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STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

cc
74B63

January 9, 1989

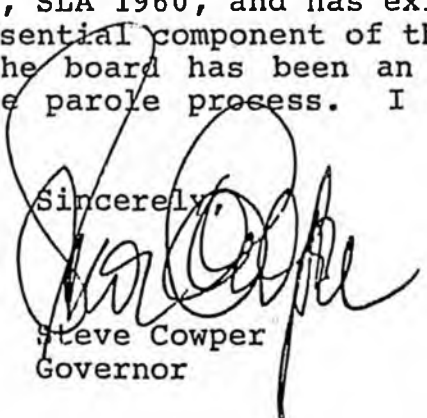
The Honorable Sam Cotten
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Cotten:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill extending the board of parole for the customary four-year period (see AS 44.66.010(c)). Under current law the board is scheduled to "sunset" June 30, 1989. Under AS 44.66.010(b), it will then go into its wind-down year.

Article III, sec. 21, of the Alaska Constitution requires a parole system to be provided by law. The state board of parole was created by ch. 81, SLA 1960, and has existed ever since. Parole remains an essential component of the state's criminal justice system. The board has been an effective vehicle in administering the parole process. I urge your support of this bill.

Sincerely,



Steve Cowper
Governor

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Continuing the state Board
of Parole
Sponsor: Rules/Governor
Requestor: House Finance

Agency Affected: Corrections
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

The proposed funding for the state Board of Parole is included in the Governor's FY 90 budget request for the Department of Corrections. See attached budget detail.

Prepared by: House Finance Committee Phone: 465-3727
Division: Co-Chairman Ron Larson Date: 2/10/89

Approved by Commissioner: [Signature] Date: _____
Agency: _____

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

07-20-01-05-00 (0-00-50520-0695)

STATE OF ALASKA -- COMPONENT BUDGET SUMMARY

SALSFRMA 14:14 1/03/89

AGENCY: DEPARTMENT OF CORRECTIONS
 CATEGORY: ADMINISTRATION OF JUSTICE

PROGRAM: ADMINISTRATION AND SUPPORT
 SUB-PROGRAM: PAROLE BOARD

LEG. FIN.

----- F I S C A L Y E A R 1 9 9 0 -----

EXPENDITURES & FUNDING	(01) FY88 ACT	(02) FY89 CC	(03) COL 03	(24) FY89 AII	(25) FY90DA5E	(26) FY90ADJD	(27) FY90 AGY	(28) FY90 GOV	(09) HOUSE	(10) SENATE	(11) C. C.	(12) BILLS	(13) LEG. REC.
01 PERS. SERV.	206.1	212.6		212.6	219.0	219.0	234.1	219.0					
02 TRAVEL	91.6	107.5		107.5	107.5	107.5	119.3	107.5					
03 CONTRACTUAL	82.0	72.6		72.6	72.6	72.6	82.9	72.6					
04 COMMODITIES	1.7	2.1		2.1	2.1	2.1	2.1	2.1					
05 EQUIPMENT	4.0												
06 LANDS/BLDGS													
07 GRANTS, CLMS													
08 MISC.													
** TOTAL EXPEND	385.4	394.8		394.8	401.2	401.2	438.4	401.2					
09 I-A TRANSFER		2.3		2.3	2.3	2.3	2.3	2.3					
1004 GEN FUND	385.4	394.8		394.8	401.2	401.2	438.4	401.2					
15 FULL TIME	4.0	4.0		4.0	4.0	4.0	4.0	4.0					
16 PART TIME													
17 TEMPORARY													
18 STAFF MONTHS	48.0	48.0		48.0	48.0	48.0	48.0	48.0					

(c) A prisoner who is not eligible for discretionary parole, or who is not released on discretionary parole, shall be released on mandatory parole for the term of good time deductions credited under AS 33.20, if the term or terms of imprisonment exceed 180 days.

(d) A prisoner released on discretionary or mandatory parole is subject to the conditions of parole imposed under AS 33.16.150. Parole may be revoked under AS 33.16.220. (§ 2 ch 88 SLA 1985)

Legislative history reports. — For House letter of intent related to this section, see 1985 House Journal, p. 821.

Sec. 33.16.020. Board of parole. (a) There is in the Department of Corrections a board of parole consisting of five members appointed by the governor, subject to confirmation by a majority of members of the legislature in joint session.

(b) Members of the board serve for staggered terms of five years and until their successors are appointed.

(c) The governor shall choose the presiding officer of the board from among the membership.

(d) The governor shall make appointments to the board with due regard for representation on the board of the ethnic, racial, sexual, and cultural populations of the state.

(e) The governor shall appoint at least one member who resides in the First Judicial District, one member who resides in the Third Judicial District, and one member who resides in either the Second or Fourth Judicial District. (§ 2 ch 88 SLA 1985)

Cross references. — For transitional provisions relating to board members, see § 8, ch 88, SLA 1985 in the Temporary and Special Acts.

NOTES TO DECISIONS

There is no authority which would sanction the expansion of the superior court's jurisdiction to pass sentence into a realm of review and modification which is statutorily vested in either the supreme court or the executive branch of government. *Davenport v. State*, Sup. Ct. Op. No. 1218 (File No. 2202), 543 P.2d 1204 (1975); *Szeratics v. State*, Sup. Ct. Op. No. 1525 (File No. 3390), 572 P.2d 63 (1977), decided under former AS 33.15.010.

Collateral references. — Statute conferring power upon administrative body in respect to parole of prisoners or discharge of parolees, as unconstitutional infringement of power of executive. 143 ALR 1488.

invasion. The governor, as provided by law, shall appoint all general and flag officers of the armed forces of the State, subject to confirmation by a majority of the members of the legislature in joint session. He shall appoint and commission all other officers.

Martial
Law

SECTION 20. The governor may proclaim martial law when the public safety requires it in case of rebellion or actual or imminent invasion. Martial law shall not continue for longer than twenty days without the approval of a majority of the members of the legislature in joint session.

* Executive
Clemency

SECTION 21. Subject to procedure prescribed by law, the governor may grant pardons, commutations, and reprieves, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law.

Executive
Branch

SECTION 22. All executive and administrative offices, departments, and agencies of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments, so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may be established by law and need not be allocated within a principal department.

Reorganization

SECTION 23. The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members

A PERFORMANCE REPORT ON THE
DEPARTMENT OF CORRECTIONS
ALASKA STATE BOARD OF PAROLE

July 1, 1984 - June 30, 1988

Audit Control Number

20-1346-89-R

Commissioner, Department of
Corrections

Susan Humphrey-Barnett

Deputy Commissioner, Department
of Corrections

J. Frank Prewitt

Members of the
Alaska State Board of Parole

Member
Member
Member
Member
Member

Donald R. Bruce
David F. Cooper
Mike Miller
Alonzo Patterson, Jr.
Dolores G. Weiler

STATE OF ALASKA

THE LEGISLATURE
BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
P.O. BOX W
JUNEAU, ALASKA 99811-3300

October 13, 1988

Members of the Legislative Budget and Audit Committee:

According to the provisions of Titles 24 and 44 of the Alaska Statutes, the Division of Legislative Audit is required to conduct a "sunset" review of the Alaska State Board of Parole.

At the request of the Chairman, during Fiscal Year 1988 budget deliberations, the Audit Division's budget was revised to reflect certain changes in the organization of the Committee's two Divisions. The revised budget of the Audit Division reflected efficiencies that might be obtained by utilizing the staff of the Legislative Finance Division on selected audit assignments during the interim.

As a result, the audit of the Alaska State Board of Parole was conducted and this report has been prepared by the Legislative Finance Division. We feel this report discharges our responsibility under Titles 24 and 44. The report is submitted for your review.



Randy S. Welker, CPA
Legislative Auditor
Division of Legislative Audit

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
P.O. BOX WF
JUNEAU, ALASKA 99811
PHONE: (907) 465-3795

August 8, 1988

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 and 44 of the Alaska Statutes (sunset legislation), the attached report is submitted for your review.

A PERFORMANCE REPORT
ON THE
ALASKA STATE BOARD OF PAROLE
July 1, 1984 - June 30, 1988

Audit Control Number

20-1346-89-R



Mike Greany, Director
Division of Legislative Finance

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PURPOSE AND SCOPE OF THE REPORT

PURPOSE

In accordance with Title 24 and 44 of the Alaska Statutes (sunset legislation), an examination of the activities of the Alaska State Board of Parole for the past four years was conducted to determine if the Board has been operating in an effective and efficient manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether the Alaska State Board of Parole should be reestablished. The law now specifies that the Board will terminate June 30, 1989, and have one year from that date to conclude its affairs.

SCOPE

The major areas of our examination were program evaluation, administrative functions, and board proceedings. We reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Discussions with Board members and staff.
3. Tests of records maintained in conjunction with review of statistics reported by the Board.
4. Complaints filed with the Attorney General's Office, the Ombudsman's Office, the Human Rights Commission, and the Equal Employment Opportunity Office.
5. Memos related to Board meetings.
6. Discussions with the Attorney General's Office.

ORGANIZATION AND FUNCTION

Article III, Section 21, of the Alaska Constitution states that a parole system shall be established by law. AS 33.16 is the law that establishes the Alaska State Board of Parole and its authority. The Board consists of five part-time members who are appointed by the Governor and serve without salary, although travel costs and per diem are provided. The Board has an administrative staff which currently consists of an Executive Director, Parole Board Officer, and two clerical personnel.

The Board basically conducts two types of hearings: release hearings and revocation hearings. By statute, an inmate may not be considered for parole release until a statutory minimum time in prison has been satisfied. Upon application, an eligible inmate will be considered for parole and appear before the Board. The Board will consider the case in view of certain criteria (e.g., institutional behavior, release plans, past record, recommendations, etc.). A parole decision will either release an inmate on parole, continue the case for future consideration, or deny parole. The Board is also responsible for setting parole conditions and supervising prisoners released on parole.

When it has been determined that a parolee has violated a law or condition of parole, the Board will hold a revocation hearing to decide upon the course of action to take in the case. The Board may choose to revoke the violator's parole and return the parolee to prison, whereby no credit is allowed against the sentence for time served on parole; parole may be revoked and the parolee reparaoled without time credited against the sentence for prior time on parole; or no action may be taken. The Board has the authority to establish terms and conditions of parole. Enforcement is accomplished through revocation proceedings.

In each parole release case, the Board weighs the benefits of granting parole release against the inherent risks involved. The benefits of parole embrace opportunities for successful community life and reduced monetary and social costs which follow successful parole release cases. The risks involve additional social and monetary costs that will result from parole violations.

The Board receives General Fund appropriations to support its operations. The Board's primary expenditures are for personal services relating to the administrative staff and travel associated with the various Board meetings and hearings.

REPORT CONCLUSION

Report Conclusion

Article III, Section 21, of the Alaska Constitution requires the establishment of a parole system. The current system comprises a parole release program administered by the Alaska State Board of Parole. We found no viable alternative to the present system at this time; therefore, in our opinion, the Board should continue to administer the parole release program.

The parole decision process requires a great deal of dedication, time, and effort on the part of the uncompensated Board members. We commend the members for their service in what is oftentimes a complex and difficult job.

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ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses of board activities relate to the public need factors defined in the "sunset" law. These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

- I. The extent to which the board, commission, or program has operated in the public interest.
 - A. Revised statutes and regulations have clarified procedures and guidelines for both the public and parolees/inmates.
 - B. Rights of parolees/inmates are scrupulously maintained.

- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.
 - A. The Board has identified specific objectives and has maintained proper information for performance evaluation.
 - B. The Attorney General's Office took nearly three years to review the draft parole guidelines, but the final document should be published in December of 1988.

- III. The extent to which the board, commission, or agency has recommended statutory changes which are generally of benefit to the public interest.

Statutes were completely revised by Chapter 88, SLA85.

- IV. The extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

The Board actively solicits input from interested persons and groups as well as receiving information from public comments to the Department of Corrections.

- V. The extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.

Public participation has been limited to the legislative hearings which resulted in the revision of the parole statutes.

- VI. The efficiency with which public inquires or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the Office of the Ombudsman have been processed and resolved.

A. Twenty cases were opened by the Ombudsman's Office since the last audit. Nine cases were declined, three discontinued, and the Ombudsman advised the inmate/parolee on proper procedures in six cases. Of two fully investigated cases, an error was found in an agency booklet concerning pardons (subsequently withdrawn for correction) and a parole revocation was found to be justified.

B. Complaints filed directly with the Department or the Board are handled as requests for rehearings or special hearings.

- VII. The extent to which a board or commission which regulated entry into an occupation or profession has presented qualified applicants to serve the public.

The Parole Board does not regulate an occupation or profession.

- VIII. The extent to which state personnel practice, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area or activity or interest.

All hires and Board appointments complied with appropriate regulations.

- IX. The extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

Additional staff may be necessary if the workload increases at the present rate (see Appendix A).

APPENDIX

(Intentionally left blank)

APPENDIX A

ALASKA STATE BOARD OF PAROLE

WORKLOADS

<u>Work Activity</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Parole Hearings	166	238	244	231	233	210
Mandatory Parole Revocation Hearings	7	26	37	40	57	128
Preliminary Revocation Hearings	26	32	26	31	67	75
Arrest Warrants Issued	27	45	41	88	86	151
Supplemental Mandatory Conditions Set	26	N/A	141	179	373	515
Emergency Conditional Commutation Release	none	104	107	174	350	0
Consider Non-Award of HB 106 Good Time	none	0	0	0	144	303
TOTAL	<u>252</u>	<u>445</u>	<u>596</u>	<u>743</u>	<u>1,310</u>	<u>1,382</u>

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STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF CORRECTIONS

REPLY TO:

P.O. BOX T
JUNEAU, ALASKA 99811-2000
PHONE (907) 465-3376

DEC 22 1988

December 15, 1988

Randy S. Welker
Legislative Auditor
Division of Legislative Audit
P.O. Box W
Juneau, Alaska 99811-3300

RE: Parole Board
Preliminary Audit Report

Dear Mr. Welker:

Thank you for the copy of the preliminary audit report on the Alaska Parole Board and for the opportunity to respond to the report.

We agree with the report conclusion and the analysis of public need. I would suggest several minor changes as noted below.

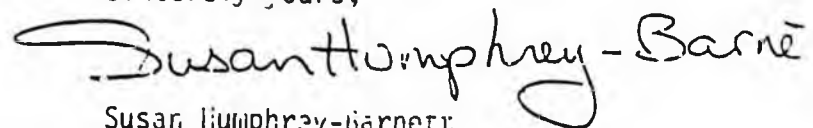
The last phrase of the 3rd sentence in the first paragraph on page 3 should be amended to read "although travel costs, compensation and per diem are provided."

The last sentence in the first paragraph on page 3 needs to reflect an administrative staff of Executive Director, Parole Administrator, Parole Board Officer, and one clerical personnel.

Finally, clarification needs to be provided on Appendix A attached to the report. In an attempt to keep the chart simple, the Parole Board did not provide the numbers of "other work activity" included in the totals for each year. In retrospect that was a mistake. A corrected appendix is attached for your information including the additional line with the accurate numbers for each of the years.

Please contact me or Parole Board Executive Director Sam Trivette if you need additional information.

Sincerely yours,



Susan Humphrey-Barnett
Commissioner