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COMMITTEE REPORT

SENATE

FURTHER: Judiciary

3/24/81

Date: 2/26/82

Mr. President:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had SB 327

parole of offenders; continuing the existence of the Board of Parole

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for SB 327  same title  
 new title
- and recommends \_\_\_\_\_

AND attaches a "Letter of Intent"  New Fiscal Note

reports it back without recommendation

referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

*Colette*  
*James D. Thompson*  
*Charles H.*  
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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_  
 \_\_\_\_\_  
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 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*Charles H.*  
 CHAIRMAN

OUTLINE OF SB 327

- Continues the existence of the current parole Board until 1986.
- Streamlines internal operations of the board.
- Provides equitable access to information for prisoners in relation to hearings.
- Delineates mandatory from discretionary parole.
- Stipulates specific conditions under which parole may be granted.
- Provides for discretionary parole after 20 months.

CHANGES MADE BY SENATE JUDICIARY TO SB 327 (HESS)

33.16.010 (c). Removed requirement that presiding officer have criminal justice experience. Presiding officer now has no set term. (was 2 years)

33.16.040 (a). Allows removal of Board for "crime involving moral turpitude" rather than "a felony".

33.16.050. Two changes. Took out the section that raised compensation as reflected in the Anchorage C.P.I., and increased the amount of compensation from \$100/day to \$150/day.

33.16.140. Included a new sentence clarifying the Board does not have to parole a person who is unsuitable for parole because of 33.16.120 (a) —

*Conditions of parole.*

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for Senate Bill 327 (Judiciary)

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

Requested by Senator Parr Date April 5, 1982

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services

Program Category Affected Offender Confinement, Reformation, & Supervision

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

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

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL		6.5	4.1	8.4	5.1	10.0
300 CONTRACTUAL		1.3	-0-	1.5	-0-	1.7
400 COMMODITIES		-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT		-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.						
800 COMPENSATION		43.8	43.2	43.8	43.2	43.8
TOTAL		51.6	47.3	53.7	48.3	55.5

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		51.6	47.3	53.7	48.3	55.5
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

NO NEW POSITIONS

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

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

See Attached Sheet

IV. DATE April 6, 1982

PREPARED BY Samuel H. Triunfo

AGENCY H & S.S. Parole Board

Original: Legislative Finance

PHONE 465-7184

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

A. Section .050, Compensation

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

- a) Reading reports-assume 225 cases/year x 3/4 hours per file = 23 "member days". Guess 23 days x 2.5 members x \$100 = 5.8
- b) Phone log shows average of 30 calls/quarter to the office x 4 quarters/year = 120 calls for handling appeals, requests for special hearings, mandatory release conditions, etc. x \$100 = 12.0
- c) Pay 1/2 day compensation for those days holding preliminary hearings, 1/2 day parole hearings, etc., now being paid @ \$50 per day. Guess 35 member days x \$50 =  $\frac{1.8}{19.6}$

Also, the bill increases the compensation of Board members from \$100 to \$150 per day. Current budget shows 257 per diem days x \$50 increase = 12.8

Increase a), b), & c) alone to \$150 per day x 213 days =  $\frac{10.7}{\text{Total } 43.1}$

B. Section .080, Responsibilities

Funds for teleconferencing of hearings to adopt regulation, advertise hearings, have staff travel to hearings to establish regulations in the Alaska Administrative Code. Budget every other year. Fair member days compensation @ \$150 per day.

Contractual	1.3
Transportation	1.0
Per Diem	1.0
Compensation	.6
Total	3.9

C. Section .180, Change in Conditions

Anticipate 5 parolees will request a hearing pursuant to this Section resulting in 5 teleconference hearings by three Board members @ \$150.

Transportation	1.6
Per Diem	1.3
Compensation	2.3
Total	5.2

D. Section .280, Revocation Hearings

The "clear and convincing evidence" test will result in a representative from the District Attorney's office presenting some of the cases for the Division of Corrections, as is done in many probation revocation cases now. Assume District Attorneys will be present in 1/4 of the cases (7) which will result in a doubling in the length of the hearing time in those cases resulting in 4 additional "board days per year" x 5 members x \$150.

Per Diem	1.6
Compensation	3.0
Total	4.6

E. Section .290, Parole Warrants

This section shifts the responsibility of issuing parole warrants from the Board members to the judiciary. Although it will impact the workload of the court system and the Division of Adult Corrections parole officers, it will reduce the workload of the Board members. Board issues about 35 warrants per year x \$150 =  $\frac{(5.2)}{\text{Total } (5.2)}$

F. Assumption for FY-84 Through FY-87

- a) Travel = 15% in FY-84 and FY-85; 10% thereafter.
- b) Contractual = 8%

FROM SB 217

STAFF/AGENCY CHANGE

Introduced: 3/24/81  
 Referred: Health, Education  
 & Social Services and  
 Judiciary

1 IN THE SENATE

BY

2 HESS CS SENATE BILL NO. 327

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

## 11 CHAPTER 16. PAROLE ADMINISTRATION.

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

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

19 (c) The ~~governor~~<sup>Judicial</sup> shall designate the presiding officer, of the  
 20 board. The presiding officer must have a minimum of two years' exper-  
 21 ience in <sup>Judicial</sup> corrections, probation, or parole work before his designation  
 22 as presiding officer.

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

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

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

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

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

14 Sec. 33.16.040. REMOVAL OF MEMBERS. (a) The governor may remove  
15 a board member only for disability, nonfeasance, neglect of duty,  
16 malfeasance in office, or conviction of a ~~crime~~ *felony*

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

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

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

1 is entitled to compensation of \$100 per day for each day he is concerned  
2 with the business of the board and is also entitled to the per diem and  
3 travel allowances provided by law for other boards and commissions.

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (8) execute other responsibilities prescribed by law.

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

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

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

13 (3) which it considers proper for the operation of the  
14 board.

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

21 Sec. 33.16.100. ELIGIBILITY FOR DISCRETIONARY PAROLE. (a) A  
22 state prisoner other than a juvenile delinquent, wherever confined, who  
23 is serving a definite term of over 180 days and who is not imprisoned  
24 in accordance with AS 12.55.125(c)(1), (c)(2), (c)(3), (d)(1), (d)(2),  
25 (e)(1), or (e)(2), may, in the discretion of the board, be released on  
26 discretionary parole subject to AS 33.16.110, 33.16.120(b), and AS 12.-  
27 55.086(b).

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

31 (c) A state prisoner imprisoned in accordance with AS 12.55.125-  
32 (c)(1), (c)(2), (c)(3), (d)(1), (d)(2), (e)(1), or (e)(2) who is re-  
33 leased under AS 33.20.030 shall be placed on mandatory parole for the  
34 period specified in the certificate of deduction, less 180 days,  
35 subject to written conditions imposed by the board.

*AR  
Presently*

15.           Sec. 33.16.110.   FIXING ELIGIBILITY FOR DISCRETIONARY PAROLE AT  
16.   TIME OF SENTENCING.

8           When in its opinion justice and the best interests of the  
9   public require that a defendant be sentenced to imprisonment for a term  
10   exceeding one year, the court having jurisdiction to impose sentence,  
11   upon entering a judgment of conviction, may designate in the sentence  
eligible for discretionary parole. The term shall be at least one-third of the  
13   period of confinement imposed by the court or the minimum term pre-  
14   scribed in AS 12.55.125, whichever is greater.

24           Sec. 33.16.120.   GRANTING OF DISCRETIONARY PAROLE. (a) The board  
25   may authorize the release of a prisoner on discretionary parole if it  
26   determines that

27           (1) the prisoner eligible for discretionary parole will, in  
28   reasonable probability, live and remain at liberty without violating  
29   the laws or without violating the conditions imposed by the board; and

1           (2) his release on discretionary parole is not incompat'ble  
2   with the welfare of society and would not depreciate the seriousness of  
3   the crime.

4           (b) A prisoner may not be released on discretionary parole until  
5   the prisoner has served either one-third of the period of confinement  
6   to which he was sentenced or the minimum term prescribed in AS 12.55.-  
7   125, whichever is greater.

8           Sec. 33.16.130.   SUITABILITY FOR DISCRETIONARY PAROLE. In deter-  
9   mining whether a prisoner is suitable for discretionary parole, the  
10   board shall consider

27 (1) the presentence report made to the sentencing court;  
28 (2) the recommendations made by the sentencing court, by the  
29 prosecuting attorney, by the defense attorney, and any statement made  
1 by the prisoner at sentencing;

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

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

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

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

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

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

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

20 Sec. 33.16.150. HEARING ON APPLICATION FOR DISCRETIONARY PAROLE.

21 (a) A prisoner has the right to a preliminary hearing before a  
17 single member of the board or a person authorized by the board to act  
18 as a hearing officer to determine the suitability of a prisoner for  
22 parole or for the setting, posting, or rescinding of parole dates. The  
23 prisoner shall be provided reasonable notice of the hearing. The preliminary  
hearing shall be electronically tape recorded. The tape of the preliminary  
hearing shall be reviewed by the full board within 60 days.

24 (b) The prisoner shall be permitted to have a copy of the pre-parole  
25 report and records which will be considered by the board no less than  
26 10 days before the hearing. The prisoner has a right to enter written  
27 responses to all information and records which will be considered by  
28 the board.

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

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

3 (d) Upon review of the preliminary hearing or after a hearing of the  
4 full board, the board shall issue its decision which shall be in writing  
5 and which will provide reasons for the decision. The prisoner is entitled  
6 to a copy of the decision on its issuance.

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

13 Sec. 33.16.180. CONDITIONS OF PAROLE. (a) The board shall re-  
14 quire that a prisoner released on parole refrain from violation of  
15 state or federal law as a condition of parole.  
16

17 (b) Depending on the nature and circumstances of the crime for  
18 which the prisoner was convicted and the background of the prisoner,  
19 the board may require as a condition of parole under AS 33.16.160 that  
20 a parolee accept one or more of the conditions:  
21

22 (1) that he meet his family obligations;

23 (2) that he apply himself to employment, education, training,  
24 or subsistence;

25 (3) that he remain within stated geographic limits unless  
26 granted written permission from his parole officer to depart from the  
27  
28  
29

1 stated limits;

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

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

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

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

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

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

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

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

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

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

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

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

(c) The board may establish additional conditions through  
regulation which are consistent with (b) of this section.

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

3           (b) The parolee shall be permitted to have the information  
4           and record summary which will be considered by the board no less than  
5           7 days before the hearing. The parolee has a right to enter written  
6           responses to all information and records which will be considered by  
7           the board.

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

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

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

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

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

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

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

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

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

18 (4) provide the board in a timely manner with information  
19 requested on sentenced prisoners who may be eligible for parole release  
20 or parole supervision;

21 (5) keep records, files, data, and information as the board  
22 requests.

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

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

15 Sec. 33.16.260. DISCHARGE OF PAROLEE. (a) The board retains  
16 legal custody of a discretionary parolee until the expiration of the  
17 maximum term or terms to which the parolee is sentenced less a good  
18 time allowance provided by law. The board retains legal custody of a  
19 mandatory parolee released in accordance with AS 33.16.100(c) and  
20 AS 33.20.040 until the expiration of the maximum term or terms to which  
21 the prisoner was sentenced less 180 days.

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

26 (c) A parolee who has been on parole for five years and who has not absconded  
27 or been charged with a felony since entering parole shall be discharged  
28 from parole and from the custody of the board. A parolee who is charged  
29

1 with a felony within the five years remains in the custody of the board  
2 pending a final decision on the charge. If the parolee is acquitted or  
3 the charge is dismissed, the board shall discharge the parolee from  
4 custody.

5 Sec. 33.16.270. DISCRETIONARY DISCHARGE OF PAROLEE. The board  
6 may discharge a parolee from supervision and the custody of the board  
7 and from further liability under his sentence after the parolee has  
8 completed 20 months of parole.

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

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

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

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

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

4 (e) If after the hearing the board determines that a violation of  
5 a condition of parole has occurred, it may revoke a portion of the  
6 parole granted <sup>or</sup> change the conditions of parole.

7 . If the board does not revoke a portion  
8 of the parole granted, the parolee shall be released from confinement  
9 and continued on parole under terms and conditions established by the  
10 board.

11 (f) If after the hearing the board determines that a parolee has  
12 violated a state or federal law, the board may require the parolee to  
13 serve all or a part of the remainder of the term to which he was sen-  
14 tenced.

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

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

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

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

27 Sec. 33.16.310. EXECUTION OF WARRANT FOR ARREST OF PAROLEE. (a)  
28 A parole officer or a peace officer acting at the request of a parole  
29

1 officer shall execute the warrant issued under AS 33.16.300 by arrest-  
2 ing the parolee and confining the parolee in a correctional facility  
3 designated by the commissioner.

4 (b) The parole officer shall immediately notify the board or a  
5 member of the board of an arrest under (a) of this section. If the  
6 arrest was without warrant, the parole officer shall immediately  
7 provide the board or a member of the board with a report in writing  
8 indicating in what manner the parolee violated a condition of his  
9 parole.

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

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

20 Sec. 33.16.330. DEFINITIONS. In this chapter

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

22 (2) "commissioner" means the commissioner of health and  
23 social services;

24 (3) "department" means the Department of Health and Social  
25 Services;

26 (4) "discretionary parole" means the release of a prisoner  
27 to the community by the board before the expiration of his term or  
28 terms, subject to conditions imposed by the board and subject to its  
supervision;

29 (5) "mandatory parole" means the release of a prisoner to  
30 the community by operation of law before the expiration of his term or  
31 terms, subject to conditions imposed by the board and subject to its  
32 supervision;

33 (6) "parolee" means a prisoner released to the community by  
34 the board or by operation of law.

1           ~~(5) "parolee" means a prisoner released to the community by~~  
2           ~~the board or by operation of law.~~

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

4           (3) [STATE] Board of Parole (AS 33.16.010) [(AS 33.15.010)]  
5           -- June 30, 1986 [1980];

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

7           (a) A prisoner serving the term or terms for which he was  
8           sentenced less good time deductions shall be released unconditionally  
9           if there remains less than 180 days to serve under his sentence. If  
10           there remains more than 180 days to serve under his sentence a prisoner  
11           shall be released on parole under AS 33.16.100(c) [, UPON RELEASE,  
12           SHALL BE CONSIDERED AS IF RELEASED ON PAROLE UNTIL THE EXPIRATION OF  
13           THE MAXIMUM TERM OR TERMS FOR WHICH HE WAS SENTENCED LESS 180 DAYS].

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

15 \* Sec. 5. AS 33.16 enacted in sec. 1 of this Act applies to persons on  
16 parole or being considered for parole on the effective date of this Act.

17 \* Sec. 6. The terms of the members of the Board of Parole appointed  
18 under AS 33.15.010 terminate on the effective date of this Act. The governor  
19 shall appoint members to the Board of Parole established under AS 33.16.010  
20 enacted in this Act for the following initial terms: ~~One~~ members for five-  
21 year terms; ~~One~~ members for four-year terms; one member for a three-year  
22 term; one member for a two-year term; and one member for a one-year term.

23 \* Sec. 7. This Act takes effect June 29, 1982

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST Senate Bill No. 327  
Bill/Resolution No. \_\_\_\_\_  
Title "An Act relating to parole offenders." \_\_\_\_\_  
Requested by \_\_\_\_\_ Date \_\_\_\_\_

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

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		7.9	228.7	244.7	261.8	280.2
200 TRAVEL		2.2	3.6	3.9	4.2	4.6
300 CONTRACTUAL		14.9	52.4	57.2	62.3	67.9
400 COMMODITIES		23.8	38.4	41.8	45.6	49.7
500 EQUIPMENT			3.0			
600 LAND & STRUCTURES		992.8				
700 GRANTS, CLAIMS, ETC.		6.2	10.0	10.9	11.9	12.9
TOTAL	-0-	1047.7	336.1	385.5	385.8	415.3

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	1047.7	336.1	385.5	385.8	415.3
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME	-0-	-0-	5	5	5	5
PART TIME						
TEMPORARY						

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

I. Program

A. Adult Confinement

On the basis of information given to us by the Parole Board we would conclude that the passage of Senate Bill No. 327 without modification, would result in a need for additional capacity within the correctional system. Capital projects requested or in progress to provide more beds do not take into consideration the effects of new or amending legislation.

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

IV. DATE February 1, 1982 PREPARED BY Roger C. Lango  
AGENCY Adult Corrections

Original: Legislative Finance PHONE 465-3376  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

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

$$\begin{aligned} \text{New beds required} &= \frac{15 \times 60}{365} \\ &= \underline{2.5} \end{aligned}$$

- 2. The bill provides an inclusive list of conditions of parole without language permitting the parole board to impose other conditions they consider appropriate for some parolees. Therefore, the assumption is that the parole board will not grant parole to these individuals. It is assumed, based on information provided by the Parole Board Administrator, that at least seven persons a year would be denied parole. The average length of sentence remaining when persons are paroled, considering good time that would be earned, is 20 months. Therefore, the impact on bed availability would be:

$$\begin{aligned} \text{Number of beds needed} &= \frac{7 \text{ persons} \times 20 \text{ months}}{12 \text{ months}} \text{ (beds)} \\ \text{Number of Beds} &= 11.7 \end{aligned}$$

- 3. Total bed identified from above.

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

The Division of Adult Corrections estimates that an additional 14 beds will need to be constructed if Senate Bill No. 327 is enacted.

B. Probation and Community Programs

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

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

II. Fiscal

A. Capital Expenditures

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

*working draft*

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

Request Bill/Resolution No. Senate Bill No. 327

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

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

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

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

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

Travel (return inmate to point of arrest)	\$ 3,000
Food @ 5.5.0 per day	228,100
Clothing @ \$300 per year	4,200
Gratuities for work	8,400
Medical costs \$1231/inmate/year	<u>17,200</u>

\$57,500

D. Building Costs

Utilities \$25,000

E. Reproduction of Inmate Casefiles

Personal Services:

217 casefiles x 2 1/2 hrs/file x 14.57/m. = 79.04.

Xeroxing:

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

F. Assumptions

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



# Alaska State Legislature

## House of Representatives

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

#### MEMORANDUM

DATE: March 11, 1981

TO: House Judiciary and HESS Committees

FROM: Peter B. Froehlich, Counsel  
House Judiciary Committee

*PDF*

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

\* \* \* \* \*

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

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

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

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

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

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

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

Attachment

COMPARISON OF PAROLE BILLS

1980 CSHB 983 (Jud)  
and  
1981 HB 261

1980 SHB 983 (Fin)

1981 HB 225  
and  
1981 SB 217

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

-same-

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

-----

-----

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

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

-same-

-same-

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

-same-

-same-

p.3, line 10: sets quorum  
at 4

-same-

keeps quorum at 3

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

-same-

-same-

-----

-----

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

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

-same-

-same-

-----

-----

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

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

-same-

-same-

-----

-----

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

-----	-----	p.5, line 8: adds "discretionary" before "parole"
-----	-----	p.5, line 12: adds "mandatory" be- fore "parole"
-----	-----	p.5, lines 24-29: adds "discretionary" (p.6, lines 1-9:) before "parole"
-----	-----	p.6, lines: 6-7: adds requirement that minimum sentence be served before parole
p.6, lines 14-19: adds that parole cannot be denied because neces- sary treatment was un- available	-same-	-----
-----	-----	p.6, lines 27-29: to- tally different (p.7, lines 1-9:) section on parole hearings less beneficial to prisoners
p.6, lines 24-28: adds requirement that pris- oners get copy of all evidence 30 days before parole hearing	-same-	-----
-----	-----	p.7, line 15: adds requirement of approved parole hearings before pa- role
p.7, lines 12-17: provides for good time deduction while on parole	-same-	-----
p.7, lines 18-24: sets out 15 possible conditions (p.8, lines 1-24) of parole	-same-	p.7, lines 25-29: provides for con- ditions of parole to be set according to rules, and after

the prisoners  
background as a  
factor

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

-same-

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

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

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

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

-same-

-same-

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

p.8, lines 18-20  
adds duty of com-  
missioner to  
vide time  
to id.

p.10, lines 3-7: states  
prisoner's right to  
access to law

-same-

p.10, lines 16-18: adds  
180 day sentence re-  
duction to prisoners  
released by certificate  
of discharge

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

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

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

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

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

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

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

Walker  
12-1412

see attached amendment  
passed M HESS 4-16-81

Introduced: 4/16/81  
Referred: Health, Education &  
Social Services

1 IN THE HOUSE

BY CLOCKSIN AND MARTIN

2

HOUSE BILL NO. 510

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act continuing the existence of the State Board of  
7 Parole; and providing for an effective date."

8

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

9

\* Section 1. AS 44.66.010(a)(3) is amended to read:

10

(3) State Board of Parole (AS 33.15.010) -- June 30, 1981

11

[1980];

12

\* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-

13

070(c).

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COMMITTEE COPY

-1-

HB 510

A M E N D M E N T

Offered in the HOUSE

By Clocksin

TO:

Page 1, lines 6 - 7:

Delete all material and insert the following:

"An Act relating to the State Board of Parole; continuing the existence of the board and amending the law relating to the board's responsibilities; and providing for an effective date."

Page 1, after line 11:

Add a new bill section to read:

"\* Sec. 2. AS 33.15.060 is amended by adding a new subsection to read:

(b) The board shall determine whether there was unjustified disparity in the sentence imposed on a prisoner in relation to other sentences imposed under similar circumstances. The determination made under this subsection shall be considered by the board in determining a prisoner's eligibility for parole under (a) of this section."

Page 1, line 12:

Change "Sec. 2" to "Sec. 3"

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT

INTRODUCTION OF BILLS (House)(cont'd)

Appropriation  
(special)  
(auto repair  
abuse study)

HOUSE BILL NO. 292, by Reps. Hayes, Abood, Anderson, Beirne, Bettisworth, Brown, Martin and Metcalfe. Appropriates \$65,000 from the general fund to the Dept. of Law, Consumer Protection Section, for investigation of abuses related to automobile repairs. Appropriation lapses June 30, 1982. Provides Act effective July 1, 1981

Introduced March 9 and referred to Labor & Commerce and Finance.

Parole of  
Offenders/  
Executive  
Clemency

HOUSE BILL NO. 293, by the Rules Committee by request of the Governor. Governor's bill revamping the parole system in the state. Outline of bill is as follows:

--Sec. 1 adds new chapter to AS 33, Ch. 16 "PAROLE OF OFFENDERS AND EXECUTIVE CLEMENCY."

--Sec. 2 repeals AS 33.30.010 - 090 (Prison Facilities: Establishment, Control & Management) and AS 33.30.250 - 320 (portion of General Provisions). Sections of AS 33.30 which remain intact are Secs. 100 - 190, and Sec. 225.

--Sec. 3 adds new sections to AS 33.30 relating to the establishment, control and management of correctional facilities and programs; to the procedure for commitment; to programs and furloughs; and to miscellaneous provisions.

--Sec. 3 (misnumbered in bill--should be 4) repeals and reenacts AS 33.30.200, the definitions for AS 33.30.

--Secs. 4 & 5 repeal and reenact AS 11.56.340 & 350 (unlawful evasion in the first degree; unlawful evasion in the second degree).

--Sec. 6 repeals and reenacts 12.55.080 (Suspension of Sentence and Probation).

--Sec. 7 amends 12.55.090(b)(Grant of Probation); Sec. 8 amends 12.55.100 (Conditions of Probation); and Sec. 9 amends 12.55.110 (Notice and Grounds for Revocation of Suspension).

--Secs. 10 - 13 amend subsections of 12.55.125 (Sentences of Imprisonment for Felonies).

--Sec. 14 amends 12.55.155(a) (Factors in aggravation and mitigation--of presumptive sentencing).

--Sec. 15 amends 12.55.165 (Extraordinary Circumstances--in sentencing).

--Sec. 16 repeals AS 33.15 and AS 33.20 (Parole Administration Act and Pardons and Paroles).

--Sec. 17 terminates the Interim Sentence Review and Parole Commission established in Sec. 1 of bill on July 1, 1983.

--Sec. 18 states that Secs. 10 - 15 do not apply to or govern the punishment for any offense committed before July 1, 1981. Offenses committed before that date shall be punished according to the law existing at the time the offense was committed.

--Sec. 19 provides effective date of July 1, 1981.

INTRODUCTION OF BILLS (House)(cont'd)

HB 293 (cont'..)

Introduced March 9 and referred to Health, Education and Social Services, then to Finance.

In his message transmitting the bill to the House for consideration, Governor Hammond stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill pertaining to the treatment of prisoners. It allows the Alaska Board of Parole to "sunset" as provided by law on July 1, 1981, and establishes a parole system whereby a prisoner's release date is set at the time of sentencing. The bill also sets presumptive sentences for first time felony offenders and constitutes a complete revision of AS 33.30 pertaining to correctional facilities. It clarifies ambiguous provisions in existing law pertaining to the custody of prisoners, and provides for the establishment of comprehensive furlough programs by the Department of Health and Social Services designed to facilitate an offender's reintegration into society before his final release after serving a term of imprisonment.

This bill should be viewed as the next logical step in the revision and modernization of Alaska's statutes pertaining to crimes and sentencing that began with passage of the revised criminal code in 1978. That legislation, in part, established presumptive sentences for repeat felony offenders and eliminated those offenders from consideration for early release by the parole board. This bill sets presumptive sentences for first-time felony offenders and makes that class of offenders ineligible for early release by the parole board.

To satisfy the requirements of art. III, sec. 21, of the Alaska Constitution, the bill establishes a parole system that allows for release of offenders before the expiration of their term of imprisonment through the earning of a deduction from their sentences for good conduct while in prison and by permitting their participation in furlough programs established by the Department of Health and Social Services. The furlough programs are intended to foster successful reintegration of the offender into society by encouraging him to obtain employable skills, education, and appropriate counselling or treatment while serving the last part of his term of imprisonment.

This legislation also establishes a two-year interim sentence review and parole commission to set release dates for prisoners who commit crimes before July 1, 1981, the date the new parole system established by this bill takes effect. In setting a parole release date, the commission is specifically authorized to consider whether there was unjustified disparity in the sentence imposed when compared to other sentences imposed under similar circumstances. This provision of the bill will provide an appropriate mechanism to remedy any unjustified disparity in sentencing that may have occurred in the past that can be attributed to the race of the defendant or to any other reason. It is also responsive to the findings and recommendations of the Advisory Committee on Minority Sentencing Practices and the Anchorage Native Caucus arising out of the studies by the Alaska Judicial Council that first highlighted the problem of sentencing disparity in the state.

The central premise of this bill is that certainty in punishment, and certainty regarding the term of imprisonment a prisoner is required to serve, should be the central considerations applicable in establishing penalties for criminal conduct. This legislation insures certainty in sentencing of offenders by providing presumptive sentences for all felonies. Additionally, it also insures certainty in the correctional process by putting all offenders on an equal footing in terms of early release and participation in rehabilitative programs.

HB 293 (cont'd)

At sentencing, a judge will be required to impose a legislatively determined presumptive sentence, allowing for adjustment for aggravating and mitigating factors. The defendant will be informed of his earliest possible release date from prison calculated under the assumption that he will earn the maximum possible deduction from his sentence for good conduct while in prison. If the prisoner subsequently fails to comply with the rules of the correctional facility where he is incarcerated, his release date is automatically adjusted, within prescribed limitations reflecting the seriousness of his violation.

Certainty in sentencing provides benefits to both the prisoner and the public. By knowing the length of his imprisonment at the time he is sentenced, the prisoner can immediately begin to participate in rehabilitative programs that can be structured around the length of his sentence. The uncertainty created in the prisoner's mind by the current parole system is eliminated. The prisoner will participate in rehabilitative programs because he is motivated to benefit himself, as opposed to participation undertaken for the primary purpose of gaining favorable consideration by the parole board.

Certainty in the criminal justice system also benefits the public. The possibilities for unjustified disparity in the length of sentence imposed and served will be minimized through requiring presumptive sentences for all felonies and by setting release dates based on a fixed formula applying to all offenders. Additionally, the public has a fundamental interest in knowing, at the time of sentencing, the term of imprisonment the prisoner will be required to serve.

Appropriation  
(supplemental)  
(Dept. of Law)

HOUSE BILL NO. 294, by the Rules Committee by request of the Governor. Appropriates \$956,000 from the general fund to the Dept. of Law, Civil Division, for the purpose of paying miscellaneous judgments against the state. Appropriation lapses June 30, 1981. Effective immediately.

Introduced March 9 and referred to Judiciary and Finance.

In his message transmitting the bill to the House for consideration, Governor Hammond stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill which would make a supplemental appropriation to the Department of Law, Civil Division, to pay miscellaneous judgments against the state.

Miscellaneous judgments against the state have exceeded the \$15,000 appropriated for that purpose for FY 81. The FY 81 appropriation was fully spent by September 1980, and since that time nine additional judgments have been made against the state. This appropriation would cover the costs of legal action and court awards in those nine cases.

The amount needed for one of the cases is \$881,400 (92 percent of the total appropriation request), and arose from the Hidden Falls hatchery project. Erroneous site condition information caused delays in the construction of the hatchery. This resulted in increased construction costs above the original amount of the contract, and the court approved a settlement between the parties awarding money to the contractor.

The interest being paid for these judgments varies from 8 percent to 10 3/4 percent. I urge immediate enactment of this bill.

WHAT HB 293 DOES

I. Establishes New Parole System.

II. Sets Release Dates for Offenders  
Who Committed a Crime before  
July 1, 1981.

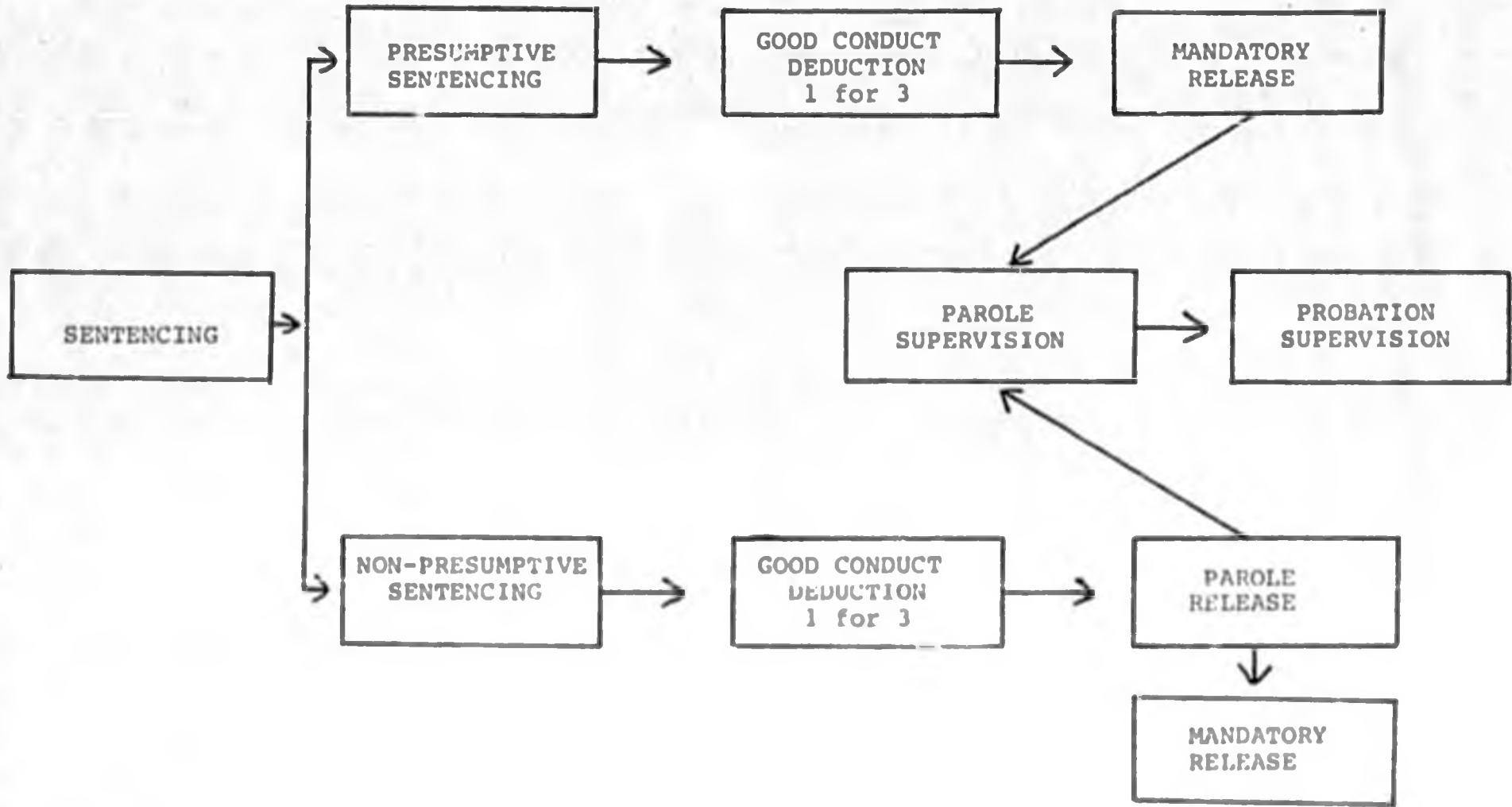
WHY CHANGE CURRENT SYSTEM

- I. Certainty in length of sentence served.
- II. "Just Desserts" theory of punishment.
- III. Rehabilitative programs are more effective.
- IV. Public's "right to know."

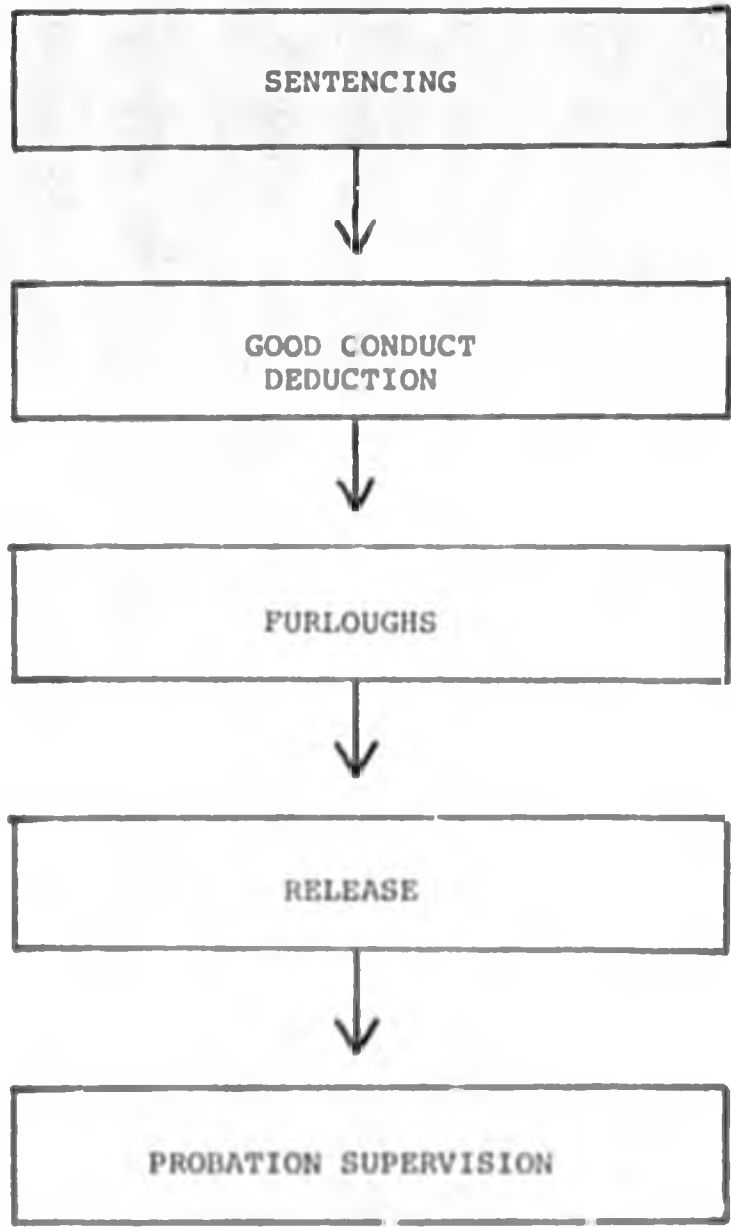
HIGHLIGHTS OF HB 293

- I. Parole Board Sunsets July 1, 1981.
  
- II. Interim Sentence Review and Parole Commission  
For Offenders Who Committed a Crime Before  
July 1, 1981.
  
- III. New Parole System -- Good Conduct Deductions  
Plus Furlough Programs.
  
- IV. Presumptive Sentencing for First Felony Offenders.

CURRENT PAROLE SYSTEM



PAROLE SYSTEM - HB 293



SUMMARY OF HB 293

I. AS 33.16. PAROLE OF OFFENDERS AND EXECUTIVE CLEMENCY.

- A. Interim Sentence Review and Parole Commission.
- B. Parole of persons who commit crimes after 7/1/81.
- C. Supervision of prisoners released = probation.
  - 1. Length
  - 2. Conditions
  - 3. Formal/Open
- D. Defendant informed of release date at sentencing.

II. AS 33.30. CORRECTIONAL FACILITIES AND PROGRAMS.

- A. Establishment, Control and Management.
  - 1. Duties of Commissioner
  - 2. Custody of offenders
- B. Programs and Furloughs.
  - 1. Designation of facilities
  - 2. Designation of programs
  - 3. Furloughs
    - a. Types
      - i. Pre-release
      - ii. Short-durational
    - b. Eligibility
- C. General Provisions - Permanent fund dividend eligibility.

III. AS 12.55. SENTENCING.

- A. Probation amendments.
- B. Presumptive sentencing.

INTERIM SENTENCE REVIEW AND  
PAROLE COMMISSION

- A. Three member commission lasts two years.
  
- B. Sets parole release dates for prisoners who are or will be eligible for parole; and
  - 1. committed a crime before 7/1/81; and
  - 2. sentenced before 1/1/83.
  
- C. Hearing required where prisoner has a right to present evidence and cross-examine witnesses.
  
- D. Considerations in setting parole release date include:
  - 1. Whether there was unjustified disparity in sentence imposed; and
  - 2. Whether sentence deviated substantially from sentence under revised criminal code.

GOOD CONDUCT DEDUCTION

I. Computation

- A. One-quarter of sentence if
  1. Presumptive sentence for repeat felony; or
  2. Murder I, II, or Kidnapping;
  3. Life Sentence = 99 years.
- B. One-third of sentence for all other crimes.

II. Forfeiture of Deduction

- A. 90 days maximum for major incidents of bad conduct.
- B. 30 days maximum for minor incidents of bad conduct.
- C. Vesting of 90 days per year for incident-free conduct.

PRE-RELEASE FURLOUGH ELIGIBILITY

- I. If sentence of 5 years or less, eligible after serving one-third of sentence.
  
- II. If sentence of more than 5 years, eligible after serving one-third of sentence, or within 3 years of release, whichever is later.

TYPES OF FURLOUGHS

1. Obtain drug or alcohol treatment or counselling.
2. Vocational training.
3. Secure or engage in employment.
4. Attend school.
5. Prepare for release.
6. Other rehabilitative programs.

PRESUMPTIVE SENTENCING

FIRST

SECOND

THIRD

A

2-1/2 - (5) - 20  
4 - (8) - 20

5 - (10) - 20

7-1/2 - (15) - 20

B

0 - (2) - 10

0 - (4) - 10

3 - (6) - 10

C

0 - (1) - 5

0 - (2) - 5

0 - (3) - 5

**PLEASE NOTE: THE PRECEDING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT.**

1. Good Time Differences

2 Confidentiality - pre parole report  
Mental health reports

3 Conditions - statutor escape clause

4 Notification of Δ's in conditions  
7 days  
~~Notification of~~

5 Provide Pre Parole Report  
14 days

Clear: training - hard to  
define.

HB 213 page 22 - Dept of Law - Civil Rights

HB 194 - Prison Industries

Behavioral Model - Doer's work  
Over term of Supervision - 23-25 months

Good time ↑ 19 months.

Better Alternatives to ~~reduce~~ remove parolees are  
then 2 yrs.

Good time would help control  
Recidivism

Good  
time only  
work w/  
inmate

CHANGES MADE BY SENATE JUDICIARY TO SB 327 (HESS)

33.16.010 (c). Removed requirement that presiding officer have criminal justice experience. Presiding officer now has no set term. (was 2 years)

33.16.040 (a). Allows removal of Board for "crime involving moral turpitude" rather than "a felony".

33.16.050. Two changes. Took out the section that raised compensation as reflected in the Anchorage C.P.I., and increased the amount of compensation from \$100/day to \$150/day.

33.16.140. Included a new sentence clarifying the Board does not have to parole a person who is unsuitable for parole because of 33.16.120 (a) —

*Conditions of parole.*

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT



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

Pouch 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 Date 1/21/82  
Walter B. Jones, Acting Director  
Division of Adult Corrections

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



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

March 11, 1980

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

Dear Mr. Speaker:

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

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

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

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

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

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

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

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

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

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

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

Findings required by AS 44.66.050(d) follow:

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

Finding: There is a need to avoid unnecessary incarceration.

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

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

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

Finding: There are no similar or conflicting programs.

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

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

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

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

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

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

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

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

The Judiciary Committee finds that:

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

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Charles H. Parr, Chairman

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Nels A. Anderson, Jr.

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Ramona L. Barnes

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Fred E. Brown

Mr. Speaker

-5-

March 11, 1980

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Thelma Buchholdt

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Hugh Malone

---

Terry Martin

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Patrick M. O'Connell

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Randy Phillips

# STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL WELFARE

OFFICE

JAY S. HAMMOND, GOVERNOR

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

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

1981 REVOCATIONS

2170

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 CODES:

C.O.P. = Continue on Parole

R &amp; C = Revoke &amp; Review Case Again

R &amp; RE = Revoke &amp; Reparole

R &amp; D = Revoke &amp; Deny

## 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

# 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

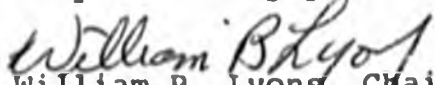
Dear Senator Parr:

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

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.

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 void 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 amended 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



JUNEAU, ALASKA

# Alaska State Legislature

## Senate

### Lawyer calls for end of state parole board

By The Associated Press

The state parole board should be replaced with a system that rewards inmates for good behavior, a criminal justice lawyer told a House panel Thursday.

In testimony before the House Judiciary Committee, Assistant Attorney General Barry Stern said the parole board should be allowed to die June 30, as it would under current state law. The committee is considering what kind of parole system the state should have.

Rep. Terry Martin, R-Anchorage, has introduced a bill (HB226) that would continue the parole board.

Stern urged lawmakers to adopt a plan that will be submitted by Gov. Jay Hammond next week to replace the parole board with a system that would shorten inmates' sentences for good

behavior and make prison sentences and parole releases more consistent.

He said it is important for current disparities be eliminated so that those convicted of crimes will know how long they will have to serve. "Now it's a guessing game," Stern said.

Director of the Division of Adult Corrections Charles Campbell said that there is "a great deal of concern about disparity and discrimination" in the criminal justice system, but the prospect of eliminating the parole board is "discomforting."


In written testimony, Sam Trivette, parole board executive director, said "although the parole function could be handled by the courts or another agency of the state, or by other state employees, the board is the most cost effective while offering fair, consistent and reviewable decisions."

*Juneau Empire*  
2-27-81

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.

Representative Nels Anderson

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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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February 28, 1980  
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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 5, 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.

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.

Representative Nels Anderson  
February 28, 1980  
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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/dp

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 <sup>a</sup>	11	At least monthly	12-15
Delaware	1,007	500	No <sup>a</sup>	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 <sup>a</sup>	3	Monthly	20

<sup>a</sup>The chairman serves fulltime; members serve part-time

<sup>b</sup>The 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	2,028	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

<sup>a</sup>The chairman serves fulltime; members serve part-time

<sup>b</sup>The 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 <sup>a</sup>	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 <sup>b</sup>	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

<sup>a</sup>The chairman serves fulltime; members serve part-time

<sup>b</sup>The 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 <sup>a</sup>
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

<sup>a</sup>The chairman serves fulltime; members serve part-time

<sup>b</sup>The 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	5,147	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

<sup>a</sup>The chairman serves fulltime; members serve part-time

<sup>b</sup>The chairman and two members serve fulltime; two members serve part-time.

1978 information

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 33.20.080).

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.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSSB 327 (HESS)  
Title "An Act relating to parole of offenders."  
Requested by Senator Parr Date March 8, 1982

II. FISCAL DETAIL

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

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

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

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

The changes incorporated into Committee Substitute for Senate Bill No. 327 (HESS) have removed the fiscal impact which would have been experienced with enactment of the original bill.

It has been assumed that all parolees will cooperate with the probation officers and waive a formal hearing when a change of parole condition is considered necessary by Department staff. The alternative for a parolee is to be incarcerated for the period until the hearing could be scheduled.

IV. DATE March 9, 1982

PREPARED BY Roger C. Lange

AGENCY Division of Adult Corrections

PHONE 465-3174

Original: Legislative Finance  
cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

*Roger C. Lange*  
jcc

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for SS for Senate Bill 327  
 Title An Act Relating to Parole of Offenders: Continuing the Parole Board  
 Requested by Senator Parr Date \_\_\_\_\_

II. FISCAL DETAIL

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

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		-0-	-0-	-0-	-0-	-0-
200 TRAVEL		10.3	5.1	8.5	6.5	15.9
300 CONTRACTUAL		1.3	-0-	1.5	-0-	1.7
400 COMMODITIES		-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT		-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
800 COMPENSATION		33.0	35.5	38.8	41.0	62.1
<b>TOTAL</b>		<b>44.6</b>	<b>40.6</b>	<b>48.9</b>	<b>47.5</b>	<b>62.1</b>

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		44.6	40.6	48.9	47.5	62.1
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

NONE

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

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

See Attached Sheets

IV. DATE March 8, 1982 PREPARED BY Samuel H. Trivette  
 AGENCY H & S.S. Parole Board  
 PHONE 465-1184  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 33-001 (Rev. 12/81)

*[Signature]*  
JCC

A. Sections .020 & .030, Nomination/Selection of Members  
 Budget one trip by one staff to Anchorage, Fairbanks, Nome, Bethel, Kenai, Ketchikan and Sitka to meet with organizations to recruit for Board members and administer member assessment. Two additional one day trips to two locations to do final interviews and train on member responsibilities. Budget every fourth year.

Travel & Per Diem 3.9

Total 3.9

B. Section .050, Compensation

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

a) Reading reports-assume 225 cases/year x 3/4 hours per file = 23 "member days". Guess 23 days x 7 members = 16.1

b) Phone log shows average of 30 calls/quarter to the office x 4 quarters/year = 120 calls for handling appeals, requests for special hearings, mandatory release conditions, etc. = 12.0

c) Pay full days compensation for those days holding preliminary hearings, 1/2 day parole hearings, etc. Guess 35 member days x \$50 = 1.8

Total 29.9

D. Section .080, Responsibilities

Funds for teleconferencing of hearings to adopt regulation, advertise hearings, have staff travel to hearings to establish regulations in the Alaska Administrative Code. Budget every other year.

Contractual 1.3

Travel & Per Diem 2.0

Compensation .4

Total 3.7

D. Section .180, Change in Conditions

Anticipate 5 parolees will request a hearing pursuant to this Section resulting in teleconference hearings by three Board members.

Transportation 1.6

Per Diem 1.3

Compensation 1.5

Total 4.4

E. Section .280, Revocation Hearings

The "clear and convincing evidence" test will result in a representative from the District Attorney's office presenting some of the cases for the Division of Corrections, as is done in many probation revocation cases now. Assume District Attorneys will be present in 1/4 of the cases (7) which will result in a doubling in the length of the hearing time in those cases resulting in 4 additional "board days per year".

Per Diem	1.6
Compensation	<u>2.0</u>
Total	3.6

F. Assumption for FY-84 Through FY-87

- a) Travel = 15% in FY-84 and FY-85; 10% thereafter.
- b) Compensation = Consumer Price Index will increase by 9% in FY-84; 8% in FY-85; 7% in FY-86 and FY-87.
- c) Contractual = 8%

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT.

## TABLE OF CONTENTS

1. March 12, 1982 LETTER TO REP. BEIRNE--Explores some of the problems with the Governor's bill (HB 293 and CS for HB 225), discusses some of the philosophies of discretionary parole, and sets forth some basic information about the operation of the Board.
2. March 8, 1982 LETTER TO REP. BARNES--Gives background information necessary for the Judiciary Committee to complete its Sunset Review responsibilities. Details accomplishments of the Board, and explains why Board members favor retention of discretionary parole.
3. January 1982 GOALS & OBJECTIVES OF BOARD--Self-explanatory.
4. SENATOR PARR'S LETTER OF MARCH 8, 1982--Summation of Senate HESS Committee's Sunset Review of the Parole Board, containing the Committee's findings & recommendations.
5. REP. BARNES LETTER OF MARCH 10, 1982--Summation of House Judiciary Committee's Sunset Review of Parole Board.
6. CHAIRMAN LYONS LETTER OF AUGUST 28, 1981--Letter to clarify the Board did not parole a man who killed 3 people.
7. CHAIRMAN LYONS LETTER OF AUGUST 12, 1981--Letter to Representative Meekins clarifying an error in the Violent Crimes Report, and giving some data (p.3) on the number of parolees that have been involved in assaultive crimes while on parole.
8. ANNUAL REPORT 1981--Gives summation of Board's case decisions for CY-1981.
9. ANNUAL REPORT 1980--Gives summation of Board's case decisions for CY-1980.
10. BOARD REVOCATIONS 1981--Breaks down the 1981 revocation cases by parolees and mandatory releasees, and groups them into various standardized categories for a better understanding of Board decisions.
11. BOARD REVOCATIONS 1980--Breaks down the 1980 revocation cases by parolees and mandatory releasees, and groups them into various standardized categories for a better understanding of Board decisions.
12. GENERAL BOARD ACTIVITY 1975-1980.
13. PAROLE IN ALASKA 1975-1980.
14. PAROLE BOARD OUTLINE--Explains some of the basic information about the operation and strengths of the Parole Board in Alaska.
15. PAROLE BOARD RESEARCH FINDINGS--Summation of data compiled while developing the Parole Board's guidelines, specifically dealing with how the Board treats prisoners of different races.
16. PAROLE GUIDELINES SUPPLEMENTAL REPORT, SEPTEMBER 1980--Details the final research compiled allowing the Board to adopt a parole guidelines release matrix, allowing the Board to handle all cases equitably.

**PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT**

# New Hope Baptist Church

333 North Price  
Anchorage, Alaska 99504

Doctor William B. Lyons, Pastor  
272-9315-277-9222

March 12, 1982

Honorable Mike Beirne  
Chairman, House Health, Education  
and Social Services Committee  
Alaska House of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Representative Beirne:

There are a number of primary issues your committee needs to address in choosing between the two basic approaches to parole in Alaska as set forth in HB 225 and HB 293. Some of them are:

1. Are you concerned about increasing the chances of convicted felons not committing new crimes after they are released from jail?
2. Are you concerned about decision-makers taking into consideration certain factors present after sentencing significantly increasing a person's chances of success in the community, thereby supporting the constitutional mandates of reformation of the offender and protection of the public?
3. Are you willing to adopt a system of releasing prisoners back into the community that has shown to statistically produce a higher recidivism rate (HB 293) than discretionary parole does (HB 225)?
4. Is it more important that a prisoner know his release date from jail the date he is sentenced or that he be told this information in the first 6 months of incarceration and he be required to complete certain programs that will lower his risk in the community when he is released?
5. Are you concerned that persons convicted of similar crimes and having similar backgrounds serve a similar amount of time if they are sent to jail, irrespective of who the sentencing judge was, the city in which the

prisoner was sentenced, or which institution the prisoner is assigned to?

- 6. Are you concerned that decisions regarding the release of prisoners after sentencing be consistent?
- 7. Are you concerned that most sentenced prisoners be told early in their sentences when they can expect to be released and what their conditions of release will be?
- 8. Are you concerned that non-governmental citizen with different backgrounds including minority members having a role in the criminal justice system in determining who and when prisoners will be released from jail back to the community?
- 9. Are you concerned about keeping down the costs of operating our corrections system by allowing the somewhat early release of those prisoners who are a demonstrated low risk to commit new crimes in the community?
- 10. Are you concerned about establishing a public policy that would presume all felony offenders would be sentenced to a year or more of jail, when preliminary data shows judges more frequently increase sentences rather than decrease them when sentencing under the new criminal code?

National research and Alaska data shows that prisoners released by discretionary parole do significantly better than those released at sentence expiration minus good time (mandatory release), even when you control for differing risk of the two groups. If risk is allowed to be considered (as it is at current parole board hearings) parolees do even better. This data is based upon review of many studies by the criminal justice researchers at the National Council on Crime and Delinquency. Furthermore, the new felony conviction rate of Alaska parolees is about half the national average.

Risk is considered by the Alaska Parole Board now as it is required by AS 33.15.080. However, most of the risk factors utilized by the Board in its guidelines refer to "what the prisoner did" such as prior felony convictions, prior misdemeanor convictions, juvenile probation record, juvenile institutional record, adult probation/parole record, alcohol abuse/drug abuse record. Specific numerical scores are assigned to each factor so the guidelines are applied precisely and consistently to each parole applicant. It has been said we are notoriously poor predictor's of the future behavior of our fellow human beings. If we define our terms specifically, we find this statement is not necessarily correct. In compiling parole guidelines research our parolees fell into 4 distinct risk categories. Only 16% of the parolees in the best risk category had any problems (even minor violations) while on parole while over 57% of the parolees in the worst category had problems. This 41% difference certainly is significant. Realize a prisoner's risk is not cast in concrete - it is simply a numerical tool in helping to set a reasonable prison term. Similar risk profiles are utilized throughout

the country as a tool in the same manner psychological tests help us understand some things about human behavior. Furthermore, the Division of Adult Corrections will soon begin using a slightly modified version of the Parole Board's guidelines risk scale in making furlough decisions. The Division feels risk is an appropriate factor to consider when placing prisoners in the community. Besides the factors known at sentencing, other factors become known to correctional authorities later on that significantly increase or decrease a prisoner's chances of success or failure on parole such as:

- a) Institutional behavior.
- b) Involvement in some institutional programs or programing after release.
- c) Certain aspects of a prisoner's release plan have been statistically significant.

In order to insure the lowest possible offender recidivism and the protection of the public, these and similar factors would be considered by the Board. Even if the Legislature should decide as a policy matter that it does not wish to have risk used as a factor, the Parole Board is in an excellent position to apply its guidelines fairly and equitably to all prisoners using its numerical tables, considering only those "prior behavior" items. Prisoners would serve very similar time for basically similar crimes and backgrounds. Under current law, offenders committing similar crimes with similar backgrounds sometimes receive widely divergent sentences because a number of factors:

- 1. Individual personalities and philosophies of the prosecutor, defense attorney and judge.
- 2. The bargaining of prior felony convictions(s), bargaining of whether to charge the use of a handgun during the commission of the crime, the bargaining of which charges of multiple count indictments to dismiss, and the bargaining of mitigating and aggravating factors.
- 3. Pressure of the local community on the judge and prosecutor.

Since all parole decisions are made by the same five peoples, utilizing the same policies, procedures and guidelines, consistency is maintained throughout the state. This consistency is documented by parole guidelines research and would be difficult if not almost impossible to duplicate in any other forum not involving a team of persons making all of the decisions statewide. As you know from the guidelines research data, the Board has dealt equitably with prisoners of different racial and ethnic backgrounds. Certainly in sentencing is a laudable goal of the criminal justice system. Many prisoners can sit down now and complete their own parole guidelines risk score i know with a 90% certainty when they will be released on parole. The Parole Board members have had a goal for almost three

years the receipt of funding so they could see offenders in the first four to six months of their sentences so most of the parole applicants could be advised of their release dates at that time rather than waiting to see the Board until they were eligible for parole release. The parole guidelines introduced a high degree of certainty into the system that could be improved upon by supplemental funding allowing the Board to see parole applicants earlier in their sentences. The parole guidelines not only establish certainty into the system, but they introduce statewide consistency into the decision-making process. The Board is the only component of the system likely to maintain this consistent certainty. Although gameplaying is certainly present in all segments of the criminal justice system it is less likely to be a primary factor when a prisoner would have to con two staff and a majority of the five Board members. The experience of the current Board members and staff in handling well over 8,000 hearings probably has been a factor in the Board's very low recidivism rate.

Parole release can help deal with the overcrowding of institutions if given the proper tools and if properly administered (see Michigan law). Competent research shows most prisoners can be released from jail before they earn all of their good time, at little risk to the community and at a substantial savings. This fact alone would support the retention of the Parole Board. The Board granted parole to 165 prisoners in the last two years - you can expect a major impact on Corrections if you decide to abolish discretionary parole.

The Parole Board members are not regular state employees that are required to follow the wishes of a particular administrator or appointee. They come from various communities around the state and their concern is with their constituents. Research shows they can do an excellent job of releasing those prisoners not likely to commit new crimes and still help reduce prison populations.

Parole in Alaska is working well--given small additional funding, its certainty could be increased so most offenders would know their release dates shortly after sentencing. The sunset audit report shows the Board has overcome the problems identified in the 1979 report. Give the Board a chance to work. The Board members and staff have spent a significant amount of time working on legislation over the last four years. We would hope the issue of continuation of a parole board could be resolved this spring without just another one year continuation so we can get on with the business of improving our operation if we are to remain in existence.

The Parole Board members support the continuation of a disciplinary parole system in Alaska and would specifically support HS 2.5 or CSSB 327, both with a small number of amendments. Specific amendment information will be forwarded to you in the next few days.

Sincerely yours,

*William B. Lyons*  
William B. Lyons  
Chairman

WBL/ab

cc: Senate H.E.S.S.  
Board Members  
Commissioner Bairne

# STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

JAY S. HAMMOND, Governor

BOARD OF PAROLE

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

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.

March 8, 1982

Representative Ramona L. Barnes  
Chairperson, Judiciary Committee

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.

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. Invited 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.

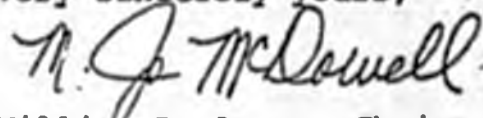
Funding to provide ongoing research about the decisions of the Board would be of great value to Legislators, the public and other criminal justice administrators in helping to understand the operation of the Board. Overall we believe the Board affords the public the maximum amount of protection by releasing 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.

Page Four  
March 8, 1982  
Representative Ramona L. Barnes  
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. Farr  
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 applicant 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 Scinson, Vice-Chairman  
Vic Fischer  
Tim Kelly  
Mike Colletta

Pouch V  
State Capitol  
Juneau, Alaska 99811

465-4907  
465-4908

March 8, 1982

The Honorable Jalmar Kerttula  
President of the Senate  
Alaska State Legislature  
Pouch V, State Capitol  
Juneau, AK 99811

Dear Mr. President:

Pursuant to AS 44.66.050 the Senate HESS Committee has conducted a review of the State Board of Parole. The review entailed four committee hearings and analysis of documents related to the activities and performance of the Board. The Committee considered testimony and recommendations from the Department of Law, The Department of Health and Social Services - Division of Corrections, and the Executive Director and member of the Alaska State Board of Parole. Documents considered included: 'Legislative Audits', Reviews of the Alaska State Board of Parole of May 9, 1979 and its follow-up review of Dec. 21, 1981; Materials from previous "Sunset" reviews of the Board; State of Alaska Report of Performance; 1981 statistics on Parole Recidivism in Alaska; Regulations, Procedures, goals and objectives as promulgated by the Board; position papers of the Department of Law and Division of Corrections; and prison data developed by the HESS Staff.

The review of the AK State Board of Parole was conducted in conjunction with the analysis of the two Senate Bills concerned with the existence and continuation of the Parole Board - SB 217 and SB 327 which were pending in the Senate HESS Committee.

As a result of the review the HESS Committee has recommended the continuation as well as changes to the Parole Board under AS44.66.050.(C). The Statutory recommendations are found in CSSB327 reported out of the HESS Committee.

As outlined in the "Follow-up Review of the Alaska State Board of Parole", December 21, 1981 by the Division of Legislative Audit the Board has made considerable progress in resolving inadequacies which were apparent during the initial 1979 audit period. In light of the audit report, testimony, and other documentation the Committee finds that there is "public need" for the continued existence of the board as delineated in AS 44.66.050(C) and further recommends the following as required by AS 44.60.050(d):

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

Finding: The problem or needs that activities of the board are intended to address are related to parole supervision and include:

Enhancing the safety and security of the citizens of Alaska through releasing only those offenders who in reasonable probability will abide by laws and conditions imposed by the board.

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

Provide the Governor with comprehensive reports on applicants for executive clemency.

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

Finding: Objectives of the Board include but are not limited to:

Ensuring that less than 9% of parolees released are returned to custody within one year of release with a new felony conviction.

Ensure that less than 20% of the parolees are returned to custody within one year of release.

Operate all Board hearings in a timely manner in accordance with federal and state laws, applicable court decisions and Board regulations.

Make consistent release decisions based upon researched written guidelines and provide a

written record of each case so that interested parties can be informed of the reasons for any case decision.

Gain accreditation for Alaska Parole System under the Commission on Accreditation for Corrections.

Hold hearings on all offenders eligible for discretionary parole within six months or two years after the date of sentence for sentences of less than five or more than five years respectively.

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

Finding: There are no similar or conflicting programs.

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

Finding: The Department of Law offered an alternative method of achieving the purpose of the program by eliminating the Board and having that responsibility held by the court or corrections systems. The option was not adopted because this would remove the element of judgement by one's peers.

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

Finding: This program is mandated in the constitution and cannot be eliminated. Funding at a lower level would render the Board very ineffective and restrict its opportunity to achieve its goals and objectives.

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

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

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

Finding: Other information is contained in legislation introduced by this Committee.



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

Pouch 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.

Senator Charles H. Parr  
Chairman

Alaska State Legislature



House of Representatives

REPRESENTATIVE  
RAMONA L. BARNES

ANCHORAGE

2230 PAXSON  
ANCHORAGE, ALASKA 99504  
(907) 337-7804

POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3797

CHAIRMAN  
HOUSE JUDICIARY COMMITTEE  
MEMBER  
HOUSE RESOURCES COMMITTEE  
HOUSE POLICY COMMITTEE  
ALASKA REPRESENTATIVE  
STATES RIGHTS COORDINATING COUNCIL  
WESTERN LANDS TASK FORCE  
CITIZENS ADVISORY COMMISSION  
ON ALASKA LANDS  
FINANCE SUBCOMMITTEES  
PUBLIC PROTECTION, JUSTICE  
& EDUCATION

March 10, 1982

Reverend William B. Lyons, Chairman  
Alaska Board of Parole  
Pouch H-01E  
Juneau, Alaska 99811

Dear Reverend Lyons:

Please find enclosed a copy of the letter sent to  
Speaker Hayes regarding the Judiciary Committee's  
recommendation on the Sunset of the Alaska Board of Parole.

If you have any questions or comments, please contact  
my office.

Sincerely,

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

Ramona L. Barnes  
Chairman, House Judiciary Committee

RLB/rv  
enclosure

Alaska State Legislature

CHAIRMAN  
HOUSE JUDICIARY COMMITTEE  
MEMBER  
HOUSE RESOURCES COMMITTEE  
HOUSE POLICY COMMITTEE  
ALASKA REPRESENTATIVE  
STATES RIGHTS COORDINATING COUNCIL  
WESTERN LANDS TASK FORCE  
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FINANCE SUBCOMMITTEES  
PUBLIC PROTECTION, JUSTICE  
& EDUCATION



House of Representatives

REPRESENTATIVE  
RAMONA L. BARNES

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March 10, 1982

Reverend William B. Lyons, Chairman  
Alaska Board of Parole  
Pouch H-01E  
Juneau, Alaska 99811

Dear Reverend Lyons:

Please find enclosed a copy of the letter sent to Speaker Hayes regarding the Judiciary Committee's recommendation on the Sunset of the Alaska Board of Parole.

If you have any questions or comments, please contact my office.

Sincerely,

Ramona L. Barnes  
Chairman, House Judiciary Committee

RLB/rv  
enclosure



Pouch V  
State Capitol  
Juneau, Alaska 99811

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

Members

- Rep. Palmer, Chairman
- Rep. Anderson, Vice-Chairman
- Rep. Phillips
- Rep. O'Connell
- Rep. Freeman
- Rep. Maskins
- Rep. Buchholdt

POUCH V  
JUNEAU, ALASKA 99811

# House of Representatives

## Committee on Judiciary

P.O. Box 3388  
Anchorage, AK 99510  
(907) 274-1432  
(907) 274-1441  
POUCH V  
JUNEAU, ALASKA 99811

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.

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.

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

August 28, 1981

Editor  
Anchorage Daily Times  
Box 40  
Anchorage, Alaska 99510

Dear Editor:

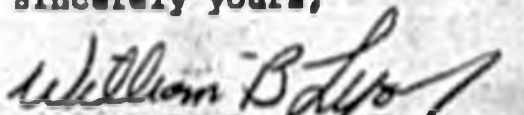
Enclosed is a recent letter I wrote to the Honorable Russ Meekins, Alaska State Representative, in his position of Chairman of the House Task Force on Violent Crime. The purpose of my letter to Representative Meekins was to correct the error in the Task Force report which stated that Mr. Nukapigak, a man recently convicted of committing three homicides, was a parolee released by the Alaska Parole Board. As you can see from the information contained in my letter, the Task Force report was obviously in error, and the defendant was not paroled by the Board.

Since newspapers and the public frequently confuse parolees with probationers and those prisoners released by operation law (and commonly referred to as mandatory releases or mandatory parolees), I would appreciate you printing this letter in your letter-to-the-Editor section. Even though it is a little longer than what you would normally print without editing, I would urge you to print the letter in its entirety as a public service to the citizens of the State to help give them a better understanding of the criminal justice system in Alaska.

As you can see, a parolee is not a probationer is not a mandatory releasee is not a prisoner on furlough or a defendant released on bail. I would hope your reporters would be cautious in determining a person's status when reporting on clients of the criminal justice system.

Thank you for listening to our concerns and printing the letter to Representative Meekins. Please feel free to call on me or my staff if you need to clarify information on a parolee or mandatory releasee.

Sincerely yours,

  
William B. Lyons, Chairman  
Alaska Board of Parole

Enclosure: Letter to Representative Meekins

WBL/v:1

# STATE OF ALASKA

JAY S. HAMMOND, Governor

## DEPT. OF HEALTH AND SOCIAL SERVICES

BOARD OF PAROLE

ALASKA BOARD OF PAROLE  
POUCH M-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

Page 2

August 12, 1981

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  
Page 3  
August 12, 1981

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:

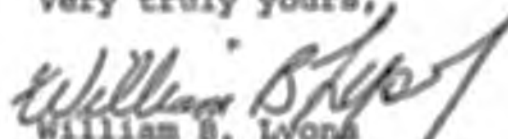
1. Parole Board paroles lots of high risk, violent offenders;
2. Lots of parolees commit new felonies while on parole supervision;
3. Parolees account for many of the assaultive crimes committed in Alaska;
4. Not paroling offenders would significantly reduce assaults in Alaska.

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

Page 4

August 12, 1981

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/cir

## 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 HEARINGS - GRANTED	2
REQUEST FOR SPECIAL HEARINGS - DENIED	2
PRELIMINARY HEARINGS THIS QUARTER	17
OTHER	13
TOTAL CASES HEARD	290

89

## ALASKA BOARD OF PAROLE

QUARTER \_\_\_\_\_, 198\_\_

1980

PAROLED - INTERSTATE	19	} 76
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

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 Misdemr Conv.	1	0	0	0	1
F. Technical Violation	6	2	1	2	1
<b>Total</b>	<b>20</b>	<b>3</b>	<b>4</b>	<b>2</b>	<b>11</b>

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 Misdemr Conv.	1	0	0	0	1
F. Technical Violation	2	0	0	0	2
<b>Total</b>	<b>13</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>11</b>

**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 Misdemeanor Conv.	2	0	0	1	1
F. Technical Violation	3	1	1	1	0
<b>Total</b>	<b>23</b>	<b>3</b>	<b>6</b>	<b>5</b>	<b>9</b>

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
<b>Total</b>	<b>13</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>10</b>

**ACTION CODE:**

C.O.P. = Continue on Parole

R & C = Revoke & Review Case Again

R & RE = Revoke & Reparole

R & D = Revoke & Deny

	1975	1976	1977	1978	1979	1980	1981	1982
<b>Parole Hearings</b>	252	214	212	226	185	207	226	217
Paroled	93 (37%)	53 (25%)	75 (35%)	64 (28%)	56 (30%)	58 (28%)	61 (27%)	66 (30%)
Continued	133 (53%)	92 (43%)	78 (37%)	72 (32%)	60 (33%)	60 (29%)	38 (17%)	76 (35%)
Denied	22 (9%)	61 (29%)	52 (25%)	78 (35%)	62 (34%)	61 (29%)	94 (41%)	61 (28%)
*Paroled	4 (1%)	0 (3%)	7 (3%)	12 (5%)	7 (4%)	28 (14%)	33 (15%)	14 (7%)
<b>Revocations</b>	33 (35%)	19 (36%)	25 (33%)	20 (31%)	11 (20%)	18 (30%)		
Technical	30 (32%)	16 (30%)	19 (25%)	18 (28%)	7 (13%)	15 (25%)		
1-3 Months	10	5	5	3	2	9		
4-6 Months	7 (26%)	6 (28%)	6 (20%)	7 (22%)	2 (13%)	3 (23%)		
7-12 Months	7	4	4	4	1	2		
Over 13 Months	6	1	6	4	0	1		
<b>Felony</b>	3 (3%)	3 (6%)	4 (5%)	2 (3%)	4 (7%)	3 (5%)		
1-3 Months	3	1	0	1	1	2		
4-6 Months	0 (3%)	0 (6%)	2 (3%)	0 (1%)	1 (7%)	0 (5%)		
7-12 Months	0	2	0	0	2	1		
Over 13 Months	0	0	2	1	0	0		
<b>Avg. Sentence Remaining</b>	30.7	29.4	23.04	19.7	20.0	18.5		
<b>**Mean Average Sentence Remaining</b>	20.3	16.6	17.4	15.4	16.5	15.09		

\*Paroled But Not Released During That Year

\*\*Mean Average Sentence Remaining Based on Four Years

PAROLE IN ALASKA

1975 to 1980

From January 1975 to December 1979 (five years) the Parole Board held 1,089 release hearings, an average of 218 per year. During this same period 341 individuals were released on parole (31%), 435 were continued to a later hearing (40%) and 275 were denied parole (25%).

A one year follow-up of the 341 parolees shows that 86 (25%) were revoked, 73 (21%) for technical or misdemeanor violations and 13 (4%) for new felony convictions (only 7 (2%) of these were committed in Alaska).

*(Of these, only 3 involved revocation of a conviction, avg of .06/yr over 5 yrs.)*

The average sentence remaining at the time of release (also the amount of time supervised on parole) is 17.2 months.

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 of 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.

Race	M.R.	Parole
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 and 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.



Official Business

# Alaska State Legislature

## Senate

### Committee on

### Health, Education & Social Services

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

Pouch V  
State Capitol  
Juneau, Alaska 99811

465-4907  
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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 p. role 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.

Senator Charles W. Parr  
Chairman

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**

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**A PERFORMANCE REVIEW  
OF THE  
ALASKA STATE BOARD OF PAROLE**

**May 9, 1979**

**Commissioner of the Department of  
Health and Social Services  
Deputy Commissioner of the Department  
of Health and Social Services  
Deputy Commissioner of the Department  
of Health and Social Services  
Deputy Commissioner of the Department  
of Health and Social Services**

**Dr. Helen D. Beirne  
Allen Korhonen  
Frederick McGinnis  
Catherine M. Lloyd**

**Members of the  
Alaska State Board of Parole**

**Chairman  
Vice-Chairman  
Member  
Member  
Member**

**William Lyons  
Beverly Dunham  
Dan Kosoff  
Conrad Miller  
Al Widmark**