

OVERVIEW -
DEPT.
of
CORRECTIONS

STATE OF ALASKA THE LEGISLATURE

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

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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMFR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. JUD.	1-20-87	1:30 p.m.
JOINT H. HESS + H. JUD	10-8-87	8:30 a.m.

MEMORANDUM

State

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INFO Requested
from DEPT. OF
CORRECTIONS
Sund

TO: Pete Jeans
Chief of Staff
Office of the Governor

DATE: J

FILE NO:

TELEPHONE NO:

FROM: Robert D. Arnold
Acting Commissioner
Department of Natural Resources

SUBJECT: Palmer Slaughterhouse

The Department of Natural Resources is preparing to sign a memorandum of agreement with the Department of Corrections for operation of a slaughterhouse in Palmer. This agreement will be the subject of our 1:30 pm meeting on Monday.

The Mt. McKinley Meat and Sausage Co. slaughterhouse and processing facility in Palmer was built by Don Donatello with a \$2 million loan from the now defunct Agricultural Action Council as well as additional loans from the First National Bank of Anchorage and the Agricultural Revolving Loan Fund. The slaughterhouse was essential to the Council's plan for developing agriculture in Alaska. Without a commercial slaughterhouse outlet for cull cows the Point MacKenzie Dairy project would not be economic and expansion of the livestock industry in southcentral Alaska would not be possible.

Mr. Donatello closed the slaughterhouse in February, 1986 and since then farmers have had no in-state commercial outlet for livestock.

We intend to purchase the slaughterhouse at a December 26 bank foreclosure sale and lease it to the Department of Corrections for operation as a prison industry. In return, Corrections will agree to purchase all domestic livestock delivered to the plant at current market prices.

Because the prison system utilizes more livestock in one year than the Palmer plant processed in 1985, the livestock industry in Alaska should prosper under this arrangement. The specific terms of the agreement will be presented to you on Monday.

MEMORANDUM

State of Alaska

DEPARTMENT OF NATURAL RESOURCES - DIVISION OF AGRICULTURE

DEPARTMENT OF
NATURAL RESOURCES
DEC 24 1986
COMMISSIONER'S OFFICE
JUNEAU

TO: Bob Arnold
Acting Commissioner

DATE: December 19, 1986

FILE NO.:

THRU:

TELEPHONE NO.:

SUBJECT: Palmer Slaughterhouse

FROM: Dean Brown *[Signature]*
Acting Director

Agriculture and Corrections have reached an agreement that will provide for an operational slaughterhouse in Palmer. A thorough analysis of the financial commitment, number of animals processed, and market economics was prepared by staff from both agencies and presented in a separate briefing memo from Corrections. This memo addresses the importance that this slaughterhouse has in the agricultural sector.

There is presently no other operational slaughterhouse with USDA or DEC approval which can purchase animals and retail or wholesale in the marketplace. Since this plant was closed last spring, the Division of Agriculture has spent considerable time assisting farmers in marketing animals in Canada by utilizing backhauls in stock trucks used to bring replacement dairy animals to Pt. MacKenzie. A greater problem has been faced in marketing hogs since Canadian regulations prohibit shipment. Hogs from Delta have actually been marketed as far away as Omaha when the Division found ocean shipment through the Seattle market the only available outlet. The critical nature of marketing is now reaching a peak since replacement animals are not being obtained during the winter months, resulting in no backhauls, and we are again faced with on-farm killing and carcass disposal problems. The magnitude of this problem is significant: 300 head of cattle are ready today in Homer, 14 dairy farms must cull 25% of each herd annually (a year-round process), cattlemen in Delta, the Kenai, and Matanuska Valleys, as well as hog producers in Delta and Copper River area are affected. They have to keep feeding these animals, in some cases buying feed, and the costs of carrying these through the winter is prohibitive.

Roughly 50-60 producers are directly affected by lack of a slaughter facility. This in turn directly affects grain producers in Kenai, Delta, and the Matanuska-Susitna area when they are unable to pay for hay and grain purchases. It further impacts all creditors, including the Agricultural Revolving Loan Fund loan repayments. Agriculture generates cash sales on farm of over \$26 million dollars annually. The industry, because it is small, is highly interdependent. Lack of the slaughterhouse impacts the economics of dairies, redmeat producers, grain and hay producers. Approximately 5% of the dairy industry income directly comes from cow sales through the slaughterhouse.

Total state investment in the Palmer slaughterhouse is presently \$2.0 million, however total state investment in the Pt. MacKenzie dairy industry alone totals \$12.5 million. The ability to repay these loans depends on a profit making agricultural business, which loss of the slaughterhouse may well be the key factor.

Additionally, it is the firm belief in agriculture that the private sector should be key in developing this industry. In this case, the Division of Agriculture is additionally in the process of placing the Fairbanks slaughterhouse out to the private sector for lease. However, nationwide statistics (under the best of conditions) show that a profit margin of only 1/2 of 1% exists in slaughtering. Current economics will make debt service virtually impossible. Utilizing the Corrections/Agriculture agreement for the Palmer slaughterhouse will not compete with the private sector in marketing animals, it will not undercut the prices paid by any future competing plant, and it will provide facilities in the area where the major number of animals are located. Additionally, the timing element in providing facilities immediately may be the factor which determines whether redmeat and the dairies succeed financially.

O.C.I.C.F. ~~cc~~ → file

cc: Jim
Lambert
Debra
Brown

AGREEMENT

This agreement ^{is} entered into this 22nd day of DECEMBER, 1986, between the Commissioner of Corrections on behalf of the Department of Corrections (hereafter "Corrections") pursuant to AS 33.32 and the Commissioner of Natural Resources (hereafter "DNR"), in consultation with the Agricultural Revolving Loan Fund (hereafter "ARLF"), pursuant to AS 03.10.

WHEREAS ARLF intends to purchase at judicial foreclosure sale, pursuant to AS 09.35., the real and personal property of Mount McKinley Meat and Sausage Co. (hereafter "McKinley property") located in the Matanuska-Susitna Borough, more specifically described as

Lot H-2C-2, Palmer Industrial Park, according to Plat 84-2, Palmer Recording District, Third Judicial District, Alaska

and desires to make a long term lease with Corrections for the use of the real and personal property, provided the lessee will give first priority to processing livestock grown or raised within the State of Alaska; and

WHEREAS Corrections desires to enter into a long term lease of the McKinley property with DNR/ARLF in order for Corrections to carry out the purposes of AS 33.32;

NOW THEREFORE, Corrections and DNR/ARLF agree:

1. This Agreement is rescinded without liability to either party if ARLF does not purchase the McKinley property.

2. The term of this agreement is from the day first written above until April 1, 1998. This agreement may be terminated by either Corrections or DNR/ARLF for substantial violations of any term of this agreement, by submittal in writing to the other signatory 90 days in advance of the termination date. The notice of termination shall allow for a reasonable period for a cure of the violations or shall contain finding that the best interests of the State of Alaska are served by such termination. In the event that a cure period is allowed, the period shall not exceed 45 days. In the event of termination, Corrections agrees to reimburse all monies provided by ARLF and any administrative fees set forth in paragraph 3 below within 30 days of the termination date.

3. Corrections will lease the McKinley property from ARLF. ARLF will provide up to \$200,000 to Corrections for capital and operating expenses to be reimbursed by Corrections through a Reimbursable Services Agreement with an eight percent per annum administrative fee. ARLF agrees to make the \$200,000 available between December 26, 1986 and April 1, 1987. If Corrections has not requested for advance the entire \$200,000 by April 1, 1987, ARLF has no further obligation to make funds available to Corrections. Corrections and ARLF shall prepare a Reimbursable Services Agreement consistent with this Agreement.

4. Corrections will pay ARLF for the period April 1, 1987 to March 31, 1988, twelve equal monthly installments, each installment in the amount of \$1,333.34, the first due on April 1, 1987 and on the first day of each subsequent month.

CORRECTIONS/ARLF AGREEMENT

436-J10
Page 2

Subsequent to March 31, 1987, monthly, on the 15th day of each month, Corrections will pay to ARLF five percent of the gross monthly revenues (prior to deduction for all expenses), as defined in accordance with generally accepted accounting principles. Two percent of the five percent will reimburse ARLF for the funds provided in section 3 above. Three percent of the five percent will be designated as lease payments, and will be made at the beginning of the month for that month's use. After Corrections has reimbursed ARLF for the funds provided by ARLF as referenced in section 3 above, Corrections agrees to pay four percent of the gross monthly revenue as lease payments until expiration or termination of this agreement.

5. Corrections will purchase, slaughter, and process all domestic livestock grown or raised in the State of Alaska and delivered to the McKinley property, subject to appropriate scheduling consistent with this Agreement and subject to all other provisions of this Agreement. A suitable schedule of operations, consistent with section 9 below, will be provided to ARLF by Corrections and may be revised seasonally as appropriate. Cattle, sheep, swine, goats, bison and reindeer are domestic animals.

6. Corrections will pay the United States market price for domestic livestock stated in the issue of the Alaska Agricultural Market Report published immediately prior to the sale of livestock to Corrections, excepting any error in the price so printed. Nothing in this Agreement prevents the seller and Corrections from agreeing to a different price in writing.

7. Corrections agrees that cattle will be graded to U.S.D.A. equivalent standards, after slaughter, by the State of Alaska Division of Agriculture Meat Grader and Corrections will pay the price specified in section 6 above for the appropriate grade. Corrections will purchase cattle on a live weight basis. All cattle will be weighed on the live scale. Corrections will provide the seller or the seller's agent with a copy of the live weight receipt, at the time of weighing, showing:

- a. live weight, expressed in pounds
- b. identification of animal (by tag number and description), and
- c. remarks regarding bruises, wounds, deformities, and other characteristics that would lessen the value of the animals that otherwise might be construed to have occurred after Corrections has taken control of the animals.

Corrections will pay for the cattle within 72 hours of grading of the dressed carcass and in a manner consistent with 7 U.S.C. § 181ff (Stockyard Act), to the extent 7 U.S.C. § 181ff is applicable, unless a cash payment arrangement has been made in writing before the animal is weighed.

8. Corrections will purchase hogs on a live weight basis. Hogs will be weighed on a live scale. Corrections will provide the seller or seller's agent with a copy of the live weight receipt, at the time of weighing, showing:

- a. live weight, expressed in pounds

- b. identification of animal (by tag number and description),
- c. remarks regarding bruises, wounds, deformities, and other characteristics that otherwise would lessen the value of the animal that otherwise might be construed to have occurred after Corrections has taken control of the animal.

Corrections will pay for the hogs within 72 hours after the live weight receipt is tendered to the seller or seller's agent and in a manner consistent with 7 U.S.C. § 181ff (Stockyard Act), to the extent 7 U.S.C. § 181ff is applicable, unless a cash payment arrangement has been made in writing before the animal is weighed. Corrections agrees to purchase the hogs based on the weight range prices specified in section 6 above.

9. Corrections will operate the kill floor for such time each week as is sufficient to kill 40 beef and 60 hogs a week. All livestock will be slaughtered within 24 hours of weigh-in.

10. Corrections will pay a fair and reasonable price for types of domestic livestock which are not stated in the Alaska Agricultural Market Report, in a manner consistent with 7 U.S.C. § 181ff (Stockyard Act), to the extent 7 U.S.C. § 181ff is applicable. Corrections will institute weighing and grading procedures for domestic livestock, other than hogs and cattle, which are consistent with the United States slaughterhouse standards.

11. Corrections will not slaughter or process consumer-owned animals for home use without the written consent of the ARLF loan board.

12. Corrections agrees that it will not slaughter or process game, as defined by AS 16.05.940(17), excepting feral domestic animals as defined by AS 16.05.940 and excepting special consideration for Corrections regarding "road kills" and "road wounded" animals for the specific and exclusive use by Corrections consumption only. Any game processing will be in accord with U.S.D.A. and D.E.C. regulations.

13. Corrections is not required to weigh-in or purchase condemned livestock or carcasses. If Corrections weighs in livestock and the carcass is condemned, Corrections will not charge the seller a slaughter fee. If Corrections weighs in livestock and the carcass is condemned, Corrections is not required to purchase or pay for the carcass.

14. Corrections will correct the deficiencies listed in Attachment A necessary to meet and continue U.S.D.A. and D.E.C. approval, with Corrections to bear the costs. Corrections will operate the McKinley property, at all times, consistent with U.S.D.A. and D.E.C. regulations and standards and consistent with all Federal, State, borough and municipal laws.

15. Any lease hold improvements, fixtures, equipment or improvements to property by Corrections, upon installation, become the property of ARLF.

16. This Agreement is for the benefit of DNR/ARLF and Corrections and is not for the benefit of any person, agency, or entity who is not a signatory to this Agreement.

Hal K. Ward
Loan Manager

On 10/14/86 the writer conducted an inspection of the referenced facility with State Vet, Bert Gore and Meat Inspector, Stan Mahavitch to gather further information with respect to the condition of the plant prior to bidding at foreclosure sale. The following lists deficiencies observed or known by the State Vet due to his experience while working in the plant.

HOLDING AREA:

1. Holding pens require feeders mounted off the floor.
2. Ventilation system inoperative or not effective.
3. Holding pen area needs to be cleaned.
4. Holding floor too rough, should top coat with 2" cement.

KILL FLOOR:

5. Clean off all peeling paint. (Track area)
6. Ventilation system not effective.
7. Four sterilizers inoperative.
8. One sterilizer missing.
9. Quick chill room won't hold cold temperature.
10. Scalding for hogs won't hold 145° water. (Too cool)
11. Quick chill room floor drain freezes up next to freezing room door.
12. Door seals and latch on door to chill room in poor condition.
13. Door seals to ageing room poor condition.
14. Sheet metal work needed on door jams to ageing and storage rooms.
15. Replace hog splitting saw. (Hogs - optional)
16. Hog scalding tank handle broken several times.

PROCESSING ROOM:

1. Two sterilizers inoperative.
2. Missing door to smoker room, should be all metal with windows.
3. Miscellaneous light fixtures broken.
4. Smoke room very dirty.
5. Time and temperature recording devices should be serviced, 2 of 4 may not work.
6. Install duct work to properly vent smoke to exterior of building.
7. Game and miscellaneous rooms dirty.

BRINE ROOM:

1. Automatic brine pump not operative.
2. Stick pump needs maintenance.
3. Room dirty.
4. Door jams need repair.
5. Equipment needs maintenance.
6. Scale needs to be checked.

INEDIBLE ROOM:

1. Clean room.
2. Block trap ok.
3. Hide chute needs guard floor worker.

FURNACE ROOM:

1. One boiler kept going out.
2. Captive bolt gun needs replacement or repair.
3. Burners should be checked on boilers and maintenance done prior to start up.

OTHER COMMENTS:

All mechanical, electrical and plumbing should be inspected and repaired prior to placing in service.

Grease trap should be cleaned.

Plant speakers broken.

Hog inspection platform not needed.

Welfare room stove inoperative. (Major repair)

Ceiling tiles in hallway to be replaced.

Power skinning knives missing.

Sausage linker missing?

Entire plant requires thorough cleaning.

17. This Agreement can not be modified unless both signatories agree in writing.

18. DNR/ARLF may assign its rights under this Agreement to another governmental entity.

DATED: 12/22/86

Norm D Arnold, Acting

Commissioner of Natural
Resources

DATED: 12/22/86

William W. Ludwig, Acting

Commissioner of Corrections

POPULATIONS
AS OF JANUARY 1986*

<u>Jurisdiction</u>	<u>Inmates</u>	<u>Probationers</u>
Alabama	9,541	16,520
Alaska	1,934	2,384
Arkansas	4,504	9,268
Colorado	3,369	17,612
Connecticut	5,771	37,403
Florida	28,759	71,951
Georgia	16,047	86,487
Idaho	1,303	2,135
Illinois	18,279	74,156
Iowa	2,832	11,277
Kansas	4,538	21,026
Kentucky	4,956	5,213
Maine	1,100	3,858
Maryland	12,671	75,797
Massachusetts	5,473	90,043
Michigan	16,003	31,188
Minnesota	2,485	6,350
Mississippi	6,392	6,604
Missouri	9,926	22,291
Montana	1,075	2,535
Nebraska	1,830	13,416
Nevada	3,817	5,264
New Hampshire	642	2,560
New Jersey	10,912	51,454
New Mexico	2,225	3,512
New York	35,322	100,315
North Carolina	17,498	57,506
North Dakota	434	1,598
Ohio	20,539	6,393
Oklahoma	7,127	20,955
Oregon	3,688	21,694
Pennsylvania	14,260	79,912
Rhode Island	1,327	7,536
South Carolina	9,242	16,770
Tennessee	7,000	13,635
Texas	37,532	269,909

POPULATIONS
AS OF JANUARY 1986*

<u>Jurisdiction</u>	<u>Inmates</u>	<u>Probationers</u>
Utah	1,523	6,330
Vermont	657	4,289
Virginia	10,767	13,958
Washington	6,418	19,602
West Virginia	1,796	3,585
Wisconsin	5,429	21,227
Wyoming	811	1,922

* Source: The Corrections Yearbook 1986, published by the Criminal Justice Institute, South Salem, New York

MEMORANDUM

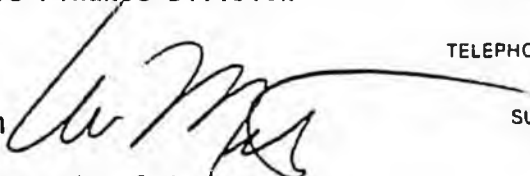
State of Alaska

TO: Liz Blecker
Fiscal Analyst
Legislative Finance Division

DATE: January 16, 1987

FILE NO:

TELEPHONE NO: 561-4426

FROM: Wes Milton 
Manager
Alaska Correctional Industries

SUBJECT: Operation of Mt. McKinley
Meat Plant

Attached are copies of pertinent information about the state's purchase of the Palmer meat packing plant for operation by the Alaska Correctional Industries program.

This idea was first presented to the ACI Commission on October 6, 1986 (see annotated minutes). Only three of the seven Commission members attended this meeting: Dugan Petty, representing the DOA; Roger Endell, representing the DOC, and James Hesson of Juneau. Each of these members concurred with this proposal. The Commission also received a package explaining the status of the meat packing plant acquisition in mid-December (attached). I personally contacted Beverly Dunham on October 23, 1986 in Seward, and Patrick Mulligan on January 5, 1987 upon his return from an extended vacation. Also on December 5, 1986, Mark Butler talked with Roger Lewis (new Commission member) in Juneau. All three of these members expressed approval of our plan to operate this facility.

Because of the nature of a judicial foreclosure and sale, public hearings could not be held prior to acquisition of the facility. We have tentatively scheduled public hearings on our operation of this plant concurrent with the next ACI Commission meeting to be held February 4, 1987.

It appeared clear from the beginning of our discussions that the Commission favored the idea of ACI acquiring and operating this business provided that some degree of profitability was maintained. Our research (also attached) indicated that profitability was possible.

If you have additional questions, please don't hesitate to contact me at 561-4426.

Attachments

WM:VRW:tlc

cc: Bill Ladwig, Acting Commissioner, DOC

RECEIVED
JAN 20 1987

DEPARTMENT OF CORRECTIONS
CENTRAL OFFICE-JUNEAU

Mt McKinley Meat Packing Plant

In consideration of a contract offered by the Agriculture Revolving Loan Fund, through the Department of Natural Resources, to the Department of Corrections, the following data has been amassed and reviewed for the purpose of determining whether or not the Department of Corrections is well-advised to undertake the operation of the Mt McKinley Meat Packing Plant by the Alaska Correctional Industries program within the Department of Corrections. The following is a breakdown of the animals which the Division of Agriculture can prove available during the 12 month month period of time between March 1987, and February, 1988. The analysis includes animal purchase prices as determined by grade and yield factors as well as historic Alaska animal weights to arrive at a relatively accurate cost of goods sold factor:

GRADE:	WGHT:	QUANTITY:	MARKET \$	TOTAL WGHT	PRICE	YIELD LB/%
Holst. Choice	1,000 lbs	500 ea	\$ 60.cwt	500,000	\$ 300,000	325,000/65
Holst. Good	900 lbs	500 ea	\$ 55.cwt	450,000	\$ 247,500	270,000/60
Dairy Cull	800 lbs	700 ea	\$ 32.cwt	560,000	\$ 179,200	280,000/50
Herd Cull	800 lbs	400 ea	\$ 32.cwt	320,000	\$ 102,400	160,000/50
Market Hogs	210 lbs	600 ea	\$ 55.cwt	126,000	\$ 69,300	90,720/72
Vealers	200 lbs	500 ea	\$ 75.cwt	100,000	\$ 75,000	50,000/50
TOTALS		3,200 each			\$ 973,400	1,175,720#

The above figures are of course only an estimate taken from actual live animal inventory figures, but the gross animal weights are derived from past animal weights from the Mat-Su Valley, and the yield figures are conservative by American Meat Standards. The following data deals with the sales of the above product, 1,175,720 pounds of meat overall:

SALES:

BEEF: (1,035,000 lbs)

Department of Corrections: 250,000 lbs@\$1.45 \$ 362,500

API/MYC/PION/OTHER: 100,000 lbs@\$1.50 \$ 150,000

Wayne's Market/Ak Sausage/Mr. Prime Beef & other Wholesale buyers. 685,000 lbs@.90 \$ 616,500

(\$.90 price is .05 under Seattle Market Place/Wholesale)

PORK: (90,720 lbs)

Department of Corrections: 90,720 lbs@\$1.45 \$ 131,544

VEAL: (50,000 lbs)

Department of Corrections:	10,000 lbs@2.00	\$ 20,000
Wayne's / Other Wholesale	40,000 lbs@1.90	\$ 76,000

MISCELLANEOUS:

(Alaska Mill & Feed Co., Inc. "Donetello")

Blood/Scrap/offal (\$5.00/animal X 3,200)	\$ 16,000
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Hides (2,100 at \$ 20.00 each)	42,000
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(hide price can go to \$ 35, average more like \$20)

TOTAL SALES:

\$ 1,414,544
=====

GROSS PROFIT:

Total Sales:	\$ 1,414,544	(Payment is \$16K 1st year)
Less: Payment to DNR @ 5%	70,727--	(and 5% of gross sales)
Less: Animal Payment	973,400	(per year thereafter)

GROSS PROFIT: \$ 370,417

The figures above are conservative, since many of the products of the animal will be sold for more than the carcass wholesale figure of \$.90 per pound. The risk involved is the selling of the 685,000 pounds of beef which is excess to the needs of the Department of Corrections, to the wholesale market place. After discussion with several of the wholesale meat dealers/processors in Anchorage, it was determined that they will buy Alaska meat when they can, in fact, save money on it, and not pay freight from Seattle. The spread between pure cost of the beef, (\$.80/lb) and the wholesale selling price, (\$.90 to .95) is where the risk to the Department exists. This low margin of profit is standard in the meat industry; meat packing plants survive only through well-established custom market places, i.e., selling to Stewart Anderson Cattle Company, or massive volume processing for Safeway Stores Inc..

OPERATING EXPENSES:

Production Manager I Wages	\$ 50,000
Correction Officer II Wages	46,000
Inmate Wages (20 inmates)	36,000
Supplies (4% of Gross Sales)	56,000
Repair & Maintenance	30,000
Vehicle Expense (Delivery Equip)	18,000
Office, Postage and Telephone	10,000
Travel Expense	5,000
Utilities (gas/elec/sewer/water)	70,000 *

TOTAL OPERATING EXPENSES: -----

\$ 321,000

=====

* Plant is currently heated with electricity, and hot water system must be renovated upon re-start of the plant. Renovation of the plant will include gas fired heating and improvement of the hot water system at a cost of \$ 30,000, with proposed annual utility savings of \$ 35,000.

GROSS PROFIT: \$ 370,417
 Less: OPERATING EXPENSES: \$ 321,000

NET PROFIT: \$ 49,417
 =====

The logistics of the Department of Corrections operating this plant are not ideal, with the facility located eighteen (18) road miles from the Correctional Center which will supply the inmate work force. As a direct result of this factor, a Correctional Officer is included in the staffing of the facility, as well as a direct line of communication with the Mat-Su Pre-Trial facility for emergency backup should some situation warrant it. Mat-Su Pre-Trial will also be required to provide or assist in a hot lunch program for the packing plant operation, due to the inherent working conditions of a meat packing plant, i.e., cold, wet, noisy, and odorous. Inmates will be Transported daily from the Palmer Correctional Center with Department of Corrections busses, and delivery operations of meat will take place with existing industries trucks.

Benefits to the Department of Corrections include acquisition of a large (16,000 square feet) production facility and warehouse complex centrally located to many of the Departments' institutions, as well as a large scale commercial business operation which can enhance the Departments' Industry program. The Alaska Correctional Industries program is very limited as to what business or industry may be engaged in due to the requirement that there be little or no impact upon the private sector. This business opportunity has little attraction to the private sector due to the following problems in Alaska; an inadequate supply of quality animals for slaughter and processing at a profitable level, and a production facility five times larger than necessary to process all live-stock in the State of Alaska. The Department of Corrections is able to realize some utility in this facility due to two factors; it is an end user of the product, packaged meat, and it has an inexpensive source of labor. The following expenses are taken from operating statements for 1985 in this particular plant, with a comparison of equivalent Department of Corrections costs to operate:

OPERATING EXPENSE:	PRIVATE	DEPARTMENT
Salaries and Wages	\$ 456,430	\$ 132,000
Advertising Promotion	9,308	-0-
Bad Debts	47,329	-0-
Depreciation	223,136	-0-
Insurance	11,100	-0-
Professional Fees	65,372	-0-
Travel and Entertainment	9,574	4,000
TOTALS:	\$ 822,249	\$ 136,000

The difference is \$ 686,249 and, in fact, the private company had a loss of \$ 630,344 for the year 1985. It is only through the disparity of State and private sector operations that this project is viable.

MEMORANDUM

State of Alaska

TO: Mary Halloran
Budget Transition Team
Office of the Governor

DATE: December 10, 1986

FILE NO.:

THRU: TELEPHONE NO.: 465-3376

SUBJECT: Cost Implication of Law
and Policy Changes

FROM: William W. Ladwig *WJL*
Acting Commissioner
Department of Corrections

The attached, Law and Policy Changes Under Review, was presented by the Corrections' Mini-Cabinet to Governor Sheffield for the purpose of identifying some possible ways to reduce the cost of operating the Alaska Correctional System. It was also provided to Governor Cowper's Transition Team for their consideration.

The following is our preliminary estimate, on a point-by-point basis, of the financial impact on this department should some or all of these items be brought to fruition. We cannot comment on the extent, if any, of the financial impact on other executive branch agencies.

1. Increase the use of citations in lieu of arrest for minor offenses.

There appears to be savings in this policy change. During November 1986, there were 595 persons statewide, who could have been served citations and released instead of being booked. Extrapolating this data for 12 months and assuming an average 8 hour hold, we could save 2,380 mandays per year at an average cost of \$74.97 per day (not including medical or statewide program costs) or \$178,400. By also enforcing the offenses of Failure to Appear and Failure to Satisfy Judgment by making them subject to citation instead of incarceration, an additional 698 mandays could be saved. This would represent an additional savings of \$51,600.

It appears that the Alaska State Troopers and the local police departments are making use of citations in such a way that they are not overburdening the Department of Corrections.

The per year statewide impact could be the saving of \$230,000 and reducing our population count by 3-9 full time persons.

2. Develop and implement a statewide bail schedule.

We cannot provide any data regarding the actual bail amounts on which people are being released around the state, only the original amount of bail set, but we do know that varying policies and rates are set by the presiding judge in each jurisdiction. In many instances, bail schedules do not exist or are flexible and judicial intervention is required so people are held until they are arraigned, assigned a Public Defender, have a bail hearing, arrange bail with the bondsman and are released.

This is an issue to be decided by the courts through the advice of the Chief Justice and Art Snowdon, Administrative Director for the Court System. They are generally receptive to all suggestions.

3. Significantly increase the number of probation and parole releases.

This proposal refers to the maintenance of people on probation or parole who are doing well and no longer need supervision. If it can be determined that supervision is no longer needed, it is suggested that the court or the Parole Board be petitioned for approval of termination of supervision. Currently 665 of the 2753 probation/ paroles are on minimum supervision for an average of 5 years. If the court or Parole Board could be approached for termination after one year, considerable probation officer time in aggregate could be saved and applied to additional intensive supervision cases who could then be released from institutional custody. These 665 cases require .8 work unit hours/mo. X 12 = 6,384 units per year. Intensive supervision cases requires about 120 hours per year. Thus $6,384 \div 120 = 53$ intensive supervision clients that could then be released from institutional care. Savings:

Cost of institutional care:	53 X \$86.33*	X 365 = \$1,670,100
Cost of intensive supervision probation care:	53 X \$15.98 X 365 =	309,100
	Savings	<u>\$1,361,000</u>

4. Move all sentenced misdemeanants to private sector contract beds.

This would free up approximately 130 institutional beds. It is assumed that the private sector can provide these minimum security beds at a lower cost than the state though the actual cost per day is unknown.

Current average cost of 130 beds =	130 X \$86.33*	X 365 = \$4,096,359
Private sector beds @ \$35.00/day X 130 X 365 =	\$1,660,750 for a	saving of \$2,435,609 or
Private sector beds @ \$40.00/day X 130 X 365 =	\$1,898,000 for a	saving of \$2,198,359

The cost variable is provided as some or all of these 130 offenders may require some treatment programming such as alcohol or substance abuse.

* This average daily cost of care includes average statewide cost of institutional care of \$74.97 plus average daily cost of medical care of \$6.02 and other statewide programs of \$5.34.

5. Reinstate the pre-trial diversion program.

There is no real savings to us with this program since the tight screening process diverts very few people and these are then likely to be picked up on probation. Thus any savings are offset by cost of misdemeanor supervision, the considerable cost of preparation of misdemeanor pre-sentence reports on all eligibles, and the cost of collection of restitution and supervision of community service work.

*What is
the ratio of
parole to incarceration*

6. Return parole eligibility to all first felony offenders sentenced presumptively.

The impact of this is very substantial; the estimated 247 first-time felons admitted to serve presumptive sentences in FY88 will serve 990 prisoner-years, whereas if this suggestion was implemented, they would serve a total of 792; 198 fewer, with parole eligibility. Since the average cost of incarceration is \$86.33 X 365 or \$31,510 per year per offender and the average cost of probation/parole supervision is \$5.20 X 365 or \$1898 per offender year, there is an average savings of \$29,612 per offender year. Thus savings in FY88 could be as much as \$29,612 X 198 or \$5,863,200 if it were possible for this change to affect current population. Should this change be implemented it would take place over time. The savings per year are shown here to show the magnitude that could be achieved.

7. Amend Title 33 to allow placement of felons in contract housing at the discretion of the Department of Corrections.

There are currently 427 felons classified as minimum custody and 74 classified as community custody or a total of 501 felons who could be eligible for placement in contract beds. The savings:

501 inmates X \$31,510/year in institutions	=	\$15,786,500
501 inmates X \$17,611/year		
specialized contract beds	=	8,823,200
Savings		\$ 6,963,300

** Currently paying \$48.25 per day for specialized CRC beds

8. Amend Title 33 to permit placement of some "violent" offenders in restitution centers.

There are currently 240 inmates classified as minimum or community custody serving sentences for sexual offenses and other violent crimes.

Cost of institutional care: 240 X \$31,510/year	=	\$7,562,400
Cost of specialized CRC beds: 240 X \$17,611/year	=	4,226,600
Savings		\$3,335,800

9. Replace the five-member Parole Board with a Parole Commission of three full-time professionally qualified members.

The many legal and policy changes suggested will greatly effect the work load of the Parole Board. Cost implications for the Parole Board are dependent upon which, if any, of these items are implemented. It is quite possible that their cost of operation will be increased.

10. Permit mandatory releasees with probation sentences to serve the mandatory release and probation time concurrently.

Current population will serve 6 months mandatory release parole plus 3 years' probation. The above change in the statutes would reduce this period of supervision from a total of 3.5 years to 3.0 years. The savings could be: 2500 clients X .5 years X \$1,898/year (at an average cost of \$5.20 per day) or \$2,372,500 over three years or \$790,800 per year.

11. Amend the Good Time portion of Title 33 to remove Parole Board discretion in regard to 1/3 vs. 1/4 award.

The saving from this change is in staff time, i.e., the time required for institutional Probation Officers completing screening forms for the Parole Board and Parole Board review time. The Parole Board has only exercised this discretion three times and those resulted in the persons serving approximately one month additional time.

12. Review all sentencing practices implemented since the criminal code implementation of 1980 with particular attention to judicial and prosecutorial discretion.

According to a study made during November of 1984, felons sentenced presumptively for Class A, B and C felonies were serving 29% more man-years than those who had been sentenced non-presumptively. Felons sentenced presumptively for unclassified crimes will serve 39% more man-years than those sentenced non-presumptively. At the time of this study, 368 felons were serving a total of 2,210 man-years of presumptive sentences. Had they been eligible for early release, they would serve 1,714 man-years, a difference of 496 man-years. The average FY86 cost of 496 man-years at \$31,510 per year is \$15,629,000.

13. Establish a criminal justice sentencing commission which annually balances justice system resources, i.e., police, prosecution, judiciary, corrections, defense.

The cost effect of this proposal is not known at this time.

14. Develop a fast track prosecution program for implementation as soon as possible.

We cannot estimate cost impact at this time for this item. It would allow offenders to move through the Criminal Justice System faster at least up to the point of incarceration. Financial impact here appears to be in the Department of Law and the Court System.

Mary Halloran
Page 5
December 10, 1986

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Juveniles?

15. Provide alternative to incarceration for Title 47 non-criminal bookings/detainees.

There were a total of 2,724 non-criminal bookings from 12/85 through 11/86, 66% of the statewide bookings were at Yukon-Kuskokwim and Anchorage Annex; 44% of which were at Bethel (the second highest cost institution in the state). These non-criminal bookings when costed by institution represent \$253,400 during that one year period of time, not including medical costs. Savings to the Department of Corrections would be offset by the cost of alternative care.

16. Return the 6th and "C" Correctional Center to the Municipality of Anchorage for the purpose of holding municipal offenders.

The "savings" from this is to allow the department to channel 53 staff and \$3,142.5 to other uses thereby making future budget requests for this department smaller. The distribution of these resources is detailed in our FY88 budget request in lieu of requesting "new" dollars.

The above items portray a course of action that could have substantial impact, over time, on the State's operating budget. Also, by diverting offenders to probation or less costly housing, the State will be able to avoid the necessity for capital expenditures of millions of dollars required to build new prison facilities.

None of the above can be accomplished without the full participation of the Legislature, Court System, Executive Branch and last, but not least, the public.

WWL:cc
Attachment
cc w/attachment:
Pete Jeans
Mike Maher

DEPARTMENT OF CORRECTIONS

The Department of Corrections was created March 8, 1984, by Executive Order 55. The Department has responsibility for programs, facilities and community services provided to adult offenders. Juveniles are in the custody of the Division of Family and Youth Services of the Department of Health and Social Services.

The Alaska Constitution mandates that: "Penal administration shall be based on the principle of reformation and upon the need for protecting the public." Consequently, the Department's goals are to provide safe, secure and humane facilities for incarceration, with programs for constructive self-change and the development of lawful behavior patterns; to provide effective community supervision of subjects on probation, parole or furlough; and to facilitate the successful re-entry of offenders into their communities. It seeks alternatives to incarceration when appropriate, provides meaningful work opportunities for sentenced prisoners, and administers the Interstate Compact on Corrections.

The total operating budget authorization for FY 86 was \$79,031,300, up 7.3 percent over FY 85. The Department had 1,001 authorized positions throughout the State, a 0.83 percent increase over FY 85, in 12 correctional facilities, one central office, one administrative office, three regional offices and various district probation/parole offices. Two out-dated correctional facilities were closed in FY 86.

OFFICE OF THE COMMISSIONER (AS 33, AS 44)

The Department is headed by a Commissioner who, during FY 86, was aided by a Deputy Commissioner for Administration, a Deputy Commissioner for Operations and a Special Assistant. The Executive Director of the Parole Board also reports directly to the Commissioner.

The Commissioner provides general administrative supervision and policy guidance for the Department. The objective of this guidance is to provide efficient and effective management of the Department's resources.

During FY 86 the inmate population continued to grow at the rate of 25 new inmates per month. However, legislation was passed in FY 86 that changes the amount of "good time" the inmate population can earn. While it is too early to evaluate the full impact of this legislation on population growth, it is expected that future growth will be at a lower rate.

The Department will meet future population increases as effectively as possible through optimal use of existing space, increased utilization of community residential centers (or "halfway houses"), capital acquisitions and development, improved classification of prisoners, and executive action (that is, early release of selected prisoners due to overcrowding, as recommended to the Governor by the Parole Board).

In addition to the need to expand present treatment programs, develop new ones, and provide the necessary funding and resources to do so, the Department of Corrections, like 30 other states to date, has been subject to court orders as a result of a class action suit brought by inmates. A partial settlement stemming from the case, Cleary v. Smith, has led to changes in various areas of custody and treatment which have been implemented on a statewide basis. During FY 85 the court ruled in the Cleary case that Alaska's Correctional System was not unconstitutional. This ruling was finalized in FY 86 and allows the court the latitude to establish population limits on an institutional basis.

There were eight staff in the Commissioner's Office in FY 86. Two offices were maintained -- the central office in Juneau and the administrative office in Anchorage.

ADMINISTRATIVE SERVICES (AS 12.55, AS 12.62, AS 33, AS 44)

The Division of Administrative Services is responsible for providing administrative support and centralized services to all Department components. It is headed by the Deputy Commissioner for Administration. There were 54 authorized staff members providing service from offices located in Juneau and Anchorage in FY 86.

The main objectives for FY 86 for the Division of Administrative Services were to enhance training opportunities for Departmental personnel; to improve minority hire; and to continue providing optimum levels of support to operating components.

Staff members reporting to the Deputy Commissioner for Administration are responsible for the following functions: fiscal, personnel and labor relations, supply and purchasing, data management, training services, restitution accounting and contract administration. The Directors of Facilities Management and Statewide Programs also report to the Deputy Commissioner for Administration.

Through the Academy, training opportunities were made available to 757 departmental staff members. Courses included, but were not limited to, the Basic Correctional Officer Course, Transportation Officer Course, Cardiac-Pulmonary Resuscitation (CPR) and Firearms Instructions, Cardio-Pulmonary Resuscitation Instructor Course and Firearms Instructor Course.

The Departmental Equal Employment Opportunity (EEO) Committee, consisting of five directors, continued to address related issues within the Department and to improve minority hire.

FACILITIES MANAGEMENT (AS 33)

The Division of Facilities Management, with its staff of six, is responsible for capital planning, coordination of the construction of new facilities, renovation and repair projects, and a statewide preventive maintenance program. Its objectives include the efficient and economic management of the existing physical plants and effective planning for future bedspace needs.

In FY 86, the new 102-bed Anvil Mountain Correctional Center was opened in Nome. Construction began on the 320-bed high-security Spring Creek Correctional Center in Seward, a 60-bed addition to the Palmer Correctional Center and a 26-bed addition to the Meadow Creek Correctional Center.

Construction of the 74-bed Mat-Su Pre-Trial facility in Palmer was substantially completed during FY 86.

A maintenance/food storage building was erected at Cook Inlet Pre-Trial facility, an 8,000 sq. ft. classroom, office and inmate hobby craft area was built at Palmer Correctional Center and a smaller classroom building was constructed by inmates at Hiland Mountain Correctional Center. An existing building at the Wildwood Correctional Center was renovated to accommodate Correctional Industries' metal fabrication and component furniture operations.

A new 24-bed unit was added to the Yukon-Kuskokwim Correctional Center in Bethel in space left unfinished during original construction.

A crew of inmates and staff dismantled four metal buildings from former pipeline camps, then erected one at Hiland Mountain Correctional Center and one at Fairbanks Correctional Center for use as maintenance and inmate work areas.

The Division initiated a contract for a statewide computerized preventive maintenance system which will record all significant items to be maintained in each institution and enhance the Department's preventive maintenance efforts.

A variety of renovation and repair projects were completed during FY 86 including: major life/safety upgrades at Anchorage Annex Correctional Center, renovation of all four housing units at Hiland Mountain Correctional Center with inmate labor, extensive asbestos abatement at the Wildwood and Goose Bay Correctional Centers and enhanced perimeter security at Fairbanks, Lemon Creek and Yukon-Kuskokwim Correctional Centers.

OPERATIONS (AS 12.55, 12.62, AS 33, AS 44)

The Division of Operations provides housing, opportunities to participate in reformatory programs and street supervision for the persons committed to the custody of the Department.

The primary objectives for the Division of Operations for FY 86 were to continue to develop standardized operating procedures; to provide secure facilities to protect the public from the offender population; to provide a clean and sanitary environment for the offenders as well as our correctional staff; and to aid in rehabilitation of the offenders so that they may return to society as law-abiding, productive citizens.

Management of correctional facilities and probation/parole field offices is regionalized. The Directors of the Northern, South-central and Southeastern Regions report to the Deputy Commissioner for Operations. Institutional superintendents and probation/parole administrators report to the regional directors. At the end of FY 86, the Department was responsible for 5,116 offenders. Of these, 2,760 were probationers/parolees, 1,902 were incarcerated, 261 resided in community residential centers, and 193 were housed out of State through the Federal Bureau of Prisons.

The classification system for long-term and sentenced offenders, developed in FY 84, has been implemented and continues to undergo refinement through on-the-job usage. A new classification system for short-term and unsentenced inmates was completed by the Department and approved by the court. The Department's institutional operations manual continues to be rewritten. There were 901 authorized positions associated with operations in FY 86.

For comparative purposes, figures for persons in custody or under the Department's supervision at the beginning and at the close of FY 86 are given, as follows:

NUMBER OF PERSONS IN CUSTODY OR UNDER SUPERVISION

<u>Status</u>	<u>July 1985</u>	<u>July 1986</u>
Incarcerated, in-state	1825	1902
Incarcerated, out-of-state	184	193
Probation/Parole Supervision	2448	2760
Community Residential Centers	111	261

AVERAGE COST OF CARE PER OFFENDER PER DAY

<u>Status</u>	<u>FY 1985</u>	<u>FY 1986</u>
Incarcerated, in-state	\$82.49	\$86.33 *
Incarcerated, out-of-state	39.20	40.17
Probation/Parole Supervision	4.94	4.85
Community Residential Centers	46.19	45.13

*Includes medical/dental and educational/rehabilitative services.

STATEWIDE PROGRAMS (AS 33)

The Division of Statewide Programs is responsible for inmate classification, transportation, medical/dental services, community residential and restitution centers, inmate education, departmental planning and research, and inmate rehabilitation programs which include substance abuse treatment, sex offender treatment, mental health services, alternatives to violence programs and religious programs.

For FY 86 the Division's key objectives were to continue the recidivism study, to improve programs for Alaska Native inmates, to

increase the number and usage of community residential center (CRC) beds, to increase the number of sex offender treatment beds, to complete a preliminary data analysis of Alaska's sex offenders, to complete policy and procedures pertaining to medical, dental and mental health care and to continue to coordinate and monitor the mental health, substance abuse, sex offender, education, domestic violence, religious, CRC and medical/dental programs at all correctional centers in the State. The Division has 17 staff.

The recidivism study continued throughout FY 86, and the first report from this ongoing study will be available by mid-FY 87.

A wide variety of programs for Alaska Natives was offered at all institutions. These ranged from counseling by respected village elders at Yukon-Kuskokwim Correctional Center to a college level class in Northwest Coast Native Art at Ketchikan Correctional Center.

Classes on traditional Native values, Alaska Native Claims Settlement Act, Yupik language, Native corporation issues, cross-cultural communication, marine navigation and chart reading, subsistence hunting, Alaska Natives and Politics, whaling and Native American Contributions to United States Society and Culture are examples of courses taught in various correctional centers during FY 86.

During FY 86 the number of CRC beds rose to 280. A new CRC, Tundra Center, opened in Bethel with 20 beds. One hundred ninety community beds were available in Anchorage, 55 in Fairbanks and another 15 in Juneau. For the first time, due to a concerted effort, the CRC beds were substantially filled during the second half of FY 86.

The number of sex offender treatment beds was increased to 140 during FY 86. Data on sex offenders was collected, analyzed and distributed. The analysis showed the typical sex offender in Alaska is a white male between 20 and 40 years of age. He has a high school education and was employed at the time of the offense. He has lived in Alaska more than five years. He committed the offense alone and without a weapon. He was under the influence of alcohol at the time of the offense.

The victim was a female age 16 or younger who was a relative, friend or acquaintance of the offender. Of the victims who were related to the offenders, 62 percent were natural daughters or step-daughters.

The Probation and Parole Case Management project was implemented and workload distribution is now based on the results of the study. The inmate accounting system programmed for the Offender Based State Correctional Information System (OBSCIS) was put into production mode and was ready for statewide utilization in FY 86. The Department of Education also evaluated inmate education programs.

A follow-up analysis of the effects of presumptive sentencing on the prison population showed that, on the average, a presumptively

sentenced felon spends approximately 27 percent to 39 percent more time in prison than a nonpresumptively sentenced felon.

Policies and procedures for medical, dental and mental health services were drafted, reviewed, rewritten and printed.

BOARDS AND COMMISSIONS

PAROLE BOARD (AS 33.15)

The Alaska Board of Parole, comprised of five members and assisted by an administrative staff of three, authorizes parole releases, establishes conditions of parole and revokes parole for cause. In addition, under the prison overcrowding emergency conditional commutation plan signed by the Governor in July of 1983, the Parole Board reviews applications under strict criteria and makes recommendations to the Governor whenever overcrowding conditions occur under terms of the emergency plan.

The objective of the Parole Board is to release from incarceration those offenders who can live in society without violating the laws of the State of Alaska. The Parole Board also returns those offenders to incarceration for violation of conditions of parole before they violate the law.

During FY 86 the Board held 1,018 hearings, including 232 parole release hearings. Paroles were granted to 110 applicants. The Board screened 247 commutation applications, 88 of which were granted. In addition, the Parole Board staff completed 35 clemency investigations for the Governor's Office, resulting in the granting of clemency to four applicants.

CORRECTIONAL INDUSTRIES COMMISSION (AS 33.32)

The Correctional Industries Commission, composed of seven members, was formed July, 1982 as a result of legislation that created the Correctional Industries program. The Commission monitors the Correctional Industries program, reviews the proposed budget of the program and makes appropriate recommendations to the Commissioner of the Department of Corrections.

The Commission's objectives are to recommend the establishment, expansion, diminishment or discontinuation of industrial, agricultural or service activities so that the program is as self-supporting as possible, provides as much employment for prisoners as is feasible, provides diversified work activities with minimal negative impact on private industry or labor and contributes to the economy of the State.

Correctional Industries currently operates an agricultural business and auto body shop at Palmer, a commercial laundry and bakery at Lemon Creek, a metal fabrication shop and a furniture manufacturing operation at Wildwood. Approximately 50 inmates are employed

statewide, and there are 11 authorized positions associated with the program. The Commission's future goals include establishing new industries at Fairbanks Correctional Center and the Spring Creek Correctional Center.

For more information, call or write:

William W. Ladwig, Deputy Commissioner
Department of Corrections
P.O. Box T
Juneau, AK 99811
(907) 465-3376

THE FOLLOWING PAGES WERE TREATED AS
A UNIT IN THE ORIGINAL FILE.

SCHEDULE FOR OCTOBER 8th HESS COMMITTEE MEETING
IN CONJUNCTION WITH
HOUSE JUDICIARY COMMITTEE

October 8, 1987 8:30 am - 5:00 pm

Fairbanks -- Noel Wein Library Auditorium
Anchorage -- Anchorage LIO, 5th floor conference room
Juneau -- Court Bldg, 6th floor conference room

Department of Corrections Overview

8:30 - 10:00 am

MASTER PLAN

- A
1. mission statement (Department representative)
 2. departmental suggestion survey results (Dept. rep.)

CLASSIFICATION matrix and presumptive sentencing

B (Department representative)

10:00 - 10:15 am

Break

10:15 - 12:15

ALTERNATIVES TO INCARCERATION AND REVIEW OF COMMUNITY
CORRECTIONAL FACILITIES

- C
1. intensive supervision, update on pilot program (Dept. rep.)
 2. contract beds (Dept. rep.)
 3. privatization (Aaron Wolf)
 4. halfway houses (Angela Rinaldo, Allvest; Frank Gold, Keela House; Walt Jones)
 5. Correction Industries Program (Dept. rep. and Mark Butler in Anchorage for questions)

12:15 - 1:15

Lunch

1:15 - 1:45 pm

PROBATION AND PAROLE

- D
1. probation and parole board (Sam Trevitte)
 2. caseloads (how new laws have impacted caseloads)

1:45 - 2:00 pm

Break

2:00 - 3:15 pm

SPRING CREEK AND CLEARLY PROGRESS (Dept. rep. and Swackhammer)

E

1. timetable update
2. impact on other correctional facilities

3:15 - 4:00 pm

Needed legislation

4:00 pm

Adjourn

NOTE: The topic of victims rights will be dealt with at the November HESS Committee meeting.

Department of Corrections

Agency Issues Memorandum - Form A4

Mission Statement

The overall mission of the criminal justice system is to enhance social order and public safety. The criminal justice system consists of law enforcement, prosecution, defense, courts and corrections. As a component of the justice system, the mission of corrections is to:

- Enforce court ordered pre-trial supervision and detention of those accused of unlawful behavior prior to adjudication;
- Maintain the integrity of law by administering sanctions and punishments imposed by courts for unlawful behavior;
- Offer a wide range of correctional options, including community corrections, institutions and community residential center services necessary to meet the needs of both society and offenders; and
- Provide work and educational programs for offenders that will enhance community integration and economic self-sufficiency. These programs must be administered in a just and equitable manner within the least restrictive environment consistent with public safety.

In order to fulfill this role and meet the Department's constitutional mandates of protection of the public and reformation of the offender, the following goals have been established:

Goal - I. Protection of the Public

It is a responsibility of the Department of Corrections to provide for protection of the public from dangerous offenders. To meet this goal, the Department has established the following objectives:

- Classify offenders according to the degree of danger they pose to the public and place in appropriately secure settings
- Provide comprehensive training programs for correctional staff responsible for supervising offenders both inside institutions and in the community
- Provide comprehensive training for probation/parole staff responsible for supervising offenders in the community
- Prevent escapes from institutions and walkaways from community residential centers
- Prevent major institutional incidents
- Inform the public of correctional activities and programs to the greatest extent possible through the use of public hearings and public information

- Reduce overcrowding in correctional institutions, thus reducing the risk of prison disturbances, as well as conforming to court population capacity mandates, by:
 - . Encouraging the expansion of diversion programs and Probation and Parole services where the public interest is served
 - . Continuing to place appropriately classified offenders into community corrections programs
 - . Expanding the operating capacity of the statewide system when necessary
- Provide appropriate placement and treatment for mentally disordered offenders and other offenders with special needs
- Maintain physical facilities in optimal condition
- Provide victims and potential victims with the opportunity to be heard

Goal - II. Reformation of the Offender

It is a responsibility of the Department of Corrections to provide for the reformation of all offenders. To meet this goal, the Department has established the following objectives:

- Provide essential health care for incarcerated offenders
- Provide counseling opportunities to all incarcerated offenders who wish to participate
- Offer Adult Basic Education (ABE), Graduate Equivalency Diploma (GED) and life skills programs in all institutions
- Make religious services/counseling available to all interested incarcerated offenders
- Provide time for eligible offenders to receive visits from family and friends
- Maintain inmate populations within operational capacities in order to enhance rehabilitative programs
- Provide work for incarcerated offenders by:
 - . Employing eligible offenders in housekeeping, food service and maintenance positions within institutions
 - . Employing eligible sentenced offenders in correctional industries programs
 - . Employing eligible sentenced offenders on public work projects such as litter control, recreational site improvement, stream bed improvement and other projects that will benefit the public.
- Identify and encourage the use of community resources to effect social re-integration of offenders

MEMORANDUM

State of Alaska

DEPARTMENT OF CORRECTIONS

TO: Jana Varrati
Special Assistant

DATE: August 18, 1987

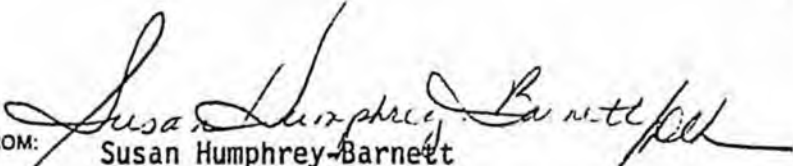
FILE NO:

TELEPHONE NO:

THRU:

SUBJECT: Five-year Plan

FROM:


Susan Humphrey-Barnett
Commissioner

In 1978 the State of Alaska committed itself to the development of a comprehensive Master Plan for its corrections system. Although the Master Plan includes projects through the year 2000, it is appropriate that we look at the Plan through the eyes of 1987 and refine and add to it as necessary based upon current status of our state and our corrections system.

Our Five-year Plan should use the Master Plan as its base. It should begin with an updated statement of philosophy and should include goal statements under the headings found in the original Master Plan (Organization of Corrections, Community Corrections, Institutional Services, Rural Corrections, Technical Services and Criminal Justice Decisionmaking).

Under each of these headings, each goal should be stated clearly; rationale and action plans (including time frames) should be listed. The format found in Connecticut's five-year plan should work well for this purpose.

Below is my attempt to synthesize the basic goals to be included under each heading. Your task will be to add rationale, activities and tentative time lines, and to put it in a draft format which is similar to the Connecticut plan. It should then be given to Jim Scoles, who will edit and add discussion sections where necessary. The draft should then receive wide distribution within the Department for comment.

This task is a big one and needs to be started immediately.

I found the input we received from the field to be very helpful and have tried to include all suggestions which fit within our philosophy. I've included some rationale and activities where I thought you might have trouble getting it from other sources, but there are many you will have to add after consulting with appropriate staff, reading the appropriate sections of the Master Plan and the employee suggestions. What I've done is merely a first attempt and I suspect that after you research some areas, some goals may be deleted or changed substantially. Please feel free to add goals I may have omitted.

Jana Varrati
August 18, 1987
Page 2

You will also need to work with the various task forces, clarifying objectives and delineating time lines.

SHB:bk
Attachment

KEY: . Goals

- Rationale for goals

to be added are activities necessary to attain the goals

Organization of Corrections:

Goals:

- . Retain regionalization.
 - Regionalization facilitates proper balance between centralized authority and decentralized responsibility.
 - Regionalization facilitates emphasis on reintegration.
 - Regionalization reduces the number of persons reporting to each manager.
 - Regionalization enhances public accessibility to the corrections system.
- . Adopt participatory management style.
 - Will improve intra-Department communication.
 - activity - newsletter
 - activity - expand Superintendent meetings
 - activity - expand Statewide managers meetings
 - activity - more input from line staff
- . Create a Division of Administrative Services.
 -
 -
 - activities -
- . Develop plan with Department of Public Safety regarding the responsibility and management of rural jail contracts.
 -
 -
 - activities -

- . Increase accountability to the public.

activities -

Community Corrections

Goals:

- . Implement intensive parole/probation supervision program.
 - Remove offenders from incarceration who do not pose a great danger to the community and who can benefit from intensive supervision.
 - Improve quality of public protection by using intensive supervision for those offenders needing additional supervision in the community, e.g., mandatory release, in lieu of total revocation, etc.
- . Expand use of community service work in lieu of incarceration for minor, non-violent offenses.
 - This will free up correctional center beds for housing more serious violent offenders.
 - activity - modify DWLS law
 - activity - expand New Start to include community work service coordination and supervision.
- . Develop better linkage with community service agencies to provide service to offenders on probation and parole.
 - activity - expand New Start to regionalize community service agency information and promote utilization by offenders on probation and parole.
- . Evaluate pre-trial services.
 - Need to determine whether more in-depth pre-trial assessment would direct any more offenders from incarceration (or would offenders be released sooner).
 - activity - assign to community corrections task force.
 - activity - develop Statewide bail schedule in conjunction with Court System.
 - activity - evaluate use of VERA scale as a pre-trial assessment tool.

- . Explore electronic supervision as an alternative to incarceration for non-violent offenders.
 - activity - assign to community corrections task force.
- . Evaluate existing substance abuse monitoring programs used by community corrections.

Institutional Services

Goals:

- . Evaluate staffing of each institution and develop a plan to:
 - Reclass vacant positions to the positions actually needed.
 - Identify underutilized positions which, when vacant, could be transferred to another work site.
 - Request additional positions through budgetary process.
 - activity - require each Superintendent to evaluate positions and posts and draft a plan as stated above; each Superintendent's plan would be reviewed by the Regional Director prior to submission to the Deputy Commissioner.
- . Differentiate "jail" beds from "prison" beds.
 - Of Alaska's existing 2064 in-state correctional center beds, 1314 were built as "jail" beds (i.e., for pre-trial inmates and sentenced inmates serving one year or less). Only 750 of them were intended for use as "prison" beds (i.e., for sentenced felons serving more than one year). On any given day during the past year, the Department had, at most, approximately 900 inmates needing "jail" beds and 1700 inmates needing "prison" beds. Clearly, we are short of "prison beds." Even when one adds 288 beds for Spring Creek, 100 for FBP and 150 for CRC beds (the remaining 100 CRC beds are used for "jail" inmates, i.e., short-term, sentenced misdemeanants), the Department still only has 1288 "prison" beds or 412 beds short. The only fiscally responsible way to make up this shortage in the short term is to continue to use approximately 100 beds in both Lemon Creek and Fairbanks Correctional Centers for "prison" placements and utilize approximately 200 beds at CIPT for sentenced felons awaiting placement at other institutions or in special units.

However, for long-range planning, the Department needs to be cognizant of the continuing need to return jail facilities to their original purpose as additional prison beds are added.

activity - assess reasibility of returning WWPT, MSPT, AMCC, YKCC and KCC to their original jail status after the opening of Spring Creek in Seward.

. Utilize unit management in institutions to extent possible.

- After jail and prison beds have been differentiated, unit management will become more practical in prison facilities and particularly in those facilities which continue to house both jail and prison populations. For example, the jail and prison sides of LCCC and FCC could operate as separate units with separate standards and staff.

activity - assign each Superintendent to devise a plan for utilization of unit management within their institution. (It is recognized that unit management may have limited application in smaller jail facilities.)

. Refine inmate classification system.

- Ensure that inmates are classified to the custody level which is most congruent to the risk they pose to public safety and their programmatic needs.

activity - implement the work of the classification task force.

- (get specifics from Margaret Pugh)

. Increase work programs and industries for inmates.

-
-
-

activities - assign each Superintendent to report the percentage of sentenced inmates in their institution with jobs (specify number of hours worked); devise plan to increase job opportunities with assistance from Special Assistant.

. Assign all sentenced offenders serving more than one year to a case management team. An initial program plan will be written with the offender once they have been designated. Compliance with the plan will be addressed in yearly progress reports which should coincide with yearly classification reviews.

activity - require all sentenced offenders serving more than one year to engage in 40 hours per week of work and program activity.

activity - train unit managers and case managers to run "light" groups dealing with communication, frustration, problem solving, cognitive thinking, etc.

- . Study privatization of correctional facilities and identify what role, if any, privatization will have in Alaskan corrections.

-

-

activities -

- . Implement video arraignment where practical.

-

activities -

- . Improve inmate health care through implementation of a quality assurance program.

-

activities -

- . Develop special mental health unit at CIPT.

-

activities -

- . Develop geriatric and medical unit at HMCC; dedicate the rest of the institution to sex offenders.

-

activities -

- . Place as many sentenced misdemeanants as possible in contract beds.

- This would free up anywhere from 70-130 institutional beds.

activity - study sentenced misdemeanants not placed in community beds to determine whether they could have been placed in existing programs.

- . Evaluate development of an Intake/Assessment Unit at CIPT.

- . Develop a specialized long-term substance abuse program at WCC or PCC; continue less intensive substance abuse programs at all facilities.

- . Explore funding for special units through mental health lands money.

- . Improve services for female offenders.

-

-

activity - establish task force on incarcerated women.

- . Evaluate development of a program for youthful/first-time offenders at WWCC.

-

-

activities -

- . Plan for renovations at Palmer minimum to keep facility functional and safe.

-

-

activities -

Rural Corrections

Goals:

- . Support furlough programs designed to address the needs of rural Alaskans, especially Native Alaskans.

-

-

activity - put money in the budget to continue the Social Rehabilitation Project with Maniilaq.

- . Share non-confidential information with Village/Tribal councils during pre-sentence investigations and when an offender is on probation or parole in the village.

- . Utilize elders in counseling programs when appropriate.

- . Evaluate establishment of a large (approximately 200 beds) long-term facility for sentenced offenders in Western or Northern Alaska. This facility would be based on the Baffin Island concept.

- . Increase funding to allow for more village visits by probation officers.
- . Study issue of building a regional correctional facility in Barrow.

Technical Services

Goal:

- . Assume responsibility for all prisoner transportation except court transportation (unless Statute is changed) from Department of Public Safety. To the extent possible, consolidate existing Corrections' transportation functions.

sub-heading: Training

- . Perform in-depth evaluation of current training provided by Academy and field training officers.

activity - assign task force to prepare report on the following:

1. location of Academy
2. staffing
3. curriculum content of all courses offered
4. content of OJT offered through institutions and field probation offices
5. coordination between Academy and field training
6. a plan to fulfill required number of training hours per staff per year according to established P&P
7. a plan to use P&P's as basis for field training and a method to receive input regarding possible P&P revisions
8. timing (i.e., before or after hire, starting employment) of Basic CO and PO Academies and a plan to implement any recommended changes
9. consider including MANDT or similar training
10. include cognitive deficit (thinking errors) training for all CO's and PO's

11. consider cross-training of field and institution PO's
12. include emphasis on Cleary compliance
13. improve supervisory training; include performance evaluation and progressive discipline training for all supervisory employees
14. consider CO III academy class
15. AIDS education
16. evaluate whether special tactical teams are needed
17. include advanced training for mental health staff
18. OBSCIS training
19. evaluate firearms and CPR training; consider having staff pay for this
20. consider having new CO recruits in Southcentral Region work at CIPT or Sixth Avenue
21. explore sharing some training with AST and other law enforcement agencies
22. probationary periods for CO's should be under the direct supervision of the institutional security and training officer; use the probationary period to "weed out" those who do not perform satisfactorily

- . Centralize purchasing and possibly include centralized warehousing.

-
activity - assign task force

sub-heading: Personnel

- . Evaluate whether DOC should manage its own personnel system to include recruitment, examination, grading applications, managing registers, hiring, etc.

-
activities -

- . Prepare in-depth evaluation of DOC job classes.
 - Need to look at career ladder, specifically: Superintendent I and II, Unit managers, program service aides, and counseling positions; study should recommend changes and include an implementation plan.
- . Set standards for CO and PO hire; include physical and psychological fitness measures.
- . Revise background investigation requirements; consider contracting with private sector to complete background investigations.

activities - assign staff to estimate costs.

- . Establish ongoing "women in corrections" committee for female employees.
- . Establish a standardized employee recognition program to reward and encourage outstanding performance.
- . Institutional representatives to the interview boards should be CO III or above; representation on any given board should be gender and racially balanced.

sub-heading: Data Management and Research

- . Implement on-line time accounting on OBSCIS.
- . Implement program participation screens.
- . Continue ongoing recidivism study.
- . Revise and improve HOFFA as needed.
- . Standardize use of personal computers in institutions.
- . Prepare a detailed five-year plan for OBSCIS use.
- . Refine ability to accurately project inmate and probation populations with specific attention paid to the security level and type of institutions needed in the future.
- . Programs should be evaluated at least every other year.
 - It is not necessary that evaluations focus on recidivism as the number of variables is too great.

(resume regular headings)

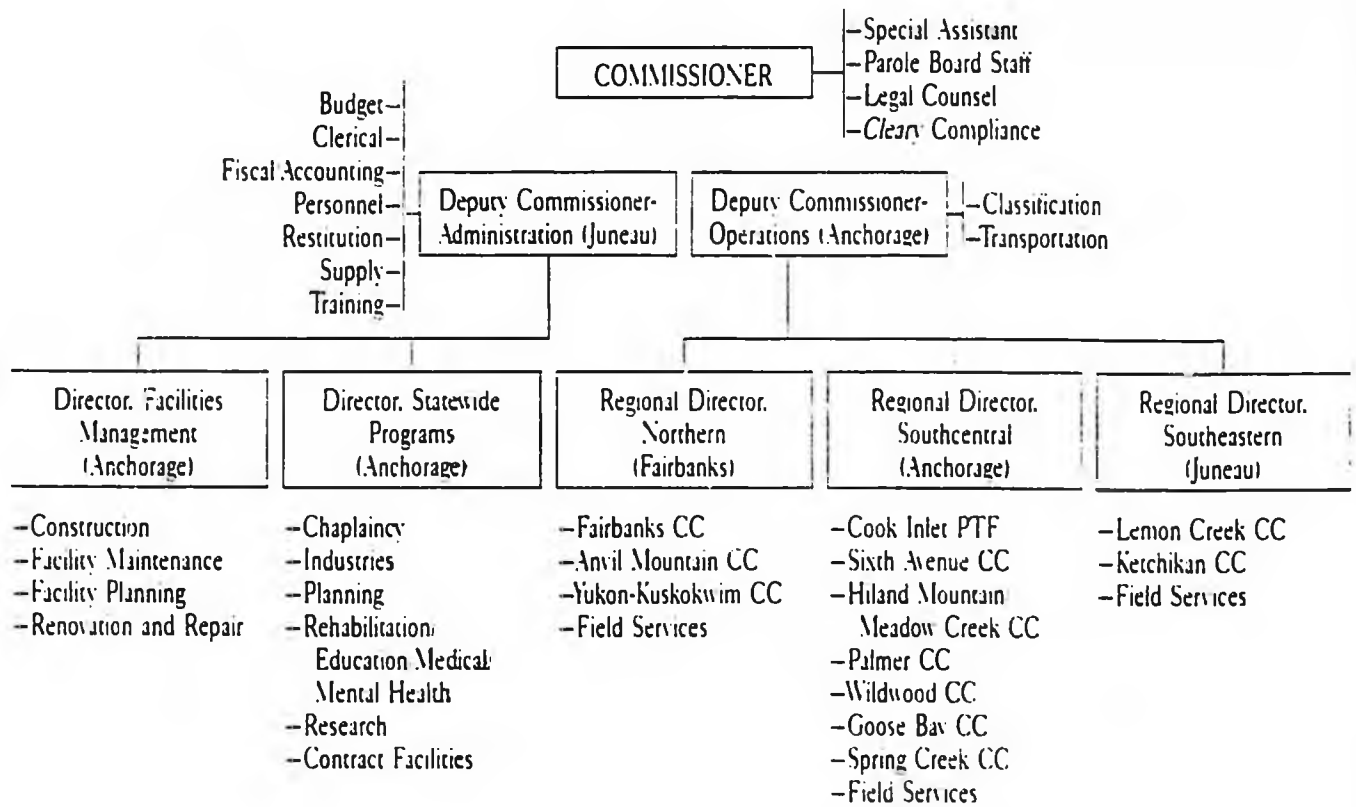
- . Reduce paperwork required by field service and institutional personnel.
- . Provide annual reports to as many Departmental staff as possible given budgetary restraints.
- . Establish a standard method of managing food services.
 - (see John Olsen's memo)
- . Establish/continue working relationship with University of Alaska for research, internships and recruiting.

Criminal Justice Decisionmaking

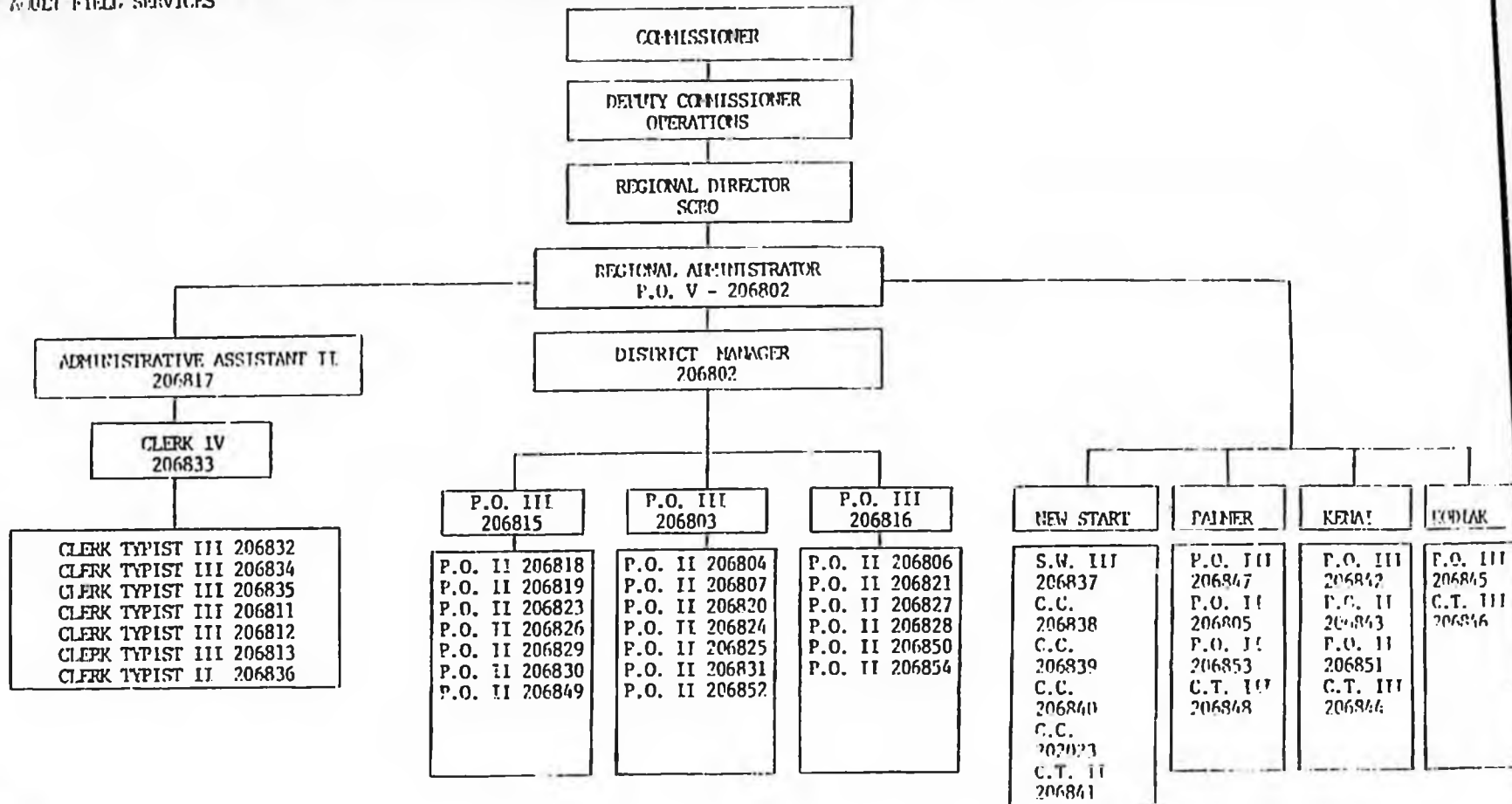
Goals:

- . Develop criminal justice case-processing flow charts; identify opportunities to alleviate overcrowding.
- . Develop legislative package for the next several years.
- . Review sentencing and prosecutorial practices implemented since Criminal Code Revision of 1980, with particular attention paid to judicial and prosecutorial discretion.
 - activity - request aid from Alaska Judicial Council.
- . Encourage SOADA to provide alternatives to incarceration for Title 47 non-criminal detainees in communities where alternatives do not currently exist or do not meet the current needs.

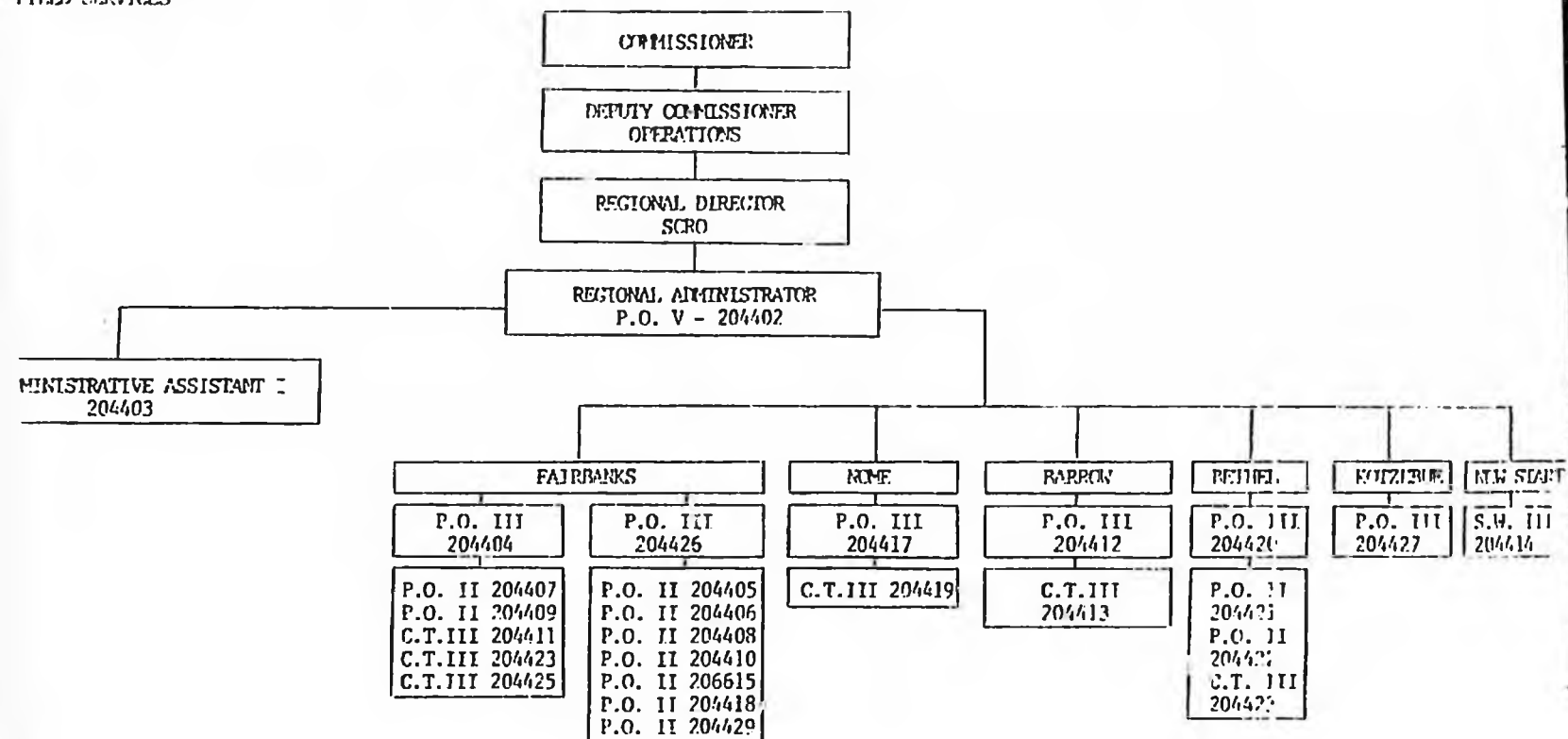
Department of Corrections' Organizational Chart



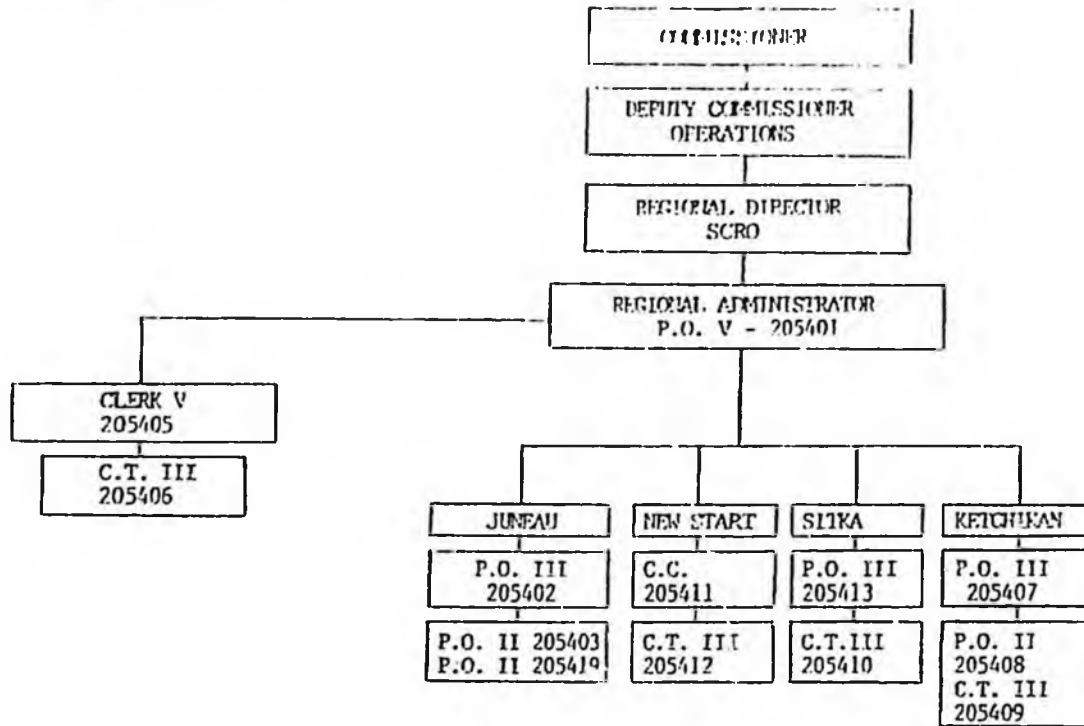
SOBICENTRAL PROMOTION
MULTI FIELD SERVICES



ERN REGION PROBATION
FIELD SERVICES

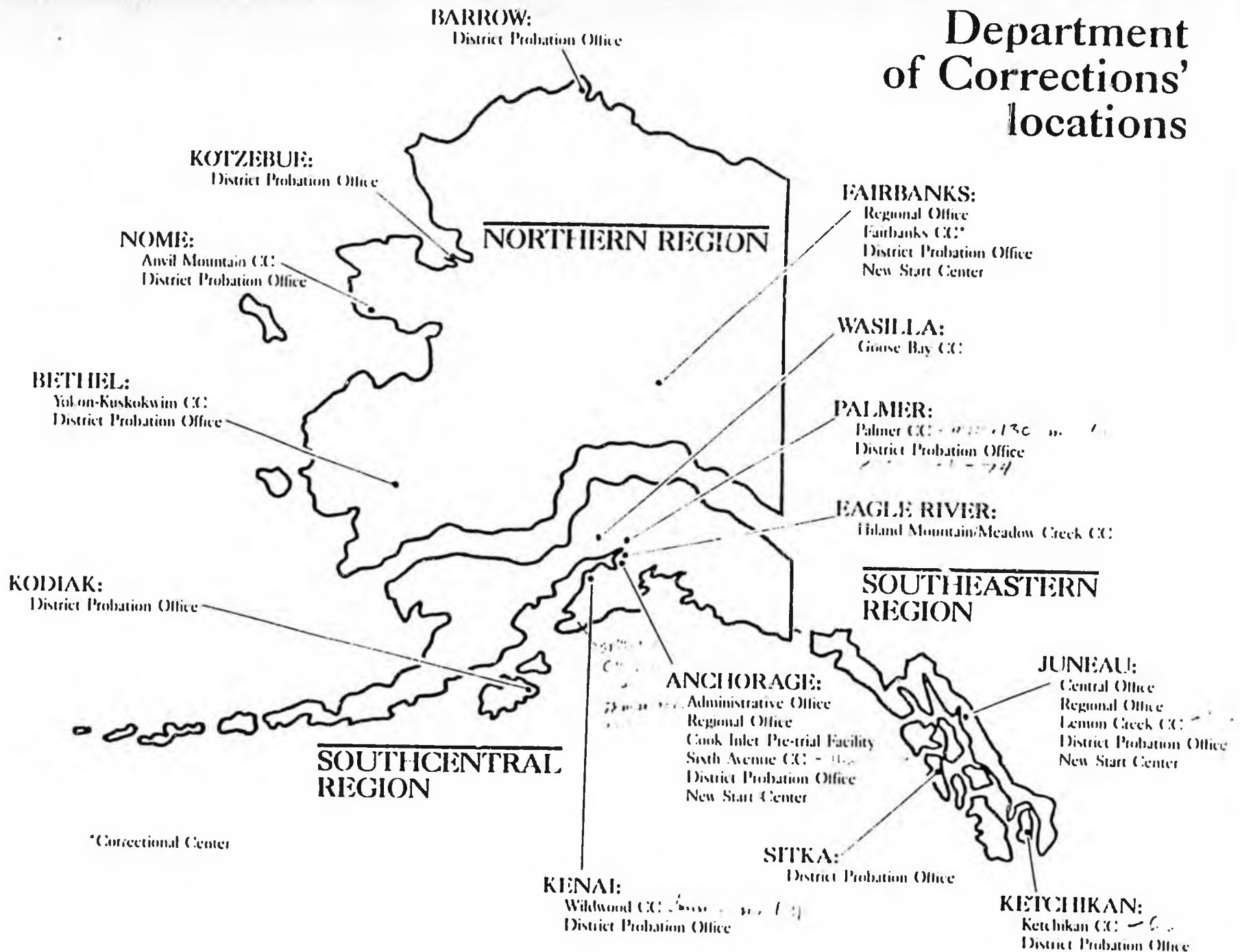


SOUTHEASTERN REGION OPERATION
AND FIELD SERVICES



Department of Corrections' locations

Annual Report 1985



A.
DRAFT

2nd draft
INTRODUCTION

In August of 1986, Commissioner Roger Endell convened an Inmate Classification Task Force to address, essentially, one issue: could more inmates be safely housed in lower levels without risk to the system or the public? The Task Force met in September and recommended that the entire classification system be examined, not only to answer the question, but to revise and refine as appropriate. This would represent the first substantive work on the system since its implementation in 1983. The National Institute of Corrections agreed to fund a technical assistance project which enabled the Department to have Dr. Robert Levinson work with the Task Force in examining the system.

The Task Force met in Juneau, February 23-26, 1987, with Dr. Levinson. This report includes the findings and recommendations resulting from that meeting.

DRAFT

ACKNOWLEDGEMENTS

The Alaska Inmate Classification Task Force includes:

Kenneth Brown - Director, Northern Region
Allen Cooper - Assistant Director, Southcentral Region
Susan Humphrey-Barnett - Commissioner
Susan Knighton - Research Analyst
Bert Matsumoto - PO III, Palmer
Larry Phillips - PO III, Cook Inlet Pre-Trial
Margaret M. Pugh - Director, Southeast Region
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Technical assistance was provided through the National Institute of Corrections and the American Correctional Association by Dr. Robert Levinson.

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SUMMARY

The following goals were established in 1983 when the inmate classification system was implemented.

1. An Agency-wide system for classification decision making for adult offenders.
 - a. An empirically-based classification system.
 - b. A classification system consistent with the American Correctional Association standards, Alaska Statutes and Alaska Administrative Code.

2. Assignment of all prisoners to the appropriate classification level, consistent with custody and security guidelines.
 - a. Prisoners of like security classifications in similar security level institutions or levels of community supervision.
 - b. A safe and secure institutional environment through close monitoring of maximum security prisoners.
 - c. Greatest levels of restraint and supervision given to highly violent, high-risk prisoners.
 - d. Systematic review procedures for prisoners' security, custody and program status.

3. Assessment and programming for effective allocation of resources.

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- a. Procedures to identify special needs resources.
 - b. Assessment of individual needs and the provision for programs and services to meet priority needs.
 - c. Targeting the resources needed, based upon prisoner need through effective casework services.
4. Improved management and service delivery by the *Department* Agency through the following procedures:
- a. Monitoring the success/failure of classification designations.
 - b. Classifying institutions and establishing the roles of the classification staff.
 - c. Monitoring service delivery to "special needs" groups of prisoners.
 - d. Identification and appropriate handling of dangerous prisoners.
 - e. Monitoring prisoner initiated actions with regard to classification decisions.
5. Routine reporting of classification matters by individual institutions to the appropriate Regional Director.

The Task Force feels that by and large *the Department has met & continues to meet these* ~~we have met and are meeting these~~ goals. Alaska's current system is a significant improvement over the previous system because it provides an objective method of decision-making which facilitates consistency based on documented policies. The system is accepted by staff, inmates and the courts.

DR. FT

I. Movement through the System

- A. There are indications that Alaska is not making maximum use of the inmate classification system to ensure equitable and systematic placement of inmates. Classification should be viewed as the process through which inmates move through the correctional system.
- B. To reduce the possibility of confusion and enhance the understanding of the distinction between security and custody, the institutions should be labeled: Level I - the least secure institutions; Level II - the moderately secure institutions; Level III - the most secure institutions. Inmate security levels should also be labeled I, II and III.

See p 1
attached

- ~~C. Long-term sentenced inmates generally should be designated to institutions which match their security level, and transferred through the same process.~~

See p 2
attached

- D. There are a number of legitimate policy and casework concerns which require placement of inmates in institutional levels which do not match with that dictated solely by their classification score. These policy and casework concerns should be formalized to dispel any misconception that they constitute a failure of the system. ~~Facilities which~~ ^{regularly} ~~house other than like level inmates should be referred to by level as well as Administrative Institutions.~~ ~~See normally these facilities~~

DR. T

- E. Short-term sentenced inmates and inmates sentenced to less than one year, will normally complete their incarceration in the originating administrative institution.

See Table I.

II. Monitoring the success/failure of classification designations.

A. Inmate Classification Task Force

1. The Inmate Classification Task Force should be a standing group appointed by the Commissioner and composed of the Chief Classification Officer, several administrative level staff, the Research Analyst, a Superintendent, and institutional Probation Officers, from a ^{jeil + a prison.} ~~booking facility and a Probation Officer from a facility which houses long-term sentenced prisoners.~~
2. The Inmate Classification Task Force should be responsible for development of all Department policies relating to inmate classification.
3. Periodically, the Inmate Classification Task Force should meet formally to examine the system.
4. Training for institutional staff should be scheduled regularly. The Task Force should be responsible for ensuring training is up-to-date.

B. Annual Monitoring Report

DRAFT

Custody Level Long term sentenced prisoner

Security Level

Max

Close

Med

Min

Com

* initial only

LEVEL I
LCCC +
FCC +

*



LEVEL II
HACC
Pal Mod

*



LEVEL III
KCC +
WCC
Pal Min

*



Classification
Review Schedule

10-13 months

6-8 months

6 months

+ Administrative Facility

May have all 5 custody levels

Short term sentenced prisoner will normally be designated to the originating Administrative facility or appropriate CRC

Long term sentenced prisoner with less than 1 year to serve will normally be designated to the originating Administrative Facility.

RAF

1. The annual monitoring report should include:
 1. An analysis of override rates.
 2. An analysis of the inmate population by security and custody levels.
 3. An analysis of inmate disciplinary actions.
 4. An analysis of furlough results.
 5. An analysis of inmate transfer data.
 6. An analysis of frequency of classification hearings ^{in the budget}
2. The Department should request resources for the Research Unit in order to facilitate timely, accurate data from which informed decision can be made.

III. Task Force recommendations which will require Policy and Procedure Revisions

A. Inmate Needs Assessment

1. Current practice requires the inmate Needs Assessment be completed on all unsentenced prisoners. It is recommended that this requirement be deleted. (705.01 VI.A.2.)
2. A Needs assessment form is required to be completed for all long-term sentenced prisoners, at designation and again at initial classification. The Task Force is recommending a revision of the AACs regarding initial classification, but meanwhile recommends that ~~the requirement to do another needs Assessment at initial classification be dropped, and that instead, require that initial classification include~~ the Needs Assessment be completed at designation only and at initial classification that document be reviewed and a -7- Program Review Form (Attachment 2) be completed.

~~review of the Needs Assessment completed at designation.~~
(735.03 VI.C.)

- 3. A new, more detailed Needs Assessment form is recommended to replace the old. See Attachment #1. (20-735.03C.)

B. Security Level

Until new regulations are promulgated, security levels for institutions will be referred to as Level III (Maximum), Level II (Medium), Level I (Minimum)

1. ~~The use of Maximum, Medium, Minimum and Multi-Use as security levels for institutions should be deleted and replaced by Level III (most secure), Level II (intermediate security), Level I (least secure), and Administrative Facility. (803.19 or 703.01) with jail components indicated.~~ *Those institutions will*

2. Table 1 should be included in 803.19.

3. The use of Max, Med and Min as security levels for inmates *accompanied by a reference to* should be ~~deleted and replaced by~~ Level III, Level II and Level I. All policies and forms referencing these should be ~~modified~~ *include these references.*

~~4. In establishing the security level of an institution, it is recommended that the staff ratio reflect only the ratio of prisoners to security staff, not total institutional staff. 803.19.~~

C. Security Scoring

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1. The Task Force felt that existing policy(ies) result(s) in the overclassification of some inmates, particularly those with multiple offenses one or more of which is violent or escape oriented. In order to rectify the situation it is recommended that:

- "
Crimed
- A. Severity of current ~~offense~~ be scored in two parts, A and B.
 - B. The most serious of the multiple offenses be scored in Severity of Current Offense, part A.
 - C. Other multiple offenses be scored in Severity of Current Offense, Part B, which will allow an additional point for each additional offense up to a total of 3.
 - D. Scores for history of violence should not reflect any offense scored in Severity of Current Offense.
 - E. Scores for History of Escape should not reflect any offense scored in Severity of Current Offense.

2. The change suggested above will require that Level III security scoring be extended ^{from 12-30 to} 14-39 points.

3. The Task Force felt that some inmates are precluded from moving out of a certain security level even though their behavior would indicate that a less secure institution would meet the needs of the inmate, and conversely so. Thus it is recommended that a sliding scale for security scoring be incorporated into policy. Such a scale is in use in the

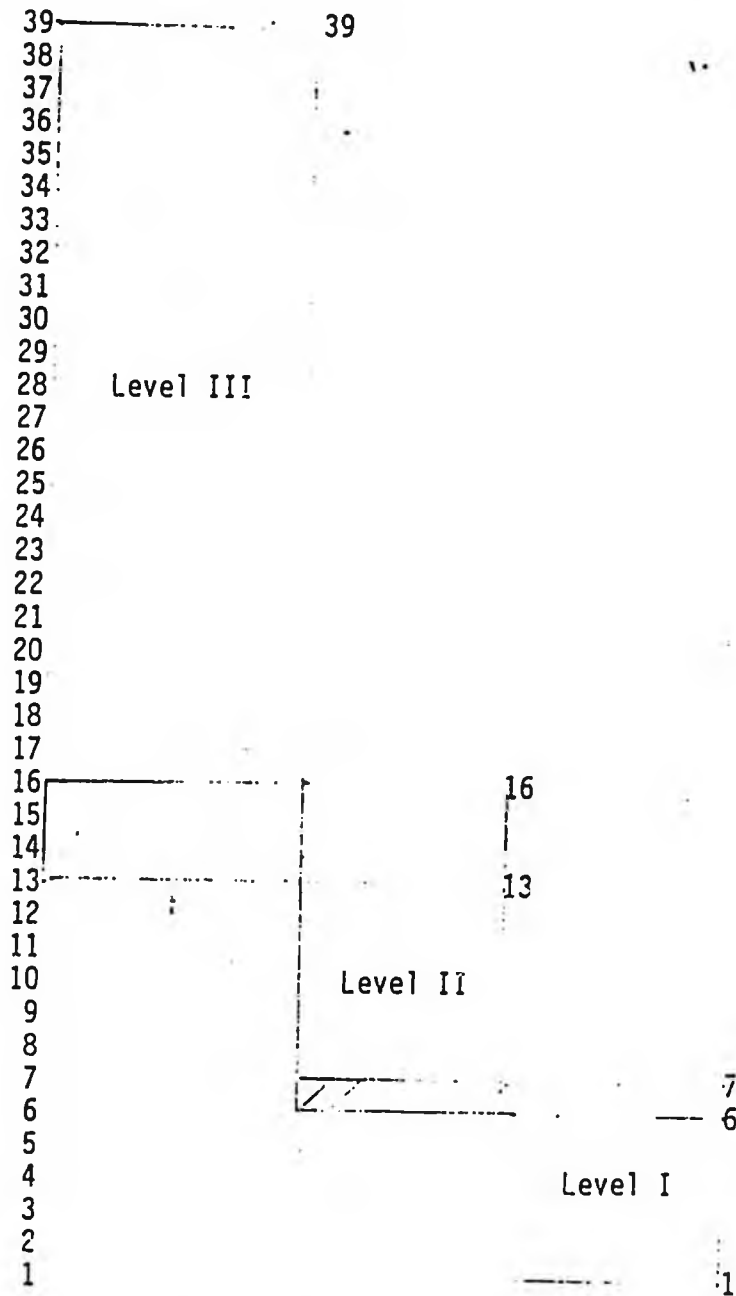
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Federal Bureau of Prisons' system, upon which the Alaska system is modeled. See Table 3.

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Table 3

Sliding Scale for Security Scoring



The security level of an inmate scoring 6 or 7 may be established as Level I or II.

The security level of an inmate scoring 13 to 16 may be established as Level II or III.

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D. Custody Scoring

1. In scoring Percent of Time Served, the Task Force felt that the break-off percentiles should be consistent with other time frames. This can be accomplished by:

3 = 0 thru 33-1/3%

4 = 33-~~2/3~~^{1/3} thru 66-2/3 %

5 = ~~67~~ thru 90%

6 = 91 plus %

2. Currently the Responsibility Prisoner has Demonstrated section is frequently misused. It is intended to reflect a prisoner's program and work involvement, but some reflect disciplinary behavior here as well as in several other places. In order to rectify the situation it is recommended that the heading be changed to Program/Work Involvement.

3. The Family/Community scoring section seems to be the least meaningful category as it exists. The Task force recommends changing this section to ~~Interpersonal Relationships~~^{Family/Community Satisfaction} and the scoring ~~to~~ reflect:

0 = poor 2 = average 4 = good

Such will reflect a prisoner's interaction with inmates, staff, family and community contacts.

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4. The Custody Change Scale currently contains the word "consider" which is confusing to staff and inmates. The recommendation is to delete the word "consider".
5. The point spread for Level III, Custody Decrease if Points, is 28-30. Indications are that 27-30 is a more realistic points spread and the Task Force recommends that change.
6. In scoring both Type Most Serious Disciplinary Report and Frequency of Disciplinary Reports, all disciplinary convictions now count for one full year. The Task Force felt that there should be a retention scale based on the severity of the offense. Thus it is recommended that a major infraction should be counted for one year; a high moderate for 180 days; a low moderate for 90 days; a minor for 30 days. If the dropping of a disciplinary should trigger a change in custody, it should not automatically lead to a classification review. That is, the minimum for classification reviews will always be 180 days.

E. Central Monitoring

1. The Task Force recommends that the categories Assaultive, Sophisticated Criminal Activity and Sex Offender be deleted and that a ^{1st} category Guilty but Mentally Ill be added.

2. The Central Monitoring Action Sheet should be color-coded.

F. Prisoner Classification Review (745.01)

1. Currently it is required that a prisoner with one year or less remain to a firm release date be reviewed at one year,

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six month and three month intervals. This is excessive in most cases and the recommendation is to delete the three month reviews.

G. Miscellaneous

1. The layout of the classification section of the manual is confusing. Each section should be independent of another. Forms and instructions for their completion should precede each relevant policy.
2. The Task Force recommended additions, deletions and changes of wording in many different policies in order to clarify issues.

IV. Task Force recommendations which will require Administrative Code Revision.

deleted
A. The existing procedures state that a short-term sentenced prisoner, at designation, has both a security level and a custody level established. It is recommended that only a custody level be established. A security level is superfluous, as such a prisoner will normally be designated to an administrative facility or CRC (22AAC 05.211).

A B. Existing procedures state that a long-term sentenced prisoner will have an initial classification hearing within 30 days of arrival at the designated facility or within ~~60~~ days after

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After the prisoner has received the notice of designation
the CCO.

None

~~sentencing and commitment.~~ Often there is but a very short time from designation to initial classification, and little more if any, is known about the prisoner than at designation. ~~Problems arise if there is an increase at initial classification.~~ It is recommended that a prisoner retain the security level and custody level established at designation until a classification review hearing is held, according to an established schedule. (See Table 1.) The currently mandated initial classification hearing should be replaced by a ~~Program~~ Review Classification hearing. (See Attachment II.) Thus, the receiving institution does not change the inmate's status at this early date, but the committee does have ~~input into~~ ^{establish} the inmate's program assignments. (22AAC 05.22.216 and .221).

delete

~~B X.~~ It is recommended that the term multi-level facility be deleted and replaced by ~~administrative~~ ^{total confinement} facility. (22AAC 05.22.276).

~~D.~~ Currently, it is mandatory to have a classification hearing for an increase in custody level only. In practice, no custody level is changed without a hearing. Therefore, it is recommended that a hearing be mandated for any change in custody status (22AAC 05.22.241(6)).

~~C X.~~ Currently procedures for classifying unsentenced prisoners are much the same as classifying a sentenced prisoner. This process often involves guess work and distinctions are made that are probably unnecessary. ^{For example} Like, normally the inmate, stays at the originating institution, thus security level is superfluous. Further, when a prisoner becomes sentenced the security and custody levels often change which is frustrating to the prisoner

and the staff. It is recommended that an unsentenced prisoner be classified as one of two categories, restricted or unrestricted. See Table 2. Department policy would reflect the criteria upon which this decision is made (22AAC 05.226).

F. The Task Force recommends the deletion of Responsibility Prisoner has Demonstrated as an assessment issue for unsentenced inmates. Often the inmate has been incarcerated for a very short time and this area cannot be assessed fairly. Amount of Bail is a category widely used and the Task Force recommends the following point scale:

0 - \$1,500	1 point
\$1,500 - \$10,000	3 points
\$10,001- (No Bail)	5 points

DRAFT

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*See p1
attached*

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*See p2
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DR. T

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B. Annual Monitoring Report

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Custody Level Long term sentenced prisoner

Security Level

LEVEL I
LCCC +
FCC +

LEVEL II
HACC
Pal Med

LEVEL III
KCC +
WCC
Pal Min

Max

Close

Med

Min

Com

* initial only

	Max	Close	Med	Min	Com
LEVEL I LCCC + FCC +	*				
LEVEL II HACC Pal Med			*		
LEVEL III KCC + WCC Pal Min				*	
Classification Review Schedule	10-13 months		6-8 months		6 months

+ Administrative Facility
May have all 5 custody levels

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(735.03 VI.C.)

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3. The use of Max, Med and Min as security levels for inmates *accompanied by a reference to* should be ~~deleted and replaced by~~ Level III, Level II and Level I. All policies and forms referencing these should ~~be~~ *include these references,* modified.

- ~~4. In establishing the security level of an institution, it is recommended that the staff ratio reflect only the ratio of prisoners to security staff, not total institutional staff. 803.19.~~

C. Security Scoring

DR/

1. The Task Force felt that existing policy(ies) result(s) in the overclassification of some inmates, particularly those with multiple offenses one or more of which is violent or escape oriented. In order to rectify the situation it is recommended that:
 - A. Severity of current ~~offense~~ ^{crimes} be scored in two parts, A and B.
 - B. The most serious of the multiple offenses be scored in Severity of Current Offense, part A.
 - C. Other multiple offenses be scored in Severity of Current Offense, Part B, which will allow an additional point for each additional offense up to a total of 3.
 - D. Scores for history of violence should not reflect any offense scored in Severity of Current Offense.
 - E. Scores for History of Escape should not reflect any offense scored in Severity of Current Offense.
2. The change suggested above will require that Level III security scoring be extended ^{from 14-33 to} 14-39 points.
3. The Task Force felt that some inmates are precluded from moving out of a certain security level even though their behavior would indicate that a less secure institution would meet the needs of the inmate, and conversely so. Thus it is recommended that a sliding scale for security scoring be incorporated into policy. Such a scale is in use in the

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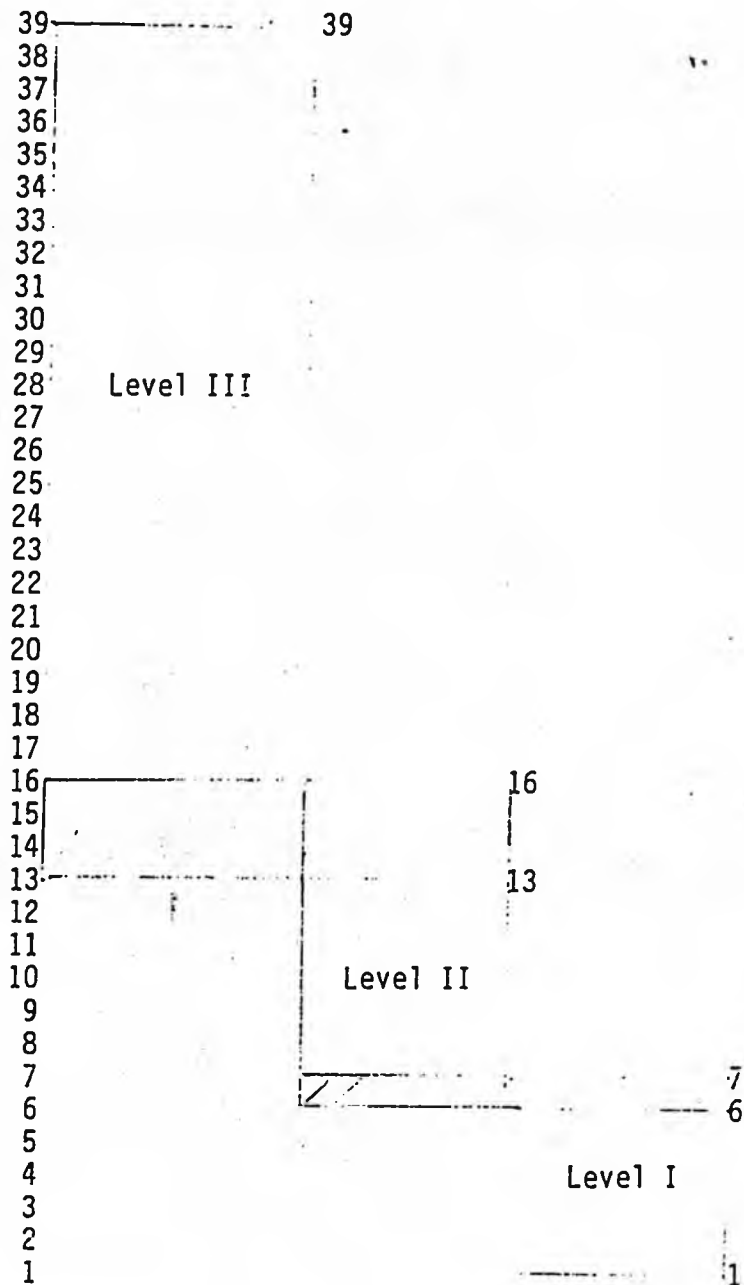
Federal Bureau of Prisons' system, upon which the Alaska system is modeled. See Table 3.

"

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Table 3

Sliding Scale for Security Scoring



The security level of an inmate scoring 6 or 7 may be established as Level I or II.

The security level of an inmate scoring 13 to 16 may be established as Level II or III.

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D. Custody Scoring

1. In scoring Percent of Time Served, the Task Force felt that the break-off percentiles should be consistent with other time frames. This can be accomplished by:

3 = 0 thru 33-1/3%

4 = 33-^{1/3}~~2/3~~ thru 66-2/3 %

5 = ~~66~~ thru 90%

6 = 91 plus %

2. Currently the Responsibility Prisoner has Demonstrated section is frequently misused. It is intended to reflect a prisoner's program and work involvement, but some reflect disciplinary behavior here as well as in several other places. In order to rectify the situation it is recommended that the heading be changed to Program/Work Involvement.

3. The Family/Community scoring section seems to be the least meaningful category as it exists. The Task force recommends changing this section to ^{Family/Community Support System} ~~Interpersonal Relationships~~ and the scoring ~~to~~ reflect:

0 = poor 2 = average 4 = good
Such will reflect a prisoner's

staff, family and community cc's interaction with inmates,
staff, family and community contacts.

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4. The Custody Change Scale currently contains the word "consider" which is confusing to staff and inmates. The recommendation is to delete the word "consider".
5. The point spread for Level III, Custody Decrease if Points, is 28-30. Indications are that 27-30 is a more realistic points spread and the Task Force recommends that change.
6. In scoring both Type Most Serious Disciplinary Report and Frequency of Disciplinary Reports, all disciplinary convictions now count for one full year. The Task Force felt that there should be a retention scale based on the severity of the offense. Thus it is recommended that a major infraction should be counted for one year; a high moderate for 180 days; a low moderate for 90 days; a minor for 30 days. If the dropping off of a disciplinary should trigger a change in custody scale, such does not automatically call for a classification review. That is, the institution for classification reviews still stands.

E. Central Monitoring

1. The Task Force recommends that the categories Assaultive, Sophisticated Criminal Activity and Sex Offender be deleted and that a ^{4th} category ~~Guilty but Mentally III~~ ^{Guilty but Mentally III} be added.

2. The Central Monitoring Action Sheet should be color-coded.

F. Prisoner Classification Review (745.01)

1. Currently it is required that a prisoner with one year or less remain to a firm release date be reviewed at one year,

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six month and three month intervals. This is excessive in most cases and the recommendation is to delete the three month reviews.

G. Miscellaneous

1. The layout of the classification section of the manual is confusing. Each section should be independent of another. Forms and instructions for their completion should precede each relevant policy.
2. The Task Force recommended additions, deletions and changes of wording in many different policies in order to clarify issues.

IV. Task Force recommendations which will require Administrative Code Revision.

deleted
A. The existing procedures state that a short-term sentenced prisoner, at designation, has both a security level and a custody level established. It is recommended that only a custody level be established. A security level is superfluous, as such a prisoner will normally be designated to an administrative facility or CRC (22AAC 05.211).

A B. Existing procedures state that a long-term sentenced prisoner will have an initial classification hearing within 30 days of arrival at the designated facility or within ~~60~~ days after

30

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After the prisoner has received the notice of designation in the CCO.

More

~~sentencing and commitment.~~ Often there is but a very short time from designation to initial classification, and little more if any, is known about the prisoner than at designation. ~~Problems arise if there is an increase at initial classification.~~ It is recommended that a prisoner retain the security level and custody level established at designation until a classification review hearing is held, according to an established schedule. (See Table 1.) The currently mandated initial classification hearing should be replaced by a ~~Program~~ Review Classification ~~hearing.~~ (See Attachment II.) Thus, the receiving institution does not change the inmate's status at this early date, but the committee does have ~~input into~~ ^{establish} the inmate's program assignments. (22AAC 05.22.216 and .221).

delete

B ~~X~~. It is recommended that the term multi-level facility be deleted and replaced by administrative ~~facility~~ ^{facility}. (22AAC 05.22.276).

~~D~~. Currently, it is mandatory to have a classification hearing for an increase in custody level only. In practice, no custody level is changed without a hearing. Therefore, it is recommended that a hearing be mandated for any change in custody status (22AAC 05.22.241(6)).

C ~~X~~. Currently procedures for classifying unsentenced prisoners are much the same as classifying a sentenced prisoner. This process often involves guess work and distinctions are made that are probably unnecessary. ^{for example} Like, normally the inmate stays at the originating institution, thus security level is superfluous. Further, when a prisoner becomes sentenced the security and custody levels often change which is frustrating to the prisoner

and the staff. It is recommended that an unsentenced prisoner be classified as one of two categories, restricted or unrestricted. See Table 2. Department policy would reflect the criteria upon which this decision is made (22AAC 05.226).

F. The Task Force recommends the deletion of Responsibility Prisoner has Demonstrated as an assessment issue for unsentenced inmates. Often the inmate has been incarcerated for a very short time and this area cannot be assessed fairly. Amount of Bail is a category widely used and the Task Force recommends the following point scale:

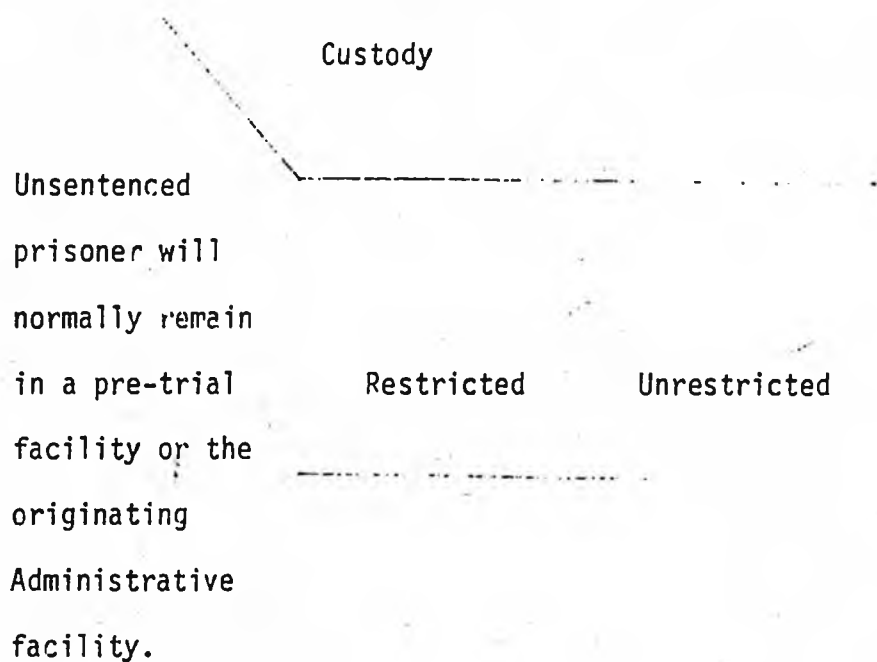
0 - \$1,500	1 point
\$1,500 - \$10,000	3 points
\$10,001- (No Bail)	5 points

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Table 2

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Unsentenced Prisoner Classification



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STATE OF ALASKA

Needs Assessment Survey

Name:
Institution:
Staff member making assessment:

Age:
Date:

(Please check box next to the most appropriate description)

I. Health:

- Sound physical health, seldom ill.
- Handicap or illness which interferes with functioning.
- Serious handicap or chronic illness, needs frequent medical care on a recurring basis.

(Please check source of information)

- a. Observation: _____
- b. Self-report: _____
- c. Verified Medical History: _____
- d. Medical Exam: _____

II. Alcohol Usage:

- No apparent problem.
- Occasional abuse, some disruption of functioning.
- Frequent abuse, serious disruption of functioning, needs assistance.

(Please check source of information)

- a. Observation: _____
- b. PSI: _____
- c. Self-report: _____
- d. Other: _____

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III. Other Substance Usage:

- No apparent problem.
- Occasional abuse, some disruption of functioning.
- Frequent abuse, serious disruption of functioning, needs assistance.

(Please check source of information)

- a. Observation: _____
- b. PSI: _____
- c. Self-report: _____
- d. Other: _____

IV. Intellectual Ability:

- Apparent normal intellectual ability, able to function independently.
- Some need for assistance.
- Independent functioning severely limited.

(Please check source of information)

- a. Self-report: _____
- b. Observation: _____
- c. BETA: _____
- d. WAIS: _____
- e. Other: _____

V. Behavioral/Emotional Problems:

- Exhibits appropriate emotional responses:
- Symptoms limit adequate functioning; requires counseling; may require medication.
- Symptoms prohibit adequate functioning; requires significant intervention; may require medication or separate housing.

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Behavioral/Emotional Problems: (Continued)

(Please check source of information)

- a. Self-report: _____
- b. Observation: _____
- c. PSI: _____
- d. Psychological Evaluation: _____
- e. Psychiatric Evaluation: _____
- f. Other: _____

VI. Sexual Behavior:

- No apparent dysfunction.
- Situational or minor problems.
- Real or perceived chronic or severe problems.

(Please check source of information)

- a. Self-report: _____
- b. Observation: _____
- c. PSI: _____
- d. Psychological Evaluation: _____
- e. Psychiatric Evaluation: _____

VII. Educational Status:

- Has high school diploma or GED.
- Some deficits, but potential for GED.
- Major deficits in math and/or reading; needs remedial program.

(Please check source of information)

- a. Self-report: _____
- b. PSI: _____
- c. Educational Record: _____
- d. TABE: _____, R _____, M _____, L _____

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VIII. Vocational Status:

- Has sufficient skills to obtain satisfactory employment.
- Minimal skill level; needs enhancement.
- Virtually unemployable; needs training.

(Please check source of information)

- a. Self-report: _____
- b. PSI: _____
- c. Employment record: _____
- d. Other: _____

IX. Job-Related Skills:

- Has sufficient positive work habits to maintain employment.
- Some deficits; needs to develop positive work habits.
- Work habits insufficient to maintain employment; needs strong work program.

(Please check source of information)

- a. Self-report: _____
- b. PSI: _____
- c. Employment record: _____
- d. Other: _____

X. Living Skills:

- Presents and expresses self appropriately to social context.
- Has mastered basic survival skills; needs enrichment.
- Lacks skills necessary for social survival.

(Please check source of information)

- a. Self-report: _____
- b. Observation: _____
- c. PSI: _____
- d. Psychological evaluation: _____

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XI. Marital/Family:

- Relatively stable relationships.
- Some disorganization or stress, but potential for improvement.
- Major disorganization or stress.

(Please check source of information) "

- a. Self-report: _____
- b. Observation: _____
- c. PSI: _____
- d. Report from family: _____

XII. Appropriateness for Community Placement:

- Appropriate and qualified for community placement now.
(furlough and/or restitution center - circle one or both if qualified)
- Not currently appropriate and/or qualified for community placement now, but may become so later.
- Should not be placed in the community at any time prior to normal release date due to _____

RECOMMENDATIONS / *Plan*

- 1. Housing: *No* _____

- 2. Work Assignment: *No* _____

- 3. Program Assignments: _____

- 4. Other: _____

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PROGRAM REVIEW

Prisoner Name _____

Date of Review _____

Institution _____

Date of Last Review _____

1. Recommendations at last review

A. Housing _____

B. Work Assignment _____

C. Program Assignment _____

D. Expectations _____

E. Other _____

2. Recommendations this review

A. Housing _____

B. Work Assignment _____

C. Program Assignment _____

D. Other _____

3. Documents reviewed:

A. Needs Assessment _____

D. ~~File~~ _____

B. Work Reports _____

E. Classification _____

C. Program Reports _____

F. Inmate handbook _____

ARTICLE 4.
CLASSIFICATION**DRAFT**

Section

- 200. Prisoner classification
- 205. (Repealed)
- 206. Facility designation process for long-term sentenced prisoners
- 210. (Repealed)
- 211. Facility designation process for short-term sentenced prisoners
- 215. (Repealed)
- 216. Initial classification
- 220. (Repealed)
- 221. Classification review for prisoners incarcerated in Alaska
- 225. (Repealed)
- 226. Classification of unsentenced prisoners
- 230. Agency and procedural opportunities at classification hearing
- 235. (Repealed)
- 236. Composition of classification committee
- 240. (Repealed)
- 241. When a hearing is required
- 245. (Repealed)
- 246. Staff assistance for classification hearing
- 251. Classification of prisoners to facilities operated by the Federal Bureau of Prisons
- 252. Classification of prisoners to non-federal contract facilities outside Alaska
- 253. Classification for transfer to mental health or psychiatric facility
- 254. Classification review for prisoners incarcerated outside Alaska
- 255. (Repealed)
- 256. Standards for return of prisoners incarcerated outside Alaska
- 260. Appeals procedure
- 265. (Repealed)
- 266. Administrative transfer
- 271. Custody classification
- 276. Security level of facilities

22 AAC 05.200 is repealed and readopted to read:

22 AAC 05.200. PRISONER CLASSIFICATION. (a) The commissioner will establish classification procedures for the purpose of making the appropriate assignment of a prisoner with regard to facility placement, custody status, and work and rehabilitative programs.

(b) Except as allowed by 22 AAC 05.485 -- 22 AAC 05.495, assignment to the appropriate security level facility and custody status must be guided by the principles of placement in the least restrictive setting consistent with

maintaining the security and order of the facility, the special needs of the prisoner, and other available resources of the department. (Eff. 9/10/77, Register 63; am 11/3/84, Register 92; am 1/9/87, Register 101)

Authority: AS 33.30.011
AS 33.30.021
AS 44.28.030

22 AAC 05.206 is repealed and readopted to read:

22 AAC 05.206. FACILITY DESIGNATION PROCESS AND CUSTODY DETERMINATION FOR LONG-TERM SENTENCED PRISONERS. (a) A sentenced prisoner with more than 180 days remaining to a firm release date must, within 15 working days after sentencing and commitment, be initially designated by staff at the holding facility to security and custody levels appropriate for the prisoner in accordance with procedures established by the commissioner.

(b) Central classification shall make the final designation decision as to security and custody levels and facility assignment. The prisoner must be provided a written copy of the final designation decision within three working days after its completion. That decision is not subject to appeal. (Eff. 11/3/84, Register 92; am 1/9/87, Register 101)

Authority: AS 33.30.011
AS 33.30.021
AS 44.28.030

22 AAC 05.211 is repealed and readopted to read:

22 AAC 05.211. FACILITY DESIGNATION PROCESS AND CUSTODY DETERMINATION FOR SHORT-TERM SENTENCED PRISONERS. (a) A sentenced prisoner with 180 days or less remaining to a firm release date must be designated by staff at the holding facility to a facility, restitution center, or other contract facility appropriate for the prisoner's security and custody needs, within 15 working days after sentencing and commitment, in accordance with procedures established by the commissioner.

(b) The prisoner must be provided a copy of the final designation decision within three working days after its completion. That decision is not subject to appeal. (Eff. 11/3/84, Register 92; am 1/9/87, Register 101)

Authority: AS 33.30.011
AS 33.30.021
AS 44.28.030

22 AAC 05.216 is repealed and readopted to read:

22 AAC 05.216. INITIAL CLASSIFICATION. (a) Except for a prisoner who is designated to a restitution center or other community placement, within 30 days after a sentenced prisoner's arrival at the designated facility or within 60 days after sentencing and commitment, whichever occurs first, the prisoner must be given a hearing before a classification committee to review and update, if necessary, the prisoner's security and custody status established at designation and to determine the prisoner's program needs. [to determine the prisoner's security and custody status and program needs.] A prisoner who is designated to a restitution center or other community placement may be provided a classification hearing in accordance with procedures established by the commissioner.

(b) The prisoner is entitled to at least 48 hours' advance written notice of a classification hearing. The notice must inform the prisoner

(1) of the time and place of the hearing;

(2) of the purpose of the hearing, and, in the case of a prisoner placed in administrative segregation, the facts that form the basis for segregation under 22 AAC 05.485;

(3) that

(A) if action of the classification committee could result in continued assignment of the prisoner to administrative segregation under 22 AAC 05.485 or in termination of a furlough under 22 AAC 05.335, the prisoner is entitled to choose a staff advocate from an advocate pool, who will meet with the prisoner at least 36 hours before the hearing to actively assist the prisoner and help coordinate the prisoner's presentation at the hearing; or

(B) in all other cases, the prisoner will be informed before the hearing by staff assigned by the superintendent, of the classification process and possible classification action;

(4) that, if the purpose of the hearing is consideration of continued assignment to administrative segregation, termination of a furlough, placement in a psychiatric facility, or transfer to a facility outside of Alaska, the hearing will be tape recorded and kept in transcribable form for

(A) 12 months if the classification action is appealed within the department;

(B) three years if the classification action is appealed to the Superior Court or the classification action resulted in a transfer to a facility outside of Alaska; or

(C) 30 days if the classification action is not appealed;

(5) of the agenda at the hearing and what procedural opportunities are available under 22 AAC 05.230;

(6) of the right to counsel in a classification hearing

(A) if the prisoner has been assigned to administrative segregation under 22 AAC 05.485 and a decision by the district attorney to file felony charges under 22 AAC 05.460 is pending or charges have been filed; or

(B) if transfer to a psychiatric facility is being considered under 22 AAC 05.253;

(7) that before the hearing the prisoner may prepare testimony, solicit statements, or compile other evidence if such action would not create a substantial risk of reprisal or undermine security of the facility;

(8) that the classification committee will make written factual findings, and will indicate the evidence relied upon in sufficient detail so as to provide an adequate basis for review of its decision; and

(9) that the decision of the classification committee may be appealed as set out in 22 AAC 05.260.

(c) The classification committee shall complete the Initial Classification Form for Sentenced Prisoners and issue its decision within three working days after the hearing. The decision as to custody and security status and program participation must be based on the factors contained in the form, and on policies established by the Commissioner to interpret this section. [form.]

(d) A decision of the classification committee that recommends a transfer, a change in security or custody status, a granting or denial of or removal from a furlough, placement or continued placement in a restitution center, contract facility, or administrative segregation, or that relates to an exception case as defined in 22 AAC 05.660, must be forwarded to the superintendent. Absent exigent circumstances, a prisoner who is either facing or appealing disciplinary action may not be assigned to administrative segregation nor have custody status increased in any facility without first being afforded a hearing as provided in 22 AAC 05.485(d) and (e). Except for continued placement of a prisoner in administrative segregation pending disciplinary action, which is governed by 22 AAC 05.495(b), the superintendent has five working days to approve, disapprove, or modify the decision of the committee. If the committee's decision is disapproved or modified, the superintendent shall state the reasons. All other decisions of the committee, not required to be forwarded to the Superintendent, are final unless modified by the superintendent within three working days. The prisoner has the right to appeal the decision under 22 AAC 05.260.

(e) A decision of the Superintendent which grants or denies a furlough, or removes a prisoner from a furlough is not a final decision but rather a recommendation to the Regional Director unless the authority to make that decision has been delegated to the Superintendent pursuant to 22 AAC.321 (b).

(f) [e] If the superintendent approves a recommendation for transfer, the recommendation and the prisoner's classification packet must be forwarded to central classification. If the recommendation is affirmed, central classification will select the receiving facility and coordinate the transfer of the prisoner. If valid reason exists, central classification has the authority to override custody and security determinations made at the facility.

(g) [f] A copy of the final decision must be furnished the prisoner and must include a description of the appeal process set out in 22 AAC 05.260. Forms to facilitate an appeal will be provided upon request. (Eff. 11/3/84, Register 92; am 1/9/87, Register 101)

Authority: AS 33.30.011
AS 33.30.021
AS 44.28.030

22 AAC 05.221 is amended to read:

22 AAC 05.221. CLASSIFICATION REVIEW FOR PRISONERS INCARCERATED IN ALASKA.

(a) After an initial classification hearing, a prisoner must be given a classification review hearing before a classification committee

(1) at approximate one year intervals, if the prisoner has two or more years remaining to a firm release date; or

(2) at approximate six-month intervals, if the prisoner has less than two years remaining to a firm release date or is classified community or minimum custody.

(b) The procedures for a classification review hearing are the same as those for a classification hearing as set out in 22 AAC 05.216.

(c) A prisoner may have a classification review hearing at any time at the discretion of the superintendent. (Eff. 9/10/77, Register 63, am 11/3/84, Register 92; am 1/9/87, Register 101)

Authority: AS 33.30.011
AS 33.30.021
AS 44.28.030

Editor's Note: The substance of former 22 AAC 05.210, repealed 11/3/84, Register 92, is contained in 22 AAC 05.221. Therefore, the history note for this section reflects the history of former 22 AAC 05.210.

22 AAC 05.226 is repealed and readopted to read:

22 AAC 05.226. CLASSIFICATION OF UNSENTENCED PRISONERS. (a) A prisoner awaiting trial, sentencing, or probation or parole revocation must be classified by the superintendent within 15 working days after admission into a facility with regard to [security and] custody status [,] and program involvement [,] in accordance with procedures established by the commissioner. An unsentenced prisoner will not be classified with regard to security status because the prisoner will normally be incarcerated in the jail component of the institution in the same locale as the Court in which the prisoner will appeal.

(b) Notwithstanding (a) of this section, a pre-trial detainee incarcerated for 10 days who is not in punitive segregation, is normally eligible to participate in educational programs, religious services and counseling. The pretrial detainee's custody level and housing assignment are relevant in determining the level of participation.

(c) Within 120 days after the superintendent's decision, and every 120 days after that, a prisoner awaiting trial, sentencing, or probation or parole revocation must be given a hearing before a classification committee to review the prisoner's [security and] custody status, and program involvement.

(d) The prisoner is entitled to at least 48 hours' advance written notice of a classification hearing as set out in 22 AAC 05.216(b).

(e) The classification committee shall complete the Classification Form for Unsentenced Prisoners and make its recommendations to the superintendent within three working days after the hearing. The recommendations must be based on the factors contained in the form.

(f) The superintendent has five working days to approve, disapprove, or modify the decision of the classification committee. If the decision is disapproved or modified, the superintendent shall state the reasons.

(g) If the superintendent approves a recommendation for transfer, the recommendation and the prisoner's classification packet must be forwarded to central classification for a final decision. If the recommendation is affirmed, central classification shall select the receiving facility and coordinate the transfer of the prisoner. If valid reasons exist, central classification may override custody [and security] determinations made at the facility. If the recommendation is denied, the superintendent may appeal the denial to the deputy commissioner.

(h) A copy of the final decision must be furnished the prisoner and must include a description of the appeal process set out in 22 AAC 05.260. Forms to facilitate an appeal will be provided upon request. (Eff. 11/3/84, Register 92; am 1/9/87, Register 101)

Authority: AS 33.30.011
AS 33.30.021
AS 44.28.030

22 AAC 05.230 is amended to read:

22 AAC 05.230. AGENDA AND PROCEDURAL OPPORTUNITIES AT CLASSIFICATION HEARING. (a) A hearing before a classification committee must proceed as follows:

(1) the chairperson shall ensure that the prisoner understands the purpose of the hearing and the procedural opportunities afforded under (4) of this subsection;

(2) a member of the committee, the prisoner's facility probation officer, or staff advocate if the prisoner is being assisted by an advocate, may propose classification action and shall describe the aspects of the prisoner's record or other rationale that form the basis of the proposal;

(3) if, before or at the hearing, additional time to gather information, testimony, or evidence relating to the proposed action is required, the chairperson may postpone the hearing for up to 20 working days in a hearing other than one provided for in 22 AAC 05.485;

(4) the prisoner has the following procedural opportunities:

(A) a reasonable opportunity to challenge the factual basis or rationale advanced in support of the proposed classification action;

(B) the right to appear and the opportunity to present evidence and witnesses in the prisoner's own behalf and to confront and cross examine witnesses, subject to limitation by the chairperson based upon repetition, relevancy, risk of reprisal, or security of the facility; if a witness is examined out of the presence of the prisoner, the chairperson shall inform the prisoner of the substance of the testimony and specify on the record the reasons for any exclusion;

(C) the chairperson may require the prisoner to direct questions through the prisoner's staff advocate or facility probation officer if present, or through the chairperson.

(b) Only evidence that is presented at the hearing or that is contained in the prisoner's file may be considered at a classification hearing. Prisoner conduct before and during the hearing and evidence that contains or constitutes hearsay, may be considered if it appears to be reliable and relevant to the issues under consideration. Findings and recommendations of prior disciplinary or classification committees, once all appeals have been exhausted, are conclusive and not subject to review. (Eff. 9/10/77, Register 63; am 11/3/84, Register 92; am 1/9/87, Register 101)

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22 AAC 05.236
22 AAC 05.241

Authority: AS 33.30.011
AS 33.30.021
AS 44.28.030

22 AAC 05.236 is amended to read:

22 AAC 05.236. COMPOSITION OF CLASSIFICATION COMMITTEE. (a) A classification committee must be composed of three members appointed by the superintendent of the facility. The superintendent shall designate one member as the chairperson.

(b) A person may not serve on a classification committee if the person

(1) requested or recommended the classification action;

(2) served on a disciplinary committee that was convened due to any conduct of the prisoner which is related to the subject of the classification hearing; or

(3) would have been disqualified under 22 AAC 05.450(b) from serving on a disciplinary committee that may have been convened due to any conduct of the prisoner which is related to the subject of the classification hearing. (Eff. 9/10/77, Register 63; am 11/3/84, Register 92; am 1/9/87, Register 101)

Authority: AS 33.30.011
AS 33.30.021
AS 44.28.030

Editor's Note: The substance of former 22 AAC 05.225, repealed 11/3/84, Register 92, is contained in 22 AAC 05.236. Therefore, the history note for this section reflects the history of former 22 AAC 05.225.

22 AAC 05.241 is amended to read:

22 AAC 05.241. WHEN A HEARING IS REQUIRED. (a) In addition to initial classification and classification review hearings required under 22 AAC 05.216 -- ?? AAC 05.226, a hearing before a classification committee, at which the prisoner has a right to be present, is required if the following classification actions are possible:

(1) transfer to a facility outside of Alaska under 22 AAC 05.251 -- .252;

(2) transfer to a mental health or psychiatric facility as set out in 22 AAC 05.253;

(3) administrative transfer as set out in 22 AAC 05.266;

(4) continued placement in administrative segregation under 22 AAC 05.485;

(5) termination of a furlough under 22 AAC 05.335; and

(6) an increase in custody status.

(b) The commissioner will, in his or her discretion, require any other classification action to be the subject of a hearing.

(c) If exigent circumstances exist, nothing in this chapter prohibits a classification action from being implemented before a hearing, except for a transfer to a facility outside of Alaska. (Eff. 9/10/77, Register 63; am 11/3/84, Register 92; am 1/9/87, Register 101)

Authority: AS 33.30.011
AS 33.30.021
AS 44.28.030

Editor's Note: The substance of former 22 AAC 05.215, repealed 11/3/84, Register 92, is contained in 22 AAC 05.241. Therefore, the history note for this section reflects the history of former 22 AAC 05.215.

22 AAC 05.246 is amended to read:

22 AAC 05.246. STAFF ASSISTANCE FOR CLASSIFICATION HEARING. (a) A prisoner is entitled to the active assistance of an advocate in investigating the facts and coordinating the prisoner's presentation at a classification hearing if the purpose of the hearing is consideration of continued assignment to administrative segregation under 22 AAC 05.485, or termination of a furlough under 22 AAC 05.335.

(b) A prisoner who desires to be assisted by a staff advocate may request one from a pool of three or more correctional officers or facility probation officers designated by the superintendent for that purpose. The superintendent may disapprove any request based on administrative reasons such as, for example the staff member would have to be paid overtime for appearing before the classification committee, is on vacation, or is on sick leave. However, the prisoner may select from a minimum of two advocates in the pool.

(c) Once selected, the advocate shall meet with the prisoner at least 36 hours before the scheduled hearing to assist the prisoner. If requested by the prisoner, the advocate shall assist the prisoner in interviewing and preparing examination of witnesses for the hearing, and advise the prisoner how best to proceed on the possible classification actions for which the advocate was selected. If necessary, the advocate must have the assistance of an interpreter.

(d) If the purpose of a classification hearing is consideration of a classification action other than one set out in (a) of this section, the prisoner must be informed of the classification process and possible classification action before the hearing. (Eff. 11/3/84, Register 92; am 1/9/87, Register 101)

Authority: AS 33.30.011
AS 33.30.021
AS 44.28.030

22 AAC 05.251 is repealed and re-enacted to read:

22 AAC 05.251. CLASSIFICATION OF PRISONERS TO FACILITIES OPERATED BY THE FEDERAL BUREAU OF PRISONS. (a) A prisoner will, in the department's discretion, be transferred outside Alaska to a facility operated by the Federal Bureau of Prisons if the prisoner is provided a classification hearing as set out in 22 AAC 05.216, a determination is made that the prisoner's rehabilitation or treatment would not be substantially impaired by the transfer, and the prisoner meets one or more of the following criteria:

- (1) the prisoner requests out-of-state placement;
- (2) the prisoner has a term of incarceration of seven and one-half years or more remaining to be served;
- (3) the prisoner lacks significant family or community ties or lacks a significant time of residency in Alaska;
- (4) the prisoner requires protective custody, because the prisoner would, in all likelihood, be subjected to a life-threatening situation if housed in any appropriate facility within Alaska;
- (5) the prisoner has been convicted of a violent offense, either the present offense or a prior conviction, and is an escape risk because of one or more documented escapes from a facility or two or more documented escape attempts from a facility;
- (6) the prisoner has a special medical or mental health need that cannot reasonably be met in Alaska.

(b) A prisoner with two years or less remaining to a firm release date will not be transferred to a facility outside Alaska operated by the Federal Bureau of Prisons unless the prisoner meets the criteria set out in (a)(1), (4) or (6) of this section.

(c) Limitations on transfers to a facility operated by the Federal Bureau of Prisons:

(1) Any of the following factors weigh heavily against a decision to transfer a prisoner to a facility operated by the Federal Bureau of Prisons:

- (A) the prisoner has no prior criminal record or no prior incarcerations;
- (B) the prisoner is less than 20 years old;
- (C) the prisoner has maintained a traditional or rural Alaska lifestyle.

(2) A prisoner with a pending criminal appeal will not be transferred to a facility operated by the Federal Bureau of Prisons until at least 30 days after the record on appeal is certified. (Eff. 11/3/84, Register 92; am 11/15/86, Register 100)

Authority: AS 33.30.011
AS 33.30.021
AS 33.30.031
AS 33.30.061
AS 44.28.030

22 AAC 05 is amended by adding a new section to read:

22 AAC 05.252. CLASSIFICATION OF PRISONERS TO NON-FEDERAL CONTRACT FACILITIES OUTSIDE ALASKA. (a) A prisoner will, in the department's discretion, be transferred to a contract facility outside Alaska, except one operated by the Federal Bureau of Prisons, if the prisoner is provided a classification hearing as set out in 22 AAC 05.216 and a determination is made that the prisoner's rehabilitation or treatment would not be substantially impaired by the transfer.

(b) In order to permit adequate communication with counsel, a prisoner with a pending criminal appeal will ordinarily not be transferred to a contract facility outside of Alaska until at least 70 days after sentencing. (Eff. 11/15/86, Register 100)

Authority: AS 33.30.011
AS 33.30.021
AS 33.30.031
AS 33.30.061
AS 44.28.030

22 AAC 05 is amended by adding a new section to read:

22 AAC 05.253. CLASSIFICATION FOR TRANSFER TO MENTAL HEALTH OR PSYCHIATRIC FACILITY. (a) Except as provided in (b) of this section, a prisoner being considered for transfer to a mental health or psychiatric facility for observation or treatment of a mental illness must be provided the following:

- (1) a recorded classification hearing as set out in 22 AAC 05.216(b);
- (2) disclosure, at the time of notice of the hearing, of the evidence being relied upon as the basis for the transfer;
- (3) an opportunity to be heard in person, and to present testimony of witnesses and confront and cross-examine witnesses, except upon findings of good cause for not permitting the presentation, confrontation, or cross-examination;
- (4) an independent decision-maker not involved in the recommended transfer, who shall preside over the hearing;
- (5) a written statement by the decision maker as to the evidence relied upon and reasons for transferring the prisoner;
- (6) availability of legal counsel if the prisoner is financially unable to furnish his or her own, as permitted in accordance with AS 18.85;
- (7) the right to appeal a decision for transfer to the deputy commissioner as set out in 22 AAC 05.260(d), and, in the case of out-of-state transfer under 22 AAC 05.251 -- 22 AAC 05.252, a stay of transfer until the appeal has been decided; and

(8) notice of all rights listed in (1) -- (7) of this subsection at least 10 days before the hearing.

(b) The physician, psychologist, or psychiatrist who previously determined that the prisoner is suffering from a mental illness for which treatment in a mental health or psychiatric facility is appropriate shall testify at the hearing before the independent decision maker. If the mental health professional who made the finding of mental illness is presently unavailable, another physician, psychologist, or psychiatrist designated by the commissioner may be substituted.

(c) If exigent circumstances exist which require a prisoner's immediate transfer into a psychiatric facility for mental health observation or stabilization, the transfer is an interim emergency medical placement and does not require a classification hearing unless

(1) the prisoner is not returned to a correctional [the original] facility within 20 days, in which case the prisoner must be provided a hearing under (a) of this section within 30 days after the transfer; or

(2) a clinical diagnosis indicates the need for treatment in a psychiatric facility for more than 10 days, in which case the prisoner must be provided a hearing under (a) of this section within 15 days after the diagnosis. (Eff. 1/9/87; Register 101)

Authority: AS 33.30.011
AS 33.30.021
AS 33.30.061
AS 44.28.030

22 AAC 05 is amended by adding a new section to read:

22 AAC 05.254. CLASSIFICATION REVIEW FOR PRISONERS INCARCERATED OUTSIDE ALASKA. (a) The commissioner will establish procedures for a departmental classification review team for prisoners incarcerated outside Alaska.

(b) A prisoner housed in a facility outside Alaska under 22 AAC 05.251 -- 22 AAC 05.253 is entitled to a hearing before a classification review team, at approximate one year intervals. The prisoner's continued placement outside Alaska will be considered at the hearing.

(c) The hearing under (b) of this section must be tape recorded and kept in transcribable form for three years. After considering the recommendation of the classification review team, central classification will make the final decision. The prisoner must be provided a copy of the decision and may appeal the decision to the deputy commissioner within 10 working days after receiving notice of the decision. (Eff. 1/9/87, Register 101)

Authority: AS 33.30.011
AS 33.30.021
AS 33.30.061
AS 44.28.030

22 AAC 05.256 is repealed and readopted to read:

22 AAC 05.256. STANDARDS FOR RETURN OF PRISONERS INCARCERATED OUTSIDE ALASKA. (a) A prisoner incarcerated outside Alaska in a facility operated by the Federal Bureau of Prisons must be returned to the state within 60 days after written notification from the prisoner, if any of the following criteria are met:

(1) the prisoner's life is in danger as evidenced by one or more of the following:

(A) a recent verified attempt on the prisoner's life;

(B) a recommendation for return by the holding facility because the prisoner's life is in danger; or

(C) other documentation sufficient to indicate that the prisoner's life is in danger;

(2) the prisoner has two years or less remaining to a firm release date, and does not have an out-of-state sentence consecutive to the prisoner's state sentence; or

(3) the prisoner is incarcerated outside Alaska solely for medical or mental health treatment and either that treatment is completed or facilities or resources have become available in Alaska for an equivalent level of treatment and security.

(b) For every three prisoners transferred outside Alaska to a facility operated by the Federal Bureau of Prisons, at least one prisoner must be returned to the state from the Federal Bureau of Prisons upon notification to central classification in writing, and central classification's concurrence, that any of the following criteria have been met:

(1) a prisoner has a family crisis that could be demonstrably minimized by the prisoner's return;

(2) a prisoner has been incarcerated outside Alaska for five or more years and has maintained a disciplinary-free facility record, excluding minor infractions, for the entire period of time; or

(3) a prisoner has special needs that cannot be met by the Federal Bureau of Prisons.

(c) A prisoner incarcerated in a facility outside of Alaska may be returned to Alaska at the discretion of central classification, if central classification determines that out-of-state placement has substantially impaired the rehabilitation or treatment of the prisoner.

(d) A prisoner returned to Alaska under (a) or (b) of this section must be given a classification hearing as set out in 22 AAC 05.216 within 10 days after the prisoner's return. A prisoner returned to Alaska for a reason other than one set out in (a) or (b) of this section must be given a classification hearing within 30 days after the prisoner's return.

(e) A prisoner whose request to return to Alaska is denied may appeal the decision to the deputy commissioner within 10 working days after receiving notice of the decision. (Eff. 11/3/84, Register 92; am 1/9/87, Register 101)

Authority: AS 33.30.011
AS 33.30.021
AS 33.30.061
AS 44.28.030

22 AAC 05.260 is repealed and readopted to read:

22 AAC 05.260. APPEALS PROCEDURE. (a) A classification committee action that does not require review by the superintendent may be appealed only to the superintendent unless the superintendent has exercised discretionary authority to modify the classification action under 22 AAC 05.216(d).

(b) Except as provided in (c) of this section, a classification action by a superintendent may be appealed only to the regional director, except for a denial of or removal from a furlough, which may be appealed to the deputy commissioner if the regional director denies the appeal. If the regional director makes the decision to deny a furlough, or remove a prisoner from a furlough, any appeal is made directly to the Deputy Commissioner.

(c) Notwithstanding (b) of this section, the result of a classification hearing, the purpose of which was the consideration of a transfer of a prisoner, may be appealed only to the deputy commissioner. The appeal must be made within five working days after the prisoner receives notice of the decision or after the transfer, whichever occurs first.

(d) Except as provided in 22 AAC 05.254(c) and 22 AAC 05.256(e), an appeal must be submitted by a prisoner within five working days after receiving notice of the decision through a facility staff member designated by the superintendent for the purpose. If a valid reason for delay is stated by a prisoner, this time limit may be extended. With the exception of a transfer to a facility outside Alaska, a classification action may be commenced pending an appeal.

(e) Once an appeal has been filed and received, a response must be made as follows:

- (1) appeal to superintendent - response within five working days;
- (2) appeal to regional director - response within 15 working days; and
- (3) appeal to deputy commissioner - response within 15 working days.

(f) The appropriate official's failure to respond within the time limits set out in (e) of this section must be considered a denial of the appeal. However, a late response granting an appeal is valid.

(g) For purposes of appeal, a prisoner may have access to the tape recording of a disciplinary or classification hearing, except that the portion of a tape which contains the testimony of an informant must be summarized in as much detail as possible so as not to place the informant in danger, and the summary must be made available to the prisoner. (Eff. 9/10/77, Register 63; am 11/3/84; Register 92; am 1/9/87, Register 101)

Authority: AS 33.30.011
AS 33.30.021
AS 44.28.030

22 AAC 05.266 is repealed and readopted to read:

22 AAC 05.266. ADMINISTRATIVE TRANSFER. (a) A prisoner may be administratively transferred between facilities as follows:

(1) In response to an emergency or potentially hazardous situation

(A) the superintendent of the holding facility must request approval for a transfer from the regional director; if the transfer is from one region to another, the sending and receiving regional directors must both approve;

(B) if the request is denied, the decision may be appealed to the deputy commissioner; and

(C) if the transfer is approved, central classification must be informed, must notify the holding and receiving facilities, and must coordinate the transfer.

(2) In response to an administrative action that can be more efficiently accomplished at another facility

(A) the superintendent of the holding facility must request approval for a transfer from central classification;

(B) if the request is denied, the superintendent may appeal the decision of central classification to the deputy commissioner; and

(C) if the transfer is approved, central classification must notify the holding and receiving facility, and coordinate the transfer.

(b) An administrative transfer may not be imposed in an arbitrary or vindictive fashion, nor may it be used as a pretext for disciplinary action without first providing the prisoner a hearing as set out in 22 AAC 05.216(b).

(c) If the transfer will result in the prisoner being assigned to administrative segregation under 22 AAC 05.485(a), the prisoner must be granted a hearing before a classification committee in accordance with 22 AAC 05.485(d) -- (f).

(d) A prisoner may appeal an administrative transfer as described in 22 AAC 05.260(c) by filing a written appeal, through a facility staff member designated by the superintendent, with the deputy commissioner.

(e) Except as provided in (c) of this section, within 10 working days after arrival at the receiving facility the prisoner must be provided a classification hearing as set out in 22 AAC 05.216.

(f) The prisoner may appeal the decision of the classification committee as provided in 22 AAC 05.260. (Eff. 11/3/84, Register 92; am 1/9/87, Register 101)

Authority: AS 33.30.011
AS 33.30.021
AS 44.28.030

22 AAC 05.271 is repealed and readopted to read:

22 AAC 05.271. CUSTODY CLASSIFICATION. (a) Staff, at designation or in the case of an unsentenced prisoner at initial classification, [A classification committee] shall assign a custody level to a prisoner based on the degree of staff supervision necessary to monitor and control the prisoner's behavior, in accordance with procedures established by the commissioner. A classification committee may modify and assign a custody consistent with the requirements in 22 AAC 05.216, 22 AAC 05.221 and 22 AAC 05.226.

(b) Levels of custody, and degree of staff supervision appropriate for each level, are as follows:

(1) Community Custody - assignment to community custody indicates that the prisoner must be considered for the least-restrictive housing, program, and supervision available in the department, which may include furlough, contract facility placement in the community, outings with or without escort, work details outside the facility with minimal supervision and, if necessary, hospitalization without a guard.

(2) Minimum Custody - assignment to minimum custody indicates that a prisoner must be considered for the least-restrictive housing, program, and supervision available within the facility's perimeter and activities outside the perimeter. These activities may include supervised contract facility placement, work details outside the facility with periodic staff supervision or work details outside a contract facility with constant staff supervision, trips outside the facility with a single staff escort, and if necessary, hospitalization under guard. A minimum custody prisoner is not eligible for furlough.

(3) Medium Custody - assignment to medium custody indicates that a prisoner must be considered for regular housing, program, and supervision within the facility's perimeter. A medium-custody prisoner is not eligible for furlough. Work assignments or activities outside the facility's perimeter must be approved by the deputy commissioner. The prisoner must be placed in hand restraints and escorted by at least one officer when moved outside the facility's perimeter, and, if necessary, must be hospitalized under guard.

(4) Close Custody - assignment to close custody indicates that a prisoner requires a substantial level of supervision due to being identified as assaultive, predatory, riotous, an escape risk, or seriously disruptive to the orderly administration of the facility. A prisoner is eligible for housing and program activities, within the secure perimeter of the facility, which facilitate close staff supervision. Close-custody prisoners are not eligible for furlough, and movement outside the facility's perimeter requires the superintendent's approval, the presence of at least two officers, one of which must be armed, and the prisoner in hand and leg restraints. If hospitalization is necessary, the prisoner must be under guard.

(5) Maximum Custody - assignment to maximum custody indicates that a prisoner requires the maximum level of supervision available within the facility due to being identified as an escape risk, the most assaultive, predatory, riotous, or seriously disruptive to the orderly administration of the facility. A maximum custody prisoner must be placed in secure housing, with very limited program activities, with maximum supervision within the secure perimeter of the facility. Maximum custody prisoners are not eligible for furlough, and movement within the facility requires two escorting officers using restraints as necessary and appropriate. Movement outside the facility's perimeter, other than for court appearances, requires the superintendent's written approval, the presence of at least two officers, one of which must be armed, and the prisoner in hand and leg restraints. If hospitalization is necessary, the prisoner must be under guard. (Eff. 11/3/84, Register 92; am 1/9/87, Register 101)

Authority: AS 33.30.011
AS 33.30.021
AS 44.28.030

22 AAC 05.276 is repealed and readopted to read:

22 AAC 05.276. SECURITY LEVEL OF FACILITIES. (a) The commissioner will establish policies and procedures for determining the appropriate security level of the prison component of a correctional facility. The prison component will normally be utilized for the incarceration of long term sentenced prisoners as defined in 22 AAC 05.206. The security levels will be Levels III, II, and I, based on the security features and staffing ratio of the facility, with Level III being the most secure. The commissioner will establish policies and procedures for determining the appropriate security level of the prison component of a correctional facility. [The security level of a correctional facility will be maximum, medium, minimum or multi-level, based on the security features and staffing ratio of the facility.] (Eff. 11/3/84, Register 92; am 1/9/87, Register 101)

Authority: AS 33.30.011
AS 33.30.021
AS 44.28.030

(b) The Commissioner will, in his or her discretion, establish a jail component in each correctional facility for the purpose of incarcerating persons other than long term sentenced prisoners. The jail component of a correctional facility will, by necessity, hold prisoners of varying custody levels and security needs.

22 AAC 05.320 is repealed:

22 AAC 05.320. WORK FURLOUGHS. Repealed 1/9/87.

22 AAC 05 is amended by adding a new section to read:

22 AAC 05.321. PRERELEASE FURLOUGH. (a) A prerelease furlough is an authorized leave of absence from a correctional facility designed to facilitate the reintegration of a prisoner into society.

(b) The regional director may grant an eligible sentenced prisoner a prerelease furlough in accordance with (c) of this section. If a request for prerelease furlough is denied, the prisoner must be provided a written explanation of the reasons for the denial. The decision of the regional director may be appealed to the deputy commissioner. If the regional director delegates to a Superintendent the authority to grant or deny a prerelease furlough, the decision of the Superintendent must be appealed first to the regional director.

(c) To be eligible for consideration for a prerelease furlough, the prisoner must

(1) be classified at the community custody level;

(2) if the sentence is more than one year, have served at least one-third of the sentence and be within three years or less of the firm release date;

(3) not have a pending disciplinary action, and must not have been found guilty of a major or high-moderate infraction within the past 120 days; and

(4) agree in writing to abide by the conditions established for the prisoner's behavior while on furlough.

(d) In the case of a prisoner convicted of a crime against person, upon request of the victim notice of the regional director's intent to consider the prisoner for a prerelease furlough must be sent to the victim. The victim may comment in writing on the intent of the regional director to release the prisoner on prerelease furlough status. The regional director shall consider the comments of the victim before making a final decision to release a prisoner on a prerelease furlough. If the victim requests notification, the regional director shall make every reasonable effort to notify the victim of an intent to release the prisoner on a prerelease furlough. The notice must contain the expected date of the prisoner's release, the geographic area in which the prisoner will reside and other pertinent information concerning the prisoner's release that may affect the victim.

(e) The restrictions and supervision required for a prerelease furlough must provide safeguards that minimize risk to the public, and include, as a minimum,

(1) frequent contact with the prisoner by the persons supervising the prisoner;

(2) knowledge by supervisory staff of the location of the prisoner;

(3) periodic reports by supervisory staff to the regional director on the performance of the prisoner while on furlough; and

ARTICLE 10.
GENERAL PROVISIONS

Section

- 600. Applicability
- 610. Harmless error
- 660. Definitions

22 AAC 05.600 is amended to read:

22 AAC 05.600. APPLICABILITY. (a) Except as otherwise provided, this chapter applies only to facilities operated and managed by employees of the Department of Corrections.

(b) The commissioner will, in his or her discretion, upon notification that a facility emergency exists which endangers life or property, suspend the operation of this chapter for the facility affected only so long as the emergency exists and as necessary to resolve the emergency. (Eff. 9/10/77, Register 63; am 1/9/87, Register 101)

Authority: AS 33.30.011
AS 33.30.021
AS 44.28.030

22 AAC 05.610. HARMLESS ERROR. Failure of a staff member to follow the regulations set out in this chapter does not invalidate a decision absent a showing of prejudice by the prisoner. (Eff. 11/3/84, Register 92)

Authority: AS 33.30.011
AS 33.30.021
AS 44.28.030

22 AAC 05.660 is repealed and readopted to read:

22 AAC 05.660. DEFINITIONS. (a) In this chapter, unless the context requires otherwise,

(1) "administrative segregation" means a form of separation from the general facility population in accordance with 22 AAC 05.485, if the continued presence of a prisoner in the general population would be a serious threat to life, property, self, staff, other prisoners, or the security or orderly administration of the facility; "administrative segregation" does not include maximum custody housing under 22 AAC 05.271;

(2) "administrative transfer" means the transfer of a prisoner between facilities for any purpose related to an emergency or potentially hazardous situation or to facilitate an administrative action that can be more efficiently accomplished at another facility, such as parole hearing, court action, medical or mental health treatment, military tribunal, family emergency, or population management;

(3) "admission" means the administrative process of accepting a prisoner into an adult correctional facility;

(4) "assistant superintendent" means the deputy chief administrator of an adult correctional facility or any employee of the department designated by the assistant superintendent, superintendent, regional director, deputy commissioner or the commissioner to carry out an official function of the assistant superintendent;

(5) "body cavity search" means the intrusive manual, mechanical, or instrument examination of a person's body appendages and openings by medical personnel;

(6) "central classification" means the staff in the department responsible for system-wide classification and coordination, or any employee of the department designated by the commissioner or deputy commissioner to carry out any official function relating to system-wide classification and coordination;

(7) "classification form" means one of several forms [the form] used to provide specific guidelines for the review and assessment of a prisoner's security and or custody level and program participation; [level; there is a form] there are forms for sentenced prisoners and [one] for unsentenced prisoners;

(8) "classification packet" means prisoner case record information forwarded to central classification for effecting a classification action, which contains, if applicable, a final Judgment and Commitment, presentence investigation report, recent psychiatric and psychological report, time accounting records, any security designation or classification form, needs assessment survey form, and related information;

(9) "commissioner" means the commissioner of the Alaska Department of Corrections, or any employee of the department designated by the commissioner to carry out any official function of the commissioner;

(10) "contract facility" means a correctional facility provided to the Department of Corrections by agreement under AS 33.30.031;

(11) "custody status" means one of several categories to which a prisoner is assigned and which describes the prisoner's freedom of movement within an adult correctional facility or the community, and the degree of supervision required;

(12) "department" means the Alaska Department of Corrections;

(13) "deputy commissioner" means the deputy commissioner for [operations of] the Department of Corrections, or any employee of the department designated by the commissioner or deputy commissioner [for operations] to carry out an official function of the deputy commissioner;

(14) "designation" means initial determination of placement for a prisoner, based upon security, custody, and or program requirements;

(15) "exception case" means a prisoner whose offense or subsequent conduct involves: a notorious crime, such as one that has attracted substantial

attention in the media, that is particularly violent, or that is a serious sex offense; substantial threats against a person or persons; or an escape risk such as an escape attempt in the last five years or an actual escape in the last 10 years;

(16) "facility" or "correctional facility" means a state prison facility or institution operated and managed by employees of the department designated by the commissioner, for the confinement, care, and discipline of prisoners;

(17) "facility emergency" means a situation in which a prisoner or prisoners, or other circumstances, pose a threat to the security of the facility or any part of the facility and which cannot be managed without extraordinary measures;

(18) "firm release date" means the date on which a prisoner is scheduled to be released, as established by statutory good time calculation, court order, or parole board action;

(19) "frisk search" means a visual and physical pat-down search of a person's clothing and body parts that are visible without the removal of clothing;

(20) "frivolous" means a grievance complaint that addresses information or circumstances that are trivial, lacking in seriousness, irresponsible, self indulgent, or that have already been addressed;

(21) "mail" means correspondence, printed materials, or packages sent to or from prisoners through the U.S. Postal Service; "mail" does not include material enclosed within mail which did not originate with the sending individual or organization;

(22) "obscene" means

(A) words, gestures, language, books, newspapers, periodicals or other written or pictorial materials that the average person, applying contemporary community standards, would find depicts or describes, in a patently offensive way, ultimate sexual acts, masturbation, excretory functions, lewd exhibition of the genitals or sexual sado-masochistic activity;

(B) that the work, taken as a whole, appeals to the prurient interest; and

(C) that the work, taken as a whole, lacks serious literary, artistic, political, or scientific value;

(23) "override" means a classification decision changing security or custody levels to a level different from that which would ordinarily be assigned on the basis of scoring on the classification form, or which has been assigned by a lower level of authority;

(24) "posted" means placed upon a wall or bulletin board, or other form of notice generally available to the prisoner population of a facility such as a prisoner handbook;

(25) "preponderance of the evidence" means the evidence used in a disciplinary proceeding indicating that the prisoner is more likely than not to have committed the acts charged;

(26) "pretrial detainee" means a prisoner held pending adjudication of a criminal charge;

(27) "prisoner" means a person detained or confined for a period of time in a correctional facility, whether by arrest, conviction, order of court, or a person held as a witness, or otherwise; "prisoner" includes municipal prisoners held under contract, but excludes juveniles held under the authority of AS 47.10;

(28) "probable cause" means the level of reliability which arises when the facts and circumstances within the officer's knowledge, including the reasonable inferences that may be drawn from the facts and circumstances, and of which the officer has reasonably trustworthy information, are sufficient to warrant a reasonable person to believe that the suspected item, condition, or circumstance exists and justifies action;

(29) "regional director" or "director" means the chief administrator of the Department of Corrections for the southeast, southcentral, or northern region of the state, or any employee of the department designated by the commissioner, deputy commissioner, or regional director to carry out an official function of the regional director;

(30) "restitution center" means a residential center in the community which provides certain non-violent prisoners the opportunity for rehabilitation through community service and employment while protecting the community through supervision and partial incarceration, and creates a means to provide restitution to victims of crimes, payment of court-ordered fines, dependent support, prisoner cost of care, and other prisoner expenses;

(31) "security" means the interest of the department in preventing assaults, escapes, hazards to health, detriment to reformation or rehabilitation, self-destructive behavior, property damage, and the introduction, transmittal, or possession of contraband;

(32) "special medical needs" means serious and complex medical treatment and care needs of a prisoner that, because of the nature of the medical condition or the extraordinary cost involved in the treatment, cannot be provided in the State of Alaska;

(33) "special mental health needs" means needs of a prisoner who, in the opinion of a physician, psychologist, or psychiatrist, is suffering from a mental illness for which the prisoner cannot secure adequate treatment in prison and who cannot be given adequate mental or psychiatric treatment in a facility owned or operated by the state;

(34) "strip search" means a visual search of a person which requires the complete removal of clothing, and includes a visual body cavity search;

(35) "superintendent" means the chief administrator of an adult correctional facility, or any employee of the department designated by the

superintendent, regional director, deputy commissioner, or the commissioner to carry out an official function of the superintendent;

(36) "traditional or rural Alaska lifestyle" means an individual's way of life as reflected by one or both of the following:

(A) an individual whose entire life has been spent essentially in a village or rural setting with a population of 1,000 or less, which is not connected by roadways or ferries to a metropolitan community of greater than 1,000 population; a person from a setting with a population greater than 1,000, such as Bethel, Nome, Barrow or Kotzebue might fall in this category if the totality of the circumstances indicates a background that is extremely rural or traditional in character such as a rural Alaskan whose social experience is typified by in-village or remote residence with his or her conduct and means of livelihood being of a subsistence nature and lacking in exposure to non-rural life and having negligible commercial work experience for wages; time spent for schooling at Mt. Edgecumbe in Sitka does not in and of itself preclude a person from being classified as having maintained a traditional, subsistence, or rural Alaskan lifestyle; or

(B) a person who is not fluent in the English language and communicates predominantly in an Alaska Native language;

(37) "working day" means a 24-hour period of which no portion includes a Saturday, Sunday, or holiday; in computing a period of time prescribed or allowed by this chapter and pertaining to "working day", the day of the act, event, or default from which the designated period of time begins to run is not to be included; the last day of the period is to be included, unless it is a Saturday, a Sunday or a legal holiday, in which case the period runs until the end of the next working day. A half holiday is considered as other working days and not as a holiday.

(b) In this chapter, and in AS 11.56.390, with respect to a correctional facility as defined in AS 11, "contraband" means any of the following items that have not been specifically approved, authorized, or prescribed by the proper authorities for a prisoner to obtain, make, or possess:

(1) weapons, including firearms, explosives, knives, hacksaw blades, tear gas, dangerous chemical agents, or any tool or other object that may be used as a weapon, from which a weapon may be fashioned, or that is intended to be perceived as a weapon;

(2) controlled substances, the possession of which is punishable by either criminal or civil penalties, and any other type of medication;

(3) alcohol, including wine, distilled spirits, home brew, and any other type of alcoholic substance;

(4) cameras, sound or video recorders, or any electronic or mechanical receiving or transmitting equipment;

(5) any article, including keys, tools, electronic or mechanical devices, and identification information, intended to be used as a means of facilitating an escape; and

(6) any other article, including money, toiletries, books, food, mail and pictures, that is introduced, taken, or conveyed into a facility, or made, obtained, or possessed in a facility in a manner intended to frustrate or evade detection.

(c) In this chapter and in AS 33.30,

(1) "family" means any person or group of persons having the relationship to a prisoner of spouse, father, mother, sister, brother, son, daughter; step-relationship to these relationships; or a person having an immediate-family relationship with the prisoner during formative years;

(2) "furlough" means the authorized absence of a prisoner from a facility for a designated purpose and period of time. (Eff. 9/10/77, Register 63; am 8/30/80, Register 75; am 11/3/84, Register 92; am 1/9/87, Register 101)

Authority: AS 01.10.080
AS 11.56.390
AS 33.30.011
AS 33.30.021
AS 33.30.901
AS 44.28.030

Classification Form for Sentenced Prisoners

(1) Institution

(2) Prisoner Name

(3) Date

(4) Date of Birth

(5) Type of Case: Regular or Exception

(6) OBSCIS Number

SECTION A

SECURITY SCORING

1. Type of Detainer:

0 = None 3 = Class C Felony
1 = Misdemeanor 5 = Class B Felony

7 = Unclassified or Class A Felony

1

2. Severity of Current Offense:

1 = Misdemeanor 3 = Class C Felony
5 = Class B Felony

7 = Unclassified or Class A Felony

2

3. Time to Firm Release Date:

0 = 0-12 months 3 = 60-83 months
1 = 13-59 months 5 = 84 + months

Firm Release Date

3

4. Type of Prior Convictions:

0 = None 1 = Misdemeanor 3 = Felony

4

5. History of Escapes or Attempted Escapes:

	None	+15 Years	10-15 Years	5-10 Years	-5 Years
Minor	0	1	1	2	3
Serious	0	4	5	6	7

5

6. History of Violent Behavior:

	None	+15 Years	10-15 Years	5-10 Years	-5 Years
Minor	0	1	1	2	3
Serious	0	4	5	6	7

6

7. SECURITY TOTAL

7

8. Security Level:

Level I Minimum = 0-6 points Level II Medium = 7-13 points Level III Maximum = 14-36 points

Sliding scale - so Level I Level II =

SECTION B

CUSTODY SCORING

1. Percent of Time Served:

3 = 0 thru 23% 5 = 76 thru 90 %
4 = 26 thru 75% 6 = 91 plus %

1

2. Involvement with Drugs and/or Alcohol:

2 = Current 3 = Past 4 = Never

2

3. Mental/Psychological Stability:

2 = Unfavorable 4 = No referral or Favorable

3

4. Type Most Serious Disciplinary Report:

1 = Major 3 = Low Moderate 5 = None
2 = High Moderate 4 = Minor

4

EXECUTIVE SUMMARY

(Alaska Felony Sentences: 1984)

EXECUTIVE SUMMARY

This report analyzes sentences imposed for conviction of offenses initially charged as felonies in Alaska Superior Courts during the calendar year of 1984. For analytical purposes, data collected in this study were compared to data in earlier Judicial Council studies. Although the data are for 1984 offenders, they represent the most current analysis of sentencing patterns in Alaska. The 1984 data have been supplemented with 1985 and 1986 data from other sources to provide an up-to-date review of the impact of policy decisions. The study had three purposes:

- A. To describe sentences imposed for serious offenses statewide;
- B. To provide a basis for assessing the impact on sentencing patterns of social and legal policy changes; and
- C. To demonstrate the feasibility of conducting sentencing research utilizing secondary data sources.

(A) The descriptive data provides information of value to judges, attorneys, and the legislature regarding types of sentences and their relationship to different variables. Such information is necessary for practitioners and for persons responsible for development of policy related to criminal justice.

(B) The data on sentences may be useful in assessing the impacts of three important legal and social policy changes:

1. Increased reporting and enforcement of all offenses, especially sex-related offenses since 1980;
2. Adoption by the Legislature of the presumptive sentencing scheme in 1978 and modifications in 1982 and 1983; and
3. Reclassification by the Legislature of sexual and drug offenses during the past four years.

(C) A final purpose of the study was to determine whether new methods of data collection could reduce the cost of sentencing studies and provide adequate data to the criminal justice system. Past Judicial Council studies have relied on

data collected from original case files by trained research assistants. Data for this study were accumulated from three different computerized management systems: PROMIS (Prosecutors' Management Information System, Department of Law), APSIN (Alaska Public Safety Information Network, Department of Public Safety) and OBSCIS (Offender Based State Correctional Information System). The system has allowed the Judicial Council to monitor sentences and to provide data regarding sentencing patterns at a substantially lower cost than would have been possible under its previous methods. Although the system of data collection limits the number of variables which can be included, the resulting data is still of significant value to the criminal justice system.

SUMMARY OF FINDINGS

A. Findings and Conclusions Related to the Impacts of Policy Changes in the Criminal Justice System.

1. Felony dispositions and the number of convicted offenders increased by 100% between 1980 and 1984, despite a state population growth of only 30.6% during the same period and an 11% decrease in overall crime rates (p. 55). In addition, convictions on the most serious charges (Class A and Unclassified) increased by 124% in urban areas (p. 65). The largest increase was in sexual offenses, where prosecutions and convictions grew by 300% (p. 60). Prosecutions and convictions for robberies, homicides and drug offenses also increased (p. 56; App. E). The increased number of convictions was estimated to account for 39.7% of the 100% increase between 1980 and 1984 in total prison time sentenced. The increased seriousness of convictions was estimated to account for 18.7% of the increase in total prison time served (p. 81).

2. Legislative changes in 1982 and 1983 included reclassification of sexual offenses, recodification of drug offenses, and application of presumptive sentencing to all Class A first offenders (pp. 47-53). These changes had the following effects:

- a) The estimated impact of extending presumptive sentencing to Class A first offenders has been to increase by 179% the number of Class A offenders subject to presumptive sentencing (p. 51);

- b) Although more cases became subject to presumptive sentences, mean sentence lengths imposed for most serious offenses in 1984 were shorter than comparable mean sentence lengths in 1976-79, prior to the adoption of presumptive sentencing (Appendix C, Tables C-1 and C-2);
- c) The seriousness of most sexual offenses was increased, thus increasing the likelihood of trial and of imposition of a presumptive sentence. Reclassification resulted in longer mean sentences for every type of sexual offense and in a lower percentage of offenders sentenced to zero active jail time (p. 77, Table 31); and
- d) Combined, these changes accounted for an estimated 41.6% of the 100% increase between 1980 and 1984 in total prison time sentenced (p. 81).

3. Prosecutorial policy determines in part how justice system resources will need to be allocated.

- a) Court felony trial rates first increased in the mid-to-late 1970s following the adoption by the Attorney General of a ban on plea bargaining. This elevated felony trial rate did not change substantially following the adoption of presumptive sentencing (pp. 54-65). The patterns of changes in felony trial rates suggest a strong relationship between the plea bargaining policy and number of trials and a secondary relationship between presumptive sentencing and reclassification of offenses and numbers of trials.
- b) Although the number of forcible rapes reported to police agencies in Alaska increased by 63.7% between 1980 and 1984, the number of convictions for sexual assaults in the first degree and attempts increased by an estimated 279% during the same period (p. 56). The prosecutorial commitment to increase resources for sexual offense cases was related to the greatly increased number of convictions.

- c) Dispositions of felony cases reflected variation in prosecutorial policies in different offices. Thirty-one percent of defendants initially charged with felonies in Anchorage were ultimately convicted of a misdemeanor as their most serious charge, as compared to 4% in Fairbanks and 15% in Juneau. These variations may also reflect local differences in police charging policies (p. 28).

4. Criminal justice agency resources increased by 117% overall between fiscal year '81 and fiscal year '86, with individual agencies receiving increases ranging from 56% (trial courts) to 229% (Department of Corrections) (p. 57, Table 22).

5. Court felony trials increased by 121% between fiscal year '81 and fiscal year '85, while the number of superior court judges increased by only 38% (p. 67).

6. No new evidence of any racial disparity in sentencing appeared in 1984 cases. Since all evidence of racial disparity had disappeared by 1980, it appears that presumptive sentencing did not cause the elimination of disparity. These findings suggest that presumptive sentencing may be unrelated to racial disparity in sentencing (pp. 41, 87).

7. The classification of offenses by the legislature appears to have resulted in consistent sentencing practices for most types of offenders. The exception was Class B drug offenders, whose mean sentence length was about the same as the mean sentence length for Class C drug offenders (p. 90).

8. Available data suggest that presumptive sentencing was responsible for part of the increase in court felony trials and prison population between 1980 and 1984. Other contributing factors were:

- a) Increased reporting and enforcement of certain offenses, especially sexual offenses;
- b) Upward reclassification of sexual and other offenses by the legislature with provisions for presumptive or mandatory minimum sentences, especially for first offenders;

- c) Elimination of discretionary parole for presumptively-sentenced offenders and adoption by the Parole Board of guidelines for release of non-presumptively-sentenced offenders.

9. The data suggest that:

- a) A change in the Attorney General's policy prohibiting plea bargains would have a more pronounced effect on the number of court felony trials than would reducing the number of offenses subject to presumptive sentencing;
- b) The rapid increases in court caseloads and prison population were phenomena that appeared to be more closely related to greatly increasing resources for most criminal justice system agencies during the 1981-1984 period than to increases in state population or in crime rates. The apparent relationship between numbers of convictions and resources suggests that any further change in the resources available to criminal justice agencies may be reflected in changes in the numbers of convictions.

B. Additional Findings from the Data

1. Eighty percent of the cases studied were found in the urban areas of Anchorage, Fairbanks, Juneau and Palmer. The smaller communities of the state accounted for 20.0% of the cases (p. 10).

2. Convictions of drug offenders, as a percentage of all offenders, increased from 7.3% of rural cases in 1976-79 to 14.9% in 1984; and from 12.2% of offenders statewide in 1976-79 to 16.0% in 1984 (Appendix E, p. E.5, Table E-5).

3. Characteristics of the offender were related to the offense of conviction. Sexual offenders were largely Caucasians (54.1%) or Native Americans (35.7%), and aged 30 and over (62.4%). Drug offenders were largely Caucasian (70.3%) or Black (11.5%) and 25 years or older (70.2%) (p. 19).

4. A majority of offenders (56.0%) pled guilty as charged. About one-fifth (19.4%) were convicted of a misdemeanor as the single most serious charge of

conviction. Lesser numbers were convicted after trial (14.3%) or were convicted of lesser felonies or by a guilty plea bargain. These percentages varied greatly by community (Table 10, p. 28).

5. Presumptive sentences were imposed on 15.8% of the 1984 felony offenders studied. Those convicted of sexual offenses were most likely to receive a presumptive sentence (35.0% had presumptive sentences) (p. 33).

6. Defendants charged with unclassified and Class A felonies were more than three times as likely as those charged with Class B and C felonies to go to trial (p. 65).

7. Neither race nor age of the offender were significant factors in determining length of sentence (p. 42, Table 17).

8. Class of offense, a prior record of felony convictions, conviction after a trial and whether the sentence was presumptive were the most important factors affecting the length of the sentence for most types of offenses (p. 42, Table 17).

9. Offenders convicted after trial received longer sentences than those who pled guilty. This finding from the multiple regression analyses (which measured the independent effect of a variable while holding all other factors equal) applied to all offense groups (pp. 43-44).

10. The variables studied explained much of the variation in sentence length for all types of offenses except property offenses. A relatively small amount of the variation in sentence lengths for property offenses was explained by variables such as class of offense, whether the sentence was presumptive and prior felony record (p. 45).

ALASKA'S SENTENCING LAW

TABLE 1
REVISED SENTENCING LAW EFFECTIVE JANUARY 1, 1980*

Type of Offense	Sentence Range in Years		
	First Felony Conviction	Second Felony Conviction	Subsequent Conviction
Murder I	<u>20</u> - 99	<u>20</u> - 99	<u>20</u> - 99
Murder II	<u>5</u> - 99	<u>5</u> - 99	<u>5</u> - 99
Kidnapping	<u>5</u> - 99	<u>5</u> - 99	<u>5</u> - 99
Class A--Firearm, etc.	3 - 20 [6]	5 - 20 [10]	7.5 - 20 [15]
Class A--Other	0 - 20	5 - 20 [10]	7.5 - 20 [20]
Class B	0 - 10	0 - 10 [4]	3 - 10 [6]
Class C	0 - 5	0 - 5 [2]	0 - 5 [3]

*For offenses subject to presumptive sentencing, the presumptive term is shown in brackets. For offenses subject to mandatory minimum sentencing, the minimum sentence is underlined. Note that the minimum sentence is not the minimum time served. As shown in the next section, an offender who gets a five-year sentence could be released after 3.75 years if he or she is awarded all possible good time.

* * * *

Early release. Table 2 compares the discretionary parole and good time allowances under the old code, the subcommission's proposal, and the new code. The new sentencing law limited the prior effect of both discretionary parole release and good time credit on offenders' actual time served.

While the law gave the parole board continued release discretion on first-time Class A, B and C convictions (convicts are eligible for parole after serving at least one-third of the prison term), it eliminated the board's discretion for those convicted of subsequent felonies. In addition, the new code allowed good time credit up to 25 percent of the prison term, an apparent compromise between the subcommission's recommendation (10 percent) and that available under the old code (49 percent).

As Table 2 suggests, the subcommission favored more liberal parole board discretion and less good time credit than that adopted by the legislature. While the old code allowed parole release eligibility in all felonies after an inmate served one-third of the sentence, the

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new code eliminated parole eligibility in presumptive sentencings and limited its use in mandatory minimum sentencing cases.¹²

TABLE 2
COMPARISON OF EARLY RELEASE PROVISIONS

Provision	Original Code	Subcommission Proposal	Adopted Code
Parole Eligibility	After 1/3 of term served	After 1/2 of term served	Indeterminate--1/3 Mandatory--1/3 but not less than mandatory minimum minus good time Presumptive--None
Statutory Good Time Credit	Up to 49 percent of the sentence*	10 percent of term	25 percent of term
Meritorious Good Time		None	None

*The original code allowed statutory, meritorious and extra-meritorious good time. The amount that an inmate could accumulate depended upon the length of the original sentence.

* * * *

AMENDMENTS TO THE REVISED CODE, 1980 - 1985

Table 3 illustrates the sentencing law and early release provisions as of April 1986. The legislature has amended the sentencing code frequently since its implementation in 1980. The amendments have generally resulted in "tougher" sentencing than that enacted in 1980. Under the current law, there is generally more chance of imprisonment, and for a longer term, than under the 1980 law or the old code.¹³

¹²Under the old law, convicts given a "life" sentence were required to serve 15 years before becoming eligible for parole release. Note that good time credit and parole eligibility are not cumulative; i.e., inmates' prison terms are reduced by one or the other, but not both.

¹³The exception to this generalization is the recent amendment of the good time provisions which can reduce time served from 75 percent of the sentence to 67 percent of the sentence.

ALASKA'S SENTENCING LAW

TABLE 3
 FELONY SENTENCING AND EARLY RELEASE STRUCTURE IN ALASKA
 APRIL 1986
 Sentence Length (Years)

Offense	First Felony Conviction	Second Felony Conviction	Subsequent Conviction	Good Time	Discretionary Parole Eligibility
Murder I	<u>20</u> - 99	<u>20</u> - 99	<u>20</u> - 99	.33	Greater of 13.3 yrs. served or 1/3 of term
Murder II, Kidnapping, Misconduct Involving Controlled Substance I	<u>5</u> - 99	<u>5</u> - 99	<u>5</u> - 99	.33	Greater of 3.3 yrs. served or 1/3 of term
Sex. Assault I, Sex. Abuse of a Minor I (S.A.M. I)	5 - 30 [10]	7.5 - 30 [15]	12.5 - 30 [25]	.33	None
Sex. Assault I, S.A.M. I	4 - 30 [8]	7.5 - 30 [15]	12.5 - 30 [25]	.33	None
Class A ^{a, b}	3.5 - 20 [7]	5 - 20 [10]	7.5 - 20 [15]	.33	None
Class A	2.5 - 20 [5]	5 - 20 [10]	7.5 - 20 [15]	.33	None
Class B ^b	0 - 10 [2]	0 - 10 [4]	3 - 10 [6]	.33	None
Class B	0 - 10	0 - 10 [4]	3 - 10 [6]	.33	1st offense only--after 1/4 of term
Class C ^b	0 - 5 [1]	0 - 5 [2]	0 - 5 [3]	.33	None
Class C	0 - 5	0 - 5 [2]	0 - 5 [3]	.33	1st offense only--after 1/4 of term

Note: Mandatory minimum terms are underlined and presumptive terms are in brackets. Indeterminate terms have no underline or bracket.

^aApplies when a defendant possessed a firearm, used a dangerous instrument or caused serious physical injury, except for manslaughter.

^bApplies when a defendant knowingly directed the conduct (crime) at a peace officer, correctional officer, emergency medical technician, or other emergency medical responder who was engaged in the performance of official duties at time of offense.

A 1982 amendment made all first-time class A offenses subject to presumptive sentencing. Previously, most first-time Class A offenders received 20-year indeterminate sentences. In addition, the 1982 legislature made all first degree sexual assaults an unclassified crime subject to an eight-year presumptive sentence. Before 1982, sexual assault was a Class A offense. Moreover, first degree misconduct involving a controlled substance (M.I.C.S. I) became an unclassified offense carrying a maximum ninety-nine year term with a five-year mandatory minimum sentence.

The 1983 legislature added sexual abuse of a minor in the first degree (an unclassified offense) to the list of crimes which are presumptively sentenced on the first conviction. Another 1983 amendment made any Class A, B or C conviction subject to presumptive sentencing when the defendant knowingly directed the conduct constituting the offense at a uniformed or otherwise clearly identified peace officer, fire fighter, correctional officer, emergency medical technician, paramedic, ambulance attendant, or other emergency responder who was engaged in the performance or official duties at the time of the offense...¹⁴ [emphasis added]. Since this amendment, Class B and C felonies committed in circumstances other than the above scenario remain as the only convictions not subject to either mandatory minimum or presumptive sentencing rules.

In 1985, the legislature effectively reduced time served for some felons by amending certain parole release provisions. Effective January 1, 1986, discretionary parole eligibility for inmates subject to indeterminate sentencing changed from one-third to one-fourth of their sentence. However, those subject to mandatory minimum sentences must still serve one-third of their term before becoming eligible for discretionary parole.¹⁵ Another amendment gives the sentencing judge discretion to restrict any offender's discretionary parole eligibility date.¹⁶

In 1986, the legislature increased the amount of good time credit which prisoners can accumulate. The maximum credit increased from 25 percent to 33 percent of the term. This amendment became effective in April 1986 and was applied retroactively.¹⁷

¹⁴Alaska Code Sections 12.55.125(c)(2), (d)(3), and (e)(3) [1985].

¹⁵Id., Sections 33.16.090 and 33.16.100 (1985).

¹⁶Id., Section 12.55.115 (1985).

¹⁷Committee Substitute for House Bill 104.

Two other notable changes occurred in the sentencing scheme since 1980. First, the legislature has frequently amended the number of aggravating and mitigating factors which the court may consider when sentencing a defendant. Currently, there are 26 aggravators and 15 mitigators.

The second change altered the way in which the court at a sentencing determines whether to impose concurrent or consecutive sentencing. The 1980 Criminal Code [AS 12.55.025(e)] provided: "If the defendant is convicted of two or more crimes before judgment on either has been entered, any sentences of imprisonment may run concurrently or consecutively, as the court provides. If the court does not specify, the sentences of imprisonment shall run concurrently." As originally enacted, this statute arguably created a presumption in favor of concurrent sentencing.¹⁸ In 1982, this section was amended to provide that except in limited circumstances, sentences of imprisonment run consecutively when a defendant is convicted of two or more crimes. In a recent sexual assault case, the Alaska Court of Appeals interpreted this limitation broadly.¹⁹

In summary, the current felony sentencing and release structure is considerably different from the pre-1980 law. Clearly, it has diminished judges' and the parole board's discretion, thereby leaving prosecutors with the majority of influence on offenders' time served. Moreover, the new law has given the legislature more control over the sentencing process by restricting decisions on incarceration, sentence length and time served. Furthermore, the probability of incarceration is more certain under the new scheme.

Since the new law was enacted, the prison population has tripled. In Chapter 2, we will address the impact of the new sentencing law on this increase, including the law's effect on incarceration rates and sentence lengths.

¹⁸See discussion of this issue in Griffith v. State, 675 P. 2d 662, 664-665 (1984).

¹⁹The Alaska Court of Appeals recently wrote a lengthy analysis of this statute in State v. Andrews, 707 P. 2d 900 (1985). In its decision, the court apparently gave trial judges additional discretion in determining prison terms for defendants subject to consecutive sentencing.

MEMORANDUM

State of Alaska

DEPARTMENT OF CORRECTIONS

TO: Susan Humphrey-Barnett
Commissioner

DATE: September 23, 1987

FILE NO:

TELEPHONE NO. 276-3363

FROM: Bart Penny *BP*
Chief Probation Officer
Southcentral Region

SUBJECT: ISP Briefing Paper

Per the September 14, 1987 memorandum from Margaret Pugh, please find attached a briefing paper regarding current status of the ISP Project. Additionally, I have attached copies of the Mission Statement, Purpose and Goals and Objectives, along with the ISP activity timetable. If you have any questions regarding this project prior to your October 8th meeting, please let me know.

Thanks.

BP/ngk
Attachments
cc: Charles Moses
Southcentral Director

cc: BILL PARKER

ISP TASK FORCE MEMBERS

Ken Brown
Bart Penny
Margaret Pugh

Lew Reece
Keith Stell

LOCATION OF IS PROJECT

The Intensive Supervision Parole Unit will be located at the Anchorage Adult Probation Office, 411 W. 4th Ave., Suite 1-D, 99501, Phone 276-3363.

STAFF ASSIGNED TO IS PROJECT

The 1987 Legislature created two (2) Probation Officer II positions and one (1) Clerk-Typist III for the Intensive Supervision Project. Under the direction of Chief Probation Officer, Barton Penny, Frank Byerly, Probation Officer IV, will supervise the ISP Unit. Other officers appointed effective September 1st to this project include: Bruce Inks from Palmer Probation and Kurt Polhemus from Fairbanks Probation. The Clerk-Typist has not been hired as of this writing.

IS MODEL TO BE UTILIZED

Alaska IS is modeled after parole projects in New Jersey, Georgia and Arizona. Only parole cases will be considered during the present fiscal year, with consideration for furlough, probation and pretrial clients at a future date, commensurate with the success of the parole pilot project.

WHEN

Sam Trivette, Executive Director of the Alaska Parole Board, advises that the Parole Board shall be prepared to begin making referrals to the ISP Project in early November.

HOW

Parole-eligible prisoners will be referred to the IS Project by the Parole Board. They will release appropriately qualified clients 6 to 18 months earlier than they would have otherwise been released under traditional parole guidelines.

A maximum caseload of 25 parole clients shall be achieved. The IS caseload will be supervised by a team of two probation officers. Emphasis is placed on contact with clients in the community during non-traditional working hours (6 p.m. to 3 a.m.).

WHAT

IS shall be a combination of house arrest and frequent surveillance of the prisoner's place of residence and employment. All participants will be required to be employed, or in school or training, to pay supervision fees, participate in community service and drug screening. All other general conditions of parole shall apply, combined with other special conditions as deemed appropriate.

MISSION

OF THE

PAROLE INTENSIVE SUPERVISION PILOT PROJECT

It is the mission of the Parole Intensive Supervision Pilot Project (PISPP) to establish an additional community-based program as an alternative to imprisonment, which the Alaska Parole Board can use to release selected felony offenders, under close supervision and surveillance, to their homes, yet provide continued safety to the community.

PURPOSE
OF THE
PAROLE INTENSIVE SUPERVISION PILOT PROJECT

The purpose of the PISPP is to help reduce prison overcrowding by identifying offenders to the Parole Board who would not present a risk to the community, but who would normally spend an additional 6 to 18 months in prison before being released on parole. They would be released to the PISPP and be allowed to serve their sentences confined to their home, except when working, or when approval was given to be absent from their employment or domicile.

GOALS AND OBJECTIVES

OF THE

PAROLE INTENSIVE SUPERVISION PILOT PROJECT

It is the goal of the PISPP to place 30 parolees who would normally be in prison, under supervision and surveillance in the community, to determine whether the income they generate, taxes they pay, victim restitution payments they make, prison bed space they free up, and percent of new crimes they commit when compared to a control group of parolees, justify continuance or expansion of the pilot program as a cost-effective alternative to incarceration, while providing protection to the public.

ISP ACTIVITY TIME TABLE

AUGUST 1987

SUN.	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT.
------	--------	---------	-----------	----------	--------	------

8/16	Hire employees (2 PO II's)					
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8/23		PO IV meet w/Exec. Dir. Parole Bd.	Develop Mission, Purpose, Goals & Time lines			
------	--	--	--	--	--	--

8/30	Hire clerical support (CT III)					
------	---	--	--	--	--	--

SEPTEMBER 1987

SUN.	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT.
9/6	Determine state selected for observation				9/11 Commissioner Approval: Mission, Purpose, Goals Time lines	
9/13						
9/20	Employees commence work	Review of literature from other programs			Request TA	
9/27	Travel to state that is determined appropriate to observe ISP in operation					

OCTOBER 1987

SUN.	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT.
10/4	Program design for Alaska (rules, forms, P & P)				Request TA of NIC for this week	
10/11	Issues for AG to review					
10/18	Meet with Exec. Dir. of Parole Bd.		Teleconference w/Instit. PO's to review their responsibilities & send out parole forms			
10/25	Ensure all equip. for IS officers is present and working			Develop work schedules		

NOVEMBER 1987

SUN.	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT.
------	--------	---------	-----------	----------	--------	------

11/1	Meet with Parole Board for training; screen cases at preliminary hearing pending January hearing					
------	---	--	--	--	--	--

11/8	First participants in program received this week!					
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11/15	Political and public support strategies!			Monitoring program set in place		
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11/22						
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11/29	Evaluation, methodology and data collection developed (program selected, data compiled, develop coding forms)					
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FEBRUARY 1988: Reach full strength of 25 program participants!

APRIL 1988: Program evaluation for legislature!

MEMORANDUM DEPARTMENT OF CORRECTIONS - STATE OF ALASKA

To: Charles W. Fry, Director
Statewide Programs

Date: Sept. 25, 1987

From: Wes Milton, Industries Manager Subject: HESS Report
Alaska Correctional Industries Draft

The Alaska Correctional Industries program came into existence by legislative intent in 1981, began operations in FY 84, and as of the end of FY 87, had seven businesses in operation, and gross sales in excess of one million dollars annually. The following is a summary of the operations by location, budget forecast for FY 88, and number of inmates working full time jobs at these industries.

PALMER: Palmer Correctional Center (Minimum)

FARM: The sales goal for the farm has been set at \$ 100,000 for FY 88 (including revenue from signs) which is a healthy but realistic increase from FY 87 totals of \$ 82,000. The sign shop will continue to sell signs only to the Department of Corrections and small rural cities and schools which request ACI services. The farm has sold all potatoes grown/harvested in FY 87, and it is now in the process of clearing and preparing an additional 5 to 10 acres to complement the 27 acres under production now. With Spring Creek Correctional Center coming on line in FY 89, this expansion is mandatory. Harvest yields for FY 88 will be down due to a poor growing season, but spring beautification projects will maintain revenues through flower sales. Inmate employee level will remain at ten to twelve for the present time.

BODY SHOP: The sales goal for the Body Shop has been set at \$ 120,000 for FY 88 which means maintaining a ten thousand per month volume. Quality control will continue to be watched closely to continue the excellent reputation the facility has garnered during the past year and a half of operations. A new paint booth will be installed during FY 88 to comply with fire marshall recommendations. A tremendous volume of work is expected in the renovation of older vehicles (4 to 7 year old) as the shop continues to put older vehicles back on the road in like new condition, thereby extending the service life of equipment by as much as fifty to seventy five percent. The facility will employ ten inmates through December, and then increase to twelve for the remainder of FY 88.

MEAT PLANT: The Mt. McKinley Meat and Sausage Company which was acquired by the State of Alaska at a foreclosure sale in December of 1986 is in full production under the industries program. Sales for FY 88 are forecast at \$ 600,000. This is a very ambitious project and has required a tremendous effort on the part of every section of the Department of Corrections. It also represents a tremendous opportunity for the Department to show the

viability of the prison industries program through Alaska Correctional Industries, while rendering an invaluable service to the agricultural community of Alaska providing the only licensed full scale meat packing plant in the state. The facility now employs twenty five inmates, and will increase to thirty in the near future.

KENAI: Wildwood Correctional Center

METAL FABRICATION SHOP: Sales for the metal shop are forecast at \$ 150,000 for FY 88. This level represents only forty-five percent of capacity and the sales forecast will be adjusted as additional contracts are obtained. FY 87 sales were \$ 325,000 which reflected the Spring Creek Correctional Center metal cell furniture. The plant is currently producing many of the security items required in upgrading of several Department facilities, and employs twelve to fifteen inmates. When additional contracts are obtained, the plant will employ up to thirty inmate workers.

FURNITURE PLANT: Sales for the furniture plant are forecast at \$ 350,000 for FY 88, and early indications are that the plant could achieve sales of \$ 500,000 in FY 88. A new production manager has been assigned to the plant, and production has taken off logarithmically. Many assembly parts which were previously purchased in kit form are now being manufactured completely at the Wildwood plant, and as volume increases, sub-contracting may be done with other correctional institutions within the state for certain wooden furniture structures. Inmate employee level is at twenty eight as of this date, and should be at forty prior to the end of this year.

JUNEAU: Lemon Creek Correctional Center

LAUNDRY: The laundry plant in Juneau is forecasting sales of \$ 200,000 for FY 88. The Pioneer Home comes on line in November of this year and will offer an annual increase of \$ 55,000 of which only \$ 20,000 will impact FY 88 sales due to start up, but will push sales for FY 89 to \$ 235,000. The plant and equipment is in excellent condition and additional sales are being looked into to utilize the plant more fully. This facility represents one of the best industries possible due to the high labor factor required. The major customer remains the State of Alaska Marine Highway System. Twenty five to thirty inmates are employed at the present time, and employment will increase to forty inmates by mid-year.

BAKERY: The commercial bakery in Juneau will be closed permanently in December 1987, and the space will be utilized for a new but yet to be determined industries program. The bakery was a stable operation, but fraught with inherent risk of contamination as so many food operations are today. As this industry was neither profitable nor did it employ a sizeable number of inmate workers, it was decided to terminate this operation and opt for greater utilization of the facility.

FUTURE GROWTH:

DATA ENTRY: A data entry operation will be started in the near future beginning with four inmate workers, and expanding as the market is developed into a fifteen to twenty worker facility in Fairbanks.

"FREE VENTURE" The Department of Corrections is continuing to look for a "free venture" partner to operate some form of business venture within a correctional facility.

"CERTIFICATION" The Department of Corrections will complete application forms in October for certification which will allow the industries program to manufacture for or offer service to the federal sector in Alaska, as well as engage in inter-state commerce if so desired. There are only twenty "certification" slots open presently in the United States, and this capability would put Alaska into "state of the art" position for prison industries throughout the world.

SPRING CREEK CORRECTIONAL CENTER: One or more new industries will be started when this new facility comes on line in late FY 88. Industry choices include sewn products manufacturing, pre-stressed concrete railroad tie manufacturing, sand blasting media and others.

PROBATION/PAROLE CASELOAD REPORT

AUGUST 1987

OFFICE	ACTIVE		TOTAL
	PROB.	PAROLE	
Anchorage	1006	228	1234
Kenai	149	25	174
Kodiak	64	12	76
Palmer	156	29	185
Dillingham	26	5	31
Fairbanks	469	61	530
Bethel	149	35	184
Barrow	64	8	72
Nome	55	13	68
Kotzebue	48	5	53
Juneau	140	21	161
Haines	0	1	1
Sitka	30	5	35
Ketchikan	103	12	115
Petersburg	1	0	1
TOTAL	2460	460	2920
OUTS	295	66	361
Less CRC:			
PROB	22		
PAROLE	4		
Total:			
PROB	2438		
PAROLE	456		

DEPARTMENT OF CORRECTIONS

PRINTED
10/03/87

FACT SHEET

FOR SEPTEMBER 1987

PROFILE OF POPULATION:

AS OF SEPTEMBER 1987 ALASKA'S DEPARTMENT OF CORRECTIONS HAD JURISDICTION OVER 5,413 PERSONS. THIS NUMBER INCLUDES:

2081 PERSONS IN ALASKA'S INSTITUTIONS
 179 PERSONS IN THE FEDERAL BUREAU OF PRISONS
 35 PERSONS IN MINNESOTA STATE INSTITUTIONS
 175 PERSONS IN COMMUNITY RESIDENTIAL CENTERS(FURLOUGHEES)
 15 PERSONS IN COMMUNITY RESIDENTIAL CENTERS(PROB-PAROLEES)
 464 PERSONS ON PAROLE
 2444 PERSONS ON PROBATION

SINCE SEPTEMBER 1983, THE FOLLOWING INCREASES HAVE OCCURRED:

PERSONS IN ALASKA'S INSTITUTIONS	UP 43% (1454-2081)
PERSONS IN FEDERAL AND MINNESOTA PRISONS	UP 19% (180-214)
PERSONS IN COMMUNITY RESIDENTIAL CENTERS	UP 150% (84-210)
PERSONS ON PAROLE	UP 164% (176-464)
PERSONS ON PROBATION	UP 59% (1533-2444)

THE MAKEUP OF THE PERSONS INCARCERATED IN ALASKA'S INSTITUTIONS, THE FEDERAL BUREAU OF PRISONS AND MINNESOTA STATE PRISONS HAS CHANGED DURING THESE FOUR YEARS.

	09/83	09/86	09/87	83-87 CHANGE	86-87 CHANGE
FELONS - SENTENCED	1054	1422	1597	+ 52%	+ 12%
MISDEMEANANTS - SENTENCED	184	147	90	- 51%	- 39%
FELONS - UNSENTENCED	308	490	471	+ 53%	- 4%
MISDEMEANANTS - UNSENTENCED	88	121	137	+ 56%	+ 13%
TOTALS	1634	2180	2295	+ 40%	+ 5%

AVERAGE DAILY NUMBER OF PRISONERS
SEPTEMBER 1987

		CAPACITY
+/-LM		
+ 9	220 PERSONS IN FAIRBANKS CORRECTIONAL CENTER	200
- 1	93 PERSONS IN ANVIL MOUNTAIN CORRECTIONAL CENTER	102
- 1	105 PERSONS IN YUKON-KUSKOKWIM CORRECTIONAL CENTER	88
E	399 PERSONS IN COOK INLET PRETRIAL FACILITY	397
+ 15	106 PERSONS IN ANCHORAGE - SIXTH AVENUE	116
- 4	221 PERSONS IN HILAND MOUNTAIN C.C.	229
+ 1	58 PERSONS IN MEADOW CREEK C.C.	56
+ 1	132 PERSONS IN PALMER MINIMUM CORRECTIONAL CENTER	130
+ 17	143 PERSONS IN PALMER MEDIUM CORRECTIONAL CENTER	165
+ 4	71 PERSONS IN MAT-SU PRETRIAL FACILITY	74
+ 1	303 PERSONS IN WILDWOOD C.C. & PRETRIAL	310
+ 3	178 PERSONS IN LEMON CREEK CORRECTIONAL CENTER	174
+ 2	53 PERSONS IN KETCHIKAN CORRECTIONAL CENTER	63
+ 23	195 PERSONS IN COMMUNITY RESIDENTIAL CENTERS(FURLOUGH)	
- 11	15 PERSONS IN COMMUNITY RESIDENTIAL CENTERS(PROB-PAROLE)	
+ 1	179 PERSONS IN FEDERAL BUREAU OF PRISONS	200
E	35 PERSONS IN MINNESOTA STATE PRISONS	35

Overview of Sentences Being Served on November 5, 1986

The average sentence being served for all sentenced inmates incarcerated in Alaska's correctional institutions and the Federal Bureau of Prisons is presented in the following table. Within each crime category, the number of inmates and the average sentence being served is shown. The data is also broked down to show the number of inmates and the average sentence for those sentenced under the previous Criminal Code and those sentenced presumptively or nonpresumptively under the Revised Criminal Code.

Sentenced Inmates
By Most Serious Offense Committed
As of November 5, 1986
Average Sentence Length

Offense	Nonpresumptive		Presumptive		Old Code		Total Number
	Number	Average Sentence	Number	Average Sentence	Number	Average Sentence	
ATTEMPT COMMIT FELONY - LIFE AND SOY+			1				1
ATTEMPT COMMIT FELONY	13	5Y	11	6Y			24
SOLICIT TO COMMIT CRIME	1	10Y					1
MURDER I - LIFE AND SOY+	33		6		21		60
MURDER I	22	30Y	7	32Y	6	35Y	35
MURDER II - LIFE AND SOY+	10				4		14
MURDER II	40	22Y	4	8Y	14	28Y	58
HANSLAUGHTER	21	8Y	24	7Y	1	20Y	46
NEGLIGENT HOMICIDE	2	3Y					2
ASSAULT I - LIFE AND SOY+			1				1
ASSAULT I	11	6Y	35	8Y	8	20Y	54
ASSAULT II	15	3Y	3	6Y			18
ASSAULT III	36	3Y	15	4Y			51
ASSAULT IV	14	9M					14
KIDNAPPING - LIFE AND SOY+	1		1		2		4
KIDNAPPING	14	19Y	6	12Y	4	30Y	24
SEXUAL ASSAULT I - LIFE AND SOY+	3		1				4
SEXUAL ASSAULT I	92	9.5Y	151	11Y	9	21Y	252
SEXUAL ASSAULT II	14	3Y	5	6Y			19
SEXUAL ABUSE OF A MINOR I	29	6Y	70	10Y	1	10Y	100
SEXUAL ABUSE OF A MINOR II	49	3Y	14	7Y			63
SEXUAL ABUSE OF A MINOR III	4	4Y	1	7Y			5
SEXUAL ABUSE AND SEX ABUSE IV	27	6Y	4	5Y			31
INCEST	1	3Y					1
EXPLOITATION OF MINOR	3	5Y					3
ROBBERY I	30	6Y	74	11Y	3	12Y	127
ROBBERY II	10	4Y	8	8Y			18
EXTORTION	1	6Y					1
THEFT I	2	2Y	2	6Y	1	10Y	5
THEFT II	24	2.5Y	24	3.5Y			48
THEFT III	3	7M					3
THEFT IV	1						1
THEFT BY DECEPTION	1	5Y					1
THEFT BY RECEIVING	1	1Y	1	2Y			2
CONCEALMENT OF MERCHANDISE	4	6M					4
ISSUING BAD CHECK			2	8Y			2
BURGLARY I	50	4Y	31	6Y	1	15Y	82
BURGLARY II	37	3Y	33	4Y			70
TRESPASS I	3	4M					3
TRESPASS II	1						1
ARSON I	5	7Y	2	4.5Y			7
ARSON II	1	6Y	2	3.5Y			3

CRIMINAL MISCHIEF II	6	2Y	3	2.5Y	9
CRIMINAL MISCHIEF III	3	1Y	3	3Y	6
FORGERY I	1	3Y			1
FORGERY II	9	3Y	6	9Y	15
FORGERY III			1	1.5Y	1
SCHEME TO DEFRAUD	3	2Y			3
ENDANGERING WELFARE OF MINOR	1	1.5Y			1
CONTRIBUTE DELIQ OF MINOR	2	35D			2
ESCAPE I	2	14Y	2	12Y	4
ESCAPE II	5	9Y	8	10Y	13
ESCAPE IV	1	3.5Y			1
PROMOTE CONTRABAND I	1	5Y	1	6.5Y	2
HINDERING PROSECUTION I	2	2Y			2
TERRORISTIC THREATENING	1	3Y			1
DISORDERLY CONDUCT	6	8D			6
HARRASSMENT	3	3M			3
MISCONDUCT WITH WEAPONS I	9	5Y	4	12Y	13
MISCONDUCT WITH WEAPONS II	1	1Y			1
MISCONDUCT WITH WEAPONS III	1	3Y			1
CONTROLLED SUBSTANCES I	2	5.5Y	1	31Y	3
CONTROLLED SUBSTANCES II	5	4Y	14	7Y	19
CONTROLLED SUBSTANCES III	40	2Y	15	4Y	55
CONTROLLED SUBSTANCES IV	7	1Y	3	3Y	10
OVI - ALCOHOL					45
ALCOHOL - OTHER					1
OTHER JURISDICTION CASE					21
PAROLE VIOLATION					37
PROBATION VIOLATION					92
TRAFFIC					24

Total	740		620	75	1655

MEMORANDUM

State of Alaska

DEPARTMENT OF CORRECTIONS

TO: Susan Humphrey-Barnett,
Commissioner


DATE: September 25, 1987

FILE NO:

TELEPHONE NO: 561-4426 ext. 139

THRU:

SUBJECT: Spring Creek Correctional
Center

FROM: 
Tom Laney
Superintendent
Spring Creek Correctional Center

The Cleary Partial Settlement states we will, "return all Alaska prisoners housed in the Federal Bureau of Prisons, who request return to the State." The 1987 annual out-of-state telephonic Classification Review hearings were held between 4-20-87 and 5-18-87. A total of twenty four (24) out-of-state institutions were called with one hundred eighty (180) inmates interviewed. Eleven (11) hearing waivers were received which gives a grand total of 191 inmates contacted.

With regards to inmate preference as to return for placement at Spring Creek Correctional Center, the responses spread across the following categories:

Return:	Yes:	94	(4 are Minnesota inmates, 90 are FBP)
	No:	77	
	Maybe:	5	
	Unknown:	13	(Refused the hearing)
	N/A:	<u>2</u>	(Will return before opening)
		191	

Since the Cleary Partial Settlement only requires the return of prisoners housed in FBP who request return, we are presently liable for the return of 90 prisoners. This 50% return request ratio is consistent with the figures collected in the 1986 Classification Review.

Using these figures as a base, it appears that once we return the required prisoners from FBP, Spring Creek will have space for approximately 230 prisoners housed in other correctional facilities within the State of Alaska.

This should prove to have a significant impact on the Department statewide by permitting the movement of an estimated 80 to 100 prisoners from Cook Inlet Pre-trial Facility, 20 to 30 from the Fairbanks Correctional Center and 20 to 30 from Lemon Creek Correctional Center with approximately 15 to 20 from Wildwood

To the Commissioner
September 25, 1987
Page 2

Pre-trial Facility. The remaining 50 to 60 spaces will allow some movement from the smaller out-lying institutions to Spring Creek and at the same time, allow for regional movement to strive for a better degree of balance within the regions. A ripple effect will be seen throughout the Department with the end result satisfying two needs, one being the much awaited relief from overcrowding and the second being the compliance with the Cleary Partial Settlement.

TL:as L/3

September 9, 1987

SPRING CREEK CHRONOLOGY

- July 1981 Using preliminary planning Public Facilities Planning fund monies; the Department of Health & Social Services gave DOT/PF a Reimbursable Services Agreement (RSA) to plan a long term facility in Southcentral Alaska.
- February 1982 TRA/FARR was selected as the consultant. This was the beginning of the project and consultant started by outlining fundamental issues and proceeded to development of program statement and selection of the site, concluding in August 1982.
- July 1983 The Legislature funded \$3,600,000, Ch. 107/SLA 83/81/9 for Southcentral Maximum Security Correctional Center, and \$4,000,000 Ch. 107/SLA 83/81/15 for Anchorage Area Replacement Facility.
- August 1983 The Division of Adult Corrections contracted with Pacific Management and Engineering (PM&E) for programming and schematic design for the long term facility.
- December 1983 Governor Sheffield announced selection of Seward as location for the long term facility based on logistics, resources, and demonstration of community support. Other sites under consideration were Goose Bay, Fire Island and Sutton.
- May 1984 Department of Corrections RSA'ed \$1,250,000 to DOT/PF to design Spring Creek. PM&E was selected to provide schematic design of Administration Building and prepare construction documents.
- July 1984 Legislature appropriated \$15,000,000 Ch. 171/SLA 84/59/19 for Seward Correctional Center.
- October 1984 Seward quitclaimed the Spring Creek site to the State. Site preparation contract awarded.
- May 1985 The Legislature did not fund DOC's request for additional construction funds required to construct a 320 bed facility, instead the Legislature gave approval for Seward to finance the construction and lease the completed facility back to the State.
- June 1985 DOC increased RSA to DOT to \$19.2 million to cover State's share of construction costs.
- July 1985 The title to the project site reverted back to the City of Seward, as Seward was to finance the project. Project advertised for bids.

September 5, 1985 Bid opening held for construction of 320 bed facility. Samwhan America was low bidder at \$30,845,260 Original Completion Date: July 20, 1987.

September 7, 1985 Site preparation contract completed.

October 1, 1985 The lease agreement between the City and the State was signed.

October 11, 1985 A Transfer of Responsibility Agreement (TORA) between Seward and DOT/PF was signed.

October 17, 1985 A Project Management Agreement between the City and DOT/PF provided for DOT/PF oversight of the construction project. SLA 85

October 17, 1985 Contract awarded and notice to proceed was issued.

October 22, 1985 Pre-construction conference was held.

July 1986 DOC selected Correctional Center Superintendent, assigned him to Anchorage Central Office to work with Facilities Planners.

September 1986 Staffing patterns refined and 221 positions requested to operate the facility

November 1986 Samwhan submitted a claim for a time extension. Time extension was requested due to changed conditions.

February 1987 Federally funded technical assistance visit conducted by Robert Buchanan of Correctional Services Group, Kansas City, Missouri. Consultant Buchanan submitted report confirming accuracy of staffing plan and in fact, recommended more staff.

March 1987 Recruitment for local hire conducted in Seward by DOC and Department of Administration. Of 96 people who attended the 2 hour presentation, 87 registered to be tested for Correctional Officer I, and 67 actually returned over the next 2 days and were administered the test.

April 1987 Began placing orders for major equipment items required for the facility.

May 18, 1987 DOC Maintenance Foreman selected and assigned to Spring Creek. Scheduled to attend Correctional Officer Academy in June.

May 19, 1987 Claim is settled and contract is extended to November 30, 1987.

July 1987

Water utility and waste water treatment facility completed as well as all paving.

September 1987

Potential for 1-2 month additional time extension exists. DOT/PF predicts Samwhan can not meet November 30 completion date.

THE PRECEDING PAGES WERE TREATED AS
A UNIT IN THE ORIGINAL FILE.