

PAROLE BOARD
SUNSET
HEARING

STATE OF ALASKA

JAY S. HAMMOND, Governor

DEPT. OF HEALTH AND SOCIAL SERVICES

BOARD OF PAROLE

ALASKA BOARD OF PAROLE
POUCH H-01E
JUNEAU, ALASKA 99811
PHONE: (907) 465-3284

March 8, 1982

Honorable Ramona L. Barnes
Chairperson
Judiciary Committee
Alaska House of Representatives
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

RE: Parole Board Sunset
Review

Dear Representative Barnes:

I understand the Speaker of the House has referred the matter of the Sunset Review of the Alaska Parole Board to the Judiciary Committee. Please consider the following information on behalf of the members of the Alaska Parole Board.

The Board has compiled a significant list of achievements since the last Sunset Review Audit Report in the spring of 1979. A careful review of the old audit report and of the 1980 report of the House Judiciary Committee will reveal all of the major problem areas addressed in those reports have been rectified and the Board has made significant strides in the professionalization of the operation of the Board since that time. With the statutory changes incorporated into House Bill 225, the Board would probably be able to obtain national accreditation through the Commission on Accreditation for Corrections.

The following is a partial list of some of the major accomplishments of the Board since the 1979 audit report:

1. Adoption of Parole Board regulations (9-80) into one consolidated booklet, made available to all criminal justice practitioners, public libraries, prisoners, parolees, and other interested agencies around the State.
2. Completion of parole guidelines research (9-80) and implementation after a trial period of the parole guidelines matrix system for establishing parole release dates for prisoners, allowing for the equal treatment of similarly-situated prisoners.

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3. Implementation of a formal structured appeals system, subjecting all Board decisions to close scrutiny.
4. Comprehensive revision of the information and reports received by the Board so it can accurately assess a prisoner's risk, resulting in very few crimes being committed by parolees released by the Board (see p.3 of letter to Representative Meekins).
5. Completion of the revisions of the general filing system and of all case files resulting in one comprehensive file on each person subject to the supervision of the Board.
6. Establishment of numerous short-ranged objectives to upgrade the operation of the Board, most of which have been met.
7. Establishment of long-range goals and objectives to insure the continued improvement of the operation of the Board.
8. Met or exceeded all Departmental goals established during the budget process (program and administrative) in recent years.
9. Prepared and distributed an informational handbook explaining the parole guidelines to all prisoners applying for parole.
10. Prepared and distributed a new executive clemency application and informational handbook providing basic background about the clemency process in Alaska.
11. Operated the Board in compliance with current laws and court decisions to avoid monetary judgments against the State and provided fair and consistent parole release and revocation decisions.
12. Prepared and submitted draft legislation to the Alaska Legislature that provides for the comprehensive revision of the parole laws of Alaska, and allows the Board to meet all important national standards developed by professional corrections personnel.
13. Continued to provide staff support to the public, the Department of Health and Social Services, the Judiciary, the Legislature and others about criminal justice matters.
14. Operated the Board to insure minimal supportable complaints to the Human Rights Commission or the Ombudsman.

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15. Continued to live within the budget passed by the Legislature at the same time propose additional funding for the Board that would significantly enhance the operation of the Board.
16. Met with various groups and clubs to discuss the operation of the Parole Board to help educate the members of the public.
17. Worked with auditors and other State agencies to critique the Parole Board and other criminal justice agencies and develop solutions for improving their operations.
18. Invite criticism of individual decisions of the Board by establishing regulations providing for the appeal of almost any Board decision and requiring the Board to set forth in writing its reasons for every decision.

As you know the Alaska Constitution requires the establishment of a parole system. The Board members believe the Board has demonstrated the public need for the continuation of the Parole Board, but we feel the Board can better serve the public if legislation drafted by the Board is passed this session. Although alternative legislation has been proposed to substitute more good time and furloughs for discretionary parole release, we believe the Board's parole guidelines provide fairness, equity and certainty that can not be bettered by any of the other proposals currently before the Legislature. The certainty of the Board's decisions could be enhanced by it seeing offenders shortly after they were sentenced and informing them what the Board would require before their release--rather than waiting to see them when they are eligible for parole. The additional funding to accomplish this would be minimal and would significantly improve the operation of the Board.

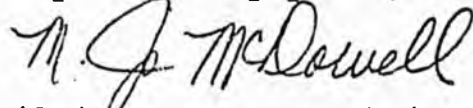
Funding to provide ongoing research about the decisions of the Board would be of great value to Legislators, the public and other criminal justice administrators in helping to understand the operation of the Board. Overall we believe the Board affords the public the maximum amount of protection by releasing only those offenders who are not a serious risk to the public and reduces the cost of the operation of the Alaska Correctional system by releasing low risk offenders from jail. We believe our policies meet the Alaska Constitutional mandates of reformation of the offenders and protection of the public.

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Chairperson, Judiciary Committee

Because of the budget constraints placed on the Board and the short notice given for the hearing, neither I nor the Vice-Chairman of the Board will be able to attend the Sunset hearing. We have requested that our Executive Director attend and be present to answer any questions you might have about the Board. Please contact me if you should have any questions or need additional information not attached to my letter to you and the other Committee members.

Please be assured of our continued interest and cooperation in the Sunset Review of the Parole Board.

Very sincerely yours,



WBL
William B. Lyons, Chairman
Alaska Board of Parole

cc: Board Members

Honorable Charles H. Parr
Chairman, Senate Health,
Education and Social Services
Committee
Alaska State Legislature

Attachments: Board Goals and Objectives, 1982-1983 (Rev. 01/82)
Parole Board Outline (02/82)
Parole Board Research Findings
Parole Guidelines-Supplemental Report (09/80)
Letter to Representative Meekins, pg.3 (08/12/81)
Parole Board Revocation Data 1981
Parole Board Revocation Data 1980
Parole Board Activity Calendar 1981
Parole Board Activity Calendar 1980

WBL/clr

GOALS AND OBJECTIVES OF
THE ALASKA PAROLE BOARD FOR 1982 - 1983

GOALS

Enhance the safety and security of the citizens of Alaska by only releasing to parole supervision those offenders that will, in reasonable probability, live and remain at liberty without violating the laws or without violating the conditions imposed by the Board (AS 33.15.080).

Enhance the criminal justice system by releasing to parole only those offenders whose release is not incompatible with the welfare of society (AS 33.15.080).

Provide the Governor with a comprehensive report of an investigation on each executive clemency applicant, along with all other information the Board has regarding the applicant (AS 33.15.080).

Conduct hearings as necessary pursuant to the Interstate Compact on Probationers and Parolees (AS 33.10.010).

OBJECTIVES

1. Operate the Board to insure that less than 8% of parolees released are returned to custody within one year of release with a new felony conviction.
2. Operate the Board to insure that less than 20% of the parolees are returned to custody within one year of release.
3. Operate all Board hearings in a timely manner in compliance with federal and State laws, applicable court decisions, and Board regulations to:
 - a) Prevent offenders from being released or parolees from remaining in the community because of technical errors made by the Board.
 - b) Prevent any monetary judgment against the State because of improper Board action or activity.
4. Operate the Board to insure the most cost effective expenditure of State funds.

5. Make consistent case decisions based upon researched, written guidelines and provide a written record in each case so that interested parties can be informed of the reasons for any case decision upon inquiry.
6. Handle all administrative appeals of Parole Board or Parole officer decisions in accordance with Board regulations.
7. Support the enactment of legislation to modify and update Parole Board laws to retain a constitutionally-viable parole system that would meet the standards established by the Commission on Accreditation for Corrections.
8. Once legislation has passed, apply for accreditation through the Commission on Accreditation for Corrections and strive to become accredited.
9. Hold hearings on all offenders eligible for discretionary parole within six months after the date of sentence on those sentenced to terms of 5 years or less, or within 2 years of parole eligibility on those sentenced to terms in excess of 5 years.
10. Have Division of Adult Corrections employees complete parole progress reports on all offenders applying for parole.
11. Provide professional training for all Board members and staff involved in conducting parole hearings.
12. Improve, expand, and update the research on parole applicants and parolees to insure accuracy of data and improve the information on which individual case decisions are made pursuant to the parole guidelines.
13. Meet with other criminal justice system employees in the State to coordinate activities and discuss problem areas.
14. Meet with other State officials to seek solutions to the overcrowding in Division of Adult Corrections institutions.
15. Continue long range planning of Parole Board and Board related activities.
16. Continue to support and assist with the implementation of OBSCIS (Offender Based State Correctional Information System).
17. Hold more frequent revocation and rescission hearings to decrease the time violators are held in custody before final action is taken by the Board.
18. Revise and update the Board's regulations and other working documents as necessary.

PAROLE BOARD OUTLINE

1. The Parole Board is extremely inexpensive to operate in relationship to other sectors of the Alaska Criminal Justice system. The overall costs of the operation of the Board just exceeds \$225,000 for the upcoming fiscal year. Most of the money spent goes for salaries of staff, some compensation for Board members, and travel funds to allow the members to hold hearings throughout the state and in contract facilities housing Alaskan inmates. Although we do not have the actual cost of operating the court system or other segments of the criminal justice system in Alaska, they certainly exceed the cost of operation of the Board by far.
2. The Parole Board has very specific written guidelines for making its decisions, which make it available for very close public scrutiny. Any time a prisoner is not granted parole, he is sent an individual letter advising him of the reasons for the decision. Whenever a parolee has his parole revoked, he receives an individualized letter explaining the specific reasons why he has been returned to custody. Any time the Board deviates from their written guidelines in any given case, they must document the specific reasons in the file why such a decision was made. These letters are available for public scrutiny. (Refer to articles on guidelines for more specific examples).
3. The new parole guidelines research has allowed the Board to develop very concrete guidelines with numerical weights given to statistically valid factors that allows the Board to closely compare similar cases and will result in equal treatment of similarly-situated inmates.
4. The Board members are representative of the major ethnic and minority groups of the state. The Board has had Alaskan natives and black membership since 1971, and a women on the Board since early 1976. Each of these members have a wide variety of experience in dealing with and relating to minority persons. They are familiar with the diverge cultures of the citizens of the State of Alaska. No other segment of the system has or is likely to have in the near future, this broad representation.

5. In spite of the problems with the disparity in sentencing in Alaska, the inmates handled by the Board are treated very similarly, no matter what their ethnic background is. Current Parole Board research indicates that within the parameters with the law which requires all inmates to serve one-third of their sentence to which they are sentenced before being eligible for parole, the Parole Board does treat individuals similarly as much as is reasonable.
6. The Board members are not employees of the State, but are citizens from various communities around the state that retain their ties there and are familiar with the wishes of the communities from which they come. They are concerned with the community foremost rather than the needs of any department of the state government, and their decisions reflect their community and individual person orientation. The Legislature established a separate Parole Board office in 1972 specifically for the purpose of allowing the Board members to not be controlled or too heavily influenced by the other full time employees of the criminal justice system. This appears to be working very effectively.
7. The Board members make consistent decisions statewide. Although there is known to be wide disparity in sentencing between different areas of the state, this small group of Parole Board members maintains consistency in its decision-making throughout the State of Alaska. No matter how closely regulations and guidelines are written, such consistency is unlikely to occur throughout the state with the number of judges, district attorneys, and defense attorneys involved in the other segments of the criminal justice system.
8. Social science research has shown that group decisions in making parole and related kinds of decisions produce more consistent and equitable than those made by individuals.
9. The State constitution requires a parole system. Although the parole function could be handled by the courts or another agency of the State, or by other state employees, or some other group, the current make-up of the Board is the most cost effective while offering fair, consistent and reviewable decisions. Unless and until the citizens of the state wish to amend the state constitution, or a more cost effective and equitable system can be shown to be available, the current procedure should be maintained.

10. In the mid to late 70's, many criminal justice professionals, college professors, attorneys, and others, were recommending the abolition of parole throughout the country. A great majority of those making that recommendation have since changed direction and many are now supportive of the parole process. The concept of a "community release board" separate from the courts to determine the length of prison terms was supportive by the American Bar Association in a position paper in the fall of 1977. This was a reversal of the Association's previous recommendation that parole be abolished.
11. A "community release board" concept is now being supported by many criminal justice professionals that had previously supported the concepts of "determinate", "flat-time", or "presumptive" sentencing schemes where the prison terms were set in statute with little judicial discretion and no parole discretion.
12. Some persons would argue that all relevant factors are known at the time of sentencing and therefore there is no need for any other determination about a release date later on after the date of sentencing. The proponents of this kind of system and the "nothing works" idea have lost most of their support in recent years.
 - (a) Research in other jurisdictions shows that institutional behavior does have a significant relationship to the success or failure of parolees and therefore should be considered at a parole release hearing some time after sentencing.
 - (b) Research in other jurisdictions shows that institutional programming and programming after release have a significant relationship to the success or failure of parolees and therefore should be considered at parole release hearings. (One such program that enhances the change of success is T.A.S.C.).
 - (c) Research in Alaska shows that certain aspects of an inmate's release plan do have a significant relationship to the success or failure of the parolee and therefore should be considered at the parole release hearing some time after sentencing.

Although we certainly do not have all of the research necessary to prove all relationships that exist, it is very clear that relationships do exist that are relevant after a person is sentenced and incarcerated and are appropriate to consider at a hearing by a parole board or similar body.

PAROLE BOARD RESEARCH FINDINGS

1. 70% of the "mandatory releasees" had served two years or less in jail when released on mandatory release supervision. Only 1% of the mandatory releasees had sentences exceeding five years.

It is apparent that the Parole Board frequently does not parole people with relatively short sentences (two years or less), but does parole most inmates with longer sentences.

A casual check of files several years showed that only one inmate out of 13 with six month sentences that applied for parole was paroled in a given year. It appears that the Board is following its stated purpose in dealing with inmates with longer sentences and paroling those with short sentences only when unusual circumstances warrant.

2. Percentage of Inmates Paroled v M.R.'d by Race.

Race	M.R.	Parole
White	35%	65%
Black	21%	79%
Native	44%	56%
Other	35%	65%

Blacks get paroled at the highest rate with others and whites next. Natives get paroled at the lowest rate. At first glance, it would appear that there is a great disparity in who gets paroled and who mandatory releasees if you do not look at the following tables. As it turns out, some of the other tables give us a much better picture of the habits of the Parole Board, and provide us with the background on the differing parole rates.

3. Mean Months Sentenced by Race of M.R.'s and Parolees.

Race	M.R.	Parole
White	26.6	54.2
Black	34.6	79.2
Native	30.3	59.6
Other	61.5	127.6

This table gives us the length of sentence of people that the Board paroled and those that were released on mandatory supervision by operation of law without parole. This figure tells us more about the sentencing patterns of the court system rather than the Parole Board's, except that the Board does not parole inmates as frequently with shorter sentences as those with longer sentences. This especially true with the longer sentences as inmates are required to serve at least one-third and sometimes more of their sentence before being eligible to apply for parole.

4. Mean Months Served by Race of M.R.'s and Parolees.

Race	M.R.	Parole
White	20.2	19.4
Black	23.0	25.7
Native	22.9	21.4
Other	43.8	24.1

This table gives us a good comparison of how much time the Parole Board actually has inmates serve before they are released from custody either by parole or mandatory releases. Please note that the parole time on whites and natives is only two months different. The parole time on blacks and others is somewhat higher, but realizing that amount of time served before an inmate is eligible for parole is a function of the length of sentence, and thus these differences are somewhat dependent on the length of the inmate's sentence.

The time served for whites, blacks, and natives who are mandatory releasees are very close, being less than three months difference. Although the "other" mandatory releasees time is quite high, there are only a few people in that category which artificially inflates the time served number.

Very interesting are the close similarities between the amount of time the Board requires a person to serve by each race category whether or not they are paroled or released on mandatory supervision. There is less than one month's difference between the white parolees and white mandatory releasees, less than three months time served between the black parolees and black mandatory releasees and one month difference between the native parolees and native mandatory releasees.

Remembering that "others" had the longest sentences, followed by blacks, and then whites, this table shows that there is a very close relationship to the amount of time served by parolees and mandatory releasees within each race category.

5. Mean Months Served as Proportion of Mean Sentence, by Race.

<u>Race</u>	<u>M.R.</u>	<u>Parole</u>
White	76%	36%
Black	66%	32%
Native	76%	36%
Other	71%	19%

Interestingly, the Board required white and native parolees to serve an identical amount of their sentences before being released on parole. Blacks were required to serve four percent less of their sentences before being paroled, recalling that their sentences were somewhat longer than whites or natives. "Others" were required only to serve 19% of their sentences, but their sentences were extremely long in comparison to the other groups, and again there was a very small sample in this category which unduly influences the figures. It appears the Board is treating all races as similarly as is possible within the current statutory scheme

Let's take a look at those released on mandatory supervision. Again, whites and native served an identical portion of their sentences before being released on mandatory release. Blacks served a little less time than whites or natives, proportionally which is probably a function of their longer sentences and the Board's attempt to treat all prisoners similarly. "Others" released on mandatory release served a little more time proportionally than did blacks, but less than whites or natives.

6. For a summary of release characteristics by race, please refer to the table on page 9 of the Supplemental Report Time Served Component of the Alaska Parole Guidelines Study (September, 1980). This sheet provides a quick overview of the release patterns of the Parole Board, the relative length of sentences imposed by the courts on those persons seen by the Parole Board, etc.

7. Only six percent of parolees released by the Board from 1970-1979 were convicted of a new felony at any time while on parole. This figure is less than half the national figure with a two year follow up. This figure alone does not necessarily mean anything by itself, but probably indicates the Board is fairly careful about its release decisions, and also would suggest that parolees are being adequately supervised by parole officers. We know for certain that only about two or three parolees a year on the average are convicted of new felonies, so they are not a strong factor in the increased crime rate in Alaska.

NOTE REGARDING THE FOLLOWING FRAME ON MICROFILM:

COMPLETE DOCUMENT IS AVAILABLE IN ORIGINAL FILES
IN ALASKA STATE ARCHIVES. TITLE PAGE ONLY HAS
BEEN FILMED.

PAROLE GUIDELINES FOR ALASKA
SUPPLEMENTAL REPORT
TIME SERVED COMPONENT



ALASKA BOARD OF PAROLE

SEPTEMBER 1980

STATE OF ALASKA

JAY S. HAMMOND, Governor

DEPT. OF HEALTH AND SOCIAL SERVICES

BOARD OF PAROLE

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

August 12, 1981

Honorable Russ Meekins, Representative
Alaska State House
Chairman, House Task Force on Violent
Crime
1526 "K" Street
Anchorage, Alaska 99501

Dear Representative Meekins:

The members of the Parole Board applaud the work being done by the Legislature to identify and attempt to solve the problems we are having with violence throughout the State of Alaska. We are willing to assist the Task Force in any way we can, including providing you information about steps the Board has taken to help curb violent crime in the community.

I just received a copy of the "House Task Force on Violent Crime-Report to the First Session, Twelfth Alaska Legislature", June 1981. Overall the report is well written and documents the magnitude of violence in Alaska. However, there is a gross error in the prologue of the report that really detracts from the credibility of a valuable document. Unfortunately some staff person did not check out their facts and apparently took information from a newspaper article, traditionally one of the most unreliable sources around if a person is interested in accurate information. The erroneous reporting is so inaccurate and damaging that we would request your Task Force print a retraction and correction so other members of the Legislature and the public are not misled about the case.

Let me list some of the facts of the case of the man written about on page 2 of the prologue. His name is Clifford Nukapigak, Sr. His name and his crimes are a matter of public record and were noted in a number of newspaper articles and at least one Alaska Supreme Court decision. However, Mr. Nukapigak was not paroled by the Alaska Parole Board. Parole is defined by the Alaska Statute 33.15.260(3) as "...the release of a prisoner to the community by the Parole Board before the expiration of his term..." (emphasis mine). He appeared before the Board in October 1977 and was denied parole without further review because of his extensive history of very violent behavior. In spite of his involvement in all of the alcohol programming in the jail and his involvement in psychological counseling to help him deal more appropriately with his anger, he was denied a special hearing in 1978 because the Board felt he still constituted a very serious risk to the community.

Honorable Russ Meekins

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However, Mr. Nukapigak was released "as if on parole" pursuant to AS 33.20.040. This statute is commonly referred to as the "mandatory release" statute, the name used by the federal system from which our State statute was taken. Under this statute, offenders not paroled are released on supervision "as if on parole" for the number of days of good time they have earned, minus 180 days. This is the section under which Mr. Nukapigak was released. He was not paroled by the Parole Board.

Even though he was not paroled, the Board members strongly encouraged Mr. Nukapigak to continue with the counseling he started in the jail. Since he was not paroled, the Board had no authority to require he complete an alcohol program. He was certainly aware of the availability of such programming since the staff of the Fairbanks Comprehensive Alcohol Programs were running a program in the jail where he served his sentence. He was encouraged to take advantage of the alcohol program and apparently he was involved in mental health counseling to help him deal with his anger. If Clifford did not get involved in the C.A.P. program, it was because he did not go when he was released from jail, certainly an option that was available to him.

I cannot comment on the frequency of or the kind of supervision Mr. Nukapigak did or did not receive as this is the responsibility of the Division of Corrections probation officers. However, it appears even weekly contact would have made no difference in this case as Clifford was doing fairly well and abstained from the use of alcohol until the day before the homicides. Nothing short of continuous supervision or lack of access to alcohol would have prevented these crimes.

In summary, Nukapigak was not paroled. The Parole Board kept him in jail as long as legally possible and strongly urged his continued involvement in counseling. He was released by operation of law in February 1981. Clifford knew he was extremely dangerous when he drank and he made and kept his resolve to not drink until the day before he committed the homicides on August 18. There is nothing more the Parole Board could have legally done to protect the public from Mr. Nukapigak.

Those are some of the pertinent facts about the Point Lay case. Please feel free to contact the Parole Board office if you wish additional information or documentation of the information I have provided you.

Honorable Russ Meekins

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Let me briefly discuss some possible implications of the Point Lay case with the article as it is currently written in the Task Force report:

1. Parole Board paroles lots of high risk, violent offenders;
2. Lots of parolees commit new felonies while on parole supervision;
3. Parolees account for many of the assaultive crimes committed in Alaska;
4. Not paroling offenders would significantly reduce assaults in Alaska.

These are some of the assumptions many people will probably make after reading page 2 of the prologue. Fortunately, these assumptions are far from being correct.

Let me give you and the other members of the Task Force some hard data about parolees in Alaska. Since most of the concern now seems to be about violent felonious behavior, let me start with this information. A one year follow-up of all persons released from January 1975 through December 1979 shows that only 4% of the parolees (13 persons) were convicted of a new felony. Only 2% of those new felonies (7 felonies) were committed in Alaska. Of those new felonies committed only 3 persons were actually physically assaulted by parolees in Alaska (less than 1% of those paroled during a 5 year period). Only an average of 1.4 parolees were convicted of new felonies in Alaska, and of these only an average of 0.6 parolees in Alaska were convicted of a new felony involving an assault of a victim. It is clear from these figures Alaska parolees are not responsible for a "crime wave" in Alaska.

Hopefully this information will provide the members with some accurate recent information about the Parole Board. Please contact me or the Board office in Juneau at your convenience if we can ever provide any assistance to you, your staff, or any of the other Task Force members.

Very truly yours,

William B. Lyons
Parole Board Chairman

cc: Honorable Albert P. Adams

Honorable Charles G. Anderson

Honorable Russ Meekins

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cc: Honorable Oral E. Freeman

Charles Campbell, Director
Division of Corrections

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

Allen Korhonen, Deputy Commissioner
Department of Health and
Social Services

Parole Board Members

WBL/clr

ALASKA BOARD OF PAROLE

QUARTER _____, 198__

1981

PAROLED - INTERSTATE	22
PAROLED - ALASKA	65
PAROLED - DETAINER	2
CONTINUED	34
DENIED	86
PAROLE RESCIND & CONTINUED	3
PAROLE RESCIND & REPAROLED	3
PAROLE RESCIND & DENIED	3
PAROLE REVOKED & CONTINUED	4
PAROLE REVOKED & REPAROLED	2
PAROLE REVOKED & DENIED	11
MANDATORY PAROLE REVOKED & CONTINUED	0
MANDATORY PAROLE REVOKED & REPAROLED	1
MANDATORY PAROLE REVOKED & DENIED	11
CONTINUED ON PAROLE	4
REQUEST FOR RECONSIDERATION - GRANTED	0
REQUEST FOR RECONSIDERATION - DENIED	5
REQUEST FOR SPECIAL HEARING - GRANTED	2
REQUEST FOR SPECIAL HEARING - DENIED	2
PRELIMINARY HEARINGS THIS QUARTER	17
OTHER	13
TOTAL CASES HEARD	290

ALASKA BOARD OF PAROLE

QUARTER _____, 198__

1980

PAROLED - INTERSTATE	19
PAROLED - ALASKA	56
PAROLED - DETAINER	1
CONTINUED	57
DENIED	61
PAROLE RESCIND & CONTINUED	1
PAROLE RESCIND & REPAROLED	1
PAROLE RESCIND & DENIED	4
PAROLE REVOKED & CONTINUED	6
PAROLE REVOKED & REPAROLED	4
PAROLE REVOKED & DENIED	9
MANDATORY PAROLE REVOKED & CONTINUED	0
MANDATORY PAROLE REVOKED & REPAROLED	2
MANDATORY PAROLE REVOKED & DENIED	10
CONTINUED ON PAROLE	5
REQUEST FOR RECONSIDERATION - GRANTED	0
REQUEST FOR RECONSIDERATION - DENIED	1
REQUEST FOR SPECIAL HEARING - GRANTED	7
REQUEST FOR SPECIAL HEARING - DENIED	1
PRELIMINARY HEARINGS THIS QUARTER	19
OTHER	12
TOTAL CASES HEARD	275

ALASKA BOARD OF PAROLE

1981 REVOCATIONS

PAROLEES	TOTAL	C.O.P.	R & C	R & RE	R & D
A. New Felony Conviction	1	1	0	0	0
B. In Lieu of Felony Conv.	3	0	2	0	1
C. Abscond	2	0	1	0	1
D. New Misdemeanor Conviction	7	0	0	0	7
E. In Lieu of Misdmr Conv.	1	0	0	0	1
F. Technical Violation	6	2	1	2	1
Total	20	3	4	2	11

M.R.'s	TOTAL	C.O.P.	R & C	R & RE	R & D
A. New Felony Conviction	2	0	0	0	2
B. In Lieu of Felony Conv.	2	1	0	0	1
C. Abscond	1	0	0	1	0
D. New Misdemeanor Conviction	5	0	0	0	5
E. In Lieu of Misdmr Conv.	1	0	0	0	1
F. Technical Violation	2	0	0	0	2
Total	13	1	0	1	11

ACTION CODE:

C.O.P. = Continue on Parole

R & C = Revoke & Review Case Again

R & RE = Revoke & Reparole

R & D = Revoke & Deny

ALASKA BOARD OF PAROLE

1980 REVOCATIONS

PAROLEES	TOTAL	C.O.P.	R & C	R & RE	R & D
A. New Felony Conviction	4	0	1	0	3
B. In Lieu of Felony Conv.	4	1	0	1	2
C. Abscond	5	0	2	1	2
D. New Misdemeanor Conviction	5	1	2	1	1
E. In Lieu of Misdmr Conv.	2	0	0	1	1
F. Technical Violation	3	1	1	1	0
Total	23	3	6	5	9

M.R.'s	TOTAL	C.O.P.	R & C	R & RE	R & D
A. New Felony Conviction	3	0	0	0	3
B. In Lieu of Felony Conv.	2	0	0	1	1
C. Abscond	1	0	0	0	1
D. New Misdemeanor Conviction	3	0	0	0	3
E. In Lieu of Misdmr Conv.	1	0	0	0	1
F. Technical Violation	3	2	0	0	1
Total	13	2	0	1	10

ACTION CODE:

C.O.P. = Continue on Parole

R & C = Revoke & Review Case Again

R & RE = Revoke & Reparole

R & D = Revoke & Deny ;



Pouch V
State Capitol
Juneau, Alaska 99811

(907) 465-4766
(907) 465-4767
(907) 465-3718
(session only)

Members

POUCH V
JUNEAU, ALASKA 99811

- Rep. Barnes, Chairman
- Rep. Anderson, Vice-Chairman
- Rep. Phillips
- Rep. O'Connell
- Rep. Freeman
- Rep. Meeking
- Rep. Buchholdt

House of Representatives

P.O. Box 3382
Anchorage, AK 99510
(907) 274-1432
(907) 274-1441
POUCH V
JUNEAU, ALASKA 99811

Committee on Judiciary

March 10, 1982

The Honorable Joe Hayes, Speaker
House of Representatives
Pouch V
Juneau, Alaska 99811

Re: Sunset Review Hearing for the
Alaska Board of Parole

Dear Speaker Hayes:

Pursuant to your request and to AS 44.66.050, the Judiciary Committee held a hearing on March 8, to determine the Committee's recommendation to you as to the question of the Sunset of the Alaska Board of Parole. At that hearing, the Committee heard testimony from the Board of Parole, Department of Law, and Department of Health and Social Services. The members had previously received the Follow-Up Review of the Alaska Board of Parole, by Legislative Audit. This was considered by the Committee along with the materials supplied by the Board of Parole. Of course this Committee has since last September considered a great deal of testimony from police agencies, prosecutors, private citizens, Division of Corrections, etc., relating to criminal justice in general and criminal recidivism in particular. That testimony, although not expressly given at the March 8th hearing, has been considered by the members and has played a part in the recommendation of this Committee.

The Committee notes that Article 3, Section 21 of the Alaska Constitution in the last sentence states as follows:

"A parole system shall be provided by law."

It is general knowledge that no other "Parole System" exist in the state at this time, and that no other board or commission is given the authority or responsibility for paroling prisoners, or revoking the parole of ex-prisoners.

Speaker, Joe Hayes
March 10, 1982
Page 2

As to the findings of this Committee on the compliance of the Alaska Board of Parole with the Statute, the Committee wishes to incorporate by reference, the "A Follow-Up Review of the Alaska State Board of Parole," by the Division of Legislative Audit. The Committee specifically finds that the Board of Parole has made considerable progress in meeting the challenges set by the Division of Legislative Audit in that Audit of the Board. The specifics of those accomplishments are set forth in both that audit and in the enclosed copy of the letter from Reverend William B. Lyons, Chairman of the Alaska Board of Parole, dated March 8, 1982, with attachments.

As to the specific findings required by AS 44.66.050(d):

1. The Committee identifies the following problem or need that the Alaska Board of Parole is intended to address: A Constitutionally mandated parole system, which shall, by releasing through parole supervision only those offenders who will in reasonable probability, live and remain at liberty without violating the laws and without violating the conditions imposed by the Alaska Board of Parole, as well as limiting release to those whose release is not incompatible with the welfare of society. Likewise, it is the duty of the Board to conduct parole revocation hearings where laws have been violated or rules of parole have been violated by the parolee. Lastly, the Board is obliged to provide the Governor with a comprehensive report on persons who have applied for executive clemency. Please note that the parole revocation hearings required include those necessitated by Alaska's membership in the Interstate Compact on Probations and Parolees (AS 33.10.010).
2. The stated objectives of the Alaska Board of Parole are as follows:
 1. Operate the Board to insure that less than 8% of parolees released are returned to custody within one year of release with a new felony conviction.
 2. Operate the Board to insure that less than 20% of the parolees are returned to custody within one year of release.

Speaker, Joe Hayes

March 10, 1982

Page 3

3. Operate all Board hearings in a timely manner in compliance with federal and State laws, applicable court decisions, and Board regulations to:

a) Prevent offenders from being released or parolees from remaining in the community because of technical errors made by the Board.

b) Prevent any monetary judgment against the State because of improper Board action or activity.

4. Operate the Board to insure the most cost effective expenditure of State funds.

5. Make consistent case decisions based upon researched, written guidelines and provide a written record in each case so that interested parties can be informed of the reasons for any case decision upon inquiry.

6. Handle all administrative appeals of Parole Board or Parole officer decisions in accordance with Board regulations.

7. Support the enactment of legislation to modify and update Parole Board laws to retain a constitutionally-viable parole system that would meet the standards established by the Commission on Accreditation for Corrections.

8. Once legislation has passed, apply for accreditation through the Commission on Accreditation for Corrections and strive to become accredited.

9. Hold hearings on all offenders eligible for discretionary parole within six months after the date of sentence on those sentenced to terms of 5 years or less, or within 2 years of parole eligibility on those sentenced to terms in excess of 5 years.

10. Have Division of Adult Corrections employees complete parole progress reports on all offenders applying for parole.

11. Provide professional training for all Board members and staff involved in conducting parole hearings.
 12. Improve, expand, and update the research on parole applicants and parolees to insure accuracy of data and improve the information on which individual case decisions are made pursuant to the parole guidelines.
 13. Meet with other criminal justice system employees in the State to coordinate activities and discuss problem areas.
 14. Meet with other State officials to seek solutions to the overcrowding in Division of Adult Corrections institutions.
 15. Continue long range planning of Parole Board and Board related activities.
 16. Continue to support and assist with the implementation of OBSCIS (Offender Based State Correctional Information System).
 17. Hold more frequent revocation and rescission hearings to decrease the time violators are held in custody before final action is taken by the Board.
 18. Revise and update the Board's regulations and other working documents as necessary.
3. The Committee does not identify any other program, committee, or board having a similar, conflicting, or duplicate objective to that of the Alaska Board of Parole.
 4. The Committee has not at the present time identified an alternative method of achieving the purposes of the Alaska Board of Parole and the constitutional provision. The Committee is aware that the Alaska Department of Law has authored a bill, presently in the House Education and Social Services Committee, which in its initial version would abolish the Board of Parole and set up a system of furloughs and release dates determined

by the Division of Corrections. However, this bill has not reached the House Judiciary Committee and it was testified by the Department of Law that there have been considerable changes in the bill.

In any event, the Committee does not identify such an "alternative method" as appropriate for the present time, considering the constitutional mandate and the fact that no method has been brought to the attention of the Committee which would allow for non-government employee citizens of this state to participate in the parole decision. It is noted that if the Board of Parole were indeed abolished and such a furlough system were instituted, the only such "citizen involvement" left in the criminal justice system would be at the Grand Jury and Petit Jury levels, all other persons being either attorneys or employees of the state or of a municipality.

5. In assessing the consequences of eliminating the Alaska Board of Parole, the Committee finds that the Board probably cannot be eliminated because of the constitutional mandate, and that as its activities could not be consolidated with another program. As to funding of the Alaska Board of Parole at a lower level, the Committee finds that although this would be perhaps questionable in light of the relatively low budget of the Alaska Board of Parole, this decision could best be made by the House Finance Committee.
6. The justification for the continuation of the Alaska Board of Parole is that it is a constitutionally mandated agency. The above findings are incorporated into this justification.

In summary, this recommendation of the Committee is based upon the consideration of the Constitutional mandate and the information detailed above. However, the Committee did not consider the three presently pending House Bills affecting the Alaska Board of Parole, including HB293, originally submitted by the Department of Law. All of these bills are presently in the House Education and Social Services Committee and none have yet been reported out to

Speaker, Joe Hayes

March 10, 1982

Page 6

the House Judiciary Committee. Please be assured that should any such bill be reported to the House Judiciary Committee, they will be considered in due course, with Committee recommendations made on the bills.

Sincerely,

Ramona L. Barnes

Chairman, House Judiciary Committee

RLB/rv

**ALASKA
REPORT OF PERFORMANCE
FY 81**



STATE OF ALASKA
OFFICE OF THE GOVERNOR
Division of Policy Development and Planning
POUCH AD
JUNEAU, ALASKA 99811
(907) 465-3577

ALASKA
BOARD OF PAROLE

In accordance with the Alaska Corrections Master Plan, the division continued to seek alternatives for incarceration whenever appropriate. Imprisonment is widely recognized as a costly destructive tool which inhibits, rather than promotes rehabilitation.

ALASKA BOARD OF PAROLE

The Alaska Board of Parole authorizes parole release, establishes conditions of parole, and revokes parole for cause. During FY 81 the board held 278 hearings, including 207 parole release hearings where 91 paroles were granted. In addition, the parole board staff completed 10 clemency investigations for the governor's office.

During FY 81 the parole board implemented a parole guidelines system following two years of case study and research. The board published parole progress report instructions, parole regulations, and the guidelines coding manuals. The board also conducted a one-year follow-up study on parolees released during FY 80 that shows a 19 percent technical violation rate and a 7 percent felony violation rate.

OFFICE OF
INFORMATION SYSTEMS

OFFICE OF INFORMATION SYSTEMS

The Office of Information Systems provides centralized data processing, research, and statistics services for the department. Program objectives and accomplishment for FY 81 were improved data processing cost control through a 5 percent total FY 81 reduction of the average time per job run (accomplished 9 percent decrease); improved adherence to job schedules, through a 5 percent decrease in ratio of past due requests to completed on schedule requests (accomplished 1 percent decrease); production of caseload and expenditure projections for public assistance (accomplished nine caseload/expenditure reports); and implementation of development projects for four management information systems (accomplished starting four).

OFFICE OF
PUBLIC HEALTH

OFFICE OF PUBLIC HEALTH

The Division of Public Health provides services aimed at preventing disease, disability, premature death, and unnecessary health problems for Alaskans.

The Section of Nursing provided approximately 276,000 different services for 120,000 persons. Of these services 113,000 focused on prevention and control of communicable disease; 120,000 were for health surveillance; 8,200 services went to handicapped children; 33,800 were chronic, acute, and assistance with emergency services. Comprehensive home health services were implemented in Fairbanks, Ketchikan, and Juneau and provided 2,000 visits to 500 persons. Two contracts for professional public health nursing services were finalized in April 1981 with the Mauneluk Association and the North Slope Borough.



Board of Parole

During FY 80, the Probation Parole Unit provided services for a daily caseload average of 1,845 clients. Pre-sentencing reporting, counseling, and street supervision were provided for \$4.65 per client man day.

The Board of Parole authorizes parole release, revokes parole for cause, and may retake parole violators. During FY 80, the Board of Parole held 244 hearings. Of that total, 66 offenders were granted parole and 61 were actually released prior to the end of the year. Included in the total number of hearings were 15 preliminary parole revocation hearings followed by 17 final parole revocation hearings and 7 final mandatory release revocation hearings. In addition, 13 clemency investigations were completed for the Governor but no executive clemencies were granted.

Public Assistance

The Division of Public Assistance provides cash assistance and health care for low-income Alaskans. The department must determine which applicants are eligible for assistance under state and federal law, issue warrants to qualified applicants, and reimburse doctors, hospitals, and other medical care providers for services given to the needy. During FY 80, cash assistance expenditures totalled \$29,921,315 and health care expenditures totalled \$37,377,515.

Cash assistance was provided to families with dependent children; to the blind, the disabled, the elderly; and to Alaskan families in time of extreme financial crisis. The Aid to Families with Dependent Children (AFDC) program served approximately 15,978 children and parents each month with money grants which allowed children to remain in their own homes or with relatives. Total expenditures under the AFDC program were \$22,152,421. The adult public assistance program provided cash payments to 4,026 elderly, blind, or disabled individuals on a monthly basis, with total expenditures of \$6,971,240. Families in extreme financial crisis received a total of \$797,754 during the year.

Medical assistance was provided under the Medicaid program and through the General Relief Medical Program to Alaskans with specific medical emergencies who were unable to pay for treatment. During FY 80 these medical programs provided hospital services to eligible clients at a cost of \$11,499,415 and physician services at \$5,013,306. Nursing home expenditures were \$2,447,402 for skilled nursing care and \$11,616,345 for intermediate care.

Social Services

The Division of Social Services has a statutory responsibility to investigate and intervene in all cases of child abuse, neglect or exploitation in Alaska. The division also operates an Adult Protective Services program for adults who may be subject to harm caused by the actions or inactions of others or the adult himself. The harm may result in physical injury, neglect or maltreatment, failure to receive adequate food or shelter, deprivation of entitlements or wasting of resources. Other services offered by the division are information and referral services directing individuals to other appropriate community resources; individual and family counseling services for individuals requesting assistance with marital problems, problem pregnancies, mental health problems and child rearing difficulties; and WIN social services.

In keeping with department philosophy, the division provides those services which cannot be provided by the private sector and are mandated by state and federal laws and regulations. The goal of the division is to provide services in the least restrictive setting possible in order to insure the greatest degree of independence. Therefore, the division's first priority is to prevent individuals from needing services from the public sector. Where prevention has failed, the second priority is early intervention into individual and family difficulties to prevent further complications. Next is provision of in-home services, and finally, if absolutely necessary, the provision of out-of-home placement in the least restrictive setting possible.

In FY 80, the number of Alaskan youth and adults receiving preventive services through private local contracts increased from 4,410 to 6,701. Services to elderly and victims of family violence were refined and increased. Out-of-home placements were reduced from 2,536 in FY 79 to 2,278 in FY 80 through improved and increased early intervention counseling for actual and potential victims of child abuse and neglect. Institutional placements were reduced from 744 in FY 79 to 429 in FY 80. About \$1,207,895 in state taxes were saved as a result of welfare grant reductions made through job placement under the WIN (Work Incentive) program.

GOALS AND OBJECTIVES OF
THE ALASKA PAROLE BOARD FOR 1982 - 1983

GOALS

Enhance the safety and security of the citizens of Alaska by only releasing to parole supervision those offenders that will, in reasonable probability, live and remain at liberty without violating the laws or without violating the conditions imposed by the Board (AS 33.15.080).

Enhance the criminal justice system by releasing to parole only those offenders whose release is not incompatible with the welfare of society (AS 33.15.080).

Provide the Governor with a comprehensive report of an investigation on each executive clemency applicant, along with all other information the Board has regarding the applicant (AS 33.25.080).

Conduct hearings as necessary pursuant to the Interstate Compact on Probationers and Parolees (AS 33.10.010).

OBJECTIVES

1. Operate the Board to insure that less than 8% of parolees released are returned to custody within one year of release with a new felony conviction.
2. Operate the Board to insure that less than 20% of the parolees are returned to custody within one year of release.
3. Operate all Board hearings in a timely manner in compliance with federal and State laws, applicable court decisions, and Board regulations to:
 - a) Prevent offenders from being released or parolees from remaining in the community because of technical errors made by the Board.
 - b) Prevent any monetary judgment against the State because of improper Board action or activity.
4. Operate the Board to insure the most cost effective expenditure of State funds.

5. Make consistent case decisions based upon researched, written guidelines and provide a written record in each case so that interested parties can be informed of the reasons for any case decision upon inquiry.
6. Handle all administrative appeals of Parole Board or Parole officer decisions in accordance with Board regulations.
7. Support the enactment of legislation to modify and update Parole Board laws to retain a constitutionally-viable parole system that would meet the standards established by the Commission on Accreditation for Corrections.
8. Once legislation has passed, apply for accreditation through the Commission on Accreditation for Corrections and strive to become accredited.
9. Hold hearings on all offenders eligible for discretionary parole within six months after the date of sentence on those sentenced to terms of 5 years or less, or within 2 years of parole eligibility on those sentenced to terms in excess of 5 years.
10. Have Division of Adult Corrections employees complete parole progress reports on all offenders applying for parole.
11. Provide professional training for all Board members and staff involved in conducting parole hearings.
12. Improve, expand, and update the research on parole applicants and parolees to insure accuracy of data and improve the information on which individual case decisions are made pursuant to the parole guidelines.
13. Meet with other criminal justice system employees in the State to coordinate activities and discuss problem areas.
14. Meet with other State officials to seek solutions to the overcrowding in Division of Adult Corrections institutions.
15. Continue long range planning of Parole Board and Board related activities.
16. Continue to support and assist with the implementation of OBSCIS (Offender Based State Correctional Information System).
17. Hold more frequent revocation and rescission hearings to decrease the time violators are held in custody before final action is taken by the Board.
18. Revise and update the Board's regulations and other working documents as necessary.



Official Business

Alaska State Legislature

Senate

Committee on

Health, Education & Social Services

Charlie Parr, Chairman
Terry Stimson, Vice-Chairman
Vic Fischer
Tim Kelly
Mike Colletta

Fouch V
State Capitol
Juneau, Alaska 99811

465-4907
465-4908

February 26, 1982

LETTER OF INTENT

ON

COMMITTEE SUBSTITUTE (HESS) FOR SPONSOR SUBSTITUTE SB 327

It is the intent of the Health, Education and Social Services Committee, in passing out CS for SS for Senate Bill No. 327, that:

- 1 - Good behavior while on parole should be rewarded by earlier release. The Committee considered "good time" allowances but because of costs and administrative burden opted for another alternative. The parole board is allowed to release parolees from parole after a minimum of 20 months of good behavior. This allowance is intended to provide the parole board with a means of rewarding good behavior of parolees.
- 2 - The parole board should meet more frequently than the required minimum of 4 times per year. Although SB 327 does not require that the board meet a minimum of 6 times a year, the members believe that the board should be given the funds to do so. More frequent hearings would allow for an initial parole hearing early in the prisoner's incarceration. This hearing may encourage the prisoner to better prepare himself for rehabilitation while in jail, and may possibly reduce the period of incarceration.

A handwritten signature in cursive script, appearing to read "Charles H. Parr".

Senator Charles H. Parr
Chairman

POSITION PAPER
SENATE BILL NO. 327

Senate Bill 327 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 as recommended by the Corrections Masterplan consultants.

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.

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 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 offender all pertinent information considered by the Board. Section .150 of SB 327 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 SB 327 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 has proven to produce a high error rate causing serious problems, and a similar

POSITION PAPER
SENATE BILL NO. 327

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 SB 327 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
SENATE BILL NO. 327

PAROLE ARREST WARRANTS

Section .300 of SB 327 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 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 SB 327 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. A full time Board would probably become a necessity in the near future due to the increased workload mandated by SB 327.

Recommended by: Samuel H. Trivette Date January 21, 1982
Samuel H. Trivette
Executive Director

Recommended by: Walter B. Jones Jr. Date 1/21/82
Walter B. Jones, Acting Director
Division of Adult Corrections

Approved by: Helen D. Beirne Date 1/22/82
Helen D. Beirne, Commissioner
Department of Health and
Social Services

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

BOARD OF PAROLE

JAY S. HAMMOND, Governor

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

May 28, 1981

Honorable Charlie Parr, Chairman
Senate Health, Education & Social
Services Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

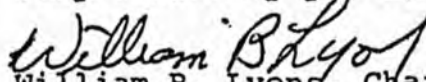
Dear Senator Parr:

Enclosed is a copy of the position paper of the members of the Alaska Parole Board regarding parole board legislation. This position paper with the current amendments was unanimously approved by the Board members at its recent hearings.

As the position paper states, the members of the Board are eager to meet with whatever interim groups or committees the Legislature establishes to review these major policy issues before the start of the next session. We believe that with over 50 years of experience in the criminal justice field by our members and professional staff, we can assist legislators and citizens to better understand some of the intricate workings of the criminal justice system.

Please contact me or the Parole Board office when you are ready to begin work on parole board and related legislature.

Very sincerely yours,


William B. Lyons, Chairman
Alaska Board of Parole

cc: Senate Judiciary
Committee Members

Senate H.E.S.S.
Committee Members

House Judiciary
Committee Members

House H.E.S.S.
Committee Members

Attachments

WBL/clr

ALASKA BOARD OF PAROLE

QUARTER _____, 198__

1980

PAROLED - INTERSTATE	19
PAROLED - ALASKA	56
PAROLED - DETAINER	1
CONTINUED	57
DENIED	61
PAROLE RESCIND & CONTINUED	1
PAROLE RESCIND & REPAROLED	1
PAROLE RESCIND & DENIED	4
PAROLE REVOKED & CONTINUED	6
PAROLE REVOKED & REPAROLED	4
PAROLE REVOKED & DENIED	9
MANDATORY PAROLE REVOKED & CONTINUED	0
MANDATORY PAROLE REVOKED & REPAROLED	2
MANDATORY PAROLE REVOKED & DENIED	10
CONTINUED ON PAROLE	5
REQUEST FOR RECONSIDERATION - GRANTED	0
REQUEST FOR RECONSIDERATION - DENIED	1
REQUEST FOR SPECIAL HEARING - GRANTED	7
REQUEST FOR SPECIAL HEARING - DENIED	1
PRELIMINARY HEARINGS THIS QUARTER	19
OTHER	12
TOTAL CASES HEARD	276

ALASKA BOARD OF PAROLE

QUARTER _____, 198__

1981

PAROLED - INTERSTATE	22
PAROLED - ALASKA	65
PAROLED - DETAINER	2
CONTINUED	34
DENIED	86
PAROLE RESCIND & CONTINUED	3
PAROLE RESCIND & REPAROLED	3
PAROLE RESCIND & DENIED	3
PAROLE REVOKED & CONTINUED	4
PAROLE REVOKED & REPAROLED	2
PAROLE REVOKED & DENIED	11
MANDATORY PAROLE REVOKED & CONTINUED	0
MANDATORY PAROLE REVOKED & REPAROLED	1
MANDATORY PAROLE REVOKED & DENIED	11
CONTINUED ON PAROLE	4
REQUEST FOR RECONSIDERATION - GRANTED	0
REQUEST FOR RECONSIDERATION - DENIED	5
REQUEST FOR SPECIAL HEARING - GRANTED	2
REQUEST FOR SPECIAL HEARING - DENIED	2
PRELIMINARY HEARINGS THIS QUARTER	17
OTHER	13
TOTAL CASES HEARD	290

ALASKA BOARD OF PAROLE

1980 REVOCATIONS

PAROLEES	TOTAL	C.O.P.	R & C	R & RE	R & D
A. New Felony Conviction	4	0	1	0	3
B. In Lieu of Felony Conv.	4	1	0	1	2
C. Abscond	5	0	2	1	2
D. New Misdemeanor Conviction	5	1	2	1	1
E. In Lieu of Misdemeanor Conv.	2	0	0	1	1
F. Technical Violation	3	1	1	1	0
Total	23	3	6	5	9

M.R.'s	TOTAL	C.O.P.	R & C	R & RE	R & D
A. New Felony Conviction	3	0	0	0	3
B. In Lieu of Felony Conv.	2	0	0	1	1
C. Abscond	1	0	0	0	1
D. New Misdemeanor Conviction	3	0	0	0	3
E. In Lieu of Misdemeanor Conv.	1	0	0	0	1
F. Technical Violation	3	2	0	0	1
Total	13	2	0	1	10

ACTION CODE:

C.O.P. = Continue on Parole

R & C = Revoke & Review Case Again

R & RE = Revoke & Reparole

ALASKA BOARD OF PAROLE

1981 REVOCATIONS

PAROLEES	TOTAL	C.O.P.	R & C	R & RE	R & D
A. New Felony Conviction	1	1	0	0	0
B. In Lieu of Felony Conv.	3	0	2	0	1
C. Abscond	2	0	1	0	1
D. New Misdemeanor Conviction	7	0	0	0	7
E. In Lieu of Misdmr Conv.	1	0	0	0	1
F. Technical Violation	6	2	1	2	1
Total	20	3	4	2	11

M.R.'s	TOTAL	C.O.P.	R & C	R & RE	R & D
A. New Felony Conviction	2	0	0	0	2
B. In Lieu of Felony Conv.	2	1	0	0	1
C. Abscond	1	0	0	1	0
D. New Misdemeanor Conviction	5	0	0	0	5
E. In Lieu of Misdmr Conv.	1	0	0	0	1
F. Technical Violation	2	0	0	0	2
Total	13	1	0	1	11

ACTION CODE:

C.O.P. = Continue on Parole

R & C = Revoke & Review Case Again

R & RE = Revoke & Reparole

POSITION PAPER
PAROLE BOARD LEGISLATION

by

Alaska Parole Board Members

The Parole Board supports House Bill 225 and Senate Bill 217. The Board members believe that these two bills will enable the Board to comply with the national standards established for paroling authorities. The bills more than surpass the legal requirements mandated by various court decisions in Alaska and around the country, and they provide reasonable structure for the equitable and fair handling of all state prisoners who might be eligible for parole. Also, many of the recommendations of the Alaska Corrections Masterplan consultants were incorporated into this legislation.

*now incorporated into HB 293-
HESS*

These bills spell out in detail in the statute all of the various rights of prisoners at hearings. The responsibilities of the Board are more specifically outlined than in the old statute. These bills provide new provisions for:

- a) The recruitment of board members;
- b) The selection criteria for board members;
- c) Five year staggered terms for board members;
- d) A basis for removal of board members;
- e) The procedure for removal of board members;
- f) The adjustment of compensation for board members;
- g) The standards and parameters for parole conditions;
- h) The requirement that regulations be printed in the administrative code;
- i) More detailed and concrete responsibilities for the board;
- j) The requirement that the board advise prisoners in writing the reasons for adverse decisions;
- k) The clarification of a number of old, vague provisions in the statute;
- l) The discharge of parolees from parole;
- m) The requirement that at least one board member interview each parole applicant;
- n) The removal of the statutory inequity in the handling of "legislative parole" and "mandatory release" cases;
- o) A definition of the status "mandatory release";
- p) A minimum correctional experience requirement for the board chairman;
- q) The requirement that the governor designate the board chairman;
- r) A prohibition against a board member seeking or holding a public office during his term;
- s) Clear definitions for the important terms used in the statute;

Although the Board is generally supportive of the direction of SB 327 and HB 261, these two bills (almost identical) also pose some major problem areas. Increasing the number of Board members to seven does not serve any useful function, and will increase the number of Board hearings, resulting in increased costs of the

operation of the Board, and slow down the decision making processes. These bills would result in a greatly increased number of Board hearings in attempting to reward parolees for good behavior by granting or taking away good time while on parole. The two bills supported by the Board do essentially the same by allowing them to be terminated early from parole supervision for good behavior. The Board members do not feel that the additional costs of the good time section is worth the burden it would impose upon the Division of Corrections and the Board. Early termination from supervision in probation cases in Alaska has proven very effective, and the Board feels this is an adequate tool to serve the purpose of rewarding good behavior while on parole.

The two bills supported by the Board require disclosure of all pertinent information on parole applicants and parolees when they are applying for parole or are in jeopardy of having their parole revoked. SB 327 and HB 261 allow the prisoner or parolee a copy of every piece of paper in his file, to refute information presented in his Board hearing, and to present any information he wishes on his own behalf. The methods by which SB 327 and HB 261 accomplish this are very cumbersome and will frequently result in the continuance of cases due to the arrival of material less than 30 days before hearings, which would not be in the best interest of the prisoners or parolees. There is needed clarifying language in SB 327 or HB 261 which are needed to avoid additional litigation in the future.

The Parole Board is opposed to the passage of House Bill 293. House Bill 293 makes all prisoners who commit crimes after July 1, 1981 ineligible for parole release. Instead, prisoners would be eligible to earn good time, some at a slightly higher rate than they can presently, and also they would be eligible for furloughs. Eligibility for furloughs under HB 293 is actually more restrictive than the current practices and policies of the Alaska Division of Corrections.

The administration's commentary on the bill implies that by extending the presumptive sentencing law to encompass all felony offenders, disparity in sentencing will no longer be a problem.

The current presumptive sentencing law nor the extension of presumptive sentencing to all felony offenders under this bill will not wipe out or significantly reduce the disparity in sentencing. The ranges of sentences even with this scheme are so wide that disparity is likely to remain. Much of what happens with presumptive sentencing depends upon the prosecutor's office, which has considerable discretion with that sentencing scheme. An Alaska Judicial Council study on plea bargaining aptly points out that the "local styles of prosecuting and judging were of overriding importance", and neither of these segments of the system, even with presumptive sentencing, should be relied upon to eliminate disparity. The new criminal code sharply increased the influence of the prosecutor while limiting somewhat the power of the judiciary. Except in a small percentage of cases, the presumptive sentencing law in effect does not mandate specific or mandatory sentences. The prosecutor is the person that frequently holds the key to whether

or not most of these presumptive or mandatory sentences will apply to a given case, and with the establishment of a mitigating or aggravating factor, the range of sentences is wide.

EXAMPLE: Mr. Smith has been arrested on an assault charge. He had a prior felony conviction five years ago which you would assume would automatically make Smith subject to presumptive sentencing. Not so. If the prosecutor does not charge the prior felony and prove it in court, Smith is considered a "first felony offender" and therefore not subject to presumptive sentencing.

The facts of his case indicate he could be charged as either a first degree assault or a second degree assault. Assuming the prosecutor charged the prior felony, he knows Smith would have a presumptive term of ten years if charged as first degree assault and if any mitigating and aggravating factors were charged, the judge could sentence Smith to any sentence from 5 to 20 years. Smith would have to be sentenced to the presumptive sentence of ten years only if the prosecuting and defense attorneys did not charge any mitigating or aggravating factors to the court (both tell us it will be unusual not to charge at least some mitigating and aggravating factors). The prosecutor knows if Smith is charged with assault in the second degree, the presumptive term would be 4 years, but could be mitigated down to 0 years or aggravated up to 10 years. Thus he can effectively decide what range the judge will have available at sentencing (5 to 20 years or 0 to 10 years) by what Smith is charged with. Of course if the prosecutor doesn't charge the prior felony, the judge's range of discretion is 0-20 years for the assault I and 0-10 years for the assault II charge. Obviously the prosecutor isn't lacking discretion under the new code, nor is the range of sentencing narrow.

We are told judicial discretion is removed or severely limited by presumptive sentencing. It is limited somewhat but certainly not removed entirely. Example: Two different judges with Mr. Smith's case could sentence him to widely varying sentences on the same circumstances of the crime and background, (assuming an assault II conviction) as long as at least one factor in mitigation and one factor in aggravation was proven, by giving different weights to those factors. For example, Judge A could give strong weight to the mitigating factors and sentence Smith to no jail time or certainly less than four years. Then Judge B could sentence Smith to ten years by giving primary weight to the aggravating factors. The point is, either judge could sentence Smith to 0-10 years, with Judge A usually handing out a sentence of one year to most offenders while Judge B usually sentences offenders to six years for similar crimes and backgrounds, and still be within the constraints of the presumptive sentencing scheme.

These or other examples are not meant to impugn the integrity of either prosecutors or judges around the State of Alaska, but only show that even with presumptive sentencing, disparity in the handling of cases by the criminal justice system is far from being eliminated. Obviously there is a need to develop some specific guidelines about who should go to jail and who should not. Developing these standards is the area that needs to be addressed. (At

least the Parole Board does have specific, concrete, written guidelines for determining how long offenders serve if they are sent to jail, but those guidelines don't help with the more basic question of who should or should not go to jail at all.)

The important point is that discretion has not been severely curtailed or removed from the judge or prosecutor by the establishment of presumptive sentencing, and extending presumptive sentencing to all felony offenders is not likely to accomplish the intended goal of the elimination of disparity in the handling of cases in the criminal justice system.

What House Bill 293 does do is increase the lengths of time that prisoners would serve in jail, as the Division of Corrections has made it very clear they would not attempt to and would not replace the current Alaska parole system with furloughs. This direction of increasing prison terms flies in the face of research which shows that prisoners serving substantially longer periods of time in jail are not deterred at any higher rate than those with shorter sentences, and possibly may do worse after release than prisoners with shorter sentences.

Competent research shows us that involvement in meaningful programs can have some effect on decreasing the recidivism rate of prisoners. The possibility of parole is obviously a motivating factor to offenders for involvement in these programs. Although many offenders initially get involved in programming "for show", many of them also have remarked later on in their incarceration or even after their release that they would not have been aware of any particular problem that contributed to their involvement in criminal behavior were it not for the involvement in the programming.

This bill would also result in the continued incarceration of the offenders when it has been demonstrated that only 6% of the parolees released by the Board with as long as a nine year follow up period have been convicted of a new felony while on supervision. The increased costs of incarceration of these offenders will reach over a million dollars in a few short years if the Parole Board is abolished. It should be pointed out that this new felony conviction rate is less than one-half of the national average. Although it is impossible to pinpoint directly the reasons for this low new felony rate, we think some of the policies adopted by the Board have had some effect. The Board does consider each case carefully, it individualizes parole conditions based upon the offender's background, it requires pre-release planning to insure the parolee had the best possible community and family support, and the Board strongly supports close contact by the supervising parole officer during the early months of parole to monitor and assist the parolee in making a successful reintegration.

This bill abolishes a segment of the criminal justice system that has the proven capability to set reasonable, equitable, and even prison terms on a state-wide basis. Recent parole board research shows that the Board does an excellent job of treating persons of various races almost identically, which of course has been a significant problem in sentencing in previous years. Legislation would shift this discretion back to the prosecutor, and also somewhat

to the Division of Corrections.

Perhaps the most objectionable feature of HB 293 is a constitutional one. Section 21 of Article III of the Alaska Constitution states; "A parole system shall be provided by law." The Department of Law states that the provisions for mandatory good time in HB 293, and the furlough system provide for therein, constitute a parole system. We believe a system of parole necessarily includes a parole board, empowered to release prisoners prior to the time they would otherwise be released under their judgment and good time statutes, empowered to impose conditions of release, to enforce those conditions through parole officers, and to revoke the early release if warranted. Furloughs and good time (already provided for in existing statute) do not constitute a parole system, and the abolition of the parole board in HB 293 violates the Constitution of the State of Alaska.

Part of the intent of this bill is an attempt to replace parole with furloughs by increasing the number of persons placed in community based programs. Furlough decisions are made by the individual classification committees and superintendents of the various correctional facilities around the State of Alaska and by similar groups of people when Alaska prisoners are farmed out on contract to the Federal Bureau of Prisons or other correctional facilities in other states. The effect is that instead of decisions being made by the same group of five people using one set of standards statewide, furlough decisions would be made by nine superintendents, 25 wardens, and the various classification committees in correctional facilities around the State of Alaska and in those facilities in the Federal Prison system. It is highly likely that disparity in handling of prisoners in the granting of furloughs would be quite disparate based upon the knowledge of how furloughs are granted and have been granted throughout the State in previous years. There is no intent to impugn the integrity of any of these professional staff people, but just to point out that it is highly unlikely that these 100 or more people could possibly carry out any policy more uniformly than the same five persons (Parole Board) operating together on all cases statewide.

The Board has compiled research on all cases handled by it from 1970 through 1979 and developed specific time served criteria for various crime categories, considering the offender's prior record and other significant factors. This approach represents a consistent, equitable approach to the handling of offenders that the judiciary sentences to serve time in jail. The parole guidelines system does provide a great deal of certainty about when a prisoner sentenced to jail might expect to be paroled. He can compute his risk score if he wishes even before he goes to jail and get an excellent idea of how much time he can expect to serve, if there are no extenuating aggravating or mitigating circumstances. Furthermore, the Parole Board adopted a policy several years ago to begin seeing all prisoners within six months of their date of sentencing, anticipating that presumptive parole dates would be established on many offenders that do not have extremely long sentences. The parole board has been hampered from implementing this policy because of the lack of information on what prisoners

were in jail and lack of funding to hold additional hearings. We hope this problem will be eliminated in the near future.

With the parole guidelines that are already in effect, and with the parole board seeing most prisoners early in their sentences to establish presumptive parole dates, offenders will know early in their sentences when they can expect to be paroled. The major focus of HB 293 is to introduce certainty into the criminal justice system. The current parole board guidelines with its policy of seeing people shortly after they are sentenced will provide the certainty without the greatly increased costs to the citizens of the State that HB 293 would impose. Current research shows that the parole board operates efficiently, cheaply, and equitably. With the recently completed modifications and those anticipated in the near future, certainty in the parole decisions has become a reality.

The State Constitution states that penal administration shall be based upon the reformation of the offender and protection of the public. Both of these must take into consideration individual information regarding the offender. We know from valid research that factors come to the attention of officials of the system after sentencing that can significantly influence both of these principals, reformation of the offender and protection of the public. Using this information at parole hearings does therefore enhance the protection of the public and reformation of the offender, and for these reasons the system should maintain the parole component that allows structured decision making after the judicial determination of who should go to jail and who should not.

Because of the short time left in this legislative session to deal with all of the various parole board bills, the Board members support House Bill 510 as ammended in the House as the reasonable alternative due to time constraints. The Board strongly urges the Legislature to study the very complex issues involved with the operation of criminal justice system and its relationship to the Parole Board between now and January 1982. Communication with the Board and those working closely with the Board is encouraged. The Board members wish to meet with members of the Legislature between now and next January to carefully explore the information and complex issues involved before a major policy decision is made. We pledge our time and our small staff's time and resources in any way we can assist the Legislature in making an informed, well-reasoned decision.

MAY 29 1981

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL
OFFICE

JAY S. HAMMOND, GOVERNOR

POUCH H 01
JUNEAU, ALASKA 99811
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Document # 21-82

January

The Honorable Charles Parr
Chairperson
Senate HESS Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Parr:

The information you requested from the Department regarding parole revocation statistics is enclosed.

If you have question on these statistics, please do not hesitate to contact me.

Sincerely,



Helen D. Beirne
Commissioner

Enclosure

ALASKA BOARD OF PAROLE
STATISTICS

	1975		1976		1977		1978		1979 (First Half)	
Parole Hearings	252		214		212		226		91	
Paroled	93		53		75		64		34	
Continued	133		92		78		72		30	
Denied	22		61		52		78		27	
Other	4		8		7		12			
Revocations	Technical / New Felony Violation / Committed		Technical / New Felony Violation / Committed		Technical / New Felony Violation / Committed		Technical / New Felony Violation / Committed		Technical / New Felony Violation / Committed	
1-3 Months	10	3	5	1	5		3	1		
4-6 Months	7		6		6	2	8			
7-12 Months	7		4	2	4		1			
13-18 Months	3				4	1				
19-24 Months	.1									
25 or More Months	2		1			1				
TOTAL	30	3	16	3	19	4	12	1		
Revocation Rates	3-1/2 yr. - 4-12/yr. Follow up 35%		2-1/2 yr. - 3-1/2 yr. Follow up 36%		1-1/2 yr. - 2-1/2 yr. Follow up 31%		6 Mo. - 18 Mo. Follow up 20%			
Felony Revocation Rate	3.2%		5.6%		5.3%		1.6%			

STATE	INSTITUTIONAL POPULATION	PAROLE POPULATION	FULL- TIME BOARD	NUMBER OF BOARD MEMBERS	FREQUENCY OF BOARD HEARINGS	NUMBER OF CASES HEARD BY BOARD IN A TYPICAL DAY
Alabama	3,293	1,963	Yes	3	Monthly	30
Alaska	766	240	No	5	Quarterly; once a year at each major state facility	12
Arizona	3,122	1,832	Yes	5	Monthly	20-25
Arkansas	2,485	1,852	No	5	Monthly	150 at larger institutions; 75-80 at smaller facilities
California	21,220	17,880	Yes	9	Monthly	12-16
Colorado	2,375	2,946	Yes	5	Monthly	20
Connecticut	3,271	1,564	No ^b	11	At least monthly	12-15
Delaware	1,007	500	No ^a	5	Semimonthly	20
Florida	14,152	44,530	Yes	7	Whenever there are applicants eligible for parole	75-100
Georgia	11,373	3,374	Yes	5	Whenever there are applicants eligible for parole	30
Hawaii	594	n/a	No ^a	3	Monthly	20

^aThe chairman serves fulltime; members serve part-time

^bThe chairman and two members serve fulltime; two members serve part-time

1978 information

STATE	INSTITUTIONAL POPULATION	PAROLE POPULATION	FULL- TIME BOARD	NUMBER OF BOARD MEMBERS	FREQUENCY OF BOARD HEARINGS	NUMBER OF CASES HEARD BY BOARD IN A TYPICAL DAY
Idaho	855	293	No	5	Monthly	30
Illinois	10,847	10,971	Yes	10	Monthly	12-15
Indiana	4,846	2,027	Yes	5	Monthly	50
Iowa	1,999	1,093	No	5	4 times a year at women's facility; bimonthly elsewhere	30
Kansas	2,263	1,931	No	5	Monthly	25
Kentucky	3,372	2,307	Yes	5	Monthly	40
Louisiana	7,270	1,936	Yes	5	Monthly	35
Maine	747	349	No	5	biweekly at major institutions; monthly at smaller facilities	15-25
Maryland	8,028	5,296	Yes	7	monthly at major institutions; as necessary at local jails	15
Massachusetts	2,543	2,788	Yes	7	Monthly	12-16 at state prison; 15-30 at county facilities
Michigan	13,487	5,624	Yes	7	varies among facilities; semiweekly to semimonthly	25-30

^aThe chairman serves fulltime; members serve part-time

^bThe chairman and two members serve fulltime; two members serve part-time

1978 information

STATE	INSTITUTIONAL POPULATION	PAROLE POPULATION	FULL- TIME BOARD	NUMBER OF BOARD MEMBERS	FREQUENCY OF BOARD HEARINGS	NUMBER OF CASES HEARD BY BOARD IN A TYPICAL DAY
Minnesota	1,813	2,250	Yes	5	Several times a month	15
Mississippi	1,949	1,631	No ^a	5	Monthly	30
Missouri	5,229	1,586	Yes	5	Bimonthly at women's institution; monthly elsewhere	15-18
Montana	360	518	No	3	Monthly	25
Nebraska	1,320	427	No ^b	5	Semimonthly	30-35
Nevada	1,351	683	Yes	3	Bimonthly	60-75
New Hampshire	263	1,190	No	3	Monthly	25-35
New Jersey	5,626	7,300	Yes	3	Monthly	10-30
New Mexico	1,582	566	Yes	3	Weekly	3-10
New York	20,174	6,851	Yes	12	Monthly	80
North Carolina	13,924	6,980	Yes	5	Monthly at eight locations in State	20-40
North Dakota	284	298	No	3	Bimonthly	20-25

^aThe chairman serves fulltime; members serve part-time

^bThe chairman and two members serve fulltime; two members serve part-time

1978 information

STATE	INSTITUTIONAL POPULATION	PAROLE POPULATION	FULL- TIME BOARD	NUMBER OF BOARD MEMBERS	FREQUENCY OF BOARD HEARINGS	NUMBER OF CASES HEARD BY BOARD IN A TYPICAL DAY
Ohio	12,968	6,351	Yes	7	Monthly	20-25
Oklahoma	3,687	1,366	No	5	Monthly rotating between two locations	60-70
Oregon	2,626	1,310	Yes	5	Monthly at women's facility; 4 times a week at state penitentiary; weekly at other institutions	15
Pennsylvania	7,598	8,920	Yes	5	Monthly	20-40
Rhode Island	667	280	No	5	Monthly	35
South Carolina	7,364	2,132	No	7	Semimonthly	50
South Dakota	565	589	No	3	Monthly	40
Tennessee	5,568	4,080	Yes	3	Monthly	25
Texas	24,396	13,915	Yes	3	no hearings held; cases reviewed as necessary	80-100
Utah	956	570	No	3	three to four times a month	40
Vermont	411	407	No	5	Monthly	15

^aThe chairman serves fulltime; members serve part-time

^bThe chairman and two members serve fulltime; two members serve part-time

1978 information

STATE	INSTITUTIONAL POPULATION	PAROLE POPULATION	FULL- TIME BOARD	NUMBER OF BOARD MEMBERS	FREQUENCY OF BOARD HEARINGS	NUMBER OF CASES HEARD BY BOARD IN A TYPICAL DAY
Virginia	8,147	3,008	Yes	5	Quarterly	15-25
Washington	4,000	2,463	Yes	7	Varies among facilities; weekly, semimonthly, monthly	16-20
West Virginia	1,142	650	Yes	3	Monthly	15
Wisconsin	3,286	2,414	Yes	10	Monthly	12-18
Wyoming	410	201	No	3	Quarterly	15-20

^aThe chairman serves fulltime; members serve part-time


^bThe chairman and two members serve fulltime; two members serve part-time.

1978 information

HOUSE RESEARCH AGENCY
Pouch Y - State Capitol
Juneau, Alaska 99811
465-3991

MEMORANDUM

February 28, 1980

TO: Representative Nels Anderson
FROM: Christine Johnson, Research Analyst 
THROUGH: Duncan L. Read
RE: Alaska State Parole Board

Earlier this month, you requested that the House Research Agency assemble information for you regarding the Alaska State Parole Board. Attached please find several pages of charts which should address your first concern pertaining to parole board caseloads. The Alaska Parole Board holds an average of 225 parole hearings each year. Additionally, the Board annually considers five or six revocation cases, and may also hold several hearings regarding offenders who have been released from prison according to the "mandatory release" and "legislative release" provisions in State law (AS 33.20.040, 33.15.180), but have violated conditions of their discharge. Board members spend between forty and sixty days each year on Parole Board business.

We have tried to provide you state-by-state statistics which indicate, to some degree, how the Alaska Parole Board functions relative to the other boards throughout the country. As the attached information indicates, sixteen other states have parole boards whose members serve on a part-time basis. There are also five states which have mixed boards, with both full and part-time members (see chart).

While nine states (Hawaii, Maine, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, Vermont, Wyoming) have smaller institutional populations than Alaska's, only one other state's parole board meets as infrequently as the Alaska Board. This may be one of the Alaska Parole Board's most significant inadequacies. Every offender who is eligible for parole and who applies for it is considered by the Board the next time they meet at his/her institution. However, as the Board only meets once a year at each of the detention facilities in Alaska, an individual who becomes eligible for parole several months after the annual board meeting at his/her institution could wait up to half a year for the board to consider the case.

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In your memo to the Agency, you expressed concern that the State Parole Board may hear too many cases each year to treat each one adequately. This is difficult to measure. The State's parole recidivism rate may be an indicator of the quality of the Parole Board's decisions. Since 1975, the average annual parole revocation rate in Alaska has been 31%. However, an average of only 3.9% of the revocations occurred because the parolee committed a new offense. A board's typical daily caseload may also provide some insight into decision quality, indicating the amount of attention each case receives from the board as a whole. The Alaska Parole Board hears an average of 12 cases in a day; only one state board has a lower daily caseload. Parole boards in the eight states which have penal institution populations smaller than Alaska's see an average of 24 parole applicants daily. In a day, boards in Florida, Arizona and Texas may decide as many as a hundred cases.

It can be misleading to compare state parole boards' case disposition statistics. For example, in many states, e.g., Oregon, the court sets only the maximum term an offender must serve, and inmates are eligible for parole anytime after entering an institution. The Oregon Parole Board must see each sentenced offender and determine what amount of time he or she will actually serve. Data pertaining to Oregon would indicate that the Oregon Board paroles proportionately more offenders than the Alaska Parole Board because every inmate who is discharged from an Oregon institution before serving the maximum sentence for his or her type of offense is released by the Parole Board.

Parole Board Policy on Employment

The State Parole Board considers an offender's employment plans when making a decision regarding his/her parole. According to the Board's recently completed policy manual, the Board will review parole applicants' "employment history, including vocational and academic skills and training learned within the institution. Also previous training, job experiences including military training are also factors where appropriate in determining the applicant's employability." Additionally, the policy manual states that the "release plan" which each applicant is required to prepare and submit prior to his hearing should include "employment verification, job training verification, housing verification, and other letters of reference relevant to an applicant's plans." According to the executive director of the Parole Board, Sam Trivette, the Board acknowledges that it is frequently unrealistic to rigidly impose these employment requirements. According to the director, the Board is sensitive to the circumstances of offenders from rural areas who may never have held a typical job, or who are returning to communities whose employment opportunities are limited. Mr. Trivette repeated to us what he told the House Judiciary Committee in a letter dated November 12, 1979:

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The Board has released offenders to subsistence plans including fishing, trapping, ivory and wood carving, training others to carve, chopping firewood to heat the home, repair fishing gear for the next season, etc. The Board has even paroled people to subsistence gardening in an appropriate case... The Board does release persons other than native persons to rural Alaska subsistence plans and will continue to do so when the Board members feel the offender's plan is realistic considering his entire life history. Some parole applicants have continually failed in some bush settings and the Board will not release any offender to a remote location so that he can escape supervision or just to get him out of sight.

Mr. Trivette asked us to note the Parole Board cannot release offenders to subsistence hunting as federal law does not permit felons to carry guns (18 USC § 1202).

Although the Parole Board may consider subsistence plans as an alternative to more traditional employment, this is not explicitly stated anywhere in the new Board policy manual which will be distributed through the State institutions. As an anonymous letter which appeared in the Tundra Times on August 15, 1979, indicates, the Board's receptivity to alternative employment plans is not widely understood. The author wrote:

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

The Parole Board's policy in this matter could be more clearly expressed so that prospective parolees understand that the Board will consider several kinds of employment options and they can develop their release plans accordingly.

Community Involvement in the Parole Process

You indicated in your letter to us that you would like to expand the role of village councils in the parole process. When contacted, Mr. Gray of your staff said you were specifically interested in the possibility of employing individuals at the village level who would assume parole responsibilities for offenders from the community. In this regard, there is presently a program in existence which, if expanded, could be what you have in mind. The Division of Corrections has employed "probation aides" since 1969. At this time, there is only one aide in Bethel and one in Kotzebue, but in previous years the program has been larger.

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According to Walt Jones of the Division of Corrections, the difference between probation aides and professional probation/parole officers is the degree of administrative responsibility. Probation/parole officers in rural areas must also be regional office managers, and perform personnel and budget-related functions not required of probation aides. Aides have most of the same duties and powers with respect to probationers and parolees as professional officers. They have the power to enforce conditions of parole and probation and may make arrests when necessary. Aides and officers receive very similar training. The requirements for a probation aide position include the equivalent of eighth grade reading ability, sixth grade mathematic skills, maturity, and suitable character. The Division of Corrections budgets \$34,800 for each aide position. This amount includes the aide's salary and necessary support costs, i.e., transportation, administrative assistance. (Each professional probation/parole officer position requires \$68,200, according to the Division. This figure includes the officer's salary, transportation and the cost of renting space for a regional office.)

The State Parole Board encourages comment from parole applicants' home communities, and maintains that a community's comments and receptivity to the applicants' return will impact the parole decisions. However, according to the Parole Board's executive director, the Board does not presently have the necessary personal contacts or resources to directly request information from rural communities. Any information the Board receives from village councils, or other organizations, comes unsolicited, or in response to an applicant's efforts to have a community spokesperson recommend his/her release. Additionally, in the director's opinion, the Parole Board believes there should be someone in the offender's home community to provide assistance and supervision, and to report back to the parole officer and the Board.

With some modifications, the probation aide program, could address both these concerns. Parole Board members would be assured that they were not releasing a parolee into a completely unstructured setting, and through the aide, could determine communities' willingness to have offenders returned. Although the village councils would not be directly supervising parolees responsibility for parolees would be at the village level and the councils could participate to a greater extent in decisions regarding the parolees' presence and behavior in the communities.

We have not done a thorough analysis of what modifications would be necessary in order to expand the existing aide program. However, we have considered the possibility of creating part-time aide positions, having fulltime aides serving several villages, or the State contracting with village councils to train and employ parole aides when there will be parolees returning to the community.

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We would be happy to provide further information if it would be useful to you. Please don't hesitate to contact us if we can be of more assistance.

CJ/cp