

HB

340

HOUSE COMMITTEE REPORT

(9)
Date Referred: January 10, 1994

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 3/2/94

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 340

HOUSE BILL NO. 340

NO FURLOUGHS FOR CERTAIN SEX OFFENDERS

"An Act prohibiting the furlough of sex offenders."

RECOMMENDATIONS: [] the same title
 be replaced with _____ [] a new title
 have attached amendments(s)
 do pass
 do not pass
 no recommendations
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____
 fiscal impact Corrections
 zero fiscal note Admin, Public Safety

APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____
 zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Don Bunde</i>	✓	<i>[Signature]</i>			X
<i>[Signature]</i>	✓	<i>[Signature]</i>		✓	
<i>[Signature]</i>	✓	<i>[Signature]</i>		✓	
		<i>[Signature]</i>		✓	
		<i>[Signature]</i>		✓	

Don Bunde
 CHAIRMAN'S SIGNATURE



Alaska State Legislature

House of Representatives
 COMMITTEE ON HEALTH, EDUCATION
 AND SOCIAL SERVICES

DATE: 3/2/94

PLACE: Capitol Room 106

SUBJECT OF MEETING:
 * HB 340: NO FORGIVENESS FOR CERTAIN SEX OFFENDERS
 * HB 337: DRUG FREE RECREATION AND YOUTH CENTERS
 * HJR 52: INCREASE IN FEDERAL MEDICARE FUNDING
 * INNOVATIVE FIRST PUBLIC HEARINGS

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Margene Ewing ✓	SELF	203 W 3rd B Juneau AK	99804	586-2231	465-3205	(Y) N	HB 340
Gerald W. Bailey ✓	GHS	5597 Aisek Juneau, AK	99801	780-4338	780-4338	(Y) N	HB 340
Cindy Smith ✓	NETWORK on Arm. Violence	#130 Seward # 501	99801	4633350	5863850	(Y) N	340
Diane Schenker ✓	DOC	2200 E. 42nd Ave. Anch. AK	99508		561-4424 465-4643	IF QS (Y) N	HB 340
Caren Robinson ✓		P.O. Box 33702 Juneau, AK 99803		5861101	same	(Y) N	HB 340
Kim Burch ✓	DHSS	AOD Juneau		465-3355 →		(Y) N	HJR 52
Jayne Andersen ✓	CDVSA	Box 11700 Juneau	99811		465-4356	(Y) N	HB 340
						Y N	
						Y N	
						Y N	
						Y N	



Alaska State Legislature
 House of Representatives
 COMMITTEE ON HEALTH, EDUCATION
 AND SOCIAL SERVICES

SUBJECT OF MEETING:

DATE: 3-2-94

PLACE: Capitol Room 106

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
SHERIE GOLL ✓	Alaska Women's Lobby	P.O. Box 22156 Juneau	99802		463-6744	<input checked="" type="radio"/> Y	<input type="radio"/> N	HB 340
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	


March 2, 1994

For the past fifteen years we Alaskans have been asking ourselves, and each other, to comprehend the grim truths of sexual assault. We have all had to cast aside many of our fundamental assumptions of safety to be able to acknowledge that these crimes exist. We, as a society, have sent increasingly loud messages to sexual assault victims: that we believe they deserve advocacy and support services, that we believe they ARE victims of serious crime, and that there be consistent punitive measures placed upon the offenders of these crimes. Our statutes reflect these beliefs.

More and more adult and child sexual assault victims trust these messages, are overcoming great personal and social inhibitions, and are reporting the crimes. We continue to encourage them to do so.

How can we afford any consideration of early release for sexual assault offenders? This could greatly compromise victims' safety. This could be broadly interpreted as a fundamental shift of our state's position of the gravity of these crimes. This message will ring loudly and clearly to offenders. Many will be delighted to interpret early release as a message of "no big deal".

I urge support for HB 340, which would enhance, rather than discredit, Alaska's maturing position regarding crimes of this type.

Hollis A. B. Hamel 
P.O. Box 1184
Bethel, Alaska 99559



STATE OF ALASKA

LEGISLATIVE AFFAIRS AGENCY

DIVISION OF PUBLIC SERVICES

DATE: 3-2-94

Please accept the enclosed original(s) of written testimony for the HB 340 teleconference hearing that was scheduled on 3-2-94.

A copy of this testimony was transmitted to your committee via fax on 3-2-94.

Thank you,

Dee Carroll

LTN1100-R01
03/03/94

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 01
09:18:25

TCF 40405 DATE & TIME: 03/02/94 15:00 TO 17:00 STATUS:7 STATS. IN

**** ORDER SUMMARY ****

SPONSOR: HHS HOUSE HEALTH, EDUCATION AND SOCIAL SERVI CHAIRS: TOOHEY
PURPOSE: PUB PUBLIC HEARING LEGISLATIVE BUNDE
CONTACT: LYNNE SMITH TEL#: (907)465-6825
CHAIRING SITE: JUNEAU CAPITOL CAP106

TESTIMONY WILL BE TAKEN WITH A 5 MINUTE LIMIT.

HB409 IS LISTEN ONLY

TCN REQUESTED ON 03/02/94 AND HAS 3 UPDATES

**** AGENDA ****

- 1 HB 340 NO FURLOUGHS FOR CERTAIN SEX OFFENDERS
- 2 HB 409 AFDC DEMO PROJECT AND DECREASE
- 3 HB409 IS LISTEN ONLY

**** PARTICIPATING LIOS ****

ANC ANCHORAGE	716 W 4TH. #200	LOCATION STAFF
BET BETHEL	301 WILLOW ST.	LOCATION STAFF
FBX FAIRBANKS	119 N CUSHMAN ST	LOCATION STAFF
* JNU JUNEAU	CAPITOL	LOCATION STAFF
VAL VALDEZ	STATE BLDG. #13	LOCATION STAFF

**** VOLUNTEER & OFFNET SITES ****

227 OF1 OFFNET 1	ANCHORAGE	BOB WEINAR	(907)276-3180
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PARTICIPANTS IN: ANCHORAGE

ANC

1	BEVERLY CHURCHILL	STAR	UNABL HB 340
	360 W BENSON, STE 201	ANCHORAGE	AK 99503 (907)563-9981

PARTICIPANTS IN: BETHEL

BET

1	FAUL SMITH		TSFY. HB 340
	BOX 1114	BETHEL	AK 99559 (907)543-3415
2	LAUREE HUGONIN	TWC	TSFY. HB 340
	BOX 1537	BETHEL	AK 99559 (907)543-3455
3	HOLLIS HAMEL	TWC	TSFY. HB 340
	BOX 1537	BETHEL	AK 99559 (907)543-3444
4	MARIANNE SHARP	TWC	OBVS. HB 340
	BOX 1537	BETHEL	AK 99559 (907)543-3455
5	MEGHAN SULLIVAN	TWC	OBVS. HB 340
	BOX 1537	BETHEL	AK 99559 (907)543-3455
6	MARY PETE		OBVS. HB 340
	BOX 2071	BETHEL	AK 99559 (907)543-3074

PARTICIPANTS IN: FAIRBANKS

FBX

1 MR	BILL ALLEN	NORTH STAR RES	TSFY. HB 340
	P.O. BOX 73765	FAIRBANKS	AK 99707 (907)451-8448
2 MS.	TANYA MERDES		TSFY. HB 340
	1331 GREAT VIEW LANE	FAIRBANKS	AK 99701 (907)457-1019
3 MRS.	MARJORIE HOWARD		TSFY. HB 340
	153 DOME ROAD	FAIRBANKS	AK 99709 (907)479-2603
4 MR.	ROBERT HOWARD		TSFY. HB 340
	153 DOME ROAD	FAIRBANKS	AK 99709 (907)479-2603

PARTICIPANTS IN: JUNEAU

JNU

LTN1100-R01
03/03/94

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 02
09:18:25

TCN: 40405 DATE & TIME: 03/02/94 15:00 TO 17:00 STATUS:7 STATS. IN

PARTICIPANTS IN: JUNEAU

JNU

1 MS	CHRISTINE EWING	JNU	TSFY. HB 340
		JNU	AK (907)000-0000
2 MS	KAREN ROBINSON	JNU	TSFY. HB 340
		JNU	AK (907)000-0000
3 MS	SHERRI GALL		TSFY. HB 340
			AK (907)000-0000

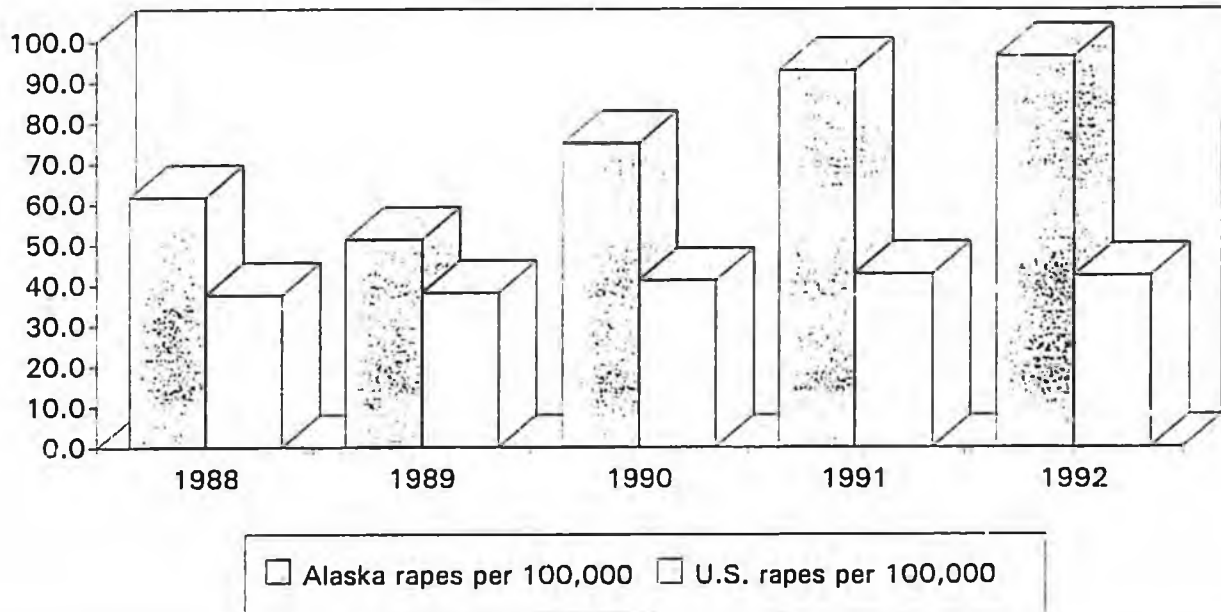
Rates of Reported Forcible Sexual Assault

	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>
Alaska					
State Population	531,300	540,522	550,040	570,300	586,900
Number of Rapes	328	277	413	530	566
Alaska rapes per 100,000	61.7	51.2	75.1	92.9	96.4

-United States

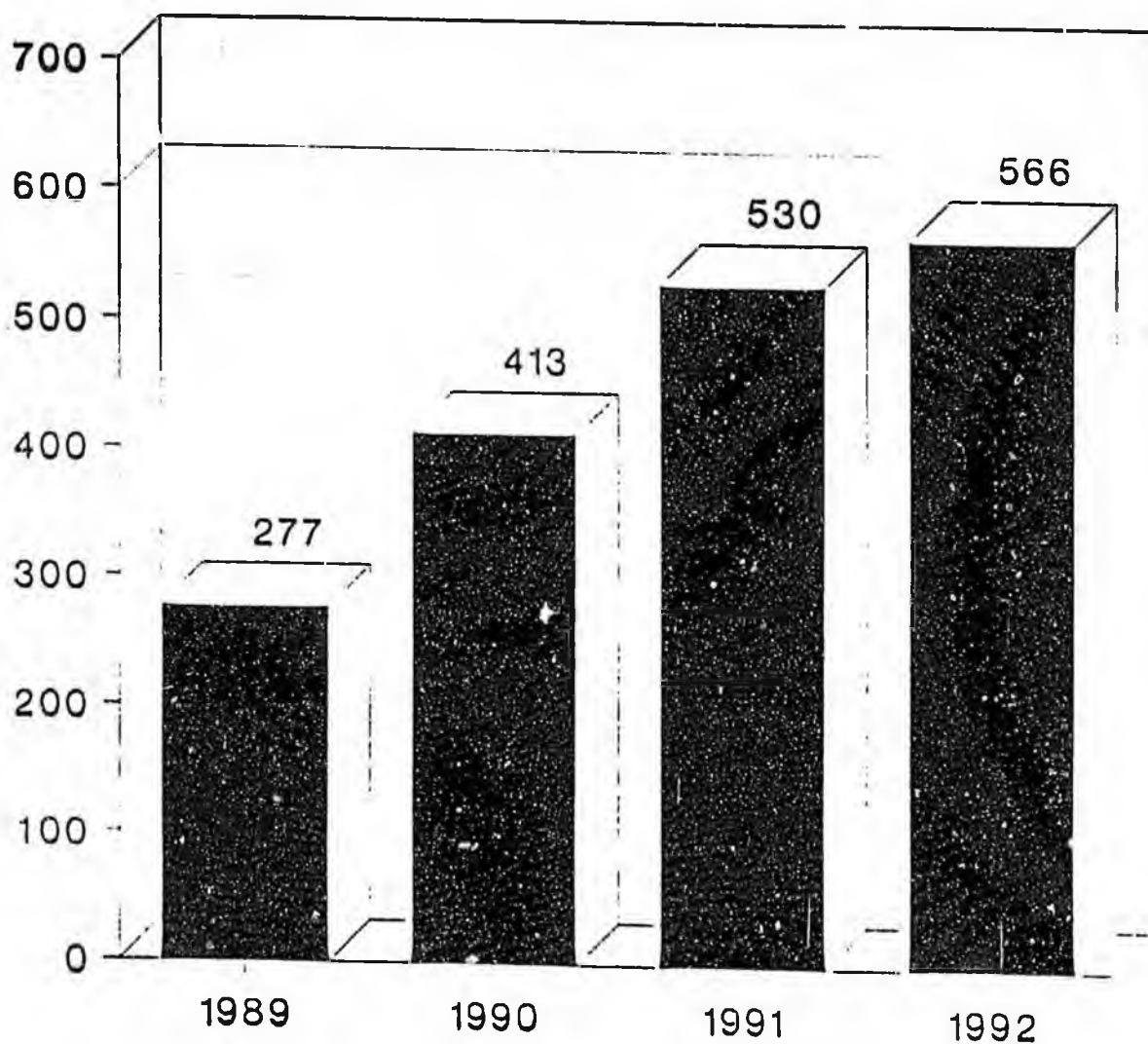
Number of Rapes	92,486	94,504	102,555	106,593	109,062
U.S. rapes per 100,000	37.6	38.1	41.2	42.8	42.3

**Rates of Reported Forcible Rapes per 100,000
Alaska vs. National Average**



Rape in Alaska

Numbers of Reported Rapes



Uniform Crime Report

Source: Dept. Public Safety UCR
Provided by Alaska Network on
Domestic Violence & Sexual Assault

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 340

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act prohibiting the furlough BRU: Statewide Operations
of sex offenders Component: Institutions
 Sponsor: Rep. Farnell
 Requestor: House HESS COMPONENT SERIAL NO. 707-726

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	907.2	907.2	907.2	907.2	907.2	907.2
TOTAL OPERATING	907.2	907.2	907.2	907.2	907.2	907.2

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	907.2	907.2	907.2	907.2	907.2	907.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	907.2	907.2	907.2	907.2	907.2	907.2

Estimate of any current year (FY94) cost: \$ 0

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Please see the attached fiscal analysis.

Prepared by: Diane Schenker, Special Assistant Phone: 465-4643/786-2147
 Division: Office of the Commissioner Date: 2/28/94
 Approved by Commissioner: J. Frank Prewitt, Jr. Date: 2/28/94
 Agency: Department of Corrections

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The bill would restrict sex offenders' eligibility for prerelease and short-duration furloughs.

Assumptions

1. The department revised its prerelease furlough policy this year in order to comply with legislative intent language contained in the FY94 budget encouraging at least six-month prerelease furloughs for most inmates. Under the revised prerelease furlough policy currently in effect, there were 27 sex offenders reviewed between December 20 and February 20. Out of 27 cases reviewed, 15 resulted in prerelease furloughs and 12 were denied. It is assumed that if 15 sex offenders were furloughed in a two-month period, that 90 sex offenders would be furloughed in a one-year period.
2. It is assumed that the length of prerelease furlough for sex offenders (and offenders in general) will be at least six months in duration, based upon the legislative intent language referenced above.
3. The average daily operating cost of a bed in a state correctional institution is \$113 per day.
7. The average statewide daily cost of a Community Residential Center bed is approximately \$57 per day.
8. If sex offenders are not furloughed, they will spend six months in higher-cost state correctional center beds instead of lower-cost CRC beds. Increased operating expenses computed below are reflected under "miscellaneous" on the fiscal note because the expense is based on average costs in institutions and includes some overhead expenses.
9. If sex offenders are precluded from furloughs, other offenders currently housed in state correctional beds, such as misdemeanants, would be diverted to the CRC beds intended for furlougees. CRC beds are currently about 100% utilized, state correctional centers are over 100 inmates past emergency capacity, and there are hundreds of offenders on court-ordered report waiting lists to serve sentences for DWIs and other misdemeanor offenses. The more of these offenders who can be housed in lower-cost community alternatives, the lower the department's operating expenses.

Operating Expenses

90 sex offenders per year X \$113 per day X 180 days = \$ 1,830,600
90 sex offenders per year X \$ 57 per day X 180 days = \$ 923,400
\$1,830,600 institutional cost minus \$ 923,400 CRC cost = \$ 907,200 higher cost per year

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 340

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act prohibiting the furlough of sex offenders" BRU: Public Defender Agency
 Component: Public Defender Agency
 Sponsor: Rep. Pamell, Phillips
 Requestor: (H) Hes COMPONENT SERIAL NO. 1631

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared by: John Salemi, Public Defender Phone: 264-4400
 Division: Public Defender Agency Date: _____
 Approved by Commissioner: Nancy Bear Usura Date: 3/1/94
 Agency: Administration

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 340

Revision Date: _____
Title: 'An Act prohibiting the furlough
of sex offenders.'
Sponsor: Representatives Pamell, Phillips
Requestor: House HES

Department Affected: Administration
BRU: Office of Public Advocacy
Component: Office of Public Advocacy

COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUNDING SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 94) cost: \$ 0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Brant McGee
Division: Office of Public Advocacy

Phone: 274-1684
Date: _____

Approved by Commissioner: Nancy Bear Usara
Agency: Department of Administration

Date: 5/1/94

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO: HB 340

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An act prohibiting furlough for sex offenders." BRU: Alaska State Troopers
 Sponsor: Rep. Parnell Component: Detachments
 Requestor: Rep. Parnell COMPONENT SERIAL NO. 799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

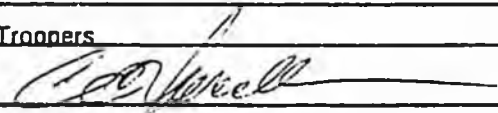
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)
No fiscal impact anticipated.

Prepared By: Frank Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 03/01/94
 Approved by Commissioner:  Date: 03/01/94
 Agency: Richard L. Burton, Dept. of Public Safety

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Alaska State Legislature

REPRESENTATIVE
SEAN R. PARNELL



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ANCHORAGE, ALASKA 99501
(907) 258-3194

While in Juneau
STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-2905

HOUSE OF REPRESENTATIVES

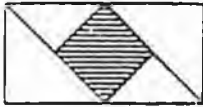
Sponsor Statement

House Bill 340 Prohibiting the Furlough of Sex Offenders

The Department of Corrections recently revised their matrix scoring system which determines inmate eligibility for pre-release furloughs to halfway houses. The net result of this change is substantially higher numbers of untreated sex offenders have been and will continue to be furloughed into communities.

Although the Department is under considerable financial constraints, this shift in policy has ultimately resulted with misdemeanants in prison facilities and sex offenders in halfway houses.

This bill prohibits the furlough of sex offenders except for secure medical, psychiatric or substance abuse treatment or if the prisoner is in direct custody of a correction officer while outside the correctional facility.



anchorage
TFSA

February 1, 1994

The Honorable Sean Parnell
Alaska State Legislator
716 W. 4th, Suite 320
Anchorage, AK 99501-2123

Dear Representative Parnell:

The Anchorage Task Force on Sexual Assault is very concerned about the recent practice of presumptive prerelease furloughs of untreated sex offenders. There are several areas of concern we would like to share with you at this time.

Currently, Alaska's numbers of reported rape are higher than at any time in the recent past. Reported rapes increased by 91% during 1989 and 1991 with the rate of remaining constant during 1992. There are only a few means at our disposal to address this crisis and to attempt a reduction in the number of victims. One is through prosecution of these crimes, which the Anchorage Task Force on Sexual Assault has advocated for actively. Another is through ensuring that untreated sex offenders, who are known to have an extremely high recidivism rate, are removed from our communities for as long as possible. A system which releases untreated sex offenders into the community before the completion of their sentence literally endangers the citizens of Alaska.

* While furloughed sex offender may be monitored in the halfway houses, we are not aware of any staff members in the community release programs who have been trained to work with untreated sex offenders. Community treatment programs will be unable to work with untreated sex offenders for the most part, and are not equipped in any event to deal with such a dramatic increase in numbers of this population. Since we know that many sex offenders are repeat offenders, this lack of appropriate supervision in the community release programs is alarming.

Another area of concern is with the current furlough matrix which governs the early release of untreated sex offenders. The matrix offers artificial guidelines for assessing the risk of an offender. A current and well documented report, the Able study, clearly illustrates that there is significant cross over between the classifications of sex offenders. The matrix attempts to distinguish sex offenders and to classify them as being more or less of a danger to society. Such classification is proven false. Sex offenders not only have an extremely high rate of recidivism but, have multiple sexual deviations. To measure risk based on the current matrix is dangerous.

The Anchorage Task Force on Sexual Assault is aware of the complex problems facing the Department of Corrections in regard to overcrowding and expenses. Providing furlough to untreated sex offenders, however, potentially exacerbates the current crisis of sexual assault which is plaguing public safety in Alaska.

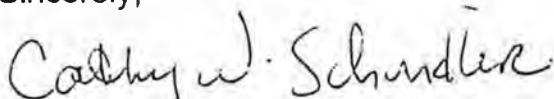
Anchorage Task Force on Sexual Assault

SAFE City Program, DHHS, MOA ♦ P.O. Box 196650 Anchorage, AK 99519 ♦ (907) 343-6302

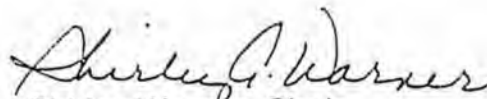
The Task Force urges you to not include sex offenders under the presumptive prerelease policy unless they have successfully completed treatment. Under the current system there is no incentive for participation in a treatment program. Members of the Task Force are willing to work with the Department in anyway which would provide an alternative solution to the early release of untreated offenders.

Thank you for your consideration of our collective concerns. Please feel free to contact the Task Force should there be any questions or if we may provide assistance. Thank you.

Sincerely,



Cathy W. Schindler
Anchorage Task Force on Sexual Assault/
Legislative Committee Chair



Shirley Warner, Chair
Anchorage Task Force on
Sexual Assault

State of Alaska Department of Corrections Policies and Procedures	Index: 818.02	Page 1 of 8
	Effective Date: 12-27-93	
	Distribution: A, B, C	
Approved by: J. Frank Prewit, Jr. Commissioner	Chapter: Release Preparation and Temporary Release	
Subject: Prerelease Furlough		

I. AUTHORITY:

In accordance with AS 44.28.030, AS 33.30.021 and 22 AAC 05.155, the Department of Corrections will establish and maintain a manual of policies and procedures to interpret and implement the statutory and regulatory duties of the department.

II. REFERENCES:

Alaska Statutes

33.30.011	Duties of Commissioner
33.30.091	Designation of Programs
33.30.101	Furloughs
33.30.111	Prerelease Furloughs
33.30.131	Furlough Involving Employment
33.30.141	Effect of Violation of Furlough Conditions or Failure to Return
33.30.901	Definitions

Alaska Administrative Code

22.05.260	Appeals Procedure
22.05.310	Furlough for Prisoners Outside Alaska
22.05.316	Furlough
22.05.321	Prerelease Furlough
22.05.331	Furlough Involving Employment
22.05.335	Violation of Furlough Conditions
22.05.660	Definitions

III. APPLICABILITY:

All employees; Community Residential Program providers; and sentenced prisoners.

IV. DEFINITIONS:

Community Residential Program (CRP): A program approved by the department to supervise offenders who are under the department's jurisdiction, outside a state correctional center. A program designed specifically to supervise offenders under the jurisdiction of the department, such as a private contract facility or an Intensive Furlough Supervision Program, must meet operating standards designed by the department. A program which provides services to clients who are not under the jurisdiction of the department, such as a substance abuse treatment center or hospital, may be approved by the department to supervise furloughees if the program's supervision standards meet the minimum supervision standards required under this policy.

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V. POLICY:

A sentenced prisoner will be granted a prerelease furlough during at least the last six months of incarceration unless the prisoner's potential for reformation is considered so minimal, and the immediate threat to public safety is considered so great that these factors clearly outweigh the benefits to the public and the prisoner of gradual reintegration into society prior to release from custody. Prisoners who are of close or maximum custody grade, or category I or II sex offenders who have not completed a Department of Corrections approved institutional sex offender treatment program, are an exception to this policy. It has been determined that such offenders pose an immediate threat to public safety which clearly outweighs any potential for reformation to be gained by furlough placement.

VI. PROCEDURES:

A. Review of Prisoners Eligible for Consideration of Prerelease Furlough

1. In accordance with Policy 818.03 (Victim Notification), the victims of a prisoner's crime will be notified of that prisoner's eligibility for prerelease furlough consideration. The probation officer shall make such notification:
 - a. upon receipt of a written request from a prisoner eligible under VI.A. 2, or
 - b. at least 30 days prior to the time a prisoner meets the eligibility criteria under VI.A.3.
2. Prisoners sentenced to one year or less: The assigned probation officer shall complete the Prerelease Furlough Matrix (20-818.02A) for a prisoner sentenced by the court to a composite term of one year or less or returned to custody by the Parole Board for a period of incarceration of one year or less.

QUALIFYING CRITERIA:

- a. Has not been found guilty of a high moderate or major infraction within the past 120 days of incarceration, and has no pending disciplinaries at any level;
- b. Requests in writing to be considered for a prerelease furlough.

APPROVING AUTHORITY:

- a. The holding facility superintendent is the approving authority for prisoners holding medium and minimum custody grades;
- b. The superintendent shall complete section G or H of the furlough Form and, if the furlough is approved, may modify any sections of the furlough conditions;
- c. Reduction to community custody becomes effective upon transfer to the CRP. The superintendent shall complete the information required in section H.

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Subject: **Prerelcase Furlough**

3. Prisoners sentenced to more than one year: The probation officer shall complete the Prerelcase Furlough Matrix (20-818.02A) for a prisoner sentenced by the court to a composite term of more than one year, or returned to custody by the Parole Board for a period of incarceration of more than one year.

CRITERIA:

- a. Has served at least one third of the sentence [(sentence imposed minus good time) divided by three] and has at least 60 days remaining to a firm release date;
 - b. Has not been found guilty of a major or high moderate infraction within the past 120 days of incarceration and has no pending disciplinaries at either of those levels;
 - c. If minimum custody grade, is within 38 months of a firm release date;
 - d. If medium custody grade, is within 14 months of a firm release date; and
 - e. Does not have an active detainer of any kind.
4. A prisoner who is pending possible revocation of probation or parole (i.e., a petition to revoke has been filed) due to failure to satisfy court-ordered program requirements during incarceration is not eligible for prerelcase furlough consideration.
 5. After completing the Prerelcase Furlough Matrix, the probation officer shall have the prisoner sign the form indicating whether the prisoner requests consideration for a prerelcase furlough. If the prisoner refuses to sign the form or does not wish to be considered, the probation officer shall forward a copy of the form to Central Classification for data collection purposes.
 6. If the prisoner requests prerelcase furlough consideration, the probation officer shall complete the Prerelcase Furlough Application/Agreement Form (20-818.02B), sections A through E and forward the form and attachments to the Superintendent. Special conditions requested by the Probation Officer or Superintendent should be noted in sections E and F respectively.
 7. If the prisoner is incarcerated in a contract facility outside the state, the furlough criteria of both the contracting agency and the Alaska Department of Corrections must be met before a prisoner may be placed on prerelcase furlough. Central classification will respond to any furlough requests received from an out-of-state contracting agency.

APPROVING AUTHORITY:

- a. For prisoners sentenced to more than one year, the Chief Classification Officer shall complete sections G or H and, if the furlough is approved, will impose any special conditions and record same in section I.
- b. Reduction to community custody becomes effective upon transfer to a Community Residential Program. The Chief Classification Officer shall complete the information required in section H.

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- c. If the prerelease furlough is approved, the form shall be returned to the institution and a copy retained in Central Classification. The probation officer shall review the form with the prisoner, and have the prisoner sign under section K. The probation officer shall complete section L and arrange for the prisoner's placement in an approved CRP, or on the waiting list for a CRP. If the prisoner refuses to sign the Agreement, the probation officer shall forward a copy of the refusal to Central Classification for data collection purposes.

Note: A prisoner who is ineligible for a prerelease furlough or, if eligible refuses such placement, is ineligible for any kind of furlough or other community based activities

- d. If, while awaiting actual placement in a CRP, the prisoner becomes ineligible for a prerelease furlough due to disciplinary infractions or failure to continue compliance with court ordered or recommended programming, the institutional probation officer shall inform Central Classification, who may rescind the prior approval of prerelease furlough after giving the prisoner an opportunity to comment in writing on the proposed rescission.

B. Denial of Prerelease Furlough

1. Denial of Prerelease Furlough will be indicated in section G of the Furlough Application/Agreement.
2. Notice of the denial will be sent to the holding facility by OBSCIS or other expedient means.
3. The institutional probation officer shall deliver a copy of the notice to the prisoner. The later will acknowledge receipt by signing the notice. If the prisoner refuses to sign the document it will be so noted and placed in the prisoner's main institutional file.
4. The prisoner will be given a copy of the notice of denial.
5. The prisoner may appeal to the Deputy Commissioner, through the institutional probation officer, any aspect of a furlough action.

C. Prerelease Supervision

1. The probation officer responsible for caseload supervision of a furlougee (furlough officer) shall be designated by the Director of Institutions, unless the furlougee is participating in the Intensive Furlough Supervision Program, in which case the furlough officer shall be a probation officer designated by the Director of Community Corrections.
2. The furlough officer shall maintain the prisoner case record for a furlougee, coordinate movement between CRPs if authorized by the Prerelease Furlough Agreement, and ensure that prerelease procedures and other case management duties which cannot be performed by the CRP are followed according to department policies.

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D. Minimum Operating Standards for a CRP

1. The restrictions and supervision required for a prerelease furlough shall provide safeguards that minimize risk to the public and include, as a minimum:
 - a. frequent contact with the furlougee by the CRP staff;
 - b. knowledge by CRP staff of the location of the prisoner;
 - c. periodic reports by the CRP to the department on the furlougee's performance; and
 - d. a residential setting in which CRP staff are obliged to immediately report to the department any violation of a condition set for the furlougee's conduct.
2. The Director of Community Corrections shall approve standards for the operation of a CRP before authorizing the CRP to supervise furlougees. The Director shall maintain a list, updated at least annually, of CRPs approved for furlough placements, and make the list available to superintendents, institutional probation officers, and the Chief Classification Officer. The list shall include, at a minimum, the following information:
 - a. location of the CRP;
 - b. eligibility criteria for admission;
 - c. minimum and maximum length of placements;
 - d. maximum length of time and conditions under which a furlougee may be authorized to be away from the residence, if any, including the minimum level of surveillance required when the furlougee is away from the residence, and
 - e. a description of any phase, step, or level program.

E. Employment and Financial Requirements for Prerelease Furloughs

1. A furlougee may be permitted to participate in suitable employment under conditions and at wages that represent the prevailing standard for the area. A furlougee may not participate in employment where an organized labor dispute is in progress.
2. A furlougee who is allowed to secure employment outside the facility shall request the employer to send all paychecks directly to the CRP manager. If such an arrangement is not possible, the manager may authorize the furlougee to deliver the paychecks to the CRP.
3. The CRP manager is responsible for collecting, safekeeping, accounting, reporting, and disbursing all monies received from or on behalf of a furlougee. Any disbursement from the furlougee's account must be authorized by the CRP manager in accordance with the furlougee's approved budget plan.

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4. A furlougee is required to pay the State of Alaska one-fourth (25%) of gross earnings for the cost of care in the CRP. However, this payment may not exceed the actual cost of participation in the CRP, as established by the Director of Community Corrections. The CRP manager shall transmit to the department each month a check payable to the State of Alaska in the total amount of all cost-of-care payments collected from the furlougees in the CRP. The CRP manager shall disburse the remainder of the furlougee's earnings according to a budget approved by the furlough officer, reflecting the following order of priority:
 - a. child support payments as required by AS 25.27.062;
 - b. any restitution or fine ordered by the court;
 - c. a civil judgement arising out of the criminal conduct of the furlougee;
 - d. reimbursement to the state for an award made for Violent Crimes Compensation under AS 18.67;
 - e. outstanding restitution or reimbursement resulting from a disciplinary sanction; and
 - f. the prisoner's account.
5. Only earnings retained by the CRP manager under IV. E. 4. f are subject to lien, attachment, garnishment, execution, or other proceedings to encumber money or property.

F. Violations of Prerelease Furlough Conditions

1. If a violation of the conditions of the prerelease furlough is alleged, the CRP manager shall immediately notify the furlough officer or, if the furlough officer is unavailable, the shift supervisor of the appropriate state correctional institution designated on the Prerelease Furlough Agreement. The CRP manager shall forward a written report to the furlough officer by the end of the next working day.
2. If, as a result of the alleged violation, the furlough officer or shift supervisor determines that a furlougee presents an immediate threat to public safety or to the security of the CRP, the furlough officer or shift supervisor may arrange with the superintendent of the appropriate state correctional facility to have the furlougee returned to the state correctional facility. If there is a dispute between the furlough officer or shift supervisor and the superintendent as to the need to return the prisoner to confinement, the prisoner shall be returned to confinement and the question referred to the Chief Classification Officer for a final decision.
3. A furlougee who is alleged to have violated the conditions of a furlough but who does not, in the opinion of the furlough officer or shift supervisor, present a threat to the public safety may not be returned to actual confinement in a state correctional center until a preliminary hearing is held at which a determination is reached that there is probable cause to believe that the violation(s) occurred. The hearing shall generally be conducted by the furlough officer, however, the furlough officer may designate another person who was not involved in the allegation of violation of conditions of furlough to act as the hearing officer.

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- a. The furlougee is entitled to at least 12 hours' advance written notice of the preliminary hearing, and the notice must inform the furlougee that the purpose of the hearing is to determine whether probable cause exists to believe that the furlougee has violated the conditions of the furlough, and what conditions are alleged to have been violated.
 - b. The furlougee is entitled to appear and speak on his or her own behalf, present letters, documents, or individuals who can give relevant information to the hearing officer, and upon request, have any person who has given information adverse to the prisoner questioned in the presence of the furlougee unless the hearing officer determines that the person would be subjected to risk of harm if the person's identity were disclosed.
 - c. A copy of the written summary of the hearing officer's decision which summarizes the evidence in support of a violation, the furlougee's responses and position, and includes the determination as to whether probable cause exists to believe the prisoner has violated the conditions of the furlough shall be delivered to the furlougee and the original placed in the prisoner case record.
4. A furlougee returned to actual confinement in a state correctional facility under V. F. 2 or 3 must be granted a classification hearing within seven days to determine whether the prerelease furlough will be terminated or continued and to consider a custody increase for a prisoner whose furlough is terminated. In addition, the furlougee is also subject to disciplinary sanctions as set out in 22 AAC 05.400-480.
 5. If the furlough is continued, the furlougee shall be returned to a CRP as soon as space is available or placed on the waiting list for space if it is not available.

G. Failure to Return or Be At Authorized Location

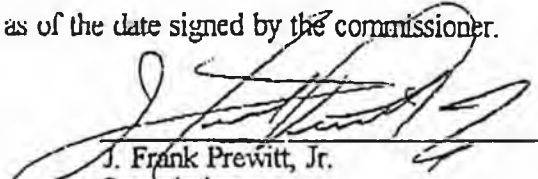
1. The failure of a furlougee to return to the place of confinement or residence within the time specified by those having direct supervision over the furlougee is an unlawful evasion under AS 11.56.340 - 350 and the furlougee is subject to criminal prosecution as well as termination of the furlough and disciplinary action.
2. Within one hour of determining that a furlougee is not present at the authorized residence or other location authorized in writing by the CRP manager, the CRP manager shall notify the furlough officer, or if the furlough officer is unavailable, the shift supervisor of the appropriate state correctional institution designated on the Prerelease Furlough Agreement. The furlough officer or shift supervisor shall immediately notify law enforcement officials, at which point the prisoner is considered to be on escape status.

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VII. IMPLEMENTATION:

This policy and procedure is effective as of the date signed by the commissioner.

12/29/93
Date


J. Frank Prewitt, Jr.
Commissioner

Forms applicable to this policy:

- 20.818.02A Prerelease Furlough Matrix
- 20.881.02B Prerelease Furlough Application and Agreement

FURLOUGH SCORING MATRIX

Prisoners Name _____ DOB _____ OBSCIS _____

Custody _____ PRD _____ Institution _____

Offense(s) _____ Sentence _____

- ___ 1. Age at date of first criminal conviction.
0 = over 25 2 = 20-24 3 = 19 or under

- ___ 2. Prior felony convictions (count multiple convictions stemming from one incident as one conviction)
0 = none 2 = 1-2 3 = 3-5 5 = over 5

- ___ 3. Convictions for crimes against persons (AS 11.41) or Arson I (AS 11.46,400)
-5 = none 5 = past 10 = current 20 = past and current

- ___ 4. Current offense is Murder I or II, Kidnapping, Assault I or II AND offender used a weapon (other than a motor vehicle) against a victim who was unknown to the offender prior to the offense (random victim).
0 = no or N/A 20 = yes

- ___ 5. Total high moderate and major disciplinarys during this incarceration.
0 = none 1 = 1 2 = 2 3 = 3 4 = 4 5 = over 4

- ___ 6. Total drug/alcohol related disciplinarys during this incarceration
0 = none or N/A 1 = one 2 = two +5 = three or more

- ___ 7. Length of time, during this incarceration, without major or high moderate infraction, counting back from present
0 = 1 year or less -3 = 1 to 2 years -5 = 2 to 4 years -8 = 4 to 7 years
-10 = 7 years or more

- ___ 8. Used drugs/alcohol during current offense(s)
0 = no 5 = yes

- ___ 9. Prisoner has satisfactorily completed substance abuse program during this incarceration.
-5 = yes 0 = no

- ___ 10. Prisoner has completed self betterment programs other than substance abuse or sex offender treatment during this incarceration.
-5 = yes 0 = no

- ___ 11. Status of prior furlough(s) including this incarceration.
-5 = completed 0 = N/A 5 = failed to complete

- ___ 12. Comments from victim(s)
-5 = support 0 = none or N/A 3 = oppose 5 = strongly oppose

- ___ 13. Prior violation of "no contact" or restraining order against victim(s) of violent crime(s)
0 = no or N/A 10 = yes; by phone, mail, or third party only 15 = yes, in person

- ___ 14. Probation Officer recommendation
-10 = strongly support -5 = support 0 = none 5 = opposed 10 = strongly oppose

- ___ 15. SUB-TOTAL SCORE

16. Sex Offender Scoring Matrix

Category of Offense	Refuse Disch	TX Not Avail	Pre-TX Beg TX	Interm TX	Adv TX	Comp TX
I.	Not Elig.	Not Elig.	Not Elig.	Not Elig.	Not Elig.	0
II.	Not Elig.	Not Elig.	Not Elig.	Not Elig.	Not Elig.	-5
III.	15	10	5	0	-5	-10
IV.	10	5	0	-5	-10	-15
V.	5	0	-5	-10	-15	-20
VI.	0	-5	-10	-15	-20	-25

I. = Violent Sexual Assault: Offender uses violence or the threat of violence to sexually penetrate or attempt to penetrate an unwilling victim.

II. = Predatory Pedophilia: Offender actively seeks out pre-puberty children of either sex for specific purpose of committing any kind of sexual act. (Characteristically has multiple victims).

III. = Sexual Assault: Offender uses no force or only minimal force to achieve sexual contact with a non-consenting victim who is above the age of puberty, and that is short of penetration or attempted penetration. Hugging, kissing, and fondling are characteristic elements of offense. There should be no weapons or threat of weapons involved in the perpetration of this kind of offense.

IV. = Intra-Family Sexual Assault: Offender commits a sexual assault against a family member. Sexual relations between a father and daughter or step daughter are most common. There may be minimal or moderate physical force but not extreme violence or weapons. Offender often uses psychological intimidation. A high level of force would place offender in category I.

V. = Isolated Act of Pedophilia: Offender's sexual contact with a pre-puberty child is isolated in nature. Offense usually consists of some kind of fondling, rubbing or stroking. Normally there is a single victim, and the opportunity for the offense is the result of an otherwise legitimate basis of social interaction. Act often occurs when the victim is intoxicated. Actual sexual penetration or physical injury to the victim should be considered reason to place offender in category II.

VI. = Non-Violent Sexual Offenses: Offender engages in consensual sex that is illegal. A partner who is below the legal age of consent, but of post-puberty age, is most common example. Offenders whose victims are of pre-puberty age belong in another category. Such non-physical contact offense, as voyeurism, exhibitionism, obscene phone calls, etc. are also included in category VI.

Notes: 1. If an offense is comprised of elements that cut across two or more of the six categories, scoring should be on the basis of the most serious included behavior.

2. For each prior episode of sexual misconduct leading to a felony conviction, the prisoner should be moved upward one category level.

3. Assignment of the prisoner to the appropriate category should be based upon the best information available. This would include, but not be limited to, presentence reports, police reports and information obtained during the course of treatment programming.

17. TOTAL SCORE

18. Furlough Chart

Matrix/Custody	Min	Med
0 or Less	36	12
1 - 10	30	10
11 - 20	24	9
21 - 30	18	8
31 - 40	12	7
41 Plus	9	6

19. Assignment to furlough supervision is:

Regular _____ Increased _____

Note: The following categories of prisoners are automatically assigned to increased supervision:*

- (a) All sex offenders.
- (b) All other offenders with a total score of more than "20".

I have read or had explained to me Policy 818.02. Prerelease Furlough. I _____ DO _____ DO NOT wish to be considered for a prerelease furlough.

If not, explain reason(s): _____

Prisoner signature _____ Date _____

P.O. signature _____ Date _____

*Furloughed offenders assigned to this program component will be subjected to intensified monitoring and surveillance, both in the CRP facility and while engaged in employment or other activities in the community.

Original to Prisoner Case Record
Copy to Central Classification
Copy to Prisoner

Prerelease Furlough Application/Agreement

Prisoner's Name: _____

OBSCIS Number: _____

A. Purpose(s) of Prerelease Furlough <i>Probation Officer/Counselor check recommendation(s); approving authority initial approved purposes(s).</i>	B. Debts Owed <i>(required per AS 33.30.131)</i>	Amount	To Whom
secure a residence/other preparations for release	child support/AS 25.27.062		
seek or engage in employment	restitution/fines		
counseling/treatment for substance abuse	civil judgment/criminal act		
*counseling/treatment for other behavior	violent crimes reimbursement		
*medical/psychiatric treatment	disciplinary reimbursement		
*vocational training/education	TOTAL		

*Explain:

C. Community Residential Center Placement(s): *Probation Officer to recommend placement(s) in sequential order, if applicable, and dates. Approving authority to modify placements/dates if necessary. If recommending/approving dates other than as indicated by matrix, attach explanation/justification.*

Name of CRP/Date	Start Date	Ending Date

D. Documents Attached: *Court Judgment *Presentence Report Most recent classification action Furlough Matrix Prob./Parole supplemental conditions, if any Parole Order/MR conditions, if any Time Accounting Victim Comments, if applicable Wants/Warrants check Medical/mental health screening (optional) Documentation of program status if ordered or recommended by court, classification, treatment/unit management team _____
Other: _____
**does not need to be attached for Central Classification/Deputy Commissioner review; on file in Central Office*

E. Probation Officer Comments: *(Address factors requiring consideration outside the matrix, such as high public profile cases, special medical/mental health concerns, etc. Attach additional sheet if necessary.)*

Probation Officer Signature/Date

F. Superintendent Comments: *(optional, for application requiring Central Classification Review)*

Superintendent Signature/Date

G. Prerelease Furlough Denied. *(State Reason)*

Signature/Title/Date

H. Prerelease Furlough Approved. custody reduced from _____ to community upon placement in CRP *(If approved on appeal, attach Appeal of Classification Action, 20-760.01)*

Signature/Title/Date

Prerelease Furlough Application/Agreement

Prisoner's Name: _____

OBSCIS Number: _____

I. Special Conditions: (P.O. recommend/approving authority modify as necessary. Include any no-contact/restraining orders if applicable.)

J. Standard Conditions of Prerelease Furlough

- 1. I agree to abide by all the rules of the Community Residential Program(s) (CRP) in which I am placed.
- 2. I agree to leave and return to the CRP only for the approved purpose(s) indicated on this application/agreement, and only at the times approved by the CRP staff.
- 3. I agree to go directly to the place(s) authorized and return directly to the CRP when authorized to leave the
- 4. CRP.
- 5. I agree not to make any purchases not specifically authorized in writing by the CRP manager or designee. I agree to turn over all earnings or any other money received to the CRP manager or designee, and understand
- 6. that one-fourth of my gross earnings (not to exceed the actual cost of care) will be given to the State of Alaska to pay for the cost of care. I agree not to ride in or on any vehicle without prior approval by the CRP manager or designee, and not to
- 7. drive any vehicle without written permission from the CRP manager and Furlough Officer, that may only be granted after a records check of my driving record. I understand that if prohibited from driving as a special
- 8. condition of this furlough, that I may not drive a vehicle under any circumstances.
- 9. I agree not to purchase, have in my possession, nor consume alcoholic beverages in any form, nor enter upon the premises where it is sold, stored, or dispensed. I further agree to submit to alcohol/drug testing upon
- 10. request. I agree to comply with all federal, state, and local laws and ordinances.
- 11. I agree not to enter into any contract to engage in business, borrow money, purchase property on the installment plan, nor incur any debts of any kind without first having obtained written permission from the CRP manager. I agree to abide by any special conditions/restrictions listed on this application/agreement. I understand that if I violate any condition of this agreement, I may be removed from the CRP and returned to a
- 12. state correctional center and that following a hearing by a classification committee, I may be removed from furlough status; and that in addition I may face disciplinary and/or criminal charges. I understand that my failure to return to the CRP or to be at an authorized location at the times required subjects
- 13. me to criminal prosecution under the criminal laws of the State of Alaska. I hereby waive any right to an extradition hearing if I leave the State of Alaska without written authorization during this prerelease furlough.

K. To be completed by Prisoner: I have read or had read/explained to me this Prerelease Furlough Agreement. I understand and agree to abide by the terms and conditions of the approved Agreement.

Prisoner's Signature/Date _____

L. To be completed by P.O. after approval of furlough and prisoner's signature agreeing to conditions of furlough:

- _____ I have reviewed the terms and conditions of this Prerelease Furlough Agreement with the prisoner.
- _____ The prisoner has been tested negative for drug/alcohol use no longer than 30 days prior to CRP placement.
- _____ Per Victim Notification Policy 818.03, I have notified the following, if required (enter N/A or date notified):
 _____ Law Enforcement _____ Sentencing Judge _____ District Attorney
 _____ Victim(s) _____ Other: _____

_____ I have attached a recent photo of the prisoner and appropriate, signed Releases of Information, in addition to the documents listed on the front page for this form, for use by the CRP

Furlough Officer name/Phone _____

Number: _____

Institution to be notified in emergency/phone _____

number: _____

P.O. Signature/Date _____

Original to Prisoner Case Record
Copies to: Prisoner Central Classification; CRP