

HB

91

Alaska State Legislature

Representative Brian S. Porter

HOUSE MAJORITY LEADER



MEMBER
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HOUSE RULES COMMITTEE
HEALTH, EDUC. & SOCIAL SERVICES COMMITTEE
LEGISLATIVE COUNCIL JOINT COMMITTEE

SESSION:
STATE CAPITOL, ROOM 216
JUNEAU, ALASKA 99501-1182
PHONE: (907) 465-4930
FAX: (907) 465-3834

INTERIM:
716 W. 4TH AVE., SUITE 360
ANCHORAGE, AK 99501-2133
PHONE: (907) 258-8197
FAX: (907) 258-5510

DISTRICT 20

**SPONSOR STATEMENT
FOR
HB 91 EXTENDING THE TERMINATION DATE OF THE
BOARD OF PAROLE**

This bill extends the life of the Board of Parole from June 30, 1997, until June 30, 2001,
as set out in Sec 44.66.010

Audit Report

DEPARTMENT OF CORRECTIONS
BOARD OF PAROLE

July 15, 1996



Audit Control Number:

20-1446-96

Division of Legislative Audit

P.O. Box 113300, Juneau, Alaska 99811-3300

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DIVISION OF LEGISLATIVE AUDIT

Randy S. Welker, CPA
Legislative Auditor
Merle R. Jenson, CPA
Deputy Legislative Auditor

P.O. Box 113300
Juneau, Alaska 99811-3300

(907) 465-3830, Juneau
(907) 561-1445, Anchorage
(907) 465-2347, Juneau FAX

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P. O. Box 113300
Juneau, AK 99811-3300
(907) 465-3830
FAX (907) 465-2347

May 20, 1996

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review.

DEPARTMENT OF CORRECTIONS BOARD OF PAROLE

July 15, 1996

Audit Control Number

20-1446-97

This audit evaluates whether the Board of Parole should be extended in statute. Currently, under AS 44.66.010(a)(3) the board scheduled to terminate on June 30, 1997. The board would have one year from that date to administratively conclude operations.

In our opinion, the Board of Parole should be reestablished. The provision of a parole supervision system in the State is necessary to the protection of the public's welfare. We recommend that the legislature extend the board's termination date to June 30, 2003.

The audit was conducted in accordance with generally accepted government auditing standards. Fieldwork procedures utilized in the course of developing the findings and discussion presented in this report are discussed in the Objectives, Scope, and Methodology section on page one of this report.

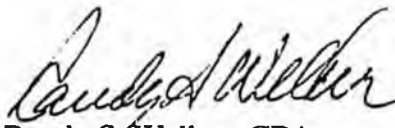

Randy S. Welker, CPA
Legislative Auditor

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OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Board of Parole (board) to determine whether it was operating in the best interest of the public and if it should be statutorily continued in operation. As required by AS 44.66.050(a), the committee of reference shall consider this report during the legislative oversight process to determine whether the board should be reestablished. Currently, under AS 44.66.010(a)(3) the board will terminate on June 30, 1997, and will have one year from that date to conclude its affairs.

Objectives

There are two central, interrelated, objectives of our report. They are:

1. To determine if the termination date of the board should be extended.
2. To determine if the board is operating in the public's interest. The assessment of the operations and performance of the board, was based on AS 44.66.050(c). This statute sets out criteria that is to be used in determining a demonstrated public need for the board.

Scope and Methodology

During the course of our examination, we reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Calendar books on parole hearings.
3. Parole files from 1993 through 1995.
4. Interviews with parole board staff.
5. Minutes of board meetings.
6. Administrative policies and procedures.
7. Board members' compensation files from 1993 through 1996.
8. Office of the Ombudsman closed case file.
9. Budget documents containing goals and objectives of the board and other documents considered relevant.

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ORGANIZATION AND FUNCTION

The Board of Parole was created as the parole authority for the State under AS 33.16, The Parole Administration Act. The board consists of five part-time members appointed by the governor to serve staggered terms of five years. The statute directs that board members be selected for their ability to make decisions that are "*compatible with the welfare of the community and of individual offenders.*"¹

Board of Parole Members

Alonzo Patterson, Jr., Chairman
David Cooper
Elsa Demeksa
Mary Ann Eininger
Jana Varrati

Board members are compensated for participating in board business at \$75 for each half day and \$150 for each full day. The compensation amount is set by the governor. Travel costs and per diem are also provided. The board has an administrative staff which currently consists of an executive director, parole administrator, parole board officer, and two support staff.

The State of Alaska has two forms of parole: discretionary and mandatory. The board is responsible for decisions under discretionary parole. By statute, an inmate may be considered for discretionary parole release only after a statutory minimum time in prison has been served. Upon application, an eligible inmate may appear before the board and be considered for discretionary parole. A discretionary parole decision will either release an inmate on parole, continue the case for future consideration, or deny parole. In contrast, mandatory parole is not voluntary and release is not contingent upon the board's approval. An inmate will be released to mandatory parole providing their composite sentence is two years or more. The term of mandatory parole is equal to the good time deduction credited to the prisoner's sentence which is generally one-third of the total sentence.

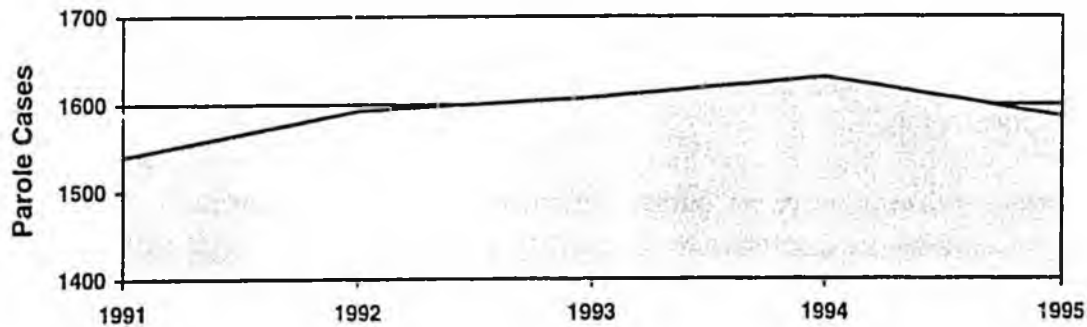
The board is also responsible for setting parole conditions and holding parole revocation hearings for both discretionary and mandatory parolees. Revocation hearings are held when it has been determined that a parolee has violated a law or condition of parole. The board has three options under revocation hearings: revoke the violator's parole and return the parolee to prison, revoke parole and reparole without time credited against the sentence for prior time on parole; or take no action.

Board operations are funded by General Fund appropriations as a component of the Department of Corrections. Personal services for administrative staff account for the majority of expenditures. As shown on the table on the following page, the board's annual appropriations have decreased while expenditures have fluctuated slightly from fiscal year 1992 through fiscal year 1995.

¹ AS 33.16.030(a)

<u>Fiscal Year</u>	<u>Appropriations</u>	<u>Expenditures</u>
1992	\$504,500	\$487,400
1993	512,900	479,400
1994	485,400	484,900
1995	473,000	471,800

We identified that the board participated in more than 1,500 parole and executive clemency cases in 1995, (see graph below which represents the board's workload from 1991 through 1995). In Alaska, there is presently no other entity that performs the parole duties of the board.



REPORT CONCLUSIONS

Under Alaska Statute 33.16, the Board of Parole serves as the parole authority for the State which fulfills the Alaska Constitution requirement for a parole system. Among the board's primary responsibilities is the determination of a prisoner's suitability for discretionary parole. The board also conducts revocation hearings, sets parole conditions, investigates clemency requests for the governor and performs additional parole matters as necessary. Currently, there is no other entity in the State that provides these services.

The board conducts its business in a professional manner, although deficiencies have been noted in operations of the administrative functions (see Recommendations Nos. 1 through 4).

Currently, AS 44.66.010 has the board scheduled for termination on June 30, 1997 and provides the board with a year in which to conclude its affairs. We recommend that the legislature extend the board's termination date to June 30, 2003.

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FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The administrative staff at the board should improve controls over the system used to maintain information on parole applicants and board decisions.

In the late 1980's, the Board of Parole developed an internal management information system (MIS) to monitor its caseload. Staff of the board felt it was necessary to develop their own MIS to supplement the insufficient data provided by the Department of Corrections on parolees. Essentially, the MIS is a data-base system which records a variety of information related to individuals that have had a hearing before the Board of Parole. An important aspect of the MIS system is that it provides statistical data which allows the board to analyze the consistency and appropriateness of its parole decisions over time.

The MIS maintained by the administrative staff at board of parole is incomplete. Problems with the data entered into the MIS are particularly acute for 1995 information. As a result, the accuracy of the MIS has been compromised, and this in turn hampers the development of accurate parole statistics. As cited above, these statistics are necessary to evaluate the overall consistency and appropriateness of parole activity.

We found instances where 1995 parole applicants were not included in the MIS by the administrative office. Also key fields used to query for parole information were incorrect or blank. We attribute this lack of consistent data entry to weak internal controls over how parole information was processed. The main control deficiencies involve a lack of established, written procedures for data entry and no secondary review of the information once it has been entered into the MIS.²

In order to produce reliable information on caseload and parole decisions the MIS data should be reviewed and corrected. The staff must develop procedures to ensure data entered is accurate and reflects the parole applicant's case file. At least one staff member should be trained in the data base used to record parole information to ensure data and statistical information is readily available for the board's needs.

² This lack of controls was partly a result of the retirement in June 1995 of the former executive director. This individual had 20 years experience with the Board of Parole, developed the MIS data base, and oversaw, in detail, all data entered into the system since its inception. In addition to the loss of this historical knowledge, a secretary position was vacant for a large period of time in 1995 which caused the administrative section to be understaffed.

Current management is cautious about putting more data into the MIS until it is assured that the computer capacity and procedural controls are adequate and appropriate. While caution may be an appropriate response given the recent history of staff turnover, decisions regarding the MIS and data-entry should be made soon to avoid the possibility of further data management problems.

Recommendation No. 2

The executive director, after consulting with the board, seek reauthorization from the governor for compensation of board members. Such reauthorization should be structured in a manner that accurately reflects the tasks performed by the board.

Currently, board members are reimbursed at a rate of \$150 per full day and \$75 per half day while conducting board business. The current rate was established in March 1984 by Governor Sheffield.³ This 12 year old gubernatorial memorandum authorizing the compensation is simple and direct — setting terms for payment on either one of two bases — a half day of work or a full day of work.

Over the years the compensation rate has been interpreted and applied in various ways. While compensation is provided for half and full days, we identified where board members were often compensated on a task basis, such as for attending administrative meetings, conducting parole hearings, issuing warrants, reading files, setting conditions, and performing other parole related tasks. Total board member compensation in 1994 and 1995 ranged between \$80,000 to \$90,000 for each year.

It is our understanding under the current board regime the half day rate is broken down between duties performed in the morning versus duties performed in the afternoon. Therefore, if a board member issues one warrant in the morning which could take less than an hour and also conducts a preliminary hearing in the afternoon which may take 90 minutes the board member will be reimbursed \$150 — \$75 for the half day of work in the morning and \$75 for the half day of work in the afternoon.⁴

Also, board members are reimbursed for reading parole applicant files prior to attending the parole hearing. Historically, a 20 to 30 minute credit was established which represented the average time it took to read the information. The rate varied based on the type of case: discretionary, revocation, special, and one with supplemental parole conditions. While testing board compensation we often found errors in the amount paid to board members for reading parole files essentially because the rate paid varied, based on the type of file read.

³ AS 33.16.040 states, in part, that board members are "... entitled to compensation at an amount to be set by the governor for each day the member is participating in business of the board." [emphasis added]

⁴ This method of reimbursement is not consistent with how past board members were compensated. For instance, the previous Juneau representative would accumulate time in 20-minute increments for issuing warrants and request reimbursement at the end of each quarter based on the total accumulated "days" involved. For example, 10 warrants issued on separate days in one quarter would equate to a credit of 200 minutes or 3.33 hours which would be paid at the half day rate of \$75. Under current practice, the same duties would reap a reimbursement of \$750 or 10 half days of work at \$75 per day.

Since September 1995, the 20 to 30 minute credit has been broken down in dollars to reflect a portion of an hourly rate which was determined by dividing the \$150 full day rate by 7.5 hours per work day to obtain an hourly rate of \$20 per hour. Previously the 20 to 30-minute reading file credit was accumulated and rounded to the nearest half-day or full day amount when submitted by the board member for reimbursement.

We found evidence that previously the compensation rate was manipulated to allow a board member to receive reimbursement over the \$150 per day limit. Historically, a board member would not be entitled to compensation for reading parole files in the evening if he/she had already performed a full day of parole duties during that day. However, we found support which indicates the date used to account for when files were read was modified in some cases to allow board members to receive payment in excess of the \$150 limit for reading files.

In our view, given the demands on their time, the compensation of board members at a general rate of \$150 a day is reasonable. We do not question the rates or the methodology established by the board as a basis for compensation. We also recognize that the \$150 per day payment should not necessarily serve as an upper limit — that there may be times when the workload circumstances merit more pay. However, such exceptions and circumstances should be clearly documented in the gubernatorial authorization, rather than misrepresenting circumstances to justify or make compensation fit under the existing authorization. It is time for the governor to have an opportunity to review the varied interpretations and applications that have grown out of the original, minimally worded, 12-year old authorization.

To that end, we encourage the board to review compensation policies, and consider formally restructuring the compensation approval documentation to include both specific tasks and the day and half-day rates. We would suggest the board seek a revised, more extensively worded, compensation authorization document. We recommend that the board of parole, in consultation with the Office of the Governor, adopt compensation guidelines and develop written policies for compensating board members.

Recommendation No. 3

The statute regarding rights of victims to comment on prisoner parole should be changed to reflect the responsibilities of both the Department of Corrections and the Board of Parole.

Under the AS 33.16.120 the board is responsible for victim notification when a prisoner is considered for discretionary parole. Yet, in practice this function is largely performed by Department of Corrections institutional parole officers. The board has very little involvement in notifying victims that have requested notice of a discretionary parole hearing. Currently, the board only informs victims that have requested notification for those inmates housed outside the State of Alaska or at a federal prison who are applying for discretionary parole. We found the statutes silent on victim notification of parole hearings related to revocations.

Generally, it appears that the victim notification process is being implemented effectively in a manner consistent with the intent of the statute. However, as a practical matter, board staff carry out victim notification responsibilities for only a limited number of individuals applying for discretionary parole. We recommend that AS 33.16.120 be amended to reflect the responsibilities carried out by the Department of Corrections for notifying victims regarding inmates which are being considered for discretionary parole.

Recommendation No. 4

The executive director should follow the requirements of the Alaska Administrative Manual when approving reimbursement to Board members for per diem claims or obtain the necessary documentation to support a reasonable exception.

We found evidence that a board member has consistently received per diem and lodging while attending parole hearings within a 50-mile radius of the board member's residence or duty station. It is our understanding that per diem and lodging has been provided to the board member for his convenience, primarily due to his advanced age.

The Alaska Administrative Manual (AAM) specifically identifies that board members are not on travel status nor entitled to per diem when the meeting or other business takes place within a 50-mile radius of the board member's primary dwelling. While the recordkeeping involved in determining when the board member will be in and out of travel status may be cumbersome, board staff should take steps to comply with the AAM.

The board member involved is very much an active participant in the board's deliberations and actions. Under such circumstances it is possible an exception to state requirements could be justified as a "reasonable accommodation"⁵ to the individual's advanced years and perhaps any associated infirmities. If this is the case, we suggest the board's executive director gather the appropriate documentation and seek a waiver from the State Accountant regarding the AAM.

Otherwise, we recommend that the board cease payment of per diem and lodging for board members not considered on travel status. The board administrative staff should consider discussing travel and per diem requirements with the Department of Administration, Division of Finance to gain a clear understanding of the applicable portions of the AAM.

⁵The term "reasonable accommodation" is part of the vernacular that grew out of the Americans with Disabilities Act. This federal law requires employers to make what is termed "reasonable accommodation" to facilitate the hiring and retention of "disabled" individuals. While we do not intend to suggest that advanced age is necessarily a disabling condition, we think that the principle and intent behind the concept of "reasonable accommodation" may be valid and applicable in this particular situation. Making "reasonable accommodation" given this situation will serve both the interests of the State and the individual involved.

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses of Board of Parole activities relate to the public need factors defined in the "sunset" law, Alaska Statute 44.66.050. These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

The extent to which the board, commission, or program has operated in the public interest.

The Board of Parole has established objective, quantitative criteria for use in evaluating individuals eligible for parole.

The criteria applied by the board is designed to assess the risk posed to the public by an individual under consideration for parole.

For more discussion on these risk factors and how they are used see discussion in inset to the right. In the 1994 annual report the board analyzed their parole actions in the context of these risk factors. Further, the board confirmed that these risk factors were relevant, by analyzing the parole violation rates compared to risk scores.

In the report, this statistical analysis indicated that the board did appropriately consider risk to the general public when granting discretionary parole. From the analysis presented in the 1994 report, the board granted discretionary parole at a higher rate to applicants assessed at a lower risk than to higher risk individuals. Further, when evaluated in the context of parole violations, these risk factors appeared to be appropriate and relevant. Individuals with higher risk scores had a higher parole violation rate than individuals with lower risk scores.

Parole Guidelines

The Board of Parole has developed guidelines which are used in exercising parole discretion. The guidelines suggest the amount of time an individual should serve before being released on discretionary parole. Guidelines are based on the nature of the crime and individual risk factors such as prior criminal and social history. An example of the guidelines used by the board is shown in Appendix A of this report.

On occasion, discretionary parole hearings are granted to applicants that fall either above or below the guidelines. The board considers these cases if there are specific aggravating or mitigating circumstances. An important aspect of the guidelines is the risk assessment score. Risk scores range between 0 to 49.

As shown on "worksheet" present in Appendix B of this report, points are assigned for such factors as: (1) age of the applicant at the time of the first offense and current age; (2) employment history prior to incarceration; (3) history of drug and/or alcohol abuse; and, (4) prior criminal record. When used with the guidelines (see Appendix A) the applicants are sorted into one of four categories based on their risk assessment score. The four categories, labeled A through D, are as follows:

A = 0-6 pts.
B = 7-14 pts.

C = 15-29 pts.
D = 30-49 pts.

The top graph on the following page illustrates that for the 90 cases from 1995 selected and reviewed, lower risk applicants have a larger discretionary parole rate than individuals with higher risk scores. As stated in our analysis discussion, this trend indicates the board is appropriately considering risk when granting discretionary parole.

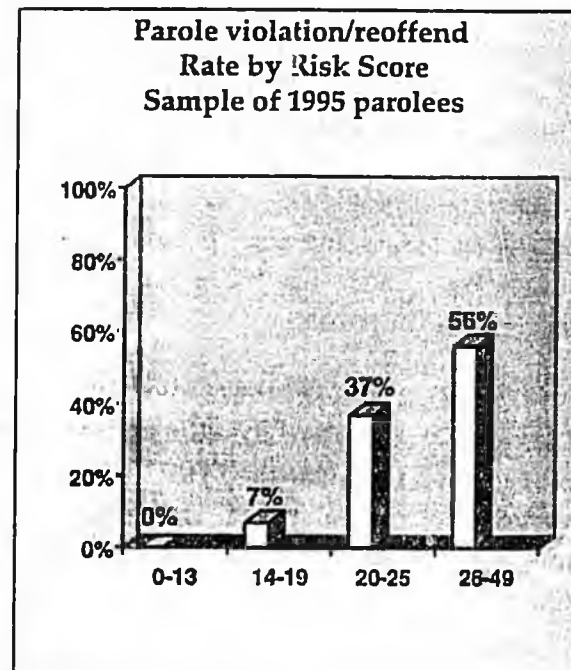
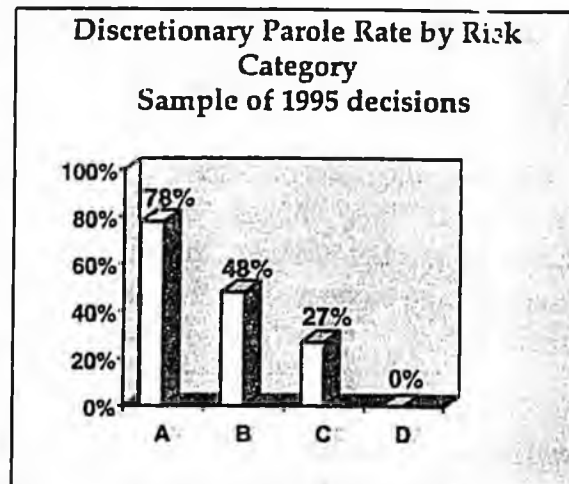
The bottom graph illustrates the rate at which individuals with various risk scores reoffend. The gradually increasing rate of parole violation compared to risk scores, gives some indication that the risk score criteria used by the board is relevant and does correlate with risk to the general public.

We analyzed parole application and risk assessment data for both the 1995 calendar year and the three year period 1993 through 1995. On a sample basis, we confirmed that the parole rate by risk score was consistent with the information in the 1994 report. See graph on inset to the right.

This result supports the assessment, made in the 1994 report, that the board is "paying a great deal of attention to an applicant's risk to the community at the time parole is granted."

Further, we confirmed that the factors used to assess risk are reasonable. That is, the risk factors were validated by our analysis of the rate of parole violations compared to risk scores. See graph in bottom inset at right.

Even though the Board of Parole takes little part in the victim notification process the statutes require the board to be responsible for notifying victims on upcoming parole hearings and consider comments from victims (see Recommendation No. 3). The Board of Parole in conjunction with the Department of Corrections, has an appropriate and adequate system in place to notify victims regarding the consideration of discretionary parole. Victims are afforded an opportunity to make written or oral presentations to the board as required under AS 33.16.120.



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.

Since 1991, the board's administrative staff has not increased even though the number of hearings has grown. The board has continued to meet statutory requirements for quarterly meetings, discretionary parole releases, revocations and clemency investigations. Also, in November 1995 the board adopted a new process of conducting monthly meetings to handle mandatory revocations. The goal of this process is to allow the quarterly meetings to be more focused on discretionary parole releases.

The Board of Parole has established many forms and guidelines used in the operation of the board. The board also publishes an annual report which provides narrative and statistical information about parole caseload and parole decisions.

During 1995, the Board of Parole had one vacant position for most of the year. Additionally, the former Executive Director, with more than 20 years experience with corrections and parole, retired. This significantly reduced the historical knowledge of program operations. The former executive director developed and performed numerous tasks without benefit of any documented policy and procedures. As a result of this departure, many internal control weaknesses developed since remaining staff did not have the hands-on experience or written procedures to follow in carrying out day-to-day data base maintenance duties. As discussed in Recommendation No. 1, the board should improve controls over the management information system used to maintain various information on parole applicants and board decisions.

The current statutes require the Board of Parole to be responsible for victim notification under AS 33.16.120, yet in practice the Department of Corrections performs the function with little oversight or follow-up by the Board of Parole. The current statutes should be amended to reflect the policies and procedures in place (see Recommendation No. 3).

The methodology in place to provide compensation to the board members is inconsistently applied and appears to be based on changing, but undocumented board interpretations. Guidelines need to be established for each task for which a board member may be compensated for during the year (see Recommendation No. 2). Due to the weak internal control structure in the administrative office, errors occur in determining the amount to compensate each board member. Also per diem reimbursements have been made to one board member inconsistent with the requirements of the State's administrative manual (see Recommendation No. 4).

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

Over the past three years the board has initiated statutory changes which allow for special medical parole for severely ill inmates. Under the statute, severely ill inmates which pose minimal threat to the public, can be discharged to minimize health care costs incurred by the state required to be provided to the individual during incarceration. At the present time, no statutory changes are pending that were proposed by the board.

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 that it has provided.

According to the current executive director, parole board staff continually receives calls from the public. Complaints are conveyed to the Chairman who determines if the other board members need to be informed of the complaint.

The board meets quarterly to conduct parole hearings and monthly to review mandatory revocation.

Normally the board holds at least one public meeting each year. Public notice is given before each public meeting and time is allotted for public comment. We did identify that no public meeting was held for the more than 17 months between September 13, 1993 and March 8, 1995. At the March 1995 meeting, recent changes to the Board of Parole legislation were discussed.

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

Currently, the executive director is drafting regulations to correspond with recent board statutory changes related to special medical parole. The anticipated completion date for this draft is September 1996. Public comments are solicited during the annual public meetings. There is no indication that the board has encouraged public participation in the making of its regulations and decisions other than the attempt to solicit public comments at the public meetings.

The efficiency with which public inquiries 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.

As noted above, public inquiries or complaints within the agency that are beyond the capabilities of staff members are conveyed to the chairman of the board for resolution. In addition, during our review of closed cases filed at the Office of the Ombudsman from FY 93 - FY 96 we identified five additional cases since our last sunset review in fiscal year 1994.

We determined that the Board of Parole acted within its authority and appropriately in three cases. In the remaining two cases it was determined: (1) that the manual on Executive Clemency provided erroneous information regarding pardons, therefore the manual was recalled and corrected in conjunction with the Department of Law, and (2) the board needs to inform the parolee about payment responsibilities for program costs as a condition of parole.

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

Not applicable to the Board of Parole.

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

No complaints against the board were identified.

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.

See the Findings and Recommendation section of this report.

APPENDIX A

GUIDELINES MONTHS SERVED MATRIX					
Offense Group	Examples of Offenses	Risk A 0 to 6	Risk B 7 to 14	Risk C 15 to 29	Risk D 30 to 49
Unclassified I	Murder I	120-**	150-**	180-**	210-**
Unclassified II	Murder II, Kidnapping, Misconduct Involving Controlled Substance I (MICS I)	60-**	80-**	100-**	120-**
Unclassified III	Sexual Abuse of a Minor I Sexual Assault I *	32-**	40-**	50-**	62-**
I	Manslaughter, Assault I, Sexual Assault I* Attempted Murder I or II	28-48	34-52	36-80	42-100
II	Robbery I, Arson I, Attp. Kidnapping, Escape I, M.I.C.S. II, Criminal Possession of Explosives	14-32	18-40	28-48	34-52
III	Burglary I, Robbery II, Assault II, Sexual Assault II, Sexual Abuse of a Minor II, Promoting Prostitution I, Unlawful Exploitation/Minor	8-24	11-24	14-32	18-40
IV	Issuing a Bad Check I, Theft I, Forgery I, Escape II, Perjury, M.I.C.S. III, Arson II, Criminal Mischief I	6-18	8-24	11-28	14-32
V	Criminal Negligent Homicide, Sexual Assault III, Sexual Abuse of a Minor III, Assault III, Incest, Endanger Welfare of Minor, Failure to Appear, Stalking I	5-14	6-18	8-24	11-28
VI	Burglary II, Theft II, Forgery II, Fraud, Use of a Credit Card, Issuing a Bad Check II, (OldMIW II), Criminal Mischief II, Escape III, MICS IV	4-12	5-14	6-18	8-24
Misdemeanors	Assault IV, Theft III, Escape IV, Criminal Trespass I, Forgery III, Resisting Arrest, MIW IV, Sam IV, Stalking II	3-7	3-8	4-9	6-10
All Time Served Ranges Above Are In Months					
* Unclassified II Sexual Assault I for Offenses committed after 9/30/82. Offense Group I Sexual Assault I for Offenses committed before 10/01/82					
** Unclassifieds Have Minimum Guidelines Terms Only.					

APPENDIX B

Parole Risk Assessment

- 1. Age at date of first offense for which convicted (adult or juvenile) _____
 - 25 or over = 0
 - 20 - 24 = 2
 - 19 or under = 4
 - 2. Felony adjudications/convictions (adult or juvenile) _____
 - none = 0
 - 1 = 2
 - 2 or more = 4
 - 3. Misdemeanant adjudications/convictions (adult or juvenile) _____
 - none = 0
 - 1 to 3 = 2
 - 4 or more = 4
 - 4. Adjudications/convictions for Burglary, Criminal Trespass, or Forgery/Worthless checks/Credit cards (adult or juvenile) _____
 - none = 0
 - 1 or more = 4
 - 5. Probation or parole revocations/rescissions (adult or juvenile) _____
 - none = 0
 - 1 = 2
 - 2 or more = 4
 - 6. Prior Employment, year before incarceration _____
 - F-T (includes Subsistence, Homemakers, Students) = 0
 - P-T or Seasonal = 1
 - Sporadic or none = 2
 - 7. Alcohol Abuse--Problem drinking/alcoholism/any impaired functioning _____
 - No = 0
 - Yes = 4
 - 8. Drug Abuse--use of any other drugs except marijuana _____
 - No = 0
 - Yes = 4
 - 9. Disciplinary Adjudications (low moderate or higher, last three years) _____
 - none = 0
 - 1 or 2 = 2
 - 3 or more = 4
- SUBTOTAL _____
- 10. If current age now is 35 or older, = -2 _____
 - 11. If conviction for Sexual Assault (adult/juvenile, any degree) = +15 _____
 - 12. If successful completion of approved Sex Offender Program, = -9 _____
- GRAND TOTAL _____

RISK SCORES

- 0 - 6 = Risk A 15 - 29 = Risk C
- 7 - 14 = Risk B 30 - 49 = Risk D

(Intentionally left blank)

TONY KNOWLES, GOVERNOR

DEPARTMENT OF CORRECTIONS

Alonzo B. Patterson Jr., Chairman
David F. Cooper, Vice-Chairman
Elsabeth F. Demeksa, Member
Jana Varrati, Member
Mary Ann Eininger, Member

BOARD OF PAROLE

ALASKA BOARD OF PAROLE
P.O. BOX 112000
JUNEAU, ALASKA 99811-2000
PHONE: (907) 465-3384
FAX: (907) 465-3110

Mr. Randy Welker
Legislative Auditor
P.O. Box 113300
Juneau, AK 99811-3300

RECEIVED
NOV 29 1996

LEGISLATIVE AUDIT

November 29, 1996

Dear Mr. Welker:

The Alaska Board of Parole appreciates the opportunity to respond to the issues raised in the Preliminary Audit Report dated July 15, 1996. This is the Board's response to the findings and recommendations in the preliminary audit report.

- Recommendation No. 1 The administrative staff of the board should improve controls over the system used to maintain information on parole applicants and board decisions.

The Board has purchased a new software program titled "Access" and has contracted for the program design and staff training. The program will include screen forms to reduce the error margin. In addition, the staff has established a procedure to validate the information and will verify the accuracy at the end of every quarter. This procedure includes cross checking the schedule of hearings with the data entry and the file material. Although this process can be time consuming for the limited staff, it will ensure that the data presented and collected is accurate and up to date.

The Board is in the process of contracting with the previous executive director and the designer of the current d-base system, to complete the statistical report and annual report for 1996. All further reports will be completed using the new Access program.

The Board will be providing input to the Department of Corrections for inclusion in their Management Information System to enhance coordination with all components of the criminal justice system.

- Recommendation No. 2 The executive director, after consulting with the board, should contact the Office of the Governor and obtain new compensation rates and procedures that more accurately reflect the varied tasks performed by the board.

The Board appreciates the recognition in this report of the numerous duties performed by Board members in addition to conducting formal Board hearings. The Board would like to bring to your attention the actual requirements involved when signing a warrant or conducting a preliminary revocation hearing.

Signing a warrant includes:

- (1) preparation time, i.e., dress appropriately, collect the necessary forms, seal and recording equipment;
- (2) time to travel to and from the field probation office (the Palmer Board member's round trip travel time to the probation office is one hour); and
- (3) discussing the case with the probation/parole officer and reviewing the file to determine if a warrant is justified.

Conducting Preliminary hearings includes:

- (1) schedule the hearing to accommodate the schedules of the probation officer, the attorney, the witnesses, the institution and the Board member;
- (2) preparation time, i.e. dress appropriately, collect the necessary forms, seal and recording equipment;
- (3) time to travel to and from the institution;
- (4) set up for a hearing i.e., setting up the tape recorder, getting a telephone into the room when necessary, review the parole or institutional file;
- (5) conduct the hearing, this could take any where from one hour to six hours; (for example, we recently had an instance in which the Board Member had to continue a preliminary hearing three separate times at the request of the attorney, that preliminary hearing took over six hours of the Board Member's time); and
- (6) make copies of hearing paperwork for the parolee, the institution, the parole file, and the Parole Board file.

In addition, whenever Parole Board members go to the probation/parole field offices or the institution they are asked to address other issues, cases or matters that officers or superintendents bring to their attention. To sign a warrant or conduct a hearing may seem to be a simple matter but it frequently requires three to four hours of a member's time.

The report does not consider that Board members must be available to sign a warrant seven days a week. Because of workload demands, it is virtually impossible for an individual to hold a full time job and serve on the Board. This Board is made up of hardworking and dedicated individuals who sacrifice their time to assure Board decisions are fair and equitable. As noted in the report, compensation policy has evolved over the years to accommodate increasing demands on time and more complex legislation, correctional procedures, and judicial rulings.

When considering the Board compensation, \$90,000 divided by five Board members is \$22,000 a year, which is equivalent to a clerical position at a range 8A with the State of Alaska. Most states compensate their Parole Board members on the same level as their judges.

When you consider a Board Member often puts in ten and twelve hour days, not to mention the time it takes to read files for a hearing, one can easily conclude the current compensation doesn't begin to adequately reflect the level of work the Board conducts.

As noted in these draft reports, the Board has been grappling for some time to develop a policy under the general wording of AS 33.16.040 to adequately and fairly compensate members. The Board's compensation rate was set 12 years ago and has not been adjusted since then even though demands on members' time has increased substantially. (Appendix A) In 1984, the Parole Board was handling approximately 800 cases a year; by 1995, the caseload had increased to over 1500 cases, nearly doubled. In 1984, the Board met for 49 days in formal hearings; in 1996, the Board met for 69 days in formal hearings, plus at least one day monthly for administrative meetings in addition to their other duties.

The rise in inmate populations necessitates commensurate increases in Board time and activity as do changes in statute and DOC policy regarding placement of prisoners in Community Release Centers and development of other intermediate sanctions available to the Board to enhance rehabilitation opportunities for parolees.

The Board recognizes its role in keeping state expenditures down and has continued to strive to maximize use of funds available to it. In light of that, the Board appreciates the auditor's recognition that \$150 per day payment should not necessarily serve as an upper limit for compensation.

Most states have adopted a yearly compensation rate for Parole Board members which eliminates the need for duty/time lists. (Appendix B) The Alaska Board of Parole has been studying the compensation policies of those boards and comparing them to our own. We are in the process of working with the Governor and his staff on a new compensation plan.

The Board disagrees that compensation is "inconsistently applied." In September, 1995, the Board adopted a policy to continue the current compensation set by the Governor in 1984 of \$150.00 for a full day of Parole Board work, \$75.00 for a half day and \$10.00 for each file read. While we agree the board needs to have a written policy, the current form of compensation is indeed quite consistent and straight forward.

- Recommendation No. 3 The statute regarding rights of victims to comment on prisoner parole needs to be changed to reflect the responsibilities of both the Department of Corrections and the Board of Parole.

The Board agrees that practice should reflect statutory requirements but, historically, the Board has relegated the task of parole report preparation and victim notification to the probation/parole officer pursuant to AS 33.16.190.

AS 33.16.190 provides:

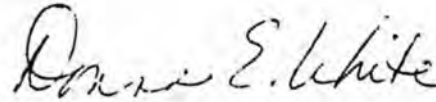
Authority of parole and probation officers. An officer appointed by the commissioner under AS 33.05.020(a) or under this chapter, may discharge duties under AS 33.05 and this chapter.

- Recommendation No. 4 The executive director should follow the requirements of the Alaska Administrative Manual when approving reimbursement to board members for per diem claims or obtain the necessary documentation to support a reasonable exception.

The Executive Director does follow the Alaska Administrative Manual when preparing per diem and hotel expenses for Board members. As a matter of record, the Board member noted in this report lives more than 50 road miles from the Anchorage facilities. In an effort to finally resolve this issue, the Board has requested and received the exemption.

We concur with the recommendation that extends the Board's termination date to June 30, 2003.

Sincerely,


for Alonzo B. Patterson, Jr.
Chairman

Enclosure

cc:

Margaret Pugh

STATE OF ALASKA
BOARD OF PAROLE



1995 ANNUAL REPORT TO THE GOVERNOR
AND THE ALASKA LEGISLATURE

JUNE 1996

This report is available from the Board of Parole

**APPENDIX B
PAROLE BOARD MEMBER COMPENSATION**

The following information is the result of a survey conducted by the State of Nevada, Board of Parole Commissioners. This survey was completed in September, 1996.

State	Chairmans Salary	Members Salary	Use Video Conference?	# of Members
Alabama	\$88,000	\$88,000	No	3
Arkansas	\$64,000	\$55,000	No	7
Arizona	\$53,810	\$49,995	No	7
California	\$90,480	\$87,300	No	9
Colorado	\$72,200	\$67,200	No	7
Connecticut			Yes	13
Delaware			No	5
Florida	\$70,881	\$70,881	No(under review)	3
Georgia	\$79,685	\$79,685	No	5
Hawaii	\$77,969	\$72,800	No	3
Idaho			No	5
Illinois	\$60,000	\$55,000	Yes	12
Indiana	\$58,000	\$48,500	No	5
Idaho			No	5
Iowa	\$70,000		Yes	
Kansas	\$79,685	\$77,420	No(Yes in 1 year)	5
Kentucky	\$65,000	\$45,000	No	7
Louisiana	\$42,000	\$38,000	Yes(rejected)	7
Maryland	\$78,000	\$65,000	Yes	8
Massachusetts	\$72,487	\$55,850	Yes	7
Michigan	\$74,500	\$68,000	No	10
Minnesota			No	
Mississippi	\$55,000	\$50,000	No	3

State	Chairmans Salary	Members Salary	Use Video Conference?	# of Members
Missouri	\$63,380	\$59,430	Yes	5
Nebraska	\$62,000	\$47,301	No	5
Nevada			No	6
New Hampshire			No	7
New Jersey	\$86,000	\$83,500	No	9
New York	\$90,832	\$76,421	No	18
New Mexico	\$56,000	\$50,000	No	4
North Carolina	\$70,643	\$65,220	No	5
Ohio	\$70,408	\$60,000	No	12
Oklahoma			No	5
Oregon	\$69,180	\$56,904	Yes(in future)	3
Pennsylvania	\$81,449	\$78,450	No	5
Puerto Rico	\$55,000	\$45,000	No	5
Rhode Island	\$65,000	\$65,000	No	7
South Carolina			No	7
South Dakota			No	6
Tennessee	\$60,000	\$58,000	No	7
Texas	\$65,000	\$62,000	No	18
Us Army	\$95,000	\$95,000	No	14
Us Govt	\$115,700	\$108,200	No	4
Vermont			No	5
Washington	\$72,000	\$69,000	No	3
West Virginia	\$40,000	\$40,000	No	5
Wisconsin	\$65,000	\$55,787	No	5
Wyoming			No	7
Average Total	\$69,315	\$60,007		Average Members 7