency authority. (Essential)

**DISCUSSION:** Forms of clemency include pardon, commutation of sentence, reprieve and remission of fine. Statutes govern eligibility, specific requirements and the method for obtaining clemency. Most often the parole authority is advisory to the governor in matters of clemency. When a request is made the authority should complete a thorough investigation covering all requirements of the law or the requesting body. When requested, the authority should make a recommendation regarding the granting of clemency.

**2-1011** Written policy and procedure govern the handling of clemency requests when the authority is empowered to handle them. (Important)

**DISCUSSION:** Policy and procedure should be developed to encompass all aspects of clemency, although some types of pardons, such as those of "innocence," are handled through the courts. Pardons of "forgiveness" generally stipulate a time period between the completion of sentence and the time of petition for pardon. They require the individual to have shown respect for the law and obedience to it during that period. Parole authority policy and procedure should be developed with the governor's office or other appropriate body regarding the steps in the process. When a recommendation on clemency is requested it should be made based on the unanimous vote of the full authority.

### *Administration and Staffing*

**2-1012** The parole authority has a current organizational chart that accurately reflects the structure of authority, responsibility and accountability within the agency. The chart is reviewed annually, and updated if needed. (Essential)

**DISCUSSION:** A current organizational chart is necessary for providing employees a clear administrative picture. The chart should reflect the grouping of similar functions, an effective span of control, lines of authority, and an orderly channel of communication. Names of units and duties should reflect precisely what is entailed.

**2-1013** The chairperson of the parole authority initiates an annual review by all authority members of the authority's policies; revisions and updating of the policies are undertaken, when necessary. (Essential)

**DISCUSSION:** Although the parole authority chairperson has specific executive responsibilities, it is crucial that all the parole authority members be involved in the development and review of authority policy. The authority chairperson should operate within the policies fixed by the entire authority, moving beyond them only where expedient and with subsequent review. (See related standard 2-1017 and 2-1063)

## ORGANIZATION AND ADMINISTRATION

**2-1014** The parole authority has a policy and procedure manual which is readily available to inmates, parolees, staff and the public and which is reviewed at least annually, and updated if needed. (Essential)

**DISCUSSION:** An administrative manual is important in order to assist staff in understanding the operating procedures of the agency. Important to an effective manual system is the capacity for periodic updating.

**2-1015** The parole authority has sufficient staff to perform its responsibilities efficiently and without accumulating work backlog. (Essential)

**DISCUSSION:** In order to carry out the variety of administrative tasks which are required, the parole authority must be adequately staffed. There must be staff available to systematically prepare needed materials, answer correspondence properly, process legal and administrative documents, schedule and conduct interviews in the office, and prepare documents required by the legislature, executive, and the public. (See related standard 2-1029)

**2-1016** Administrative personnel are available to maintain supervision of the parole authority's staff, not to exceed a ratio of six to one, unless such a deviation can be shown to not impair effective staff supervision. (Important)

**DISCUSSION:** Although ideal ratios of supervisors to staff are difficult to specify, it is clear that sufficient supervisory personnel are needed to make certain that an organization functions well. Therefore, unless a deviation in the span of control can be justified, no more than six staff members should be supervised directly by an administrator.

**2-1017** Written policy and procedure provide for a communications system within the authority that requires, at a minimum, that the authority chairperson meet at least monthly with all authority division heads and/or supervisors, and that all authority division heads and/or supervisors meet monthly with all employees. (Essential)

**DISCUSSION:** Regular staff meetings help ensure open communications among employees. The use of agendas and the preparation of minutes should be required at all staff meetings. (See related standard 2-1013)

**2-1018** Legal assistance is readily available to the parole authority to meet the authority's requirements in policy formulation, to advise in individual cases, and to represent the authority when required before courts and other appropriate bodies. (Essential)

**DISCUSSION:** With present day demands on parole authorities, immediate availability of effective legal staff is required on a continuous basis.

**2-1019** Parole authority headquarters are located in physical facilities which provide privacy for authority members and staff, and which have space and equipment necessary for the effective and efficient processing of business. (Important)

## ORGANIZATION AND ADMINISTRATION

**DISCUSSION:** Adequate facilities can increase the efficiency and quality of the work of the parole authority by providing sufficient space and privacy for hearings. Parole authority members must be able to provide each case the attention and thorough review necessary for a fair and impartial hearing. (See related standard 2-1029)

**2-1020** Offenders are furnished assistance in understanding the parole process, if needed, including written and/or oral translations; this includes the hearing process and the conditions of parole. (Essential)

**DISCUSSION:** When physical or mental handicaps or language barriers prevent offenders under the control of the jurisdiction from fully understanding the parole process, parole conditions, parole procedures, or hearings and appeals, assistance is provided to the offender by personnel qualified in working within the offender's problem area. (See related standards 2-1084 and 2-1102)

### *Planning and Coordination*

**2-1021** The parole authority has a written set of long-range goals and objectives which are reviewed annually, and updated if needed. (Essential)

**DISCUSSION:** Long-range goals and objectives, either developed alone or jointly with the agency of which the authority is part, attests that the parole authority is progressively preparing for the future.

**2-1022** Members of the parole authority annually participate in evaluating and identifying progress made in reaching practical and specific objectives of the long-range plan. (Essential)

**DISCUSSION:** Long-range objectives are meaningless if they are not reviewed to determine what action has been taken, and what decisions should be made to comply with plans. All parole authority members should be actively involved in this process in order to be aware of the direction in which the agency is moving.

**2-1023** The parole authority participates directly, or in discussion through the agency of which it may be a part, in federal, state and regional criminal justice planning efforts. (Essential)

**DISCUSSION:** In recent years there has been a growing effort to focus attention on criminal justice systems as totalities consisting of many interdependent parts. Planning efforts which involve a total systems approach are underway in states and regions. Parole authorities should participate fully in such efforts to represent the needs of independent parole decision-making bodies, and to seek means of articulating their own long-term plans with those of the total system. (See related standard 2-1064).

## **ORGANIZATION AND ADMINISTRATION**

**2-1024** At least one member of the parole authority meets at least semiannually with the directors of institutions from which paroles are granted and/or with the head of the jurisdiction's correctional agency to develop means of coordinating programs, to undertake joint planning, and to agree on means of implementing and evaluating such plans. In states in which the authority paroles from local jurisdictions, an authority staff member meets at least annually with heads of local correctional agencies. (Essential)

**DISCUSSION:** Systematic and joint planning between institutional personnel and parole authority members is central to an effective correctional effort. It is not only important that communication occur on an individual case by case basis, but that there be agreement on programmatic directions, respective roles in those programs, and specific means of facilitating their operations.

**2-1025** Each member of the parole authority visits one or more institutions and a representative sample of the community facilities in the jurisdiction at least annually, specifically for the purpose of meeting with staff and inmates to exchange information about programs, institutional operations, and parole policies and procedures. (Essential)

**DISCUSSION:** Parole authority members should visit institutions and community facilities in their jurisdiction at least annually to become directly and personally aware of the nature of programs, and to have the opportunity to obtain direct feedback from persons involved.

**2-1026** A member of the parole authority meets at least semiannually with the administrative staff of the parole investigation and supervision agency to develop means of coordinating efforts, to undertake joint planning, and to agree on means of implementing and evaluating such plans. (Essential)

**DISCUSSION:** It is clear that the parole authority must depend in major part for its effectiveness on the staff of the parole investigation and supervision agency. Equally, the parole authority has significant impact on the activities of parole officers. Realistic and detailed planning between field staff and the parole authority is crucial.

**2-1027** At least one member of the parole authority meets at least annually with representatives of relevant criminal justice agencies—police, prosecution, courts—to develop means of coordinating programs, to undertake joint planning, and to agree on means of implementing and evaluating such plans. (Essential)

**DISCUSSION:** A parole authority, because of its strategic position in the criminal justice system, has an important role to perform in working effectively with related agencies, and particularly in carrying out joint planning and evaluation efforts with them.

## ORGANIZATION AND ADMINISTRATION

**2-1028** Members of the parole authority, or their representatives, initiate continuing interaction with the field parole staff through conferences, seminars, and visits to field offices. (Essential)

**DISCUSSION:** First-hand communication is a necessity if a parole authority is to maintain an awareness of the conditions in the community, and particularly, of the consequences of various policies it has enunciated. It is also important that parole authority members gain first-hand information about various local residential programs and community services. Visits, conferences, and seminars at field offices are necessary to gain such information.

## **FISCAL MANAGEMENT**

**2-1029** The parole authority\* has a clearly defined budget which provides for personnel, operational and travel costs sufficient for the operation of the authority, and subject to its administrative control. (Essential)

**DISCUSSION:** The authority's budget should be defined and subject only to the general rules and regulations which apply to all agencies in the jurisdiction. (See related standards 2-1015 and 2-1019)

**2-1030** The parole authority employs a budgetary system which links, on a continuing basis, program functions and activities to the cost necessary for their support. (Important)

**DISCUSSION:** The authority must have access to a budgetary system which allows it to weigh the costs of its various functions and thereby plan effectively for wise allocation of resources. Appropriate and well developed financial procedures\* should exist which allow the parole authority to review expended funds periodically, and to plan necessary reallocations of unencumbered funds. It is important that budget planning is continued throughout the year so the funds are fully and effectively utilized.

**2-1031** The parole authority chairperson is responsible for a detailed budget request and justification which is prepared and presented on behalf of the agency at times designated by law. (Essential)

**DISCUSSION:** Fixed clear responsibility is essential to the budgetary process. Although many of the tasks of budget preparation should be delegated to staff members, the chairperson should be held responsible for making certain that an adequate budget is prepared according to the requirements of the governmental system in which the parole authority is situated. The parole authority chairperson should have the opportunity to present a budget request directly to the decision-makers in the budget allocation process.

**2-1032** The parole authority chairperson participates in the legislative budget allocation process, subject only to the general rules and regulations which apply to all agencies in the jurisdiction. (Important)

**DISCUSSION:** The opportunity to present its case directly to those who allocate funds is extremely important to the parole authority. To simply submit a budget to larger departmental units is not sufficient. Presentations which are filtered through many layers tend to lose their force. The parole authority chairperson should have the opportunity to explain the authority's budget request to significant decision-makers in the budget allocation process.

## FISCAL MANAGEMENT

**2-1033** The parole authority chairperson solicits input from parole authority members and staff in the preparation of the budget. (Important)

**DISCUSSION:** Although the final accountability for budget preparation should be centered in the parole authority chairperson, the responsibility for budget development should be spread as broadly as possible. Other authority members and staff should be required to participate in the budget-making process.

## PERSONNEL

### *Authority Members*

**2-1034** Members of the parole authority\* are chosen through a system defined by statutes or administrative policy, and with explicitly defined criteria. (Essential)

**DISCUSSION:** Partisan political considerations have too frequently entered into the selection of parole authority members. Though, from time to time, qualified persons are appointed under a system dominated by political considerations, often the result has been the appointment of unqualified persons as parole authority members. It is imperative that explicitly established criteria be employed in the appointment of parole authority members.

**2-1035** At least two thirds of the members of the parole authority have at least a baccalaureate degree. (Essential)

**DISCUSSION:** A variety of educational backgrounds may qualify a person to sit on a parole authority, and individuals who do not have baccalaureate degrees may be uniquely qualified by other training or experience to serve on a parole authority. However, a parole authority must have a capacity for policy formation and articulation, an awareness of contemporary research findings and correctional techniques, and skills in system planning and management. These tasks require that an authority include in its membership some members with the minimum of a baccalaureate degree.

**2-1036** At least two thirds of the members of the parole authority have at least three years experience in a criminal justice or juvenile justice position, or equivalent experience in a relevant profession. (Essential)

**DISCUSSION:** While a variety of experience can be appropriate, it is expected that the parole authority membership will include persons who have had a substantial experience in professions, such as law and clinical practice, which are directly relevant to parole decision-making and policy\* development.

**2-1037** Parole authority members represent a diversity of the significant population under the jurisdiction of the agency. (Essential)

**DISCUSSION:** It is vital for effective decision-making and public support that a parole authority be representative of the entire community, and that offenders are dealt with by persons who represent both sexes and the racial and ethnic groups in the jurisdiction.

**2-1038** Members of the parole authority do not seek or hold public office which would represent a conflict of interest while a member of the authority. (Essential)

**DISCUSSION:** Members of the parole authority should not disenfranchise themselves during their term on the authority. During their term, however, political considerations should never enter the decision-making process. The avoidance of conflict of interest is essential to the objective role of the authority. (See related standard 2-1080)

**2-1039** Positions of members of the parole authority are full-time. In jurisdictions where the parole authority has a minimum of cases to be heard, the chairperson must be full-time but other members may be part-time. A full justification for such action is necessary. (Important)

**DISCUSSION:** The task and scope of the work of the parole authority is such that full-time members should be appointed. In small jurisdictions, or those where there are few cases to be heard by the authority, justification of an alternative to a full-time authority will be considered.

**2-1040** Tenure on the parole authority is no less than five years. Legal provision allows for the removal of parole authority members for good and demonstrated cause only after a full and open hearing when one has been requested by the member. (Important)

**DISCUSSION:** While even longer terms are desirable, it is important that parole authority members have at least five-year terms on an authority to provide stability of membership and freedom from undue concern about reappointment. It should be understood that a term of five years does not mean that the expectation exists that a parole authority member will not be reappointed. Conversely, reappointment should not be considered automatic.

**2-1041** If a fixed term of office is used in the appointment of parole authority members, the terms of the members are staggered. (Essential)

**DISCUSSION:** Continuity of policy is an important goal for a correctional system which seeks equity and efficiency. Static policy is not the general goal. Change will be an ongoing need; however, if it is to occur, it should be orderly with due regard for previous organizational history. Abrupt alterations of program which fail to consider prior efforts almost inevitably produce unwarranted disparities in decisions, and make stable program development very difficult. In a key correctional unit, such as the parole authority, continuity of policy is a necessity and staggered terms of appointment are one important means of achieving it.

**2-1042** Salaries of parole authority members are within twenty percent of the salary paid to judges of courts having trial jurisdiction over felony cases. (Essential)

**DISCUSSION:** The decision-making responsibility of parole authority members is comparable to that of judges of courts having trial jurisdiction. This level of compensation can help attract persons with the required skills and experience to serve on parole boards.

## PERSONNEL

**2-1043** The parole authority consists of no less than three members. (Essential)

**DISCUSSION:** The breadth of skills and backgrounds required and the value of joint decision-making in facilitating greater objectivity argue for a minimum of three parole authority members.

**2-1044** One of the members of the parole authority is designated as chairperson. (Essential)

**DISCUSSION:** A single person on the authority must be designated as responsible for the authority's administrative management. The chairperson should have full authority for administrative detail, although on policies and case dispositions decision-making authority should be shared equally among all members.

**2-1045** The authority chairperson has the responsibility to coordinate the work schedules of authority members, assign cases as provided by authority policy, and to chair meetings of the authority. (Essential)

**DISCUSSION:** The policies which govern their assignment should be developed by all authority members. However, it is essential that there exist within the authority efficient means of carrying out its work, including the coordination of activities and the assignment of cases. The chairperson is the appropriate person to carry out these executive tasks.

**2-1046** The chairperson is the official spokesperson for the parole authority. When acting as the official spokesperson, the chairperson expresses views at all times which are consistent with approved policies of the authority. (Essential)

**DISCUSSION:** The orderly exercise of business requires that there exist a single person in the authority through which the flow of official business with outside agencies is controlled. Included here are such matters as press releases, budget presentations, and official communications. Of course, all authority members and staff will play important roles in dealing with persons external to the authority, but it is essential that such channels are governed by authority policy, and that the chairperson remains as the official source of communications for the authority. (See related standards 2-1126 and 2-1128)

### *Staff Of Authority*

**2-1047** The chairperson has legal responsibility for organizing, staffing, controlling and directing the work of the authority's staff. (Essential)

**DISCUSSION:** While the authority members should set policy in administrative matters, it is necessary that there exist a clear line of executive responsibility. That executive responsibility should rest with the chairperson, and authority members should refrain from being involved in the details of administrative practice. Policy and case decisions are suited to group situations. Executive management is very difficult when responsibility is diffused among many individuals. (See related standards 2-1005, 2-1045 and 2-1054)

**2-1048** The staff of the parole authority is covered by a merit system,\* which complies with equal employment and affirmative action provisions, and is paid at a level equal to other employees of the jurisdiction who are doing comparable work. (Essential)

**DISCUSSION:** The quality of the parole authority's staff is vital to its effective operation. Thus, it is essential that sound public employee policies are in effect with respect to the authority's staff. A merit system and an adequate scale of compensation are the key elements of such a sound policy. (Essential)

**2-1049** There is an affirmative action program that has been approved by the appropriate government agency. (Essential)

**DISCUSSION:** An affirmative action program should contain necessary guidelines to accomplish the public policy goal of equal employment opportunity. For example, all persons should be able to compete equally for entry into and promotion within the organization. The program should also be designed to seek out qualified minority groups and women, in order to encourage their participation in the staff development program of the organization. The program should include corrective actions, where needed, in policies regarding rate of pay, demotion, transfer, layoff, termination, and upgrading.

**2-1050** When deficiencies in regard to the utilization of minority groups and women exist, the authority can document the implementation of its affirmative action program, showing annual reviews and necessary changes required to keep the program current. (Essential)

**DISCUSSION:** The authority must be able to demonstrate implementation of its affirmative action plan through personnel records that reflect increases in the hiring and promotion of minority groups and women. At review, at least annually, of the affirmative action program should ensure continuing compliance.

**2-1051** Written policy specifies that equal employment opportunities exist for all positions. (Essential)

**DISCUSSION:** Men and women should have equal opportunities to compete for any position within the organization. Section 703 of Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, however, details instances of exception which do not constitute unlawful employment practices. Nevertheless, authorities should continuously evaluate their work environment to provide employment opportunities for both men and women.

**2-1052** Hearing examiners\* have at least a baccalaureate degree; written policy permits the substitution of experience when documented. (Essential)

**DISCUSSION:** A variety of educational backgrounds may qualify a person to be a hearing examiner, and selected individuals may be qualified by training and experience to serve as examiners.

**2-1053** At least two thirds of the hearing examiners have at least three years experience in a criminal justice or juvenile justice position, or equivalent experience in a relevant profession. (Essential)

**DISCUSSION:** Hearing examiners should have experience in occupations and professions which are directly relevant to parole decision-making.

## PERSONNEL

### *Training*

**2-1054** Written policy\* and procedure\* designate that the chairperson is responsible for orientation and in-service staff training\* programs. (Essential)

**DISCUSSION:** Although responsibility for carrying out training may be delegated, ultimate accountability should be with the chairperson of the authority. It is recognized that the chairperson may be dependent upon resources from the parent agency to carry out this responsibility. (See related standard 2-1047)

**2-1055** Written policy and procedure provide that the authority's training programs for all employees are coordinated and supervised by a qualified staff member at a supervisory level. (Essential)

**DISCUSSION:** A qualified staff member, possibly in the parent agency, should have responsibility for planning and implementing the training program and coordinating it with other employee programs. While training may be conducted through institutes or other outside resources, the staff person coordinating the program should receive specialized training in the fundamentals of training and staff development.

**2-1056** There is a written training and staff development plan for all authority employees. (Essential)

**DISCUSSION:** Provision should be made for training all employees, using a written plan with specific goals and timelines for each training unit. The plan should be reviewed annually, and updated if needed.

**2-1057** The parole authority provides 40 hours of initial orientation for all full-time employees including new parole authority members, prior to their assuming assigned duties. (Essential)

**DISCUSSION:** Supervisory personnel of the agency should provide immediate orientation for all newly employed personnel to familiarize them with all agency policies and procedures. The orientation should include, at a minimum, an historical perspective of the agency goals and objectives, programs, procedures, policies and regulations, job responsibilities, personnel policies, and the role of the parole authority in the criminal justice system of the jurisdiction.

**2-1058** All part-time staff and volunteers working less than 40 hours per week receive training appropriate to their assignments; volunteers working the same schedule as full-time, paid staff receive the same training as full-time staff. (Essential)

**DISCUSSION:** Since they are under the supervision of full-time staff, part-time staff and volunteers who do not have full-time staff assignments, should receive training specific to their particular function. In cases where volunteers function as full-time staff, however, they must receive the same training as provided full-time paid staff.

**2-1059** Parole authority members and all full-time employees receive a minimum of 40 hours of relevant training and education annually, in addition to administrative staff meetings. (Essential)

**DISCUSSION:** The authority's staff must have regular opportunities for training and continuing education related to their various functions, as well as to broader issues involved in the authority's activities. Training may include: decision-making skills; new changes in law; court decisions; correctional policies and programs; communications skills; problem-solving; reports on research; and specialized training for support staff. Such training may be in the form of relevant courses at colleges, universities or professional institutes.

## MANAGEMENT INFORMATION AND RESEARCH

### *Management Information Systems*

**Note:** An information system\* may be very sophisticated, using modern computer technology, or it may be relatively simple, using manual counting systems. The goal of such a system is to provide statistical information for use in making management decisions.

**2-1060** The parole authority\* has access to and uses an organized system of information retrieval and review that is part of an overall research and decision-making capacity. (Essential)

**DISCUSSION:** 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 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.

**2-1061** The parole authority or the agency of which it is a part maintains parole outcome measures, such as those developed by the Uniform Parole Reports\* or an equivalent system. (Essential)

**DISCUSSION:** Extreme variation in the manner in which outcomes are measured among parole systems makes informed comparisons across jurisdictions extremely difficult, leads to confusion, and to a lack of sound development in the field. It is essential that there be a clear method of separating the types of outcomes (discharge, conviction of a felony, technical violations, etc.), as well as standardized follow-up periods. The definitions used by the Uniform Parole Reports have been developed cooperatively across the United States, and form the basis of a sound standardized system. They, or comparable systems, should be utilized by parole authorities in computing outcome measures.

**2-1062** The parole authority has established a procedure\* for receiving reports, at least quarterly, from those persons in charge of the information and research systems; the reports should include population characteristics and the status of parolees and offenders in the system. The authority is able to also retrieve, upon demand, information which has been entered into the system. (Important)

**DISCUSSION:** In order for a parole authority to monitor policies effectively, be alert to potential difficulties and plan for future actions, it must receive certain data periodically. The information obtained should include the number and type of offenders and parolees in the system, including those in community programs, the status of offenders in relation to their release, the length of sentences, the number and type of arrests of parolees, revocations by types of violations, and program information, such as the number unemployed and the types of programs parolees are attending.

**2-1063** Parole decision-making, statistical, and research data are among the factors used by parole authority members in decision-making and policy development. The parole authority receives feed-back information on a continuing basis about the outcomes of its parole decisions and there is evidence that this information is acted upon in the reviews and revisions of parole decision-making criteria and policy. (Important)

**DISCUSSION:** Since the very nature of parole decision-making involves judgments based on factual data and policy considerations, the members of the authority should constantly be informed of the results of their judgments. The careful collection, assessment, and use of this feedback information can be instrumental in the improvement and refinement of parole decision-making and policy development. (See related standard 2-1013)

**2-1064** Consistent with confidentiality requirements, the parole authority or the agency of which it is a part collaborates with criminal justice and human service agencies in programs of information gathering, exchange and standardization, including national data collection efforts. (Important)

**DISCUSSION:** Planning and assessment on a system-wide basis are needed in the juvenile and criminal justice fields. The key to effective collaboration is standardized and shared information. An example of the value of this activity is the Uniform Parole Reports Program, which was developed by the joint efforts of parole authorities in the United States. Such national systems require full cooperation by all parole authorities. While it is important that parole authorities take an active role in shaping joint programs of information sharing, it is also vital that they be particularly sensitive to issues of confidentiality and privacy of parole records. (See related standards 2-1023, 2-1068 and 2-1079)

### *Research*

**2-1065** The authority chairperson reviews all research designs prior to the start of research. (Important)

**DISCUSSION:** Research should not be permitted to proceed until the research design and the requirements of authority staff are understood fully. (See related standard 2-1067)

**2-1066** The parole authority permits, encourages, and utilizes internal research as well as research conducted by outside professionals. (Important)

**DISCUSSION:** It is impractical for a parole agency to carry out internally all research needed. Responsible researchers are interested in carrying out research in the juvenile and criminal justice fields, and with encouragement by parole authorities, their efforts can be directed toward this specific area. Parole authorities should actively encourage the participation of responsible researchers in parole studies.

## MANAGEMENT INFORMATION AND RESEARCH

**2-1067** Parole authority members and designated staff participate with researchers in deciding which questions should be addressed, which data should be gathered, and how that data should be presented. (Important)

**DISCUSSION:** (See related standard 2-1065)

**2-1068** When approving projects by researchers, the parole authority, or the agency of which it is a part, ensures the privacy and interests of offenders and other parties for the cases under study. (Essential)

**DISCUSSION:** Although it is obviously important that parole authorities facilitate research, it is essential that they safeguard the privacy and interests of offenders, their families, and other persons. Thus, before any research is undertaken, the research protocols should be reviewed to make certain that appropriate safeguards exist to protect the privacy and interests of those individuals who are the subject of that research. Once these concerns are satisfied, the parole authority should agree to the publication of the results of any research; it may require that before such research is published the authority has the right of comment to the researcher concerned. (See related standard 2-1064)

**2-1069** Written policy and procedure specify the method for dissemination of research findings. (Important)

**DISCUSSION:** Written policies and guidelines will prevent misunderstandings about the publication and dissemination of research results. As a general rule, research findings should be published and distributed regardless of the nature of the findings. Their publication can avoid duplication of effort elsewhere and provide for the sharing of knowledge and experience throughout the corrections field.

## SCHEDULING AND INFORMATION

**2-1070** There is a documented procedure\* for determining the time necessary to thoroughly consider each case, based on the types of cases being heard; in a normal working day scheduling does not exceed twenty cases, with a maximum of fifteen cases concerning term setting, release consideration or revocation, and additional cases not requiring extensive hearing\* or deliberation, not to exceed a total of 20 of both types of cases. (Essential)

**DISCUSSION:** The authority\* should give full consideration to every case based on the type of case being considered and the criteria used in decision-making. Procedures should allow for each case to be heard when eligible, and time should be set aside for review of the case record prior to seeing the offender. Interview time with the offender should allow for questions from the authority member or examiner and for questions from the offender. Thirty minutes per case, including prior review, interview and decision-making time should be considered the minimum time necessary for most cases. (See related standards 2-1074 and 2-1094)

**2-1071** Offenders are notified in writing of their first legal eligibility date for a parole hearing within 90 calendar days after being received in a correctional institution. (Essential)

**DISCUSSION:** This information can be conveyed to each offender individually or through a pamphlet or guidebook which gives the legal requirements pursuant to a parole hearing. The parole authority should see that institutional parole officers provide such information and that counselors and other advisors are conversant concerning parole eligibility statutes.

**2-1072** Offenders are scheduled automatically for hearing and review by the parole authority within one year after being received in a correctional institution if there is no minimum eligibility date. (Essential)

**DISCUSSION:** It is essential that an offender be seen by a parole authority representative relatively soon after he or she is received in an institution, or as soon as first eligible for parole consideration. At this time, the authority should explain its criteria for parole to the offender. Offenders and institutional personnel, early in the offender's institutional stay, should have a clear idea of the authority's view of the inmate's case, and the factors which the authority sees as important in determining the parole date. (See related standard 1086)

**2-1073** Offenders may be released earlier than initially anticipated, according to law and in conformity with the authority's previously established and written criteria. (Essential)

**DISCUSSION:** Criteria should be established by the parole authority which may be used to advance the parole date of an offender. For example, the behavior of the inmate in a work-release program, particularly meritorious efforts while in the institution, or a mutually agreed upon program contract may be among the conditions which a parole authority might establish as legitimate criteria for advancing a release date.

## **SCHEDULING AND INFORMATION**

**2-1074** Prior to a hearing, parole authority members and hearing examiners\* review information available in writing about an offender's prior history, current situation, events in the case since any previous hearing, information about the offender's future plans, and relevant conditions in the community. (Essential)

**DISCUSSION:** The degree to which a parole hearing is effective will be determined in large measure by the quality and accuracy of the information which is available to the person hearing the case. It is essential that information is available about an offender's prior history, his current situation, and the events in his case since any previous hearing. Information about the offender's future plans and about relevant conditions in the community are also needed. (See related standard 2-1071 and 2-1094)

**2-1075** Materials in case files are appropriately classified, organized and identified in a way which meets the needs of the authority. (Essential)

**DISCUSSION:** Parole decision-makers should not be required to use files which are so poorly organized that it is difficult to locate needed materials. In cooperation with institutional authorities and other related agencies, a form for the organization of materials in files should be agreed upon. Well-organized files containing appropriate material placed so that decision-makers have ready access to it should be the rule.

**2-1076** Materials in the case files are clearly identified as to source, and confidentiality is noted as necessary. (Essential)

**DISCUSSION:** The source of the material being considered by the authority is essential in order for them to realistically view the factors involved. The classification of confidentiality is necessary for some of the material the board reviews, and such material should be clearly marked "confidential."

**2-1077** There is a procedure whereby materials used by the authority in decision-making are verified; materials which cannot be verified are so noted. (Essential)

**DISCUSSION:** Parole authority members must rely on the accuracy of the material in the case files; therefore, there must be a procedure which will enable the materials to be verified by the time the members are involved in a decision-making policy.\*

**2-1078** For those cases which, in the opinion of parole authority members, an examination and opinion is required of psychiatrists or psychologists, qualified members of the appropriate professions are available to provide the needed examinations and opinions. (Essential)

**DISCUSSION:** The opinion of psychiatrists or psychologists are at times extremely important in parole decision-making. Psychiatrists and psychologists should have a state license or certification.

## SCHEDULING AND INFORMATION

**2-1079** 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 put into effect 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. (Essential)

**DISCUSSION:** Protection of the confidentiality of material available to the authority on individual cases is essential. The authority should have procedures which are clearly understood, and which include the persons designated as responsible for the release of case information, and to whom that information may be released. (See related standard 2-1064)

## HEARING PROCESS

**Note:** These standards apply to release hearings, revocation hearings,\* rescission decisions and appeals.

**2-1080** Policy\* and procedure\* provide for the withdrawal of an authority member or hearing examiner\* in cases which represent a conflict of interest. (Essential)

**DISCUSSION:** In any case where a parole authority\* member or hearing examiner has personal knowledge of a case or could in any way benefit from the outcome of a case, that person should withdraw completely from the decision-making process for that case. (See related standard 2-1038)

**2-1081** The person conducting the hearing\* is responsible for the recording and preservation of a summary of the major issues and findings in the hearing. (Essential)

**DISCUSSION:** The keeping of a record of the events of the hearing for the purpose of subsequent review is essential. 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. (See related standard 2-1067)

**2-1082** The criteria which are employed by the parole authority in its decision-making are available in written form and are specific enough to permit consistent application to individual cases. Case decisions indicate that granting, denying, reviewing, and revocation decisions are in conformity with the written criteria. (Essential)

**DISCUSSION:** Various criteria should be developed which will assist the authority in making parole decisions. These criteria should go beyond statutory minimums to include the types of information which have a consistent relationship to parole success or failure.

**2-1083** There is a process, available in written form, whereby the decisions of panels or hearing examiners can be reviewed by the full authority under rules fixed by it, and offenders are informed of the steps necessary to avail themselves of that process. (Essential)

**DISCUSSION:** 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 of the use of this 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. (See related standard 2-1009)

**2-1084** Offenders receive timely assistance, to include translation for offenders with language difficulties, from qualified personnel on all parole procedures to help them in appearances before the parole authority, in appeals, and in dealing effectively with parole procedures. (Essential)

**DISCUSSION:** For a number of offenders, parole procedures are complicated, and if they are without assistance, they are at a great disadvantage with respect to the parole system. The provision of representation can ease this problem, but it is crucial that qualified personnel assist offenders in all matters with respect to parole, including the development of resources that enhance the opportunities for an inmate to cope successfully with the requirements of release. Assistance includes interpretation to long term offenders of parole procedures within one year of being received at an institution. (See related standards 2-1020, 2-1088, 2-1090 and 2-1114)

**2-1085** The offender is notified personally and orally by the parole authority members or hearing examiners who have heard the case as to the recommendation or decision immediately after the hearing. (Essential)

**DISCUSSION:** The parole authority needs to clarify personally the meaning of its decision, and to discuss the subsequent steps which might be taken by the offender. For all these reasons, it is essential that the parole authority meet personally with each offender after the interview to make the outcome of the case known and understandable to the offender.

## **PAROLE RELEASE HEARINGS**

**2-1086** At the first hearing\* of offenders eligible for parole, 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 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. (Essential)

**DISCUSSION:** Uncertainty surrounding the time an offender must serve in an institution should be eliminated as soon as possible after commitment. Inmates need to establish goals based on tentative release dates, and make plans for release. At the first parole hearing, a date of release may be considered but not fixed. Any date fixed at the first hearing or later hearings could be altered based on new information, institutional behavior, or the possibility of success based on the offender's ability to handle lesser levels of security. The reasons for deferral should be articulated and a definite review date established for a future hearing. (See related standards 2-1072 and 2-1123)

**2-1087** Offenders are held beyond tentative release dates only after a hearing by the authority, at which time the reasons for deferral of parole are articulated in writing. (Essential)

**DISCUSSION:** In general, there is an expectation that a tentative parole date once fixed will be observed unless sound reasons to the contrary are evidenced. From time to time, sufficient information will come to an authority's attention to require it to defer a date. In such a case, the authority makes a record of the specific reasons for the deferral of parole, and fixes a definite time for the next review of the case. The aim is to keep a clear release date, known to inmates and correctional officials, and to articulate the reasons for various actions taken by the parole authority.

**2-1088** No offender is denied parole or given a deferment unless a personal hearing is held before the parole authority. (Essential)

**DISCUSSION:** Cases may be reviewed periodically through files and correspondence; however, each time that the denial of parole is possible, a personal hearing before a parole authority member or hearing examiner takes place. An important purpose of this hearing is to give the offender a chance to present his case directly to responsible decision-making authorities, a basic and important element in a fair system. Further, no matter how carefully developed a record system may be, frequently during the course of a face-to-face interview, inaccuracies are discovered or relevant information which is not included in the official record is obtained. (See related standard 2-1084)

## PAROLE RELEASE HEARINGS

**2-1089** Policy\* and procedure\* exist for hearings in absentia. Hearings in absentia are limited to cases where the absence of the offender is unavoidable and there is documentation of the reasons for this situation. (Essential)

**DISCUSSION:** In cases when the offender is in a mental institution or a facility in another jurisdiction, a hearing in absentia may be conducted. In no case should such a procedure be used where an offender simply refuses to attend a hearing. Hearings in absentia should observe the same safeguards as hearings where the offender is present, and require that the offender knowingly and voluntarily absent him/herself from the hearing.

**2-1090** Offenders are notified in writing at least 14 calendar days in advance of their hearings and are specifically advised as to the purpose of the hearing. (Essential)

**DISCUSSION:** It is essential that offenders be well-advised as to the purpose of the parole hearing, and have information about the kinds of issues which will be discussed. Too often, offenders are unclear as to precisely what is happening, and are unable to take full advantage of the hearing which is given to them. In this respect, it is important that institution personnel work closely with offenders to help them prepare for the hearing, and to assist in the development of material for presentation to the authority. (See related standard 2-1084)

**2-1091** Hearings are conducted in privacy. (Essential)

**DISCUSSION:** Parole hearings should be conducted in surroundings which are comfortable and appropriately furnished, which provide sufficient privacy for the offender and allow the authority to convey an atmosphere conducive to a dignified hearing. Where necessary, security should be provided.

**2-1092** Parole hearings are conducted with careful attention to the inmate, and with ample opportunity for the expression of his or her views. (Essential)

**DISCUSSION:** Fair parole hearings are an important part of the parole process. They should be conducted without extraneous interruptions, and with very careful focus on the offender. A significant effort should be made to give the inmate a full opportunity to express his or her views, and to provide the inmate with an understanding of the requirements for release consideration.

**2-1093** The parole authority has a written policy which determines who may be present at the parole hearing. (Essential)

**DISCUSSION:** The parole authority has a responsibility to see that parole hearings are carried out in an orderly and fair manner. This will limit the number of persons who may be in attendance. At the same time the authority has a responsibility to the public and to the inmate to allow attendance at a hearing of those people who will be of assistance to the offender or to the authority.

## PAROLE RELEASE HEARINGS

**2-1094** Materials on cases are reviewed before offenders are brought into a hearing room, and during the hearing, references are made to files by authority members, hearing examiners, and other staff only to refresh their memories of the case and to determine questions of fact. (Important)

**DISCUSSION:** It is very distracting for files to be read while an offender is in the hearing room. This does not convey to the inmate a high level of awareness or concern for his or her case. Persons responsible for conducting parole hearings should review case material in advance of the hearing. (See related standards 2-1070 and 2-1074)

**2-1095** Offenders are provided with the information on which parole decisions are made, except that information which, in accordance with the authority's written policy, is specifically classified by an authority member or hearing examiner as confidential for good and sufficient reasons, and is so designated. Offenders are informed of the fact that information designated as confidential was used in making a decision. (Essential)

**DISCUSSION:** Parole, in a number of important respects, involves the delegation of sentencing power. Thus, the issues are very much the same as those involved in the defendant's right to disclosure of the pre-sentence investigation, and similar rules should govern. In the absence of compelling reasons for non-disclosure, the inmate should be familiar with the information regarding his or her case. When information is not made available to an inmate because of its sensitive nature, it should be so identified in the file. Agency policy should spell out what information will be made available to the inmate, particularly when his or her mental and/or social adjustment might be affected, when a co-defendant is involved, when a confidential juvenile record is included, or when informant's are named in the record. Staff and authority members should have clear instructions on the release of official information. Records and documents must be handled in accordance with established procedures or upon other proper authorization. It is important for subsequent review that it be clear which material was not open to review by the offender.

**2-1096** The reasons for a parole decision are written, signed by a person authorized by the authority, and made available to appropriate staff and to the offender within 21 calendar days of the offender's hearing. (Essential)

**DISCUSSION:** The writing out of the reasons for the decision is a crucial part of the parole decision-making process. Having this written document is essential for a number of reasons: it provides a basis of appeal; it is important for institutional officials and offenders in shaping their future programs; it is helpful for research purposes; and it provides for the continued development of criteria.

**2-1097** The parole authority does not accept the presence of a detainer\* as an automatic bar to parole; it pursues the basis of any such detainer; and it releases the offender to detainers where appropriate. (Important)

**DISCUSSION:** Detainers represent an outstanding charge which may or may not be adjudicated, and should not automatically constitute a bar to parole. Parole staff should, as a matter of practice, trace out detainers to determine their basis, and when appropriate, parole authorities should parole inmates to detainers.

## PAROLE RELEASE HEARINGS

**2-1098** The status of the offender as a foreign national does not preclude access to parole consideration. (Essential)

**DISCUSSION:** Parole authorities should release foreign nationals for return to their home countries under whatever circumstances may be worked out with the home countries, and in the best interest of all concerned. At the present time, there are no formal agreements between the United States and other countries for completion of sentences. However, informal arrangements are sometimes possible and supervision when needed can be arranged on a courtesy basis with a governmental or non-governmental organization in the offender's home country. Under the circumstances, and as a matter of principle, such arrangements should be undertaken only with the consent of the offender.

## CONDITIONS OF PAROLE

*under  
consideration*

**2-1099** 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. (Essential)

**DISCUSSION:** The critics of parole have argued that the rules tend to be moralistic, or that they tend to be overly vague and unfairly invade the privacy of parolees. In most cases, general conditions which apply to all parolees should require simply that a parolee observe the law, maintain appropriate contact with the parole system, and notify the parole field agency of changes in residence.

**2-1100** In addition to the general conditions of release which apply to all cases, the parole authority\* adds special and specific conditions for individual cases that are related to the previous offense pattern and the probability of further serious law violations by the individual parolee. (Important)

**DISCUSSION:** Special conditions of release should be added only when they are clearly relevant to the parolee's compliance with the requirements of the criminal law. Conditions should not concern themselves with the lifestyle of the offender as such, but should be tested directly against the probability of serious criminal behavior by the individual parolee.

**2-1101** 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. (Essential)

**DISCUSSION:** As much as possible, the offender should be encouraged to make known to the parole authority his or her views about the conditions which will be imposed. The parolee should have an opportunity to appeal any request of a parole officer to fix a new condition of parole. The parolee should clearly understand how such an appeal can be pursued and steps should be taken to see that the parolee can avail himself or herself of such procedures.

**2-1102** Written copies of the conditions of parole are furnished to the parolee, and are explained to him or her. (Essential)

**DISCUSSION:** Conditions of parole should be reviewed with the parolee so that he or she fully understands them. A regular program in the institution should exist to assist parolees in understanding the conditions of their release, and in dealing with any problems involved in their release plans. (See related standard 2-1020)

## CONDITIONS OF PAROLE

**2-1103** The parolee acknowledges in writing that he or she has received and understands the conditions of his or her parole. (Essential)

**DISCUSSION:** (See related standard 2-1102)

**2-1104** The parolee and/or the parole field staff may request that parole conditions be amended. If the parole authority approves, it makes needed amendments in writing. (Essential)

**DISCUSSION:** Parole is a dynamic process, and as the parolee's adjustment changes, so should the conditions of parole supervision. A procedure by which the parolee and/or the parole field staff can request and the parole authority review and grant changes as needed in the conditions of release best serves the interest of public protection and the welfare of the individual parolee.

**2-1105** Parole authorities require that the parolee complies with all applicable provisions of the Interstate Compact for the Supervision of Probationers and Parolees, or the Interstate Compact for Juveniles, and that he or she is fully aware of the requirements of transfer under these Compacts. (Essential)

**DISCUSSION:** Essential resources for the effective supervision of probationers and parolees are the Interstate Compact for the Supervision of Probationers and Parolees, and the Interstate Compact for Juveniles. It is important to the effective operation of these Compacts that all rules governing the conditions of these Compacts are carefully observed, and that parolees transferring between jurisdictions are fully advised as to their provisions and accept them.

## ARREST AND REVOCATION

### *Determination*

**2-1106** Warrants for the arrest and detention of parolees, pending a determination by the parole authority as to whether parole should be revoked, or provisionally revoked, are issued only upon the affirmative approval of a parole authority\* member or the statewide or regional director of parole supervision services. (Essential)

**DISCUSSION:** The arrest and detention of a parolee on violation charges is a serious act with profound implications for the parolee. In view of the loss of liberty which results from the issuance of a detention warrant,\* the need for such a warrant should be reviewed by a parole authority member or the statewide or regional director of parole services. The power to issue detention warrants should be exercised by such administrative personnel, not by the parole officer involved directly in the supervision process.

**2-1107** Warrants for the arrest and detention of parolees are issued only upon adequate evidence which indicates a probable serious or repeated pattern of violation of parole conditions and a compelling need for detention pending the parole authority's initial revocation decision. (Essential)

**DISCUSSION:** The standard for the issuance of detention warrants may not rise to the standard of probable cause required for arrest on criminal charges. However, to justify issuance of a detention warrant, sufficient evidence should be produced to indicate that parole conditions have been seriously breached and that detention is required. Detention may be required in order to prevent injury to an individual or the public, to interrupt a serious continuing violation of parole, or to assure the presence of a parolee at a preliminary hearing when it is determined that the parolee would not attend voluntarily.

**2-1108** When parole violation charges are based on the alleged commission of a new crime, a detention warrant is not issued unless the parolee's presence in the community would present an unreasonable risk to public or individual safety. (Essential)

**DISCUSSION:** The issuance of a detention warrant often precludes a parolee who is charged with committing a new crime from the possibility of bail or other forms of pre-trial release. As a general rule, parolees should be able to seek the forms of pre-trial release which are available to other criminal defendants. However, the presence of other serious parole violation charges or a danger to public or individual safety may justify the issuance of a detention warrant when a parolee is charged with committing a new crime.

*Preliminary Hearing*

**2-1109** When a parolee is arrested on a detention warrant, or when a detention warrant is lodged as a back-up to bail in conjunction with pending criminal charges, a preliminary hearing<sup>o</sup> is held within fourteen calendar days after the arrest and detention of the parolee or the lodging of the detention warrant; however, when there has been a conviction or a finding of probable cause on new criminal charges, the preliminary hearing is not required. (Essential)

**DISCUSSION:** The United States Supreme Court case of *Morrissey v. Brewer* 408 U.S. 471 (1972) requires, as a matter of due process, that a preliminary hearing be conducted as soon as possible after a parolee is taken into custody, while evidence and sources are readily available. The purpose of the hearing is to determine whether probable cause exists to believe that parole conditions have been violated. Later cases in various jurisdictions have held that a conviction or a finding of probable cause on new criminal charges takes the place, for due process purposes, of the preliminary parole hearing.

**2-1110** The preliminary hearing is held in or near the community where the violation is alleged to have occurred or where the parolee has been taken into custody. (Essential)

**DISCUSSION:** (See related standard 2-1109)

**2-1111** The preliminary hearing may be delayed or postponed for good cause, and the parolee may waive the hearing if first informed of rights pertaining to the hearing and of the consequences of waiving the hearing. (Essential)

**DISCUSSION:** Due process requires that any waiver of rights by the parolee be done knowingly and voluntarily. Therefore, the parole authority should assure that no form of coercion is used to induce a waiver of the preliminary hearing, and that the parolee understands the nature and consequences of the hearing before waiving it.

**2-1112** The authority may delegate to a member of the parole administrative staff or to field officers the authority to conduct a preliminary hearing and make findings as to grounds for revocation. (Essential)

**DISCUSSION:** The *Morrissey* case provides that the hearing officer need not be a judicial official, but may be a parole staff member, so long as that staff member is impartial.

**2-1113** The preliminary hearing is conducted by an administrative staff member or officer who has not previously been involved in the case. (Essential)

**DISCUSSION:** In view of the requirement that the hearing officer be impartial, it is inappropriate for the officer who supervised the parolee, or an individual who authorized the parolee's detention to conduct the preliminary hearing.

## ARREST AND REVOCATION

**2-1114** At least three days prior to the preliminary hearing, the parolee is notified in writing of the time and place of the hearing, and of the specific parole violation(s) charged. The parolee is also advised in writing of the right to:

Present evidence and favorable witnesses

Disclosure of evidence

Confront adverse witness(es), unless the witness(es) would be subjected thereby to a risk of harm

Have counsel of choice present, or, in case of indigent parolees who request assistance to adequately present their case, have counsel appointed

- Request postponement of the hearing for good cause  
(Essential)

**DISCUSSION:** Due process requires that the parolee receive notice of the hearing, of the specific acts alleged to constitute parole violations, and of all rights with respect to the hearing. Consistent with the United States Supreme Court case of *Gagnon v. Scarpelli* 411 U.S. 778 (1973), a parole authority should decide, on a case-by-case basis, whether to appoint counsel for an indigent parolee who requests such assistance. Among the factors to be considered in making this decision are: whether the parolee denies committing the alleged violation(s); whether there are mitigating factors which are complex or otherwise difficult to develop or present; and whether the parolee appears to be capable of speaking effectively for himself. (See related standards 2-1084 and 2-1118)

**2-1115** The person who conducts the preliminary hearing determines whether there is probable cause to revoke parole and hold the parolee for a revocation hearing before the parole authority. The parole authority may empower the hearing officer to make the provisional revocation decision, or merely to report his/her findings and recommendation to the parole authority for a decision as to revocation. The hearing officer issues a verbal decision or a recommendation immediately after the hearing and provides a written decision to the parolee within 21 calendar days of the hearing. (Essential)

**DISCUSSION:** The hearing officer should make a summary of the documents presented and responses made at the preliminary hearing in order to make a determination as to probable cause for revocation. Although the findings need not be formal, the officer should state the reasons for the determination and indicate the evidence relied upon.

**2-1116** The parolee is returned to prison only when probable cause is found at the preliminary hearing and when it is determined, after considering the appropriateness of less severe sanctions, that the clear interest of the public requires reincarceration. (Essential)

**DISCUSSION:** The preliminary hearing has a usefulness that goes beyond the narrow fact-finding process. The hearing may provide an occasion to identify and reverse potentially harmful patterns of conduct, or to identify gaps in the program of supervision and recommend alternatives. The parole authority should consider not only whether a violation of parole has been committed, but also whether a less severe sanction is appropriate. (See related standard 2-1120)

### *Revocation Hearing*

**2-1117** The revocation hearing<sup>o</sup> is conducted within 60 calendar days after the parolee's return to prison as a parole violator; a delay or postponement for good cause may be approved by the authority chairperson or designate. (Essential)

**DISCUSSION:** The *Morrissey* case requires that the revocation hearing, as well as the preliminary hearing, be timely. Subsequent cases have held that a revocation of parole will be invalidated if, without justifiable cause, a revocation hearing is not provided within a reasonable time after the return of the parolee to prison. Delays or postponements should be granted only sparingly.

**2-1118** The same procedural and substantive rights which are afforded to a parolee at a preliminary hearing are afforded at a revocation hearing. In addition, a parolee is provided an opportunity at the revocation hearing to demonstrate that, even if parole has been violated, mitigating circumstances exist which suggest that the violation does not warrant revocation. (Essential)

**DISCUSSION:** The *Morrissey* case mandates essentially the same procedural guarantees for both hearings in the two-state revocation process, and also provides for an opportunity to present mitigating factors at the revocation hearing. This hearing also should go beyond the narrow fact-finding process and the parole authority should weigh the best interests of the parolee and the public in making its final decision. (See related standard 2-1114)

**2-1119** Within 21 calendar days of the revocation hearing, the parolee is provided a written statement of the reasons for the determination made and the evidence relied upon. (Essential)

**DISCUSSION:** The parolee should be informed as soon as possible about the decision to revoke parole. A written statement of reasons and evidence relied upon is required under the *Morrissey* case and also promotes thoughtful decision-making.

**2-1120** Alternatives other than further imprisonment are used in decision-making on parole violations. (Essential)

**DISCUSSION:** Although further imprisonment may be required, parole authorities should use warnings, short-term local confinement, special conditions, varieties of intensive supervision, referral to other community resources, and other alternatives to confinement. (See related standard 2-1116)

**2-1121** In jurisdictions where the parole authority has discretion to award or forfeit good conduct deductions for time served on parole in the community, there are written guidelines for the award or forfeiture of such deductions. (Essential)

**DISCUSSION:** Careful review of individual cases is required in making a determination on provision of credit to the parolee for time served in the community. Written policy<sup>o</sup> should state specific criteria for allowing or disallowing credit for time served in the community when a parolee is imprisoned for a parole violation.

## ARREST AND REVOCATION

**2-1122** If it is decided that the offender is to be reincarcerated, there is no statutory or administrative prohibition against re-parole on the original charge for which paroled. (Important)

**DISCUSSION:** Neither in law nor in practice should any predisposition operate to deny further parole consideration to a parole violator. The fact of parole violation should be considered in the context of an offender's total history in deciding the next appropriate action(s) after revocation of parole.

**2-1123** After a revocation hearing, the parole authority immediately informs the offender of the next tentative release date. When circumstances, such as pending criminal charges or outstanding sentences to be served, prevent the setting of a tentative release date, or when the tentative release date is greater than one year after the revocation hearing, the parole authority sets a date for a review hearing within one year, and advises the offender of this date. (Essential)

**DISCUSSION:** In revocation decisions, no less than in release decisions, it is of paramount importance for the parole authority to minimize uncertainty in the mind of the offender. Tentative release dates should be set unless circumstances make it impossible to predict the offender's future eligibility status. The certainty of even a distant tentative release date is preferable to no date at all. When an obstacle to the setting of a date, such as pending criminal charges, is removed, the parole authority should advance the date of the review hearing to the earliest convenient time. (See related standard 2-1086)

## **DISCHARGE**

**2-1124** Parolees are not continued under active parole supervision after one year unless, consistent with the parole authority's\* written policy,\* good reasons exist to show that such continued supervision is required. (Essential)

**DISCUSSION:** Termination of active supervision does not require discharge from parole supervision. Active supervision can be re-instituted if needed. However, active supervision for periods longer than necessary may be unwarranted in many cases, interfere with the life of the parolee, and represent an unwise use of parole resources. Alternatives to active supervision should be considered unless good reasons exist to continue close supervision. (See related standard 2-1009)

**2-1125** If not discharged after one year of release on parole or the statutory minimum period, the parolee may request a discharge review by the authority. (Essential)

**DISCUSSION:** (See related standards 2-1009 and 2-1124)

## **PUBLIC AND LEGISLATIVE RELATIONS**

**2-1126** 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. (Important)

**DISCUSSION:** It is important that parole authorities carry out an effective public education program, both as a means of support for the parole authority and for developing the opportunities necessary for parolees. An intelligent and effective program of information dissemination is an important component in this program. (See related standards 2-1046 and 2-1128)

**2-1127** The parole authority furnishes information at least biennially to the agency of which it is a part, which is used to report on the authority's objectives, trends in parole release, discharges and revocations, problems, and plans; additional information is provided as required by statewide bodies and the agency of which it is a part. (Essential)

**DISCUSSION:** A report, produced at least every two years, is a systematic way of summarizing periodically the activities of the parole authority. Such reports are important for informing decision-makers about the authority's activities, and a well-designed report can also be an important source of public understanding of the authority's activities.

**2-1128** The parole authority has a written policy\* which assures that accurate and timely information on individual cases is disseminated to the public. (Essential)

**DISCUSSION:** Parole authorities are often called upon to provide information about parole cases, and it is important that policies exist within the parole system indicating who is to provide such information and how it is to be provided. The parole system benefits by providing prompt, candid information to the public, which has a right to such information. Information properly classified as privileged should, of course, be so classified pursuant to written policy and procedure.\* (See related standards 2-1046 and 2-1126)

**2-1129** The parole authority maintains regular liaison with appropriate legislative committees, during at least each regular session of the legislature, for the purposes of offering advice and opinions on appropriate legislative matters. (Essential)

**DISCUSSION:** It is vital that parole authorities do not simply react to legislative enactments after the facts, but that they also stand ready to advise legislatures on current legislation under consideration.



## Discretion: Integral and Cherished

by Anthony P. Trivisono, Executive Director

Discretion. Our system of justice has discretionary power built into it. This discretion was intended to be used judiciously. The police use it, as do the prosecutors, judges, corrections officials, parole commissioners, and a host of other individuals. If no discretion were used—if everyone investigated by the police were arrested and prosecuted—the system would be brought to its knees. Discretion is a necessary, albeit controversial, component of our system.

There have been attempts to legislatively limit discretion. One example is mandatory sentencing. Does this form of limiting discretion work? In some cases, yes; but in the case of Judge Gene Franchini, no. The Albuquerque, N.M., judge recently resigned from the bench. He was forced to resign—he could not find it within himself to sentence a first offender under a mandatory sentencing law. The defendant, an honorably discharged

Vietnam veteran, was found guilty of aggravated assault with a deadly weapon; he had pulled a gun during a dispute at a traffic light. Judge Franchini could not, with good conscience, pass sentence on this man. He resigned.

Because one judge resigns does not make a law a bad law. It should, however, make us sit back and think a great deal.

What about discretion in corrections? Discretion is an integral and cherished part of corrections. We have been forced to forego age old discretion and power because of political pressure and the relentless attack from those who see parole as a needless invasion to individual liberty. Discretion is to be removed from everyone except from those who recommended its removal.

From another perspective, one may cite the recommendation of the Attorney General's Task Force on Violent Crime to abolish parole. Parole is

discretion. The Attorney General is getting bad advice, as is Congress. The abolition of parole is an agenda item from the past that should not be allowed to become law.

Removing parole would not bring justice, only a dehumanizing effect on the correctional system; it would only serve to harden the system and aggravate an already severe overcrowding problem. Without the hope of parole, what incentive will the inmate have to "play by the rules" and improve him or herself? Parole is the carrot that we may hold up; it can be a pressure relief valve. Without it, another battle for "hands off" would be won and convicted felons would be released without supervision.

Discretion in itself can be positive; it need not be a bad thing. It can be abused—everything can be. We need to understand our power, develop policies, and utilize ACA standards for the use of discretion to ensure that it is employed judiciously. Abolition of parole would create a host of other, possibly more severe, problems. Are we ready to find out what those problems are?

## U.S. Prison Population in 1981 Moving Toward Record Increase

The U.S. prison population grew by more than 20,000 inmates during the first half of 1981, adding more prisoners than during all of 1980, the Bureau of Justice Statistics recently announced.

On June 30, 1981, state and federal prisons held almost 350,000 men and women, compared to less than 330,000 December 31, 1981. The 6.2 percent increase was equivalent to an annual growth rate of 12.8 percent. 1980's annual growth rate was 4.5 percent, and it was approximately 2 percent during 1979 and 1978, a bureau bulletin notes.

If this trend continues, 1981's annual rate will exceed the 10 percent record increase set in 1975.

Almost 19,000 of the increase were additions to state prison populations, reports the bulletin, "Prisoners at Mid

year 1981." To cope with this influx, state officials resorted to housing prisoners in tents and prefabricated buildings and to double-bunking and early release. Some state institutions now house about twice their rated capacities. Other states have had to rely heavily on space in local jails.

The bulletin notes that record increases in prison populations are accompanied by record incarceration rates—the United States now imprisons 147 persons for every 100,000 in the general population. However, the bulletin adds, incarceration rates vary greatly among the states, reflecting a wide range of factors.

To obtain copies of the bulletin, or to be added to the Bureau of Justice Statistics (BJS) mailing list, contact BJS, Washington, D.C. 20531, (202)724-7774.

## Developing Staff Trainers: A Success

Workshops for the "Development of Correctional Staff Trainers," conducted in October and November by ACA's Training and Technical Assistance Division, were a great success. The 54 participating correctional trainers evaluated the workshop as being extremely useful, well-planned, and clearly presented. The materials were judged to be "the best ever seen."

This workshop will be conducted again in San Diego during January 1982.

A FOLLOW-UP REVIEW OF THE  
ALASKA STATE BOARD OF PAROLE  
(Originally Released May 9, 1979)

December 21, 1981

Commissioner, Department of  
Health and Social Services

Helen D. Beirne

Deputy Commissioners, Department of  
Health and Social Services:

Field Operations and Local,  
State and Federal Liaison

Frederick McGinnis

Program Management

Dean F. Tirador

Management Services

Allen Korhonen

Members of the  
Alaska State Board of Parole

Chairman  
Vice-Chairman  
Member  
Member  
Member

William Lyons  
F.P. Pettyjohn  
Al Widmark  
Conrad Miller  
M. Jo McDowell

# STATE OF ALASKA

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION  
POUCH W—ALASKA OFFICE BUILDING

JUNEAU, ALASKA 99811

December 29, 1981

Members of the  
Legislative Budget and Audit Committee:

In accordance with the intent of Title 24 and 44 of the  
Alaska Statutes, the attached report is submitted for your  
review.

A FOLLOW-UP REVIEW OF THE  
ALASKA STATE BOARD OF PAROLE  
(Originally Released May 9, 1979)

December 21, 1981



Gerald L. Wilkerson, CPA  
Legislative Auditor  
Division of Legislative Audit

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## PURPOSE OF THE REVIEW

In accordance with the provisions of Alaska Statutes 24.20.271(1) and 44.66.050 (sunset legislation), a follow-up review of the Board of Parole was conducted to determine whether the recommendations presented in our report entitled, A Performance Review of the Alaska State Board of Parole, May 9, 1979, have been implemented, and, if not, whether those recommendations are still pertinent.

## ORGANIZATION AND FUNCTION

Article III, Section 21, of the Alaska Constitution states that a parole system shall be established by law. AS 33.15, or the Parole Administration Act, is the law that establishes the Alaska State Board of Parole and its authority. The Board consists of five part-time members who meet quarterly to hear parole related matters. The members are appointed by the Governor, with confirmation by the Legislature, and serve without salary although travel costs and per diem are provided. The Board has an administrative staff which currently consists of an Executive Director, Parole Board Officer and two clerical personnel.

The Board basically conducts two types of hearings: release hearings and revocation hearings. By statute, an inmate may not be considered for parole release until a statutory minimum time in prison has been satisfied (AS 33.15.080 requires that at least one-third of the sentence be served in confinement before parole eligibility). Upon application, an eligible inmate will be considered for parole and will appear before the Board. The Board will consider the case in view of certain criteria (e.g., institutional behavior, release plans, past record, recommendations, etc.) A parole decision will either release an inmate on parole, continue the case for future consideration or deny parole. During 1980 and 1981 the Board averaged 217 release hearings per year of which an average of 60 per year were released on parole.

When it has been determined that a parolee has violated a law or condition of parole, the Board will hold a revocation hearing to decide upon the course of action to take in the case. The Board may choose to revoke the violator's parole and return the parolee to prison, whereby no credit is allowed against the sentence for time served on parole; parole may be revoked and the parolee reparaoled without time credited against the sentence for prior time on parole; or no action may be taken. The Board has the authority to establish terms and conditions of parole, and their enforcement, which is accomplished through revocation proceedings. During 1980 the Board conducted 31 revocation hearings.

AS 33.15.080 gives the Board the authority to release prisoners from confinement. Accompanying the Board's authority is the responsibility for public welfare. In each parole release case, the Board weighs the benefits of granting parole release against the inherent risks involved. The benefits of parole embrace opportunities for successful community life and reduced monetary and social costs which

follow successful parole release cases. The risks involve additional social and monetary costs that will result from parole violations.

The Board receives General Fund appropriations to support its operations. The Board's primary expenditures are for personal services relating to the administrative staff and travel associated with the various Board meetings and hearings.

## REPORT CONCLUSION

### Policy Issues

This review contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this review but require legislative consideration. In debating these issues, the legislative oversight committees should consider the findings and alternatives presented in this report in reaching their decisions.

### Report Conclusion

Article III, Section 21, of the Alaska Constitution requires the establishment of a parole system. The current system comprises a parole release program administered by the Alaska State Board of Parole. We found no viable alternative to the present system at this time; therefore, in our opinion, the Board should continue to administer the parole release program.

The parole decision process requires a great deal of dedication of time and effort on the part of each Board member. We commend the members for their service in what is often-times a complex and difficult job.

The Board is in the process of establishing a formal set of specific objectives and related measurement criteria so that its performance can be evaluated (Prior Audit Recommendation No. 1).

The Board has made progress in the implementation of our prior audit recommendations. Specifically, they now have an organized case file for each parolee, their filing system is very orderly, they have analyzed trends for past decisions and provided procedures and regulations which should aid in parole release or revocation decisions. However, the board should continue to develop new data and continuously review the significance and effects of past decisions (Prior Audit Recommendation No. 2).

The Board has prepared and submitted reports as required by AS 37.07.090 and 33.15.130 for fiscal years 1981 and 1982 (Prior Audit Recommendation No. 3).

The Board is aware of the importance of public participation in parole related matters. However, the Board believes current time and budget constraints have precluded them from holding such meetings (Prior Audit Recommendation No. 4).

The Board has compiled and codified all of its regulation information into one manual (Prior Audit Recommendation No. 5).

## PRIOR AUDIT RECOMMENDATIONS

### Prior Audit Recommendation No. 1

The Board should establish specific objectives and related measurement criteria so that its performance can be evaluated.

The Board's FY 1979 budget documents state that its objective is to maintain a less than 8% rate of felonies committed by parolees within one year after parole release. Measurement of this objective alone, however, is not sufficient to determine the degree of effectiveness experienced by the Board in serving the public. The Board has not established any other specific program objectives through which its performance can be evaluated.

Specific objectives should describe what the Board intends to accomplish during the current period and should be consistent with long range goals. To be capable of measurement, objectives should be well-defined, including a description of methods of measurement. When specific objectives are not identified, both the Governor's office and the Legislature cannot adequately evaluate the Board's performance.

### Legislative Audit's Current Position

The Board is in the process of establishing a formal set of specific objectives and related measurement criteria so that its performance can be evaluated. A draft of a formal set of objectives has been prepared for the Board's approval.

### Prior Audit Recommendation No. 2

The Board should maintain necessary information to ensure the effective management of Board activities.

The Board keeps case files on parolees and some statistics on types of cases heard. However, the information has not been adequately summarized for purposes of analyzing the parole program.

The Board needs information for purposes of measuring performance and analyzing decisions. It is essential for any decision-making body to review the significance and effects of past decisions to adequately plan for future decisions.

Maintaining complete information will benefit the Board in several ways. Some uses of such information may entail:

1. Scheduling workloads.
2. Analyzing trends. Similar decisions when viewed over time may reveal positive or negative results and support policy changes.
3. Assisting planning efforts and research of other agencies.
4. Controlling risk in parole decisions. Valid statistics may support parole release or revocation decisions and show the degree of risk based upon historical evidence.

With sufficient information, any alternatives to the parole release system or parole procedures can be better analyzed. Procedures should be developed which address what and how information is to be maintained as well as reported.

#### Legislative Audit's Current Position

The Board has improved the procedures used to collect, analyze, and store information which is necessary for measuring performance and analyzing decisions. However, the Board should continue to develop new data and continuously review the significance and effects of past decisions.

#### Prior Audit Recommendation No. 3

The Board should prepare and submit reports as required by law.

The Board has not followed statutory reporting requirements, per AS 37.07.090 and AS 33.15.130. AS 37.07.090 requires each State agency to submit a performance report to the Division of Budget and Management no later than September 1, for the preceding fiscal year. AS 33.15.130 requires that annual reports containing various statistical data and a computation and analysis of dispositions in criminal matters by State courts be submitted to the Governor, the Commissioner of the Department of Health and Social Services and the Attorney General.

To contribute to governmental effectiveness, the Board should disseminate the results of its operations to appropriate parties. The report required by AS 33.15.130 is essential for planning and analyzing matters relating to parole. In the 1977 legislative session, the Legislature, in conjunction with sunset legislation, amended the performance reporting statute (AS 37.07.090) to require agencies to

specifically address eight criteria. This report would provide a useful tool for evaluating the Board in relation to performance reviews and other matters.

#### Legislative Audit's Current Position

The Board has prepared and submitted the reports required per AS 37.07.090 and AS 33.15.130 for fiscal years 1981 and 1982.

#### Prior Audit Recommendation No. 4

The Board should encourage public participation for consideration in parole related matters.

It is the Board's policy in the conduct of its meetings to allow the presence of only those individuals who are considered necessary under the circumstances. For parole hearings, this is required to secure the confidential nature of the hearings as well as protect the objectivity of hearing decisions. Administrative meetings, however, do not share the same characteristics as case hearings. Administrative meetings are held at irregular times during the year for the purpose of transacting general business of the Board.

We were informed by Board members that the public is sometimes confused about parole and may misconstrue the Board decisions. This has happened despite the Board's efforts to be in contact with various community groups and governmental organizations.

As another avenue in seeking public input, the Board should hold public administrative meetings. Public meetings will provide broad public representation in the development of parole regulations and be a means to formally record public input, which would assist the Board in determining how much "risk" the public is willing to bear regarding parole release.

Further, procedures should be developed to cover the agendas of public meetings and notification of the public as to time, place and nature of each meeting. A formal record should be kept of each meeting which delineates matters acted upon and any changes in Board policy or procedures.

#### Legislative Audit's Current Position

The Board is aware of the importance of public participation in parole related matters and is interested in holding public administrative meetings. However, the Board believes current time and budget constraints have precluded them from holding such meetings.

We recommend that the Board evaluate the current use of their time and budget to determine if such resources could be more efficiently used.

Prior Audit Recommendation No. 5

The Board should codify its regulations in a clear form readily available to the public, inmates and all others requiring information about the Board's operations.

AS 33.15.100 states: "The board shall adopt rules which it considers necessary or proper with respect to the eligibility of prisoners for parole, the conduct of parole hearings, and conditions of release to be imposed on parolees".

Rules governing the Board's operations should be a clear statement of its procedures and requirements in parole matters. However, the Board's rules are currently contained in two manuals, and an assortment of updating memos and various forms. This creates a situation in which the rules cannot be immediately or clearly identified and may be subject to arbitrary change.

Although the Board members and staff may personally know the rules, it is also important for the rules to be available for anyone requiring them; the present form does not adequately allow for this. A codification of the rules would not only make them readily available to others but also would facilitate making refinements and improvements in the Board's rules and procedures.

Legislative Audit's Current Position

The Board has compiled and codified all of its regulation information into one manual. This manual is readily available to any individual requiring information about the Board's operation.

JAY S. HAMMOND, GOVERNOR

**DEPT. OF HEALTH AND SOCIAL SERVICES**  
**OFFICE OF THE COMMISSIONER**

POUCH W 01  
JUNEAU, ALASKA 99811  
PHONE: 465-3030

February 2, 1982

RECEIVED

FEB 02 1982

LEGISLATIVE  
AUDIT

Mr. Gerald Wilkerson, C.P.A.  
Legislative Auditor  
Division of Legislative Audit  
Pouch W  
Juneau, AK 99811

Dear Mr. Wilkerson:

RE: Parole Board  
Preliminary Audit  
Report

There are a few comments that we would suggest be made in the "Organization and Function" section on pages 2-3 of the audit report to help clarify a few items.

The Board members are not salaried employees but they are paid \$100 compensation for each full day they are actually conducting parole hearings (AS 33.15.020). Due to a recent Alaska Court decision, the names of the new Board members are no longer sent to the Legislature for confirmation. The Board is also responsible for setting parole conditions and insuring the supervision of those prisoners released on parole supervision by the operation of law pursuant to AS 33.20.040 and the presumptive sentencing provisions of AS 33.15.180. These offenders comprise about 20% of the "parolees" being supervised at a given time and make up a significant percentate of the revocation hearings. The Board staff does the executive clemency investigations and prepares the clemency reports for the Governor's office (AS 33.20.080).

In reference to paragraphs two and three and the data contained therein; the Board conducted an average of 217 parole release hearings per year in 1980 and 1981. An average of 83 paroles were granted per year, with an average of 60 parolees being released in the calendar year in which parole was granted. The Board conducted an average of 31 parole revocation hearings and mandatory parole revocation hearings per year during 1980 and 1981.

Page Two

Mr. Gerald Wilkerson, C.P.A.

Regarding Audit Recommendation No. 1, the draft of the Board's objectives mentioned in your report was approved by the Board members in December 1981 and was amended by them on January 21, 1982. A copy of the objectives is enclosed for your information (Attachment #1). The Board has complied with this recommendation.

Regarding Audit Recommendation No. 2, we agree with you that the Board has improved its collection of data and analysis of that information. We also agree this should continue and be expanded in the future to help everyone understand the significance and effect of past decisions.

We concur in your assessment regarding Audit Recommendation No. 3 that the Board has submitted the reports required by law.

Regarding Audit Recommendation No. 4, we believe the Board will give serious consideration to using the Legislature's teleconference network for the public hearings. It will be possible to conduct public hearings once a year, and more often, depending upon budget limitations.

We concur in your finding (Recommendation No. 5) the Board has adopted and organized its regulations in one manual that is readily available to any individual desiring information about the parole process. The Board has finalized and implemented the parole guidelines procedure that gives specific weights to relevant factors considered by the Board, which helps the members make consistent decisions in similar cases. I might add the Board staff has also compiled a handbook on executive clemency that gives prospective applicants and the public information they might wish about the clemency process.

Sincerely yours,



Helen D. Beirne  
Commissioner

Enclosures: See Attached List

Page Three  
Mr. Gerald Wilkerson, C.P.A.

LIST OF ATTACHMENTS

Parole Board Audit Report

Parole Board Goals & Objectives; 1982 - 1983  
Analysis of 1981 Revocations  
Analysis of 1980 Revocations  
Calendar of 1981 Parole Board Decisions  
Calendar of 1980 Parole Board Decisions  
Annual Report; FY-81  
Annual Report; FY-80  
Annual Report; FY-79  
Informational Booklet - Executive Clemency  
Parole Board Regulations, September 1980  
Parole Progress Report Instruction Booklet, December 1980  
Parole Guidelines Coding Manual, October 1980  
Parole Guidelines Handbook for Applicant, November 1980  
Parole Guidelines Coding Sheet, Revised February 1981  
Executive Clemency Application

Previously Hand Carried:

Parole Guidelines for Alaska; Time Served  
Component, September 1980

Parole Guidelines for Alaska, December 1979

# STATE OF ALASKA

## DEPT. OF HEALTH AND SOCIAL SERVICES

BOARD OF PAROLE

JAY S. HAMMOND, Governor

ALASKA BOARD OF PAROLE  
POUCH H-01F  
JUNEAU, ALASKA 99811  
PHONE: (907) 455-3384

February 5, 1982

RECEIVED

FF3 09 1982

LEGISLATIVE  
AUDIT

Mr. Gerald Wilkerson, C.P.A.  
Legislative Auditor  
Division of Legislative Audit  
Pouch W  
Juneau, Alaska 99811

RE: Parole Board  
Preliminary Audit  
Report

Dear Mr. Wilkerson:

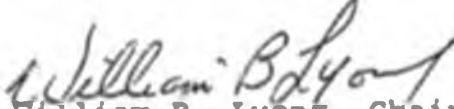
We concur with the recommendations for factual changes as outlined in Commissioner Beirne's letter regarding the Parole Board Audit, at paragraphs two and three. We believe this information will make the audit report more informative and meaningful to legislators.

We concur with the Department's responses to Recommendations one, two and three, noting that they have sent you a copy of our objectives. Regarding Recommendation four, the Board hopes and expects to hold public hearings as soon as funding becomes available. Because of the nature of Board hearings, the members have found it not possible to hold public hearings in conjunction with our regular hearings since we can not accurately predict when we will finish on a given day. Even with the supplemental funding provided during the last fiscal year, the Board only had \$13.70 left over, certainly not sufficient funds to cover even a part of a day's hearing. Although we were making plans for at least one public hearing this year, our financial situation looks worse than last year.

Page Two  
Mr. Gerald Wilkerson, C.P.A.  
February 5, 1982

In reviewing some of our data, you might note that only 5% of our parolees were returned to custody for a conviction of a new felony. We are proud of this figure understanding that most other jurisdictions have a new felony conviction rate of at least 12-14%. We believe this shows the Board is paying careful attention to its responsibilities.

Sincerely yours,

  
William B. Lyons, Chairman  
Alaska Board of Parole

cc: Helen D. Beirne, Commissioner  
Department of Health & Social  
Services

SHT/clr

POSITION PAPER  
HOUSE BILL 261

House Bill 261 replaces the current Parole Board laws with a more comprehensive statute that includes the following provisions:

- a. Five year terms for Board members as recommended by the Commission on Accreditation for Corrections and other professional organizations.
- b. Statutorily sets the compensation of Board members at \$100/day and provides for a raise with the consumer price index in Anchorage.
- c. Requires the Board to recommend statutory changes to the Legislature.
- d. Requires the Board's regulations to be promulgated pursuant to the Alaska Administrative Code.
- e. Allows the Board to discharge parolees from supervision after two years.

The changes listed in sections a), b), d), and e) above are supported by the Commission on Accreditation for Corrections and by the Alaska Corrections Masterplan Consultants of 1979.

EXECUTIVE DIRECTOR

For section .090 the Department recommends the executive director be hired by the Department and serve at the pleasure of the Department to provide better coordination within the Department.

"PAROLE RIGHTS"

Section .150 of the bill gives offenders a right to have copies of all information considered by the Board a minimum of 30 days in advance of any kind of parole hearing. Many hearings would be continued well beyond this time frame as to increased movement and bulk. Considerable expense and staff time would be saved by providing a summary of the information in the file rather than providing copies of all information in the file (average about 200 pages/file). This summary would give the offender all pertinent information considered by the Board. Section .150 of HB 261 also allows the offender a copy of all mental health records. Controversy surrounds the release of these records. Many clinicians and therapists are opposed to the release of patient records without benefit of medical interpretation.

GOOD TIME PROVISIONS

Section .170 of HB 261 requires parolees be given good time for good behavior while on parole, but this good time earned is subject to forfeiture by the Board. There is no way to avoid an enormous amount of staff time, red tape, paperwork, more policies and procedures, and hearings to implement this section. Considerable additional travel expense will be incurred on interstate parole cases. The good time system in the correctional facilities

POSITION PAPER  
HOUSE BILL 261

has proven to produce a high error rate causing serious problems, and a similar system for parolees is expected to produce similar results. Although the concept of parole good time is a unique approach, we recommend a more simple and less costly solution for the earlier release of parolees from supervision. Instead, the Committee might consider giving the Board the authority to release parolees from supervision after 1 year of good behavior rather than the 2 years listed in Section .270 of this bill, in lieu of the good time provisions of this bill.

PAROLE CONDITIONS

Section .180 unduly restricts the imposition of necessary parole conditions by the Board. The courts allow any reasonable condition that relates to the prisoner's crime and background. Where the Board determines that there is clear evidence, some parolees need to be restricted from associating with victims or their crime partners. The Board cannot require restitutions during parole nor establish other conditions normally imposed by other parole agencies or the courts, such as having the car license numbers of drug dealers.

MODIFYING CONDITIONS OF PAROLE

Section .190 of HB 261 requires 30 days written notice be given the parolee before a parole conditions can be changed. This is impractical. Currently, conditions of parole are discussed with parolees at the release hearing. New conditions of parole are imposed only when immediate intervention is needed because of risk to the community or to the parolee. This section will not allow the Board to deal with a parolee's problems when they surface, posing a risk to the community and to the parolee.

DISCHARGE OF PAROLEE

Section .250 of the bill requires that parolees be discharged from supervision automatically after five years on parole. The only exception would be if the parolee had been charged with a felony offense while on parole. An additional phrase is recommended to be inserted in line 19, "or has not violated parole by absconding supervision". Without this phrase, a parolee could abscond supervision the date of his release, and as long as he was able to avoid detection for a period of five years, he would suffer no liability. This would not be conducive toward assisting the parolee to live by the rules of society.

REVOCAION OF PAROLE

Section .290 also requires that the Commissioner prove by "clear and convincing evidence" that a parolee has violated the terms of his parole. This is a higher standard of proof than the courts have adopted in probation and parole revocation cases in Alaska, and is higher than the standard adopted by any other court or paroling agency in this country. The "preponderance of the evidence" standard is more appropriate, providing adequate safeguards for the parolee and protection for the public.

POSITION PAPER  
HOUSE BILL 261

PAROLE ARREST WARRANTS

Section .300 of HB 261 requires that a parole violation warrant be obtained from a judicial officer. This requirement will unnecessarily tax the already overburdened judicial system. The additional paper-work required from parole officers to secure a judicial warrant would increase their workload, and the Alaska Supreme Court has already ruled this an unnecessary burden on the parole officers. It is standard procedure in all other states to have a warrant issued by the Board, member of the Board or a corrections staff person.

ADDITIONAL BURDEN ON THE BOARD

Of major concern to the Department would be the increase in "Board member days" spent on Parole Board business as a result of this bill. With the responsibilities outlined in HB 261 the average number of days spent by each current Board member on Board business will increase from the current 45 to 60 days per year, to a minimum of 138 to 153 days per year. Considering there are 251 work days in a year, being a Parole Board member would be more than a half time job due to the increased workload mandated by HB 261.

The department feels that with the amendments proposed this bill could add to the effectiveness of the present parole system.

Approved by:

Helen D. Beirne  
Helen D. Beirne, Commissioner  
Department of Health and  
Social Services

Date

2-5-82

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 261  
 Title "An Act relating to parole offenders"  
 Requested by House HESS Date February 4, 1982

II. FISCAL DETAIL

Agency Affected Health and Social Services  
 Program Category Affected Offender Confinement, Reformation and Supervision  
 BRU, Program, Or Subprogram(s) Affected Adult Confinement, Probation & Community Programs  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		7.9	228.7	244.7	261.8	280.2
200 TRAVEL		2.2	3.6	3.9	4.2	4.6
300 CONTRACTUAL		14.9	52.4	57.2	62.3	67.9
400 COMMODITIES		23.9	38.4	41.8	45.6	49.7
500 EQUIPMENT			3.0			
600 LAND & STRUCTURES		992.6				
700 GRANTS, CLAIMS, ETC.		6.2	10.0	10.9	11.9	12.9
<b>TOTAL</b>	<b>-0-</b>	<b>1047.7</b>	<b>336.1</b>	<b>385.5</b>	<b>385.8</b>	<b>415.3</b>

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	-0-	1047.7	336.1	385.5	385.8	415.3
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	-0-	-0-	5	5	5	5
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section II)

1. Program

A. Adult Confinement

On the basis of information given to us by the Parole Board we would conclude that the passage of House Bill No. 261 without modification, would result in a need for additional capacity within the correctional system. Capital projects requested or in progress to provide more beds do not take into consideration the effects of new or amending legislation.

Without the provisions regarding conditions of parole or with modification of those provisions allowing the Board the flexibility it desires with respect to setting and changing conditions of parole, there would be no bed space impact.

*Robert C. Lange* (Signature)

IV. DATE February 4, 1982 PREPARED BY Robert C. Lange  
 AGENCY Adult Corrections  
 PHONE 665-3376  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 JJ-001 (Rev. 12/81)

1. The restrictions on changing of parole will result in approximately 15 revocations of parole per year. It is estimated that each revocation will result in an average period of incarceration of 60 days while the conditions of parole are being changed.

$$\text{New beds required} = \frac{15 \times 60}{365}$$

$$= \underline{2.5}$$

2. The bill provides an inclusive list of conditions of parole without language permitting the parole board to impose other conditions they consider appropriate for some parolees. Therefore, the assumption is that the parole board may hesitate to grant parole to these individuals. It is assumed, based on information provided by the Parole Board Administrator, that at least seven persons a year would be denied parole. The average length of sentence remaining when persons are paroled, considering good time that would be earned, is 20 months. Therefore, the impact on bed availability would be:

$$\text{An assumption only} \quad \text{Number of beds needed} = \frac{7 \text{ persons} \times 20 \text{ months}}{12 \text{ months}} \quad (\text{beds})$$

$$\text{Number of Beds} = 11.7$$

3. Total bed identified from above.

$$\text{An assumption only} \quad \begin{array}{r} 2.5 \\ 11.7 \\ \hline 14.0 \text{ (rounded)} \end{array}$$

The Division of Adult Corrections estimates that an additional 14 beds will need to be constructed if House Bill No. 261 is enacted.

## B. Probation and Community Programs

The provision in the proposed legislation for earning of "good time" by persons on parole will result in an increment of work for the probation staff. It is not known at this time the amount of additional staff time which will be required to document violations of conditions of parole and attend hearings of forfeiture of good time as a result of violation of parole conditions.

This increased requirement for staff time will have to be addressed in future requests for additional staff based on total work load units around the state.

## II. Fiscal

### A. Capital Expenditures

It is assumed that the additional beds can be added to a new facility. Using recent costs of additional beds at Eagle River Correctional Center plus two years' inflation of 15% per year, the estimated construction costs per bed is \$70,900. Therefore, capital expenditures required are:

Capital Funding = 14 x \$70,900  
 = \$992,600

B. It is assumed that the 14 beds will result in one additional 24-hour post requiring 5 Correctional Officers II (Anchorage pay area; Range 13, Step B; March 1982 schedule):

Annual Salary	\$24,876
Variable Benefits @ 16.63%	4,137
Supplemental Benefits @ 6.13%	1,525
Police Retirement @ 9.66%	2,403
Health Insurance	2,196
Overtime, Shift Differential	<u>3,325</u>

Total Five C.O. II's \$ 38,462

Total Five C.O. II's \$192,310

C. Inmate Costs - 1982 Costs \$ 3,000

Travel (return inmate to point of arrest)	\$ 3,000
Food @ 5.50 per day	\$228,100
Clothing @ \$300 per year	4,200
Gratuities for work	8,400
Medical costs \$1231/inmate/year	<u>17,200</u>

\$57,900

D. Building Costs

Utilities \$25,000

E. Reproduction of Inmate Casefiles

Personal Services:

217 casefiles x 2 1/2 hrs/file x 14.57/m. = 7904.

Xeroxing:

217 casefiles x 200 pages x \$.05/page 2170  
\$10,074

F. Assumptions

1. The new beds will not be completed until FY 1984. Therefore, staff and utility costs will first appear in FY 1984.
2. There will be 9.5 full time equivalent inmates in FY 1983 and 14 in FY 1984.
3. Inflation of 9% per year is used for all expenditure categories except personal services where 7% per year is used.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 261

Title An Act Relating to Parole of Offenders: Continuing the Parole Board

Requested by Senator Parr

Date March 24, 1981

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services

Program Category Affected Offender Confinement, Reformation and Supervision

BRU, Program, Or Subprogram(s) Affected Parole Board

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		35.0	38.2	41.6	44.5	47.6
200 TRAVEL		89.1	102.5	117.9	129.7	142.7
300 CONTRACTUAL		50.1	50.2	54.2	58.5	63.2
400 COMMODITIES		1.0	1.1	1.2	1.3	1.4
500 EQUIPMENT		2.1				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
800 DEPRECIATION		84.9	92.5	99.9	106.9	114.4
TOTAL		262.2	284.5	314.6	340.9	369.3

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		262.2	284.5	314.8	340.9	369.3
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		1	1	1	1	1
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

See attached sheets.

IV. DATE JANUARY 25, 1982

PREPARED BY Spencer H. Trivette

AGENCY H. & S. Dept. - Parole Board

PHONE 465-1385

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legis) for House)

33-001 (Rev. 12/81)

A. Section .010, Members

Included in this section are funds to cover cost of two additional Board members at the quarterly Board hearings. Because of their presence at hearings, hearings are lengthened by twelve minutes/hearings adding up to twelve additional days of hearings per year. Some additional xeroxing and more long distance phone calls for new members. Funds are also included for per diem and compensation for the other five members for the 12 additional days.

Travel and Per Diem-New	23.3
Contractual	1.9
Compensation-New & Old	24.0
Per Diem Increases-Old Members	5.0
Total	<u>54.1</u>

B. Sections .020 & .030, Nomination/Selection of Members

Budget one trip by one staff to Anchorage, Fairbanks, Nome, Bethel, Kenai, Ketchikan and Sitka to meet with organizations to recruit for Board members and administer member assessment. Two additional one day trips to two locations to do final interviews and train on member responsibilities.

Travel & Per Diem	1.9
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C. Section .050, Compensation

The bill would provide payment to the Board members for any day they are conducting business, including the reading of files, handling Board business by phone, as well as hearings.

- a) Reading reports-assume 225 cases/year x 3/4 hours per file = 23 "member days". Guess 23 days x 7 members = 16.1
  - b) Phone log shows average of 10 calls/quarter to the office x 4 quarters/year = 120 calls for handling appeals, requests for special hearings, mandatory release conditions, etc. = 12.0
  - c) Pay full days compensation for those days signing warrants, holding preliminary hearings, 1/2 day parole hearings, etc. Guess 70 member days x \$50 = 3.5
- Total 31.6

D. Section .080, Responsibilities

Cost to rent meeting rooms, advertise, professional recording of hearings, to establish regulations in Alaska Administrative Code (other costs in FY-82 budget).

4.4

Contract with criminal justice research firm to validate and keep parole guidelines research current - order to avoid lawsuits.

1.2

Total 11.6

E. Section .150, Release Hearings

Current statute allows the Board to conduct interviews of prisoners in the Federal Prison System by one member and then conduct a full hearing in Alaska with all members, with the interviewer presenting all information from the Federal Bureau of Prisons interview. This section requires the Prisoner's presence at the hearing and these figures reflect the cost of sending two more members on the twice annual trek to the contract facilities to hold hearings on applicants.

Travel	24.4
Compensation	6.0

This section also requires that all information be made available to parole applicants a minimum of 30 days in advance. Information is frequently not received until the week of the hearings, and therefore some hearings will have to be rescheduled again. Guess that 20% of cases (approximately 300) will be reheard, or 60 hearings/year.

Transportation	3.2
Compensation	3.5
Total	6.7

Total Transportation	27.6
Total Compensation	9.5
Total	37.1

F. Section .170, Good Time

This section mandates the awarding of good time while on parole. Money is included to contract with someone to draft regulations and policy to implement this section, since standards in this area are novel to correctional agencies and no definitions or formats are available to follow. Since parolees generally have more rights than do prisoners, we anticipate establishing the same minimum due process safeguard set forth under current Division of Corrections institutional good time policies. Current Board hearings are taxed to their maximum capacity in terms of time and additional hearing time would be established between quarterly meetings to handle all good time matters (including forfeitures), and any overflow of revocations. This would require the Board to be available at all Division of Corrections Parole offices twice yearly to handle cases in the outlying areas. Assuming only five members and one staff person, the costs would be:

Transportation and Per Diem	17.5
Compensation	1.6
Contractual (regulations)	3.6

One Administrative Assistant would be hired to keep up with the complex record keeping system, handle increased flow of reports from parole officers, and oversee the operation of the office in the absence of professional staff (due to their quarterly-increased traveling). This position is necessitated by this section as well as the additional workload brought about by Sections .010, .020, .080, .190, and .290.

Personnel	35.0
Equipment	2.1
Commodities	1.0
Total	60.8

G. Section .190, Change in Conditions

Due to the very cumbersome nature of this section and since there is often the need for the parole officer to intervene in a case on short notice to enable the parolee to remain in the community and to protect the public, it is anticipated that in approximately 15 cases/year a parole officer will have a parolee arrested to expedite the condition change process. This will of course require an additional 15 preliminary revocation hearings.

Transportation	1.6
Per Diem	1.3
Compensation	1.5
Total	<u>4.4</u>

H. Section .290, Revocation Hearings

The "clear and convincing evidence" test will result in a representative from the District Attorney's office presenting most of the cases for the Division of Corrections, as is done in probation revocation cases now. Assume District Attorneys will be present in 3/4 cases (27) which will result in a doubling in the length of the hearing time in those cases resulting in 14 additional "board days per year".

Per Diem	8.1
Compensation	9.8

Due to the 30 day requirement for information to be dispursed to parolees before preliminary hearings, anticipate rescheduling eight hearings because of requests for continuances at the original hearings.

Per Diem	4.9
Compensation	4.1
Total Per Diem & Transportation	9.0
Total Compensation	10.6
Total	<u>19.6</u>

I. Overall Costs

This bill will greatly increase the record-keeping responsibilities of the Board. It will be necessary to collect and maintain various kinds of data on all corrections clients that is not currently being kept. Because of the volume and variety of information to be kept, automation appears reasonable. We will contract with a computer firm to write the appropriate programs, set up and maintain the necessary reports for the Board. A criminal justice researcher familiar with the requirements of this bill and with the Board, advises that \$33,000 would minimally be required to handle the tasks. The Department has been unable to meet the Board's current data needs and this is why we would propose to contract for services.

Contractual	33.0
-------------	------

J. Assumption for FY-84 Through FY-87

- a) Personnel - 9% in FY-84 and FY-85; 7% thereafter.
- b) Travel - 1% in FY-84 and FY-85; 10% thereafter.
- c) Compensation - Consumer Price Index will increase by 9% in FY-84; 8% in FY-85; 7% in FY-86 and FY-87.
- d) Contractual - 8%
- e) Commodities - 8%



Official Business

# Alaska State Legislature

## House of Representatives

Committee on

Health, Education & Social Services

Pouch V  
State Capitol  
Juneau, Alaska 99811

TO: All Members of House H.E.S.S.  
FROM: Barbara Wilkins, Committee Assistant  
DATE: February 22, 1982  
RE: House Bills 225 & 261 on Parole

Subsequent to a meeting with the staff of the Senate H.E.S.S. Committee, the following issues were identified regarding possible amendment of HB 225. The Senate H.E.S.S. is using the counterpart to HB 261 for drafting, but are making substantial changes to incorporate certain portions of the counterpart to HB 225. Using HB 225 as a base, the following are areas of concern:

1. Good time computation for persons on parole. Because of due process considerations, the department feels that this would be too costly to implement. They also feel that it is only effective as a negative reinforcement measure, which is proven to be relatively ineffective in preventing behavior patterns.
2. Confidentiality of records release. The two bills differ in the pre-parole eligibility hearing materials made available to a prisoner upon request and their form. HB 225 would provide for release of the pre-parole report which is essentially the same summary the Parole Board receives. Mental health evaluations and evaluations from DOC personnel would be deleted. HB 261 would make all materials in the files available, including such evaluations.
3. Scope of statutory control of conditions of release. HB 261 seeks to set out specific conditions, with the addition of an escape clause to allow further expansion on the range of conditions set by the Board. HB 225 provides for the imposition of conditions which are to be determined by the Board. The 1980 Parole Regulations would be the guide under this legislation. An important point here is whether or not to invoke the Administrative Code (AS 44.62). If the Board were authorized, as is current law, to promulgate its own regulations, they would still have the authority of law but would not have to go through the lengthy and costly process set out in AS 44.62.
4. Notices of eligibility hearing and condition changes. HB 261 provides that prisoners will be given written notice of hearings and will be given a hearing on Board imposed changes in their conditions. Time periods differ between the two bills.



## Alaska Judicial Council

NON-ATTORNEY MEMBERS  
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JOHN E. LONGWORTH  
ROBERT W. WOOD

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ANCHORAGE, ALASKA  
99501  
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EXECUTIVE DIRECTOR  
NICHOLAS MAROULES

ATTORNEY MEMBERS  
MARCUS W. CLAPP  
JAMES B. BRADLEY  
JOSEPH L. YOUNG

March 3, 1982

CHAIRMAN EX OFFICIO  
EDMOND W. BURKE  
CHIEF JUSTICE  
SUPREME COURT

### M E M O R A N D U M

TO: Judicial Council Members  
FROM: Nick Maroules  
RE: Prison Population Impact Analysis

Enclosed are the first products of the Alaska Prison Population Impact Analysis (APPIA) we are conducting based upon our 1980 felony sentencing data. Before explaining the tables a few comments regarding the current population increases are necessary.

As has been documented in the press over the past few months, Alaska's prisons have experienced an unprecedented increase in population over the past four years. There are three main components to our prison populations: (1) sentenced felons; (2) unsentenced felons; and (3) misdemeanants. Data provided by the Division of Corrections (DOC) suggests that the increase is due mainly to the first two groups--sentenced and unsentenced felons. From January 1, 1978 through January 1, 1982, the total felony population--sentenced and unsentenced--rose from 595 to 913, a 53% increase. Sentenced felons rose from 458 on January 1, 1978, to 717 on January 1, 1982, a 57% increase. During the same period unsentenced felons rose from 137 to 196, a 43% increase. During these four years, however, the number of misdemeanants in our system has remained at 140 plus or minus 20.

At the present time, the Division of Corrections maintains ten jail/prison facilities in the state. The following table reflects the normal and emergency operating capacities of the ten facilities and the number of prisoners in each facility as of January 27, 1982.

MEMORANDUM  
 TO: Judicial Council Members  
 March 3, 1982  
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TABLE I

STATE INSTITUTIONS	NORMAL OPERATING CAPACITY	EMERGENCY OPERATING CAPACITY	01/27/82 PRISONER COUNT	% of NORMAL CAPACITY
Ketchikan	22	30	21	95%
Juneau	90	100	111	123%
Anchorage - 3rd Ave.	70	80	81	116%
Anchorage - 6th Ave.	100	115	133	133%
Ridgeview Men's	50	50	46	92%
Eagle River Men's	80	100	112	140%
Eagle River Women's	28	30	21	75%
Palmer	113	113	107	95%
Fairbanks	110	118	164	149%
Nome	30	34	32	107%
<b>TOTALS</b>	<b>693</b>	<b>770</b>	<b>828</b>	<b>119%</b>

In addition to the 828 prisoners in state correctional facilities on January 27, there were 190 prisoners housed in federal institutions (Federal Bureau of Prisons) outside the state.

The population impact analysis being conducted is limited to anticipated changes among the sentenced felon population. This decision was made for two reasons. First, the Judicial Council's data concerns felony sentencing patterns and is thus most appropriate for an analysis of population impacts on this group. Second, and more importantly, the great preponderance of the dramatic increase in prison populations over the past four years has concerned the convicted felon portion of the population.

Our analysis uses a sophisticated computer program that considers the interaction of two distinct and fundamentally important data bases simultaneously in projecting population changes. The first is a base file of all inmates currently incarcerated in Alaska's prisons (including those in the FBP) and their probable release dates. The second is a micro data base of all 1980 offenders, including their offense and sentence.

M E M O R A N D U M  
TO: Judicial Council Members  
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The first stage of the analysis, summarized in this memorandum, considers the impact of 1980 felony dispositions, assuming they remain constant, for the next five years on our current prison population. Essentially, the program considers the current total prison population, the numbers of offenders due to be released and those entering the system each month, and calculates the necessary bed space needed for each of the next 60 months.

Many assumptions are of course implicit in such an analysis. The first is that 1980 sentencing patterns persist for the next five years. While this is not very likely to hold true, it is the best empirically available information on which to base the analysis. In addition, the sentences imposed by judges do not correspond to those actually served by offenders. Accordingly, we reduced each offender's sentence for both good time and parole. All offenders sentenced presumptively are eligible for a good time reduction only--25% being the maximum such reduction. In order to calculate the most conservative impact on the system, the sentences of all presumptively sentenced offenders were reduced by 25%. Non-presumptively sentenced offenders are eligible for both the 25% good time as well as parole. On the basis of information received from the Parole Board, it was decided to reduce the sentences of these offenders by 30%. Finally, due to a limitation in our micro data base, the analysis does not include the impact of (1) probation revocations, and (2) consecutive sentences.

The following two tables reflect the impact of 1980 sentencing patterns for future prison populations. The first table makes no allowance for a growth rate in convictions, while the second adjusts for a 5% a year increase. As noted above, the analysis was conducted only for the sentenced felon population, which includes a base of N=665 current inmates.

MEMORANDUM  
 TO: Judicial Council Members  
 March 3, 1982  
 Page Four

PROJECTED SENTENCED FELONY PRISON  
 POPULATION COUNTS  
 (1980 Convictions - No Growth)

Yearly Summary

	<u>1</u> (1982)	<u>2</u> (1983)	<u>3</u> (1984)	<u>4</u> (1985)	<u>5</u> (1986)
12th Month	672	698	695	699	676
Lowest Month	672	691	695	699	676
Highest Month	717	716	738	734	729
Annual Average	693	702	717	720	703

Base Population (2/1/82) = 665

PROJECTION FOR THE NEXT 60 MONTHS

<u>Year</u>	<u>MONTH</u>											
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>
1	677	680	684	684	698	710	717	709	706	698	688	672
2	705	691	697	716	711	703	696	695	708	703	711	698
3	729	738	738	725	721	714	712	700	712	704	718	695
4	720	724	722	723	727	712	723	717	715	734	730	699
5	721	718	714	719	729	722	706	685	679	677	696	676

MEMORANDUM  
 TO: Judicial Council Members  
 March 3, 1982  
 Page Five

PROPOSED SENTENCED FELONY PRISON  
 POPULATION COUNTS  
 (1980 Convictions--5% Annual Growth)

Yearly Summary

	<u>1</u> (1982)	<u>2</u> (1983)	<u>3</u> (1984)	<u>4</u> (1985)	<u>5</u> (1986)
12th Month	683	729	748	779	782
Lowest Month	679	708	748	779	781
Highest Month	727	742	782	818	834
Annual Average	701	727	764	794	805

Base Population (2/1/82) = 665

PROJECTION FOR THE NEXT 60 MONTHS

<u>Year</u>	<u>MONTH</u>											
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>
1	679	683	689	690	705	719	727	719	717	709	700	683
2	721	708	717	739	734	728	721	721	737	732	742	729
3	767	780	782	769	768	762	761	749	764	755	772	748
4	782	789	789	793	800	786	800	795	793	818	814	779
5	811	811	809	818	834	829	812	787	781	781	806	782

M E M O R A N D U M

TO: Judicial Council Members

March 3, 1982

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As a comparison of the two tables reveals, the no-growth impact of 1980 sentencing patterns results in an increase of - 1 bed between month 1 and month 60 (n=677 and n=676, respectively). The 5% growth adjustment results in a +103 bed increase between months 2 and 60 (n=679 and n=782, respectively). The anticipated annual averages for the no-growth model fluctuate by only 27 beds (low of 693 in 1982, high of 720 in 1984), while the averages for the 5% growth model steadily increase by approximately 30 beds per year.

These distributions and projections thus reveal that prison population fluctuations have largely stabilized. In addition, they rather strongly suggest that the recent increases in our prison populations were not a product of the state's new criminal code, but rather, a result of the very high sentences handed out in the 1977-78 period as identified in the Judicial Council's report of 1976-79 felony sentencing patterns. That is, it is likely that the increases experienced in 1980-81 were more a function of fewer monthly releases from prison during this period than they were a function of the number of monthly admissions.

The second portion of the analysis, and the most difficult, includes the projected impact of two current pieces of legislation--HB293, extending presumptive sentencing to all felony offenders and HB180, the new drug bill--on prison populations. We hope to complete this analysis within the next week to ten days.

I have been asked by numerous legislators, the Attorney General and Commissioner of Health and Social Services to make this information known to the legislature while it is considering HB293. With your consent, I would like to present these objective findings before completion and review of the entire report.

Nick

STATE

JAY S. HAMMOND, GOVERNOR

**DEPT. OF HEALTH AND SOCIAL SERVICES**  
**OFFICE OF THE COMMISSIONER**

POUCH H 01  
JUNEAU, ALASKA 99811  
PHONE:

Honorable Donald E. Clocksin  
Chairman  
Health, Education, and Social  
Services Committee  
Alaska House of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Chairman Clocksin:

House Bill 261 is essentially the same bill as passed by the House last year as HB 983. Departmental staff are working on the fiscal notes and position papers and they should be completed before the end of the week.

I have enclosed copies of last year's fiscal notes and position papers that will give you some idea of the impact of the bill. Since there are two other bills before the committee I expect the Department's position paper will change.

Sincerely yours,



Helen D. Beirne  
Commissioner

Enclosures

POSITION PAPER  
COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 983 (FINANCE)

Committee Substitute for House Bill 983 (Finance) presents many positive changes in the current Parole Board statute including:

- a. Five year terms for Board members as recommended by the Commission on Accreditation for Corrections and other professional organizations.
- b. Statutorily sets the compensation of Board members at \$100/day and provides for a raise with the consumer price index in Anchorage.
- c. Requires the Board to recommend statutory changes to the Legislature.
- d. Requires the Board's regulations to be promulgated pursuant to the Alaska Administrative Code.
- e. Allows the Board to discharge parolees from supervision after two years as recommended by the Corrections Masterplan consultants and other professional corrections organizations.

The changes listed in sections a), b), d), and e) above are supported by the Commission on Accreditation for Corrections and by the Alaska Corrections Masterplan consultants. The change in section c) would enhance the mutual planning and cooperation of criminal justice agencies in the State.

EXECUTIVE DIRECTOR

Section .090 has the executive director reporting directly to the Board with no direct links to an administrative department. The department recommends for improved administration and coordination of parole functions that cross many divisions and department lines in State Government that the Executive Director be responsible to the Governor or the Department of Health and Social Services and be assigned to work with the Parole Board.

"PAROLE RIGHTS"

Section 150 of the bill gives offenders a right to have copies of all information considered by the Board a minimum of 30 days in advance of any kind of parole hearing. Many hearings would be continued 90 days because of later arrival of material. Considerable expense and staff time would be saved by providing a summary of the information in the file rather than providing copies of all information in the file (average about 200 pages/file). This summary would give the

COMMISSION PAPER/Department of Health and Social Services

offender all pertinent information considered by the Board. Section .150 of CSHB 983 (Finance) also allows the offender a copy of all mental health records. Controversy surrounds the release of these records. Many clinicians and therapists are opposed to the release of patient records without benefit of medical interpretation.

GOOD TIME PROVISIONS

Section .170 of CSHB 983 (Finance) requires parolees be given good time for good behavior while on parole, but this good time earned is subject to forfeiture by the Board. There is no way to avoid an enormous amount of staff time, red tape, paperwork, more policies and procedures, and hearings to implement this section. Considerable additional travel expense will be incurred on interstate parole cases. Although the concept of parole good time is a unique approach, we recommend a more simple and less costly solution for the earlier release of parolees from supervision. Instead, the Committee might consider giving the Board the authority to release parolees from supervision after 1 year of good behavior rather than the 2 years listed in Section .270 of this bill, in lieu of the good time provision of this bill.

PAROLE CONDITIONS

Section .180 unduly restricts the imposition of necessary parole conditions by the Board. The courts allow any reasonable condition that relates to the person's crime. Where the Board determines that there is clear evidence, some parolees need to be restricted from associating with victims or their crime partners. The Board cannot require restitution during parole nor establish other conditions normally imposed by other parole agencies or the courts, such as having the car license numbers of drug dealers.

MODIFYING CONDITIONS OF PAROLE

Section .190 of CSHB 983 (Finance) requires 30 days written notice before a parole condition can be changed. This is impractical. Currently, conditions of parole are discussed with parolees at the release hearing. New conditions of parole are imposed only when immediate intervention is needed because of risk to the community or to the parolee. This section will not allow the Board to deal with a parolee's problems when they surface, posing a risk to the community and to the parolee.

DISCHARGE OF PAROLE

Section .250 of CSHB 983 (Finance) requires that parolees be discharged from supervision automatically after five years on parole. The only exception would be if the parolee had been charged with a felony offense while on parole. An additional phrase is recommended to be inserted in line 19, "or has not violated parole by absconding supervision". Without this phrase, a parolee could abscond supervision the date of his release. As long as he was able to avoid detection for a period of five years, he would suffer no liability.

POSITION PAPERS/Department of Health and Social Service

REVOCATION OF PAROLE

Section .290 also requires that the Commissioner prove by "clear and convincing evidence" that a parolee has violated the terms of his parole. This is a higher standard of proof than the courts have adopted in probation and parole revocation cases in Alaska, and is higher than the standard adopted by any other court or paroling agency in this country. The "preponderance of the evidence" standard is more appropriate.

PAROLE ARREST WARRANTS

Section .300 of CSHB 983 (Finance) requires that a parole violation warrant be obtained from a judicial officer. This requirement will unnecessarily tax the already overburdened judicial system. The additional paperwork required from parole officers to secure a judicial would increase their workload and the Alaska Supreme Court has already said this is an unnecessary burden on the parole officers. It is standard procedure in all other states to have a warrant issued by the Board, member of the Board or a corrections staff person.

ADDITIONAL BURDEN ON THE BOARD

Of major concern to the Department would be the increase in "Board member days" spent on Parole Board business as a result of this bill. With the responsibilities outlined in CSHB 983 (Finance), the average number of days spent by each Board member on Board business will increase from the current 45 to 60 days per year, to a minimum of 122 to 137 days per year. Considering there are 251 work days in a year, being a Parole Board member would be a half time job. A full time Board would probably become a necessity in the near future due to the increased workload mandated by CSHB 983.

RECOMMENDATION OF THE DEPARTMENT

The Department recognizes the positive changes to the Parole System that are made by CSHB 983 (Finance), but recommends that further study is necessary in order to fine tune those concepts into a workable Parole System of benefit to the public and the offenders it supervises.

Recommended by: Samuel H. Trivette Date May 22, 1980  
Samuel H. Trivette  
Executive Director

Approved by: Helen D. Beirne Date 5/22/80  
Helen D. Beirne, Commissioner  
Department of Health & Social Services

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS House Bill No. 983 (Finance)  
 Title "An Act relating to parole of offenders and continuing the Board of Parole."  
 Requested by House Judiciary Committee Date May 22, 1980

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services  
 Program Category Affected Justice  
 BRU, Program, or Subprogram(s) Affected Adult Confinement & Probation/Community Programs  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		501.9	517.1	596.3	650.0	708.5
200 TRAVEL		26.5	28.9	31.5	34.3	37.3
300 CONTRACTUAL		207.9	226.6	247.0	269.2	293.4
400 COMMODITIES		8.4	9.2	10.0	10.9	11.9
500 EQUIPMENT		14.3	15.6	17.0	18.5	20.2
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>759.0</b>	<b>827.4</b>	<b>901.8</b>	<b>982.9</b>	<b>1,071.3</b>

FUNDING (Thousands of Dollars)

GENERAL FUND		759.0	827.4	901.8	982.9	1,071.3
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		15	15	15	15	15
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

A. Adult Confinement

There will be an increase in out-of-state prisoner care. In-state correctional centers are at optimum capacity, therefore, caseload increases must be accommodated through out-of-state placements.

- The restriction on changing conditions of parole will result in 10 to 15 revocations of parole. The average length of incarceration is estimated to be sixty days.

$$15 \times 60 \times \$31.26 = \$30,831$$

$$\text{Related Travel } 15 \times \$500 = \$7,500$$

*Walt Jones for*  
*Roger C. Lange*

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

Prepared by: Roger C. Lange Date: May 22, 1980  
 Division/Office: Legislative Finance File: 465-3376  
 Department of Health & Social Services

2. The provisions of this bill restricts the imposition of non-association with convicted felons or victims as parole conditions. Therefore, a number of persons who would otherwise be paroled will remain in custody. It is estimated that 7 individuals would not be released from custody each fiscal year to a maximum of twenty-one (21) persons.

FY 1981:	7 x 365 x \$34.26 =	\$ 87,534
FY 1982:	14 x 365 x \$37.34 =	190,807
FY 1983:	21 x 365 x \$40.70 =	311,966
FY 1984:	21 x 365 x \$44.37 =	340,096
FY 1985:	21 x 365 x \$48.36 =	370,679

(9% annual increase of the daily rate)

3. Reference to treatment in the bill will result in mandatory provision of services within the correctional centers. The Board of Parole will not release any persons who are a "risk" for committing a subsequent illegal act.

- a. Most court-ordered treatment is for alcohol and drug abuse-related offenders. One additional counselor position (Probation Officer II) for eight of the nine correctional centers will be required (Anchorage Annex omitted).

Eight position posts:

Personal Services	\$ 278,200
Travel	4,000
Contractual	8,300
Commodities	5,100
Equipment	7,600
<b>TOTAL</b>	<b>\$ 303,200</b>

- b. Some court-ordered treatment will have to be purchased from resources in the local community where the correctional center is located. There is no valid methodology to compute this need, so \$50,000 for FY 1981 is included as a "best guess".

4. The bill specifies that inmate will have available copies of all materials considered by the Board of Parole. There are approximately 300 cases per year which are considered by the Board of Parole. It is estimated that each file contains 200 pages of documentation, which would take an average of two (2) years to duplicated at \$0.05 per page. The cost, therefore, would be:

Clerical time costs (at time and one-half):  
 $300 \times 2 \times \$12.14 = \$ 7,285$

Duplicating costs:  
 $300 \times 200 \times \$0.05 = 30,000$   
\$37,285

B. Probation and Community Programs

1. The provision for "good time" for parolees will require an additional workload increment for the probation/parole staff. A monthly computation of "good time" will be required. It is estimated that 600 reports will have to be written annually. Appearances by the supervisory probation officer at the "good time" hearings will be necessary (600 appearances). Approximately 68 reports will have to be written for early release cases. The manpower needed to accomplish the above itemized tasks is four (4) Probation Officer II's and two (2) Clerk Typist III's and one (1) Probation Officer III.

Position Costs (average):

Personal Services	\$ 216,400
Travel	15,000
Contractual	21,000
Commodities	3,300
Equipment	6,700
<b>Total</b>	<b>\$ 262,400</b>

- C. Except for cost specified for A-2 above, a cost of living index of 9% is applied to all fiscal years over the preceding fiscal year estimates.

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. CS HB 983 (Finance)  
 Title an Act Relating to parole of offenders: Continuing the Parole Board  
 Requested by House Judiciary Committee Date May 16, 1980

II. FISCAL DETAIL Department of Health and Social Services  
 Agency Affected Department of Health and Social Services  
 Program Category Affected Administration of Justice  
 BRU, Program, or Subprogram(s) Affected Parole Board  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		27.3	29.8	32.5	34.8	37.2
200 TRAVEL		64.5	74.2	85.3	93.8	103.2
300 CONTRACTUAL		61.8	66.7	72.0	77.8	84.0
400 COMMODITIES		1.0	1.1	1.2	1.3	1.4
500 EQUIPMENT		2.1				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
800 COMPENSATION		89.7	103.2	115.6	127.2	139.9
<b>TOTAL</b>		<b>246.4</b>	<b>275.0</b>	<b>306.6</b>	<b>334.9</b>	<b>365.7</b>

FUNDING (Thousands of Dollars)

GENERAL FUND		246.4	275.0	306.6	334.9	365.7
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		1	1	1	1	1
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

Prepared by: [Signature] Date: 5/22/80  
 Division/Office: Parole Board PH: 465-3385  
 Department of Health & Social Services

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

SECTION BY SECTION  
ANALYSIS

P. 1

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 983 (Finance)  
Title An Act Relating to parole of offenders; Continuing the Parole Board  
Requested by House Judiciary Committee Date May 16, 1980

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services  
Program Category Affected Justice  
BRU, Program, or Subprogram(s) Affected Parole Board  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars) FY-81

SECTIONS	Overall Costs	.010	.020/.030	.050	.080
100 PERSONAL SERVICES					
200 TRAVEL		14.0	2.8		
300 CONTRACTUAL	30.0	1.5			8.0
400 COMMODITIES					
500 EQUIPMENT					
600 LAND & STRUCTURES					
700 GRANTS, CLAIMS, ETC.					
800 COMPENSATION		22.5		22.1	
<b>TOTAL</b>	<b>30.0</b>	<b>38.0</b>	<b>2.8</b>	<b>22.1</b>	<b>8.0</b>

FUNDING (Thousands of Dollars)

GENERAL FUND	30.0	38.0	2.8	22.1	8.0
FEDERAL FUNDS					
OTHER (Specify Fund Source)					

POSITIONS

FULL TIME					
PART TIME					
TEMPORARY					

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (Last Legislator Named)

Prepared by: Samuel H. Trivett Date: May 22, 1980  
Division/Office: Parole Board Ptl: 465-3385  
Department of Health & Social Services

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 983 (Finance)  
 Title An Act Relating to parole of offenders; Continuing the Parole Board  
 Requested by House Judiciary Committee Date May 16, 1980

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services  
 Program Category Affected Justice  
 BRU, Program, or Subprogram(s) Affected Parole Board

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars) FY-81

SECTIONS	.150	.170	.190	.290	TOTALS
100 PERSONAL SERVICES		27.3			27.3
200 TRAVEL	13.1	22.8	2.7	9.1	64.5
300 CONTRACTUAL		22.3			61.8
400 COMMODITIES		1.0			1.0
500 EQUIPMENT		2.1			2.1
600 LAND & STRUCTURES					
700 GRANTS, CLAIMS, ETC.					
800 COMPENSATION	14.5	12.5	1.5	10.6	89.7
TOTAL	27.6	88.0	4.2	19.7	246.4

FUNDING (Thousands of Dollars)

GENERAL FUND	27.6	88.0	4.2	19.7	246.4
FEDERAL FUNDS					
OTHER (Specify Fund Source)					

POSITIONS

FULL TIME		1			1
PART TIME					
TEMPORARY					

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Original: Legislative Finance Prepared by: Samuel H. Trivette Date: May 22, 1980  
 cc: Budget and Management Division/Office: Parole Board PII: 465-3385  
 Prime Sponsor (First Legislator Named) Department of Health & Social Services

A. Section .010, Members

Included in this section are funds to cover cost of 2 additional Board members at the quarterly board hearings. Because of their presence at hearings, hearings are lengthened by 12 minutes/hearings adding up to 12 additional days of hearings per year. Some additional zeroxing and more long distance phire calls for new members.

Travel and Per Diem	14.0
Contractual	1.5
Compensation	22.5
	<u>38.0</u>

B. Sections .020 & .030, Nomination/Selection of Members

Budget one trip to Anchorage, Fairbanks, Bethel, Nome, Kenai, Ketchikan and Sitka to meet with organizations to recruit for Board members, and administer member assessment. One additional 1 day trip to 1 location to do final interviews and train on member responsibilities.

Travel	2.8	<i>1.5% = \$3,220</i>
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C. Section .050, Compensation

The bill would provide payment to the Board members for any day they are conducting business, including the reading of files, handling board business by phone, as well as hearings.

- a) Reading reports-assume 225 cases/year X 3/4 hours per file = 23 "member days". Guess 23 X 7 members = 16.1
- b) Phone log shows average of 30 calls/quarter to the office X 4 quarters/year = 120 calls for handling appeals, requests for special hearings, mandatory release conditions, etc. = 12.0

Total	28.1
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D. Section .020, Responsibilities

Cost to rent meeting rooms, advertise, professional recording of hearings, to establish regulation in Alaska Administrative Code (other costs in FY-81 budget). 2.0

Contract with criminal justice research firm to validate and keep parole guidelines research current in order to avoid law suites. 6.0

Total	8.0
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F. Section .150, Release Hearings

Current statute allows the Board to conduct interviews of prisoners in the Federal Prison System by one member and then conduct a full hearing in Alaska with all members, with the interviewer presenting all information from the Federal Bureau of Prisons interview. This section requires the prisoner's presence at the hearing and these figures reflect the cost of sending two more members on the twice annual trek to the contract facilities to hold hearings on applicants.

Travel	9.6
Compensation	5.4

This section also requires that all information be made available to parole applicants a minimum of 30 days in advance. Information is frequently not received until the week of hearings, and therefore some hearings will have to be reheard again. Guess that 20% of cases (approximately 300) will be reheard, or 60 hearings/year.

Transportation	3.5
Compensation	9.1
Total Transportation =	13.1
Total Compensation =	14.5

G. Section .170, Good Time

This section mandates the awarding of good time while on parole. Money is included to contract with someone to draft regulations and policy to implement this section, since standards in this area are novel to correctional agencies and no definitions or formats are available to follow. Since parolees generally have more rights than prisoners, we anticipate establishing the same minimum due process safeguards set forth under current Division of Corrections institutional good time policies. Current Board hearings are taxed to their maximum capacity in terms of time and additional hearing times would be established between quarterly meetings to handle all good time matters (including forfeitures), and any overflow of revocations. This would require the Board to be available at all Division of Corrections Parole Offices twice yearly to handle cases in the outlying areas. Assuming only 5 members and 1 staff person, the costs would be:

Transportation and Per Diem	22.8
Compensation	12.5
Contractual (regulations)	3.6

One Administrative Assistant would be hired to keep up with the complex record keeping system, handle increased flow of reports from parole officers, and oversee the operation of the office in the absence of the professional staff (due to their greatly-increased traveling). This position is necessitated by this section as well as the additional work load brought about by Sections .010, .020, .080, .190, and .290.

Personnel	27.3
Equipment	2.1
Commodities	1.0

There is no space available in the Parole Board office or in the Department of Health and Social Services building for more staff or for additional space for files, and space will have to be leased from the private sector. Proposed to rent 1200 square feet at \$1.39 per square foot.

Contractual	18.7
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H. Section .190, Change in Conditions

Due to the very cumbersome nature of this section and since there is often the need for the parole officer to intervene in a case on short notice to enable the parolee to remain in the community and to protect the public, it is anticipated that in approximately 15 cases/year a parole officer will have a parolee arrested to expedite the condition change process. This will of course require an additional 15 preliminary revocation hearings.

Transportation (7 hearings only)	1.8
Per Diem	.9
Compensation	1.5
	<u>4.2</u>

I. Section .200, Revocation Hearing:

The "clear and convincing evidence" test will result in a representative from the District Attorney's office presenting most of the cases for the Division of Corrections, as is done in probation revocation cases now. Assume District Attorney's will be present in 3/4 cases (27) which will result in a doubling in the length of the hearing time in those cases resulting in 14 additional "board days per year".

Per Diem	7.6
Compensation	9.8

Due to the 30 day requirement for information to be dispursed to parolees before preliminary hearings, anticipate rescheduling 8 hearings because of requests for continuances at the original hearings.

Per Diem and Transportation	1.5
Compensation	.8

Total Per Diem & Transportation	9.1
Total Compensation	10.6

J. Overall Costs

This bill will greatly increase the record - keeping responsibilities of the Board. It will be necessary to collect and maintain various kinds of data on all corrections clients that is not currently being kept. Because of the volume and variety of information to be kept, automation appears reasonable. We will contract with a computer firm to write the appropriate programs, set up and maintain the necessary reports for the Board. A criminal justice researcher familiar with the requirements of this bill and with the Board, advises that \$30,000 would minimally be required to handle the tasks. The Department has been unable to meet our current data needs and I am sure the additional work will be outside their capabilities, and this is why we would propose to contract for the services.

Contractual	30.0
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- K. Assumption for FY 82 Through FY 85
- a) Personnel = 9% in FY 82 and FY 83; 7% thereafter.
  - b) Travel = 15% in FY 82 and FY 83; 10% thereafter.
  - c) Compensation = Consumer Price Index will increase by 15% in FY 82; 12% in FY 83; 10% in FY 84 and FY 85.
  - d) Contractual = 8%.
  - e) Commodities = 8%.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS House Bill No. 983

Title "An Act relating to parole of offenders and continuing the Board of Parole."

Requested by House Judiciary Committee

Date April 21, 1980

II. FISCAL DETAIL

Department of Health and Social Services

Agency Affected

Program Category Affected Justice

BRU, Program, or Subprogram(s) Affected Adult Confinement & Probation/Community Programs

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		562.3	612.9	668.0	728.2	793.7
200 TRAVEL		36.5	39.8	43.6	47.3	51.5
300 CONTRACTUAL		224.3	339.9	474.6	517.3	563.9
400 COMMODITIES		11.0	12.0	13.1	14.2	15.5
500 EQUIPMENT		19.7	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>853.8</b>	<b>1004.6</b>	<b>1199.1</b>	<b>1307.0</b>	<b>1424.6</b>

FUNDING (Thousands of Dollars)

GENERAL FUND		853.8	1004.6	1199.1	1307.0	1424.6
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		17	17	17	17	17
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

A. Adult Confinement

There will be an increase in out-of-state prisoner care. In-state correctional centers are at optimum capacity, therefore, caseload increases must be accommodated through out-of-state placements.

- The restriction on changing conditions of parole will result in 10 to 15 revocations of parole. The average length of incarceration is estimated to be sixty days.

$$15 \times 60 \times \$34.26 = \$30,834$$

$$\text{Related Travel } 15 \times \$500 = \$7,500$$

*Ray C. Lange*

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

Prepared by: Ray C. Lange Date: 01/23/80  
Division/Office: Corrections PH: 465-3376  
Department of Health & Social Services

33-001 (Rev. 12/79)  
Modify by DHSS (11-28-79)

Approval DHSS Mgt. & Bdgt: \_\_\_\_\_ Date: \_\_\_\_\_

2. The provisions of this bill restricts the imposition of non-association with convicted felons or victims as parole conditions. Therefore, a number of persons who would otherwise be paroled will remain in custody. It is estimated that 7 individuals would not be released from custody each fiscal year to a maximum of twenty-one (21) persons.

FY 1981:	7 x 365 x \$34.26 =	\$ 87,534
FY 1982:	14 x 365 x \$37.34 =	190,807
FY 1983:	21 x 365 x \$40.70 =	311,966
FY 1984:	21 x 365 x \$44.37 =	340,096
FY 1985:	21 x 365 x \$48.36 =	370,679
(9% annual increase of the daily rate)		

3. Reference to treatment in the bill will result in mandatory provision of services within the correctional centers. The Board of Parole will not release any persons who are a "risk" for committing a subsequent illegal act.

- a. Most court-ordered treatment is for alcohol and drug abuse-related offenders. One additional counselor position (Probation Officer II) for eight of the nine correctional centers will be required (Anchorage Annex omitted).

Eight position posts:

Personal Services	\$ 278,200
Travel	4,000
Contractual	8,300
Commodities	5,100
Equipment	7,600
<b>TOTAL</b>	<b>303,200</b>

- b. Some court-ordered treatment will have to be purchased from resources in the local community where the correctional center is located. There is no valid methodology to compute this need, so \$50,000 for FY 1981 is included as a "best guess."

4. The bill specifies that inmates will have available copies of all materials considered by the Board of Parole. There are approximately 300 cases per year which are considered by the Board of Parole. It is estimated that each file contains 200 pages of documentation, which would take an average of two (2) years to duplicate at \$0.05 per page. The cost, therefore, would be:

Clerical time costs (at time and one-half):  
 $300 \times 2 \times \$12.14 = \$ 7,285$

Duplicating costs:  
 $300 \times 200 \times \$0.05 = 3,000$   
**\$10,285**

#### B. Probation and Community Programs

1. The provision for "good time" for parolees will require an additional workload increment for the probation/parole staff. A monthly computation of "good time" will be required. It is estimated that 600 reports will have to be written annually. Appearances by the supervisory probation officer at the "good time" hearings will be necessary (600 appearances). Approximately 68 reports will have to be written for early release cases. The manpower needed to accomplish the above itemized tasks is four (4) Probation Officer II's and one (1) Clerk Typist III.

Position costs (average):

Personal Services	\$ 155,900
Travel	15,000
Contractual	21,000
Commodities	3,300
Equipment	6,700
<b>TOTAL</b>	<b>\$ 201,900</b>

2. Section 100 C requires that all offenders released from custody with any "good time" must be on parole for the duration of the "good time" earned. The additional persons requiring supervision cannot be absorbed by the existing probation staff. It is estimated that two (2) full-time Probation Officer II's would be required to supervise the approximate 175 offenders which are released annually. The period of supervision will range from 1 to 180 days, as offenders released under current law with more than 180 days of "good time" require supervision. One Probation Officer III would be required to supervise the six (6) Probation Officer II's identified, and one additional Clerk-Typist would be required to type the heavy volume of reports generated by probation officers.

Personal Services	\$120,900
Travel	10,000
Contractural	16,400
Commodities	2,600
Equipment	<u>5,400</u>
TOTAL	\$155,300

- C. Except for cost specified for A-2 above, a cost of living index of 9% is applied to all fiscal years over the preceding fiscal year estimates.

2-24-82

HB 225 261 2-93

Presumptive sentencing - applies only to repeat offenders,  
minimal " " → up or down dep on <sup>mit. condition</sup>  
i.e. could be zero!

no parole for repeat offenders (178)

NO ↑ prisoners!

STERN  
STARIC  
PRUITT

Bill

① Keep PB (for old system)  
(prior to 1/83)  
Sunset it 83-84

② Rehabilitation  
↑ for length

③ adopt Pres. Sen. for 1st Off.  
↓ ↑ Pris. pop.

④ i.e. NO fiscal 91  
+  
NO ↑ pris. ones.

Rehabilitation - (To keep out of jail);  
Furloughs  
1 for 1

pre-release