

H B

374

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: SS for HB #374
 Title: Act relating to estab. of max pris fac
 Sponsor: Schultz
 Requestor: House HESS

II. FISCAL DETAIL

Agency Affected: Health & Social Services
 Program Category Affected: Adm. of Just.
 BRU; Program of Subprogram(s) Affected: Adult Confinement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING:						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

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

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not applicable.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Roger C. Lange *Roger C. Lange* Phone: 465-3376
 Division: Adult Corrections Date: April 28, 1983
 Approved by Commissioner: Kathleen Arnold, M.D. *Kathleen Arnold* Date: 4/29/83
 Department: Health & Social Services

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

COMMITTEE REPORT
HOUSE

5/19

JUDICIARY

FURTHER:

(7)

5/10/83

Date:

5/18/83

Mr. Speaker:

The Committee on STATE AFFAIRS has had SSHB 374

"An Act relating to the establishment ^{of} maximum security prison facilities at Anderson and Palmer/Sutton."

under consideration and reports it back as follows:

[] do pass [] do not pass

[] do pass with attached amendments(s)

[] replace with CS for _____ [] 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

~~Wait Furnace~~
Wait Furnace
~~John Caudrey~~
Dik Shultz

MEMBERS HAVING
OTHER RECOMMENDATIONS:

~~John Caudrey~~ No Rec
John Caudrey No Rec
Wm H. Bl. No Rec
Ronald J. J. No Rec.

Rep. Wait Furnace
CHAIRMAN

COMMITTEE REPORT

HOUSE

5/10
STATE AFFAIRS

JUDICIARY

FURTHER:

(7)

(HESS and Judiciary added 4/26/83; Finance removed 4/26/83)

4/26/83

Date: 5/10/83

Mr. Speaker:

HEALTH, EDUCATION AND
The Committee on SOCIAL SERVICES has had SSHB 374

✓ An Act relating to the establishment of maximum security prison facilities at Anderson and Palmer/Sutton."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SSHB 374 (Hess) same title new title
- and recommends drop out all bill recommendations.
- 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

~~_____~~
Mr. Miller Do Pass

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Mr. Trachtenberg Rec

Mr. Koppenberg No Rec
Peter Jones Do Not Pass

Co- Mr. Trachtenberg
 CHAIRMAN
 Co- _____

5 communities vie for new prison

By KIRK McALLISTER
Empire Staff Reporter

It's coming down to the wire.

Palmer and Seward are fighting for the lead, Haines and Kenai are mired with internal problems and Cordova is trailing the field as a late entry.

It's not 'Alaska Handicap,' but rather the race to see what Alaska community lands the state's proposed \$45 million maximum security prison.

A decision on where to locate the prison will probably be made in the next three weeks and the five towns in the running are lobbying hard to have the facility located in their respective communities.

The 400-bed maximum security prison would provide an economic boost wherever it is located as it would require a

staff of 125, with about three-quarters of that number hired locally, said Roger Endell, director of the Division of Corrections.

It's a valuable economic carrot being dangled before Alaska communities, many of which are suffering from high unemployment and economic stagnation.

"A few years ago we couldn't give away a prison," Endell said. "But now, with a depressed economy, more communities see a correctional facility as a stable base for their economy."

Endell has been traveling the state in recent weeks talking to community leaders interested in the prison and trying to gauge public opinion in each town.

Currently, he is awaiting the results of technical evaluations of each site by the

Department of Transportation and Public Facilities. When the evaluations are completed, Endell will combine that information with what he learned in visiting the towns to produce a "prioritized list" to Gov. Bill Sheffield.

While he wouldn't say if there were any official frontrunners in the prison race, Endell did give a clue: "Seward and Palmer appear to have the best together and are presenting a united front."

Criteria to be used in making a decision on the prison site includes the amount of land available for the correctional facility, water and sewer service, transportation, access to court facilities, public opinion, the stance of city officials and business leaders and the economic impact on the community.

Palmer and Seward apparently have strong public support for the proposed prison while Haines and Kenai are divided on the issue. Cordova is also interested but is only in the preliminary stages of investigating a prison proposal.

Haines Mayor Jon Halliwill told the Empire despite the divided public opinion on the issue, city officials will continue to press for locating the prison in that Southeast community about 90 miles north of Juneau. A poll released in Haines this week showed the community evenly divided on the issue.

Haines has plenty of land available for the jail and could easily provide for the added population it would bring, Halliwill said. In addition, Haines has good marine

Continued on Page 2

Prison...

Continued from Page 1

and air transportation and relatively easy access to the Juneau court system, he said.

Kenai public opinion is also divided on the prison issue. The proposal in that area calls for the prison to be located at the old Wildwood Air Force Base northwest of the city. A three-story concrete building there would be remodeled to house the prison.

While the city council and chambers of commerce of Kenai favor the project, opinion was about evenly split at a public hearing on the issue March 3, said city manager Bill Brighton.

In Palmer, Gary Thurlow, manager of the Matanuska-Susitna Borough, said there was "overwhelming support" for the prison although opinion was divided in the community of Sutton, the area nearest one proposed prison site, about seven miles northeast of Palmer. A site at the old Goose Bay missile facility is also being

considered.

"We're lobbying for it," Thurlow said. "A state facility like this would make a good contribution to the community and the prison should be close to the area where a majority of the criminals come from. After all, half of all Alaska prisoners come from Anchorage."

Thurlow emphasized that his community was willing to provide work programs for prisoners and that Palmer afforded easy access to court facilities in Anchorage.

"Prisons are a clean industry and a renewable resource," Thurlow quipped. "It's the type of industry we like to attract to the area."

In Seward, there is not only a great deal of support for the proposed prison but the city is willing to assist the state in locating the facility there, said city manager Ron Garzini.

"I think we're the superior site," Garzini said. "The city might be willing to

help build the facility and lease it to the state — there's plenty of land."

The Alaska Vocational Technical Center is another factor favoring Seward as training and rehabilitation programs of the prison could be incorporated with the school, Garzini said.

Cordova has also expressed interest in having the prison located in their community. Perry Lovett, city manager, and leaders of the two Native corporations in Cordova were in Juneau Thursday seeking more information about the prison.

Cordova Mayor James Poor told the Empire his community is looking for more job opportunities for local young people and a year-around industry that is compatible with fishing, Cordova's main industry.

Following Endell's decision on the prison site, construction of the facility is expected to take two or three years, provided funding is approved by the legislature.

HB 217
JR

Haines residents split on wanting new prison

3-11-63

By KIRK McALLISTER
Empire Staff Reporter

Just 90 miles north of Juneau in the Lynn Canal community of Haines, the prison proposal has become the most controversial issue dividing the town since the fight over the fate of the bald eagles of the Chilkat Valley.

Haines city officials have pushed for the location of the \$45-million maximum security prison to boost the town's economy. The Schnabel Lumber Co. recently closed and is up for sale and there is concern by some in the community that more jobs are needed.

The City of Haines has hired lobbyist Wally Kubley to help convince the state

that Haines is the best site for the correctional facility and a task force was set up to provide local support for the project.

However, many residents remain unconvinced that locating a state prison in Haines is in the best interests of the community. Some residents worry that the prison would bring increased crime and unchecked growth and adversely affect the town.

A group called Citizens Concerned for the Future of Haines has been formed to oppose the prison.

Public meetings on the issue have been well-attended and often heated,

Continued on Page 2

Haines...

Continued from Page 1
according to the Lynn Canal News.

A recent public opinion poll conducted by radio station KHNS in Haines showed 240 residents against the prison, 234 in favor and 12 undecided. About 28 percent of the Haines area population voted.

Haines Mayor Jon Halliwill told the Empire that despite the divided public opinion, the City of Haines would con-

tinue to press for locating the prison there.

"The poll was not very representative of public opinion since 1/3 was only 28 percent of the voters," Halliwill said. "In public meetings held by the city there was overwhelming support for it. Over 400 people have signed a petition in support of the prison. Haines is a good site for the facility and we're still supporting it very enthusiastically."

Patricia Blank, a spokesman for the anti-prison group, told the Empire there was "definitely not overwhelm-

ing support" for locating the prison in Haines and that opinions were divided at the public meetings.

"The main concern of our group is that we feel the governor should show effective leadership and assess the facts presented by his task force on corrections that recommended that the maximum security prison be located in Southcentral Alaska," Blank said.

"The governor should look at the recommendation of the task force experts and follow it," said Blank. "Anything else is a waste of time and the taxpayers money."

Police

Lawyer attacks state's prison-building plan to relieve overcrowding

By TOM KIZZIA ³⁻⁶⁻⁸³
Daily News reporter

A state plan to build new prisons to relieve overcrowding among inmates contains less than meets the eye, according to the lawyer whose class-action suit against jail conditions prompted the plan.

"The report was lacking in particulars and substance," said Timothy Stearns, who added he would ask Superior

Court Judge Douglas Serdahely to request another plan that is "more comprehensive and more fully addresses the issues."

The overcrowding plan was submitted Wednesday by Director of Corrections Roger Endell as part of a settlement of the class-action suit. In it, the state said it would attempt to bring on line three new medium-security prisons

by the fall of 1984.

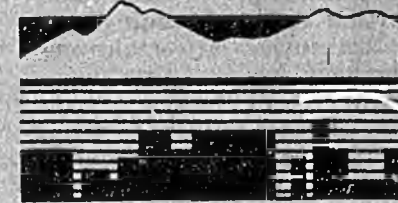
Endell said the plan could eliminate overcrowding by January, at which point the state projects an inmate population of between 1,700 and 1,800.

Adding up the new beds proposed in the plan shows the state being at least 243 beds shy of the demand by that date, Stearns said.

Stearns also complained

the plan did not adequately discuss plans to increase furlough programs, to develop community service and community placement alternatives, and to revise procedures by which inmates build up good time toward their release dates.

The plan promised to improve management techniques within the division, but did not say how better techniques



would address overcrowding, Stearns said.

The state has proposed to build prisons quickly at federal surplus facilities at Wild-

wood near Kenai, at Goose Bay on the north side of Knik Arm, and at Chiniak near Kodiak.

Longer range plans call for a 250-bed classification facility in Anchorage, probably near the municipal sewage treatment plant at Point Woronzof, and a maximum-security prison for 300 to 400 inmates, either at Palmer, Seward, Kenai or Haines.

Prison outline for Wildwood released

The "Functional Program Statement; Wildwood Correctional Center," released Thursday by the state's Division of Corrections, is preliminary and basic, and defines the possible operation of the proposed prison only in outline.

That is essentially what Roger Endell, director of corrections, Thursday told Kenai area citizens they would find when any of them read the document.

Endell presented the document, dated March 3, at the public hearing he held on that date at Kenai City Hall. About 125 people attended the hearing. Several people protested the lack of prior public access to such a report.

Endell answered that it was being worked on earlier and had only just been completed. He added that its main function was to help architects and engineers with preliminary planning, but the public was welcome to review it.

The document is 78 pages long. Endell provided copies to the Peninsula Borough Assembly and the news media. Kenai City Manager Bill Brighton, who chaired the hearing, afterward said he planned to make an extra copy to have on file at City Hall.

The first 25 pages cover the main public concerns. The second section is a short and technical fire marshal's report; the third is a long and technical listing of established correctional standards; the fourth and last is a very technical collection of graphs and charts detailing space management standards and functions.

The following specifics are reported in the first 25 pages:

- The Wildwood site, if chosen and converted for a medium-security prison, would be used for "220 custody beds" in Building 10.
- The site is 10 acres on the former Wildwood Air Force Station, and a prison might include Buildings 7 and 8, "the commissary and maintenance shops."
- Up to 50 prisoner spaces would be segregated from the prison proper and maintained for "pre-trial" inmates, persons awaiting trial.
- "The main entry point to the institution will be what is now known as the fire station." This would afford indoor space for the loading and unloading of prisoners. Visitors would not be allowed in the building while

... Wildwood prison plan

Continued from Page 1

prisoners were being loaded.

- Medical services would be provided "on a contract basis" and prisoners would be taken outside "under staff escort" when necessary for surgery.

- "Prisoners will spend from 8 to 23 hours per day in their sleeping areas depending upon status... Because of the amounts of time that prisoners may spend in their rooms, the rooms should be as pleasant as possible, while being durable and difficult to breach." There would be "two inmates per room or cell."

- Rooms would each have locks with electrical override controls.

- Suspects awaiting trial and sentenced prisoners would be absolutely segregated, and the pre-trial inmates would be more closely supervised than sentenced prisoners.

- Visitations with family and friends would be allowed twice a week without physical separation in the visiting room and with personal contact allowed under "open visual supervision." Physical contact might not be allowed in some cases.

- "Unsupervised work release programs will not operate at the Wildwood facility." Work programs within the prison are planned, however, and there is the possibility of

supervised work crews being established for local government agencies for "services such as brushing trails, cleaning streams, maintaining roads, and other similar services."

The program statement makes no mention of maximum-security prisoners being housed at Wildwood, except as a reader might infer that some pre-trial inmates might rate maximum-security status.

There are a couple of references to maximum-security prisoners in the context of excerpts from a correctional task force report dealing with that report's determined need for maximum-security prisons in the "Matanuska-Susitna or Kenai Borough site, or both," but Endell said that recommendation has nothing to do with Wildwood.

The program statement also makes no reference to conjugal visits. Endell said at the hearing Thursday that the state has no provision for conjugal visits and he does not know whether it will provide for them in the future.

The program statement makes no attempt to define the terms "medium," "maximum" or "minimum" security.

There is also no reference to leasing costs or any possible "lease-purchase option" that might be negotiated with the land owner, the Kenai Natives Association.

Peninsula Clarion

PENINSULA CLARION

Complimentary Copy
For

MEMBERS OF THE LEGISLATURE
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MONDAY, March 7, 1983

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Kenai, Alaska 25 cents

Mixed views heard at prison meeting

By JOHN QUINLEY
Assistant Editor

Testimony by 31 Kenai area residents Thursday night about whether a medium-security prison should be put at Wildwood was roughly split between those in favor of the facility and those opposed.

In addition to oral testimony, Roger Endell, director of the state Division of Corrections, received written opinions and peti-

tions promoting both sides of the issue.

Opponents to the prison plan said they submitted petitions with more than 350 names opposed to the project. Resolutions of support for the 220-bed facility have come from groups such as the Kenai Chamber of Commerce, the Kenai City Council and the Kenai Natives Association, which owns Wildwood.

Endell spent much of the three-hour hearing explaining what a prison at Wildwood

would consist of, why the state wants the 10-acre site and its large, concrete and steel buildings, and what comes next in the decision process.

Public comments focused on security, the possibility of increased crime and on economic benefits of the prison.

Assemblyman Dave Carey said the state's presentation was "an attempt to buy off with employment and salaries." He added, "You talk about cost. How much money will

be paid to victims of crimes from escaped convicts?"

Harold Dale, a Kenai insurance salesman, took an opposite view. "I've got a lot of kids and grandkids around this place. I saw the fencing and the wire. I sure wouldn't try to escape. I think instead of pushing against prison, we should push for a properly managed one."

See PRISON, Page 8



Roger Endell, director of the division of corrections, took testimony at Kenai City Hall Thursday on a proposed medium-

security prison in Wildwood. He also answered questions during a public hearing. (Photos by John Quinley)

...Prison hearing draws co

Continued from Page 1

Kenai Police Chief Rick Ross reminded people who expressed fear the area would see rapes, robberies and murders if a prison were established, that those crimes are here now.

"If we had a medium-security prison today, of the 200 prisoners, probably 150 of them would be from the peninsula," Ross said. "If the state built a 40-bed jail (there is now a 14-bed jail in downtown Kenai), it would hold people sentenced for less than 15 days. We're sending three-day sentences to Anchorage," he said.

To questions of whether maximum-security prisoners would be housed at the prison, Ross noted that recently when a four-man cell at the city jail was filled the least dangerous man was charged with assault with a deadly weapon. The other three faced murder charges.

Assemblyman Kenn Stephens said the Kenai Natives Association was trying to unload "a white elephant." He said he resented the state's approach of contacting "businesses first. You didn't come and ask the people, you dangled the money first. This has been railroaded through."

Ruby Coyle recalled the 1940s when Kenai was small and crime was practically nonexistent. "I'd like to say, 'Folks, go home.' But let's stay and take care of what crime we have and not push it on Juneau or Anchorage. Do you want to start another capital move? If that's what you want, then fellas get out your pocketbooks." A prison would "take care of the needs and our responsibility," she said.

"I favor a medium-security prison," said lawyer Ken Cusack. "It's a chance to save the state some money. Now when they have court appearances in Kenai, they fly back to Anchorage. I'm more worried about security in the airport and transporting them back and forth."

The state has listed Wildwood as one of three future medium-security prison sites in its response to a court case on prison overcrowding.

Assemblyman John Douglas said he and others "got a secure feeling" in knowing that prisoners in the Kenai Jail are not "residing there for a long time. They're on their way somewhere else."

He added that "there's no assurance that the next director might not want to make Wildwood a maximum-security prison."

The first third of the meeting allowed Endell to give the audience an overview of what is planned for Wildwood if a deal can be made. The last third of the meeting had Endell fielding questions from the audience.

Responding to Stephens, Endell said his speaking trips to local chambers of commerce and other groups were at the groups'

invitations, not at his request.

He noted that "very serious crimes are being committed" on the peninsula already. "With further economic development, the crime rate will go up. Also correlated with crime is the unemployment rate."

Other responses and comments made by Endell included:

- To allegations that a deal has already been made — "The state has not made up its mind. There is no piece of paper with a signature. We're not trying to cram anything down your throats."

- On public input — "It's within my power to appoint a citizens advisory board, and I intend to do so."

- On local hire — "Of the 71 employees, about half will need to be experienced correctional officers. You can't run a center with inexperienced people. About 30 to 35 people could be hired locally and trained."

- On security provisions — "There will be two 18-foot fences, 20 feet apart, topped by razor wire. There will be a facility on the roof for observation, and possibly trained dogs between the fences."

- On economic impacts — "There will be about 71 staff people with an average wage of \$40,000. People who work for us must live in the area. The site will cost about \$3 million to get ready for corrections. For most of the work, we'll hire private contractors."

- On the types of people housed — "You're looking at someone serving one-to-five years, primarily for property crimes and some personal crimes. The very violent criminal, is going to be a longer-term prisoner."

Endell also explained that as prisoners progress toward their release dates, they are generally moved to less secure institutions. No prisoners, except those serving the kind of short jail term now served in the Kenai jail, would be released directly from Wildwood, he said.

Medium-security prisoners, as they near their release, would move to minimum security and then community centers or halfway houses. No minimum-security or halfway house is planned for the Kenai-Soldotna area, Endell said.

"Our objective is not to warehouse people, but to change them so they don't break the law again. Statewide we have a 66 percent success ratio. You can turn that around and call it a one-third failure rate, too, I suppose, but we want to make law-abiding citizens. They come in at the bottom of the ladder, and we try to boost them up."

Endell said any final decision is still many weeks away. Comments on the prison plan may be sent to Division of Corrections, Pouch H03, Juneau, 99802.

cerned residents



Jim Arness, at the podium, spoke against the proposed Wildwood prison during a public hearing in Kenai City Hall last week.

U.S. sues Hawaii for prison 'brutality'

by Michael J. Snielen

Associated Press

3-5-83
TIMES
Washington — The Reagan Administration charged in an unprecedented civil suit on Friday that two Hawaii state prisons subject inmates to cruel and unusual punishment in violation of the Constitution.

Attorney General William French Smith personally signed the suit, filed in U.S. District Court in Honolulu, and said the two prisons have "egregious or flagrant conditions" and cause inmates "to suffer grievous harm."

Named as defendants were Gov. George R. Ariyoshi, four other state officials and the state government itself.

It was the first suit ever filed by the Justice Department under

the Civil Rights of Institutionalized Persons Act, passed by Congress in 1980.

Among the government's charges were that inmates were illegally segregated on the basis of race or national origin, were exposed to a "pattern and practice of brutality" by prison staff members, that they were inadequately protected from assault, rape and extortion inflicted by other inmates, that female inmates were inadequately protected "against sexual abuse by prison guards."

In Honolulu, the state said the suit was illegal because the Justice Department had not met legal requirements of the law under which it was filed.

Deputy Hawaii Attorney Gen-

eral James H. Dannenberg called the suit "laughable".

It was no coincidence that the suit was directed against a state controlled by Democrats, he said.

Court qualifies presumptive sentencing

The Associated Press

The state Court of Appeals has ruled Alaska's presumptive sentencing laws are constitutional, when applied with the court's interpretation of their provisions.

It held the legislature intended that all prior felony convictions be counted separately for the purposes of imposing a presumptive sentence for a subsequently committed crime.

But the court said Friday that a prior conviction is one for which a sentence had been imposed prior to the commis-

sion of a subsequent offense.

The presumptive sentencing statute sets definite prison terms for repeat felony offenders, and those terms may be altered only if aggravating or mitigating factors are present.

The ruling stemmed from a Kodiak case involving Nicholas Z. Rastopsoff, who committed three crimes during the period June 4 through Sept. 13, 1980.

Superior Court Judge Roy H. Madsen sentenced Rastopsoff for the first offense, forgery, on Oct. 27, 1980. He imposed sentences for the second and

third offenses, burglary and robbery on one occasion, and assault and burglary on the other, on Feb. 24, 1981.

Madsen applied the presumptive sentencing statute in sentencing Rastopsoff for the second and third offenses, but he said he did so only reluctantly because he felt it was unfair in Rastopsoff's case.

In its ruling, the Court of Appeals said since Rastopsoff was not convicted and sentenced for any of the offenses until after all had been committed, for sentencing purposes he should be considered a first-time offender.

Opinion

Prison hearing is the main event

The main event today in the Kenai area is this evening's public hearing on the proposal to locate a state medium-security prison at Wildwood.

The hearing will take place beginning at 7:30 p.m. at Kenai City Hall.

Obviously, if many people attend, not all will be able to speak. For this reason, supporters and proponents should consider bringing printed statements or petitions to leave with the state officials tonight in lieu of oral testimony.

People who want to express support, people who want to express opposition and people whose minds are unset but who want to hear

questions and answers should all be there.

Roger Endell, state director of corrections, will be there; Bill Brighton, Kenai city manager will be there. Numerous other officials will be there.

What they hear will have an immediate bearing on the Wildwood proposal and, certainly, an indirect bearing on other proposals that might be considered. Kenai, for instance, is one of a number of locations, including Seward, that might be considered for construction of a maximum-security prison.

Endell has made it clear that he favors the Wildwood site, offered by its owner, Kenai Natives Association.

He also made it clear that the support of the community or the lack of it will have a bearing on the Wildwood decision.

Robert B. Atwood
Editor-in-Chief
and Publisher

William J. Tobin
Associate Editor
and General Manager

Lana Johnson
Managing Editor

Clinton T. Andrews Jr.
Editorial Page Editor

Page A-8

Monday, February 7, 1983

Wayward court

NEARLY 150 YEARS AGO a famous European sociologist visiting America (Alexis de Tocqueville) observed that "Americans have the strange custom of seeking to settle any political or social problem by a lawsuit." The courts have responded to this "strange custom" by effectively becoming a continuous constitutional convention.

In Anchorage there was a demonstration of this court response last week when a judicial officer effectively overrode the constitutional separation of powers in government by ordering the legislative and executive branches to change the state prison system.

A Superior Court action obligates the state to spend \$45 million for a maximum-security prison and orders the officials to bring back to Alaska the prisoners now housed in federal institutions Outside.

STATE LAW authorizes the commissioner of corrections to contract for the care of prisoners in any state, territory or possession of the United States.

The legislature has the power to set the standards for the care of prisoners and if they are inadequate the legislators are the ones who should correct them. It's the commissioner's job to enforce the standards set by the legislature, not the court's.

The law specifies that he can contract with the federal government, any state government or a political subdivision — which might include even a county in another state — for the care of prisoners.

The law is not peculiar to

Alaska. It is in the Western Interstate Corrections Compact to which every state of the union is a signatory. Sending prisoners to facilities outside the prisoner's home state is a common practice that has been accepted nationwide for generations.

That Alaska law has been upheld in the courts.

The state appears to have a sound basis for challenging the legality of last week's decision.

THE GOVERNOR should challenge the right of the courts to encroach on the powers of the other two branches of government.

The Alaska courts have virtually taken charge of the prison system. Judges have been known to decide by their edict what color prison walls must be painted, the square feet of space that must be provided each prisoner, the type of furnishings in his quarters, the availability of television programs and other frills and perks.

The executive branch has had to scratch every time a judge itched and it sometimes seems that a judge itches every time a prisoner expresses some complaint or displeasure.

The courts are constantly creating demands for additional public resources without meeting the responsibility for raising those resources and without regard to any limits on those resources.

The activism of judges is imposing significant costs upon society. Some new rights for a few are created at the expensive of the established rights of many.

Building Prisons Is Madness, Says Ex-Nixon Aide

By EDWARD P. DUNN

Charles W. Colson, the one-time Watergate "hatchet man," came to Syracuse Thursday with good words about the Lord and bad words about the United States prison system.

"Prisons do not work. It's one of the myths of our time," said the former Nixon aide who now bids good-bye to acquaintances by saying, "God bless you."

"It's madness" to presume more prison cells will prevent crime, he said.

"You'll go bankrupt if you keep building prisons."

The answer, he maintained, is a system of "punishment that is constructive." In cases involving non-violent crimes, he favors mandatory community service work rather than punishment by incarceration.

Colson said he was glad to see New York residents voted down a \$500 million prison bond issue in last year's election.

The resolution, which called for the construction of new prisons and renovation of others, was a "rip-off" that would have amounted to a "monument" to bureaucracy, Colson said.

Victims of crimes are victimized twice, Colson said: once by the crime itself, and again by the high costs of an ineffective penal system.

He said in New York State the construction costs for each new jail cell

amount to \$90,000, and it costs \$17,000 a year to keep one person in prison.

Colson visited Syracuse Thursday to promote the non-profit Prison Fellowship, a Christian reform group he started in 1976. The fellowship has volunteer groups inside prisons and is active outside the walls in advocating changes in the penal system.

He said he'd like to start a Prison Fellowship chapter in New York.

Colson's knowledge of jail life includes firsthand experience. He spent seven months in federal penitentiaries in 1974.

He was sentenced to prison after admitting a charge of disseminating derogatory information to the press about Vietnam War opponent Daniel Ellsberg. At that time Ellsberg was awaiting trial on charges of theft and publication of classified documents in connection with release of the Pentagon Papers.

Shortly after he left prison, Colson wrote "Born Again," to describe his awakening to Christianity. His second book, "Life Sentence," chronicles his growth as a Christian and the beginning of Prison Fellowship.

"I've devoted my life to going into prisons and spreading the good news of the Lord," Colson, 50, told newsmen at a press conference Thursday.

Prisons: Radical reforms are needed

By WILLIAM F. BUCKLEY JR.
Universal Press Syndicate

CHARLES COLSON, arguably the most exuberant sinner during the whole Watergate business, may have a difficult time outliving his reputation as a man who said he would walk over his grandmother to help Richard Nixon.



Buckley

That's the trouble with a nice aphorism, particularly if it's a little iconoclastic. The point is that Charles Colson has already done much more important things than ever he did to help to destroy the Nixon administration. He has founded something called the Prison Fellowship. It has a staff of 100 people, and it could just possibly be the agent of the most important prison reforms of the century.

SOMETIME in August of 1973, Charles Colson experienced Christianity. One is drawn to his matter-of-fact documentation of this datum, which — although he is certainly willing to expand on the impact of Christianity on him — he treats as a datum, pure and simple, as in: date of birth ... date of graduation from college ... date of marriage ... date of Christianization.

Asked whether he would be living the life he lives except that he is animated by Christianity, he will tell you, no, he would not spend his days in prisons, conducting seminars, evangelizing, agitating for reform — except that he is driven by a concern to please God. But he concedes that the specific reforms he favors can be argued for using an exclusively secular vocabulary.

Colson is much influenced by Yochelson and Samenow's masterwork, "The Criminal Personality," in which Samenow, a practicing Jew, concludes that criminals are for the most part criminals because that is their nature, and that in order to change they need to expose themselves to "deliberate conversion ... to a more responsible life-

style." This is, as a matter of fact, best accomplished by a religious conversion; but Colson is prepared to admit that the possibility exists that criminals can change their appetite for crime by experiencing a transformation outside of any religious orthodoxy.

THAT MUCH having been disposed of, Colson explains his ministry, which is one part devoted to persuading criminals to believe in Christ, the other to persuading the American public to listen to reason. To wit:

- The prison population is expanding 15 times as fast as the national population, notwithstanding that only two out of 100 agents of crime are apprehended, convicted and put away.
- The prisons are bursting at the seams, with over 200,000 more criminals inhabiting quarters than our prisons were designed for, resulting in a gruesome intensification of the experience of prison and a resulting increase in recidivist crime.
- The annual cost of keeping someone in prison is about twice the cost of keeping a student at Harvard University.
- An interesting statistical coinci-



Colson: A sinner turned crusader

dence: About 53 percent of the men behind bars are there for having committed crimes that did not involve violence or cause physical danger. Meanwhile, 53 percent of Americans report that they are afraid to walk one mile from their residences after dark. To some extent, then, it can be said that half of America is imprisoned in virtue of the impulses of half the criminal population.

What does this all add up to?

Not, Colson insists, more prisons; though that is the \$3-billion direction federal and local governments are heading toward. We should empty the prisons by one-half, Colson says — for the sake of dangerous criminals (the horror of their living conditions is mitigated, making less likely the stimulation of their bestial instincts); for the sake of non-dangerous criminals (they are costing society \$20,000 a year in upkeep and depriving society of the use of their talents); and for the sake of the public, which stands to gain by a lessened tax load and by a likelier reintegration into society of non-dangerous felons.

THE ACCENT of Charles Colson is on how usefully to deal with criminals who are non-dangerous, in the physical sense of the word. A companion in Colson's own penitentiary, for instance, had served as chairman of the board of trustees of the American Medical Association, got involved in an embezzlement and was spending three years in jail. Why not, instead, sentence that man to three years of free medical service for the needy? Why not the same for lawyers? Or carpenters? Or, indeed, anyone; giving them access at night to their families, who are innocent victims of existing patterns of penology?

It is strange that in an age when one is encouraged to think radically, so little radical thought is given to the subject of prison reform. Colson's crusade is profoundly conceived, existentially appealing, splendid in ambition. We are already in his debt for the Prison Fellowship. The whole country would be indebted to him if his reforms were effected.



Paul Harvey *Put Convicts To Public Work*

What to do with our exploding prison population?

Granted, little criminals jammed in with big ones come out worse than before.

The suicide rate in prisons is 16 times what it is outside.

Rebellious cons are wrecking what prisons we have, and we have too few.

Some far-fetched experiments have been tried. California tried releasing convicted rapists and child molesters for outings in town.

From Patton State Hospital convicted rapists and child molesters were allowed to go into San Bernardino, Calif., to visit discotheques—to mingle with women—in the name of "therapy."

In one month seven escaped.

I have heard no better option for violent criminals than a lockup.

For non-violent criminals, there may be something better.

Chuck Colson's Prison Fellowship Program seeks reform for individual prisoners and for the prison system.

As a missionary behind bars he seeks to redirect misdirected lives through a Christian commitment.

At the same time, Colson has sought and got the cooperation of prison authorities in releasing non-violent criminals to do "outside work."

On his responsibility, six prisoners were recently released from Eglin Federal Prison in Florida.

For two weeks they helped two elderly people in Atlanta—one an aged blind widow—to insulate their modest home against the oncoming winter.

The six, two Hispanics, two blacks, two whites, are committed Christians in whom Colson had enough confidence so that they were not guarded while on furlough. They lived in Christian homes in the area.

Work that might have cost \$21,000 was completed for a fraction of that. The men did behave themselves.

If non-violent criminals, instead of being sentenced to prison, can be sentenced to compulsory community service—or to work in jobs until they make restitution to their victims and to the state—then the punishment would fit the crime.

And they would pay taxes instead of taxpayers supporting them.

Grit Circulation: 1,000,000

The Dispatch

AN INDEPENDENT NEWSPAPER FOUNDED JULY 1, 1871—EVENING AND SUNDAY

Opinion

A-4

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SAT., JUNE 13, 1981

Colson's Prison Plan Worth Study

ONE IS inclined to be skeptical when Charles W. Colson suggests a plan for reducing prison populations. First, we are not for coddling convicts. Secondly, Colson is an ex-con, having served seven months in federal prisons for Watergate-related crimes.

Colson was a senior adviser to former President Nixon. He is a "born-again Christian" and founder of Prison Fellowship, a growing organization of prison inmates, ex-offenders and their families. That speaks better of Colson but does not automatically make us want to approve his plan.

But we read it. And it does have some strong points in its favor.

The plan is outlined in a Prison Fellowship publication entitled, *Is There a Better Way? A Perspective on American Prisons*.

As background, it points out that for thousands of years prisons were used mainly to keep political offenders, hold lawbreakers until trial or execution, or detain insolvent debtors until their debts were paid.

Punishment for the convicted offender used to include public beheadings and hangings and lesser penalties such as branding, flogging, the rack and the stocks. This probably deterred some crime but did not stamp it out.

In 1790, the publication states, Pennsylvania enacted laws making imprisonment the ordinary punishment for crimes, and that system spread.

Colson would not do away with prisons. He believes prisons are necessary "for that roughly 20 percent of the prison

population convicted of dangerously violent crimes . . . for the protection of the general public."

Colson contends, however, that prisons fail to rehabilitate and instead harm the offender, his family and, in the long run, society. He recommends alternative punishment for non-violent offenders.

The alternatives include placing the offender on a schedule requiring him to repay the crime victim for losses; ordering the offender to pay his debt to society by performing community services; placing him under "house arrest" except when out earning a living for himself and his family; and putting him on strict probation. Other alternatives are also suggested.

Colson also calls for some prison reforms, including weekend sentences, separating violent and non-violent offenders, and protecting inmates against brutal acts by other inmates.

He does not consider his plan a cure-all. He is more practical than that. His publication states:

"Many earlier prison reform efforts have come to nothing, or ended up leaving offenders worse off in prison and society less safe from crime. Thus it is proper to be modest and cautious in proposing a new reform campaign."

Colson points out his plan could save money, could keep offenders employed and producing, could keep them with their families and could work in thousands of cases.

With crime increasing daily, we think the plan is worth further study and consideration.

Anchorage may get new prison

By TOM KIZZIA
Daily News reporter

2-20-83

The idea of building a new prison in Anchorage was revived last week at a meeting between Director of Corrections Roger Endell and Mayor Tony Knowles.

Endell said Saturday construction of a 250-bed facility would allow the state to retire the antiquated Third Avenue and Sixth Avenue jails.

Endell said a likely location for the new jail would be a remote site near Point Woronzof that was selected by Knowles and former Gov. Jay Hammond last year. The biggest problem with the area is poor soils that would increase the cost of a facility there, Endell said.

A proposed expansion of court office space in downtown Anchorage could include some additional pretrial jail cells, saving the cost of transporting

prisoners, Endell said.

The next new prison to come into service and help relieve overcrowding in the state system could be the Wildwood Center in Kenai, he said.

A public hearing has been scheduled for March 4 there on the idea of creating a medium-security prison at the former Air Force base, now owned by the Kenai Native Association.

Report backs prison jobs

By TOM KIZZIA
Daily News reporter

A state commission has recommended that prison inmates in Juneau take over the laundry contract for the Alaska Marine Highway System, while prisoners in Palmer should do body and fender work on state vehicles and grow their own vegetables.

But the Correctional Industries Commission decided after a public hearing Friday against a plan to have inmates do all laundry for prisons in the Anchorage Bowl. About three-quarters of the annual \$206,000 laundry bill for Anchorage area prisons is now handled by two contractors, Alaska Cleaners and Quality Cleaners, and the commission decided a switch would hurt those businesses.

The new jobs for prison inmates have been proposed under 1982 legislation designed to give inmates a chance to develop employment skills and save up "gate money" for when they are released. Alaska is the last state to establish such a program, according to prison industry manager Wally Roman.

Under a wage plan now being drawn up, prisoners would be paid between 65 cents and \$1.15 an hour for working on a voluntary basis. Some of the money could be withheld by the state for restitution of victims, reimbursement of the cost of prosecution or support of dependents.

The three new industry programs will need the approval of Director of Corrections Roger Endell, Commissioner of Administration Lisa Rudd, and Commissioner of Health and Social Services Robert Smith. "If the commission received good input from the public, that is probably the way we will go,"

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 Anchorage may yet be site for new prison. Story, Page B-2.

Endell said Saturday.

The recommended programs could provide jobs for 34 to 52 inmates, according to staff estimates.

In coming up with ways to employ inmates, the state has been careful about competing with the private sector or taking away established contracts — at least with Alaska businesses.

The commission recommended that laundry for the ferry LeConte continue to be handled by a local Juneau laundry. However, construction of a new addition in the coming year would allow Juneau's Lemon Creek Correctional Center to take over the other 95 percent of the ferry system's dirty linen that is now washed in Prince Rupert, British Columbia, and Seattle.

At the Palmer Correctional Center, 13 acres of land are being tilled, primarily for potatoes. The commission recommended expanding that area to 20 acres this summer and producing a more varied crop of vegetables.

But the commission decided to hold off on a proposal to set up some kind of food processing, possibly a cannery, that could provide year-round food for Alaska's prisons. Further study of small-scale food processing was required, the commission said.

No body shops commented during Friday's public hearing on the proposal to do state work in Palmer, despite extensive advertising about the meeting, Roman said. Around \$70,000 a year in body and fender work is now done on state-owned and state-leased vehicles in the Anchorage region.

Seven Alaska towns want new prison

By DEBBIE REINWAND ROSE
Empire Staff Reporter

Eeny, meeny, miney, moe — where will Alaska's new prison go?

While several Alaska communities have scorned a \$45 million proposed maximum security prison, seven towns are now clammering for the facility — and the income it would bring to their areas.

To the north, both Haines and Skagway have expressed an interest in the facility, which would require a staff of 125, according to Roger Endell, director of the Division of Corrections.

About three-quarters of the staff

could be hired locally, he added.

With the outlook dim for operation of the White Pass Railroad this summer, Skagway officials, including Mayor Rand Snure, have cast an interested eye at the possibility of locating the facility in that town.

"It's something we might need to boost employment," city council member Chris Rohlf said at a council meeting this month.

However, Skagway may not have the necessary land suitable for a maximum security prison, Endell said.

Haines also has a good reason for
Continued on Page 2

Prisons...

Continued from Page 1

seeking an employment boost as the Schnabel Lumber Mill recently announced plans to close.

Communities that have said they're interested in the facility include Seward, Kenai, Palmer, Cordova, Valdez, Skagway and Haines, according to Endell. Of those, Haines, Seward and Kenai appear at first glance to be the most suitable.

To encourage construction of the facility, Haines has offered free port facilities during construction and a cheaper industrial water rate, while Seward has anted-up 100 acres, a paved road and utilities to the prison.

Although some residents in the two

Southeast towns say they'd welcome the prison, Endell has been studying locations in the Kenai area intensely, spending much of his time in the Southcentral part of the state.

Just as important as the logistic needs when considering a prison site, however, are the economic needs of the community, the prison director added.

In an effort to "work closely" with the citizens who would be impacted, Endell will make a stop in Haines Monday to talk at a town meeting.

Some Haines residents are upset at what they call a lack of communication between the public and city fathers who are anxious to get the prison to their area.

At a meeting Tuesday, several residents asked for a town vote, or poll to see whether public sentiment is

favorable to the construction of the prison.

Haines city administrator Darrell Maple, who put together the town's prison proposal, defended his open-arms offer to the state, saying he had to work under the state's time frame.

"I can't contact all 1,700 people (in Haines)," he said in the Lynn Canal News. "We have to react according to the governor's and the Legislature's time schedule."

Wherever the prison ends up, it will take two or three years before construction is complete, according to Endell, providing legislative approval is granted to the facility.

A maximum security prison has been a high priority in sessions past, is backed by Gov. Bill Sheffield, and will likely be given the go-ahead.

State prisoners in Outside jails will be coming home

By GREG GADBERRY
Daily News reporter

A Superior Court judge Friday signed a long-debated court settlement that requires the state to bring home almost 200 Alaskans in federal prisons Outside and seek funds to build a new prison here to house them.

Signed by Judge Douglas Serdahely, the settlement is part of a wide-ranging court suit filed by inmates both in and out of Alaska seeking better prison conditions.

That suit is gradually being decided after two years of on-again, off-again court battles.

Still waiting to be settled are sections of the lawsuit dealing with complaints made by in-state prisoners against the state.

Judge signs agreement calling for return of

Continued from Page A-1

The portion settled Friday had been negotiated during the Hammond administration. Assistant Attorney General Michael Stark said the Sheffield administration decided to accept it. However, Roger Endell, state corrections chief, said earlier he probably would have "chosen a different path" toward settlement with the prisoners.

Friday's 14-page agreement deals only with inmates now behind bars in more than 20 federal prisons Outside. Federal regulations allow only 200 Alaskans to be housed in federal Bureau of Prison facilities Outside. About 188 Alaskans are now in federal pris-

ons.

The settlement orders the state to remove Alaskan prisoners from federal facilities no later than Dec. 31, 1987 although inmates who wish to remain in Outside prisons may do so.

The mandate, however, hinges on the state's ability to build a prison in Alaska capable of housing 300 inmates. Funding for such an institution will be up to the legislature.

The settlement also lists a number of guidelines that the state must use for deciding how long inmates must wait before their return to Alaska.

Inmates whose lives are endangered or who have less than two years left on their

sentences must be returned to the state within 60 days of a new Alaska prison being built.

Prisoners from rural backgrounds, who have good records in federal prison or who have a "family crisis" in Alaska, also will be given priority for return to state jails.

Also included in the settlement are provisions that give inmates Outside better access to legal materials, attorneys and to the state's Parole Board.

Stark told the court the state already is making plans to send a quorum of the Parole Board to various federal prisons to meet with Alaska inmates.

state inmates now held in Outside prisons

Stark and the inmates' attorney, Charlene Lichtmann, said that some inmates opposed the settlement.

Many of them were concerned they would lose some privileges — including recreational facilities — they now enjoy in the federal system, Lichtmann said. At the same time, those inmates want treatment afforded to prisoners now in Alaska.

However, Lichtmann said a majority of those who commented on the agreement approved it.

action suit involving in-state prisoners.

The state has agreed to partial settlement with in-state prisoners, but grievances concerning medical care, rehabilitation, visitation and prison staffing are still

being debated.

Under earlier plans, Stark said, up to \$9 million would be needed to alleviate those grievances. The Sheffield administration, however, hopes to make those changes for much less money, he said.

While the new state administration has accepted the settlement for federal prisoners, Stark said several points are still to be decided on a class

the back page

Palmer inmates complain

By ED TRUITT
Daily News correspondent

PALMER — Boredom and frustration provoked five weekend escapes from medium and minimum security units at the Palmer Correctional Center, other inmates said Monday.

"People like to paint this place as a country club," said one member of the medium security unit's inmate council. "They point to the pool table, the TVs, gym and ping pong table and say we have it easy, but you can only play so much pool a day, and there's 100 guys and one table.

"There are only about 60 jobs for a population of about 278 in both units, no rehabili-

tation, and not much education, few activities. It's not much to get you ready to go back Outside."

At a meeting Monday night, jail superintendent Stan Zaborac told the inmates about changes in jail supervision, including the addition of a correctional officer in every 20-man dormitory 24 hours a day. Zaborac said the changes had been requested since the new unit opened in April, 1981.

"But there's no doubt five escapes in one weekend speeded things up a bit," he said.

Additional money and staff shaken loose from the Department of Corrections on Sun-

day will enable some positive changes, such as the long-delayed opening of a prison craft shop now expected next week, Zaborac promised.

The inmates saw placing officers in each dorm as a positive step, offering them more access to the staff, although the move was designed to tighten security, one inmate said.

Inmates at the meeting on Monday asked not to be identified.

"What about more counselors?" another inmate asked, pointing out that there are only four counselors and one psychologist serving both prisons. In the minimum security unit, they have case-

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Tuesday, January 25, 1983

a-16

of boredom, frustration

loads of 140 each.

Zaborac couldn't promise more trained counselors, but said three more probation officers were being hired to work in the prison.

Inmate complaints Monday night ranged from the usual gripes — poor food and a lumpy pool table — to questions of why grievances were not pursued and shortcomings in educational programs.

"Sure, there's a lot of little stuff," said another inmate. "But it piles up and piles up, and nothing is ever done about it. You file grievances, you run it through the inmate council and get the big 'okey dokey' on it from the administration, and nothing is ever

done. Even the littlest things take months," explained another council member.

The new security classification system being tried by the Palmer Correctional Center in the past month was probably another frustration leading to the escapes, a friend of one of escapee said.

Instead of going before a three-member review board to decide whether a prisoner can move to minimum security or a halfway house, the new method applies a point system that rates everything from prior criminal records to psychological adjustment.

The problem, the inmate said, is that the point system arbitrarily penalizes inmates

with longer sentences or juvenile records while virtually ignoring any real progress he might have made.

Zaborac agreed the point system has caused some discontent, but argued it is more objective and fair than the committee system. "They're being judged by the same criteria, but now they know what the criteria are," he said.

Administrators also have been frustrated with the lack of progress, Zaborac said. "With only enough staff to provide minimal security, we haven't been able to do things like job training that eats up staff time."

12/9/82

Lawyer leery of prison pact

by Beth Barrett
Times Writer

Some Third Avenue jail inmates are protesting a proposed state settlement with Alaska's prisoners, saying implementation may take too long, Anchorage lawyer Timothy Stearns said today.

But Stearns, who represents the state inmates in seven Alaskan institutions, said today he intends to recommend court approval of the partial agreement worked out last month with the state. He said he has received more than 40 prisoner responses to the agreement, and "most indicated approval."

Superior Judge Douglas Serdahely today at 3 p.m. is to review the state inmates' comments and may sign the proposed agreement.

According to Stearns, some of the about 100 prisoners in the Third Avenue jail argued it could take months under the settlement to upgrade the living conditions in their downtown facility. Described by Stearns as "one of the worst institutions in the state," he said the problems there range from overcrowding, to faulty heating, lighting and ventilation systems.

Stearns said he will emphasize

the complaints of the Third Avenue jail inmates — primarily felons awaiting sentencing — and will urge repairs and other improvements be made there quickly.

The lawsuit against the state was filed by Stearns on behalf of the state's prison population over a year ago. It included allegations of overcrowding, poor living conditions and inadequate medical care. The court subsequently ordered the negotiation with the state of a settlement.

But only a partial settlement was worked out last month, with over \$6 million in programs and staff still to be agreed upon, said a Division of Corrections official Wednesday.

Those items were left out, because state officials agreed Gov. Bill Sheffield's administration should make the new policy decisions, according to assistant attorney general Michael Stark, who represents the Division of Corrections.

One of the most controversial, unresolved issues is medical care, Stearns said.

Among the other "big money"

programs yet to be resolved are psychological counseling for inmates and other rehabilitative services, Stearns said.

It's uncertain when those questions — about 15 percent of the settlement, according to Stark — will be addressed.

The partial settlement, if signed by Serdahely today, would force the state to continue its efforts to decrease overcrowding in Alaskan jails.

The Divisor of Corrections already is seeding about \$119 million from the state Legislature next year to build several jail facilities.

They include a 300-bed maximum-security prison, possibly near Sutton, north of Palmer. It is to be built by 1985, with another 100-bed wing added in 1987. A 250-bed medium-security jail in an Anchorage setting. An 80-bed pre-trial detention facility in Fairbanks. A 50-bed pre-trial holding facility in Juneau. Additional jail space — up to 216 beds — in a new pre-trial institution on Post Road in Anchorage.

Jail populations also would be reduced by expanding alternatives to arrest and confinement in appropriate cases.

The settlement also calls for more rehabilitative programs, including high school and college courses, counseling programs, and employment training.

State may be bound to inmate suit pact

By TOM KIZZIA
Daily News reporter

1/7/53

The state has already signed a partial settlement of a lawsuit filed by prison inmates and may be legally bound to it, even though Roger Endell, the new Director of Corrections, wants to scrap the agreement.

Superior Court Judge Douglas Serdahely on Thursday postponed the effective date of the partial agreement until Jan. 21. It had been scheduled to go into effect today, but the state had asked for a delay in the face of mounting opposition from within the Sheffield administration.

At the Jan. 21 hearing, Serdahely will rule on the inmates' contention that the Sheffield administration can't back out of the agreement.

Attorney Timothy Stearns, who is representing the inmates, said he might be willing to agree to change some deadlines on the partial agreement, which covers such areas as prisoner exercise and access to legal materials. But he said the attorney general's office had signed the partial agreement and should stick to it.

Assistant Attorney General Mike Stark said the state may technically be bound by the agreement, but added that without support from the administration and the legislature, any agreement would be meaningless.

"It can't be dealt with in isolation as a legal question," Stark said. "It is also a human and political problem."

In October, the state backed out of a wider settlement, deciding to withhold commitment to costly items until the legislature agreed. Stark then worked with Stearns to come up with a partial agreement.

Final action on the agreement was extended 30 days in December so the Sheffield administration could review the agreement.

This week, however, a Sheffield task force on corrections headed by Endell recommended that even the partial agreement be scrapped.

Endell, who was appointed Thursday as the new director of corrections, said members of the task force were "shocked by some of the commitments in the proposed agreement." He cited as examples the need to hire law librarians for prisoners and to provide inmates in isolation with jogging or bicycling machines for exercise.

Panel advises no settlement

By TOM KIZZIA
Daily News reporter

The state should abandon efforts to settle a class-action suit over prison conditions and slug it out with inmates in court instead, a state corrections task force has recommended.

The task force also is urging Gov. Bill Sheffield to give up efforts to build a modular jail at Point Woronzof in Anchorage. Task force chairman Roger Endell said it would be cheaper and more efficient to purchase existing facilities in the Kenai Peninsula and the Matanuska-Susitna boroughs and convert them into 100-bed prisons.

The task force made no specific site recommendations, but Endell, a professor at the University of Alaska, Anchorage Criminal Justice Center, said the two proposed facilities could be opened with modular units in six months to a year.

Sites that have been considered by the Division of Corrections include the former missile site at Goose Bay north of Knik Arm, the Wildwood Center in Kenai and Ohlson Mountain in Homer.

Attorneys for prisoners and the state have worked for months on a pretrial partial settlement of the so-called Cleary suit against prison conditions, and final hearings are scheduled in Superior Court for late next week.

"There are problem areas, but they are manageable and don't require court action," Endell said. "We were shocked by some of the commitments in the proposed agreement."

Endell cited as examples the requirement to hire law librarians for prisoners and to provide prisoners in isolation with jogging or bicycling machines for exercise. "We seriously doubted if these were constitutional issues," he said.

The task force also recommended temporarily keeping several jails open that the state had been eager to close. Among the specific changes proposed:

- The new Cook Inlet Pretrial Facility on Post Road should not open until staff are fully trained. With the jails bursting, corrections had planned to open the new jail as soon as Feb. 1, housing low-risk prisoners there while

Anchorage Daily News Wednesday, January 5, 1983

on prisoners' suit

staff were being trained.

- Ridgeview Correctional Center on Old Seward Highway should not be abandoned when the new jail opens. Instead, the old jail should be studied for conversion into a halfway house or a facility for low-risk short-term or pretrial prisoners.

- Mentally disturbed offenders should remain at Alaska Psychiatric Institute until a special unit can be designed either at API or within a prison. They should remain under control of the Division of Mental Health.

- The new Meadow Creek Correctional Center for women in Eagle River should be expanded with a less expensive design. The task force called the center "an example of architectural extravagance where simplicity and a more spartan environment would have sufficed."

- Plans for building new jails in Nome and Bethel should move ahead "as quickly as possible." The task force said that funds already allocated for a Bethel jail "have deteriorated in value due to mismanagement of site selection and building design delays."

- Like other existing facilities, the Third Avenue Jail in Anchorage should remain in use until more prison space is built.

- The Careage House in Anchorage, which holds drunken driving offenders, should be used instead as headquarters for the state's prison system.

Under the proposed partial settlement of the Cleary suit, the state had agreed to close the Third Avenue Jail in 18 months rather than spend up to \$4.5 million to bring it up to fire code. The state offered in the meantime to assume liability for the facility, which had been condemned by the city fire marshal.

Endell said the specific fire code problems had not been addressed by the task force, but expressed optimism about keeping the 28-year-old jail open.

The task force also recommended construction of a maximum-security facility in Alaska and elevating corrections to departmental status.

Endell predicted Sheffield would take action on the report within a week.

Partial settlement of jail suit OK'd

By TONI KIZZIA
Daily News reporter

The on-again, off-again attempts to resolve a lawsuit against prison conditions in Alaska was back on Friday, as the Sheffield administration agreed to a partial settlement.

The agreement, signed by Superior Court Judge Douglas Serdahely, immediately changes disciplinary procedures for prisoners. Beginning Monday, some prisoners will be given better opportunities for recreation, telephone calls and access to legal advice.

The agreement also commits the state to bringing Serdahely a plan for relieving overcrowding in state jails, which officials said are now receiving additional prisoners at the rate of 180 a year.

But portions of the agreement that

could be expensive for the state have been dropped. Sheffield administration officials indicated Friday they will either work out new agreements in these areas with the backing of the legislature or take the issues to court.

Tim Stearns, attorney for the prisoners, said the agreement would mean greater emphasis in the jails on rehabilitation and training, "so the public will be safer when the prisoner gets out than when he went in."

"I would have probably chosen a different path toward settlement had I been in charge from the start," said Roger Endell, head of Sheffield's newly created Department of Corrections. But he said a few last-minute changes made the partial settlement acceptable.

Endell also said Friday he was not

interested in putting a prison at a former pipeline camp at Isabel Pass, a location he described as "one of the most remote sites we could possibly consider." Endell said support services essential to prison operation would make it necessary to keep a prison nearer to population centers.

An effort to have the state buy the Isabel Pass camp in 1981 resulted in misdemeanor conflict-of-interest charges against former state Sen. Ed Dankworth, and Thursday another appropriation bill to buy the camp was introduced in the state legislature.

Serdahely postponed until Feb. 4 a final hearing on a portion of the prisoner class-action suit that could require the

See Page B-2, PRISON

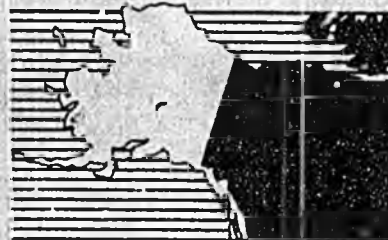
Prison suit partial settlement approved

Continued from Page B-1

state to bring 188 Alaska prisoners back from federal prisons in the Lower 48. The agreement, worked out with the administration of former Gov. Jay Hammond, would require only that the administration urge the legislature to provide funding for a maximum security prison here.

A number of prisoner requests in the class-action suit against the state corrections system remain unsettled, including development of new rehabilitation programs, longer visiting hours, and more reliable transportation to outside medical appointments.

A large area which may have to be fought out in court concerns improving medical care in the institutions. A consultant's report prepared last year concluded that Alas-



ka would have to spend \$1 million more on medical care every year to meet minimum standards for prisoner care set by the American Medical Association, the American Ear Association, and the American Correctional Association.

Under Friday's partial settlement, prisoners will no longer be locked away in solitary for petty offenses, while punishment for more serious infractions may increase. "The new agreement means more discretion for officials

and more fairness for prisoners," said assistant attorney general Mike Stark.

The agreement will require compliance officers in each jail whose sole responsibility, at least for a few months, will be to see that the agreement is lived up to. Attorneys said this provision was one of the few that would require extra funding from the legislature.

Endell initially recommended rejecting the proposed settlement, but concluded he had to accept it because the Hammond administration had signed off on it. Among the minor changes added this week, the right of prisoners to specific exercise equipment was made more general, and their right to a specific number of phone calls per week was changed to provide for a specific number of hours of phone access.

WEDNESDAY, FEBRUARY 2, 1983

Prisons officials admit cover-up

Evening Times

by Jeff Berliner
Times Writer

State Department of Corrections lawyer Michael Stark and assistant director of corrections Ted Corey allegedly violated court rules last week when they sought to increase court-imposed limits on inmate populations and then concealed what they had done.

In an interview, Stark acknowledged that what he and Corey did was "improper," and stated he will have to figure out how to explain it at a Friday court hearing where a judge will be asked to find Stark in contempt of court.

In acknowledging that he may

have broken the rules of civil procedure, Stark said he apologized to state Superior Court Judge Victor Carlson and then reprimanded Corey for his actions.

What happened is not in dispute:

Last Wednesday, Corey called Carlson and asked him to lift the court-ordered 100-inmate limit at the Sixth Avenue jail. Corey told Carlson it was an emergency. Carlson granted the request and issued an order lifting the ceiling to 115 inmates.

Neither Stark, an assistant attorney general, nor inmate attorney Timothy Stearns was notified.

After receiving Carlson's order, Corey told Stark what he had done. Stark told Corey he had acted "improperly" and "in a pending action he should notify me."

Carlson said he expected Stark to notify Stearns since he represents the inmates. Stark conceded that he failed to notify the other parties.

Two days after the order was issued Friday, Stark called Stearns and told him that jails were overcrowded and he wanted to raise a 65-person limit at the Third Avenue jail. Stark said corrections needed about 18 more beds beyond the court-ordered limits. Stearns

agreed — not knowing what Stark knew: that corrections had already gotten the extra jail beds it needed.

Only after Stearns agreed to lift the inmate population ceiling at Third Avenue did he learn that corrections already had obtained the extra beds.

Stark received permission to raise the number of inmates housed at Third Avenue from Judge Douglas Serdahely. Carlson and Serdahely were unaware of each other's orders.

In papers filed in court Tuesday, Stearns charged that Stark used "fraudulent concealment and

deceit" to get a court order to increase the inmate population at Third Avenue jail by concealing the earlier order that raised prison population at the Sixth Avenue jail.

In the affidavit, Stearns said "Mr. Stark advised me that he would not tell me about Judge Carlson's order during any of our telephonic conversations on January 28, 1983 because he feared Judge Carlson would not agree to increase the inmate population at the Third Avenue correctional center. Mr. Stark clearly and apologetically indicated that he was aware of the order."

See Cover-up, page 4

Cover-up

(Continued from page A-1)

Judge Carlson's order at the time ... and conceded that he withheld this information from me."

Stearns now wants Judge Serdahely to rescind Stark's motion to increase Third Avenue jail population because Stark obtained the motion by "fraud." Stearns also asked the court to find Stark in contempt, to fine him \$500 plus attorney's fees and to impose "other appropriate sanctions."

"I'm surprised Stearns wasn't informed by Stark. I probably should have notified him of my order," Carlson said, adding, "I guess Judge Serdahely will have to

sort that out."

After learning what happened, Carlson said he thought Stearns and Stark "have just cause" to be angry with Corey and that Stearns has reason to be upset with Stark.

When asked why he tried to secure double the number of inmate beds and keep it a secret from the inmates' lawyer and the court, Stark replied, "That's a good question. I'm going to have to think about it."

But today, in a follow-up interview, Stark said he expected the Friday court hearing to be canceled because corrections decided to drop plans to raise the inmate population at Third Avenue. He said furnace problems at the jail prevented moving in more inmates.

Jail escapes lead to state of 'emergency'

by Jeff Berliner
and Al Campbell
Times Writers

Sutton — A state of emergency was declared Sunday at the Palmer Correctional Center after five inmates escaped in two separate incidents Saturday.

All five escapees are now back in custody and face additional charges of escape.

Following a meeting Sunday between prison superintendent Stanley Zaborac and the state's assistant director of corrections, Ted Corey, an emergency was declared and security was beefed up.

The emergency order calls for all 40 correctional officers to work mandatory overtime until new security staff can be hired. And a 24-hour guard will be placed in each of the 20-man housing units at the prison for the first time.

Zaborac said "emergency" funds are being sought to hire a dozen new guards immediately.

The 24-hour guard in each prison housing unit is something Zaborac said he has sought for some time, and Corey authorized it Sunday.

"We're getting a jump on emergency funding requests we have in the mill," Zaborac said.

Other security measures also are being considered, including a fence around the minimum security section of the prison. Construction of a second fence around the prison's medium security wing has halted because the money has run out, he said. An alarm system at the prison should be complete by April. And a new mandatory head count policy is in effect.

Zaborac said he has increased the number of people on each shift from eight to 13. He said Corey promised to lend the prison more staff from other institutions by the end of the week if necessary.

The prison — designed to hold 205 inmates — now has 242 prisoners, 142 of them in minimum security.

The beefed up security at the prison has resulted in "noticeable changes," according to inmates.

Four of the five escapees are now at the Sixth Avenue jail while the fifth, David Williams, 30, is under guard at Humana Hospital Alaska in serious condition after crashing a stolen getaway car in a high-speed chase Saturday.

Williams was serving a 390-day sentence for resisting arrest and several traffic violations, and had an April release date.

Steven Wassen, 22, and Lawrence Prokopiou, 19, escaped with Williams Saturday morning from the unfenced minimum security area. Wassen was serving seven years for criminal trespass and Prokopiou was serving six years for burglary and theft but had a July parole release set.

Later Saturday, two inmates prised a fence apart and fled from the medium security section. John Voisin, 20, and Valance Clark, 19, were captured early Sunday, apparently heading home to Fairbanks, when they were caught at Sheep Creek less than four hours after they cut their way through the fence at the Palmer Corrections Center here.

Voisin was serving two years
See Escapes, page A-4

BRIM FROST

along with thousands of other Army, Air Force and National Guard troops, are undergoing cold weather training in Brim Frost '83.

Norris Klesman of The Times

to limit spending

treasury. The 'no tomorrow' philosophy has prevailed for too long in Alaska," he said.

"I'm moving as fast as I can to cut back on the growth of the state

manent fund dividend budget." Of that total, \$140 million would be revenue sharing money for local governments.

This budget would be fueled by

Opec has
investors
in jitters

Delay ordered in settlement of prisoner suit

By TOM KIZZIA
Daily News reporter

The conclusion of a settlement between the state and prisoners has been delayed for a month to allow the Sheffield administration a chance to review the agreement.

The delay was ordered Thursday by Superior Court Judge Douglas Serdahely at the request of Assistant Attorney General Mike Stark. Timothy Stearns, attorney for the prisoners, said he was "real upset" by the postponement, because it meant a delay in prison reforms, including changes to existing

disciplinary procedures that Stearns called unconstitutional.

Comments on the proposed settlement from the prisoners who are party to the class-action suit against the state prison system have been positive, Stearns said, except for prisoners at the Third Avenue Jail. Prisoners there were nearly 4-to-1 against approval of the settlement. They complained that the language was too vague and gave the state Division of Corrections too much latitude to skirt the agreement, according to Stearns.

The state already has backed out of a wider agreement, leaving major cost items in the

suit to be decided by the new administration.

Under Thursday's decision, the state will have until Jan. 7 to review the proposed partial settlement. Serdahely may sign the agreement at a Jan. 14 hearing.

A separate portion of the suit, involving state prisoners held in federal institutions in the Lower 48, may be resolved when the judge hears comments from the prisoners on Jan. 13. Early comments from the prisoners in federal jails mostly opposed the proposed agreement, complaining that it pinned too much on hopes that the state legislature would be willing to pay for new prisons.

City ombudsman says recall petition legal

By **KARIN DAVIES**
Daily News reporter

A recall petition against Anchorage Assemblyman Gerry O'Connor should have gone to a vote of Eagle River residents, the municipal ombudsman said Friday.

The petition was recently invalidated by municipal clerk Ruby Smith, who said the document cited insufficient grounds for recalling the Eagle River representative.

Ombudsman Wayne Mabry said state law does not allow the municipal clerk to reject a recall petition for such reasons. He added, however, the only way for petitioner Tom Staudenmaier to reverse the clerk's decision is to challenge it in court.

See Page B-2, RECALL

Recall

Continued from Page B-1

In response to a complaint filed by Staudenmaier, Mabry urged the Alaska Legislature to revise state law to clarify the rules on recall petitions.

O'Connor said he is prepared to stand for a recall ballot. "I'm ready to have at it," He said he plans to run for re-election this fall.

Staudenmaier, chairman of the Alaska Conservative Political Action Committee, gathered 509 signatures on a petition that claimed O'Connor's support of a 34 percent increase in the municipal tax rate qualifies as proof of incompetence and failure to perform in office. Both are grounds for recall under state law.

Smith rejected the petition, saying the way an assembly member votes on a municipal budget "does not constitute incompetence or failure to perform prescribed duties."

Although he said the petition should have gone to a vote of Eagle River residents, Mabry said "the recall effort was premature if based on a municipal tax increase" because the budget does not automatically raise taxes. Mill rates are set by the assembly in the spring.

Staudenmaier could not be reached Friday for comment.

Doing time in comfort

Arch News 2/13

THE NEW LAW in California calling for mandatory 48-hour jail sentences for drunk drivers has led to an overflow of prisoners. Alaska has a similar problem with its 72-hour sentence requirement.

Los Angeles is handling some of its prisoners in a unique way by allowing them to serve their time in community jails in nearby Redondo Beach and Torrance, where conditions are considered much better than in the county jail.

THERE'S A HITCH. The inmates must pay for the privilege — \$75 a night — so the towns' taxpayers won't be burdened financially. Those who have served their 48 hours in the community jails say it's worth the money. Redondo is booked on weekends through May.

In the county jail prisoners have to share cells with four or five other people and associate with hard-core criminals. In the town jails they have private cells and are kept away from other inmates.

California also plans to erect some tent cities this spring to accommodate these

drunk drivers, presumably the ones who either will not or cannot pay the tab for better conditions.

ALASKA corrections officials could get some ideas from California's approach to the overcrowded jails. Drunk drivers generally are not a menace to society except when they are behind the steering wheel. Doing their three days in a super-secure, \$100,000 cell is just not necessary. A tent city ringed by a chain-link fence with some barbed wire on top could well be the answer here, for part of the year at least.

The state could buy or lease an old hotel and make it reasonably secure. First-conviction drunk drivers could be given the option of serving their time there if they were willing to pay a per-night charge for it. The charge would help defray the cost of upkeep.

The expensive cells should be saved for the prisoners who must be kept away from society. Elite jails could serve only a small segment of the prison population, but enough to relieve the terrible overcrowding that now exists.

Professor has 2 roles in jail study

5-21-83

By BETSY BRENNEMAN
Daily News reporter

JUNEAU — A University of Alaska professor trying to persuade the legislature that the town of Anderson is the best site for a new maximum-security prison also is being paid by the legislature to study the state prison system.

Dr. Gary Copus, assistant professor of criminal justice at the University of Alaska-Fairbanks, was awarded a \$22,000 contract by Sen. Don Bennett, R-Fairbanks, to study the state prison system. The contract was awarded without competitive bidding.

The contract runs from March 1 until the end of the year, and Copus will be paid a \$15,000 fee and \$7,000 for expenses by the Senate Advisory Council, which does research for the Senate leadership.

Earlier this year, Copus was paid \$75 an hour by the city of Anderson to study the potential of Anderson as a maximum-security prison site. He presented the study while actively pressing the case for Anderson during recent legislative hearings.

Anderson City Manager Vern McCorkle also said the city has paid for some of

See Back Page, PROFESSOR

Professor has 2 roles in study

Continued from Page A-1

Copus' expenses to help argue its case while Copus is in Juneau.

McCorkle maintains Copus is not a paid lobbyist, but merely is available to provide backup on the technical aspects of Anderson's qualifications as a prison site. Copus keeps both projects separated and hasn't talked to McCorkle about his legislative contract, McCorkle said. "He's got pretty high ideals and standards."

Anderson is about 80 miles southwest of Fairbanks.

Bennett said Copus had been hired to gather information about the workings of the state correctional system, because "we're not happy with the prison system, the way it is now."

The Fairbanks lawmaker cited overcrowding, misclassification of prisoners and the pending Cleary case settlement — a class action suit brought by inmates against the state — as problems the legislature needs to know more about.

Bennett added there is no need to solicit proposals for contracts less than \$25,000 and said very few people in

the state have expertise in the field of corrections.

He said he saw no problem with Copus being paid to lobby by the legislature at the same time the legislature has him under contract. The legislative study is about conditions in the prisons and has nothing to do with facility sites, Bennett said.

However, state corrections director Roger Endell is concerned about Copus' dual role. The Division of Corrections is willing to cooperate with the legislature on its research project, Endell said, but he's worried about perceptions that the division might be involved in questionable interaction with Copus.

"If there is a question, it needs to be clarified right now, because I don't want any part of it," Endell said.

Copus could not be reached for comment Friday.

At least seven communities are being considered as possible sites for a new 400-bed, \$45 million state facility for prisoners sentenced to serve an average of five years or longer.

A number of bills have been introduced favoring one site over another.

City council, residents want proposed prison to be built in Seward

By **RONNIE CHAPPELL**
Daily News correspondent

SEWARD — The Seward City Council unanimously has agreed to ask the Division of Corrections to locate the state's first maximum-security prison in this Resurrection Bay community.

Almost 100 people turned out for a special meeting Monday at which the vote was taken, said City Manager Ron Garzini.

"People were overwhelmingly positive," Garzini said. "Only two people expressed reservations about the prison, and no one said they were opposed to it."

Garzini said letters advising Gov. Bill Sheffield, Corrections Chief Roger Endell and legislators of the council vote, were mailed Tuesday.

Wally Roman, who represented the Division of Corrections at the council meeting, was surprised by the public response, Garzini said.

Garzini, too, was surprised by the degree of support. "I had expected some negative comment," he said.

Seward wants the state to build the proposed \$40 million prison on city-owned land next to the Fourth of July Creek Marine Industrial Park. Electric transmission lines run to the site, which also has road access.

"We've offered to provide them that ground for as long as the state continues to operate a prison there," Garzini said.

Seward has even offered to supervise construction of the prison for the state. Under the plan, the state would still underwrite the cost of the facility, but the city would assume responsibility for getting the job done.

"To my knowledge, we're the first community in the state to go through this exercise," Garzini said. "We're optimistic. We're the best possible site for a maximum-security prison."

"It's my understanding that the Sutton site is mostly muskeg," he said.

A number of Alaska communities are competing for the proposed prison. Although opinion in Sutton is divided, other Matanuska-Susitna Valley communities would like to see the prison built there. Cordova, Haines and Kenai have also expressed interest in having the facility.

Palmer-area prison OK'd

Associated Press

5-11-83
TIMES
Juneau — A bill requiring that Alaska's proposed \$45 million maximum-security prison be situated in the Palmer-Sutton area cleared the Senate Finance Committee today.

The committee, acting at the request of lawmakers from the Delta area, amended the measure to provide that if Alaska built a second maximum-security jail, it would be located in Anderson.

The bill is sponsored by Senate President, Jay Kerttula, D-Palmer.

Approval came amid an active lobbying campaign on the part of several Alaska communities to win the prison facility with its promise of scores of jobs.

See Panel, page A-5

Panel approves site

Continued from page A-1

Sen. Joe Josephson, D-Anchorage, defended the measure as justified by two studies that he said found the Palmer-Sutton area to be a good location.

He also criticized recent comments by Corrections Director Roger Endell that the legislature should stay out of the question of siting for the prison. Endell argued that it should not be a political decision, and said if it were to be located in the Mat-Su Valley, a better location would be at an abandoned missile site at Goose Bay.

Josephson said the decision is

a political one by the Sheffield administration as much as it is by the legislature.

Democratic Sen. Pappy Moss and Republican Rep. Dick Shultz, both of Delta Junction, persuaded addition of the Anderson amendment, although it was pointed out that it wouldn't necessarily bind future legislators.

The Sheffield administration has proposed a fiscal 1984 appropriation of \$3.6 million for the prison, which wouldn't be completed for several years. Alaska does not have a maximum-security prison and sends its convicted felons to federal penitentiaries.

MESSAGE #5769 JUDY/MATSU 4/5/83

TO: ALL LEGISLATORS

FROM: JOHN BOZINOFF
P.O. BOX 414
WASILLA. 99687 PH. 376-5746

RE: LOCATION OF PENAL INSTITUTION

PUTTING A PRISON IN OR NEAR A RESIDENTIAL AREA SUCH AS SUTTON, PALMER, OR WASILLA IS TO CONDEMN THOSE RESIDENTS TO THE VIOLENCE THAT THE PRISONERS WERE CONVICTED OF. THE STATE'S ABILITY TO PROTECT ITS CITIZENS IS INDEED DISMAL.

*Judiciary
Referral*



SEWARD CHAMBER OF COMMERCE
P.O. BOX 756
SEWARD, ALASKA 99664
(907) 224-3046 or 224-3047

May 16, 1983

Charlie Bussel Representative
House of Representatives
Pouch V
Juneau, Ak. 99811



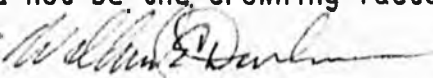
Dear Rep. Bussell

Enclosed for your information is a copy of a news story which ran on the front page of the Anchorage Times Sunday, May 15th. This story is not new! The residents of Sutton have continually voiced opposition to the location of another prison facility in their area. As the news article points out this is not just a few unhappy individuals, it is several hundred. There are only a few who seemingly are for its location there. The Valley newspapers have had a regular showing of letters to the editor from the Sutton people who do not wish any more prison facilities located in their area. The Governor's Office, Division of Corrections officials have stated equivoally that the prison site would not be located in an area where the people did not want its being built.

Seward became interested in this matter when it was withdrawn by the past administration because of Sutton residents complete opposition to the prison. As a matter of fact, until the City of Seward contacted the Division of Corrections and the Governor's Office to say that Seward was very interested in having the facility located here, there was not one community in the State that wanted the new prison built in it. Seward has very carefully over several months, held public meetings and public hearings for our citizens to learn about what a prison being built in the community would bring to it. These hearings have produced only 3 people who spoke against it. The meetings were well attended. Reports were written and filed by Division of Corrections who were in attendance at several of the meetings (2 of which had 100 people or so at them).

Seward has a population of over 2000 and another 2000 in the outlying area adjoining it. With this kind of attitude or enthusiasm on having Seward selected as the location of the maximum security prison, we cannot understand why certain elected officials seem bent on forcing the administration to select Sutton which is adamantly opposed to its location there.

We ask that you seriously think about these points raised and allow the administration of Division of Correction officials to look objectively at the sites nominated for the prison. Politics, we feel should not be the crowning factor on a decision as important as this one is. Thank you.


Willard E. Dunham, Chairman
Seward Citizens Task Force for location of
Spring Creek Facility in Seward

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BOX 1108 PALMER, ALASKA 99645

PHONE (907) 745-2144

JR



March 18, 1983

Rep. Charlie Russell
Pouch V.
Juneau, Alaska 99811

Dear Rep. Bussell,

We would like you to consider putting the maximum security prison in the Palmer-Sutton Area. We know the majority of people in this area are for the facility being located here.

It is by far the most cost effective, as was determined by the Division of Health and Social Services several years ago. We are near the center of the population, major court systems, medical facilities, and transportation costs taking the prisoners to and from the Courts would be a great savings. It would also make it more convenient for the families of the prisoners to visit.

The state already owns the property, so there would be no need for money to be expended for the land. The roads and utilities are already in, and most of the land is already cleared, so the buildings would be able to be built much faster. The cost of building in this area is also far less than in other areas of the State.

It would give this area a stable economy, which we really need at this time.

Please take these thoughts into your consideration when the decision as to location comes before you. Thank you for every consideration.

Sincerely,

Mary E. Combs

Mary E. Combs

Michael F. Combs

Michael F. Combs

Prison plan not popular in Sutton

by Al Campbell
for The Times

Sutton — Almost everybody, it seems, wants to build the state's proposed maximum-security prison on the grounds of the existing minimum-medium-security jail near this Glenn Highway community.

Legislators, local politicians, the business community — all support the Sutton-area location for the proposed \$42 million lockup.

All, that is, except the people here, who remain almost unanimously opposed to 300 murderers, rapists, robbers and assorted other felons being housed.

See Sutton, page A-1

A-4 The Anchorage Times, Sunday, May 15, 1983

Sutton residents fear prison would be dangerous for town

Continued from page A-1

in their midst.

They feel that way despite overtures from two state administrations and assurances from prison officials and law enforcement officers that having 300 bad guys locked up nearby leads to a safer environment than having them running around loose.

With only a handful of exceptions, the 400-500 people who live in the unincorporated community remain unconvinced.

Linda Olson, president of the Alpine Community Council, acknowledges that she does not speak for the town, but says she has no doubt whatsoever of the local consensus: "There are no benefits to us, and there could be a lot of problems."

The community council, the closest thing to organized government here, has recently re-emphasized its opposition to the construction plans with a 6-1 vote by directors to "back the community" in opposing the maximum-security addition to the ex-

isting site.

"This is not just a few people, this is everybody against the idea," says Olson.

Generally, residents here oppose the high security prison because they fear escapes, and they feel escapees would somehow victimize local residents, perhaps by stealing their cars, their weapons or other property.

Some also fear physical harm from any individual or group that managed to break out. An incident years ago that saw a young woman molested by a walkaway from the minimum-security section has contributed to that fear.

But the opposition here goes even deeper than that. "We don't want the stigma," says Grant Olson, husband of the community council president.

At a public hearing here several months ago, protestors complained they did not want to be known as "the Leavenworth of Alaska," a reference to the notorious federal penitentiary that put that Kansas community on the map.

The same concern among the

Eagle River business community prompted successful lobbying by Eagle River people to change the name of the facility there from the Eagle River State Jail to Hilland Mountain Correctional Center.

Residents here, too, object not only to the proposed in-prison population, but also to the friends and relatives of inmates who may frequent the area — and even to the corrections staff who may choose to live in the vicinity.

"Who wants a bunch of their (prisoners') buddies cruising around, waiting for visiting hours or bringing in booze and dope?" asked one resident who asked not to be named. "These are not the best people in the world, after all," she said.

The staff would have a considerable impact on the area, says Linda Olson. "This is a small, rural community with our own way of life . . . even a few more people here would alter that way of life considerably."

She and other protestors say for all the assurances from the state and Matanuska-Susitna

Borough governments, no official has pledged any assistance in planning, schools or general economic impact aid to help cope with what could be a doubling of the local population.

"But basically," Olson says, "we just don't see anything to benefit us. It sounds selfish but I am sure most other people in other areas would feel the same way."

Sutton-area people are aware that the \$42 million construction job would undoubtedly go to a major contractor, with union labor. There are few union tradespeople now living in Sutton.

They have been told by state officials that as corrections and support staff expanded, they may be employed at the new site. But they have also been told that local hire preference is illegal.

Meanwhile the Greater Palmer Chamber of Commerce, the borough government and the area's legislative delegation continue to press for the Sutton area as the site for the expanded prison system.

The chamber has pledged to raise up to \$10,000, from private and local government sources, and has a full-time lobbyist currently working in Juneau for the Sutton site.

"We are confident we will get it," says Mike Combs, head of the chamber's prison subcommittee.

The borough government has paid \$3,000 for a cost-benefit study, and concluded that the Valley site would be practical, convenient and otherwise suitable for locating the new facility.

Assemblyman John Musgrove, who represents the Sutton area, says he is aware and "sympathetic" with his constituents here who oppose the prison.

But Musgrove says the benefits, particularly the estimated millions of dollars annually in labor and material purchases, outweigh the possible drawbacks.

"We have become convinced the prison would be as safe as possible," Musgrove says. "And we absolutely need the economic benefits that would come."

Linda Olson says given that kind of argument, people here are more or less resigned to the ultimate selection of Sutton as the site.

"Most of us went to every public hearing we could, and fought against it," she said. "But now, while we will continue to be against it, we are beginning to feel it is inevitable."

She said a recent telephone survey of about 100 local people turned up not one respondent in favor of the prison here.

"We have even asked people who might favor it to come forward and explain it to us, maybe they have some knowledge we can use," she says. "But all we hear from are the business people and the politicians. It looks like that is going to be enough to put it here."

Olson and others say they will ask that the expanded jail, if built, be identified with Palmer, not Sutton.

"Calling it the Palmer Correctional Center is just fine with us," she says. "We don't need the publicity."

State defends its plan to add new jails

By TOM KIZZIA
Daily News reporter

4/2/83

Saying prisoners' demands for fast relief from jail crowding reflect "a high degree of political naivete," the state this week defended its plan to add new jails over the next few years.

Prisoners' attorney Timothy Stearns had called the court-ordered plan submitted by the state inadequate, but Assistant Attorney General Michael Stark said that detailed planning was impossible until the state Division of Corrections knew how much money it was going to get this year from the legislature.

"To expect defendants to



propose a plan now which will deal with all eventualities in light of the present uncertainties as to funding and pending legislation is totally unrealistic," Stark said.

The prisoners "ignore the political realities of declining revenues in the state and the fact that there are at least 15 other executive agencies, many of which provide direct services to the people of Alas-

ka, vying for pieces of an increasingly smaller fiscal pie," Stark wrote in a court brief.

Stark said the state agreed with population goals proffered by the prisoners and was not trying to avoid problems of prison overcrowding. He said the Sheffield administration had approved an operating budget for corrections next year of \$57 million — up from \$41 million this year, though less than the \$63.5 million requested by the division.

Stark said the legislature also is considering emergency overcrowding legislation and capital funding for new prisons. He said the legislature's

delay in creating a new Department of Corrections had been an obstacle to the state's attempt to provide "improved management structure," he said.

The state proposed to provide a more detailed plan to Superior Court Judge Douglas Serdahely two weeks after the end of the legislature. However, Serdahely earlier set a trial date of June 9 for unresolved issues in the class-action suit against the state prison system.

Stearns said Friday he was "more disappointed than ever" in the state's response and would request a prompt hearing from Serdahely on the overcrowding plan.