

HB

91

SENATE COMMITTEE REPORT

DATE: 2/13/97

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 2/21/97

Judiciary Committee considered HOUSE BILL NO. 91

"An Act extending the termination date of the Board of Parole; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical change
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>John Miller</i>	<input checked="" type="checkbox"/>	<i>Finance</i>	<input checked="" type="checkbox"/>		
		<i>Sean Connolly</i>	<input checked="" type="checkbox"/>		
CHAIR:		CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>Corrections</i>	<i>2/7/97</i>		<input checked="" type="checkbox"/>

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No. 1
 Bill Version: HB 91
 (H) Publish Date: 2/7/97

**STATE OF ALASKA
 1997 LEGISLATIVE SESSION**

Revision Date: _____ Dept. Affected: Corrections
 Title: "An Act extending the termination date of the BRU: Administration & Support
Board of Parole; and providing for an effective date." Component: Parole Board
 Sponsor: Representative Porter
 Requester: Representative Porter (H) JUD COMPONENT SERIAL NO. 695

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	321.8	321.8	321.8	321.8	321.8	321.8
TRAVEL	66.4	66.4	66.4	66.4	66.4	66.4
CONTRACTUAL	99.0	99.0	99.0	99.0	99.0	99.0
SUPPLIES	4.7	4.7	4.7	4.7	4.7	4.7
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	491.9	491.9	491.9	491.9	491.9	491.9

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	491.9	491.9	491.9	491.9	491.9	491.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	491.9	491.9	491.9	491.9	491.9	491.9

Estimate of any current year (FY97) cost: \$ 488.2

POSITIONS

FULL-TIME	5	5	5	5	5	5
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Although this is presented as a fiscal note, the above numbers represent the Parole Board's FY98 Operating Budget Request.

Prepared by: Bruce Richards *[Signature]* Phone: 465-3307
 Division: Office of the Commissioner Date: 1/30/97
 Approved by Commissioner: Margaret Pugh *[Signature]* Date: 1/30/97
 Agency: Department of Corrections

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STATE OF ALASKA

BOARD OF PAROLE



**1996 ANNUAL REPORT TO THE GOVERNOR
AND THE ALASKA LEGISLATURE**

January 1997

STATE OF ALASKA /

TONY KNOWLES, GOVERNOR

DEPARTMENT OF CORRECTIONS

ALASKA BOARD OF PAROLE
P.O. Box 112000
Juneau, Alaska 99811-2000
PHONE: (907) 465-3384
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Alonzo B. Patterson Jr., Chairman
David F. Cooper, Vice-Chairman
Elsabeth F. Demeksa, Member
Jana Varrati, Member
Mary Ann Eininger, Member

January 31, 1997

To: The Honorable Tony Knowles, Governor
The Honorable Members of the Alaska State Legislature
The Citizens of the State of Alaska

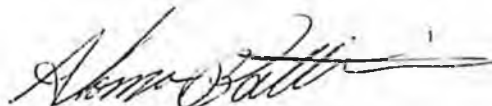
Ladies and Gentlemen:

It is my pleasure to offer the Annual Report of the Alaska Board of Parole for the calendar year 1996. I believe you will find the information contained in this report to be both interesting and informative.

The Board has continued, over the last year, to approach decision making in a professional and informed manner with the knowledge that we as a Board are first and foremost accountable to the citizens of the State of Alaska. Our recidivism statistics, included in this report, are an excellent indicator that a properly administered parole system can be an asset. As a future goal, the Board would like to see the state remove misdemeanor from parole supervision by changing the law so a prisoner is on supervision with a minimum sentence of two years or more rather than the current practice of supervising them with any combination of sentences of two years or more.

The Board takes a great deal of pride in the dedication of our staff and the Department's employees during the last year. In light of declining resources and a growing prison population the State of Alaska and the Department of Corrections are facing some very difficult challenges.

Sincerely,



Alonzo B. Patterson, Jr.
Chairman

ALASKA BOARD OF PAROLE 1996 ANNUAL REPORT

TABLE OF CONTENTS

SECTION ONE - THE PAROLE BOARD

MISSION STATEMENT	1
STATUTORY OBLIGATION	2
THE PAROLE BOARD'S RESPONSIBILITIES	3
THE BOARD MEMBERS	4
THE PAROLE BOARD STAFF	5

SECTION TWO - HISTORY

INTRODUCTION	6
THE HISTORY OF PAROLE ELIGIBILITY	7
DISCRETIONARY PAROLE REQUIREMENTS	9
MANDATORY PAROLE REQUIREMENTS	9

SECTION THREE - STATISTICS

BOARD CASE MANAGEMENT	9
DISCRETIONARY PAROLE	10
MANDATORY PAROLE	11
RISK FACTORS	12
PAROLE GUIDELINES	13

MISSION STATEMENT

Alaska Board of Parole

To protect the public by focusing on risk and by making careful, just, and equitable parole decisions.

To maintain a current written policy and numerical guidelines to allow the public, offenders, and criminal justice components to easily understand discretionary parole release decisions.

To represent the ethnic, racial, gender, and cultural populations of the state.

To use Department and community resources as a bridge to help parolees become contributing members of society.

To set relevant parole conditions and return to prison those who fail to follow their parole conditions.

STATUTORY OBLIGATIONS

AS 33.16.100(a) The Board may authorize the release of a prisoner on discretionary parole if it determines that a reasonable probability exists that:

- (1) the prisoner will live and remain at liberty without violating any laws or conditions imposed by the Board;
- (2) the prisoner's rehabilitation and reintegration into society will be furthered by release on parole;
- (3) the prisoner will not pose a threat of harm to the public if released on parole; and
- (4) release of the prisoner on parole would not diminish the seriousness of the crime.

AS 33.16.010(d) A prisoner released on discretionary or mandatory parole is subject to the conditions of parole imposed under AS 33.16.150.

AS 33.16.220 The Board may revoke parole for conduct in violation of AS 33.16.150(a) or (b).

THE PAROLE BOARD'S RESPONSIBILITIES

- **To Alaska Citizens**

To continually refine our ability to select persons for parole who will succeed as law-abiding citizens. To assist parolees in becoming productive citizens for the benefit of society, themselves, and their families. And, to use our revocation authority wisely, promptly returning to prison those parolees who present a danger to the community.

- **To Victims**

To welcome and consider views and information from crime victims and their families and to respond positively to their requests for information and notification.

- **To Corrections Employees**

To provide leadership, training, and resources to enable them to perform their jobs effectively and efficiently.

- **To Offenders**

To consider each offender as an individual, using one set of standards in fair, unbiased hearings; providing realistic parole conditions and helpful positive supervision.

- **To Justice**

To uphold appropriate punishment; advance equal treatment to offenders serving sentences for similar offenses with similar histories and needs; and work with other justice components to reduce criminality.

THE BOARD MEMBERS

Chairman Alonzo B. Patterson, Jr. was appointed to the Board in February 1984 by Governor Sheffield. He was reappointed by Governor Sheffield in 1986, Governor Hickel in 1991, and Governor Knowles in 1996. Reverend Patterson is the pastor of Shiloh Missionary Baptist Church in Anchorage. He has a Bachelor of Arts Degree in Psychology from the University of Alaska/Anchorage, and a Doctor of Divinity Degree from the American Bible Institute. Reverend Patterson is a resident of Anchorage.

Vice Chairman David Cooper was appointed by Governor Sheffield in February 1984, reappointed by Governor Sheffield in 1986, Governor Cowper in 1990, and Governor Knowles in 1995. He has an Associate of Arts Degree in Behavioral Science from the University of Alaska/Anchorage. Mr. Cooper is retired from the position of Assistant Superintendent at Palmer Correctional Center after 19 years of exemplary service. He was born and raised near Ninilchik. He and his family operate a commercial fishing business in Cook Inlet. Mr. Cooper is a resident of Palmer.

Member Elisabeth Demeksa was appointed by Governor Hickel in 1992. She has a Bachelor of Arts Degree in English Literature from New York State University. Ms. Demeksa is the owner/manager of a women's apparel store. From 1980 to 1991 she was an Aide to the Alaska Legislature, the last two years as Chief of Staff to the House Minority Leader. She is active in numerous women's and family organizations, and in 1984 was honored as one of the Outstanding Young Women of America. Ms. Demeksa is a resident of Juneau.

Member Mary Ann Eininger was appointed by Governor Knowles in 1995. She has a Bachelor of Science Degree in Psychology from the University of Chicago; a Masters of Science Degree from the Institute of Child Development, University of Minnesota; and an Education Specialist Degree in School Psychology from the University of Minnesota. Ms. Eininger has worked as a school psychologist in Minnesota and Alaska; for NEA-Alaska advocating for teachers, children, and schools. She currently owns a conflict resolution business, Resolution Now. Ms. Eininger is a community activist in Fairbanks.

Member Jana Varrati was appointed by Governor Knowles in 1995. She has a Bachelor of Science degree from the University of Iowa. Ms. Varrati has been a resident of Alaska since 1967 and has worked in both urban and rural Alaska. She was a lobbyist for 10 years, served as Special Assistant to the Commissioner of the Alaska Department of Corrections for six years, and until recently, was the Deputy Director of the Alaska Democratic Party. Ms. Varrati is a resident of Anchorage.

THE PAROLE BOARD STAFF

The Parole Board office is located at 802 Third St., Douglas, Alaska. Our mailing address and telephone numbers are:

Alaska Board of Parole
P.O. Box 112000
Juneau, Alaska 99811-2000
Phone: (907) 465-3384 ● Fax: (907) 465-3110

Executive Director

Donna E. White (acting)

The Executive Director is appointed by, and serves at the pleasure of the Board. The Executive Director is responsible for the day-to-day operations. The Executive Director attends parole release hearings and parole revocation hearings as well as providing technical assistance to the Board.

Parole Administrator

Donna E. White

The Parole Administrator assists the Executive Director in agency administration and staff supervision. The Parole Administrator is a resource for parole officers to use in daily caseload management, and parole related time accounting. The Parole Administrator is also responsible for monitoring parole eligible inmates at the Federal Bureau of Prisons (FBP) and contract facilities outside of Alaska. The Parole Administrator is required to provide training to probation and parole officers on parole related matters at the department's training academy.

PAROLE BOARD OFFICER

Daniel L. Stroeing

The Parole Board Officer assists the Parole Administrator. He is responsible for preparing conditions of mandatory parole, extraditions, and executive clemency investigations.

Secretary I

Rebecca R. Alt

Administrative Clerk III

Jean Erickson

INTRODUCTION

Society, through legislation, has determined that some people convicted of crimes will be incarcerated in correctional institutions. Incarceration is intended to act as a deterrent to others, punishment for the crime, public protection, and reformation. The optimum period of time that will meet these criteria for any given crime is unknown and, consequently, sentence length varies considerably across the United States. We know from experience that a number of offenders can be released to community supervision prior to the expiration of their sentences without jeopardizing the public and at a tremendous cost savings.

The Alaska Board of Parole was created by the legislature at Statehood to fulfill the State's constitutional requirement for a parole system. Originally, the Board was comprised of three gubernatorially appointed volunteer members. Support staff was provided by the Division of Corrections. In the mid 1960s, the Board increased to five members. In 1972, a separate parole office was created within the Department of Health and Social Services to make the Board independent of the Division of Corrections and provide Board Members with their own administrative staff. In 1984, when the Department of Corrections was created, the Board's Budget Request Unit was moved from Health and Social Services to the newly formed department.

Prior to 1986, Board members were appointed to four year terms. Beginning January 1, 1986 the appointed terms were extended to five year staggered terms, terminating every year on December 31. The staff presently includes an Executive Director, Parole Administrator, Parole Board Officer, a Secretary, and an Administrative Clerk III.

In addition to holding discretionary parole release hearings, the Board holds parole revocation hearings on both mandatory and discretionary parolees. The Board also sets parole conditions, conducts preliminary revocation and rescission hearings, and issues arrest warrants and subpoenas. During the years 1984 to 1986, the Board reviewed cases in accordance with the Prisoner Overcrowding Emergency Conditional Commutation Plan.

The Board meets quarterly in Anchorage, Eagle River, Fairbanks, Juneau, Seward, and Palmer. In November 1995, because of increased work load, the Board began meeting monthly in Anchorage to conduct final parole revocation hearings. Occasionally, the Board travels outside Alaska to the Federal Bureau of Prison Facilities and contract institutions to hold parole hearings. The Board members are paid per diem plus travel expenses and \$150 compensation for each day of hearings and administrative meetings.

In 1981, the Board adopted a parole guidelines model in which a prisoner's social and criminal history are rated to determine a risk score. The risk score and the severity of the crime are measured to determine a guideline range. The guideline range is a time of incarceration a prisoner must serve before the Board will grant discretionary parole. The guidelines were revised in 1983 based on criminal code revisions. In 1989, following research into the validity of risk factors, the guidelines were again changed.

THE HISTORY OF PAROLE ELIGIBILITY

Eligibility for discretionary and mandatory parole has changed considerably over the last three decades since Statehood. Parole eligibility has become extremely technical. This report provides an historical overview of changes to Alaska Statutes and higher court rulings that affect parole eligibility.

In 1960, the Alaska legislature determined, with passage of the criminal code, that a prisoner sentenced to a term of at least 181 days would be eligible for discretionary parole. Former AS 33.15.180. Although there was no statutory minimum term a prisoner had to serve before release on parole, the court had the discretion to set a minimum term, not to exceed one-third of the total sentence. Former AS 33.15.230(a)(1). No other restrictions or guidelines applied.

Effective May 16, 1974, the Alaska Legislature amended former AS 33.15.080 requiring a prisoner to serve one-third of the period of confinement before being eligible for discretionary parole. In the case of a prisoner serving a life sentence, the mandatory minimum was set at fifteen years. In addition, former AS 33.15.230(a)(1) was amended allowing the court to further restrict parole eligibility up to the maximum term of incarceration.

In 1980, as part of the revised criminal code and with the inception of presumptive sentencing, parole eligibility was again altered significantly. Crimes were grouped according to the severity of the offense. Murder I, Murder II, and Kidnapping were unclassified felonies. Murder I and II and Kidnapping were changed from a maximum term of life to a maximum term of 99 years. The mandatory minimum for discretionary parole eligibility for Murder I was increased to 20 years [AS 12.55.125(a)] or one-third of the period of confinement (former AS 33.15.080), whichever was greater. The mandatory minimum term for Murder II and Kidnapping was set at five years [AS 12.55.125(b)] or one-third of the period of confinement, whichever was greater.

All other felony offenses were classified as A, B, or C felonies. First time felony offenders and all misdemeanor offenders with a sentence of 181 days or longer were eligible for discretionary parole after serving one-third of the period of confinement. The remaining felony offenders (those with one or more prior felony convictions) were to be given a non-parole eligible presumptive term. [AS 12.55.125] As in the past, the court could further restrict parole eligibility beyond the statutory minimums [AS 12.55.115].

The 1980 revised criminal code also provided for a Three-Judge Sentencing Panel, AS 12.55.175, to review cases with extraordinary circumstances [AS 12.55.165]. The three-judge panel may impose a sentence under AS 12.55.015. The three-judge panel may also order a defendant previously ineligible for discretionary parole, parole eligible.

Effective October 1, 1982, Sexual Assault I and Sexual Abuse of a Minor I, previously class A felonies, were placed in a new category of "unclassified presumptives" [AS 12.55.125(l)], first time sex offenders were no longer eligible for parole. In addition, Class A first time sex offenders were now subject to presumptive terms and were not eligible for parole [AS 12.55.125(c)].

Effective January 1, 1983, drug offenses were included in the revised criminal code and Misconduct Involving a Controlled Substance in the First Degree became an unclassified felony with a five year mandatory minimum [AS 12.55.125(b)].

Effective January 1, 1986, class A, B, and C felony offenders eligible for parole, had their parole eligibility reduced from one-third of the period of confinement to one-quarter [AS 33.16.100 (c)]. In addition, enhanced or aggravated presumptives were declared eligible for discretionary parole upon completion of the initial presumptive term plus the minimum (one-third or one-quarter) applicable to the enhanced portion of the term [AS 33.16.090(c)].

In order to correct what they believed to be a previous oversight, the Alaska legislature made Class A offenders parole eligible after serving one-third of the period of confinement. The revised law became effective September 12, 1987. Eligibility of these offenders had been mistakenly reduced the previous year to one-quarter along with class B and C offenders [AS 33.16.100(d)].

In 1988, the court ruled an offender sentenced prior to 1986 to an enhanced (aggravated) presumptive sentence [AS 12.55.155(c)] was eligible for parole after serving the presumptive term, less good time, and at least one-third of the composite term. Merry v. State, 752 P.2d 475 (Alaska App. 1988). In 1990, it was determined an offender sentenced to a consecutive presumptive sentence prior to 1986 was eligible for parole after completion of the initial presumptive sentence, less good time, and after serving the applicable minimum (one-third or one-quarter) of the consecutive presumptive term.

It is a well established fact that good time does not reduce the minimum term for parole eligibility. Attorney General Opinion, 01/30/74, Mills v. State, 592 P.2d 1247 (Alaska 1979). Good time does, however, reduce the term of a presumptive sentence, thus, affecting in a parole eligibility on both enhanced presumptive sentences and consecutive presumptive sentences [AS 33.16.090(c)].

Effective September 14, 1992, "three judge panel sentencing based on a finding of an exceptional potential for rehabilitation" became more restrictive. After that date, the statute required the panel to sentence the defendant to the presumptive term and order the defendant to participate in appropriate rehabilitation programs. It also provided that the defendant may become eligible for discretionary parole during the second half of the sentence imposed if the defendant successfully completed all court ordered rehabilitation programs [AS 12.55.175(e), AS 33.16.090(e)].

Effective September 3, 1995, the Board was given the authority to consider individuals for special medical parole. The statute disallows individuals serving presumptive, mandatory, or mandatory minimum terms. The statute clearly defines qualifying medical conditions that must be present in order for a person to be considered eligible for special medical parole. [AS 33.16.085]

ELIGIBILITY FOR DISCRETIONARY PAROLE: An Overview

As previously indicated, parole eligibility laws have become extremely complicated. In order for a prisoner to be eligible for discretionary parole, the prisoner must be sentenced to a term of 181 days or more. In the case of classified felonies, first time class B and C offenders are eligible after serving one-quarter of their term. All other classified felonies and unclassified sex offenses fall under presumptive sentencing and are eligible for parole after serving the initial presumptive terms. Prisoners convicted of unclassified felonies must serve mandatory minimums (20 years for Murder in the first Degree, five years for all others) or one-third of the total term, whichever is greater, before being eligible for discretionary parole. A prisoner may not be released to discretionary parole before s/he signs the parole conditions.

ELIGIBILITY FOR MANDATORY PAROLE: An Overview

A prisoner who is ineligible for or has not been granted discretionary parole will be released to mandatory parole supervision providing the composite sentence is two years or more. The term of mandatory parole is equal to the period of time the prisoner's sentence was reduced for good behavior, in most cases this is one-third of the total sentence.

Mandatory parole can be rescinded prior to a prisoner's release to supervision if the prisoner does not comply with court ordered treatment while incarcerated. Once released from the institution, the Parole Board can revoke a mandatory parolee for violating their mandatory parole conditions previously set by the Board. A prisoner cannot refuse to be released to mandatory parole supervision, and may be released without signing parole conditions.

Board Case Management

The workload for the Alaska Board of Parole increased significantly during the 1980s, a time when prisoner population mushroomed. As an example, the 1980 criminal code revision did not begin to show an impact until about 1983. In 1982, the Board's total workload including parole hearings, parole revocation hearings, warrants and preliminary hearings was under 400 cases. From 1982 to 1995, the Board's workload increased four fold. The increase was substantially related to the enforcement of the 1980 presumptive sentence and mandatory parole laws. Each year, as a higher percentage of prisoners entering the system were sentenced under the presumptive sentence law, the number of prisoners eligible for discretionary parole and the number of prisoners released on discretionary parole decreased. In November, 1995, the Board began meeting monthly at the Cook Inlet Pretrial facility in Anchorage to conduct final revocation hearings. This came as a result of an ever increasing number of mandatory parole releases.

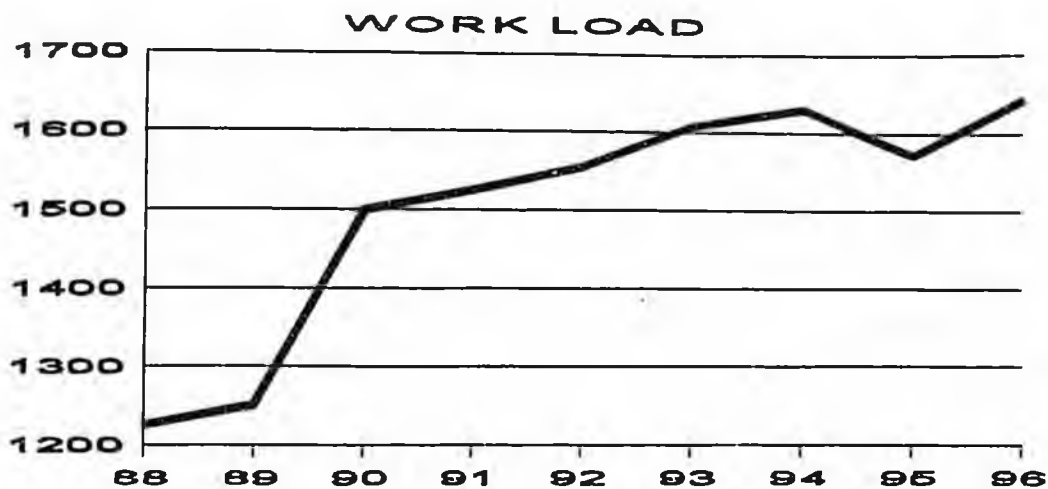


figure #1

During calendar year 1996, the Board held a total of 1644 hearings, a record level and an increase from 1995's figure of 1571. This increase is in spite of moving to a monthly meeting schedule in 1995, which has reduced the number of preliminary revocation hearings in the Anchorage bowl. (figure #1).

Discretionary Parole

During calendar years 1994-1996 the Board held a total of 695 discretionary parole release hearings. Of that total, 283 prisoners were granted discretionary parole for a parole rate of 41% (figure #2). In addition, during that three year period, the Board reparaoled another 226 prisoners following revocation of their mandatory parole.

The Board has completed a recidivism study every year since the mid 1970s. This was traditionally a one year follow-up of prisoners released to discretionary parole. In 1988, the study was expanded to follow the parolee for more than one year. Success is measured by the parolee's ability to complete the follow-up period on supervision without having been revoked by the Board.

PAROLE RATES 1994-1996

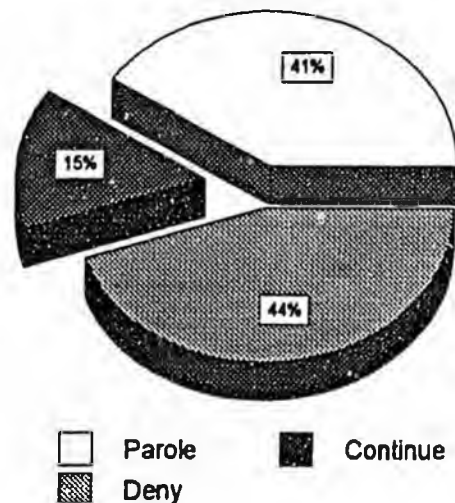


figure #2

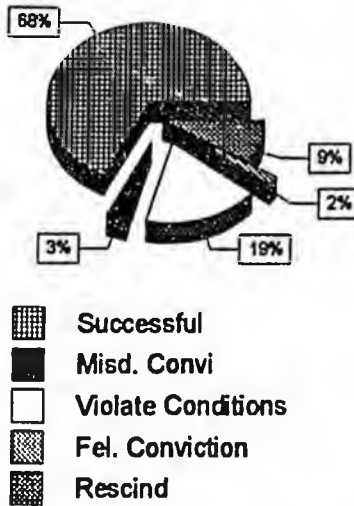
Failure is also divided into five categories, including *rescissions* due to the prisoners behavior prior to release on parole or refusal to accept the conditions of parole. If, following release, the violation was for a condition of parole that was not a violation of a law or local ordinance, such as consuming alcohol or failing to report a change of residence, the violation is considered to be a *technical* or *conditions* violation. If parole is revoked as a result of a conviction for a *misdemeanor* or *felony* while on supervision, the violation is noted accordingly. A parolee who does not report to the parole office as instructed and is unable to be located by the parole officer is coded as an *absconder*. If multiple violations occur, the most serious one is the one coded.

The Board is very proud of its consistently low felony revocation rate. A felony revocation rate of 10% is acceptable and expected in many jurisdictions across the United States. The Alaska Board of Parole has consistently had a felony violation rate of 5% or less. A follow-up of the prisoners released to discretionary parole during the years 1991-1995 indicates a felony violation rate of 2% and a misdemeanor violation rate of 3% (figure #3). This low felony and misdemeanor revocation rate is an indication the field parole officer is doing a good job monitoring cases to assure the parolee is removed from the community at the first sign of serious supervision violations and before a new crime is committed.

The combined violation rate for discretionary parolees during that period of time is 24%. An additional 9% of prisoners had their parole rescinded prior to release due to their behavior or due to their refusal to agree to the conditions of parole. In addition many of the prisoners revoked were returned to prison for only a short period of time and then released to supervision again at a later date.

Figure #3

RECIDIVISM 1991-1995
DISCRETIONARY PAROLE

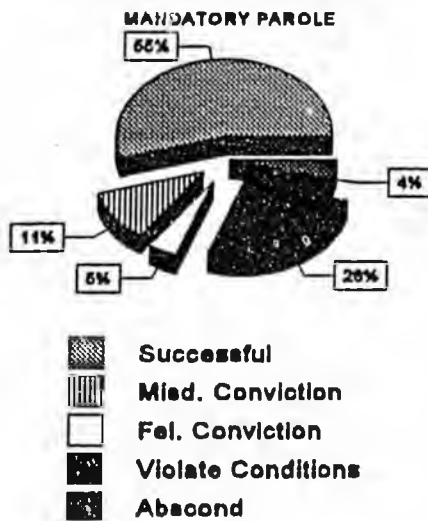


Mandatory Parole

The Department of Corrections currently releases over 450 prisoners each year on mandatory parole supervision. Mandatory parole is defined as that portion of a sentence reduced for good behavior while incarcerated. This number continues to increase as the prison population continues to increase.

figure #4

RECIDIVISM 1991-1995



During the years 1991-1995, 2254 prisoners were released to mandatory parole supervision. As figure #4 indicates, 45% of them violated their conditions of mandatory parole. This violation rate is nearly twenty percentage points higher than prisoners released to discretionary parole. In addition, on the average these prisoners were not as closely supervised as discretionary parolees who are often required to participate in residential programs, halfway houses, or the Intensive Supervision Program. This revocation rate for mandatory parolees could increase considerably if they were supervised as closely as discretionary parolees. Once a mandatory parolee has violated parole conditions, s/he will come back before the Board for a revocation hearing. It is at this point that the parolee is subject to closer supervision identical to that of a discretionary parolee, providing the Board votes to reparole the individual.

Risk Factors

The parole guideline model developed in 1981 and the subsequent revisions to that model have always included a risk score sheet. The current risk factors were adopted in 1989 and provide for a scoring range of 0 to 49. The lower the score, the lower the risk to reoffend. Risk scores are divided into four categories as follows:

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

During the years 1992 to 1996, the parole rate for prisoners in category A was 62%; the parole rate for category B was 50%; the parole rate for category C was 37%; and the parole rate for category D was 26%. (figure #5). This is a good indication the Board is paying a great deal of attention to an applicant's risk to the community at the time parole is granted.

PAROLE RATE BY RISK SCORE
1992-1996

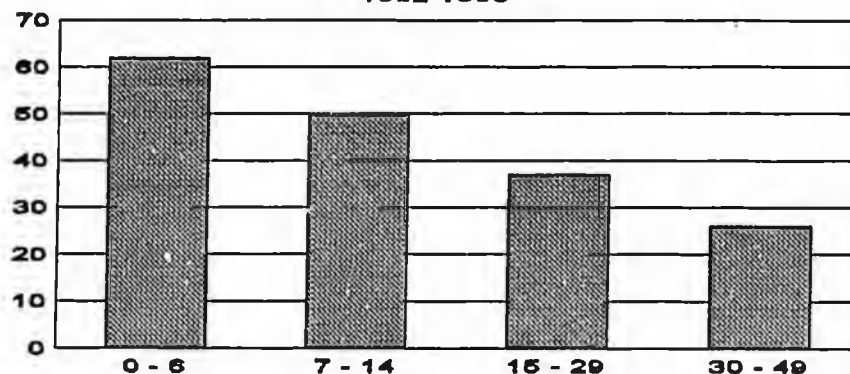
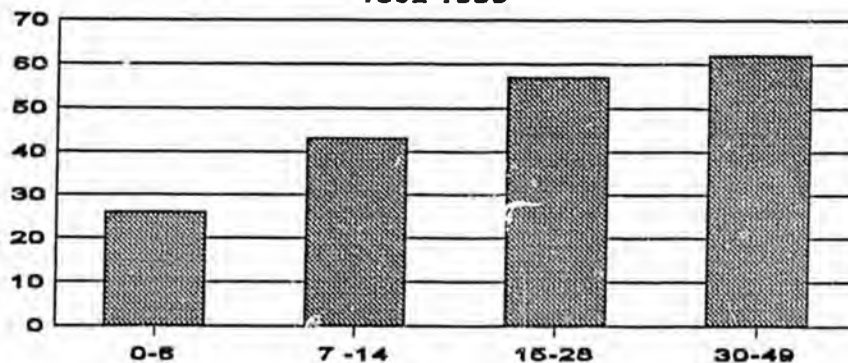


figure #5

Information obtained from risk scores for prisoners appearing in a parole hearing and later appearing in a revocation hearing during the years from 1992 to 1996 further support the validity of the risk scores and the Board's reliance on these scores. Of the 275 prisoners revoked during this five year period, only 7% were in the two best risk categories (A & B). (figure #6). Nearly all of the parolees violated during those years (93%) had a risk score of 15 or higher.

figure #6

RISK SCORES AT REVOCATION HEARINGS
1992-1996



Parole Guidelines

The Board has utilized numerical guidelines for releasing prisoners since 1981. See 22 AAC 20.142. The guidelines are designed for non-presumptive offenders eligible for discretionary parole. Many other states have guideline models, including the U.S. Parole Commission. In some cases the Board will release a prisoner below the minimum range by making a formal finding of mitigating factors; or the Board will deny parole and thus require a prisoner to serve a term above the guidelines by making a formal finding of aggravating factors. During 1996, the Alaska Board of Parole found mitigating factors to make a decision below the suggested guidelines range in 9% of the cases appearing before them. They found aggravating factors and made a decision above the suggested guidelines range in 10% of the cases appearing before them.

AGGRAVATION AND MITIGATION

1987-1996

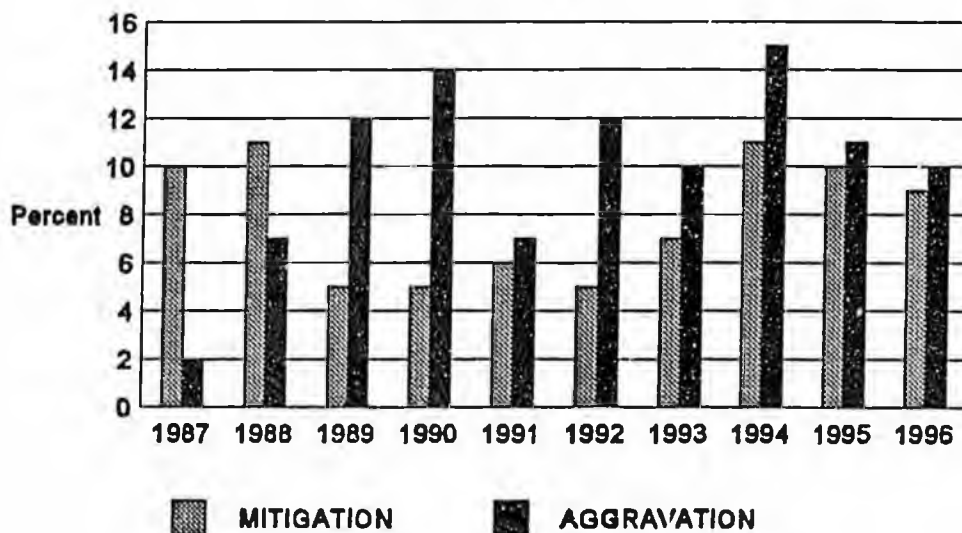


figure #7

Eighty-one percent of discretionary paroles granted are granted within the guideline range. This high percentage of conformity to the guidelines is an indication the Board is making a conscious effort to apply the discretion they have, in a fair and equitable manner.

Alaska State Legislature

Representative Brian S. Porter

HOUSE MAJORITY LEADER

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



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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

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



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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

TABLE OF CONTENTS

	<u>Page</u>
Objectives, Scope, and Methodology	1
Organization and Function	3
Report Conclusions	5
Findings and Recommendations	7
Analysis of Public Need	11
Agency Response:	
Alaska Board of Parole	19

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.

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)

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, 2007.

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.

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.

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.	C = 15-29 pts.
B = 7-14 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.

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 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 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

TONY KNOWLES, GOVERNOR

DEPARTMENT OF CORRECTIONS

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

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.

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

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