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COMMITTEE REPORT

SENATE

FURTHER: _____

Date: _____

Mr. President:

The Committee on _____ has had _____

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

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

April 4, 1983

The Honorable Thomas E. Schulz
Presiding Judge
First Judicial District
415 Main Street, Room 402
Ketchikan, Alaska 99901

Re: CSHB 103

Dear Judge Schulz:

On behalf of Senator Ziegler and the other members of the Senate Judiciary Committee I would like to extend an invitation for you to participate in a teleconference hearing on the captioned bill on the afternoon of Friday, April 8, 1983.

CSHB 103 is entitled as follows:

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

If you wish to participate, please contact your local Legislative Information office, at 225-90675, or the undersigned, at 465-4451, for additional details, including copies of the bill and other pertinent information.

Very truly yours,

John C. Gabrielli
Counsel

JCG:jj
cc: Senator Ziegler

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: Senate CS CSHB103
 Title: Act establishing Dept. of Corr.
 Sponsor: Senate Judiciary
 Requestor: Senate Finance

II. FISCAL DETAIL

Agency Affected: Health & Social Services
 Program Category Affected: Justice
 BRU, Program of Subprogram(s) Affected: Administration & Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING		*	*	*	*	*
100 PERSONAL SERVICES	88.3					
200 TRAVEL	42.0					
300 CONTRACTUAL	63.3					
400 COMMODITIES	4.0					
500 EQUIPMENT	8.0					
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	205.6	-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	205.6	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME	10	10	10	10	10	10
PART-TIME						
TEMPORARY						

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

Funding for FY 84 has been included in the Governor's budget request in the amount of \$951,600. Funding for FY 83 has been identified in Senate Bill No. 158 as a delete/add supplemental.

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 29, 1983

Approved by Commissioner: Robert Gordon Smith M.D. *Robert Gordon Smith M.D.* Date: 5/4/83
 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)

3/8/83

IV. ANALYSIS

A. Assumptions

Passage of this bill will create a new Department of Corrections. The funding identified for FY 83 will provide for two months of personal services for 10 new positions and increases for 6 existing positions which are being re-classified.

The fiscal impact will carry forward into subsequent fiscal years. However, the Governor's budget included funding for FY 84.

B. Program Summary

1. Positions

Ten new positions are required to implement C.S. for House Bill No. 103 (Judiciary), as follows:

- a. Special Assistant II
- b. Regional Director - Rural
- c. Executive Secretary II
- d. Programmer/Analyst V
- e. Personnel Officer III
- f. Administrative Officer I
- g. Secretary II
- h. Information Officer II
- i. Secretary I
- j. Clerk Typist III

2. Other Expenditures

- a. Travel - Administrative and field travel for Commissioner, Assistant Commissioners, Regional Directors, and Special Assistants.
- b. Contractual Services - These funds are for space lease costs, telephone charges, office equipment rentals (postage meters, word processing), janitorial services, etc.
- c. Commodities - Office supplies, departmental forms, etc.

C. Impact

This bill will have no impact on the State's economy or local government units.



Superior Court

State of Alaska

FIRST JUDICIAL DISTRICT
415 MAIN STREET, ROOM 402
KETCHIKAN, ALASKA 99901

Chambers of
THOMAS E. SCHULZ, Judge

April 21, 1983
(dictated April 14)

The Hon. Robert H. Ziegler, Sr.
Alaska State Senator
Pouch V
Juneau, Alaska 99811

Re: Committee substitute for H.B.103

Dear Senator Ziegler:

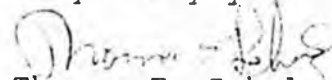
I have your letter of April 4. Unfortunately, it did not arrive in time for me to plan on being at the teleconference at CS HB 103. I do favor the establishment of a department of corrections primarily because I believe that corrections has been short changed as one of the subdivisions in the Department of Health and Social Services and I believe that corrections needs departmental status in order to get a reasonably appropriate share of the budget.

I do strongly oppose placing juvenile delinquents in the new Department of Corrections. I already have an excellent indication of where juveniles will fit in in that new department's overall scheme of things. I was told yesterday (April 15) that approximately the middle of May I will no longer have any place to detain juvenile delinquents. Apparently the bed crunch in the state jail is making it impossible for juveniles to be transferred to the new facility in Ketchikan. There is no funding to staff the old detention home after the new jail opens, so apparently we will have to detain the kids on the street. I understand the population crunch in the state jails, (which is no doubt caused by Alaska's weak knee judges not putting anybody in jail) but I am not very sympathetic to the way the current administration in corrections is "solving" the problem. It may cost a little more money, but I am sure that our programs for both delinquent youth and children in need of aid will be better off if the delinquent youth are kept in the

The Hon. Robert H. Ziegler, Sr.
April 21, 1983
Page 2.

Division of Social Services and kept out of the Division of Corrections. The letter from Alaska Children's Services, Inc. summarizes my position on most points very well.

Very truly yours


Thomas E. Schulz
Superior Court Judge

TES:ju



Alaska Foster Parents Association

P. O. BOX 8651 • ANCHORAGE, ALASKA 99508



April 13, 1983

Mr. Bill Ruy, Senator
Pouch V
Juneau, AK 99811

Dear Senator Ray:

Alaska Foster Parent Association urges you to not pass HR 103 as written. We are opposed to the inclusion of juvenile corrections with adults under the New Department of Corrections for the following reasons:

- 1) With the many urgent tasks confronting a new Department of Corrections juveniles would be the last considered and be overlooked.
- 2) The philosophical treatment of juvenile offenders is and needs to continue to be different. Juvenile corrections is still home, family, and community oriented treatment and rehabilitative program rather than punitive.
- 3) Crimes of juvenile offenders are different from adult--
 - a) mostly property crime status offenses,
 - b) less successful and less financial involvement,
 - c) mostly non-violent, without weapons.
- 4) Juvenile offenders have a greater link with the Department of Health and Social Services than with adult corrections. They are often victims of child abuse, neglect and family breakdown. The biggest difference between juvenile delinquents and child in need of aid in foster homes is the delinquents have been caught! There must be strong coordination between those responsible to child in need of aid care and juvenile corrections as many move from one system to the other. When the new Department of Corrections is being set up we fear we will lose the treatment, the prevention like that now exist under the Department of Health and Social Services. There must be close coordination between juveniles in foster home placements and youth correctional facilities.
- 5) In many cases a juvenile under corrections is able to go into a foster home while still on probation. This not only saves the state a significant amount of money (over \$1.0 per day per child) but is a more successful treatment mode. Division of Family and Youth Services has recently developed a specialized foster care program to provide more services and support to foster homes to enable more juveniles to be kept in foster homes rather than youth correctional facilities. Also, in rural Alaska you would have to duplicate services now carried under the Division of Family and Youth Services: i.e. new foster homes and therefore be more costly.

April 13, 1983

Page 2

In closing we urge you to not include juvenile corrections under the new Department of Corrections but keep them under Department of Health and Social Services. One suggestion to counter the argument that juvenile offenders are just like adults is to strengthen the waiver laws to allow more serious juvenile offenders to be tried as adults.

If you need more information please do not hesitate to call or write the Alaska Foster Parent Association.

Sincerely,

Louiese Rodoni

Louiese Rodoni, President
Alaska Foster Parent Association
333-2323

**Adult Corrections in Alaska
Current Issues in Administration
and Management**

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**House Research Agency
Alaska State Legislature
January 1983**

House Research Agency Report 82-E

ADULT CORRECTIONS IN ALASKA:
CURRENT ISSUES IN ADMINISTRATION AND MANAGEMENT

Betty Barton
Jon Sherwood
House Research Agency
Alaska State Legislature
February 1983

House Research Agency Report 82-E

PREFACE

Following adjournment of the Twelfth Alaska Legislature, the House Research Agency was asked to undertake a special project concerning the State Division of Adult Corrections. Specifically, the Agency was asked to review the current issues confronting correctional services in Alaska and to explore whether an alternative management structure could help to alleviate problems that have arisen in the field of criminal justice. This report examines these and other issues relating to adult corrections in Alaska.

Authorized by the Agency's bipartisan governing committee, this report has been prepared for the entire membership of the Alaska House of Representatives. It was written in recognition that corrections is a topic of significant concern for many Alaskans and one which often elicits divergent opinions regarding its needs and solutions. The purpose of this report, then, is to provide a general framework for analyzing adult corrections issues in Alaska. It is not the intent of this report to advance a particular correctional philosophy, but rather to transmit information which can assist legislators in their development of appropriate State policies.

Since this project was initially presented to us, a number of changes have been proposed for the Division of Adult Corrections. Perhaps of greatest significance, Governor Sheffield has promulgated Executive Order No. 54 to establish a Department of Corrections. In the preparation of our report, we have attempted to keep abreast of this and other proposed modifications.

This report reflects only a portion of the House Research Agency's research concerning adult corrections and criminal justice. Members of the Alaska House of Representatives are welcome to contact the House Research Agency with additional research requests pertaining to this subject.

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SUMMARY OF FINDINGS

Corrections Trends

Prisoner Profile. Approximately one out of every 600 U.S. citizens is currently incarcerated. In Alaska, the incarceration rate is significantly higher; approximately one out of every 400 of the state's residents is imprisoned. Alaska's prison population has increased by 49 percent in the past four years. In September 1982, the total institutional population, including both sentenced and unsentenced felons and misdemeanants, was 1,269; by January 1987, the population is expected to exceed 2,000. This would require the State to double its existing correctional center capacity of 979 beds.

According to a 1982 report by the Division of Adult Corrections, about two-thirds of the inmates within State correctional facilities are 30 years old or younger. The majority of the in-state inmates were incarcerated for offenses against the person, including murder, sexual assault, robbery, and assault. Over 60 percent of the in-state prisoners had no prior institutional experience and 86 percent were held on felony charges.

A 1980 study of felony sentencing by the Alaska Judicial Council found that 57 percent of all urban felons and 63 percent of all rural felons had used alcohol at the time of their offense. The percentage was highest for individuals convicted of murder or kidnapping. Four times as many urban felons had histories of alcohol addiction as had histories of drug addiction. A rural felon was almost twenty times more likely to have a history of alcohol addiction as drug addiction.

State Responsibility for Corrections. The State of Alaska administers all correctional activities, either directly or through contract providers, including all services for pretrial detainees, misdemeanants, probationers, and parolees. Most other states are only responsible for the supervision of sentenced offenders; the responsibility for pretrial prisoners and short-term sentenced offenders rests with local governments.

The Division of Adult Corrections operates pretrial, short-term, and long-term facilities throughout the state. The State also contracts with sixteen local governments for the operation of local jails. However, these contracts are administered by the Department of Public Safety. The Division of Adult Corrections is also responsible for the supervision of parolees and probationers, the operation of several community corrections programs, and the welfare of almost two hundred Alaska felons who have been sent to institutions operated by the Federal Bureau of Prisons.

Mentally ill offenders are not in the custody of the Division of Adult Corrections. They are the responsibility of the Division of Mental Health. The Division of Family and Youth Services is responsible for juvenile corrections.

In Alaska, \$133,464,300 was authorized in FY 83 for operational expenditures in the administration of justice. This includes justice-related expenditures within the Departments of Public Safety, Law, Health and Social Services, and the Alaska Court System. Of this amount, approximately 30 percent is for adult correctional services.

Prisoner Litigation. As of 1981, 29 states have had court orders pertaining to prison overcrowding and inadequate living conditions for prisoners. In Alaska, issues relating to the quality of care and the general standard of living available for prisoners have resulted in several court suits.

Perhaps of greatest significance to Alaska's correctional policies is Cleary v. Beirne, a class action suit filed in 1981. Plaintiffs have charged that Alaskan prisoners residing within State facilities as well as those State inmates housed in federal prisons outside Alaska have been deprived of a number of constitutional and statutory rights. State representatives and the plaintiffs' attorneys have negotiated and signed a partial settlement. The second part of Cleary, which pertains to major issues such as prisoner education and medical treatment, has not been resolved, and is set for trial in the Third Judicial District of the Superior Court for the State of Alaska in June 1983.

In recent years, courts have consistently held that access to adequate programs is the right of all prisoners. Although the partial settlement agreement of the Cleary case settled some program issues, it is likely that the trial portion of the Cleary suit will further address program issues.

The problem of overcrowding is central to prisoner litigation. Research indicates that there is a relationship between prison overcrowding and increased death rates, increased suicide rates, increased inmate assaults and inmate killings, increases in self-mutilations, increases in stress-related illnesses and psychiatric commitments in correctional institutions.

Corrections Management

The growth in the correctional population over the last few years has placed an increasing burden on the management of the Division of Adult Corrections. Corrections management does not appear to have kept pace with the growth in the correctional system in Alaska, and the Division of Adult Corrections is considered to be in serious need of management attention.

In the area of prison management, classification of prisoners and facilities is considered a very important concern by many individuals. Both Charles Campbell and Robert Hatrak, former directors of the Division of Adult Corrections, stressed the importance of a good classification system for effective prison management. Unfortunately, during the last several years, overcrowding has resulted in inmates being assigned to institutions based on the availability of space rather than on the basis of a consistent classification policy.

As some institutions have exceeded their rated capacity, space for isolation and security holding has been reduced. Some of these cells are currently housing prisoners for whom no other cells are available. In addition, space for activities such as contact visitation, attorney conferences, and recreation may no longer be adequate for the number of prisoners now in an institution.

In the area of administrative management, the Division's ability to provide support for its general operation was a frequent concern. It was reported that the Division lacks adequate central office staffing levels. Several problems regarding the Division's personnel structure were identified. There have been frequent reclassifications of administrative positions, and administrative personnel have been transferred from post to post frequently.

Two problems in the area of staff development facing the Division are insufficient staff training and inadequate opportunities for career advancement.

Most of the individuals contacted for this study agreed that there is a need for the Division to coordinate its activities with other agencies within the Alaska criminal justice system. Some believed that a formal structure was needed both to promote better coordination between the various agencies within the Alaska criminal justice system and to initiate research of a broader interagency scope.

Several sources identified a need for the Division to improve its communication with the public and with other organizations, including the Legislature. Two suggestions for improving communication were appointing a public information officer and establishing advisory boards for corrections, either at the local or regional level.

Legislative Alternatives for Corrections

A number of alternatives are available in Alaska for improving the delivery of correctional services. The following areas would require legislative involvement:

- Increasing correctional bed space;
- Modifying State laws affecting who goes to prison, the length of stay in prison, or the capacity of the correctional system;
- Strengthening correctional management through reorganization;
- Improving communications and decision making in criminal justice agencies.

Increasing Corrections Capacity. Justice professionals in Alaska advocate different strategies for increasing the capacity of the correctional system. The major options are as follows:

- Develop a comprehensive capital expansion program that immediately provides for site acquisition and construction of new facilities and renovation of existing prisons.
- Establish a scaled-down capital improvements program that addresses the State's most critical spatial requirements; develop a long-term capital improvements plan following the completion of a comprehensive reassessment of the system's current capacity, a revision of prisoner classification methods, and an analysis of future population growth trends.
- Implement no plans for major capital improvements until a comprehensive analysis of the system's current capacity, prisoner classification methods, and prisoner population growth trends is completed.

Cost is one of the key issues in evaluating these three options. There is also some concern among criminal justice professionals that the construction of additional facilities may increase prison populations, and hence, raise expenditures. Some states have found that the construction of additional prison facilities has not eased problems of overcrowding.

The former Division of Policy Development and Planning under the Hammond administration recommended against long-term commitments for additional prison expansion until the following tasks are completed: refinement of interagency problem solving; consideration of alternatives to institutionalization; evaluation of other states' responses to their prison overcrowding problems; research into the cause of prison population growth; and reevaluation of prison capacity.

Some correctional authorities disagree that the resolution of these issues must be a prerequisite to capital planning. The State is currently diverting a significant number of offenders from correctional institutions, and substantial reductions in incarceration levels may

not be possible without jeopardizing public safety. Governor Sheffield's Task Force on Corrections concluded that additions to facilities, building renovations and new site acquisitions should be "completed expeditiously as the highest priority through channels of state government while minimizing both hindrances and costs."

Under the terms of the recent settlement of the out-of-state prisoner portion of the Cleary case, the State is committed to building a 300-bed maximum security facility.

Revising State Laws. Many states are attempting to rectify problems of prison overcrowding by modifying state laws affecting:

- the number of people who enter prisons;
- the length of time that people spend in prisons; and
- the capacity of the prison system.

A state legislature can take several steps to control the number of people who enter the prison system, including enacting laws that decriminalize or reclassify designated offenses, broadening the type of sanctions that may be rendered, and enacting a comprehensive community corrections act.

There are several alternatives available for legislative consideration which affect the length of incarceration, including: modifications of sentencing policies; expanded use of "good time" credits and work credits; and revision of parole policies.

A number of alternatives besides the construction or renovation of facilities have been established in other states as a means of altering the capacity of a prison system. Some states have established standards and capacity limits for facilities and have adopted emergency overcrowding measures. Others have increased the options that are available to correctional agencies in their placement of offenders.

Departmental Status for Corrections. Governor Sheffield recently issued Executive Order 54, which, if approved by the Legislature, would create a Department of Corrections. If the Legislature rejects Executive Order 54, the State still has a number of options for improving the organization and placement of correctional services. These include:

- Moving the Division into a different department. The Departments of Law, Public Safety, and Community and Regional Affairs have each been mentioned as potential recipients of the Division.
- Relocating the Division to the Governor's Office.

- Keeping the Division in the Department of Health and Social Services. A deputy commissioner position could be established with primary responsibilities for policy development and program oversight of corrections-related activities.
- Establishing a Board of Corrections.

Criminal Justice Decision Making. In some respects, the difficulties that the Division of Adult Corrections has experienced in recent years have been inherited from other aspects of decision making within Alaska's criminal justice system. It has been suggested by some that the State establish a process for interagency communication and policy development, including a cabinet level criminal justice planning committee for the purpose of resolving current policy issues and for long-range planning and policy development.

ADULT CORRECTIONAL SERVICES: AN OVERVIEW OF THE PROBLEM

Adult correctional services is only one component of the criminal justice system. Nonetheless, it is corrections--its prisons, programs, and its methods of probation and parole--that frequently draws more public scrutiny and concern than any other aspect of criminal justice. In part, this public interest is caused by the tremendous size of corrections; it is second only to police services in both scale and cost. In terms of program complexity, it is doubtless foreranking. Adult corrections is charged with the custody, supervision, and management of the nation's criminal offenders. In other words, adult corrections has responsibility for a range of services from custodial care of the pretrial detainee to the provision of vocational services to the paroled offender. Consequently, although it is the final link in the criminal justice process, the scope of corrections is enormous and is continuing to grow as the number of people who pass through the system increases.

CRIME TRENDS AFFECTING ADULT CORRECTIONS

To a degree, the growth in correctional programs has occurred in response to increasing crime rates. Between 1960 and 1972, the nation's crime rate increased 151 percent; between 1972 and 1981, the rate rose an additional 46.4 percent. Approximately 13.3 million criminal offenses occurred in 1981, which is roughly the same number of crimes that occurred in 1980.¹

Alaska's crime rate in 1980 was less than one percent lower than that of the United States. In that year, Alaska ranked fourteenth among the 50 states in total index crime; the state's rate for violent crime was 24 percent lower than the national index, and the rate for property crimes was 3 percent greater.² According to the Alaska Department of Law, the number of violent crimes reported--including murder, rape, robbery, and aggravated assault--increased 27 percent between 1980 and 1981. In Anchorage, for example, the number of sexual assaults increased by 48 percent; robberies increased 28 percent; and murders by 20 percent.

These figures may reflect only a portion of the number of crimes actually committed. The U.S. Bureau of Crime Statistics, which provides national estimates relating to the incidence of victimization, estimated that

¹ U.S. Department of Justice, Federal Bureau of Investigation, Uniform Crime Report 1974 and 1981.

² Office of Justice Assistance, Department of Law, Crime in Alaska, 1981, p. 6. The crime rate index provides a means for comparing existing and historical data regarding the incidence of crime to the total population. The rate is defined as the number of incidents per 100,000 inhabitants.

OVERVIEW OF THE PROBLEM

roughly one-third of the Part I offenses³ committed in the U.S. in 1978 were reported to the police. There is some indication that the percentage of violent crimes that are reported in Alaska may be somewhat lower.⁴

Reasons for the increase in crime are varied. One known factor is the current large national population of young adult males between the ages of 18 and 30. Research has found that a significantly high level of criminal activity occurs among this age group. Data compiled in 1978 indicated that 79.5 percent of all prisoners in state prisons were under 35 years of age.⁵ A significant portion of Alaska's population falls within this age group. Other social conditions, particularly the high per capita consumption of alcohol, have also been significant contributors to the incidence of crime in Alaska.

Another factor affecting the increase in crime--both nationally and within Alaska--is the poor economic climate in the U.S. In Alaska, which is still commonly perceived as a "land of opportunity," this has resulted in a growing number of transient individuals entering the state and has caused further increases in the state's unemployment rate. A high level of unemployment is commonly associated with increased criminal activity.

Regardless of its cause, the increase in crime appears to have prompted a reassessment of correctional policies and procedures within the nation. In many states, policymakers have responded by establishing harsher criminal justice laws that have provided for mandatory sentences, increased sentences, and reductions in parole. An example of changing philosophies is found in California. In 1976 the California legislature amended its sentencing code. Included within the preface of the new law was the observation that rehabilitation was no longer regarded to be a legitimate purpose of California prisons.⁶ Other states have revised laws and programs in response to new public attitudes toward crime.

To some extent, Alaskans have followed a similar course. In 1974, a policy providing for mandatory minimum sentencing was enacted. In 1975, then-Attorney General Avrum Gross implemented a policy that eliminated plea bargaining from the court process. A primary goal of this

³ Part I offenses--a classification established by the FBI--include murder, rape, robbery, burglary, larceny, and theft. Generally, a Part I offense is a felony.

⁴ Christine Johnson and Jonathan Sherwood, Alaska State Legislature, House Research Agency, "Crime Statistics: Number of Convictions," Research Request No. 81-184, December 10, 1981.

⁵ Kenneth Carlson, American Prisons and Jails: Population Trends and Projections, National Institute of Justice, pp. 21 and 28, (hereafter cited as American Prisons and Jails).

⁶ Ibid.

action was to dispense with the prosecutor's role in sentencing in order to "let the sentence be the product of an independent decision by the trial judge."⁷ Alaska was the first state to have enacted such a policy. In 1978, the Alaska State Legislature enacted a comprehensive revision of the criminal code which included the establishment of presumptive sentencing for all repeat felons and for a limited number of first-time Class A felons. Legislation was also enacted that provided for mandatory incarceration of DWI (driving while intoxicated) offenders. In 1982, the legislature revised State drug laws and further amended Alaska's criminal laws to enact uniform penalty provisions to "effectively combat illicit trafficking in controlled substances."

Although the results of changes in policies such as these are difficult to measure, it is apparent that one product of their implementation is an increased caseload for correctional agencies. This, in turn, results in higher costs of program operation.

THE RISING COSTS OF CORRECTIONAL PROGRAMS

In 1979, public crime control expenditures in the United States were found to be in excess of \$25 billion annually--roughly 55 percent of this was spent on police services, 23 percent for corrections, and 22 percent for courts, prosecution, and defense and other aspects of the justice system. Almost 86 percent of all criminal justice expenditures represent state and local outlays.⁸ It is clear that the administration of justice has become an expensive burden for all levels of government.

In Alaska, \$133,464,300 was authorized for operational expenditures in the administration of justice in FY 83. This includes justice-related expenditures within the Departments of Public Safety, Law, Health and Social Services, and the Alaska Court System. Of this amount, approximately 30 percent is for adult correctional services. Justice-related expenditures within the Department of Public Safety consume the largest portion of the authorization--32 percent. The following chart ranks the departments by size of authorization.

⁷ National Institute of Justice, Alaska Bans Plea Bargaining, July 1980.

⁸ Tim J. Flanagan, ed., Criminal Justice Research Center, Sourcebook of Criminal Justice Statistics--1981, U.S. Department of Justice, Bureau of Justice Statistics, Albany, 1982, p.7.

OVERVIEW OF THE PROBLEM

Table I
Administration of Justice
Operating Budget Summary: FY 83
(in thousands)

<u>Dept. of Public Safety</u>	\$43,412.3	32%
- Ak. State Troopers		
- Jail Contracts		
- Support & Services		

<u>Dept. of Health and Social Services</u>	39,566.4	30%
- Adult Corrections (adult confinement, adult probation and community programs, and corrections administration)		
- Parole Board		

<u>Alaska Court System</u>	34,522.6	26%
- Courts		
- Judicial Qualifications		
- Judicial Council		

<u>Dept. of Law</u>	9,966.1	8%
- Prosecution		
- Criminal Appeals		
- Pretrial Diversion		
- Action & Discretionary Grants		
- Administration & Support		

<u>Dept. of Administration</u>	4,156.6	3%
- Public Defender		

<u>Office of the Governor</u>	1,840.3	1%
- Status of Women Commission		
- Human Rights Commission		

TOTAL	\$133,464.3	100%

SOURCE: Fiscal Year 1983 Operating and Capital Budget
Summary of Appropriations

Within the Department of Health and Social Services, the Administration of Justice budget category includes the following components: adult confinement, adult probation and community programs, corrections administration and support, and parole boards. Excluding \$258,300 authorized for the parole board, this budget category is the operating budget for the Division of Adult Corrections.

Adult confinement includes all of the operational costs of the State's correctional centers, contracts for the care of Alaska prisoners incarcerated both in and outside Alaska, and the correctional industries program. This budget unit represents 83 percent of DHSS' Administration of Justice expenditures for FY 83.

The FY 83 Administration of Justice budget for DHSS reflects a 28 percent increase above the previous year's authorization. An examination of the separate budget request units (BRU's) indicates that 36.7 percent of this increase is due to an increase in the amount appropriated for adult confinement.

Table 2
Department of Health and Social Services
Administration of Justice
Operating Budget Summary: FY 83
(in thousands)

Budget Request Unit	Authorization	Amount of Change: prior year auth.	% of change: prior year
Adult Confinement.	\$33,016.5 (83%)	+\$8,878.6	+ 36.7%
Adult Prob/Comm.Prgm.	4,646.5 (12%)	+ 55.3	+ 1.1%
Corr. Admin.& Support	1,645.1 (4%)	- 300.2	- 15.3%
Parole Board	258.3 (1%)	+ 31.8	+ 14.0%
Total	\$39,566.4 (100%)	+\$8,665.5	+ 28.0%

SOURCE: Fiscal Year 1983 Operating and Capital Budget
Department of Health and Social Services

For the Fiscal Year 1984 operating budget, the Division of Adult Corrections has requested \$47,133,800 compared to its FY 83 authorization of \$39,308,100. This reflects a 19.9 percent increase above the prior year's authorization.

In its review of the Department of Health and Social Services, Governor Sheffield's Transition Task Force on Human Services commented that adequate treatment of "the corrections issue" would require substantial budgetary increases--estimated to be between 35 and 50 percent. State agencies have been asked to make a 5 percent reduction in the FY 84 budget preparation. Consequently, the Task Force argued that budgetary increases within the Division of Adult Corrections might occur "at the expense of other departmental programs."⁹

⁹ State of Alaska, Office of the Governor, Transition Task Forces Report For Governor Sheffield, "A Report on the Department of Health and Social Services," Juneau, 1982, p.4.

OVERVIEW OF THE PROBLEM

Beyond cost considerations, there is some indication that substantive changes in criminal justice policies and procedures have impaired the overall effectiveness of the correctional system. The issues are best illustrated through an examination of prison overcrowding.

PRISON OVERCROWDING

Described in a recent report as the "four horsemen of corrections," the related problems of prison overcrowding, inadequate institutional living conditions, prison violence, and federal court takeover are confronting many correctional institutions throughout the nation.¹⁰ An examination of institutional growth trends in recent years indicates why these problems have occurred.

The 1970s was a decade of unprecedented increases in prison populations. Throughout the century, excluding a segment of time during World War II when the number of prisoners declined, the prison population maintained approximately the same growth rate as the civilian population.¹¹ Between 1965 and 1980, however, adult arrest rates increased by 75 percent, state and federal prison populations increased by roughly 78 percent and community probation and parole caseloads increased by 142 percent. Since 1970, prison populations have nearly doubled. The nation's current prison population, estimated to be about 500,000, is growing at a rate of roughly 170 per day. In other words, approximately one out of every 600 U.S. citizens is currently incarcerated. In Alaska, the incarceration rate is significantly higher; approximately one out of every 400 of the state's residents is imprisoned.

Population Trends in Alaska's Prisons

According to a report prepared by former Attorney General Wilson Condon, Alaska's prison population has increased by 49 percent in the past four years.¹² In Fiscal Year 1982, the State Division of Adult Corrections had an institutional population increase of 22 percent, a probation-

¹⁰ Robert Mathias and Diane Steelman, National Council on Crime and Delinquency, Controlling Prison Populations: An Assessment of Current Mechanisms, Draft, National Council on Crime and Delinquency, May 1982, submitted to the National Institute of Corrections in partial fulfillment of NIC Grant No. CO-9, p. 27, (hereafter cited as Controlling Prison Populations).

¹¹ American Prisons & Jails, Vol. II, p. 13.

¹² Alaska Office of the Attorney General, Memorandum to the File from Wilson L. Condon, Attorney General, "Analysis of Corrections Population Projections," November 23, 1982.

parole increase of 21 percent, and a 75 percent increase in the numbers of persons in community placement.¹³ In September 1982, the total institutional population, including both sentenced and unsentenced felons and misdemeanants, was 1,269; by January 1987, the population is expected to exceed 2,000.¹⁴

These numbers would require the State to double its existing correctional center capacity of 979 beds, or 1,183 beds on an emergency basis. Eighty-three additional beds are available in State halfway houses. The remaining number of prisoners are housed in prisons outside Alaska. According to the Department, as of June 1982, 15.5 percent of the State's prisoners were held in federal prisons outside Alaska; in prior years, this percentage has been as high as 20 percent. As of January 1, 1983, 191 prisoners were housed in federal prisons and 74 prisoners were held in State halfway houses.¹⁵ Table III on the following page indicates the current capacities of Alaska's existing correctional centers.

¹³ Alaska Department of Health and Social Services, Division of Adult Corrections, Memo to Robert S. Hatrak, Director, from Kermit Humphries, Coordinator - Planning and Operations, October 11, 1982.

¹⁴ Alaska Department of Health and Social Services, Division of Adult Corrections, Office of the Director. The Division uses a simple regression line based on actual growth in prison population over the past three years.

¹⁵ In addition, the Department's Division of Mental Health and Developmental Disabilities houses individuals who were found not guilty by reason of insanity at the Alaska Psychiatric Institute in Anchorage.

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Table 3
Alaska State Correctional Centers
Capacity and Populations

State Correctional Centers	Normal Capacity ^a	Emergency Capacity ^a	Prisoner Count 1/82 ^b	Prisoner Count 1/83 ^a
SCC - Anchorage				
• Sixth Avenue	100	100 ^b	100	94
• Third Avenue	65	65 ^b	83	64
SCC - Eagle River				
• Hiland Mountain	160	240	153	212
• -Special Treatment	10	14		
• Meadow Creek	28	28	26	28
SCC - Palmer				
• Minimum Custody	106	120	130	138
• Medium Custody	100	150	95	98
SCC - Fairbanks			164	181
• Temporary Unit	56	56		
• Expanded Unit	110	125		
SCC - Nome	30	31	33	40
SCC - Juneau				
• Lemon Creek	90	105	132	127
• Johnson Human Svcs.	4	4	1	2
SCC - Ketchikan	30	30	28	28
SCC - Ridgeview Careage House	90	115	134	94 13
Total	979	1,183	1,079 ^c	1,119 ^d

^a Department of Health and Social Services, Division of Adult Corrections.

^b Attorney General's Office, Memo to File No. J66-516-82 from Wilson L. Condon regarding Analysis of Corrections Population Projections, November 23, 1982.

^c This figure does not include the 61 prisoners that were confined in State halfway houses during this period or the 188 prisoners held in federal prisons outside of Alaska.

^d This figure does not include the 78 prisoners that were confined in State halfway houses during this period or the 191 prisoners held in federal prisons outside of Alaska.

The State's most immediate spatial needs are for short-term detention, medium, and maximum security facilities.¹⁶ As an immediate solution to its facility requirements, the Department has been using temporary facilities and modular units.

As a long-term solution, the Department has advocated the construction of additional facilities, a reassessment of its method of determining capacity limits of institutions, and a revision of its current method of classification of prisoners. The latter topic will be discussed in a subsequent section of this report.

As the numbers of individuals confined increases, so do the total costs of care. As of FY 81, the average cost of care for a prisoner in Alaska's institutions was approximately \$24,338 per year. Although the methods of computing costs of care vary from state to state, it appears that Alaska's per diem costs historically have been considerably higher than those in other states.

A second problem arising from overcrowding is the potential weakening of prison security. Between October 1980 and July 1982, 19 prisoners escaped from Alaska prisons.¹⁷ Although each individual was apprehended, the escapes have given cause for concern. Although some of these incidences were attributable to temporary conditions arising from construction, deficiencies in security measures were a factor in many of the escapes. Supervisory staff error, for example, was clearly a factor in five of the escapes.¹⁸

A related concern is the potential for violence in crowded prison settings. This and other byproducts of overcrowding can cause professional dissatisfaction among correctional employees which in turn can result in significant staff turnover. Correctional centers in the Fairbanks and Anchorage areas are particularly overcrowded.

A third problem--possibly of greatest concern to state governments--is the potential for litigation filed on behalf of prisoners claiming that inadequate living conditions violate their constitutional rights.

¹⁶ The state's short-term needs will be partially resolved following the completion of the new Cook Inlet Correctional Center. Scheduled to open in October 1983, this facility is currently intended to house pretrial detainees and unsentenced felons. Seventy-two of the facility's beds will be made available for occupancy in early February 1983.

¹⁷ Betty Barton, House Research Agency, "Prison Escapes," Research Request No. 82-169, (hereafter cited as "Prison Escapes").

¹⁸ Ibid.

Litigation Regarding State Prison Conditions

Beyond ethical questions regarding just and humane treatment of those institutionalized, prison overcrowding can present significant legal problems for state governments. Since 1981, 29 states have had court orders rendered pertaining to prison overcrowding and inadequate living conditions for prisoners. States are particularly concerned that the outcome of litigation will be federal preemption of the states' criminal justice authority.

In Alaska, issues regarding the quality of care and the general standard of living readily available for prisoners have resulted in several court suits. In Mosely v. Beirne, a class action suit that was filed in 1976, plaintiffs charged that conditions in the Anchorage Sixth Avenue Annex violated their constitutional rights.¹⁹ The final order of the Third Judicial District of the Alaska Superior Court pertaining to Mosely established a population limit for the Annex and specified changes to be implemented in prison operations, prisoners' communication and general well-being, which would be required in order to make the facility constitutionally acceptable. In response to this and a separate suit, Thomas v. Williamson, the Division of Adult Corrections made a number of improvements including increased staffing levels of correctional officers and decreased prison populations.²⁰

Perhaps of greatest significance to Alaska's correctional policies is Cleary v. Beirne, a class action suit filed in 1981.²¹ Plaintiffs have charged that Alaskan prisoners residing within State facilities as well as those state inmates housed in federal prisons outside Alaska have been deprived of a number of constitutional and statutory rights. The case has been set for trial in the Third Judicial District of the Superior Court for the State of Alaska in June 1983. State representatives and the plaintiffs' attorneys have negotiated and signed a partial settlement. The second part of Cleary, which pertains to major issues such as prisoner education and medical treatment, has not been resolved.

The problem of overcrowding is central to the charges brought on behalf of in-state prisoners and detainees. Attorneys for the plaintiffs note that research funded by the National Institute of Law Enforcement and Criminal Justice, the Law Enforcement Assistance Administration, and the U.S. Department of Justice have indicated a relationship between "increased death rates, increased suicide rates, increased inmate assaults and inmate killings, increases in self-mutilations, increases in stress-

¹⁹ Mosely v. Beirne, Case No. 76-1899.

²⁰ Thomas v. Williamson, Case No. 77-8670.

²¹ Cleary v. Beirne, Case No. 3AN-81-5274 Civil.

related illnesses and psychiatric commitments in correctional institutions to crowding too many prisoners into too small a space."²²

Under the partial settlement agreement reached in the Cleary case, the State will be required to submit a plan to the court that specifies corrective actions concerning prison overcrowding. The partial settlement establishes the following framework for the State in its reduction of overcrowding:

- Reduce overcrowding, particularly of the pretrial population through arraignment and bail procedure modifications;
- Reduce the pretrial offender's length of stay;
- Expand alternatives to arrest and confinement for appropriate cases through diversion, community service sentences, probation, community release, and furlough programs;
- Involve the judiciary in overseeing population levels;
- Improve correctional management techniques (i.e., classification, information systems, procedures);
- Continue to build or locate appropriate facilities to house prisoners;
- Continue placement for some inmates on a short-term basis within the Federal Bureau of Prisons;
- Modify good-time legislation;
- Seek gubernatorial action through executive clemency and/or emergency crowding legislation.²³

Overcrowding in Alaska's institutions is the result of a number of factors including changes in State laws. For example, the implementation of presumptive sentencing--where specific sentence terms are established by statute--has extended the average length of time that a prisoner is confined in prison. Similarly, an increase in court filings has resulted in a corresponding increase in the number of people held in custody. Other policies, such as three-day mandatory jail sentence for individuals convicted of driving a motor vehicle while intoxicated have bolstered the state's incarceration rate.²⁴ Alaska currently

²² Cleary v. Beirne, Partial Settlement Agreement and Order as to Subclasses "A" and "B," Case No. 3AN-81-5274 Civil.

²³ Ibid.

²⁴ The incarceration rate is defined as the number of people confined per 100,000 civilians.

OVERVIEW OF THE PROBLEM

has the second highest rate of incarceration in the nation. Between 1971 and 1980, Alaska experienced a 143 percent increase in its incarceration rate.²⁵

Former Attorney General, Wilson Condon, maintains that much of the growth in prison populations is attributable to a "dramatic increase in the sentenced felon population," many of whom Mr. Condon defines as serious and violent felons.²⁶ In part, this is the result of a recent trend toward stricter sentencing. A report prepared by the Alaska Judicial Council found that the increase in Alaska's prison population during 1980 and 1981 was a result of significant increases in felony sentences that were issued between 1977 and 1978.²⁷

Whether or not Alaska's prison populations will continue to increase is largely contingent upon the endurance of these general trends. National forecasters have predicted that the tremendous growth rate in prison populations seen during the 1970s will begin to decline in many states in the coming years.²⁸ They base their predictions on a number of factors including anticipated changes in governmental policies and a gradual decline in the size of the nation's population that is between the ages of 18 and 30.

A PROFILE OF PRISONERS IN ALASKA

In March of 1982, the Division published the results of surveys conducted over the previous two and one-half years. From these surveys, the Division computed average prisoner population characteristics.

Two-thirds of all inmates within the state are 30 years old or younger; nine out of ten inmates are 40 years old or younger. About half the inmates are caucasian, 35 percent are Alaska Native, 8 percent are black, and 6 percent are classified as other. Eighty-four percent of the inmates had lived in the state at least three years before they were arrested; 8 percent had lived in Alaska for less than a year.²⁹

²⁵ Leah Brumer, Western Governors' Conference, Preliminary Report to the Western Governors' Conference, "The Stresses on State Correctional Systems: Major Issues and Potential Policy Directions," 1981, p. 41, (hereafter cited as Preliminary Report Western Governors' Conference).

²⁶ Alaska Office of the Attorney General, Memorandum to the File from Wilson L. Condon, Attorney General, "Analysis of Corrections Population Projections," November 23, 1982.

²⁷ Alaska Judicial Council, Alaska Felony Sentences: 1980, December 1982, (hereafter cited as Alaska Felony Sentences: 1980).

²⁸ American Prisons and Jails

²⁹ Alaska Department of Health and Social Services, Division of Adult Corrections. Analysis of Prison Population, March 1982.

The majority of the in-state inmates were incarcerated for offenses against the person, which include such classes of crime as murder, sexual assault, robbery, and assault. However, the single most common class of crime for which in-state inmates are incarcerated is property crime, accounting for about one-quarter of the State's prisoners. Over 60 percent of the in-state prisoners had no prior institutional experience and 86 percent were held or sentenced on felony charges.³⁰

The State's prisoners held in the Federal Bureau of Prisons have a slightly different profile. As a group, they are older; 47 percent are over 30. Caucasians are more predominant, accounting for 59 percent of the inmates in the FBP; 25 percent of the inmates are Native and 14 percent are black. Inmates are most frequently incarcerated for murder; this classification accounts for one-third of inmates. Although most of the prisoners in the FBP lived in Alaska at least three years before their arrest, 16 percent--twice the number of in-state prisoners--had been in Alaska for less than a year.³¹

A recent study by the Alaska Judicial Council of felony sentencing in Alaska in 1980 found that of urban felons sentenced in 1980, 57 percent had used alcohol at the time of the offense, 5 percent had used alcohol and drugs, and 2.5 percent had used drugs. Substance abuse was highest among those convicted of murder or kidnapping; 79 percent were under the influence of alcohol at the time of the crime and the rest were under the influence of alcohol and drugs. Four times as many urban felons had histories of alcohol addiction as had histories of drug addiction.³²

In rural courts, the proportion of felons who were under the influence of alcohol was 63 percent. All of the four felons in the study who were convicted of murder or kidnapping were under the influence of alcohol at the time of the offense. The proportion of those under the influence of both drugs and alcohol and those under the influence of drugs only were approximately the same as in urban courts. A rural felon was almost twenty times more likely to have a history of alcohol addiction as drug addiction, and twice as likely to have a history of alcohol addiction as to have no history of addiction.³³

³⁰ Ibid.

³¹ Ibid.

³² Alaska Felony Sentences: 1980. In addition, 40 percent of urban felons with a history of drug addiction were first offenders, and 28 percent had prior felony records. Among urban felons with a history of alcohol addiction, only 16 percent had no prior criminal record, and 48 percent had prior felony convictions.

³³ Ibid.

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Alcohol use among Alaska felons appears to be somewhat higher than the national pattern. A 1979 survey published by the Bureau of Justice Statistics found that slightly less than half of all inmates nationally were under the influence of alcohol at the time of the offense.³⁴

The racial distribution in Alaska prisons is also substantially different from national patterns. Nationally, almost 48 percent of prisoners are black.³⁵ A comparison among western states in 1981 also found that Alaska had the highest proportion of Native American inmates. In the state with the next highest ratio, Montana, only 12 percent of the prisoners were Native Americans. Alaska had almost three times this percentage.³⁶

Another area in which Alaska inmates differ from the inmates nationally is in education. The Division of Adult Corrections found that in 1981, 58 percent of the inmates had at least a high school diploma or its equivalent. This figure was slightly higher for Alaska prisoners held in the FBP. Nationally, only 42 percent of inmates have a high school education.³⁷

³⁴ U.S. Department of Justice, Bureau of Justice Statistics, Prisons and Prisoners, January 1982.

³⁵ Ibid.

³⁶ Preliminary Report to the Western Conference

³⁷ Bureau of Justice Statistics.

CORRECTIONS MANAGEMENT IN ALASKA

Public concern for Alaska's correctional system has generally focused on the problem of prison overcrowding. However, overcrowding is both a symptom and a cause of other administrative problems within the Division of Adult Corrections (DAC). Furthermore, overcrowding may inhibit the Division's ability to provide for prisoner reformation, as required by the Constitution of Alaska (Art. 1 §12). This section examines several of the issues that are confronting the Division today as identified in interviews conducted with correctional authorities in Alaska. Before describing these issues, it will be useful to provide some background information on the Division of Adult Correction's role in the State correctional system.

THE ROLE OF THE DIVISION OF ADULT CORRECTIONS

The State of Alaska administers all correctional activities, either directly or through contract providers, including all services for pre-trial detainees, misdemeanants, probationers, and parolees. Most other states are only responsible for the supervision of sentenced offenders; the responsibility for pretrial prisoners and short-term sentenced offenders rests with local governments. In some states, probation and parole are also the responsibility of local correctional agencies. In Alaska, however, pretrial and misdemeanor offenders are the responsibility of State government. Under AS 33.30.040, it is the obligation of the State to provide for the incarceration of all individuals held on State charges. As a result, few offenders requiring incarceration are booked on municipal charges. Those offenders who are booked on municipal charges are housed in State facilities through a contractual agreement with the municipality. Therefore, the State is responsible for virtually all prisoners within the state.

The Division of Adult Corrections operates pretrial and short-term prisoner facilities in Anchorage, Fairbanks, Juneau, Ketchikan, Nome and Sitka. In fact, only the Palmer Correctional Center and the Johnson Human Services Center house no pretrial prisoners. The State also contracts with sixteen local governments for the operation of local jails. However, these contracts are administered by the Department of Public Safety. According to Terry Hansen, Special Assistant to the Commissioner of Public Safety, experience has shown that as a law enforcement agency, the Department is better suited to dealing with the local law enforcement agencies which operate the facilities. At one time, the Division of Corrections administered some jail contracts with local governments, but that responsibility was transferred to the Department of Public Safety in 1981.

In addition to facilities, DAC is responsible for the supervision of parolees and probationers. The administration of parole and probation is divided into three regions: the Northern region, with offices in

Fairbanks, Bethel, and Nome; the Southcentral region, with offices in Anchorage, Kenai, Kodiak, and Palmer; and the Southeastern region, with offices in Juneau, Ketchikan, and Sitka. It is important to note that while DAC supervises probationers and parolees, it does not select them. Probation is a judicial sentencing option and parole is granted by the Alaska Parole Board, an independent body. In both cases, DAC makes evaluations of candidates and submits recommendations.

Besides prisoners and probationers within the state, the Division is also legally responsible for the welfare of almost two hundred Alaska felons who have been sent to institutions operated by the Federal Bureau of Prisons (FBP). These inmates generally have been sent to the FBP because they have received extremely long sentences and, in some cases, because they require a high degree of security.

Several community corrections programs are also administered by the Division. DAC operates New Start Centers in Anchorage, Fairbanks, and Juneau. These centers are designed to provide ex-offenders, including parolees, probationers, and halfway house residents, with assistance in obtaining employment. The New Start Centers also provide some counseling and social service referral. In addition, the Division contracts with private providers for the operation of halfway houses in Anchorage, Fairbanks, Ketchikan, and Sitka.

The Division of Adult Corrections does not have custody of mentally ill offenders.³⁸ These individuals are the responsibility of the Division of Mental Health (DMH). Recently, the Division of Mental Health arranged to house offenders referred to DMH for evaluation and observation within the DAC facility at Hiland Mountain; however, the wing containing these inmates is to be staffed by DMH counselors and the inmates are still the responsibility of the Division of Mental Health.

The Division of Adult Corrections no longer has responsibility for the supervision of the state's juvenile offenders. All juvenile correctional programs were taken out of the old Division of Corrections in 1980, as was recommended by the Alaska Corrections Master Plan in 1978. The responsibility for youth offenders now rests with the Division of Family and Youth Services, which operates its own institutions and probation services.

For FY 83, DAC has an operating budget of \$39,308,100. This is an increase of 28 percent over the operating budget authorized for FY 82. In the same period, the number of full-time employee positions of the Division increased from 423 to 613, an increase of 45 percent. The Division

³⁸ This group is comprised of offenders judged not guilty by reason of insanity, offenders referred by the Court for psychiatric evaluation and observation, and offenders who are diagnosed as mentally ill while serving a sentence in a state correctional facility.

received no capital appropriation for FY 83. The Legislature passed a bond proposal which included \$46,711,500 for DAC facilities; however, the measure was vetoed by the governor.

CORRECTIONAL RESPONSIBILITIES WITHIN ALASKA

Division of Adult Corrections

State-operated adult correctional centers

State prisoners transferred to FBP

Adult probation

Adult parole

Division of Family and Youth Services

State-operated juvenile correctional centers

Juvenile probation

Division of Mental Health

Supervision of the criminally insane

Department of Public Safety

Transportation of State offenders

Administration of local jail contracts

In 1978, the State commissioned a comprehensive plan for the development of its correctional system; the result was the Alaska Corrections Master Plan, completed in the summer of 1979. A fundamental goal of the Master Plan was to develop a strategy for "the provision of the most adequate corrections system for Alaska at the least possible cost."³⁹ The plan attempted to identify the philosophy and goals of the Alaska correctional system, and made a number of specific recommendations concerning the Division's organization, management, staffing, delivery of services, facilities construction, program development, and health services. The Master Plan also discussed the need for coordination of criminal justice decision making.

The Plan emphasized that the document should be used as a framework for the future development of correctional services in Alaska; it states, "Planning is a continuous process of goal-setting, information-gathering, evaluation and monitoring and revision of action plans in light of new constraints, resources or goals."⁴⁰ Although the Divi-

³⁹ Moyers Associates, Alaska Corrections Master Plan: Executive Summary, Chicago, August 1979, p. 25, (hereafter cited as Alaska Corrections Master Plan: Executive Summary).

⁴⁰ Ibid., p. 5.

CORRECTIONS MANAGEMENT

sion still considers the Master Plan to be an integral part of its development strategy, it appears that the evaluation and monitoring recommended by the Master Plan has not been fully realized in recent years.

CURRENT ISSUES IN CORRECTIONS MANAGEMENT

We identified the following areas of concern in our interviews with correctional authorities in Alaska:

- corrections management, including both the areas of offender management and administrative management;
- prisoner program development, implementation, and evaluation;
- coordination and planning of criminal justice activities;
- public information and involvement.

Each of these issues is expanded upon below.

Corrections Management

In Alaska, the growth in the correctional population over the last few years has placed an increasing burden on the management of the Division of Adult Corrections. The increase in the prison population has affected many of the Division's operations, not simply the availability of bed space. Furthermore, because DAC has had to devote a tremendous amount of its resources to the task of coping with the growth of the correctional system, issues distinct from those surrounding the system's growth have not received adequate attention.

Like any other bureaucratic organization, sound management principles are essential to the effective operation of adult corrections. However, the need for solid management capabilities, for both offender and administrative management, is particularly important to corrections organizations because of the unique position they maintain in the criminal justice system. If the caseload of another criminal justice agency begins to increase, there are internal remedies to limit the volume. Even the judiciary, which must eventually hear all of the cases that prosecutors bring before it, can restrict the number of cases heard at any one time. However, corrections agencies cannot reject or postpone the entry of new offenders, they must accept whatever caseload they are given by the criminal justice system.

Corrections management was a major concern of most of the the correctional authorities with whom we spoke. The growth in the correctional system has created a substantial number of management problems and the Division is in serious need of management attention, according to Allen Korhonen, former Deputy Commissioner of DHSS. Robert Hatrak,

the Division's former director, stated that corrections management simply has not grown to meet the scale of growth in correctional facilities and the inmate population. Another observation made by Susan Humphrey Barnett, Superintendent of Meadow Creek, was that DAC generally compares unfavorably with other divisions within State government in terms of its administration, organization, and staff development.

The Division's concern for its own management capabilities manifested itself in its Management Plan, prepared by independent consultants and released in December 1982. The Management Plan makes numerous recommendations on fourteen major coverage areas, including organization and management style, policies and procedures, planning, classification, fiscal management, community programs, population management, staff development, and accreditation. Former Deputy Commissioner Korhonen emphasized that the Management Plan was intended to be a continuation of the planning process initiated with the Alaska Corrections Master Plan. However, it should be noted that the Management Plan has not been adopted by the Sheffield administration. In fact, the Governor's Task Force on Corrections recommended that the Management Plan "should not be implemented until it has been reviewed by the new Department of Corrections."⁴¹

Offender Management

The rapid growth of Alaska's correctional system in the last few years has created many problems in the management of the offender population. Although it is not within the scope of this report to discuss every criticism of the Division's present offender management capabilities, we have tried to provide examples of problems which affect the quality of corrections not only for inmates, but also for the DAC personnel.

Classification. Classification is the process by which an offender is assigned to the institution or program that is appropriate to the inmate's needs and the safety of the public, the correctional staff, and other offenders. Classification occurs at two levels:

- 1) an institution can be classified according to its security levels, treatment programs, and target population;
- 2) an offender can be classified according to his or her security risk and program needs.

⁴¹ Alaska Office of the Governor, Task Force on Corrections, A Report on the Status of Corrections for Governor William Sheffield, December/January 1982-1983, (hereafter cited as Report on Status of Corrections). Although the Management Plan has not been adopted by the current administration, we have treated it as an additional source of information on the issues facing the Division of Corrections.

Ideally, classification enables offenders having similar needs to be housed within a facility tailored to their requirements.⁴² This enables them to move through the correctional system in a cost-effective manner that, hopefully, will aid the offender in their transition back into society.

Both Charles Campbell and Robert Hatrak stressed the importance of a good classification system for effective prison management. Mr. Hatrak stated that without adequate classification of both the prison population and existing correctional facilities, it is very difficult to make an informed decision regarding future facility needs.

Unfortunately, during the last several years, overcrowding has resulted in inmates being assigned to institutions on the basis of which facilities have less capacity to hold an additional person.⁴³ Both Stanley Zaborac, Superintendent of the Palmer Correctional Centers, and Frank Sauser, Superintendent of Hiland Mountain, reported accepting prisoners who do not meet the eligibility requirements for their institutions. In the case of Hiland Mountain, some pretrial detainees are placed in units and programs designed for convicted felons. At Meadow Creek, Alaska's only long-term facility for women, inmates ranging from convicted murderers to three-day drunk driving cases live under the same level of security, and mingle together in the same common spaces. Improper prisoner classification has also been a contributing factor to many of the prisoner escapes in the last two years.⁴⁴

In addition, as some institutions have exceeded their rated capacity, space for isolation and security holding has been reduced. Some of these cells are currently housing prisoners for whom no other cells are available.

Ancillary Space. As a result of the Division's efforts to house the ever growing number of offenders, space for activities such as contact visitation, attorney conferences, and recreation no longer may be adequate for the number of prisoners now in an institution. In Ridgeview, for example, the recreation area is now serving as a dormitory with 54 beds, and attorney visitation in the medium security unit is held in a room barely large enough to permit two adults to sit down. However, the proposed partial settlement of the Cleary suit severely

⁴² According to the Management Plan, only two facilities, Hiland Mountain and Palmer, are currently classified to facilitate population management.

⁴³ The partial settlement of the Cleary suit states, "as a general rule, any classification system begins to break down when an institution is at more than 80 percent capacity." Cleary et al v. Beirne et al., Partial Settlement Agreement, p.21, (hereafter cited as Partial Settlement Agreement).

⁴⁴ "Prison Escapes"

limits the Division's ability to restrict visitation, and requires that all prisoners, except for escape, smuggling, and security risks, be allowed at least one hour of recreation per day. Those inmates in punitive segregation for longer than three days must have access to a large muscle exercise equipment.⁴⁵

Other Problems. Another example of how overcrowding burdens the system is the reassignment of personnel to special duties. According to Suzanne Lassiter, Director of New Start in Anchorage, counselors from the New Start Center were temporarily reassigned to conduct surveillance on offenders in community release programs. This detracts from their credibility as counselors. Also, on occasion we found institutional counselors who had assumed administrative functions in addition to their regular duties.

Another area in which overcrowding effects operations is the maintenance of policies and procedures. The Management Plan cites deficiencies in the Division's policies and procedures, and emphasizes the importance of maintaining up-to-date policies and procedures in the face of frequent changes in the conditions of the correctional system.⁴⁶ Indeed, according to the results of the Division's investigation of the escape of Michael Andrejko and Joseph Contreras, inadequate post orders were a contributing factor in the inmates' escape.⁴⁷

Administrative Management

Effective corrections administration is perhaps more crucial today than at any time previously. Not only is corrections confronted with the task of coping with an ever growing number of offenders, but it must also respond to the emerging concept of prisoners' rights as defined by the courts. In the course of our interviews, a number of deficiencies in DAC's administrative management were identified.

Organizational Problems. The Division's ability to provide support for its general operation was cited by several sources as one area of management in need of improvement. The very first problem identified in the Management Plan is that "the Division is not structured to provide for sufficient levels of support for management of operations." Specific criticisms contained in the study include the lack of a single organi-

⁴⁵ Partial Settlement Agreement. P.5

⁴⁶ State of Alaska, Department of Health and Social Services, Division of Adult Corrections, Management Plan, September 1982, p. 23. Note: The Management Plan has not been approved for implementation by the current administration. The Governor's Task Force on Correction has recommended that approval of the plan should be left for the proposed Department of Correction's assessment, (hereafter cited as Adult Corrections, Management Plan).

⁴⁷ "Prison Escape"

zational chart, improper spans of control, unclear reporting relationships, and inadequate central office staffing levels.⁴⁸ Charles Campbell, former Director of DAC, commented that top level administrators in the Division traditionally have devoted too much time to overseeing the day-to-day functioning of the Division. According to former Director Hatrak, the Division's central administration needs to develop a strong support staff to assist the superintendents in handling the problems associated with overcrowding.

Personnel Problems. During our interviews, several problems regarding the Division's personnel structure were cited. There have been frequent reclassifications of administrative positions. A Deputy Director's position was replaced by an Assistant Director's position under former Director Charles Campbell's administration and was reinstated under Robert Hatrak. In addition, administrative personnel have been transferred from post to post frequently. The organizational charts and staff lists provided to us by the Division showed different titles or conflicting assignments for some staff, and contained handwritten corrections to reflect recent changes in staff assignments. Allen Korhonen stated that at one point last year, a Division survey turned over 100 employees who were not working in the position listed for them in administrative records.

From our interviews, there appear to be a number of reasons behind the frequent changes within the Division's administrative structure. Former Director Campbell stated that because of the shortage of administrative personnel, certain staff members were moved from post to post to deal with crises as they arose. Another reason given for the alterations of administrative structure is that when new directors take charge, they restructure the organization in order to move those individuals with whom they have the best working relationships into key positions. As the Division had four directors in the last six years, each with a distinct corrections philosophy or management style, this could possibly account for a substantial amount of the administrative changes.

The frequency with which administrative changes were made within the Division during the last several years may have damaged the morale of administrative staff, according to some authorities. It was suggested that as a result of the changes in administrative direction taken by each succeeding director, the administrative staff have not received positive reinforcement for their efforts under previous directors, and now may perceive little advantage in adapting to new policies and accommodating new administrative superiors, as neither tends to remain for any length of time.

⁴⁸ Adult Corrections Management Plan p. 7.

Staff Development. Two problems were cited in the field of staff development: 1) insufficient staff training; and 2) inadequate opportunities for career advancement.

Training. The effectiveness of a correctional system depends upon the caliber and dedication of its staff. Because of this, a correctional agency needs to attract highly qualified people and needs to establish mechanisms to assure their continued development. As the courts have increasingly expanded the rights of offenders, it is more important than ever that corrections personnel have a working knowledge of the judicial process, law enforcement, psychology, and counseling. Effective staff training and internal development programs are one means of attaining this objective. Several authorities indicated to us that the State's training and development opportunities are sorely lacking. Problems cited ranged from declining morale to high staff turnover--most of which was attributed in part to a lack of emphasis on staff development.

In FY 83, the Division of Adult Corrections had a training budget of \$237,700. Three full-time instructors (one of whom was temporarily reassigned to purchasing for the new Cook Inlet Correctional Center) with no support staff provide training for a division with 600 full-time equivalent positions.⁴⁹ In comparison, the Department of Public Safety, which operates the Public Safety academy in Sitka, had a training budget of \$1,412,600 in FY 83. The Public Safety Academy has 33 full-time equivalent staff positions, and is responsible for providing training for the Alaska State Troopers and the Division of Fish and Wildlife Protection, which have approximately 550 full-time equivalent positions. The Public Safety Academy also provides six-week training courses for about 110 village safety officers and municipal police officers each year.

According to Ron Epperson, Senior Training Officer, the ability of the training staff to keep pace with the needs of the Division has steadily eroded over the last few years. He stated that training tends to be seen as an expensive luxury to a correctional system trying to keep pace with continuing growth in the inmate population. Initial training courses have been cut from six weeks to three weeks. According to Epperson, the Division has not been able to offer self-defense training in over eighteen months. Epperson anticipates a greater burden on the training program in the next year, when the opening of

⁴⁹ The number of full-time equivalent positions is slightly lower than the number of full-time authorized positions. Some authorized positions, such as the new positions associated with the new Cook Inlet facility are not funded for the full year. In addition, the Division actually budgets for more than 12 staff months for Adult Confinement positions to allow for the overtime pay which correctional officers receive.

the Cook Inlet facility and expansion of existing facilities will result in an unusually larger number of new correctional officers in need of training.

Timothy Stearns, the attorney representing the in-state prisoners in the Cleary suit, emphasized the need for correctional staff to have adequate training. Crisis intervention and stress awareness were two areas of training that Stearns felt were particularly important to a training program. Adequate staff training is one of the issues involved in the Cleary suit. Annual training of staff has been proposed as one of the settlement items in the negotiations, yet Ron Epperson doubts that even training of new correctional officers could be accomplished at levels acceptable to the courts, given current budget levels.

Career Advancement. The Management Plan identifies inadequate career advancement opportunities as one of the primary staff development problems faced by DAC.⁵⁰ Charles Campbell cited this as a major reason why the Division has not been able to strengthen its management capabilities more fully. According to Campbell, personnel have had infrequent opportunities until recently to advance within the Division, as a result of the Division's relatively small size. Furthermore, corrections has always been characterized by a large ratio of line staff to management staff. In addition, the last two directors were brought in from outside the state, further reducing the opportunity for advancement within the Division.

The Division's pay structure also was cited as an impediment to attracting and developing good personnel. Allen Korhonen stated that he believed most of the positions within the Division were underclassified. The table below provides a comparison of positions within State government. As the table shows, entry level correctional officers currently receive about \$250 per month less than entry level legal and social service workers, and over \$750 less than State Trooper Trainees. It is particularly interesting to note that a Superintendent I, responsible for supervising the inmates and employees of a smaller institution, makes \$250 per month less than the base pay of a sergeant in the Troopers. However, according to Jenny Thomas of the Department of Public Safety, by the time most Troopers are promoted to sergeant, they have accumulated enough seniority to receive a salary about four steps

⁵⁰ Adult Corrections, Management Plan p. 105.

above base, or \$3,695 per month. This is roughly equivalent to the base salary of a Superintendent II, who is likely to supervise an institution with over fifty employees and as many as two hundred inmates. In addition to the underclassification problem, Charles Campbell pointed out that the pay structure in the Division is such that a correctional officer receiving a significant amount of overtime pay might take a pay cut if he or she was promoted to assistant superintendent.

Table 4
Comparison Of State Criminal Justice Salaries In Alaska

Position	Base Pay	Position	Base Pay
<u>Corrections</u>		<u>Law Enforcement</u>	
Correctional Officer I	\$1,782	Trooper Recruit	\$2,555
Correctional Officer II	2,010	Trooper	2,855
Probation Officer I	2,010	Sergeant	3,307
Probation Officer II	2,463		
Superintendent I	3,041	<u>Social Services</u>	
Superintendent II	3,475	Social Worker I	\$2,010
		Social Worker II	2,145
<u>Law</u>			
Paralegal Assistant I	\$2,010		
Paralegal Assistant II	2,463		

Program Development

In recent years, courts have consistently held that access to adequate programs is the right of all prisoners. In our interviews, the necessity of offering some programs for offenders was almost universally accepted. Substance abuse programs, sex offender counseling, and adult basic education were frequently cited as being essential to corrections. Timothy Stearns, an attorney representing the in-state prisoners in the Cleary case, identified program development for prisoners as the most important activity currently facing the Division.

The partial settlement of the in-state portion of the Cleary case requires that the Division provide drug and alcohol counseling, family counseling, programs in basic life skills, stress reduction and management, and employment skills.⁵¹ It is likely that the trial portion of the Cleary suit will further address program issues.

⁵¹ Partial Settlement Agreement and Order as to Subclasses "A" and "B," Case No. 3AN-81-5274 Civil, pp. 18-20.

However, among the authorities we interviewed, there was considerable disagreement over the extent to which the Division needs to develop additional programs and the kinds of programs which the Division should pursue. For instance, Dana Fabe, Alaska's Public Defender, stated that in some institutions the Division may need to place more emphasis on vocational programs. Others with whom we spoke were skeptical as to the effectiveness of many existing programs. Victor Krumm, District Attorney for the Third Judicial District, recognizes the need to maintain ancillary programs in the prison, but he questions the extent to which many of them are utilized. According to Mr. Krumm, in prison, as in any institutional setting where people are living in a place "where they don't want to be," people are disinclined to become involved in organized activities. According to Roger Endell,⁵² the programs that the Division has developed rarely receive any critical evaluation. He stressed the need to try a variety of programs and sort out the ones that work.

Several of the superintendents mentioned that because overcrowding is changing their prisoner profile and infringing on their auxiliary space, it is becoming more difficult to offer appropriate programs. According to Frank Sauser, Superintendent of Hiland Mountain, some pretrial prisoners have been placed in units with convicted offenders because of the lack of space, and as a result, participate in programs designed for convicted offenders.

Coordination and Planning of Criminal Justice Activities

Most of the individuals contacted agreed that there is a need for the Division of Adult Corrections to coordinate its activities with other agencies within the Alaska criminal justice system. We were frequently reminded that corrections is the only part of the criminal justice system that has no discretion regarding its caseload. Cooperation between agencies was seen as crucial to effective planning for the growing corrections population. Allen Korhonen stated that Ridgeview would have never been opened as a men's facility without the cooperation of the Alaska State Troopers, Anchorage Police, and the local fire marshals. According to Korhonen, "informal contacts [between criminal justice agencies] are necessary at all levels" to manage the problems stemming from overcrowding. The Management Plan identifies a need for the development of a planning process which involves all components of the criminal justice system.⁵³

⁵² Mr. Endell, recently appointed Director of Adult Corrections, was Associate Professor of Justice and Director of Academic Programs for the Justice Center of the University of Alaska, Anchorage at the time of our interview.

⁵³ Adult Corrections, Management Plan.

To improve coordination of activities most effectively, agencies need to understand how changes in other criminal justice activities are likely to affect their own operations. As Roger Endell observed, there is a considerable lack of information available in Alaska on the effect of crime on corrections, and the effect of corrections on crime.

Many individuals contacted agreed that a formal structure was needed both to promote better coordination between the various agencies within the Alaska criminal justice system and to initiate research of a broader interagency scope. Since the State's Criminal Justice Planning Agency (CJPA) was abolished at the end of FY 82, no agency exists to perform this latter function. Although some authorities stated that the CJPA had never successfully performed this function, the absence of this agency has clearly reduced the criminal justice research capabilities of the State. Several authorities suggested that a different kind of structure was required to effectively perform this coordination and planning function; many different options were suggested. These will be discussed at greater length in the following section of this report.

The Management Plan also identifies a need for improved planning within the Division, both financial and programmatic.⁵⁴ Robert Hatrak stated that the Division currently has inadequate data collection capacity, and that he would like to see a management information system developed. According to Hatrak, such a system would be particularly useful in responding to overcrowding, enabling the Division to better anticipate shortages in bed space.

Our discussions with correctional personnel offered some evidence that DAC may be deficient in its long-range planning capabilities. Many of the staff persons we spoke with were not aware of the long-term plans for the use of their particular facility or program.

Public Information and Involvement

The lack of a consensus on the purpose of the correctional system makes the formulation of a response to the overcrowding problem a difficult task. Many of the Division's options for expanding its capacity, particularly community corrections options, are not feasible without public support.

Several sources identified a need for the Division to improve its communication with the public and with other organizations, including the Legislature. The Management Plan states that "(t)he Division currently has a weak image with the public and other governmental agencies."⁵⁵ As interest in correctional issues has increased, it has

⁵⁴ Ibid. p. 27.

⁵⁵ Ibid. p. 116.

become apparent that some confusion exists in the minds of the public as to the functions of the Division of Adult Corrections. For instance, many individuals assume that the Division has responsibility for the criminally insane, even after the extensive publicity surrounding the Meach case.⁵⁶

It was suggested that the Division could improve its communication and image with the public if it appointed a public information officer. According to the Management Plan, a public information officer could respond to requests for information from the media, disseminate information on the Division, coordinate tours of correctional facilities, and provide Division personnel with a single source of information and policy advice regarding external communication.⁵⁷ Timothy Stearns mentioned that correctional agencies in several other states have public information officers.

Roger Endell stated that the Division would benefit if advisory boards were established at the regional level, with the possibility of each institution having a local advisory board as well. According to Endell, advisory boards would not only serve as a forum for obtaining public comment, but also would provide the Division with an opportunity to educate the public as to the Division's needs and plans. Allen Korhonen also concurred that local advisory boards would be of benefit to the institutions. Presently, Hiland Mountain is the only facility which has a local advisory board.

The Governor's Task Force on Corrections was also in favor of creating advisory boards. As part of its recommendation to reorganize the administration of the proposed new department into regional administrative units, the Task Force stated that "[e]ach regional director should be encouraged to establish local citizen advisory groups to advise him or her on correctional programs in the area. Communications between the state's citizens and correctional managers will be enhanced via this mechanism."⁵⁸

⁵⁶ Charles Meach found not guilty by reason of insanity for a 1973 murder, was convicted of killing four teenagers in Anchorage last spring while on work release from the Alaska Psychiatric Institute.

⁵⁷ Adult Corrections, Management Plan, p. 117.

⁵⁸ Report on Status of Corrections.

LEGISLATIVE OPTIONS IN ADULT CORRECTIONAL SERVICES

A number of alternatives are available in Alaska for improving the delivery of correctional services. Some of these options will require the development of new policies and programs by the legislature; others are administrative in nature and should be undertaken by the executive branch. We have identified the following areas as requiring legislative involvement:

- Increasing and diversifying correctional bed space;
- Modifying State laws affecting who goes to prison, the length of stay in prison, or the capacity of the correctional system;
- Strengthening correctional management through reorganization; and
- Improving communications and decision making in criminal justice agencies.

Of these, no one approach will rectify correctional problems. A productive strategy is one which employs a combined approach.

INCREASING CORRECTIONAL BED SPACE

By the end of 1983, following the addition of 389 beds, the anticipated capacity of Alaska's prison system will be 1,258. As we have discussed in earlier sections of this report, the preliminary budget request for FY 84 also includes plans for an additional 380 custodial beds, including a proposal for a 300-bed medium and maximum security facility.

Justice professionals in Alaska advocate different strategies for increasing the capacity of the correctional system.

The major options are as follows:

- Develop a comprehensive capital expansion program that immediately provides for site acquisition and construction of new facilities and renovation of existing prisons.
- Establish a scaled-down capital improvements program that addresses the State's most critical spatial requirements; develop a long-term capital improvements plan following the completion of a comprehensive reassessment of the system's current capacity, a revision of prisoner classification methods, and an analysis of future population growth trends.

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- Implement no plans for major capital improvements until a comprehensive analysis of the system's current capacity, prisoner classification methods, and prisoner population growth trends is completed.

Cost is one of the key issues in evaluating these three options. In a recent draft policy report prepared by the Division of Policy Development and Planning, a fundamental concern regarding the implications of prison construction was expressed:

Prison construction projects in Alaska average approximately \$146,160 per bed (FY 84) or \$14 million for a 100 bed facility. The operating costs are estimated to be \$50 per day per bed (1981) or \$1.8 million per year for a 100 bed facility. Such major expenditures will reduce the availability of funds for other resources which respond to justice problems. Prisons are by far the most expensive corrections response, [emphasis added].⁵⁹

Naturally, the costs of prison construction vary depending upon the type of facility that is developed; e.g., generally a maximum security facility, having stringent design specifications, is more expensive to construct than a minimum security prison. Because of the high costs of facility construction, some individuals believe that permanent correctional facilities should be developed only after the State has ascertained the specific level of custody needed for future facilities.

Several of the State's justice authorities maintain that the State would not be experiencing space shortages if correctional procedures were in compliance with the stated goals and philosophies of the Alaska Corrections Master Plan:

Incarceration of both presentence and post sentence offenders should be used as a last resort, and then for as short a period as possible, only for offenders who represent a demonstrable risk to public safety and/or who are convicted of crimes for which society demands punishment through imprisonment.⁶⁰

Charles Campbell, a former director of the Division of Adult Corrections, believes that the State's current criminal justice policies have prevented this goal from being met. According to Mr. Campbell, too many of Alaska's nondangerous offenders are incarcerated for excessive periods of time.

⁵⁹ Janice Cole, Alaska Office of the Governor, Division of Policy Development and Planning, "Corrections Planning (Focusing on Prison Expansion and Related Criminal Justice Issues)" Draft, December 1982. (hereafter cited as "Corrections Planning").

⁶⁰ Alaska Corrections Master Plan: Executive Summary, p.6.

There is also some concern among criminal justice professionals that the construction of additional facilities may increase prison populations, and, hence, raise expenditures. Research has suggested that the availability of additional space has at times been responsible for increasing the number of persons confined "with no clear evidence of any deterrent or rehabilitative effect."⁶¹ In a study prepared in 1980 by the National Institute of Justice, the following comments were made regarding the potential implications of these research findings:

[If the capacity theories are accurate,] responding to crowding by increased capital expenditures for new institutional space can provide at best a temporary alleviation of the crowding problem, and will ultimately result in a new equilibrium of more prisons, more prisoners, and the same crowded conditions as before. Whether this new equilibrium is desirable is a value question beyond the scope of our research. We can say that there appears to be new evidence that decisions to build more prisons may carry with them hidden decisions to increase the number of persons under custodial supervision. Under these circumstances even a massive construction program might fail to keep pace with the potential demand for prisoner housing.⁶²

Regardless of the reason, some states have found that the construction of additional prison facilities has not eased problems of overcrowding. In light of these and other factors, the draft policy report prepared by the Division of Policy Development and Planning does not recommend "long term commitments for additional prison expansion" until the following tasks are completed:

- Interagency problem solving to address alternatives to institutionalization;
- Evaluation of other states' responses to their prison overcrowding problem;
- Research regarding the cause of prison population growth; and

⁶¹ Joan Mullen et al. American Prisons and Jails: Vol. I Summary of Findings and Policy Implications of a National Survey (U.S. Department of Justice, National Institute of Justice: Washington, 1980) p.120.

⁶² Ibid.

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- Reevaluation of prison capacity.⁶³

Some correctional authorities disagree that the resolution of these issues must be a prerequisite to capital planning.

Victor Krumm, District Attorney for the Anchorage area and a former D.A. for several of the state's rural regions, believes that the State has a pressing need for additional bed space. According to Mr. Krumm, the State is currently diverting a significant number of offenders from correctional institutions.⁶⁴ By his interpretation, substantial reductions in incarceration levels may not be possible without jeopardizing the safety of the public.

Mr. Krumm would like to see Alaska respond to its most immediate needs through the acquisition of modular correctional units, which he views to be a cost-effective means of resolving the more critical overcrowding problems. As a long-term solution, Mr. Krumm believes that the State should initiate a strategic planning process for the construction of correctional facilities. Mr. Krumm believes that the construction of adequate correctional facilities should be one of the top priorities for the expenditure of State revenues and, if necessary, should bypass the bonding process.

Governor Sheffield's Task Force on Corrections presented a similar viewpoint in its review of the overcrowding problem. The Task Force concluded that additions to facilities, building renovations, and new site acquisitions should be "completed expeditiously as the highest priority through the channels of state government while minimizing both hindrances and costs."⁶⁵ The Task Force made a number of recommendations regarding existing and proposed correctional facilities, including the following:

⁶³ "Corrections Planning," Ms. Cole also noted that the Division has been reexamining the capacity levels of all correctional institutions. Instead of bed capacity, former Director Hatrak evaluated facilities in terms of their capacity for five different population groups: booking, holding, detention, sentenced misdemeanor, and sentenced felon. Because maximum space requirements have only been defined by the courts for the sentenced felon population, the new procedure could increase the amount of the State's existing prison capacity. Additional information regarding this is found in the DAC report on population capacity prepared by T. Don Hutto, December 1982.

⁶⁴ According to former Attorney General Wilson Condon, during 1981, 231 defendants charged with felony offenses and 749 defendants charged with misdemeanor offenses were referred to Alaska's pretrial diversion program.

⁶⁵ Report on Status of Corrections

- Maintain all facilities currently used for custodial purposes until adequate new space is prepared. An exception is Careage House, which the Task Force suggested be used for administrative purposes.
- Immediately evaluate and obtain additional available sites for expansion of correctional operations in the Kenai and Matanuska-Susitna Boroughs. (The Task Force maintains that with "rapid site acquisitions...overcrowding in the Division...could be addressed dramatically within nine months to one year".)⁶⁶
- Construct a maximum security prison in southcentral Alaska.
- Construct comprehensive regional correctional centers in Nome and Bethel.

A significant part of the Task Force's recommendations appears to be based on the opinion that all prison construction proposals need not be excessively costly. For example, the medium and minimum custody institutions at Palmer were constructed with a significant savings of both time and cost by using modular components and a combination of private and prisoner labor.

According to Roger Lange, Internal Management Administrator for the Division, per bed construction costs for the Palmer facility were approximately \$60,000 (FY 83 dollars). Mr. Lange noted that the new medium security facility was built faster and more efficiently than it would have been had standard contracting procedures been employed.⁶⁷ Mr. Lange stated that the design and construction of new prison facilities in Alaska routinely has taken between two and four years for completion. In contrast, the Palmer project was devised in February 1981; a bill was introduced and enacted by the legislature shortly thereafter; and the facility was designed, constructed, and opened in the following year. Stanley Zaborac, Superintendent of the Palmer facility, also noted that the employment of prisoners in the construction of the facility released them from otherwise idle time. The Governor's Task Force recommended that the Palmer plan be used as a model for construction proposals in other parts of the state.

Similarly, in its recommendations regarding site acquisitions, the Task Force has suggested that "sites which have the advantage of existing

⁶⁶ Ibid.

⁶⁷ The Alaska Department of Transportation and Public Facilities is responsible for the planning and supervision in the construction of State facilities. Authorities have long held that the current policies and procedures employed by DOT/PF create unnecessary delays in the construction of State institutions which, in the case of adult corrections, exacerbates overcrowding problems.

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grounds, utilities and buildings, and which could have security modules added at a relatively low cost and high benefit, should be of priority concern."

As mentioned earlier, the Task Force also proposed altering the function of some existing facilities and has endorsed the Division's plan for the construction of a maximum security facility. In the course of our interviews, individuals had divergent views regarding the appropriate use of State facilities as well as the proposed maximum security facility. For example, Art Schmidt, who is the acting superintendent of the Anchorage Annex, is very supportive of a maximum security facility. Mr. Schmidt anticipates an increasing number of "serious offenders" entering the Alaska correctional system. Dana Fabe, Public Defender for the State, also spoke in favor of increasing maximum security space in the state; she noted that it would enable many of her clients, currently confined in federal prisons outside Alaska, to return and regain access to their family, friends, and legal counsel. Timothy Stearns, as an attorney representing prisoners in the Cleary suit, obviously is also a strong proponent of an in-state facility.

Others were less certain. In our initial interview with Roger Endell, he expressed skepticism about the utility of a large maximum security facility. He noted that the State has no experience in managing a facility as large as the proposed prison, which initially was designed for a 400-bed capacity. He also observed that other states have found that their larger facilities have a higher incidence of prison violence. Mr. Endell commented that, to a great extent, the relative absence of violence in Alaska's prisons is attributed to its small prison capacities. Dana Fabe shares this concern. One means of addressing this problem, according to Ms. Fabe, would be to establish several small maximum security facilities. Ms. Fabe believes that this approach would also strengthen the Division's ability to separate dissimilar groups of maximum security prisoners; e.g., sex offenders could be housed apart from other classes of prisoners.

Some individuals also expressed doubt about the Division's ability to administer such a facility until its other administrative problems are resolved. Several correctional staff, such as Leonard Whittaker and Peter Skerris, who both work in the neglected Third Avenue Center, would rather see the Division remedy the deficiencies in its existing institutions before assuming the responsibility for a large number of maximum security inmates.

The most critical need that was articulated in our interviews is space for Alaska's short-term offenders.⁶⁸ Art Schmidt predicts that Alaska

⁶⁸ Because of the burden that the State's long-term prisoners place on correctional facilities that were originally intended for short-term use, some officials believe that existing short-term space would be adequate if additional long-term space were available.

will always have a primary need for this type of space because the state has a large population of "lesser felons" who are in jail merely because they cannot make bail and would be unable to provide for themselves if they were released. Roger Endell also noted a fundamental need for facilities for short-term offenders, and the Task Force appears to have responded to some of these concerns.

The advantages and disadvantages of a maximum security facility will need to be weighed carefully. As Roger Endell noted in our interview, an intrinsic problem in the construction of any institutional space, and particularly those that have substantial security specifications, is that its construction generally commits the state to a fixed kind of space limited in function. Should Alaska's correctional needs change in the future, its ability to adapt will be shaped by the kind of space that has already been constructed.

LEGISLATIVE REMEDIES FOR OVERCROWDING

Many states are attempting to rectify problems of prison overcrowding by modifying state laws affecting:

- the number of people who enter prisons;
- the length of time that people spend in prisons; and
- the capacity of the prison system.

Options For Controlling Prison Entry

A state legislature can undertake several steps to control the number of people who enter the prison system. Some states have established laws that decriminalize or reclassify designated offenses. Others have enacted extensive revisions of their sentencing codes in order to broaden the types of sanctions that are rendered. Still others have developed comprehensive community corrections acts.

In Alaska, some of these alternatives may be more feasible than others given the state's unique correctional requirements. For example Wilson Condon, the State's former Attorney General, maintains that decriminalization of selected offenses would have little impact in Alaska because only a small proportion of the state's current prison population are charged with victimless, minor offenses.

Extended use of community corrections is one option that could be applied in Alaska. The Alaska Corrections Master Plan describes community corrections as "the brightest hope for the future of corrections."⁶⁹ Community corrections is an "all-encompassing" term for community-based

⁶⁹ Alaska Correction Master Plan: Executive Summary p.9.

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alternatives to incarceration. Besides the long-established programs of probation and parole, community corrections refers to a range of programs including pretrial diversion; residential halfway houses and boarding programs; and work release and restitution. Programs may be established by either a state or local government and may provide either residential or nonresidential services. Alaska's corrections master plan advocates the major expansion of community corrections in two areas: (1) pretrial assessment and supervision; and (2) prerelease and halfway house programs.

Minnesota is noted for its comprehensive treatment of community corrections; other states, including Oregon and Kansas, have also established significant programs. Established in 1973, the Minnesota Community Corrections Act provides a financial incentive for county governments to establish local corrections programs as well as a disincentive for these governments to commit nonviolent adults or juveniles to state prisons. The law also establishes provisions for bolstering local correctional planning and modifies the state's role in planning, training, evaluation, and standard setting.

The Minnesota law was enacted for several purposes. Most notably, policymakers wanted to strengthen community-based programs, many of which were extremely fragmented. Although the program is generally regarded favorably, there is some indication that it is not fully functional. The program does not serve the state's rural areas. Moreover, an evaluation undertaken in 1981 questioned the effectiveness of the program in reducing the growth of the state prison population, improving public safety, or reducing state correctional expenditures.⁷⁰

In Colorado, policymakers recently enacted legislation pertaining to sentencing procedures for DWI offenders. Unlike other states, such as Alaska, that have established mandatory jail terms for both first-time and repeat offenders, Colorado law gives judges the option of sentencing a first-time offender to either a jail term or to a community work project. A second offense requires a mandatory jail sentence of between seven and ten days. According to Captain Walter R. Smith, Assistant Superintendent of the Denver County Jail, most of the sentences requiring community work involve manual labor; e.g. road crew work. Captain Smith commented that preliminary figures indicate that the Colorado law which was enacted in July 1982, has not increased Colorado county incarceration levels and is generally regarded favorably.

⁷⁰ John Blackmore, The Minnesota Community Corrections Act: A Policy Analysis, prepared for the National Institute of Corrections: Grant No. DF-6, March 31, 1982 p.2, (hereafter cited as Minnesota Community Corrections Act).

In Alaska, a number of people involved with correctional policy matters have expressed interest in the potential for increased community placement and the extended use of work release. The Governor's Task Force on Corrections recently submitted recommendations favoring the development of a comprehensive, cost-efficient halfway house program for those offenders about to be released and the implementation of a substantive work program for the State's eligible prisoner population. The Task Force emphasized the need for "a halt to planning and the commencement of activity," and suggested a program based on restitution, work incentive, and adequate counseling and rehabilitation services to assist offenders in making an effective transition back into society.⁷¹

Another potential option in Alaska is increased utilization of public and private agencies for community correctional services. According to Kay Harris, there are currently approximately 170 community-based prerelease facilities for adults throughout the nation that are operated by private organizations under contract with either the state or federal government. Peter Greenwood, a criminal justice authority with the Rand Corporation, is a strong advocate of the increased use of the private sector for the provision of correctional services. Under Alaska statutory law, the Commissioner of Health and Social Services is empowered to enter into contracts for correctional services with public and private agencies.

Options for Altering the Length of Prisoner Confinement

There are several alternatives available for legislative consideration which affect the length of incarceration, including: modifications of sentencing policies; expanded use of "good time" credits⁷² and work credits; and revision of parole policies.

Sentencing Policies. Several states have altered sentencing policies by reducing the length of sentences for certain nonviolent offenses or by modifying the types of sentences to be rendered. Sentencing commissions, which present prescriptive guidelines to the judiciary that define who should go to prison and for how long, have also been established in several states. In Minnesota, where this concept has been implemented, the sentencing commission established a sentencing matrix which provides both durational and dispositional guidance to judges. Also factored into the guidelines is current information regarding the correctional system's capacity and operations. Rather than establish sentences based on past practices, the Commission reviewed differ-

⁷¹ Report on Status of Corrections

⁷² "Good Time" refers to nonfinancial methods of remuneration, specifically reduction of sentence length, provided to prisoners for exemplary services, employment, or administrative purposes.

ent sentencing strategies and developed guidelines that were consistent with Minnesota's available correctional resources.⁷³

Under the Minnesota program, a judge maintains some discretion to depart from the sentencing guidelines on a case by case basis. However, to do so, a judge must submit a written justification of the circumstances that warranted the decision to the Minnesota Sentencing Commission. According to a report prepared by the National Council on Crime and Delinquency, there is considerable agreement that the guidelines established in Minnesota offer a promising approach to stabilizing the state's prison population problems.⁷⁴

In Alaska, sentencing policies may bear some review. According to an analysis conducted by former Attorney General Wilson Condon, Alaska's prison and jail system currently has approximately 32 sentenced felons entering the system each month for every 20 that are being released. This pattern is partially attributable to the length of sentences that are presently being rendered.

Good Time Credits. Many correctional authorities strongly support the concept of "good time" as a tool for controlling the size of prison populations. The rate at which good time accumulates and whether the credits are subtracted from the maximum or minimum sentence can each have a significant effect in reducing the amount of time served and, thus, the size of prison populations. Essentially, two types of good time are found in correctional systems: 1) "meritorious good time" which rewards offenders for good behavior or exemplary endeavors;⁷⁵ and 2) "administrative good time" which is established as a means of affecting early releases when prisons exceed their capacities.

In Illinois, the Department of Corrections established an administrative good time provision by administrative regulation to alleviate prison overcrowding. A study conducted by the Department indicated that 4,600 offenders were released through administrative good time in an 18-month period and that there was no higher recidivism rate among those released through this program than those released under normal procedures.⁷⁶ Although the program has not been without flaws, it

⁷³ Minnesota Community Corrections Act, p. 73. Part of the program's effectiveness is attributed to the composition of the sentencing commission, which is comprised of three judges, a public defender, a county attorney, the Commissioner of the Department of Corrections, the Chairman of the Minnesota Corrections Board, and two individuals who represent Minnesota citizens.

⁷⁴ Controlling Prison Populations, p. 27.

⁷⁵ In Alaska, meritorious good time was repealed with the enactment of Chapter 166, SLA 1978.

⁷⁶ Controlling Prison Population, p. 10.

currently appears to be regarded as an effective measure for reducing Illinois' prison populations without adversely affecting public safety.

Parole Modifications. Several legislative adjustments can be made to parole procedures to reduce the length of time that prisoners spend in prison. In New Jersey, the legislature enacted a parole law that enables an inmate to be released on parole as soon as (s)he is eligible unless the parole board can determine that there is a significant probability that the offender will commit a crime upon release. As a result of this legislation, the burden of proof is shifted from the prisoner to the parole board.

Another method that has been implemented in some states is the early release program which includes work or training programs, furlough, or early parole. Generally, most programs of this nature limit eligibility to prisoners nearing their release. Under Maryland's early parole program, for example, an offender is eligible for consideration if (s)he meets established criteria; e.g., (s)he has minimum security status; has had at least one parole hearing and is approaching the next regularly scheduled hearing; has been convicted of a nonviolent offense; and is serving a sentence of less than three years.⁷⁷

Recently, however, some states have broadened their eligibility requirements for their early release programs in an effort to further reduce prison overcrowding. South Carolina, for example, is reportedly engaging about 16 percent of its prison population in work release programs. Policymakers in South Carolina are currently considering recommendations of the governor to extend the work release program to every region of the state and to expand prisoner eligibility to some of the state's inmates who have been convicted for violent offenses.⁷⁸

The recent emphasis on work release programs is regarded by many justice authorities to be one of the more promising trends in correctional service today. Because approximately 90 percent of the nation's prison population return to live and work in the community, current thinking of many professionals favors comprehensive work programs that will reduce prison idleness at the same time that they are instilling work habits, providing needed community services, and possibly reducing costs. A recent report prepared by the U.S. General Accounting Office found prison work programs to be underutilized and in need of significant expansion in state and federal prisons.⁷⁹

⁷⁷ Ibid.

⁷⁸ M. Kay Harris, "Reducing Prison Crowding: An Overview of Options," Draft, (National Council on Crime and Delinquency, July 1981) p.6, (hereafter cited as "Prison Crowding-An Overview of Options.")

⁷⁹ U.S. General Accounting Office, Report to the Attorney General, "Improved Prison Work Program will Benefit Correctional Institutions and Inmates", (Washington, June 29, 1982).

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In Alaska, the newly established correctional industries program as well as other prisoner work programs may merit consideration for further development.

Options Concerning Prison System Capacity

A number of alternatives have been established in other states as a means of altering the capacity of a prison system. Besides the construction or renovation of facilities, some states have established standards and capacity limits for facilities and have adopted emergency overcrowding measures. Others have increased the options that are available to correctional agencies in their placement of offenders.

Standards and Capacity Limits for Facilities. In recent years, increased attention has been given in many states to the development of minimum standards and formal accreditation procedures for prison facilities. The courts, national correctional associations, criminal justice organizations, and the U.S. Department of Justice have each had a major role in defining acceptable conditions for correctional institutions. The courts have largely focused on the issue of overcrowding while other organizations have addressed this and broader aspects of institutional operations. Of these, the most comprehensive undertaking has been the standards developed by the Commission on Accreditation for Corrections which was established by the American Correctional Association in 1974.

The Commission has published ten volumes of standards addressing both juvenile and adult correctional agencies and their institutional and community-based operations. The goal of the Commission has been to promulgate a uniform set of standards for evaluating the safety and general well-being of both staff and inmates. The standards are used as the basis for the Commission's voluntary accreditation process. In order for a system to receive a three-year accreditation, it must be in compliance with 90 percent of the standards that the Commission has categorized as "essential," 80 percent of the "important" standards, and 70 percent of the "desirable" standards.

As of February 1982, 13 federal and 49 state adult correctional institutions have been accredited. Of these, only 12 institutions are maximum security prisons.⁸⁰ Alaska's institutions are not accredited. However, the Division of Adult Corrections is in the process of applying for accreditation for three of its facilities: Highland Mountain, Meadow Creek, and Palmer. The DAC Management Plan, which has been under consideration for implementation by the Division, states that "[a]ccreditation is the long term goal" for attainment of better correctional

⁸⁰ Stephen Gettinger, "Accreditation on Trial," Corrections Magazine, February 1982, p.8.

service through improved management techniques and systems. The Plan describes accreditation as "the ultimate measure of sound management in the corrections profession...[and] the yardstick against which correctional accomplishments can be measured."⁸¹

Although most would agree that the goals of accreditation are well intentioned, its usefulness is questioned by some criminal justice authorities. Critics at both ends of the spectrum of correctional philosophies believe that the standards are costly measures that are not always effective in establishing adequate safety and living conditions. A central issue of concern is the method by which the standards are applied, particularly the thoroughness of the inspection process.

Emergency Crowding Measures. Several states have established procedures known as "sentence rollbacks" which enable correctional or parole authorities to reduce prisoners' minimum sentences by 90-day increments during times of overcrowding. These mechanisms do not apply to a system's most serious offenders.

In 1980, the Michigan state legislature enacted the Prison Overcrowding Emergency Powers Act (Public Act 519).⁸² The act was established largely in response to a county circuit court ruling which found that the state correctional facilities had been overcrowded continuously for the past five years.

Rather than face the possibility of the courts setting Michigan's public policy, the governor and the legislature agreed upon an approach, which included the Emergency Powers Act, to retain control of their prison system. The Act was established as a last resort in resolving conditions of overcrowding to be triggered only when other managerial remedies in the Department of Corrections had been exhausted. The Act provides a four-step approach for the reduction of prison populations:

1. If the prison system's population exceeds approved levels for more than 30 consecutive days and if all available administrative measures had been exhausted; e.g., parole and community corrections programs, the state's correction commission notifies the governor;
2. The governor is required by statute to declare a state of emergency which results in all established minimum sentences being automatically reduced by 90 days in order to bring the capacity down to 95 percent. This reduction in sentences enables an additional group of parole-eligible prisoners to be established

⁸¹ Adult Corrections, Management Plan, p. 137.

⁸² The Alaska State Legislature is currently considering Senate Bill No. 106 which is similar in concept to the Michigan law.

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for the Parole Board's consideration. The law excludes prisoners who have been given no minimum sentence as well as those offenders who have been retained beyond their minimum sentences by the parole board.

3. If the targeted population reduction does not occur within 90 days of the governor's declaration, sentences of eligible prisoners are again rolled back by 90 days.
4. When the corrections commission certifies that the population of the prisons has been brought down to 95 percent of their rated capacity, the governor is required to cancel the emergency declaration.⁸³

According to Susan Herman, an aide to Representative Padden, the governor has been required to implement the sentencing rollback procedures 4 times since the law's enactment. Ms. Herman stated that no security problems have occurred in Michigan as a result of prisoners being released early. In general, the law has been very favorably received and is regarded to be an effective method of addressing the state's prisons overcrowding.

Interest in overcrowding legislation, such as that enacted in Michigan, seems to be increasing in many states, possibly because it is a measure that interrupts the normal operations of correctional intake and release only during times of an emergency.

Prisoner Placement Options. By extending the authority of correctional administrators for the placement and supervision of offenders into non-institutional settings, some of the more costly dilemmas resulting from overcrowding may be resolved. A number of states are placing increased emphasis on both permanent and temporary community placement of offenders especially when combined with a comprehensive public work program.

Some states appear to be broadening eligibility requirements for these kinds of programs. In South Carolina, for example, the governor has recommended that the Department of Corrections "automatically screen all offenders committed to its agency for nonviolent offenses with sentences of five years or less for possible placement on work release or supervised furlough."⁸⁴

⁸³ Michigan House of Representatives, Memorandum to Members of House Corrections Committee from Jim Boyd and Ken Empey, "HB 6049--Prison Overcrowding Emergency Powers Act; Information Sheet on HB 6049," Nov. 24, 1980, (hereafter cited as "HB 6049--Prison Overcrowding").

⁸⁴ "Prison Crowding--An Overview of Options."

STRENGTHENING CORRECTIONAL MANAGEMENT THROUGH REORGANIZATION

Some of the problems recently encountered in adult correctional services in Alaska have been attributed to the current structure of the Division of Adult Corrections as well as to its location within the Department of Health and Social Services. During the past several months, authorities have contemplated the effectiveness of a divisional reorganization.

Generally a state changes the structure of its correctional agency in order to accomplish three major objectives: to strengthen the agency's political accountability; to make programmatic improvements; and to strengthen managerial control. In Alaska, policymakers have mentioned each of these three objectives in considering the reorganization of the Division of Adult Corrections.

The State of Alaska has a number of options regarding the organization and placement of correctional services; the following options have been suggested by justice professionals in recent months:

- Create a Department of Corrections.
- Move the Division into a different department.
- Relocate the Division to the Office of the Governor.
- Keep the Division in its current location and bolster its supervisory support--both internally and externally.
- Establish a Board of Corrections.

Before reviewing these specific options, it is important to consider some of the limitations of reorganization proposals for state correctional agencies. A study conducted in 1977 by the Council of State Governments offered this advice:

[A]lthough changing the administrative structure has important implications for correctional policy, the exact meaning is very problematical. Numerous intervening conditions are necessary for reorganization to have maximum impact...[R]eorganizing is a costly, time-consuming process which is more appropriate for dealing with broad-scale weaknesses in a state corrections program than rectifying specific problems...If its limitations as well as its strengths are recognized, it can be an effective means by which public officials can influence the future development of corrections programs.⁸⁵

⁸⁵ Jack D. Foster et al., Reorganization of State Corrections Agencies: A Decade of Experience, (hereafter cited as Reorganization State Correction Agencies.)

Create a Department of Corrections

The development of a Department of Corrections is an option that has been discussed by policymakers for several years. A final recommendation of the Hammond administration, for example, suggested that the Division of Adult Corrections be given departmental status. This recommendation was subsequent to several related legislative proposals, including Senate Bill No. 860 which was introduced by the State Affairs Committee of Alaska's Twelfth Legislature. In January 1983, Governor Sheffield, acting upon a recommendation of his Task Force on Corrections, offered Executive Order No. 54 for consideration by both houses of the legislature. In the executive order, the governor found that:

it would be in the best interests of efficient administration, protection of the public, and reformation of persons convicted of violations of the criminal laws of the state to reorganize penal corrections functions by creating a Department of Corrections as a principal department of the state. The new department is being created from the current division.

If approved, the order will take effect on April 1, 1983. The legislature has 60 days to respond.

There are several potential advantages to establishing a Department of Corrections in Alaska. Adult correctional services, which will always have substantial budgetary requirements, would no longer be in a perceived position of direct funding competition with other divisions within the Department of Health and Social Services. Moreover, as a member of the executive cabinet, the correctional administrator's access to the governor would improve. In addition, it would enable more coordination between the attorney general and other commissioners involved with criminal justice matters.

A new move of this order might also resolve some of the Division's existing personnel problems. As mentioned in the previous section, many of the staff positions within the Division appear in need of reclassification. Moreover, some authorities feel that the agency would benefit from additional staff positions that are partially exempt from State classified service. According to Robert Hatrak, the former director of DAC, Alaska is possibly the only state where the correctional administrator does not have the power to hire and fire his own staff. Mr. Hatrak commented that this can impair a director's ability to implement necessary program and administrative changes, particularly when staff are resistant of agency modifications. Presumably, a comprehensive review of staffing needs, including personnel reclassification, would occur as part of the transition process in forming a department. Some of the perceived inequities in pay scales could also be addressed through this process.

Former Director Charles Campbell believes that the development of a department would be extremely beneficial for Alaska's correctional programs. Mr. Campbell views this option to be a realistic means of assuring that the correctional administrator has routine contact with the governor.

Among those authorities who support departmental status for corrections, many are reluctant to see a department created prematurely. Robert Hatrak believes that establishing a department without sufficient time reserved for its design will not resolve Alaska's correctional problems and, may in fact, create added problems by improperly allocating human and budgetary resources.

One individual also commented that the transition process involved in establishing a department could renew personnel conflicts and produce management problems. By some assessments, many correctional staff already are demoralized by past management problems within the Division. The governor's recent appointment of a new director will signify the Division's fourth director in a period of six years. By some interpretations, several administrative issues should be resolved before an organizational step of this magnitude is undertaken.

Some criminal justice professionals are skeptical that the creation of a corrections department will ever be an appropriate option for Alaska. At issue are questions pertaining to management, program size, and cost. Some professionals do not believe that Alaska's correctional system is large enough to require departmentalization. As one former state official noted, a department could create more bureaucracy and more eventual expense than the benefits to be realized from such a move.

The trend in other states in recent years has been to relocate correctional agencies from human services departments in order to create a central department.⁸⁶ Daniel Skoler, a national authority on organizational options related to criminal justice, views the development of an independent, cabinet-level corrections department to be well worth consideration as an organizational option.⁸⁷

If Alaska policymakers conclude that the departmental option is not appropriate at this time, the following alternatives may be considered for the organization of correctional services.

⁸⁶ Ibid.

⁸⁷ Daniel L. Skoler, Organizing the Non-System: Governmental Structuring of Criminal Justice Systems, Lexington Books, Lexington, Massachusetts, 1977, p. 242, (hereafter cited as Organizing the Non-System).

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Move the Division into a Different Department

The Departments of Law, Public Safety, and Community and Regional Affairs have each been mentioned in the past several months as potential recipients of the Division of Adult Corrections. By some interpretations, the relocation of DAC from the Department of Health and Social Services would offer some distinct advantages: it could release valuable administrative resources for other divisions and programs within DHSS; it could provide a "fresh perspective" for the Division from a management standpoint; and it could enable the Division to alter its program emphasis from one of human services to another, such as public safety, which is regarded by some as a positive transition.

However, of the individuals we interviewed, most did not support the relocation of DAC into another department at this time. These views generally were based on a common perception that although DHSS may not be an ideal location, there is no department which could offer an improved setting. Victor Krumm, for example, is not in favor of a divisional move to the Department of Public Safety. He fears that the addition of correctional responsibilities would result in DPS' resources becoming "too diluted," thus making it difficult to fulfill its responsibilities in law enforcement. Similarly, he questions the placement of DAC into the Department of Law. Mr. Krumm made the following observation:

The problem with [the Division of Adult] Corrections is that it will automatically become the 'step-child' in whatever department it is placed. Because it is a large program that drains other division's resources, it doesn't really fit anywhere particularly well.

By Mr. Krumm's assessment, the Division "fits" most appropriately within an agency that has a social services emphasis and consequently, he believes it should remain where it is.

Dana Fabe, the State's Public Defender, would also like to see the Division stay within DHSS. Ms. Fabe noted that the Department is charged with responsibilities for human services treatment and welfare; she is apprehensive that relocation could attenuate the "treatment" function of adult correctional services.

Relocate the Division into the Governor's Office

The Governor's Office was one of two possible locations for correctional services that was suggested by Governor Sheffield's Transition Task Force on Human Services. While this type of placement would strengthen the agency's political accountability on certain levels, it could impair it on others. Clearly, it would improve the correctional administrator's access to the governor. Improved access could assist in expanding the governor's expertise and familiarity with this complex

topic. A potential disadvantage of placing a program as large and as sensitive as adult corrections in the Governor's Office is that it may place too great an administrative burden on the governor and his staff.

Keep The Division In Its Current Location

In its ten-year study of reorganizational efforts of state correctional agencies, the Council of State Governments found that reorganization can be costly and that objectives for program reform are not always realized. Additionally, the Council found that the effectiveness of reorganization is very dependent upon the clarity and uniformity of the goals that have been established for the state's criminal justice system.

In light of these factors, it may be that State dollars would be better spent by working to reduce the existing Division's imperfections and to improve upon other elements of Alaska's criminal justice system. One former official within the Department of Health and Social Services observed that relocation of the Division may not be very timely, because the Department--partially as a result of its recent problems with the Division--has now developed the skills and understanding necessary to effectively address a correctional agency's needs. If the Division is placed elsewhere, it may lose this necessary foundation.

Dana Fahe, the State Public Defender, feels that many of the agency's current problems could be resolved without relocation. In response to criticisms regarding the managerial capabilities of the Division of Adult Corrections, Ms. Fahe commented that some of these problems could be rectified by improving the Division's administrative support within the Department. This approach, in turn, may be more cost-effective than other available options. For example, by extending intradivisional administrative support and by establishing a deputy commissioner position within DRSS with primary responsibilities for policy development and program oversight of corrections-related activities, several of the Division's more fundamental problems could be remedied. Similarly, consideration could be given to establishing a special assistant within the Office of the Governor having sole responsibility for criminal justice areas.

By many interpretations, addressing the Division's needs through this approach would be less expensive and potentially more efficient than other options under consideration. Some have suggested the following alternative as a method of further strengthening the existing division.

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Establish a Board of Corrections

Correctional agencies in some states function through a board or commission. Operations vary from state to state, but most commonly a board is responsible for establishing and overseeing correctional policies. In turn, boards frequently have authority for the hiring and firing of the agency director. Correctional agencies in ten states currently operate through this type of board.⁸⁸ In addition to policy development, specific functions of the boards include the administration of probation and parole, standard-setting, and, in some cases, juvenile corrections.

Several other states have boards with distinctly different responsibilities than those described above. In Wyoming, for example, the board has authority for numerous state institutions; e.g., correctional centers, mental health centers, and facilities for the elderly.

According to research conducted in 1980 on behalf of the State of Washington, a distinct benefit derived from a board or commission is that it reduces the political accountability of correctional services to the governor and increases accountability to the public.⁸⁹ Based upon their research, accountability to the legislature remained unchanged. Additionally, boards can assist an agency in its external communications and relations.

Robert Hatrak noted that the primary significance of a board is the stabilizing effect it appears to have on program administration. According to Mr. Hatrak, the Florida Department of Corrections has retained the same administrator, Louie Wainwright, for 20 years. According to Mr. Hatrak, the duration of Mr. Wainwright's position is largely attributable both to an effective professional relationship between the administrator and his board and to the role that the board serves in acting as a buffer between Mr. Wainwright and various political factions.

Others have noted that policy boards if improperly administered may become guided by political motivations rather than by appropriate strategies. Some states, such as Minnesota, have dispensed with their policy boards in favor of other administrative mechanisms.

Of the individuals we interviewed regarding this concept, most stressed the importance of establishing a board principally comprised of professional membership. If a board is devised with lay citizens, its abilities to address complex issues of criminal justice policies may become diffused.

⁸⁸ The ten states are Arkansas, Georgia, Idaho, Indiana, Michigan, Mississippi, New Hampshire, South Carolina, Texas and Washington.

⁸⁹ Bert H. Hoff et al., Battelle Law and Justice Study Center, A Corrections Commission for the State of Washington, April 1980.

The State of Washington did an extensive analysis of the board/commission option. If it is decided that this option is worth further consideration for Alaska's agency, it would be advisable to contact correctional staff in Washington for their insights.

IMPROVING CRIMINAL JUSTICE COMMUNICATIONS AND DECISION MAKING

Paramount to any discussion of options in adult correctional services is the agency's programmatic and administrative relationship with others involved with the criminal justice system. In many respects, the difficulties that the Division of Adult Corrections has experienced in recent years are partly the result of actions taken in other parts of Alaska's criminal justice system. The Alaska Corrections Master Plan discusses three major criminal justice decisions that essentially determine the size of the Division of Adult Correction's caseload; these are:

- the decision to release or detain those awaiting trial;
- the sentencing decision; and
- the parole release decision.

The ultimate responsibility for these decisions is placed within the courts, the parole board, and the legislature. In light of this, many justice authorities have expressed a need for improved communication among these entities. Others have added that there needs to be effective interagency communication and planning among agencies. As Janice Cole observed in a recent draft policy report:

The criminal justice system includes the Departments of Law, Health and Social Services, Public Defender (Department of Administration), and Public Safety, local law enforcement entities, and the Judicial System. Major policy changes within one entity are likely to affect all related entities.⁹⁰

Policy Analysis, Planning, and Research

Ms. Cole recommended that the State establish a process for interagency communication and policy development. According to Ms. Cole, this process should include the establishment of a cabinet-level criminal justice planning committee for the purposes of resolving current policy issues and long-range planning and policy development. Ms. Cole further suggested that a system be established for short-term problem solving, which would provide more effective management of the pretrial and sentenced populations. This, in turn, could serve as a vehicle for providing the judiciary with current information regarding available

⁹⁰ "Corrections Planning"

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sentencing options and for providing the legislature with information regarding the status of justice programs and concerns.

This function was formerly accomplished by the Criminal Justice Planning Agency which was originally located within the Office of the Governor. Following budgetary reductions and the elimination of the federal Law Enforcement Assistance Administration, the Criminal Justice Planning Agency was closed down in July 1982. As a result of this, the State lost much of its research and planning capabilities in the field of criminal justice.

The significance of this loss is apparent in examining the State's needs in crime prevention programs. As Roger Endell has noted, the State does not currently have access to basic demographic data regarding crimes in Alaska which would be useful information in forecasting law enforcement needs in given locales.

Moreover, many authorities have identified information system deficiencies within the Division of Adult Corrections particularly in the areas of population management and long-range forecasting; and in its general capabilities for research and policy analysis. To date, the primary data that is available for analysis is generated from the booking process. According to Wilson Condon, the former attorney general, this has limited the State's capabilities for detailed research of prison populations.⁹¹ In many other states, computer programs are used that examine the pattern and flow of prisoners from the time of their arrest until their release. This would provide a base which would enable more substantive analysis to occur in Alaska.

Accurate Short and Long-Term Cost Information

Throughout the course of our interviews, individuals stressed the need for improvements in forecasting the financial costs of criminal justice policies. The most frequently cited illustration of this need is Alaska's revised criminal code, amended by the legislature in 1978 and implemented in 1980, which provided presumptive sentencing for felony convictions. Many authorities believe that cost analyses regarding this legislation were insufficient. In other states, presumptive sentencing trends have resulted in prison population increases. If accurate analysis of the implications of these kinds of policies is done, correctional administrators and policymakers can plan more effectively for capital, staffing and program needs.

Further, it can provide insights as to whether a proposed policy is cost-effective and should be established at this time. In Pennsylvania, for example, an analysis of a bill providing mandatory minimum sentencing

⁹¹ Memorandum from Wilson L. Condon

estimated that a 50 percent increase in prison populations and a 40 percent increase in state prison expenditures would result from its implementation. Similarly, individuals have mentioned a need for the effective presentation of cost data related to the construction or renovation of correctional facilities. According to Kay Harris, of 31 prisons where construction began between 1976 and 1980, costs in 26 facilities exceeded the original appropriation. There is also a need for accurate forecasting of maintenance and operation costs.

CONCLUSION

Chief Justice Warren Burger recently called for the development of a national correctional policy. Commenting on the scale of the problem, Justice Burger made the following recommendation:

Correctional policy, particularly during times of rapidly increasing prisoner populations and prison overcrowding, can no longer remain confined to one segment of society...State, local and federal authorities must focus on these problems [and] develop a national correctional policy to deal with them.

Justice Burger's remarks serve as a reminder that the effective delivery of correctional services is a dilemma that is confronting the nation as a whole. Although policymakers in Alaska are grappling with some difficult corrections issues, a review of correctional systems in other states reveals problems of much greater magnitude than those currently found in Alaska.

In reviewing the draft version of this report, Charles Campbell, former Director of the Division of Adult Corrections, commented that Alaska has one of the better correctional systems in the nation. Several of the State's facilities and programs have served as models for other parts of the United States. Mr. Campbell cited other examples of the overall effectiveness of the State's system: the incidence of violence in Alaska's prisons is probably lower than in any other state; drug use and trafficking within institutions is very low; and prison escapes were not a problem in Alaska until 1982. Moreover, in a field noted for its high attrition, the Division of Adult Corrections reportedly has one of the lowest turnover rates of any State agency in Alaska. In summary, Mr. Campbell stated that:

[D]uring a period of precipitous population growth and serious overcrowding, [Alaska's prison] superintendents managed their facilities skillfully enough to avoid anything like the problems which beset other jurisdictions.

Although it is apparent that the administrative and managerial capabilities of the Division of Adult Corrections may require strengthening through budgetary, organizational, and legislative reform, it is less clear how much may be gained by this strategy or, in turn, how much risk will be assumed by rejecting this approach.

It is evident that correctional expenditures are increasing both in Alaska and in the nation as a whole. Between 1971 and 1979, correctional expenditures almost tripled in the United States, having in-

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creased from \$2.3 billion annually to \$6 billion per year. Moreover, the rate of increase in prison populations--at least in the immediate future--is expected to continue to grow. In light of this, it is becoming increasingly important that government become more efficient in its management of offender populations and its use of existing facilities.

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- 82-A State Loan Programs: A Review of Administration, Funding
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- 82-B State Budget Policy Under Uncertain Revenue Forecasts:
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January 1983

- 82-D Election District Breakdown of State Operating and Capital
Budgets: Fiscal Years 1981 - 1983

- 82-E Adult Corrections in Alaska: Current Issues in Administration
and Management
January 1983



Alaska State Legislature
State Senate

Committee on Judiciary

Senator Bill Ray
Chairman
Senate Floor Leader

Pouch V
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FOR IMMEDIATE RELEASE
April 4, 1983

SENATE JUDICIARY COMMITTEE TO HOLD TELECONFERENCE
ON HB 103 - ESTABLISHING A DEPARTMENT OF CORRECTIONS

Juneau, Alaska -- The Senate Judiciary Committee will hold a teleconference this Friday (April 8, 1983) in Juneau on CSHB 103--An Act establishing a Department of Corrections and transferring certain functions [including certain juvenile functions] of the Department of Health and Social Services to the Department of Corrections; and providing for an effective date.

The following sites are included for this teleconference, and interested parties can contact the local Legislative Information offices:

Anchorage	1024 West 6th Avenue Phone: 278-7668	11:30 a.m.
Fairbanks	315 Barnette, Suite 101 Phone: 452-4448	11:30 a.m.

Matsu	Wasilla Village Center Phone: 376-3704	11:30 a.m.
Ketchikan	111 Stedman, Rm 100 Phone: 225-9675	1:30 p.m.
Sitka	210 Lake Street Phone: 747-6276	1:30 p.m.

Senator Pettyjohn who is the sub-committee chairman of this bill will be participating in Anchorage and urges every citizen with an opinion on whether or not the state should institute a new Department of Corrections to participate in Fridays hearings.

TAPE LOG # 5000

committee: Senate Judiciary Cm date _____ to _____

bill numbers: HB 103 | | | | |

other information: Reedy joins and participating via

Date/ Time	Tape Meter No.	Bill	Significant Information (Witness, Action)
135	CSHB 103		Ray - Discusses proposal & adopt & eff imm & wherever necessary to make sec. necess. to effect imm
126			7/1/84 - Junction portion - guess by Josephson - accepts Chairman's proposal But do interim study & work next year
160			RAY - Speaks to Josephson about political liability
289			Langdon - Helma - At Child Plus
350			Josephson, speaks to her statement
406			Ray, Josephson and Langdon discuss different political Sec 58 pg 47.

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CS FOR HOUSE BILL NO. 103

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

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

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

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

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

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

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

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

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

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CS FOR HOUSE BILL NO. 103

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

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

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

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

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

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

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

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

The benefits resulting from the present organization include:

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

POSITION PAPER

CS FOR HOUSE BILL NO. 103

PAGE 4

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

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

A comprehensive approach is particularly important to rural Alaska.

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

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

POSITION PAPER

CS FOR HOUSE BILL NO. 103

PAGE 5

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

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

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

RECOMMENDED:

John R. Pugh
John R. Pugh
Acting Deputy Commissioner
Office of the Commissioner

RECOMMENDED:

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

DATE:

3/21/83

DATE:

March 21, 1983

APPROVED BY:

Robert London Smith
Robert London Smith, Ph.D.
Commissioner

DATE:

3/21/83

I. REQUEST
 BILL/Resolution No.: CS for HB 103 (Jud.)
 Title: "An Act Establishing a Dept. of Corr."
 Sponsor: Judiciary Committee
 Requestor: House Judiciary

II. FISCAL DETAIL
 Agency Affected: Dept. of Corrections
 Program Category Affected: Admin. of Justice
 BRU, Program or Subprogram(s) Affected:
 Adult Confinement, Probation & Community Pro-
 grams, Admin. & Support, Youth Correctional

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		9596.3	10172.1	10782.4	11429.4	12115.1
200 TRAVEL		213.1	225.9	239.5	253.8	269.0
300 CONTRACTUAL		1365.5	1447.4	1534.3	1626.3	1723.9
400 COMMODITIES		586.0	621.1	658.4	697.9	739.7
500 EQUIPMENT		12.7	13.5	14.3	15.1	16.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC		4961.1	5258.8	5574.3	5908.7	6263.3
TOTAL OPERATING		16734.7	17738.	18803.2	19931.2	21127.0
CAPITAL		16376.2	9111.7			7870.2
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		33110.9	26850.5	18803.2	19931.2	28997.2
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		231.0	231.0	231.0	231.0	231.0
PART-TIME		1.0	1.0	1.0	1.0	1.0
TEMPORARY						

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

Source of funds to offset fiscal impact of CS for House Bill No. 103 (Judiciary) has not been identified by the sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Division of Budget & Finance, DH&SS *J. H. Hubbard* Phone: 465-3331
 Division: _____ Date: March 18, 1983
 Approved by Commissioner: *Robert Gordon Smith, M.D.* Date: 3/19/83
 Department: Health & Social Services

Distribution:

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STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: CS for HB 103
Title: Establishing a Dept. of Corrections
Sponsor: Fritz
Requestor: _____

II. FISCAL DETAIL

Agency Affected: HSS
Program Category Affected: Adm. of Justice
BRU, Program of Subprogram(s) Affected: Juvenile Custody & Youth Corr. Svcs.

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		9,066.2)				
200 TRAVEL		165.1)				
300 CONTRACTUAL		1,009.0)				
400 COMMODITIES		569.0)				
500 EQUIPMENT		12.7)				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC		4,961.1)				
TOTAL OPERATING		(15,783.1)	0	0	0	0
CAPITAL		(16,376.2)	(9,111.7)	0	0	(7,870.2)
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	(32,159.3)	(9,111.7)	0	0	(7,870.2)
FEDERAL FUNDS					
OTHER (Specify Source)					

POSITIONS:

FULL-TIME	(221.0)	0	0	0	0
PART-TIME	(1.0)				
TEMPORARY					

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

Funds would transfer from the Division of Family and Youth Services for existing Youth Services programs only, and could not be utilized to meet the increased administrative costs of a new Department of Corrections; the same source was not identified by the sponsors of the Bill.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Michael L. Price *Michael L. Price* Phone: 465-3170
Division: Family and Youth Services Date: 3-18-83
Approved by Commissioner: Robert London Smith, Ch. D. Date: 3/19/83
Department: Health & Social Services

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3/8/83

"An Act establishing a Department of Corrections."

Division of Family and Youth Services

A. Assumptions

While the Department does not support the transfer of the youth services programs to the Department of Corrections, this fiscal note is based upon the assumption that if passed, the Bill would require the transfer of all funds in the FY 84 Governor's Budget for delinquent youth to that department.

B. Program Summary

All positions and related support costs in the Youth Correctional Services BRU, which includes the youth facilities, would transfer. Included are costs for treatment of delinquent youth. Funds for the purchase of foster and residential care for delinquent youth would also transfer.

C. Computations

Funds for the Youth Correctional Services BRU are taken from the Governor's Budget. Funds for Foster and Residential Care are based upon the FY 82 history and 7/1/82 - 1/31/83 actual expenditures, plus inflation for FY 84. (See the attachment for a detailed breakout.)

D. Economic Impact

Current programs provide intensive rehabilitative treatment and preventive programs for youth. Transfer of these programs to another department could result in a breakdown of the concurrent treatment efforts of social workers and probation officers for youth of the Division of Family and Youth Services, resulting in an adverse effect on the youth and their families and the continued or recurring need for state intervention.

E. Impact on Local Governments

Enactment of this Bill should not have an impact.

CS FOR HOUSE BILL NO. 103

ATTACHMENT
DIVISION OF FAMILY AND YOUTH SERVICES
PAGE 3

C. Computations - continued

FY 84 GOVERNOR'S BUDGET

JUVENILE CUSTODY

<u>OPERATING</u>	<u>YOUTH CORR. SVCS</u>	<u>FOSTER CARE</u>	<u>INSTITU- TION CARE</u>	<u>TOTAL</u>	<u>PCN'S</u>	
100	9,066.2			9,066.2	221	1
200	165.1			165.1		
300	1,009.0			1,009.0		
400	569.0			569.0		
500	"			12.7		
700	<u>446.2</u>	<u>487.6</u>	<u>4,024.6</u>	<u>4,961.1</u>		
TOTAL	11,270.9	487.6	4,024.6	15,783.1	221	1

Foster Care: 20,785 days (57 FTEs) at \$18.75 x
average daily rate x 365 = \$ 413,206

Other Costs (medical, travel,
clothing, special needs) = 74,377
SUBTOTAL \$ 487,583

Residential Care: 34,055 days (93 FTEs) at \$111.49 x
average daily rate x 365 = \$3,796,792

Other Costs (medical, travel,
clothing, special needs) = \$ 227,808
SUBTOTAL \$4,024,600

TOTAL JUVENILE CUSTODY \$4,512,183

CAPITAL

<u>FY 84</u>	Rank 05 Youth Corrections Facility Repairs	
	Project 1506	\$ 3,376,200
	Project 1507	2,807,500
	Rank 06 Fairbanks Y.F. Wing - Proj. 1508	<u>10,192,500</u>
		16,376,200
<u>FY 85</u>	Rank 40 Southeast Y.F. Project 1590	9,111,700
<u>FY 88</u>	N/A Bethel Y. F. N/A	7,870,200

CS FOR HOUSE BILL NO. 103
FISCAL NOTE

ATTACHMENT
PAGE 4

Division of Family and Youth Services, continued

The removal of programs for delinquents from administration by the Division of Corrections, and the organization of all juvenile services within one agency was recommended by the Division of Legislative Audit in its September 1979 report on a performance review of juvenile confinement programs. The advantages of placing responsibility for all juveniles services in the Division of Family and Youth Services are several:

1. Improved coordination and efficiency of efforts to provide a continuum of services to youth and families;
2. Increased efficiency and effectiveness in the development and utilization of private resources;
3. Improved coordination and efficiency in the development of policy and procedures affecting services for youth;
4. Improved staff development through the utilization of combined training programs for social services' workers and juvenile corrections' personnel;
5. Greater capacity to provide a range of services, particularly in rural areas, with greater cost effectiveness through cross training of staff;
6. Development of comprehensive planning for children, youth, and families;
7. Development of a singular program budget for services to youth and families; and
8. Increased cost effectiveness of single administrative responsibility for development of regulations, and licensing of foster homes and child care facilities.

I. REQUEST
 Bill/Resolution No.: CS for HB 103 (Jud.)
 Title: "An Act establishing a Dept. of Corr."
 Sponsor: Judiciary Committee
 Requestor: House Judiciary

II. FISCAL DETAIL
 Agency Affected: Health & Social Servs.
 Program Category Affected: Admin. of Justice
 BRU, Program of Subprogram(s) Affected:
Adult Confinement; Probation & Community
Programs; Administration & Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		530.1	561.9	595.6	631.4	669.2
200 TRAVEL		48.0	50.9	54.0	57.2	60.6
300 CONTRACTUAL		356.5	377.9	400.6	424.6	450.1
400 COMMODITIES		17.0	18.0	19.1	20.2	21.4
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	*	951.6	1008.7	1069.3	1133.4	1201.3

CAPITAL		-0-	-0-	-0-	-0-	-0-
---------	--	-----	-----	-----	-----	-----

REVENUE		-0-	-0-	-0-	-0-	-0-
---------	--	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND	*	951.6	1008.7	1069.3	1133.4	1201.3
FEDERAL FUNDS		-0-	-0-	-0-	-0-	-0-
OTHER (Specify Source)		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	10.0	10.0	10.0	10.0	10.0	10.0
PART-TIME		-0-	-0-	-0-	-0-	-0-
TEMPORARY		-0-	-0-	-0-	-0-	-0-

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

Source of funds to offset fiscal impact of CS for House Bill No. 103 (Judiciary) has not been identified by the sponsor. *FY 1983 funding has been identified in Senate Bill No. 158 as a delete/add supplemental of \$250,000.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Roger C. Lange *Roger C. Lange* Phone: 465-3376
 Division: Adult Corrections Date: March 17, 1983
 Approved by Commissioner: Robert Gordon Smith, III Date: 3/18/83
 Department: Health & Social Services

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3/8/83

IV. ANALYSIS

A. Assumptions:

1. C.S. for House Bill No. 103 (Judiciary) creates a Department of Corrections to include juvenile corrections, which were added in this committee substitute.
2. The transfer of juvenile corrections entails (Governor's budget level) 221 permanent full time positions and an appropriation of \$11,270,900. This does not include a pro rata share for corrections juveniles of the foster care/private institutional care request of \$16,399,500. Since the administrative support for these positions and processing of purchase/expenditure documents already exists in the Department of Health and Social Services, it is assumed no new positions will be required for these functions. However, an additional four positions should be identified for transfer from the Department of Health and Social Services to the Department of Corrections for processing personnel documents, purchase requisitions, billings, etc. If positions are not transferred, additional resources would be needed.
3. No additional central administration positions above those identified in the fiscal note for House Bill No. 103 would be needed.

B. Program Summary

1. Positions

Ten new positions are required to implement C.S. for House Bill No. 103 (Judiciary), as follows:

- a. Special Assistant to the Commissioner II
- b. Regional Director - Rural
- c. Executive Secretary II
- d. Programmer/Analyst V
- e. Personnel Officer III
- f. Administrative Officer I
- g. Secretary II
- h. Information Officer II
- i. Secretary I
- j. Clerk-Typist III

2. Other Expenditures

- a. Travel - Administrative and field travel for Commissioner, Assistant Commissioners, Regional Directors and Special Assistants.
- b. Contractual Services - Space lease costs approximate \$250,000. The remainder is for increases in telephone charges, office equipment rentals (postage meters, word processing), janitorial services.
- c. Commodities - Office supplies, departmental forms, etc.

C. Impact

This bill will have no impact on the State's economy or local government units.

REVISED PROGRAM
REQUEST FOR NEW POSITION

CATEGORY	Admin. of Justice
COVER PROGRAM	Offend. Conf. Reform. & Supv.
AGENCY	Dept. of Health & Social Services..
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin & Support
BUDGET COMPONENT	Director's Office

POSITION TITLE Special Assistant to the Commissioner II		JUSTIFICATION: CS for H.B. #103 (Jud.) creates a new Department of Corrections. The requested position will provide direct support to the Commissioner in the form of project assignments, as appropriate.
LOCATION Juneau		
TYPE (FULL OR PART-TIME) <u> PFT </u>		
NUMBER REQUESTED <u> 1 </u>		
RANGE 23A	BARGAINING UNIT PX	
MONTHLY SALARY 4,149	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	16.5	Salary 12,447 Benefits 2,126 Supplemental Benefits 763 Fixed Benefits 720
02 TRAVEL	15.0	Travel 15,000 (relocation expenses)
03 CONTRACTUAL	1.5	Contractual 1,544
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
08 OTHER		
TOTAL		
	33.8	
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND	33.8	
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

REVISED PROGRAM
REQUEST FOR NEW POSITION

CATEGORY	Admin. of Justice
COVER PROGRAM	Offend. Conf. Reform & Supv.
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

POSITION TITLE Regional Director - Rural		JUSTIFICATION: CS for H.B. #103 (Jud.) creates a new Department of Corrections. The requested position will provide services to rural Alaska which are currently not available in the existing organizational structures. The incumbent will be in contact with village councils, Public Safety and all other agencies involved in the criminal justice system in rural Alaska. The incumbent will also negotiate and administer the local jail contracts
LOCATION Anchorage		
TYPE (FULL OR PART-TIME) <u>PFT</u>		
NUMBER REQUESTED <u>1</u>		
RANGE 24A	BARGAINING UNIT PX	
MONTHLY SALARY 4441	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	17,100	Salary 13,323 Benefits 2,277 Supplemental Benefits 81/ Fixed Benefits 720
02 TRAVEL	15,000	Travel 15,000 (relocation expenses)
03 CONTRACTUAL	1,600	Contractual 1,563
04 COMMODITIES	400	Commodities 400
05 EQUIPMENT	800	Equipment 800
06 OTHER		
TOTAL		
		34,900
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND		34,900
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

REVISED PROGRAM
REQUEST FOR NEW POSITION

CATEGORY	Admin. of Justice
COVER PROGRAM	Offend. Conf. Reform & Supv.
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

POSITION TITLE Executive Secretary II		JUSTIFICATION: CS for H.B. #103 (Jud.) creates a new Department of Corrections. The requested position is to provide direct secretarial support to the Commissioner. This is a new function resulting from the organizational change.
LOCATION Juneau		
TYPE (FULL OR PART-TIME) <u>PFT</u>		
NUMBER REQUESTED <u>1</u>		
RANGE 14A	BARGAINING UNIT PX	
MONTHLY SALARY 2241	MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	9.0	salary 6723 Benefits 1148 Supplemental Benefits 412 Fixed Benefits 720
02 TRAVEL	..	
03 CONTRACTUAL	1.2	Contractual 1197
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
08 OTHER		
TOTAL		
		11.4
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND	11.4	
1005 I/A RECEIPTS		
1025 PROGRAM RECEIPTS		

CATEGORY	Admin. of Justice
COVER PROGRAM	Offend. Conf. Reform. & Supv.
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

REVISED PROGRAM
REQUEST FOR NEW POSITION

POSITION TITLE Programer Analyst V		JUSTIFICATION: CS for H.B. #103 (Jud.) created the new Department of Corrections. Within existing staff, there are no programing/Analyst capabilities as these had been furnished through the Office of Information Systems, Dept. of Health & Social Services. No resources in this area of expertise is being transferred. The incumbent in this position will be responsible for the maintenance and development of systems for the new Department (OBSCIS, AJIS, turn-around document, etc.)
LOCATION Juneau		
TYPE (FULL OR PART-TIME) <u>PET</u>		
NUMBER REQUESTED <u>1</u>		
RANGE 21A	BARGAINING UNIT GGU'	
MONTHLY SALARY 3630	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	14.1	Salary 10,890 Benefits 1861 Supplemental Benefits 667 Fixed Benefits 720
02 TRAVEL	1.0	Travel 1,000
03 CONTRACTUAL	1.2	Contractual 1,562
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
05 OTHER		
TOTAL		
	17.9	
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND	17.9	
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

CATEGORY	Admin. Of Justice
COVER PROGRAM	Offend. Conf. Reform. & Supy.
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

REVISED PROGRAM
REQUEST FOR NEW POSITION

POSITION TITLE Personnel Officer III		JUSTIFICATION: CS for H.B. #103 (Jud.) creates a new Department of Corrections. The existing Div. of Adult Corrections does not have the responsibility, nor staff, to carry out the duties of a Departmental personnel officer. The incumbent in this position would have the first line responsibility for all personnel matters in the Department of Corrections.
LOCATION Juneau		
TYPE (FULL OR PART-TIME) <u>PFT</u>		
NUMBER REQUESTED <u>1</u>		
RANGE 20A	BARGAINING UNIT S	
MONTHLY SALARY 3469	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	13.5	Salary 10407 Benefits 1779 Supplemental Benefits 639 Fixed Benefits 720
02 TRAVEL	1.0	Travel 1000
03 CONTRACTUAL	1.5	Contractual 1555
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
08 OTHER		
TOTAL		
		17.3
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND		17.3
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

CATEGORY	Admin of Justice
COVER PROGRAM	Offend. Conf. Reform. & Supv.
AGENCY	Dept. of Health & Social Services.
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

REVISED PROGRAM
REQUEST FOR NEW POSITION

POSITION TITLE Administrative Officer I		JUSTIFICATION: CS for H.B. #103 (Jud.) creates a new Department of Corrections. The working title of the incumbent of this position will be contract officer. The Department of Corrections has numerous contracts for medical, dental and counseling services, half-way house beds for persons on furlough status, leases, local jail facilities, etc. The incumbent will assist in preparing contracts and authority to negotiate documents; assure compliance to state regulations and laws regarding letting of contract awards, etc.
LOCATION Juneau		
TYPE (FULL OR PART-TIME) <u>PFT</u>		
NUMBER REQUESTED <u>1</u>		
RANGE 17A	BARGAINING UNIT S	
MONTHLY SALARY 2824	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	11.2	Salary 8472 Benefits 1449 Supplemental Benefits 519 Fixed Benefits 720
02 TRAVEL		
03 CONTRACTUAL	1.5	Contractual 1540
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
06 OTHER		
TOTAL		
	13.9	
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND	13.9	
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

STATE OF ALASKA
Office of the Governor
Budget & Management Div.

CATEGORY	Admin. of Justice
COVER PROGRAM	Offend. Conf. Reform. & Supervision
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin & Support
BUDGET COMPONENT	Director's Office

REVISED PROGRAM
REQUEST FOR NEW POSITION

POSITION TITLE Secretary II		JUSTIFICATION: CS for H.B. #103 (Jud.) creates a new Department of Corrections. The requested position will provide secretarial support to the Assistant Commissioner of Operations.
LOCATION Anchorage		
TYPE (FULL OR PART-TIME) <u>PFT</u>		
NUMBER REQUESTED <u>1</u>		
RANGE 11A	BARGAINING UNIT GGU	
MONTHLY SALARY \$1,862	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	7.6	Salary 5586 Benefits 954 Supplemental Benefits 342 Fixed Benefits 720
02 TRAVEL		
03 CONTRACTUAL	1.2	Contractual 1198
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
06 OTHER		
TOTAL		
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND		10.0
1005 I/A RECEIPTS		
1006 PROGRAM RECEIPTS		

CATEGORY	Administration of Justice
COVER PROGRAM	Offend. Conf. Reform. & Supervision
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

REVISED PROGRAM
REQUEST FOR NEW POSITION

POSITION TITLE Information Officer II		JUSTIFICATION: CS for H.B. No. 103(Jud) creates a new Department of Corrections. The requested position will perform as a public information source for the department.
LOCATION Juneau		
TYPE (FULL OR PART-TIME) <u> PFT </u>		
NUMBER REQUESTED <u> 1 </u>		
RANGE 17A	BARGAINING UNIT GGU	
MONTHLY SALARY \$2,757	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	10.9	Salary 8271 Benefits 1413 Supplemental Benefits 507 Fixed Benefits 720
02 TRAVEL	1.0	Travel 1000
03 CONTRACTUAL	1.5	Contractual 1489
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
08 OTHER		
TOTAL	14.6	
1002 FEDERAL		
1003 G/F MATCH		
100 GENERAL FUND	14.6	
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

CATEGORY	Administration of Justice
COVER PROGRAM	Offend. Conf. Reform. & Supervision
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

REVISED PROGRAM
REQUEST FOR NEW POSITION

POSITION TITLE Secretary I		JUSTIFICATION: 1 CS for H.B. #103 (Jud.) creates a new Department of Corrections. The incumbent in this position will provide the secretarial support to the Rural Regional Director.
LOCATION Anchorage		
TYPE (FULL OR PART-TIME) <u> PFT </u>		
NUMBER REQUESTED <u> 1 </u>		
RANGE 10B	BARGAINING UNIT GGU	
MONTHLY SALARY \$1,803	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	7.4	Salary 5409 Benefits 924 Supplemental Benefits 333 Fixed Benefits 720
02 TRAVEL		
03 CONTRACTUAL	1.1	Contractual 1114
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
06 OTHER		
TOTAL		
	9.7	
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND	9.7	
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

CATEGORY	Administration of Justice
COVER PROGRAM	Offend. Conf. Reform. & Supervision
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

REVISED PROGRAM
REQUEST FOR NEW POSITION

POSITION TITLE Clerk Typist III		JUSTIFICATION: CS for H.B. #103 (Jud.) creates a new Department of Corrections. The requested position will provide clerical support to the Special Assistant to the Commissioner and Information Officer positions in the Commissioner's Office.
LOCATION Juneau		
TYPE (FULL OR PART-TIME) <u>PFT</u>		
NUMBER REQUESTED <u>1</u>		
RANGE 8A	BARGAINING UNIT GGU	
MONTHLY SALARY \$1,553	# MONTHS (CY) 3	
		DETAIL OF RELATED EXPENSES
01 PERSONAL SERVICES	6.5	Salary 4659 Benefits 794 Supplemental Benefits 286 Fixed Benefits 720
02 TRAVEL		
03 CONTRACTUAL	1.1	Contractual 1141
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
03 OTHER		
TOTAL		
1002 FEDERAL		
1003 G/F MATCH		
1001 GENERAL FUND	8.8	
1005 I/A RECEIPTS		
1023 PROGRAM RECEIPTS		



9

MSG 83-00003715 PRTY 1 03/25/83 18:51:26 ORIG: LA01 IN= 0020 OUT= 0118
FROM: MARCIE, AND INFO TO: JUNEAU INFO
TARGET: LJHL SUBJ: MESSAGE FOR JOHN GABRIELLI,

11:30 AM
4/5/83

PLEASE DELIVER THE FOLLOWING MESSAGE TO JOHN GABRIELLI AS SOON AS POSSIBLE:

TO: JOHN GABRIELLI, AID, SENATOR RAY'S OFFICE
FROM: FUDGE KLEINKHAUF
RE: GROUPS & INDIVIDUALS INTERESTED IN ISSUE OF JUVENILE WAIVER FOR TELECONFERENCE

- DANA FARE, PUBLIC DEFENDER 279-7541 ✓
- ROBERT HICKERSON, LEGAL SERVICES 272-9431 ✓
- ~~SHARON EGGERS, AK YOUTH ADVOCATES 274-6541 ✓~~ → 20455th, Rm 211 99501
- DENNY PATELLA, FAMILY CONNECTION 279-0551 ✓
- MARGARET WOLF 277-1977 *
- JEAN STASSEL, LEAGUE OF WOMEN VOTERS 276-8927 *
- JAN STUMPF 694-9279 *
- SALLY KNEELAND 863-2115 *
- JOANIE CLEARY, NORTH PACIFIC RIM NATIVE CORPORATION 276-2121 H-274-9056 ✓
- SALLY LAUSTER H: 277-8474 *
- JOHN GARVIN, AK CHILDREN SERVICES 276-4515 ✓
- SHERRY ECHRICH H: 345-7893 *
- KATIE HURLEY, COM ON STATUS OF WOMEN 561-4227 ✓
- JOAN HURST, CAMP FIRE 279-3551 ✓

I WILL BE IN TOUCH WITH YOU THURSDAY, MARCH 31.
THANKS FOR YOUR HELP. FUDGE

Marshe Schneider. FBKS 456-5914

EOM

participant list for TK.



ALASKA CHILDREN'S SERVICES, INC.

1200 East 27th Avenue
Anchorage, Alaska 99508-3999
(907) 276-4515

March 28, 1983

The Honorable Bill Ray, Chairman
Senate Judiciary Committee
Alaska State Senate
Pouch V, Mail Stop 3100
Juneau, Alaska 99811

RE: CSHB 103 - "An Act establishing a Department of Corrections and transferring certain functions of the Department of Health and Social Services to the Department of Corrections: and providing for an effective date."

Dear Senator Ray:

We are in support of the creation of a separate Department of Corrections, however, we strongly oppose the transferring of juvenile delinquents (minors) into the new Department for many reasons. The most important ones are:

1. Juvenile delinquents have more in common with "children in need of aid" than they do with adult criminals.
2. Prevention services, which include family services, require specialized staff, facilities, and resources which will be better coordinated with the Department of Health and Social Services staff who have the responsibility of working with families. This aspect of treatment is extremely important in rehabilitation of minors and the possibility of building stronger families.
3. Adult Corrections deals with the end result of the crime problem. Youth Services focuses on the cause.
4. Both national and Alaskan research indicates there is a real difference between adult and juvenile offenders, therefore, the adult corrections and juvenile service programs must be different. Our concern is that this knowledge will not be translated into the philosophy of treatment in a new Department of Corrections.

Serving Alaska's

Children and Families through:

- Residential Treatment Center
- Group Homes
- Emergency Shelter Services

- American Baptist
- American Lutheran
- United Methodist Churches

Member:

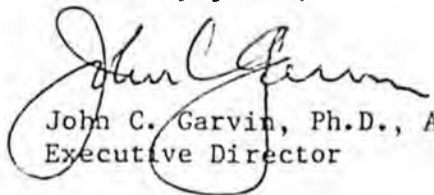
- United Way of Anchorage
- Child Welfare League of America
- Alaska Association of Homes for Children
- Affiliate of the National Benevolent Association of the Christian Church (Disciples of Christ)

Page 2
March 28, 1983
The Honorable Bill Ray

5. Several years of study within the executive branch and a legislative audit report each concluded that combining all services for youth and families within one agency would result in more cost effective provision of services.
6. The cost of duplicating social services and corrections staff, particularly in rural Alaska, will involve considerable cost to the State. A comprehensive approach to providing all youth and family services is much more desirable in the rehabilitation of minors and the possibility of building stronger families.
7. Because of the current situation with the adult criminals, the next few years must be spent building and staffing jails. We are concerned that this would take priority over time, money, and effort spent to develop a good quality program for youngsters.

It is true that in our society today "law and order" are being given much attention and money is likely to be available, but priorities can change and corrections be short changed again; and juveniles who have few advocates will suffer most. Even though the present administration and legislature have expressed concern for adequate correctional services, there is no guarantee that another legislature or administration would have the same commitment. Public policy must reflect what is in the long-term, best interest of our young people, and as advocates for children, youth, and families, we must speak in their behalf when issues such as these arise.

Sincerely yours,



John C. Garvin, Ph.D., ACSW
Executive Director

JCG/rv

March 28, 1983

The Honorable Bill Ray, Chairman
Senate Judiciary Committee
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Ray:

RE: CSHB 103

I would like to share with you some of my concerns about CSHB 103. As I understand the provisions in this bill, a new Department of Corrections would be created. Although I am in favor of this new Department, I would object to having minors (juvenile delinquents) included. There are several reasons for my objections, the major ones are as follows:

1. Prevention services, which include family services, require specialized staff, facilities and resources which will be better coordinated with the Department of Health and Social Services staff who have the responsibility of working with families. I would very much like for this to remain as it is currently.
2. Several years of study within the executive branch and a legislative audit report each concluded that combining all services for youth and families within one agency would result in most cost effective provision of services.
3. Research indicates there is a real difference between adult and juvenile offenders, and thus the philosophy of treatment must be different. Juvenile delinquents have more in common with "children in need of aid" than they do with the adult criminal.
4. The current situation with Alaska's adult corrections system is such that priority must be placed on building and staffing jails. I fear time, effort and money to do this would be at the expense of developing a good quality program for youngsters.
5. At the present time, Youth Services focuses on the cause. Adult Corrections deals with the end result of the crime problem.

Thank you for your attention to the needs of children and families in the past. As an advocate for children, youth and families over the past 25 years, I am aware of the many times you voted in favor of programs that have been good for them.

Sincerely yours,

Thelma P. Langdon

Thelma P. Langdon
2363 Captain Cook Drive
Anchorage, Alaska 99503

HEK - send to [unclear]
March 17, 1983

Senator Bill Ray
Pouch V
Juneau, Alaska 99811
(Mail Stop 3100)

Dear Senator *Bill* Ray:

Thank you for taking the time to talk with me recently about Senate Bill 127 relating to juvenile prosecution.

As you requested I am sending you the references for recent research on the effects of legislation in Minnesota and New York which provides for the prosecution of juveniles by the adult courts. That research revealed that instead of increasing the incarceration of juveniles, conviction rates for serious crimes were often lower - than would have been the case in juvenile court. That research is referred to in these articles -

1. Kiersh, Edward, "Minnesota Cracks Down on Chronic Juvenile Offenders," Correction Magazine, (New York) 7 (6) 21-28, 1981

Roysher, Martin; Edelman, Peter, Treating Juveniles as Adults in New York: What Does it Mean & How Is It Working? Albany, New York State Division for Youth 1980

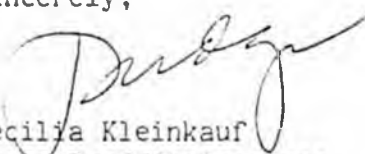
Sobie, Merrie, The Juvenile Offender Act: A Study of the Acts' Effectiveness & Impact on the New York Juvenile Justice System, New York Foundation for Child Development, 1981

Senate Bill 127 does provide for a hearing in juvenile court and also provides a set of criteria for the judge to use in deciding whether the juvenile shall be prosecuted as an adult. That approach is preferable to an automatic waiver and also to the wide latitude now available to the courts. It is interesting to note, however, that Mr. John Pugh, Dept. Commissioner, Dept. of Health & Social Services testified recently before House Judiciary Committee that 16 waiver petitions were filed in juvenile court last year and 12 of them were granted. So it seems the courts are waiving most of the serious juvenile offenders to adult court. Alaska Chapter, National Association of Social Workers has requested statistical information from the court system to verify this or to provide actual data on the use of the waiver. We will share that info with you when we receive it.

TO: Senator Bill Ray
Page #2

I would appreciate being notified of future hearings on SB 127 and perhaps provided an opportunity via a telephone speaker system to give testimony.

Sincerely,



Cecilia Kleinkauf
Assoc Prof/Chairperson

CK:par

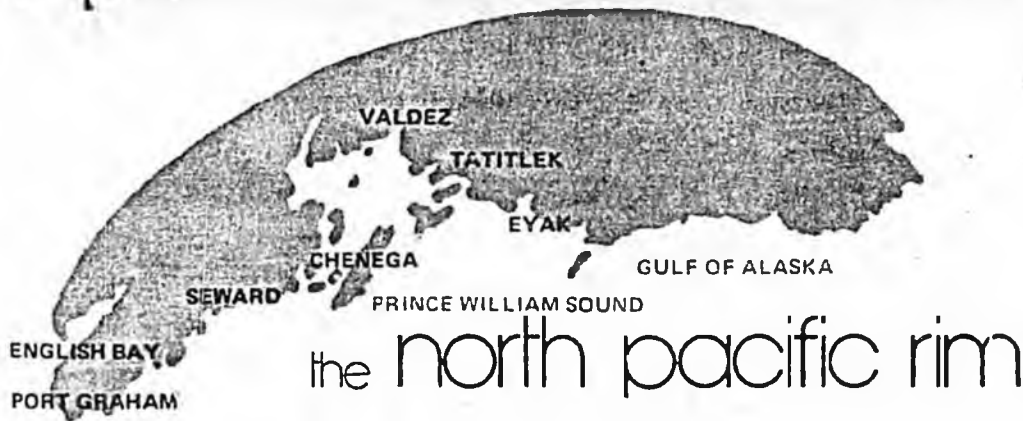
cc: Senator Pat Rodey

1981
CRIME IN ALASKA

Office of Justice Assistance
Department of Law

AGE, SEX AND RACE OF PERSONS ARRESTED
UNDER 18 YEARS OF AGE
STATEWIDE
1981

		10 and UNDER	11-12	13-14	15	16	17	TOTAL UNDER 18	WHITE	BLACK	NATIVE	OTHER
MURDER / NONNEG MANSL.	01A M	0	0	1	0	0	1	2				
	F	0	0	0	0	0	0	0	2	0	0	0
MANSLAUGHTER BY NEGLIGENCE	01B M	0	0	0	0	0	0	0	0	0	0	0
	F	0	0	0	0	0	0	0	0	0	0	0
FORCIBLE RAPE	02 M	0	0	2	2	3	1	8				
	F	0	0	0	0	0	0	0	2	1	3	2
ROBBERY	03 M	0	0	3	1	9	7	20				
	F	0	0	0	3	0	0	3	9	7	5	2
AGGRAVATED ASSAULT	04 M	2	8	5	8	10	18	51				
	F	0	0	1	3	0	4	8	40	0	12	7
BURGLARY	05 M	33	39	130	88	101	107	498				
	F	1	6	8	1	5	1	24	369	34	37	82
LARCENY / THEFT	06 M	181	218	300	188	199	189	1275				
	F	52	78	146	62	73	62	474	1279	148	236	86
MOTOR VEHICLE THEFT	07 M	4	12	45	38	38	38	175				
	F	1	1	5	3	4	3	17	121	5	25	41
OTHER ASSAULTS	08 M	3	5	16	12	28	29	93				
	F	0	3	13	10	9	9	44	67	7	36	27
ARSON	09 M	3	4	9	2	2	2	22				
	F	1	0	0	0	0	0	1	13	0	3	7
FORGERY & COUNTERFEITING	10 M	0	1	4	0	2	6	13				
	F	0	0	1	1	3	1	6	14	1	1	3
FRAUD	11 M	1	0	2	5	3	6	17				
	F	0	0	3	1	3	8	15	27	2	2	1
EMBEZZLEMENT	12 M	0	0	0	0	4	6	10				
	F	0	0	0	0	3	6	9	16	3	0	0
STOLEN PROPERTY	13 M	0	1	2	1	2	1	7				
	F	0	0	0	0	2	0	2	7	0	2	0
VANDALISM	14 M	66	38	47	36	36	45	268				
	F	7	2	3	3	3	12	30	205	8	38	47
WEAPONS	15 M	4	2	9	12	9	13	49				
	F	0	0	2	1	0	2	5	25	2	13	4
FROSTITUTION & COMM VICE	16 M	0	0	1	0	0	0	1				
	F	0	0	0	0	3	1	4	4	0	1	0
SEX OFFENSES	17 M	0	1	7	5	10	3	26				
	F	0	0	0	0	0	6	6	25	0	1	6
SALE - OP/UM, COCAINE, ETC.	18a M	0	0	1	0	0	1	2				
	F	0	0	0	0	2	0	2	3	0	0	1
SALE - MARIJUANA	18b M	0	1	2	1	4	0	8				
	F	0	0	1	1	0	1	3	8	0	1	2
SALE - SYNTHETIC DRUGS	18c M	0	0	0	0	0	0	0				
	F	0	0	0	0	0	0	0	0	0	0	0
SALE - OTHER NON-NARCOTIC	18d M	0	0	1	5	0	2	8				
	F	0	0	1	0	0	0	1	5	1	2	1
POSS - OP/UM, COCAINE, ETC.	18e M	0	0	1	0	2	5	8				
	F	0	0	2	0	1	0	3	9	0	1	1
POSS - MARIJUANA	18f M	1	4	50	40	73	67	235				
	F	1	1	22	20	15	8	67	260	10	26	6
POSS - SYNTHETIC DRUGS	18g M	0	1	5	0	1	0	7				
	F	0	0	4	0	0	0	4	11	0	0	0
POSS - OTHER NON-NARCOTIC	18h M	0	0	0	2	0	1	3				
	F	0	0	1	0	0	0	1	3	0	0	1
GAMBLING	19 M	0	0	0	0	0	0	0				
	F	0	0	0	0	0	0	0	0	0	0	0
OFFENSES AGAINST FAMILY	20 M	0	0	0	0	0	0	0				
	F	0	0	0	0	0	0	0	0	0	0	0
DRIVING UNDER THE INFLUENCE	21 M	2	0	1	3	18	61	85				
	F	0	0	1	0	3	8	12	73	0	15	9
LIQUOR LAWS	22 M	2	8	40	113	289	421	873				
	F	0	5	99	111	132	189	536	666	2	344	397
DRUNKENNESS	23 M	1	1	0	0	1	2	5				
	F	0	0	2	3	1	3	9	5	1	8	6
DISORDERLY CONDUCT	24 M	0	0	9	11	15	31	66				
	F	0	0	6	7	3	16	32	58	2	30	8
VAGRANCY	25 M	0	0	0	0	0	0	0				
	F	0	0	0	0	0	0	0	0	0	0	0
ALL OTHER OFFENSES	26 M	8	15	41	37	74	81	256				
	F	5	8	27	15	19	21	95	261	11	44	35
SUSPICION	27 M	0	0	0	0	0	0	0				
	F	0	0	0	0	0	0	0	0	0	0	0
CURFEW	28 M	6	9	67	81	83	63	309				
	F	5	6	58	65	32	32	196	285	5	92	125
RUNAWAY	29 M	4	5	22	7	13	6	57				
	F	2	7	30	12	7	2	60	82	1	22	12
TOTALS		397	492	1259	1020	1352	1608	6128	3964	251	1000	913



April 4, 1983

Senator Bill Ray
Senate Judiciary Committee
Pouch V
Juneau, AK 99811

Dear Senator Ray:

I am writing to inform you of our opposition to certain parts of the CSHB 103 (Jud.), "An Act establishing a Department of Corrections...". We are also opposed to CSHB 109 which you will be hearing later this month. It proposes to amend the children's proceedings waiver provisions, and relates to the criminal prosecution of minors. Please consider the concerns of The North Pacific Rim (TNPR) as you deliberate and decide on these bills.

While TNPR agrees that establishing a separate Department of Corrections is a positive move, we object to the inclusion of juveniles in this bill. Juveniles who commit crimes can be better served by remaining under the jurisdiction of the Department of Health & Social Services. It is through a rehabilitative approach, such as that offered by DHSS, that juveniles can gain the needed insight, resources, and skills to lead more socially acceptable lives.

With the great demand for resources within each Department, the needs of juvenile offenders risk becoming secondary to the needs of adults. This is especially true when one considers 1) the larger adult caseload, 2) the new focus on developing a correctional industries program, and 3) the high cost of rehabilitative treatment needed by both adults and juveniles.

903 W. Northern Lights Blvd., Suite 203 / Anchorage / Alaska 99503 / Ph. (907) 276-2121

The Non-Profit Corporation Serving The People Of The Chugach Native Region



TNPR is also concerned that the inclusion of juvenile offenders under the Department of Corrections would adversely affect the quality of services they receive. In the villages and rural areas, the same Probation Officer would most likely have both adults and minors on their caseloads. The attitude that one develops after working with adult offenders would not generally serve the best interest of the minor. In working with minors, even those determined "criminal", it is important that the Probation Officer retain some faith in the human spirit and in the person's ability to change.

Finally, we are fearful that the combination of youth with adult corrections will result in less diversion for youth, as well as a decreased emphasis on youth facilities. Of the 6,128 juvenile arrests in 1981, only 648 were adjudicated delinquents, and only 95 were sentenced to a closed youth facility such as McLaughlin. This means that over 6,000 youth were diverted from closed institutions, thereby keeping costs down and preventing the less dangerous youth from entering the criminal system.

Of course, there are those minors who are "unamenable to treatment", or who commit certain types of felonies such as murder and rape. These are the youth who are dealt with in CSHB 109 (Jud.). Section 9 of CSHB 109 outlines quite adequately the circumstances under which a waiver of children's court jurisdiction should be used. We think that Section 1 of CSHB 109 (Jud.) should be deleted entirely from the bill. A decision to try a 16 year old as an adult should be made on a case by case basis. The waiver as it stands in the current law can be used in this way; and yet its use in past years has been minimal. I would like to see an investigation of the reasons for the lack of use of the waiver before it is established as a general policy for all 16 and 17 year old suspected felons.

In addition, the presumptive sentences outlined in Sections 3 and 4 are too harsh for minors. Without treatment, the youth sentenced to such long terms will have little hope of leading normal, well-adjusted lives upon release. Two to three years in McLaughlin would serve the offender, society, and the State much better. If the youth is not amendable to treatment, it is unnecessary to pass this law if the goal is to have an effective system for treating criminal youth. The waiver in the current law is quite adequate.

In sum, The North Pacific Rim strongly opposes passage of CSHB 109 (Jud.), and we oppose inclusion of juveniles in the proposed new Department of Corrections. Thank you for your time and consideration of our concerns.

Sincerely,

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

The North Pacific Rim
Richard A. Rolland
Director
Health & Social Services

HOUSE JUDICIARY
STANDING COMMITTEE

March 7, 1983

1:30 p.m.

Members Present: Rep. Bussell, Chairman
 Rep. Liska, Vice-Chairman
 Rep. Barnes
 Rep. Clocksin
 Rep. Hayes
 Rep. Wendte

Members Absent: Rep. Malone

COMMITTEE CALENDAR

Legislative Teleconference on the Cleary Case

EO 54

HB 103 "An Act establishing a Department of
 Corrections and transferring certain
 functions of the Department of Health and
 Social Services to the Department of
 Corrections; and providing for an effective
 date."

WITNESS REGISTER

Commissioner Sundberg
Department of Public Safety
Pouch N
Juneau, Alaska 99811
465-4322
Position Statement: Was available to the committee.

Kenneth 'Jim' Brown
State of Alaska, D.O.C.
2200 East 42nd
Anchorage, Alaska
(No phone number given)
Position Statement: Gave testimony regarding the Cleary Case.

Art Schmidt
D.O.A.C.
P.O. Box 10-2100
Anchorage, Alaska 99510
277-7651
Position Statement: Gave testimony regarding the Cleary Case.

Roger Endell
Commissioner of Corrections
Office of the Governor
Juneau, Alaska 99811
Position Statement: Gave testimony on HB 103.

PREVIOUS ACTION

Cleary Case See House Judiciary Committee Meeting
minutes from: February 11, and March 4,
1983.

EO 54 There was no previous action to record.

HB 103 There was no previous action to record.

ACTION NARRATIVE

TAPE#32 (Side 1)
Recording
Number 0003

The meeting was called to order by Chairman Bussell at 1:30 p.m. All members were present with the exception of Rep. Malone, who arrived later.

Chairman Bussell stated the business for the day as EO 54, HB 103, and a teleconference on the Cleary Case.

Number 0035

Rep. Bussell stated, 'I have asked Commissioner Sundberg of the Department of Public Safety to join us today. Commissioner, if you would take the seat at the end of the table, I would appreciate it.

'There is an announcement I would like to make to the committee members, as well as Commissioner Sundberg. I thank you for taking the time to come down here today, Commissioner.

'I wish to inform you and the members of the committee of certain events that took place on Friday, March 4th, which is last Friday. Mr. Dan Hickey, who is the Chief Prosecutor of the State Department of Law, and Mr. Ray Johnston, who is an Investigator for the State Troopers, and Mr. Tim Petumenos, who is an Investigator in the Attorney General's Office, all came to my office that afternoon after the Judiciary hearing meeting to have

a discussion with me. They spent 25 to 30 minutes in my office questioning me about my progress and methods, if you will, and other things concerning my scheduling in getting ready to hold hearings on the Attorney General for confirmation.

'Shortly after they left, and while consulting with my staff, we discovered that Mr. Johnston had left a briefcase behind. It was a spring top, about this color briefcase (he pointed to a folder brownish-red in color). It was sitting on the couch in a popped-open position. Clearly visible, among other things, was a battery-driven recording device with about a five-inch microphone. It took me by surprise. I showed it to Judge Brewer. My first reaction was to make sure that the microphone was hooked to the tape recorder and verify that there was indeed conversation on the tape. To my satisfaction, I am convinced that the conversation on the tape was most likely the conversation that took place in the room.

'It was my belief that everyone in that room, with the exception of me, knew that that conversation was being recorded, if indeed it was. I believe that there is a violation of statute, specifically Alaska Statute 42.20.310, and upon their departure the instrument then became eaves-dropping or bugging devices. I also believe that this happened in direct controversy of the law that as directed by the Alaska Supreme as far back as 1978 in the State vs. Blast.

'Mr. Sundberg, I have no knowledge of how many other legislators that team may or may not have visited that day. I can tell you, in there along with his handcutts and car keys, were other tapes. Tapes that would have fitted other types of recorders.

'At this time Mr. Sundberg, I must ask you, in fact I must insist, that you fully investigate this case or make a case for investigation and report back to this committee in the best fashion that you can. My staff and the staff of all committee members I am sure are extremely busy, but they will cooperate or you have my promise

that they will cooperate, as well as myself, with you in any matter that we possibly can.'

- Number 0117 Commissioner Sundberg replies okay and asks where the briefcase is now.
Rep. Bussell states that they came back about 15 minutes later and he returned the case to them.
- Number 0126 Chairman Bussell calls an at ease for 4 minutes to connect with the Legislative Teleconference.
- Number 0127 Rep. Clocksin asks a question about the briefcase.
- Number 0140 Rep. Bussell addresses Jim Brown with State of Alaska D.O.C. in Anchorage, in relation to the Cleary vs. Bierne Case to monitor the case movement. He describes the procedures and forms involved in getting a case to the Federal Bureau of Prisons.
- Number 0227 Rep. Bussell asks concerning the forms that a Mr. Schmidt has given to him.
- Number 0235 Jim Brown relates the differences between the forms.

Rep. Malone arrives.
- Number 0250 Rep. Clocksin refers to last year's legislation concerning the transferring of State inmates.

They converse.
- Number 0284 Art Schmidt, with D.O.A.C. in Anchorage, is asked to make a statement concerning his role as a Compliance Officer in the Cleary Case. He goes over the history of the compliance depart and the tasks the Department goes through. The information is available to the Court and the Attorney General's Office. Refers to the Compliance Manual passed out a few weeks ago.
- Number 0380 End of statement.
- Number 0381 Rep. Bussell asks if Art Schmidt is familiar with HB 200.

Art Schmidt replies that he is not. States that it deals with the rights of Peace Officers in relation to being accused of a crime. Then states what was said, this would give Peace Officers more rights than ordinary citizens, and states the forms and rights of ordinary citizens.

Number 0408

Rep. Liska asks if he is finding any subject or items that are unreasonable.

Art Schmidt replies.

Number 0445

Rep. Liska asks about the 48-hours of notice of hearing.

Art Schmidt replies.

Number 0469

Roger Endell is called to testify on EO 54. Chairman Bussell thanks him for coming to testify with his busy schedule.

Number 0480

Rep. Bussell refers to the termination of the Legislative Teleconference and thanks Jim Brown and Art Schmidt.

Jim Brown talks in reference to the Federal prison applicants.

Number 0510

Roger Endell begins his statement concerning EO 54. He states the Governor asked him to look into these matters. He proceeded to interview over 100 Public Safety Court Corrections people in reference to how the Department of Corrections could be improved; many were the same. He believes to accomplish this we need the cooperation of all 3 branches of Government. The main problem is overcrowding. January and February were the highest in increase; at that rate, there is a need for 200 new beds a year. It is getting tough on crime - expensive. We are not the enemy, we want to correct the problem. What would the creation of the Department of Corrections do? Make us even with the agencies of enforcement in the state; give us access to the Office of the Governor; enable us to set up a management structure that is not now established, i.e., the hiring and firing of staff. People will be responsible directly to the Commissioner. The new department has only 10 new positions; the additional

position will slide over from the Department of Health and Social Services as is. No new money is required before FY 84, it comes out of the existing budget. The money further down the line will be in building a new institution. It is time for Alaska to catch up.

Number 0624 Rep. Liska asks if there is a site for a new maximum security prison. Roger Endell replies that as of yet there is not - looking at several sites.

Number 0630 Rep. Barnes asks what the 10 new positions are.

Roger Endell replies, Commissioner, 2 Assistant Commissioners, 3 Regional Directors, 1 Public Relations and miscellaneous.

Number 0638 Rep. Bussell refers to the packets in the committee folders on the new Corrections and information there. He asks about buildings for the department.

Number 0651 Roger Endell replies there are no new buildings for the Department itself.

At the turn of the tape, Rep. Barnes asks again about the new positions.

TAPE#32 (Side 2)
Recording
Number 0000

Roger Endell restates his first list of positions, some are deputies.

There is discussion on the new positions.

Number 0060 Rep. Barnes asks about getting those who have met the parole eligibility out to help the space problem in the prison.

Number 0080 Roger Endell comments on the overcrowding and relates it to the passage of tougher laws concerning crime. He states that now the need is for additional beds.

Number 0107 Rep. Malone asks what Roger Endell has done since being appointed to help with the overcrowding problems.

Number 0112

Roger Endell replies he has held several meetings; checked into converting military buildings over to correctional centers; and lists more ideas. Relates the number of possible beds in the facilities in question and the adding of new beds in now existing areas.

Number 0173

Rep. Barnes refers back to Rep. Bussell's statement on the idea of getting those who are parolable.

Roger Endell comments there was a task force to have hearings on this fact.

Number 0210

Rep. Clocksin comments on the overcrowding, the carriage house and the idea of putting in more beds.

Number 0240

Roger Endell comments back on the different facilities.

There is discussion.

Number 0290

They talk of the reclassification system and tools. There is mention of a halfway houses.

Number 0324

Rep. Liska asks if other states are set up like this and how it works.

Roger Endell states that many states do have this administrative set up. He believes they have the same problems as Alaska.

Number 0339

Rep. Liska asks if we can get by without having a maximum security prison.

Roger Endell replies that there is a need for this.

Number 0347

Rep. Liska asks concerning prison work - industrial.

Roger Endell replies that it is extremely hard to set up the area, not putting citizens out of work. Refers to plans to have Lemon Creek to do laundry for the ferry system. He states that it has been approved to grow more potatoes and other vegetables. Relates that these are delayed due to the raising facilities or waiting for the weather to break.

Number 0380 They discuss road signs being done by prisoners. They continue to discuss the possibilities of future prison industries.

Number 0423 Rep. Bussell comments on road signs. Then refers to the Fire Marshal's suggestion on fire prevention in prison.

Roger Endell states that he will talk to him this week.

Number 0446 Rep. Bussell about about the youth, there is nothing in the bills to move the Youth Department to Corrections.

They discuss the placement and division of the Department.

Number 0497 Rep. Wendte asks if the control of Corrections in jeopardy.

Roger Endell replies that if it does not get straightened out, the Courts will take over. The treasury will be dipped into.

Number 0514 Rep. Wendte comments so we need to respond quickly.

Roger Endell replies yes and talks of the cooperation of the 3 branches of Government in the matter of Corrections.

Number 0534 Rep. Wendte asks about the production of the task force.

Roger Endell replies that he is not satisfied and states the provisions as to why. Talks of some of the settlement arguments.

Number 0568 He also states that Eagle River has asked to be withdrawn from class action. Inmates are dissatisfied with the settlement.

Number 0580 Chairman Bussell asks Roger Endell, due to the time limit, if he can come back tomorrow. He agrees to come back at 1:30 p.m. Chairman Bussell thanks Roger Endell for coming.

Number 0529 There being no further items to come before the committee, Chairman Bussell adjourned the meeting at 2:58 p.m.

HOUSE JUDICIARY
STANDING COMMITTEE
March 8, 1983
1:35 p.m.

Members Present: Rep. Russell, Chairman
Rep. Liska, Vice-Chairman
Rep. Clocksin
Rep. Hayes
Rep. Barnes
Rep. Malone

Members Absent: Rep. Wendte

COMMITTEE CALENDAR

HB 103 "An Act establishing a Department of
Corrections and transferring certain
functions of the Department of Health and
Social Services to the Department of
Corrections; and providing for an effective
date."

EO 54

WITNESS REGISTER

Representative Milo Fritz
Alaska State Legislature
Capitol Building, Room 114
Pouch V
Juneau, Alaska 99811
465-3789
Position Statement: Prime Sponsor of HB 103.

Representative Mike M. Miller
Alaska State Legislature
Capitol Building, Room 24
Pouch V
Juneau, Alaska 99811
465-4841
Position Statement: Gave testimony on HB 103 and EO 54.

Roger Endell, Commissioner
Department of Corrections
Office of the Governor
Juneau, Alaska 99811
(No phone number given)
Position Statement: Gave testimony on HB 103 and EO 54.

PREVIOUS ACTION

HB 103

01/21/83: First reading of the bill and referred to the Health, Education & Social Services, Judiciary and Finance Committees.

02/14/83: Health, Education & Social Services Committee recommends it be replaced with CS for HB 103 (HESS) (same title), that it do pass and attaches a fiscal note.
Concurring: Tischer (Co-Chairman), Fritz (Co-Chairman), Goll, Koponen, Davis and M.W. Miller.

Fiscal note appeared in House Journal Supplement No. 8.

See previous House Judiciary Committee Meeting minutes from: March 7, 1983.

Statutory Reference: AS 44.3C.010 & .020; AS 11.71.305; AS 12.55.025(b) & (d); AS 12.70.220(b) & (c); AS 33.05.080(2); AS 33.15.260(2) & (4); AS 33.30.130(a), .900(1) & (3); AS 33.32.070(a); AS 33.35.010 & .040; AS 33.36.040; AS 41.20.110(b); AS 44.17.005; AS 44.29.020(9); AS 47.08.050(8); AS 47.17.020(a)(4); AS 47.21.010(b)(1); AS 47.30.845(5); & AS 47.37.040(3)

EO 54

House Action: Offered 1/17/83; Referred: Health, Education & Social Services, Judiciary and Finance.

Senate Action: Offered: 1/18/83; Referred: Health, Education & Social Services, Judiciary and Finance.

See previous House Judiciary Committee Meeting minutes from: March 7, 1983.

Statutory Reference: AS 24.30.130(b); AS 12.55.025(b), (d), .055(a), .185(2); AS 12.70.220(b) & (c); AS 33.05.080(2); AS 33.15.260(2) & (4); AS 33.30.130(a), .900(1) & (3); AS 33.32; AS 33.35.040; AS 33.36.040 & .100; AS 44.17.005; AS 44.28.010, .020 & .030; AS 44.29.020(9) & (17)

ACTION NARRATIVE

TAPE#33 (Side 1)
Recording
Number 0003

The meeting was called to order by Chairman Bussell at 1:35 p.m. All members were present with the exception of Rep. Wendte, who arrived shortly after the meeting started. Chairman Bussell stated the business for the day as HB 103 and EO 54.

Number 0034

Chairman Bussell calls Representative Milo Fritz, Prime Sponsor of HB 103, to speak on his bill.

Rep. Fritz stated, 'The proposal to change the Division of Corrections within the Department of Health and Social Services to departmental status is one that is supported by the Governor's Office, corrections professionals and the House Health, and Social Services Committee.

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

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

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

'The proposal to create a new department, as presented to the Health and Social Services Committee, is to retain 9 existing positions and transfer them to the new Department. One existing position in Corrections will be retained and 10 new positions will be created. Mr. Endell and his staff can speak better to the fiscal and administrative makeup of the Department, so I will leave that to him.

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

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

Number 0112

Rep. Wendte asks to have the difference between HB 103 and EO 54 explained.

Rep. Fritz responds that there are very few differences - none really, just which will go through first.

Number 0127

Rep. Liska asks about the 9 positions.

Rep. Fritz replies that they are new or transfers.

They discuss the number of positions and refer to Roger Endell's testimony on that.

Number 0159

Representative Mike M. Miller was asked to take the witness chair and make a statement;

supports HB 103 and EO 54. He stated the main difference between the two is to have Youth Corrections transferred over. He likes the approach of the Executive Order.

How do we treat the problem? He does not believe more beds is the answer; we cannot have that kind of expense. There is some that can be moved out to make room for the hard core criminals that are dangerous to themselves and the public. Refers to other states, especially Washington. He has the Washington bill on this subject.

We need to do all we can to rehabilitate those in prison; educate them for the time that they are released. Talks of halfway houses and carriage houses. Comments on putting prisoners to work for the community to pay for their expenses.

Rep. M.M. Miller hopes to get a more complete package on this subject. There is work to be done on correctional statutes.

Number 0292

Rep. Wendte asks on the Youth Corrections.

Rep. M.M. Miller would like to see them where they will get the best possible care.

Number 0320

Rep. Bussell talks on why he has gone to the extent that he has on the prison issue. Corrections needs a new department. We need to decide on EO 54 and HB 103; maybe take the best of both. Rep. Bussell favors the appointment of Roger Endell to the head of the Department; he just wants to know where it is going.

They converse on the need for the Department.

Number 0380

Rep. Liska comments on the need for housing and relates the feelings of his district.

Number 0395

Rep. Bussell asks concerning the report Rep. M.M. Miller has from Washington.

Rep. M.M. Miller replies that he will get copies for Rep. Bussell.

Number 0410

Rep. Wendte comments on the system of sentencing and the holding of criminals.

Rep. M.M. Miller responds that he does want the hard core people to stay incarcerated. He states that the United States has the third highest crime rate in the world.

Number 0455

Rep. Bussell calls Roger Endell and thanks him for waiting for the Legislators to testify.

Number 0464

Roger Endell, Commissioner of the Department of Corrections with the Office of the Governor, begins his testimony. He states that the Executive Order will become effective unless it is voted down by both houses, there can be no amendments. HB 103 has nothing to do with EO 54.

Rep. Bussell asks if there is a Concurrent Resolution to be issued to vote down EO 54. He stated that he wants the Executive Order to stay 'alive' if it shows that good will come out of it, i.e., youth.

Number 0495

Roger Endell comments that HB 103 and EO 54 say nothing concerning the movement of Youth Corrections.

Number 0500

Rep. Clocksin questions Roger Endell to see if there is anything behind the screens - plans to move Youth Corrections.

Roger Endell responds that nothing has been agreed to in anyway. It is his personal belief that Youth Corrections should be in the same department.

There is discussion on the condition of the plan of the Administration concerning Youth Corrections between committee members and Roger Endell.

Number 0562

Roger Endell goes over the statistics of those incarcerated in Alaska and the United States. He states that 1 out of 75 people are under the Department of Corrections. He passes out several graphs to show the rise in the number of prisoners (those that are sentenced, unsentenced, sentenced misdemeanors and unsentenced misdemeanors), a number chart of the number of prisoners from January of 1974, to February of 1983, A memo from Ted Corey on the subject count of prisoners in each facility, and the moving

that is going to take place shortly. He proceeds to discuss and explain each of these. Roger Endell states that he has forced his attention on the bedding problem instead of the creation of the Department.

Number 0644

Rep. Liska comments on the housing, i.e., drunk driving.

TAPE#33 (Side 2)
Recording
Number 0000

They discuss the conviction of drunk drivers and the issue of licenses.

Number 0050

Rep. Liska states that there is a state where the lesser offenders pay for the housing while they are there.

Number 0065

Roger Endell talks of the situation in Oklahoma and the buying of hotels.

Number 0077

Joe Brewster talks on the taking away of the licenses.

There is discussion on this.

Number 0085

Rep. Bussell comments on drunk driving.

Number 0100

Rep. Clocksin asks on the serving of sentences of 3 days for drunk driving and of not giving them the option to serve the time on the weekend.

Roger Endell responds.

Number 0129

Rep. Clocksin asks about the funds - are they in the Capital Fund or do we need to appropriate the Supplement Capital Budget.

Roger Endell responds.

There is discussion on the funds and the position of the new facility.

Number 0190

Rep. Clocksin stresses his opinion on the need to consider the money and the possibility of an Emergency Capital Appropriation bill.

There is reference to a bill introduced in the Senate.

Number 0278 Roger Endell states he will try his best to get a budget together.

Number 0283 Rep. Bussell asks what is going to happen in the next year.

Roger Endell replies on the things he plans to have appointed this coming year and the steps which they would have to go through. He talks of the 1984 budget.

Number 0380 Rep. Clocksin comments on the alcohol control in connection with State employees.

They discuss the possibility and the control thats are under development. They also discuss the transfers of people in alcohol treatment program to Corrections.

There is a comment from a lady in the room on the transferring of people. They are considere. as Social Workers.

Number 0460 Roger Endell comments that someone has stated that he has been inconsistent in his testimony and asks if there is something I can clear.

Rep. Clocksin states that he believes it is the shift his position of the Cleary Case.

They talk of the settlement of the Cleary Case and the Federal prisons.

Number 0498 Rep. Bussell asks Roger Endell what he plans to do with the parole problem.

Roger Endell replies that they are sending him a report. Rep. Bussell asks if there is anything they can do to help. Roger Endell replies that he will let Rep. Bussell know if there is.

Number 0510 Rep. Liska asks on the Cook Inlet facility and the fire protection.

Roger Endell gives a possible solution of an emergency exist to put in more beds, and additional suggestions for improvements in fire protection.

Number 0540

There being no further business to come before the committee at this time, Chairman Bussell adjourned the meeting at 2:55 p.m.

HOUSE JUDICIARY
STANDING COMMITTEE
March 9, 1983
1:35 p.m.

Members Present: Rep. Bussell, Chairman
Rep. Liska, Vice-Chairman
Rep. Barnes
Rep. Clocksin
Rep. Wendte

Members Absent: Rep. Malone
Rep. Hayes

COMMITTEE CALENDAR

HB 103 "An Act establishing a Department of
Corrections and transferring certain
functions of the Department of Health and
Social Services to the Department of
Corrections; and providing for an effective
date."

EO 54

WITNESS REGISTER

Roger Endell, Commissioner
Department of Corrections
Office of the Governor
Juneau, Alaska 99811
(No phone number given)
Position Statement: Gave testimony on HB 103 and EO 54.

PREVIOUS ACTION

HB 103 01/21/83: First reading of the bill and
referred to the Health, Education & Social
Services, Judiciary and Finance Committees.
02/14/83: Health, Education & Social
Services Committee recommends it be replaced
with CS for HB 103 (HESS) (same title), that
it do pass and attaches a fiscal note.
Concurring: Tischer (Co-Chairman), Fritz
(Co-Chairman), Goll, Koponen, Davis and M.W.
Miller.

Fiscal note appeared in House Journal
Supplement No. 8.

See previous House Judiciary Committee Meeting minutes from: March 7, and March 8, 1983.

Statutory Reference: AS 44.30.010 & .020; AS 11.71.305; AS 12.55.025(b) & (d); AS 12.70.220(b) & (c); AS 33.05.080(2); AS 33.15.260(2) & (4); AS 33.30.130(a), .900(1) & (3); AS 33.32.070(a); AS 33.35.010 & .040; AS 33.36.040; AS 41.20.110(b); AS 44.17.005; AS 44.29.020(9); AS 47.08.050(8); AS 47.17.020(a)(4); AS 47.21.010(b)(1); AS 47.30.845(5); & AS 47.37.040(3)

EO 54

House Action: Offered 1/17/83; Referred: Health, Education & Social Services, Judiciary and Finance.

Senate Action: Offered: 1/18/83; Referred: Health, Education & Social Services, Judiciary and Finance.

See previous House Judiciary Committee Meeting minutes from: March 7, and March 8, 1983.

Statutory Reference: AS 24.30.130(b); AS 12.55.025(b), (d), .055(a), .185(2); AS 12.70.220(b) & (c); AS 33.05.080(2); AS 33.15.260(2) & (4); AS 33.30.130(a), .900(1) & (3); AS 33.32; AS 33.35.040; AS 33.36.040 & .100; AS 44.17.005; AS 44.28.010, .020 & .030; AS 44.29.020(9) & (17)

ACTION NARRATIVE

TAPE#34 (Side 1)
Recording
Number 0003

The meeting was called to order by Chairman Bussell at 1:35 p.m. Members present were: Representatives Bussell, Liska, Barnes, Clocksin and Wendte. Representatives Malone and Hayes arrived after the meeting started.

Number 0020

Chairman Bussell states the business for the day as EO 54 and HB 103, creating a new Department of Corrections.

Number 0040

Roger Endell, Commissioner of the Department of Corrections with the Office of the Governor, takes the witness chair.

Number 0045

Rep. Bussell asks Roger Endell to correct him if he is wrong, that within in the next week or so, you will have information on the amount of expenditures.

Roger Endell states that that is correct.

They talk of amending HB 103 to include the Division of Youth Corrections. The effective date of EO 54 is April 1; for HB 103 it is July 1.

Number 0110

Rep. Clocksin asks about the transfer and what exactly would be transferred.

There is discussion on the specific area that would be moved.

Number 0170

Rep. Malone arrives.

Number 0212

Rep. Wendte comments on the administrators.

Number 0254

Rep. Liska asks if there is any other states with this type of corrections.

Roger Endell replies that there is probably 50 different systems.

Number 0310

Rep. Hayes arrived at 1:55 p.m.

They discuss if the committee and Roger Endell follow the course centered around the Youth Corrections, the possible transfer and the effects.

Number 0473

There being no further items to come before the committee at this time, Chairman Bussell adjourned the meeting at 2:07 p.m.

STATE OF ALASKA

TASK FORCE ON CORRECTIONS

A Report On the Status of Corrections
for
Governor William Sheffield

December/January 1982-1983

The Honorable William J. Sheffield
Governor
State of Alaska
Pouch A
Juneau, Alaska 99811

January 3, 1983

Dear Governor Sheffield:

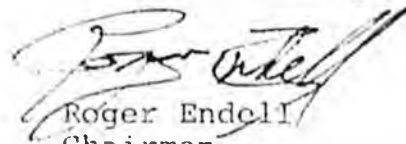
It is my pleasure to present to you the following report of the Task Force on Corrections. We have evaluated the issues and problem areas of correctional administration and management in Alaska as directed in your charge.

It is our hope that you will find the report of this Task Force and its policy recommendations useful to the future administration of a sound correctional system. We believe that it is not only possible but also mandatory that the executive, legislative and judicial branches of state government work diligently and harmoniously to carry out the directive of the Constitution of the State of Alaska for protection of the public and reformation of the offender.

We hope that this report will provide you with, at least, one tool toward that end.

We are pleased that we have had the opportunity to assist you.

Sincerely yours,



Roger Endell
Chairman
Task Force on Corrections

GOVERNOR'S TASK FORCE ON CORRECTIONS

December/January 1982-1983

Roger Endell, Chair
Justice Center
University of Alaska, Anchorage
Anchorage, Alaska

Charles Adams
Former Director, Division of
Corrections and
Former Executive Director
Criminal Justice Planning Agency
Juneau, Alaska

Ski Olsonoski
ALASCOM
Chair, Anchorage Crime
Commission
Anchorage, Alaska

Dan Branch
Private Attorney
Chair, Citizens Advisory Committee
Bethel Regional Correctional Center
Bethel, Alaska

Ed Rhodes
Deputy Chief
Anchorage Police Dept. and
Mayor Tony Knowles'
Representative
Anchorage, Alaska

Charlotte Brower
Former Magistrate, Barrow
Alaska Court System
Barrow, Alaska

Pat Wellington
Alyeska Pipeline Service Co.
Former Director
Alaska State Troopers and
Former Commissioner
Alaska Department of
Public Safety
Anchorage, Alaska

Bert Campbell
ALASCOM
Judicial Qualifications Commission
Anchorage, Alaska

John Carlson
Former Mayor
Fairbanks North Star Borough
Fairbanks, Alaska

Kevin Bruce, Liaison,
Special Assistant to
Governor Sheffield

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INTRODUCTION

Governor's Charge

Governor William Sheffield's transition Task Force on Human Services identified the management and operation of the Alaska Division of Corrections as a "dominating problem" within the Alaska Department of Health and Social Services. The Task Force on Human Services recommended the appointment of a "Blue Ribbon Task Force on Corrections" to address the following issues and relevant policy and procedural concerns:

1. Prison overcrowding and examination of current capital improvement programs.
2. Rehabilitation and alternatives to institutionalization.
3. Administrative organization and staffing problems.
4. Communications and coordination among justice agencies.
5. Municipal assumption of pretrial detention responsibilities.
6. Institutional location of juvenile corrections in state government.
7. Institutional placement of Corrections in state government.

The Task Force on Corrections was directed to commence an investigation of these identified issues immediately and to prepare and submit a report and policy recommendations to the Governor in early January, 1983.

To carry out its mission, members of the Task Force used two principal investigative methods which provided sources of information. These methods included: 1) the review of a multitude of reports and planning documents written by both in-state and out-of-state correctional practitioners and consultants since 1976; and 2) a statewide and systematic series of interviews with persons from municipal and state governments and local communities who were both knowledgeable about correctional problems and issues, and who were capable of making sound recommendations which would address these problems and issues.

It was not the intent of this Task Force to accumulate all of the voluminous materials and information already existent on this subject and incorporate it into yet one more burdensome volume. We believe that the nearly one million dollars spent on a variety of correctional reports and plans over the past six years provides but one example of the crisis in correctional management. The division has been managed by four different directors in the past six-year period. The most recent director as well as the current director were both hired by the previous administration to move the Division of Correction toward a more stable management situation. Their task was made more difficult because of their lack of knowledge of the unique problems and potential advantages of Alaskan corrections.

Alaska need neither to continue to hire out-of-state leadership nor to contract with out of state consultants. We are not convinced that the other states have developed correctional systems superior to that of Alaska in spite of our current and temporary crisis. We are convinced that knowledgeable and capable leadership should be sought from within our population to manage corrections just as talented and capable Alaskans are found to direct and manage the other departments and divisions within the executive, judicial and legislative branches of state government.

It is clear that there is a crisis in corrections. It is also clear that with sound, long term, and professional management, most of the current problems can and will be resolved. The resolution of these problems will require full cooperation as well as coordination between and among all three branches of Alaska's government--executive, judicial and legislative.

SUMMARY OF RECOMMENDATIONS

The following represents an abbreviated listing of the major policy recommendations to be found in this report. These statements are not comprehensive and are extracted out of context as an aid to the discussion of issues contained in the charge to the Task Force on Corrections.

Prison Overcrowding

1. Except for the Anchorage Careage House, no correctional facilities should be closed until adequate new correctional space has been prepared. (p.9)
2. The Careage House should be utilized as corrections' Southcentral Alaska headquarters and as a correctional training center. (p.9)
3. The new Cook Inlet pre-trial facility should not be opened to inmate populations until the facility is ready for secure occupancy and the staff has been properly trained. (p.9)
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5. The Third Avenue and 6th & C correctional centers in Anchorage should be utilized to hold short term offenders and those incarcerated for alcohol related offenses. (p.10)
6. The continued use of Ridgeview should be re-evaluated for potential correctional use in light of economic costs and public benefits. (p.11)
7. Hiland Mountain correctional center near Eagle River must be permitted to return to its original mission. (p.11)
8. Mentally disturbed offenders should continue to be housed temporarily at the Alaska Psychiatric Hospital. (p.12)
9. Sentenced adult female housing space at Meadow Creek (Eagle River) should be added as necessary with much less expensive architecture than past practice. (p.12)
10. The type and methods of construction of the two institutions at Palmer should be copied elsewhere as needed in the state. (p.13)

11. The state should move immediately to evaluate and obtain additional available sites for expansion of correctional operations in the Kenai and Matanuska-Susitna Boroughs. (p.13)
12. Comprehensive correctional services regional centers should be constructed in both Nome and Bethel utilizing either "stick built" or prebuilt modular units or a combination of both. (p.14)
13. All new correctional construction proposals should be evaluated in relationship to the need for increased bed capacity statewide. (p.14)
14. The state should continue to maintain a number of dangerously violent Alaska offenders within the Federal Bureau of Prisons system. (p.15)
15. Either a Matanuska-Sustina or Kenai Borough site should be developed and utilized to provide maximum security prison space. (p.15)
16. Correctional construction should be recognized as a high priority among all units of state government. (p.16)
17. A maximum security institution is needed to securely house a portion of the Alaska offender population. (p.17)

Administrative Organization

18. The recently completed management plan for corrections should not be fully implemented. (p.19)
19. The revised classification system should be implemented in concert with correctional reorganization and development. (p.19)
20. Corrections should be managed on a decentralized regional basis. (p.20)
21. All jail contracts should be managed by the Department of Corrections. (p.21)
22. A well trained correctional staff is mandatory and critical to efficient management. (p.22)

Institutional Placement of Corrections in Government

23. The Division of Corrections should be moved quickly and decisively in toto by immediate executive order to Departmental status. (p.24)
24. A Commissioner of Corrections should be appointed by the Governor as soon as possible. (p.24)

Communication and Coordination Among Justice Agencies

25. A cabinet level body should be directed to coordinate policy and law implementation for the effective administration of justice. (p.26)
26. Management personnel of the agencies of justice (state and local) should coordinate the activities of these agencies at the local and regional level. (p.26)
27. The present partial settlement agreement efforts in the Clary et al. case should be halted and reviewed immediately. (p.26)

Municipal Responsibilities

28. Municipalities should not be made responsible for the costs of pre-trial incarceration of offenders held on state criminal charges, but municipal-state coordination is essential. (p.28)
29. The state should move immediately to address the law, policies and procedures with regard to public drunkenness and drunk driving. (p.29)
30. The state Office of Alcohol and Drug Abuse should provide comprehensive program services to correctional populations in cooperation with local municipalities. (p.29)

Juvenile Corrections

31. All youth correctional functions should be organized as a separate division within the Department of Corrections when reorganization is completed and functional. (p.21)

Rehabilitation and Alternatives to Incarceration

32. The prisoner population of the State of Alaska should be put to work. (p.33)

33. Offender education and recreational programs should be made available to prison populations during the non-work hours of those prisoners. (p.34)
34. A systematic evaluation of approximately 150 parole eligible offenders should be conducted immediately. (p.35)
35. Corrections should provide the opportunity to every offender the resources of a halfway house program for those about to be released -- corrections must correct. (p.35)

PRISON OVERCROWDING

Class action suits, media accounts, and expert as well as lay opinion have confirmed beyond all doubt that Alaska's statewide system of correctional centers is overcrowded beyond any reasonable margin of safety and security. The Task Force is well aware that the Constitution of the State of Alaska mandates that the state's correctional system must reform offenders and protect the public. In our judgment, the current crisis in corrections only insures that the state cannot carry out its Constitutional mandate. The State of Alaska must move immediately and with diligence to resolve overcrowding in the correctional system.

The members of the Task Force on Corrections are cognizant that the public has demanded that state and local officials "get tough on crime," that the public's attitude is appropriate, but that it is also extremely costly. Therefore, we have developed a series of recommendations which will alleviate the overcrowded conditions in our correctional system at lower costs than proposed by the previous administration which will, at the same time, we believe, provide adequately for protecting the public and reforming offenders.

Recommendation 1:

With the exception of the Anchorage Careage House, no facilities currently holding incarcerated accused or sentenced offenders should be closed until and unless adequate new correctional space has been fully prepared and readied for occupancy.

Recommendation 2:

The Careage House in Anchorage should be utilized immediately as the Division of Corrections' headquarters. All Anchorage area central office, institutional, field services and training employees should be moved immediately from the Frontier Building in Anchorage to this new location for greater cost and operating efficiency. This facility is now owned by the state so that only the costs of utilities and minor necessary renovations need be incurred for the Division of Corrections to operate efficiently from this site.

Recommendation 3:

In spite of the tremendous pressure on the managers of the correctional system, the transfer of offenders into the new Cook Inlet Pretrial Facility in Anchorage should not take place until the institutional staff has been hired, fully trained, and the facility has been completed. To do otherwise will almost assuredly result in major management problems and raise the risks of difficulties within the offender population. When completed, this facility could

operate, as designed, to book and hold all Anchorage area pre-trial detainees, and could have, again as designed, full-time on site magistrate services. This latter procedure would save police man hours and the great expense of prisoner transportation and prevent the unnecessary incarceration of persons able to be released on their own recognizance or to make bail. Use of video equipment would appear to be practical in both Anchorage and Fairbanks at the present time.

Recommendation 4:

The Third Avenue Correctional Center should be utilized to hold short-term offenders, and especially those incarcerated for alcohol-related offenses. It is inappropriate to utilize the facility for booking of new arrestees, for long term offenders, or for the purposes of classification of offenders as was proposed to the Task Force during our discussion with the current director.

Recommendation 5:

The Correctional Center Annex at 6th and C in Anchorage recently received approximately \$1.4 million of renovations in order to comply with a judgment of the court to make it constitutionally sound. It should continue to be fully utilized as a booking facility until the new Cook Inlet institution is operationally ready. Even after Cook Inlet comes on line, the Annex can and should continue to serve as an adequate facility to house short term offenders.

Recommendation 6:

The Ridgeview facility should also continue to be utilized until the Cook Inlet institution is ready. With the opening of Cook Inlet, use of the Ridgeview correctional center should be re-evaluated for potential correctional use in light of economic costs and public benefits. It is possible that Ridgeview could be converted for use as a regional halfway house/community services facility for offenders about to be released and for offenders whom the courts wish to sentence to short term and/or pretrial incarceration (usually followed by probationary supervision). There is a drastic need for this type of less costly facility in the Anchorage area and public opinion should support a "lower risk" use of this present site. Structural and design improvements may be borne by present Division of Corrections expertise and prison labor.

Recommendation 7:

The Hilland Mountain Correctional Center near Eagle River must be relieved as quickly as possible of the burden of too many inmates in the available space. This facility must return to its original mission as a rehabilitation center for first offenders and those of low security risk. This institution has, in the past, been recognized nationally and even internationally as the model correctional center in which offenders might be reformed. The state must insure that the institution performs its task

as it was intended to perform. Mentally disturbed offenders should not, under none but the most unusual of circumstances, be permitted to be housed at this institution.

Recommendation 8:

Mentally disturbed offenders should continue to be housed temporarily at the Alaska Psychiatric Hospital until a special unit can be designed to treat these offenders within appropriate security facilities to be determined by the Division of Mental Health. The Task Force is cognizant of the June 20, 1980 Task Force Report which specifically addresses these issues. We recommend that the report be carefully re-evaluated.

We believe that the Division of Mental Health must assume responsibility for the security and treatment of mentally disturbed offenders. We have found that the previous administration had gone "full circle" in periodic changes of policy with regard to those offenders. This lack of consistency in management decisions has contributed to the current confusion and jeopardizes offender, as well as public, safety.

Recommendation 9:

The Meadow Creek (Women's) Correctional Center near Eagle River and adjacent to the male facility is an example of architectural extravagance where simplicity and a more spartan environment would have sufficed. It now houses 28

adult women and has a capacity of 30. If expansion becomes necessary, less expensive units can be utilized to extend existing capacity.

Recommendation 10:

The two correctional institutions at Palmer (actually near Sutton) provide good examples of the appropriate mix of tax dollars and inmate labor. The original Palmer Camp (minimum security) was built from the ground up by inmate labor (capacity is now approximately 100 offenders). We recommend that this practice be encouraged and continued. The new, nearly \$5 million medium security facility on the same grounds also houses approximately 100 male offenders. Both facilities are fully utilized but there is a clear need for a full range of prison work programs which would keep all offenders busy for at least 40 hours per week.

Recommendation 11:

The State of Alaska should move immediately to evaluate and to obtain available sites which could be utilized to house correctional operations. Site selection should insure provision for rapid availability of housing for up to 100 offenders. Capacities at these sites should have the potential to be increased. The Task Force recommends that one site be located within the Matanuska-Susitna Borough and the other in the Kenai Borough. Sites which have the advantage of existing grounds, utilities and buildings, and which could have security modules added at relative low cost

and high benefit, should be of priority concern. With rapid site acquisitions, this Task Force believes that overcrowding in the Division of Corrections could be addressed dramatically within nine months to one year.

Recommendation 12:

Institutions have previously been approved for construction at both Bethel and Nome. Apparently the availability of funds for the Nome institution are currently in doubt. The Bethel funds have deteriorated in value due to mismanagement of site selection and building design delays. We strongly recommend that either the new Palmer institutional model ("stick built") or prebuilt modular units or any combination be incorporated for sites at both Nome and Bethel as quickly as possible. These facilities should serve as comprehensive correctional services regional centers. They would meet the needs of the southwestern Bethel area and the needs of the Seward Peninsula and Western Alaska regions for short term offenders (up to one year), probation and parole services, community supervision, halfway house, and other correctional related services. These institutions would help to relieve the pressure on the existing state facilities, provide regional treatment and incarceration capabilities, and provide state correctional services where very little now exists.

Recommendation 13:

The Task Force is aware of expansion work at the

Fairbanks and Juneau Correctional Centers and of a new replacement facility in Ketchikan. Ironically, while these modifications are essential, they will not add substantially, if at all, to the overall correctional system bed capacity. With new facilities to be developed rapidly in the Matanuska-Susitna and Kenai Boroughs, these other state regional correctional centers can return to a more efficient operational posture. It may be necessary and advisable to add a pretrial capability to the Fairbanks institution but this should be re-evaluated in light of our other recommendations. We recommend that all new construction proposals be evaluated in relationship to the need for increased bed capacity statewide. The potential for utilizing prison labor should also be evaluated.

Recommendation 14:

The 188 Alaska prisoners currently being held within the Federal Bureau of Prisons need not all be returned to Alaska. This Task Force recommends that the out-of-state population of offenders be carefully screened so that those who might be ready to be returned to Alaska could be brought back in small numbers as new space is readied for them in both new and existing facilities. It should be possible to continue to maintain a number of dangerously violent Alaska offenders within the FBP system.

Recommendation 15:

Related to #14 immediately above, this Task Force

recommends that either the Matanuska-Susitna or Kenai Borough site, or both, should be utilized to provide maximum security space potential to house Alaska's more serious offenders through the use of maximum security units. Such facilities holding up to 300 offenders have been built in the outside states using modular units and are apparently functioning well at low cost relative to poured concrete and steel institutions and have ample security provisions. Only Butler buildings (or similar) need be added for industrial work and/or recreational space.

Recommendation 16:

The Task Force recommends that new site acquisitions, construction additions and building renovations be completed expeditiously as the highest priority through the channels of state government while minimizing both hindrances and costs. The Department of Transportation and Public Facilities should recognize prison construction as a high priority. Building supplies and prisoner labor should be utilized in building renovations and in the construction of non-secure buildings. Security buildings should be built expeditiously by contract labor from the private sector and full service warranties on all new construction should be mandatory. Corrections should have its own facility planners who can expedite construction and renovation work statewide. We recommend that a project evaluation be required upon completion of all major construction.

Recommendation 17:

Finally, in regard to the need for a maximum security facility in Alaska, the Task Force received clear and compelling testimony from state and local police representatives, the court system, knowledgeable citizens, and correctional professionals that Alaska now needs a maximum security institution. Our recommendation is that the Cook Inlet building design and/or modular security units be constructed in a Southcentral location.

ADMINISTRATIVE ORGANIZATION AND
STAFFING PROBLEMS

A clear and consistent pattern of evidence and opinion has been presented to this Task Force that the Division of Corrections has suffered, and is suffering from, a lack of clear leadership from within the Division and from within the Department of Health and Social Services. We earlier identified the fact that the Division of Corrections has been headed by four directors over the past six-year period, and that the most recent past director and the current director were employed by the previous administration from positions they held in the lower contiguous states. They came to Alaska with the disadvantages of not knowing the "territory" and those within the system who were weak from those who had/have strong potential leadership and management ability.

We believe that strong, decisive and professional leadership and management is essential to successful correctional operations in this state. Further, a sense of history, of past failures and accomplishments, of goals and objectives peculiar to the unique strengths and weaknesses of Alaska and Alaskans is essential for state correctional managers.

The multitude of reports, plans and recommendations from experts and practitioners from within the state and beyond have repeatedly stated that we need not transfer and repeat the mistakes of correctional systems elsewhere. We have found, as one interviewee stated, that too often divisional and departmental management decisions have been based, not on merit, but on perceptions. Interrelationships and coordination of services within the Department of Social Services have proven to be complex and perhaps impossible under the current umbrella structure of the Department. We will address the institutional placement of corrections within state government in a separate section.

We make the following recommendations with regard to the elimination of organization and staffing problems within the current organization of corrections.

Recommendation 18:

The management plan recently completed at a cost of over \$100,000 by the Touche-Ross management and accounting firm should not be implemented until it has been reviewed by the new Department of Corrections. Portions of the plan appear to be unrealistic and unworkable.

Recommendation 19:

While the division managers may be commended for their efforts to develop an improved classification system for the division, we believe that even a superlative classification system will be of little use when bed space alternatives are

not yet available to which offenders might be classified. In order for a correctional classification system to work effectively, there must exist a range of correctional institutional and community placement alternatives with available space in each, to which offenders may be directed. A range of facilities from maximum, medium, minimum, to and including, community halfway houses must first be available. While a sophisticated matrix classification system will be useful eventually, we feel it ironic that the basis for the management structure of the system can be found in a report to the Alaska Legislature written five years ago in 1978. We recommend that the revised classification system be implemented in concert with division reorganization and development.

Recommendation 20:

We have examined the potential reorganization of the organizational and management structure of the division along both functional and regional lines. This Task Force strongly recommends that the division be reorganized immediately upon a decentralized regional concept. It is our opinion, and the opinion of the majority of the interviewees within and outside of corrections, that a regionalized management structure would bring increased efficiency and accountability to correctional operations statewide. While a specific plan is inappropriate for this Task Force, our preliminary findings are that regional

directors should be appointed for each of the geographic regions - southeast, southcentral, and interior. A fourth regional director should be appointed to manage correctional services in rural Alaska - an area that has suffered from a policy of "benign neglect." Regional Directors should be partially-exempt positions. Each regional director should have full responsibility and authority for managing all correctional services in the region. These responsibilities should include but not be limited to the supervision of institutions, probation and parole, other field services and personnel and budget, and should include coordination with the presiding superior court judges, trooper detachment commanders, district attorneys, public defenders, local chiefs of police and peripheral service agencies. Each regional director should be encouraged to establish local citizen advisory groups to advise him or her on correctional programs in the area. Communications between the state's citizens and correctional managers will be enhanced via this mechanism.

Recommendation 21:

The members of this Task Force recommend that the agreement for administration of local jail contracts should transfer, under a new agreement, from the Department of Public Safety to a new Department of Corrections and that both governmental units should prepare their FY 84 budgets

accordingly. We believe that all correctional operations administered in part, or totally, by the State of Alaska should be housed in only one administrative unit.

Recommendation 22:

Professionalism in the ranks of the correctional system and in the management structure is of critical concern to this Task Force. Formal educational standards should be established, in addition to agency in-house training for all correctional and field service positions. A uniformed, neat and well-groomed correctional officer staff within the institutions with a well-trained, and professional demeanor would do much to enhance the morale and credibility of correctional staffs. The need for initial and periodic formal education and training is critical. Training can be physically conducted at the Carcage House in Anchorage where board and room can be provided at low relative cost.

INSTITUTIONAL PLACEMENT OF CORRECTIONS
IN STATE GOVERNMENT

As stated previously by the transition Task Force on Human Services, the management and operation of the Division of Corrections is a "dominating problem" within the Alaska Department of Health and Social Services and is of critical concern. Several factors were identified by that Task Force which contributed to that assessment. Our Task Force on Corrections, in re-examining those previous conclusions, and in conducting our own independent investigation has found agreement that it is essential to move Corrections to departmental status.

The three guiding factors of greatest relevance are: 1) that the Division has suffered from lack of continuously stable and professional management within the Division and within the Department of Health and Social Services; 2) the fiscal and management needs of the Division of Corrections has placed tremendous demands on the resources of the Department of Health and Social Services; and 3) the primary factor and mission of the Department of Health and Social Services has been oriented toward community health, public assistance, mental health and family services and is neither

efficiently organized nor properly prepared to address the problems of corrections within the criminal justice system. Therefore, the Task Force on Corrections recommends the following:

Recommendation 23:

The Division of Corrections should be moved quickly and decisively in toto by immediate executive order to departmental status. We have found unanimous agreement from virtually all persons interviewed, from all regions of the state, and from all segments of the criminal justice system - police, courts, corrections, law - and from the citizen sector that departmental status is not only justified but necessary. The Task Force has considered previous proposals which discussed a transitional phasing-in of the division toward a cabinet level position. We have concluded that a transitional movement will cause undue delays and probably result in a less efficient and more burdensome administrative process. We recommend a "quick and clean" transfer by executive decree.

Recommendation 24:

A Commissioner of Corrections should be appointed by the Governor as soon as possible. A deputy commissioner and four regional directors (the latter explained in a recommendation elsewhere in this report) should be appointed by the commissioner to manage the new Department of Corrections.

COMMUNICATION AND COORDINATION AMONG
JUSTICE AGENCIES

This Task Force and the practitioners in the justice system from both the previous and present state administrations, and those from municipal law enforcement departments whom we interviewed, are clear in their request for statewide coordination of criminal justice policy and law. The activities of the Governor's Commission on the Administration of Justice under the direction of the previous administration were primarily oriented toward the dispersion of federal dollars which emanated from the Law Enforcement Assistance Administration (LEAA). With the demise of the federal program, the Governor's Commission (GCAJ) ceased to function.

New criminal laws and new policies and procedures emanating from one department or sector of the government can have a serious impact on the management and administration of other governmental units. For this reason alone, it is critical to insure that clear communication and sound coordination take place among the managers of the justice system statewide. We recommend the following:

Recommendation 25:

The Governor should empanel members of his administration who have justice administration responsibilities, invite representatives of appropriate related agencies, and appoint lay citizens to coordinate policy and law implementation for the effective administration of justice.

Recommendation 26:

Appropriate management level personnel of the agencies of justice should meet regularly for the purpose of coordinating the activities of the justice agencies at the local and regional level. These groups should be made up of the regional director of corrections, the presiding superior court judge, the local chief (or chiefs) of police, the local trooper detachment commander, the district attorney, the public defender, a municipal attorney and a lay citizen. We found at least one excellent example of this type of coordination and recommend that this management technique be emulated at least regionally across the state.

Recommendation 27:

We believe there are serious potential ramifications from the current effort at pre-settlement in the Cleary case. We strongly recommend that the present partial settlement agreement effort between the State of Alaska and Michael Cleary et al be halted and reviewed immediately and that the state proceed to trial, if necessary, in defense of the State.

MUNICIPAL RESPONSIBILITIES

The Task Force has examined the potential for municipal assumption of pre-trial detention responsibilities. This issue has been of concern because of the differences which exist between the larger urban population centers of the state and the smaller municipalities. That is, within the larger cities, no municipal facilities exist to hold prisoners while they await trial. The burden of pre-trial detention is assumed by the state. On the other hand, the small town police chief must be administratively responsible for housing the arrestee until trial or other disposition is reached. The state has therefore developed contractual arrangements with local municipalities to reimburse or otherwise pay for the maintenance of prisoners held on state charges.

It can cost approximately \$50 per day to book and hold a minor criminal offender in a jail bed which may have cost up to \$125,000 per bed to construct. It is clear that relatively minor offenders should be held in less costly prison or jail space.

There should be an incentive for local municipalities to increase their crime prevention and criminal diversion programs at least for minor offenders who potentially take

up expensive bed space needed for the serious criminal predator. It has been argued that if the municipalities were paying all costs of pre-trial incarceration related to crime at the local level, a substantial incentive (because of the high costs of incarceration) would exist for the cities to develop substantial prevention and diversion programs.

Recommendation 28:

The Task Force on Corrections recommends that municipalities not be made responsible for the costs of the pre-trial incarceration of offenders held on state criminal charges. The impact of such a requirement would be that very costly expenditures would be incurred immediately by every municipality statewide. We believe that the state can and should be responsible for the management and administration of criminal defendants being tried under state statutes. We do believe and strongly recommend however, that careful coordination between and among the criminal justice professionals in both state and local governments is essential to sound management of the system.

Corrections managers do not and cannot select their prison population. The gatekeepers at the front door of the state system of corrections are the local police, troopers, prosecution and court personnel. They should work cooperatively to insure that offenders are held in space appropriate to the level and nature of their offense.

Corrections has an obligation to insure that a variety of types and levels of security is available to the law enforcement community.

Recommendation 29:

While we are reluctant to recommend that still other task forces be formed to investigate and resolve other issues, it is clear that there is a compelling need to address the law, policies and procedures with regard to public drunkenness and drunk driving. The issue has appropriately been identified by the public and in the media as one which demands specific attention. We therefore recommend immediate attention to this issue.

Recommendation 30:

We recognize the high statistical correlation between alcohol abuse and crime. We recommend that the State Office of Alcohol and Drug Abuse (SOADA) should provide alcohol and drug abuse program services in cooperation with local municipalities to correctional centers and community service offices statewide. There is a crucial need for a comprehensive approach to the problem of substance abuse, including "in-house", after care and follow-up program services to offenders.

JUVENILE CORRECTIONS

Following completion of the Correctional Master Plan for the State of Alaska in 1979, the previous Commissioner of the Department of Health and Social Services moved the juvenile corrections segment of the Division of Corrections to the Division of Family and Children's Services. The argument for this move was primarily that the juvenile side of the corrections organization always would receive secondary prioritization in relationship to the demands of adult confinement. The benefits were to be that greater attention to juvenile needs would be the result of the transfer of juvenile institutions and probation supervision services to the family services division.

We have heard ample and persuasive testimony that all persons who have been adjudicated as delinquent or criminal should be managed organizationally within the same governmental unit. We are convinced that the age of the offender separates juvenile crime from adult crime and that many of the most serious crimes are being committed by young offenders.

We have also found duplication of effort within the Department of Health and Social Services. Where previously

a probation officer in Nome, Barrow or Haines, for example, could supervise and direct both adults and juveniles, it now seems that these services may require both adult and juvenile specialists.

It is also clear that serious juvenile offenders require strong and decisive management by both the courts and corrections. Violent juvenile offenders require secure supervision and incarceration.

P^lated to the preceding discussion, we make the following recommendations.

Recommendation 31:

The entire present organization of youth corrections should be moved as a Division of Juvenile Corrections, to the new Department of Corrections when reorganization is completed and functional. Management of this division should be decentralized to fit the regional organization of the Department. For example, the juvenile institution in Fairbanks and the juvenile probation and field services operations should be accountable to the regional director of corrections in Fairbanks. There is no apparent need to add additional staff to juvenile corrections as a result of this transfer, although there may be a need for additional juvenile staff for other reasons to be defined at a later date.

REHABILITATION AND ALTERNATIVES

TO INCARCERATION

The public has a right to demand a positive return for its investment in corrections. While protection of the public from the offenders who are sent to jail or prison is reasonably assured, that protection exists primarily during the length of the prisoner's incarceration. Long term protection can only be brought about by the reformation of the offender as mandated by the Constitution of the State of Alaska. Prisoners can return to the state's population as better persons or more bitter as a result of their prison experiences.

Idleness in our prison system, mixed with overcrowding can and will produce chaos and perhaps result in violence to both property and persons. There is a dearth of meaningful work opportunities for the prison population. Make-work institutional maintenance is the routine alternative for even a minority of prisoners. Prison industries and public works projects should be implemented in all long term correctional centers. Restitution and community services opportunities for individual prisoners who are not security risks should be made available and taken into consideration by parole authorities for those prisoners who are eligible.

A system of relatively inexpensive community treatment halfway houses should be available within the Department of Corrections range of institutions. Offenders who fail or who are not yet ready for release should not be eligible for these lesser security facilities. However, all offenders nearing eventual release should be placed under the carefully coordinated and supervised system of halfway house resources. A full range of maximum to halfway house security level institutions is essential to the reformation of offenders and the efficient management of offender populations. We recommend the following:

Recommendation 32:

The prisoner population in the State of Alaska should be put to work. While the unemployment rate in Alaska is seasonally and regionally high, the citizens of the state can no longer endure an idle segment of otherwise able bodied prisoners. Prison industries and public works projects have been adequately addressed in the Correctional Master Plan. It is not our intent here to review these already voluminous plans. We intend to emphasize the need for a halt to planning and the commencement of activity. Corrections must be given the resources to provide meaningful work opportunities for the offender population. Cutting and clearing of land, stream rehabilitation, trail building, and parks maintenance and construction are but a few examples of public works projects which would benefit

the citizens of the state as well as the non-violent offender population. Eight hour a day work habits can be learned and law abiding skills can be developed. Adequate pay to prisoners can and should be permitted with the responsibility that the working offender repay the state and/or the victim for at least the partial cost of his crime. His or her family can be partially supported as a result of prison labor, board and room can be at least partially paid, and small amounts can be set aside in savings toward release. The non-working offender should not be entitled to the same privileges granted to the working population.

Recommendation 33:

We agree with current correctional policy that any offender who does not possess a high school diploma or its equivalent should be required to complete a G.E.D. program if feasible within the length of his or her incarceration.

We feel strongly however, that these offenders and those who already possess a high school diploma and who wish to take part in educational and recreational programs should do so in their non-working hours - the same as working citizens of the state outside of the prison system. Higher education courses, arts and crafts and other culturally oriented programs should be encouraged and funded. But prisoners pursuing college educations should seek out and apply for Alaska Student Loans the same as "freeworld"

students. The Department of Corrections should coordinate and contract with local school districts, the Department of Education, and the University of Alaska Statewide Systems for teaching resources.

Recommendation 34:

This Task Force has learned that there are approximately 150 parole eligible offenders within the corrections' institutional population. These offenders apparently meet all of the current qualifications for eligibility for parole consideration but have not applied. In relationship to the very high cost of prison bed space and the current crisis in overcrowding, we strongly recommend that a systematic evaluation of these offender eligibles be conducted immediately.

Recommendation 35:

The Department of Corrections should provide the opportunity to every offender the resources of a halfway house program for those about to be released. Offenders should be encouraged to be self-sufficient, apply for jobs, seek out community treatment resources and renew the ties with the law abiding community including family and friends. Close coordination and carefully organized transitions should be mandatory as the offender moves from secure institutions to halfway houses and finally to the community. Probation and parole field staffs should develop community resources and a system of community volunteers to assist

offenders in making the transition. Community service halfway houses should also be available to probationers, parolees, and ex-offenders who are in need of assistance. The use of university and community college interns should be encouraged in these facilities. Finally, the Department of Corrections should assure that alcohol, mental health and vocational rehabilitation services provided through other departments and divisions of state and local governments are heavily utilized. These offenders should not receive treatment not otherwise available to "ordinary" citizens. However, corrections must correct.

GOVERNOR'S TASK FORCE ON CORRECTIONS
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Dir., AK Court System

Phil Briggs
Asst. Supt., 3rd Ave. Corr.
Ctr., and Messrs. Phillips
and Schaffer

Tony Knowles, Mayor, Muni.
of Anchorage and Ray Mann,
John Franklin.

Ray Clements, Chair.
Anch. Crime Comm.
Comm. on Corrections
Bob Swanson, Pres.
August Corp.

John Havelock, Justice
Ctr., UAA

John Angell, Dir.
Justice Ctr., UAA

Vern Caulkins
Supt., 3rd Ave. Corr. Ctr.

Russ Moody, Supt., Corr.
Ctr. Annex

Bernie Segal, Dir.
Ctr. for Alc. & Drug Abuse,
UAA

Dana Fabe, Pub. Def.

Barrow

John Winjum, Dir.
No. Slope Bor., Dept.
of Public Safety

Mike Jeffery, Judge
Sup. Ct. 2nd Dist.

Jeanne Cross
Magistrate

Eugene Brower, Mayor
No. Slope Borough

Elise Patkotak, Dir.
Dept. of H & SS, No.
Slope Bor.

Tom Drake, Supt. Corr.,
Dept. of Pub. Safety, No.
Slope Borough

Fairbanks

Mathew Kiernan, Chief
Fbx Police Dept.

Gene Schaefer, Reg. Admin.
Youth Corr.

Larry Calderone
Supt., and Vern Oxandine,
Asst. Supt., Fbx Corr. Ctr.

John Cain, Reg. Admin.
Prob./Parole Field Svcs,
Div. of Corrections

Harry Davis, Dist. Atty.,
Dept. of Law

Gerald Van Hoomisen, Pres.
Judge, Sup. Ct., 4th Dist.

Bethel

Dan Carothers, Prob. Off.
Div. Adult Corr.

Mary Triebers, Asst.
Pub. Def.

Christopher Cooke, Judge
Sup. Ct.

Dale Curda, Magistrate

Laurie Otto
Dist. Atty.

Bob Buttane
Juv. Corr., Prob. Officer
Youth Corrections

Glen Godfrey, Lt. Comdr.
West. Det., AK St. Troop.

Joe Hildreth, 1st Sgt.,
Bethel, Detach., AST

Tom Varnell, Chief
Bethel Police Dept.

Dillingham

Lewis Reith, Outpost Supv.
Ak State Troopers

Glenallen

Sheldon Sprecker, Magistrate
Corp. Bachman, AST

Juneau

Wally Roman, Corr.
Ind., Adult Corr.

Joe Ciraulo
Chief, Jnu Police Dept.

Sheila Nickerson, formerly
Univ. Within Walls project

Margaret Pugh
Admin., Johnson Ctr

Terry Hanson
Spec. Asst. to Comm. of
Public Safety

Dan Hickey
Chief Pros., Dept. of
Law, Pat Conheady, Asst. AG

Bill Huston
Supt., Jnu Corr. Ctr.,
former Dir. AK Div. of Corr.

Sam Trivette, Exec. Dir.
Parole Board

Low Reece
Reg. Admin., Youth Corr.
Div. of Fam. & Youth Svcs.

William Ladwig, Adult
Corr.

Keith Stell, Reg. Admin.
Adult Corr.

John Pugh, Dir.
Fam. & Youth Svcs.

Dick Branton
Dept. Dir., Div. of
Mental Health & DD

Norman Gorsuch, Atty.
Gen., Dept. of Law

Allen Korhonen
Acting Comm., H & SS

Bob Sundberg, Comm. of
Pub. Safety

John Scribner, Dep. Comm.
DOTPF

Janice Cole, Div. of
Policy Dev. & Planning,
Office of Governor

Kenai Peninsula

Wm. Kaufman, Lt. Dep.
Cmdr., C Det., AST

C. E. Swackhammer, Det. Cmdr.
Det. C, AST

Lou Bencardino, Chief
Seward Police Dept.

Duane Udland, Chief
Soldotna Police Dept.

Walt Koenol, Corr. Supv.
City of Kenai

Rick Ross, Chief
Kenai Police Dept.

Mike Daugherty, Chief
Homer Police Dept.

Ketchikan

Robert Andrews
Asst. Supt. Corr. Ctr

Nome

Bob Lewis, Dist. Atty.

Gail Frank, Supt.
Nome Corr. Ctr.

Charles Tunley, Pres. Judge
2nd Jud. Dist.

Valdez

Don Wagner, Valdez
Police Dept.

Kodiak

Ed Martin, Chief
Kodiak Police Dept.

Palmer

Dick Giles, Asst. Supt.
Pgms. and Dennis Vincent,
Asst. Supt., Security,
Palmer Corr. Ctr.

Stan Zaborac, Supt.
Palmer Corr. Ctr.

Red Henderson, Chief
Palmer Police Dept. and
Pres., Ak Chiefs of Pol.
Assn.

Beverly Cutler, Judge
Sup. Ct., 3rd Dist.

Correctional Center Site Visits

Anchorage, 3rd Avenue
Ridgeview
Cook Inlet (under const.)
Meadow Creek (Eagle River,
women)
Palmer Med. Security
Palmer Jail - new (under
const.)
Fairbanks Youth Facility
Bethel
Juneau Johnson Center

Anchorage, 6th Avenue
Careage House
Hiland Mountain (Eagle
River, men)
Palmer Min. Security
Palmer Jail - Police
Dept. (old)
Fairbanks Corr. Ctr.
Barrow
Kenai City Jail

Sees Thru

CSHB 103

ADD: 44.30.010
" .020

11.71.305

33.15.010

41.20.110 (b)

47.08.050 (8)

47.10.47 sep.

EO 54

12.55.185 (2) - Rep.

12.55.055 (a)

" (d)

12.55.025 (b)

12.20.220 (b)(c)

33.05.080 (2)

33.15.260 (2) (*)

33.30.130 (a)

33.30.900 (1) (3)

33.32.010 (1)

33.32.015

33.32.020 (a)

33.32.030

33.32.040 (a)

33.32.060

33.32.080 (c)

33.32.090

33.35.040

33.36.040

33.36.100

44.17.005

ADD: 44.28.010

44.28.020

44.27.030

44.29.020 (9), (17) REP.

Miss
4:30
FOST

THE BASIC PROBLEM:

F.O.'s 53 & 54

*John G. ...
Discipline papers*

CS HB-103 -

SPONSOR
POSITION PAPER
SUMMARY

Lynn Asper 3867

Jim Cramer 4990

47.10.060
DIFFERENT HRGS.
SAME PETITION FILED -
ADJUDICATION -
DELINQUENT
ADMISSIBLE TO TREATMENT

delinquency

2 TYPES OF JUV
ADJUDICATED
IN NEED OF ~~THE~~ AID
DELINQUENT

Handled by
NEW DEPT

Youth

only an administrative change

ENDER RECOMMEND IT HIMSELF
PERSONAL

AS GOT FURTHER INTO IT
FOR YOUTH CORRECTIONS
NOT POSITION OF PRESENT DSS

DYFS

HISTORICALLY
puts corrections back
in 78-79

DRAFTED 103 TO MEET

{ if declared delinquent
title 47
mechanism for runaways

just changes
Division of CORR's to
Dept of CORR's

no substantive changes
just splitting div out of DSS
transfer

Admin of
Intersite contracts -
EXTRADITION
CORRECTIONS

Secs 26 - 58 - - Juvenile

entire title 47.10

figure why in trouble, who should handle
PROCEDURES

if forced into crime by adults
considered CH. IN NEED OF AID

- WAIVED MINOR -