

HB

103

COMMITTEE REPORT

HOUSE

FURTHER: JUDICIARY
FINANCE

1/21/83

Date: Feb 11, 1983

Mr. Speaker:

103

The Committee on HESS has had HB 103
An Act establishing a Department of Corrections and transferring certain
functions of the Department of Health and Social Services to the
Department of Corrections; and providing for an effective date.

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 103 (HESS) same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

[Signature]
[Signature]
[Signature]
Michael W. Miller
[Signature]
[Signature]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[Signature]
CHAIRMAN

1/25 ~~1/24~~

Fiscal NOTE JOANNE CLARK 3331

REQUESTED committee substitute adding 33.15.010 RE. PA016

also added about 12.70.220 (L)

Drafted Linn Asper

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

June 20, 1983

SUBJECT: Establishment of a Department of Corrections
(SCS CSHB 103 (Judiciary))

TO:

FROM: Linn H. Asper
Legislative Counsel

You have asked for a comparison between CSHB 103 (Judiciary), passed by the House and SCS CSHB 103 (Judiciary), passed by the Senate. The two versions of the bill contain similar provisions except that the Senate version deletes all references to the transfer of juvenile corrections functions to the proposed Department of Corrections. Therefore, under the Senate version the jurisdiction of the Department of Corrections would extend only to the adult corrections functions.

The specific differences between the two versions of the bill are as follows:

Section 1 is identical in each version except that the Senate version, on line 17, page 1, adds the term "adult" to make that section apply only to adult corrections.

Sections 2 - 33 are identical in the two versions.

Section 34 of the Senate version adds the word "adult" to make the section apply only to adult correctional institutions.

Section 35 is identical in the two versions.

Sections 36 - 64 in the House version, dealing with the transfer of the juvenile corrections function to the Department of Corrections, have been deleted in the Senate version.

Section 65 in the House version is identical to Sec. 36 in the Senate version.

Section 66 in the House version corresponds to Sec. 37 in the Senate version, but the Senate version retains certain juvenile jurisdiction in the Department of Health and Social Services while the House version transfers that jurisdiction to the Department of Corrections.

Sections 67 - 70 in the House version are identical to Secs. 38 - 41 of the Senate version.

Section 71 of the House version, stating provisions for the transfer of the juvenile corrections function to the Department of Corrections, has been deleted in the Senate version.

Sections 72 and 73 in the House version, establishing different effective dates for adult and juvenile corrections provisions have been merged into an immediate effective date in the Senate version.

LHA:ljb
14/032

POSITION PAPER

CS FOR HOUSE BILL NO. 103
PAGE 1

"An Act establishing a Department of Corrections and transferring certain functions of the Department of Health and Social Services to the Department of Corrections; and providing for an effective date."

The Committee substitute for House Bill No. 103 would accomplish the creation of the Department of Corrections which would include those functions pertaining to the administration of State programs dealing with State prisons and prisoners, probation and parole, extraditions and detainers and would also include State programs dealing with accused and adjudicated delinquent minors.

Departmentalization of the Adult Corrections System is an essential step in dealing with the current crisis and more longstanding problems.

The Governor and the Department of Health and Social Services support the creation of a Department of Corrections which would contain those functions dealing with adults accused or adjudged guilty of criminal offenses. The administration and the Department of Health and Social Services oppose the inclusion within such a Department of those functions pertaining to accused or adjudicated delinquent minors.

The Adult Corrections System within the State of Alaska is presently in an acknowledged crisis circumstance. It is beset with problems stemming from dramatic growth in prisoner population and forced capital expansion. In attempting to deal with an array of problems it is limited by outdated management structure it has long since outgrown.

Departmentalization of Corrections will ensure an increased focus on the problems besetting the correctional system and allow for altered management structure to deal with those problems. In addition, removal of the correctional system from the Department of Health and Social Services will decrease the drain on other vital human services programs.

Increased focus on correctional issues resulting from Departmentalization would enable the needs and problems of corrections to be routinely presented to the Governor and the Legislature. The alteration in management structure would allow for additional administrative support, the development of a more comprehensive corrections plan and in general a more effective administration of corrections programs. The ultimate result would be an increase in the effectiveness of the criminal justice system as a whole.

Juvenile delinquents differ significantly from adult criminals and should not be a part of an Adult Corrections Department.

The Administration opposes the inclusion of those functions dealing with accused and adjudicated delinquent minors for a variety of reasons.

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There is a very real difference between adult and juvenile offenders which is verified by national research and Alaskan data and reflected in the philosophical approaches of adult corrections and juvenile services programs. National research shows that juvenile crime is less serious than adult crimes in three ways. First, juveniles commit primarily property crimes - thefts. Second, juveniles are far less successful at such crimes than are adults and thefts committed by juveniles result in less financial loss. Last, but most importantly, juveniles commit far fewer crimes of violence than do adults, they use weapons less frequently and guns rarely, and cause less frequent and less serious injuries to victims than do adults. National research also indicates that a very small group of juveniles is responsible for a large number of the serious, particularly violent, crimes committed by juveniles. This group and the publicity given to their offenses is largely responsible for an erroneous public perception that juvenile crime is widespread and serious. It is not. Studies conclude that efforts should be made to identify those few exceptional juveniles who commit violent crimes and deal with them selectively in different ways than other juveniles are treated. (This is a policy supported by the Governor and embodied in legislation proposed by both the legislature - HB 109 - and the executive.)

Alaskan statistics verify that National trends hold true here also. Of 6,128 juveniles arrested in 1981 only 60 were arrested for serious, violent crimes (unclassified or Class A felony's). However, 33% or 2,047 juvenile arrests were for essentially non-criminal or status offenses (alcohol consumption, curfew, or runaway.) The vast majority of the 4,081 criminal arrests of juveniles during 1981, 42% or 1,749 were for theft offenses. Of all juveniles arrested during 1981 only 648 committed offenses serious enough to require formal adjudication by the court and only 95 of these were ordered by the Court to be placed in secure youth services institutions.

Adult Corrections deals with the end result of the crime problem. Youth Services controls the problem and focuses on the cause.

It is clear that juvenile crime and delinquents differ significantly from adult crime and criminals. This is reflected in the differing philosophies and approaches of adult corrections and youth services. Adult corrections efforts are directed at controlling the problems resulting from individual and societal failure. Juvenile services are directed at eliminating the causes of the problems and preventing the failures. The approach of adult corrections in dealing with offenders has increasingly been focused on incarceration as a result of legislation establishing a stricter determinate sentencing scheme, dramatic increases in prisoner population, and forced capital expansion. Rehabilitation has been a secondary consideration. In dealing with juveniles youth serving agencies are attempting to resolve problems of families and youth to prevent or reduce individual failure and

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delinquency, and ultimately prevent the development of adult criminals. This approach focuses equally on protecting the public and rehabilitating the individual. Services are designed to both control and supervise the individual and strengthen the juvenile and the family. The approach is comprehensive and aim is to achieve prevention, intervention, control and rehabilitation.

National research is showing increasingly that the primary cause of delinquency is the failure of families. As a result of this research there is an increasing understanding of the direct link between abuse and neglect of children and the development of juvenile delinquency, and even adult crime. Alaska is at the forefront of national thought in recognizing these important links and designing services to deal with the causes of delinquency in a comprehensive, coordinated way to prevent the development of adult criminals. Services for abused, neglected and delinquent children are presently organized in one agency which can more effectively address the causes rather than simply attempting to patch up the results of delinquency.

A comprehensive approach to youth and family problems is more effective and more cost efficient.

The placement of services for delinquent youths as well as services for those youths who are abused or neglected within a single comprehensive youth and family serving agency resulted from the recognition within Alaska of several important facts: 1) that there are real differences between adult offenders and juvenile delinquents, and 2) that a link exists between family breakdown, abuse and neglect of children, and juvenile delinquency. However, equally important was several years of study within the executive branch and a legislative audit report each of which concluded that combining all services for youth and families within one agency would result in more cost effective provision of services.

The benefits resulting from the present organization include:

1. increased focus and attention to juveniles and juvenile problems,
2. better coordination of services and reduced duplication of effort,
3. improved coordination in the development and implementation of policies and procedures affecting services for youth,
4. improved and more cost effective training for social workers and juvenile corrections personnel focusing specifically on juvenile services without unnecessary attention to adult issues,

POSITION PAPER

CS FOR HOUSE BILL NO. 103

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5. more efficient administration and comprehensive planning efforts for all youth services,
6. more effective utilization of resources, and
7. a comprehensive approach to the development of additional resources.

Of particular importance is the management by a single agency of the residential child care system - foster home, group home, and larger private treatment facilities - which includes recruitment, licensing, payment and assessment of effectiveness. Single agency administration of this system is of acute importance given the complexity of the issues relating to its operation, the level of fiscal resources required for the purchase of these services (\$16.4 million FY 84), and the fact that a study of method of operation and possible alternatives to the present system of determining costs of these services has been authorized by the legislature and is in progress.

A comprehensive approach is particularly important to rural Alaska.

The comprehensive approach to providing all youth and family services from within one agency has proven particularly beneficial in rural Alaska where traditionally services have been more expensive and less cost effective in terms of simple numbers. The comprehensive approach of the existing service structure allows a greater variety and higher levels of services to be provided in rural areas without significantly greater costs. The more effective utilization of resources in rural areas made possible by a comprehensive approach to Youth Services also allows greater effort to be expended to provide culturally relevant/sensitive services to Native Alaskans.

Transfer of Youth Services would disrupt the comprehensive approach to youth and family problems. Inclusion of services to delinquent youth within a Department of Corrections focusing on adult criminals and adult correctional programs would violently disrupt the comprehensive approach to youth and families. This disruption would inevitably result in a return to the previous duplication and lack of coordination, and would result in a greater expense, which were among the reasons services to delinquents were originally removed from the Division of Corrections. Disruption of the comprehensive approach of youth services would prove particularly detrimental to rural Alaska where the Division of Family and Youth Services is the primary social service resource and the benefits resulting from the increased coordination within a single agency is most apparent.

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Creation of a Department of Corrections is vital but youth services must not be included.

Although the Department and the Governor view the creation of a Department of Corrections as an essential step in resolving the present crisis in the adult correctional system, inclusion within such a Department of services for accused and adjudicated delinquent youth is adamantly opposed. Such an inclusion would be a regressive "step backward" in terms of philosophy and what has been demonstrated about the causes, nature and extent of juvenile delinquency. It would also be an important "step backward" in a fiscal sense because it would result in less efficient and less effective services and undoubtedly greater expenses in a time of decreasing resources.

The problems besetting the adult corrections system require the full attention of top administrators. Their time and efforts must not be diverted to other matters as would necessarily occur if youth services were included in a Department of Corrections. Under such a structure neither adult corrections problems nor youth services receive adequate attention or resources.

RECOMMENDED:

Michael L. Price
Michael L. Price, Director
Division of Family and
Youth Services

DATE:

March 21, 1983

APPROVED BY:

Robert London Smith, Ph.D.
Commissioner

DATE:

DEPARTMENT OF CORRECTIONS

OFFICE OF
THE
COMMISSIONER

OFFICE OF THE
ASSISTANT COMMISSIONER
OF OPERATIONS

S.C. Correctional Facilities,
S.C. Probation Offices,
Statewide Classification,
Training Academy, and
Statewide Prison Industries

OFFICE OF THE
ASSISTANT COMMISSIONER
ADMINISTRATION

Research, Planning,
Data Processing, Capital
Construction, Budget,
Finance, and Personnel

OFFICE OF THE
NORTHERN & INTERIOR
REGIONAL DIRECTOR

Northern & Interior
Correctional Facilities,
and Northern & Interior
Probation Offices

OFFICE OF THE
SOUTHEAST
REGIONAL DIRECTOR

Southeast Correctional
Facilities, and Southeast
Probation Offices

OFFICE OF THE
RURAL
REGIONAL DIRECTOR

DEPARTMENT OF CORRECTIONS

OFFICE OF THE COMMISSIONER				
EX	Commissioner			RC
PX	Exec. Sec. II	R/14		NP
PX	Spec. Asst. II	R/23		NP
GG	Info. Off. II	R/17		NP
GG	Clk Typ III	R/8		NP

OFFICE OF THE ASSISTANT COMMISSIONER OF OPERATIONS				
PX	Ast. Con.	R/28		RC
PX	Spec. Asst. I	R/21		RC
GG	Sec. II	R/11		NP

OFFICE OF THE ASSISTANT COMMISSIONER ADMINISTRATION				
PX	Asst. Com.	R/28		RC
GG	Sec. II	R/11		CP
GG	Sys. Anal II	R/20		NP
GG	Per. Off. III	R/20		NP
SU	Acct. Sup V	R/22		RC
GG	Adm. Off I	R/17		NP

OFFICE OF THE NORTHERN & INTERIOR REGIONAL DIRECTOR				
PX	Reg. Dir	R/24		RC
GG	Sec. I	R/10		RC

OFFICE OF THE SOUTHEAST REGIONAL DIRECTOR				
PX	Reg. Dir	R/24		RC
GG	Sec. I	R/10		RC

OFFICE OF THE RURAL REGIONAL DIRECTOR				
PX	Reg. Dir	R/24		NP
GG	Sec. I	R/10		NP

TYPE OF ACTION NECESSARY

RC - Reclassification of Current Position
 NP - New Position
 CP - Current Position

BARGAINING UNIT

E Exempt
 PX Partially Exempt
 GG General Government
 SU Supervisory Unit

Range	Title	Loc	Salary	Benefits	Benef	Cur	Total	3 mos	12 mos
14 X	Exec Secretary II	AWA	2241	383	137	240	3001	9003	36012
11	Secretary II	EBA	1862	318	114	240	2534	7602	30408
23 X	Spec. Asst. II	AWA	4149	709	254	240	5352	16056	64224
17	Info. Officer	AWA	2757	471	169	240	3637	10911	43644
8	Clerk Typist III	AWA	1553	265	95	240	2153	6459	25836
24 X	Reg'l Dir.-Rural	AWA	4936	844	303	240	6323	18969	75876
20	Pers. Officer	AWA	3469	593	213	240	5122	15366	61464
17	Admin. Officer I	AWA	2824	483	173	240	4720	11160	44640
20	Systems Anal. II	AWA	3394	580	208	240	4422	13266	53064
9	Secretary I	EBA	1803	308	111	240	2462	7386	29544
SUBTOTAL							116,178	464,712	

Reclassifications

PCN	From	To	Net Change:	
			3 mos	12 mos
4001	Director, Div of Corrections	Commissioner, Dept of Corrections	1380	5520
4840	Dep. Director Operations	Asst. Comm. Operations	3210	12840
4613	Dep. Director Administration	Asst. Comm. Administration	3210	12840
4813	Internal Mgmt. Administrator	Accounting Supervisor V	-0-	-0-
4159	Asst. Superintendent	Regional Director (Fbks)	7032	28128
4036	Probation/Parole Admin.	Regional Director (Juneau)	-0-	-0-
4513	Clerk Typist III	Secretary I (Juneau)	759	3036
4679	Clerk Typist III	Secretary I (Anchorage)	759	3036
4510	Asst. Director Corrections	Special Assistant I	-0-	-0-
SUBTOTAL			16,350	65,400
GRAND TOTAL			132,528	530,112

DEPARTMENT OF HEALTH AND SOCIAL SERVICE POSITIONS WHICH ARE TRANSFERING TO
THE NEW DEPARTMENT OF CORRECTIONS OFFICE OF ASSISTANT COMMISSIONER OF ADMINISTRATION

FROM DIVISION OF MANAGEMENT AND BUDGET

<u>Title</u>	<u>Range</u>	<u>PCN</u>	<u>Loc</u>
Program Budget Analyst III	R/19	0004	AWA
Public Facilities Planner II	R/21	0501	AWA
Public Facilities Planner I	R/20	0503	EBA
Public Facilities Planner I	R/20	0502	EBA
Accounting Clerk I	R/8	0504	AWA
Clerk Typist II (FPT)	R/7	0505	EBA

FROM DIVISION OF ADMINISTRATIVE SERVICES

<u>Title</u>	<u>Range</u>	<u>PCN</u>	<u>Loc</u>
Personnel Officer I	R/16	0056	EBA
Clerk IV	R/9	0095	AWA
Accounting Clerk I	R/8	0046	EBA
Clerk Typist III	R/8	0058	EBA
Acct. Clerk II	R/9	0020	AWA
Acct. Clerk II	R/9	0016	AWA
Acct. Clerk II	R/9	0049	AWA

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: CSHB 103 (Jud) Date on Bill: _____
 Title: "An Act establishing a Department of Corrections . . ."
 Sponsor: Reps. Fritz, Koponen, Furnace, Goll, and Davis
 Requestor: _____

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital			-0-	-0-	-0-	-0-		
Operating			*	951.6	1008.7	1069.3		
Total			*	951.6	1008.7	1069.3		

b. Revenues:

Revenue								
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2. Source of funds to offset fiscal impact of bill:

Funding source for FY 83 is add/delete in SB 158 submitted by the Governor.

3. Assumptions:

House Bill No. 103 will create the Department of Corrections necessitating the transfer of the Division of Corrections and Parole Board from the Department of Health & Social Services to the new department, creation of ten new positions, the reclassification of nine Division of Corrections positions and the transfer of 13 positions from the Department of Health & Social Services Division of Management and Budget and Administrative Services to the new Department.

Transfer of Juvenile Corrections will delete 220 employees and 11 million dollars from DHSS and add the same amount to the Department of Corrections. The additional cost for 4 positions may be necessary to cover the administrative and personnel responsibilities associated with the transfer of the 220 positions to the Department of Corrections.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: David R. Palmer  Phone: 465-3777
 Division: House HESS Committee Date: 3/17/83

Approved by Commissioner: _____ Date: _____
 Department: _____

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/8/83

STATE OF ALASKA -- BUDGET UNIT SUMMARY

17:22

1/26/83

AGENCY: DEPARTMENT OF HEALTH & SOCIAL SERVICES
 CATEGORY: ADMINISTRATION OF JUSTICE

PROGRAM: YOUTH CORRECTIONAL SERVICES

COMPONENT DESCRIPTION	FY83 ATH	FY83 SUP	CONT.	REQUEST	GOV AMD	GOVERNOR	HOUSE	SENATE	F.C.C.	BILLS	LEG.REC
ADMINISTRATION	178.5		226.7	226.7		178.5					
FIRST DISTRICT	498.1		527.1	591.2		527.1					
THIRD DISTRICT	1126.5		1164.2	1260.8		1164.2					
SECOND & FOURTH DISTRICT	890.5		907.6	956.7		907.6					
MCLAUGHLIN YOUTH CENTER	5956.6		6062.7	6327.8		6062.7					
FAIRBANKS YOUTH FACILITY	1319.0		1379.8	1499.6		1379.8					
NOME YOUTH FACILITY	975.4		987.3	987.3		902.3					
JUNEAU WOMEN'S & JUVENILE FAC.	151.0		148.7	156.8		148.7					
KETCHIKAN FACILITY	180.0										
** TOTAL	11275.6		11404.1	12006.9		11270.9					
** CHANGE VERSUS FY83 ATH				6.4%	-100.0%		-100.0%	-100.0%	-100.0%		
OBJECT DESCRIPTION											
PERS. SERV.	8895.1		9112.6	9581.6		9066.2					
TRAVEL	177.3		176.9	176.9		165.1					
CONTRACTUAL	1114.4		1084.0	1084.0		1009.0					
COMMODITIES	574.9		569.0	584.1		569.0					
EQUIPMENT	85.4		12.7	47.7		12.7					
GRANTS, CLMS	428.5		448.9	532.6		448.9					
FUNDING SUMMARY											
GENERAL FUND	11275.6		11404.1	12006.9		11270.9					
** GENERAL FUND CHANGE VS. FY83 ATH				6.4%	-100.0%		-100.0%	-100.0%	-100.0%		
POSITIONS											
FULL TIME	222.0		222.0	222.0		221.0					
PART TIME	1.0		1.0	1.0		1.0					
STAFF MONTHS	2857.0		2847.0	2847.0		2835.0					

HB 103, ESTABLISHING A DEPARTMENT OF CORRECTIONS

The proposal to change the division of corrections within the Department of Health and Social Services to departmental status is one that is supported by the Governor's office, correctional professionals, and the House HESS committee.

Elimination of the correctional crisis in this state is of primary concern to me, and I know that members of the Judiciary committee are keenly aware of the problems facing the correctional system. The overcrowding, the mismanagement, the poor conditions and lack of alternatives to incarceration, are all challenges that face us in the current legislative session. You have heard the briefing on the Cleary case and know that the problems are real and that cooperation between all branches of government will be necessary.

With proper administration, budgeting, and organization, the problems can be solved. Proper management is the beginning. The new Department of Corrections and a responsive management team will be the first step. By creating a Department, a commissioner and executive staff can be appointed who answer directly to the commissioner. The existing division of corrections has been plagued with inconsistent management within the division and within the Department of Health and Social Services. The division has placed a disproportionate load on several Department of Health and Social Services programs, and the goal of the division of corrections is not necessarily consistent with the

goals of the Department of Health and Social Services, which are oriented toward public health, public assistance, mental health, and family and youth services.

The proposal to create a new department, as presented to the HESS committee, is to retain 9 existing positions and transfer them to the new department. One existing position in corrections will be retained and ten new positions will be created. Mr. Endell and his staff can speak better to the fiscal and administrative makeup of the department, so I will leave that to him.

The issue of juvenile corrections was discussed by the committee. The consensus of the committee was that juvenile corrections should be included within the new department, but the transition should occur after the new department is established and has been able to correct some of the immediate problems at hand.

The lack of specific information regarding the department of corrections has been frustrating for those of us who must evaluate the proposal. However, in this instance, considering the scope of the problem and the urgency of the problem, I am willing to give the Governor the benefit of the doubt and trust his office to implement an effective corrections program.

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