

**HB**

**296**



# Alaska State Legislature

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Military and Veterans' Affairs  
Public Safety



*A Communication From*  
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## **HB 296** **Sponsor Statement**

HB 296 extends the termination date of the Board of Parole until June 30, 2016.

The Board of Parole serves as the parole authority for the State. As such, the board fulfills the Alaska Constitution requirement that the State establish a parole system. The board's primary responsibilities include determining a prisoner's suitability for discretionary parole and setting conditions for individuals receiving parole. Another major responsibility of the board is the holding of parole revocation hearings.

The Division of Legislative Audit recently concluded that there was a demonstrated need for the Board of Parole and that the terminated date be extended until June 30, 2016. Your support of HB 296 is respectfully requested.

# FISCAL NOTE

**STATE OF ALASKA**  
**2008 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB296-DOC-PB-01-11-08  
 ( ) Publish Date: \_\_\_\_\_

Identifier (file name): HB296-DOC-PB-01-11-08 Dept. Affected: Corrections  
 Title "Act extending the termination date of the Board of Parole..." RDU Population Management  
 Component Parole Board  
 Sponsor Representative Lynn  
 Requester House Component Number 695

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>							
Personal Services	658.3	0.0	0.0	0.0	0.0	0.0	0.0
Travel	41.7	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	44.6	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	24.5	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>769.1</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>							
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<b>CHANGE IN REVENUES ( )</b>							
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	769.1	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>769.1</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2008) cost: 0.0

**POSITIONS**

Full-time	5	0	0	0	0	0	0
Part-time	0	0	0	0	0	0	0
Temporary	0	0	0	0	0	0	0

**ANALYSIS:** (Attach a separate page if necessary)

Passage of this legislation should have no fiscal impact on the Department of Corrections.

Prepared by: Sharleen Griffin, Director  
 Division Administrative Services  
 Approved by: Dwayne Peeples, Deputy Commissioner  
Department of Corrections

Phone (907) 465-3339  
 Date/Time 1/11/08 12:00 AM  
 Date 1/11/2008

# ALASKA STATE LEGISLATURE

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



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August 29, 2007

Members of the Legislative Budget  
and Audit Committee:

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

### DEPARTMENT OF CORRECTIONS BOARD OF PAROLE SUNSET REVIEW

August 28, 2007

Audit Control Number

20-20053-07

This audit was conducted as required by Alaska Statute 44.66.050, under the authority of AS 24.20.271(1). Currently, under AS 44.66.010(a)(2), the Board of Parole is scheduled to terminate operations on June 30, 2008. If the legislature does not extend the termination date for the board, it will have one year from that date to conclude operations.

In our opinion, the termination date for the Board of Parole should be extended. There is a demonstrated public need for the Board of Parole, and the board carries out a public purpose mandated in the State constitution. Accordingly, we recommend the termination date of the board be extended to June 30, 2016.

The audit was conducted in accordance with generally accepted government audit 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.

Pat Davidson, 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, we reviewed the activities of the Board of Parole to determine if the board is operating in the best interest of the public and carries out a public purpose. As required by AS 44.66.050(a), the committee of reference is to consider this report during the legislative oversight process as it determines whether the board should be reestablished, or for how long the termination date for the board should be extended. Currently, under AS 44.66.010(a)(2), the board will terminate on June 30, 2008, 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 the criteria 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. Parole hearing calendars.
3. Parole application files from years 2004 through 2006.
4. Interviews with staff of the Board of Parole; the Victim Service Unit within the Department of Corrections; and, the Office of Victims' Rights.
5. Administrative policies and procedures of the Board of Parole and the Department of Corrections.
6. Compensation records related to the members of the board for 2001 through 2006.
7. Office of the Ombudsman closed case file.
8. Budget documents related to the appropriation requests of the Board of Parole.

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## ORGANIZATION AND FUNCTION

The Board of Parole was created as the parole authority for the State under AS 33.16, referred to as The Parole Administration Act.<sup>1</sup> 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.*"<sup>2</sup>

Members of the board serve for staggered terms of five years and until their successors are appointed. The board's presiding officer is chosen by the governor from current board members. Alaska statute directs that the governor make appointments to the board, "*with due regard for representation on the board of the ethnic, racial, sexual, and cultural populations of the state.*"<sup>3</sup> See Exhibit 1.

State law also requires the governor appoint at least one member who resides in the First Judicial District, one member who resides in the Third Judicial District, and one member who resides in either the Second or Fourth Judicial District.

Board members are compensated for participating in board business at a rate set by the governor. The current compensation rate for board members is set at \$125 for each half day and \$250 for each full day.

Travel costs and per diem are also provided to board members traveling in conjunction with their duties directly related to board activities. 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. After an individual meets the statutory requirement for parole eligibility (after serving a mandatory minimum sentence of either one-third or one-fourth of the imposed sentence), they may apply to the board for discretionary parole. If an offender is sentenced to two years or more,

<sup>1</sup> Article III Section 3.21 of the state constitution states "[s]ubject to procedure prescribed by law, the governor may grant pardons, commutations, and reprieves, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law." Alaska Statute 33.16 sets out the details of the state's parole administration process. Alaska Statute 33.16.060(a)(1) specifically identifies the Board of Parole as the "*parole authority of the state.*"

<sup>2</sup> AS 33.16.030(a)

<sup>3</sup> AS 33.16.020(d)

### Exhibit 1

#### Board of Parole Members

As of August 2007

Edward L. Rais, Chair  
Michael Stark, Vice-Chair  
Charles Moses  
Linda J. Smith  
Michael Newman

and is not released on discretionary parole for any reason, they must be released to mandatory parole supervision for the good time credit earned<sup>4</sup> on their sentence(s).

Upon application, an eligible inmate may appear before the board and be considered for discretionary parole. Consideration of each application typically involves an interview with the applicant. Additionally, if victims of the crime for which the applicant was convicted opt to do so, they may submit written or oral statements for the board to also consider. After deliberations, the board makes one of three decisions:

1. Continue the case to a future date;
2. Grant parole with conditions set by the board; or
3. Deny the parole application.

In contrast, mandatory parole is not voluntary and release is not contingent upon the board's approval. Although it is not involved with the original decision in the mandatory parole process, the board plays a large role. The board reports it spends most of its time either setting parole conditions or holding parole revocation hearings related to mandatory parolees.<sup>5</sup>

#### Operating Costs and Appropriations

The board's operations are financed by General Fund appropriations. Prior to FY 07 the board's budget was funded as a separate appropriation. For FY 07 the Board of Parole was included as an allocation under the Division of Probation and Parole within the Department of Corrections. In FY 05 and FY 06, the board received supplemental appropriations.

Fiscal Year	Appropriations	Expenditures
2007	\$ 621,500 <sup>6</sup>	\$ 594,400 <sup>6</sup>
2006	617,700 <sup>7</sup>	613,700
2005	530,900 <sup>8</sup>	530,900
2004	530,400	530,400

<sup>4</sup> With some exceptions specified in state law, for every three days a prisoner serves in which they follow "the rules of the correctional facility in which [they are] confined" they earn a good time credit of one-third their sentence. Prisoners not receiving discretionary parole, either because they (1) were not eligible; (2) did not apply; or (3) applied and were denied by the board, must be released on mandatory parole. Individuals with sentences of two years or more are released on mandatory parole after serving their sentence less any good time credit earned.

<sup>5</sup> The board holds revocation hearings when a parolee is charged with violating a law or condition of parole. After such hearings, the board ultimately determines to revoke all or a portion of an individual's parole, or reprimand and warn parolee.

<sup>6</sup> As of August 22, 2007.

<sup>7</sup> Includes operating appropriation of \$596,200 and a supplemental appropriation of 21,500.

<sup>8</sup> Includes operating appropriation of \$459,200 and a supplemental appropriation of \$71,700.

## REPORT CONCLUSIONS

Under AS 33.16, the Board of Parole serves as the parole authority for the State. As such, the board fulfills the Alaska Constitution requirement that the State establish a parole system. The board's primary responsibilities include determining a prisoner's suitability for discretionary parole and setting conditions for individuals receiving parole. Another major responsibility of the board is the holding of parole revocation hearings.

The board conducts its business in a professional manner. Although we have concerns about the board's accessibility to the general public and accountability over how effectively it is operating (see Recommendation No. 1), we believe there is a demonstrated public need for the Board of Parole. Accordingly, the termination date of the board should be extended.

Currently, the board is scheduled to terminate operations on June 30, 2008. If the legislature does not extend the termination date for the board, it will have one year from that date to conclude operations. We recommend that the legislature extend the board's termination date to June 30, 2016.

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## FINDINGS AND RECOMMENDATIONS

### Recommendation No. 1

The Board of Parole should increase public accessibility to, and accountability for, its administrative actions and operations.

For more than four years the board has not had a meeting that provided an opportunity for the public to observe or comment on the board's activities. Additionally, since 2001 the board has not formally issued a statistical report summarizing how effective the board has been at achieving operating objectives.

There is an expectation that appointed boards and commissions, responsible for carrying out certain government functions, be accessible to the public. That accessibility includes an opportunity to make comments regarding the board's activities, as well as being able to assess how well the board meets key operating objectives.

The two key groups involved with the board's central mission, incarcerated parole applicants and the victims of their crimes, consistently have access to the board. The board's current operations accommodate these two groups very well. However, the board should also be cognizant of its responsibility to a third group, the general public.<sup>9</sup>

The board should improve its accessibility and accountability to the public in two important ways:

1. The Board of Parole should hold a general session meeting, open to the public, at least once a year.

The Board of Parole meets numerous times during the year to deliberate and consider parole applications. Since the board's primary responsibility involves dealing with incarcerated felons, conducting business in public-accessible venues is not a ready option.

Holding at least one meeting a year would afford the public the opportunity to address and observe the board. Such a meeting could be held in the afternoon at a public venue, after a morning of hearings at a nearby correctional facility. This could be accomplished at minimal additional cost.

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<sup>9</sup> Under its statute and regulations, the board has discretion not to hold any publicly-accessible meetings, if funding does not permit. The board has faced funding shortages in each of the last three fiscal years (FY 05-07).

2. The board should periodically report on its activities and the results of those activities.

The Board of Parole has not issued an annual report since 2001. Nor does the board participate in the missions and measures (M&M) program administered by the Office of Management and Budget (OMB) in the Office of the Governor. Either of these forums would provide the legislature and the public with information regarding the board's accomplishments and a summary of its operational results.

Although not specifically required of the Board of Parole, the legislature often requires other boards and commissions to prepare an annual report of activities and accomplishments. Likewise, OMB's M&M program provides information on how well state agencies are accomplishing various operating objectives and goals.

Summary data exists that suggests individuals released on discretionary parole have their parole revoked substantially less often than individuals on mandatory parole. The board should take steps to develop a database of its decisions for each parole application it administers. Such a database could provide more reliable statistical information to document, as well as, quantify the cost effectiveness of having a discretionary parole process in place.

Such actions would assist the board in: improving public accessibility, increasing accountability, improving its administration, and achieving greater compliance with operational expectations reflected in state law.

Prior Recommendation No. 1

The Board of Parole should develop a formal Memorandum of Understanding (MOU) with the Department of Corrections to formally reflect the de facto partial "delegation" of the board's responsibilities under statute for the notification of victims of their right to comment at parole hearings.

The concerns of this prior recommendation have been addressed.

In 2003, the Department of Corrections (DOC) adopted regulations<sup>111</sup> related to victim notification. Under the new regulations, DOC was made responsible for all victim notification functions, both for parole hearings and impending release. DOC has developed policies and procedures to carry out this victim notification responsibility. These regulations eliminate the need for a formal MOU between DOC and the board.

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<sup>111</sup> 22 AAC 20.160(1)(1)

Prior Recommendation No. 2

The board should 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 of Parole.

This recommendation has been implemented.

The new compensation structure was formalized in November 2006 in a letter signed by Governor Murkowski. Board members now receive a rate of \$250 per full day, a rate of \$125 per half day, and a piecework<sup>11</sup> rate of \$16 per specified activity. This action resolves our previous recommendation.

Prior Recommendation No. 3

The board should initiate procedures that allow for a review of the risk assessment form to ensure that all mathematical calculations are performed correctly.

This recommendation has been partially implemented.

The parole risk assessment score sheet is a tool used by the board in their discretionary parole deliberations. In the 2000 sunset audit, we reviewed 80 parole files and noted seven errors in the mathematical calculation of the applicant's score sheet. In two of the instances, the errors had an impact on the risk category to which the individual was assigned. We recommended the board initiate procedures allowing for a review of the parole risk assessment score sheet, to ensure mathematical calculations are performed correctly. During the current audit we reviewed 90 files and noted two mathematical calculation errors. Neither of the errors had an impact on the assigned risk assessment category.

Board staff has implemented a system where they hand check the mathematical accuracy of the risk assessment sheets. Although mathematical error frequency did decrease, we note there are continued opportunities for improvement in parole file maintenance.

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<sup>11</sup> Piecework activities could include reading files for discretionary hearings, setting mandatory and discretionary parole conditions, deciding appeals of conditions, or conducting preliminary revocation hearings.

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## A ANALYSIS OF PUBLIC NEED

The following analyses of Board of Parole activities relate to the public-need factors defined in the "sunset" law, AS 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.

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

The Board of Parole must make discretionary parole decisions which protect the public while promoting cost-effective incarceration. The board has established objective, quantitative criteria for use in evaluating individuals eligible for discretionary parole. The criteria applied by the board are designed to assess the risk posed to the public by an individual under consideration of parole.

The board, in evaluating possible discretionary parole for an applicant, uses regulation-based guidelines<sup>12</sup> such as the parole risk assessment score sheet and number of months served by an applicant, in addition to the board's discretion.

The parole risk assessment score sheet assigns points for each risk factor, based on known information of the potential parolee. The score is then totaled. The total corresponds with a risk category, with "A" being the lowest risk and "D" being the highest risk. This classification ostensibly measures the risk of an applicant violating parole or committing future criminal offenses. Exhibit 2 lists examples of factors that raise or lower an applicant's risk score.

### **Exhibit 2**

#### **Factors that increase parole risk:**

- First offense at a young age
- High number of felony convictions
- Previous parole revocations
- Sporadic employment
- Substance abuse issues
- Disciplinary actions in prison
- Convicted of a sexual assault

#### **Factors that decrease parole risk:**

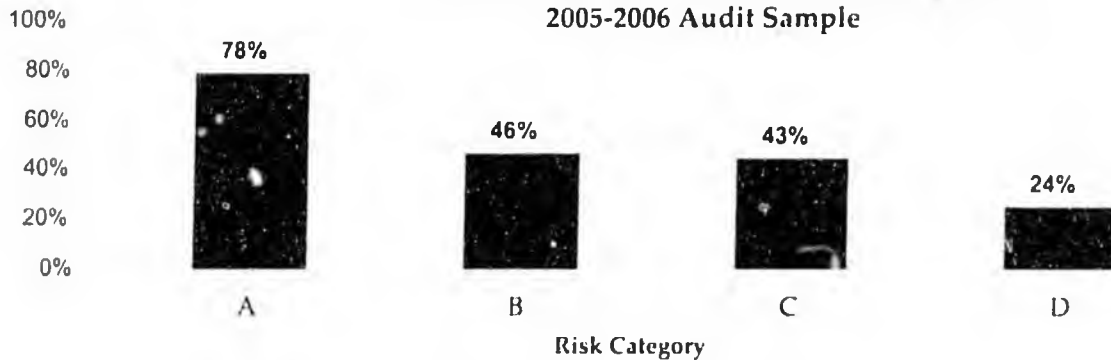
- First offense after 25 years old
- No previous felony convictions
- No parole revocations
- Consistent employment
- No substance abuse issues
- Good prison record
- Current age is over 35 years old

<sup>12</sup> 22 AAC 20.142

We reviewed 90 of the 195 cases that had discretionary parole hearings in calendar years 2005 and 2006. As illustrated in Exhibit 3, we confirmed the board granted parole in a manner consistent with the assessed relative risk of applicants. Essentially, applicants assessed with lower risk scores were granted parole at a higher rate than individuals with higher risk scores. This trend indicates the Board of Parole is appropriately considering risk, as measured by their rating tool, when granting discretionary parole.

**Exhibit 3**

**Discretionary Parole Rate by Risk Category  
2005-2006 Audit Sample**



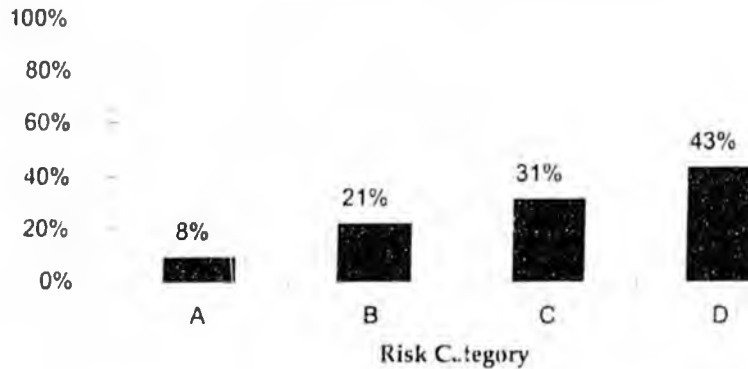
Number of Parole Requests in the Audit Sample	Risk Categories			
	A	B	C	D
Granted	7	5	22	4
Denied	2	6	29	13
Withdrawn	<u>1</u>	<u>1</u>	<u>-0-</u>	<u>-0-</u>
Total Parole Request	10	12	51	17

Exhibit 4, on the following page, illustrates the rate at which individuals, within each risk category, violated parole and had their parole revoked. For this analysis we reviewed 97<sup>11</sup> of the 120 cases that were granted discretionary parole during calendar years 2004 to 2006. These years were chosen to give adequate time to track parole progress. The higher rate of revocations for individuals in the riskier classifications indicates the criteria used by the Board of Parole is relevant and does reflect graduated risk to the general public as measured by parole revocation.

<sup>11</sup> There were 120 granted discretionary paroles initially targeted for review. Six parole files were unavailable and 17 were inmates who had been granted parole but were not yet physically released from prison at the time of our review. This left 97 cases for our review.

Exhibit 4

Parole Revocation Rate by Risk Category  
2004-2006 Audit Sample



Number of Paroles/Revocations In Sample	Risk Categories			
	Lower			Higher
	A	B	C	D
Paroles Granted	12	19	59	7
Parole Revoked	1	4	18	3

*Determine the extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices that it has adopted, and any other matter, including budgetary, resource, and personnel matters.*

The board's administrative support operations have generally been short-staffed by at least one position since 2000. The board was short one board member for a period of almost a year but now has the five members required by state law.<sup>14</sup> Through these difficulties, the board has continued to meet statutory requirements for discretionary parole hearings, revocations, and clemency investigations.

In 2006, the board moved their administrative offices to Anchorage. Previous to the move, the board maintained staffed offices in Juneau and Anchorage with parole files being shuttled between the two locations. The board made the decision to combine and centralize the office in Anchorage, because a majority of parole board hearings are conducted in southcentral Alaska. The intent of the consolidation was to lower travel expenditures for board members and staff.

<sup>14</sup> AS 33.160.020(a)

Prior to FY 07, the Board of Parole received a separate legislative appropriation. For both FY 05 and FY 06, the board was forced to seek supplemental appropriations to cover overspent, initial appropriation funding. In FY 07, the Board of Parole was placed under the Division of Probation and Parole's appropriation within DOC. The board's expenditures in FY 07 were within its allocated appropriation.

As discussed earlier, the current statutes require the Board of Parole to be responsible for victim notification under AS 33.16.120; yet, in practice, DOC performs the function. Since our last audit, additional regulations<sup>15</sup> were adopted specifying DOC's responsibility for victim notification for discretionary parole hearings.

In recent years, new state law was adopted which could potentially have an impact on the operations of the board. Chapter 14 SLA 06 enacted longer prison sentences for sex offenders and implemented the use of polygraphs<sup>16</sup> to manage the supervision and treatment of paroled sex offenders. Beginning July 2007, sex offenders must take polygraph tests as a condition of discretionary parole. Specifically, contractors will administer the test to determine if the parolee has participated in activities prohibited by conditions of the individual's parole. Depending on the results of the polygraph, the parole officer can subsequently recommend revocation of the individual's discretionary parole.<sup>17</sup> The board will be presented with evidence of parole violations, but may not necessarily know the violation stemmed from analysis of a polygraph test.

Chapter 1 SLA 07 expanded the Board of Parole's role in the executive clemency process. The legislation required the governor to provide notice of consideration of executive clemency to the board for an investigation. The board has up to 120 days to complete the investigation and submit a report to the governor. The board is also responsible for sending the governor's consideration of clemency to the Department of Law, the Office of Victims' Rights, and if requested, the victim of the crime involved. If victim notification is requested, the board is required to make a reasonable effort to locate the victim and provide reasonable notice of the potential executive clemency.

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<sup>15</sup> 22 AAC 20.160 (1)(1)

<sup>16</sup> A polygraph (commonly referred to as a "lie detector") is a device that measures and records several physiological variables such as blood pressure, pulse, respiration, and skin conductivity of an individual while they answer a series of questions. Analysis of the measurements, made by the polygraph, presumably can allow a trained administrator to assess the truthfulness of the answers given by the individual being tested. According to legislative testimony, the use of the polygraph is part of the Containment Model for treatment of sex offenders, which is a nationally-recognized methodology to manage and treat such individuals.

<sup>17</sup> According to the board, it is anticipated in instances where deception is noted, the parolee will be given an opportunity to clear up the deception. An indication of deception alone will not be considered as a valid basis to revoke parole.

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

Chapter 25 SLA 03 modified the standards for granting a special medical parole to incarcerated individuals. The legislation gave the board more discretionary authority in the granting of medical paroles by reducing the standard used to assess the risk of an individual to re-offend. The former executive director of the board testified in support of the legislation.

The intent of the legislation was to medically parole inmates that are too sick and fragile to be capable of re-offending. While under DOC's care, an inmate is not eligible for any sort of insurance and the State is responsible for an inmate's cost of medical treatment. Typically, by the time an inmate is ill enough to fit the new statute's criteria, they are already receiving costly treatment for their medical condition. If an inmate is medically paroled the cost of care can often be shifted to native health benefits, veteran benefits, or Medicaid.

Our review of special medical paroles, made under the new statute, confirmed the board decisions were consistent with the intent of the new law and were appropriately supported.

*Determine 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.*

As discussed in Recommendation No. 1, the board has not provided adequate opportunities for written or oral public comments at general administrative meetings. Under board regulations, the board may forego such meetings if operating funds are insufficient. Since 2000, the board has had only two general session meetings.

There is no evidence that oral or written comments were received by the board. No minutes were kept for one meeting, while the other had incomplete minutes that were never formally adopted by the board.

As to access of other "interested persons" to board proceedings, the board consistently engages with both applicants for parole and crime victims. When conducting parole hearings, the board typically meets applicants face-to-face at the correctional facility where they are incarcerated.

State law<sup>18</sup> allows crime victims to attend Board of Parole meetings in which the status of the perpetrator of the crime is officially considered. The victim can comment in writing, or in person, on the proposed parole decision. The victim notification process, as implemented, is working effectively in a manner consistent with the intent of the statute. During review of parole board files we noted several victim impact statements.

<sup>18</sup> AS 33.16.087 and AS 33.16.120

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

We reviewed the State of Alaska's public online notice system for the notice of proposed changes in the regulations for the Board of Parole. The proposed regulation changes were announced and there was an opportunity for the public to submit written comment by a specified date.

We could not determine whether any comments were presented to, or considered by, the board. As discussed previously, minutes of the two regulation comment meetings were either not kept, or were incomplete. The former executive director certified that an accumulated packet of information, forwarded to the Department of Law during the regulation development and adoption process, included all comments received by the board. No public comments were included in the certified information packet.

***Determine 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 victims' rights or the office of the ombudsman have been processed and resolved.***

We contacted the Office of Victims' Rights who did not have any concerns or issues with the board. Additionally, we contacted the Office of the Ombudsman who had five initial contacts. None of the contacts were considered significant enough to merit further investigation.

***Determine 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.***

During our review of board activities, nothing came to our attention regarding complaints involving state personnel practices or affirmative action requirements.

***Determine 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.***

As discussed in the Report Conclusions section, we recommend the board be extended to June 30, 2016. However, as reflected in Recommendation No. 1, we recommend the board take two measures to increase its accountability and access to the public and the legislature.

These measures include:

1. Conducting an annual general session meeting, accessible to the general public, to give the public an opportunity to comment on concerns or issues on the board;
2. Establishing measures that would reflect the board's operating mission, in order to assess and report how consistently the board is meeting the established operating performance objectives; and,
3. Developing a database of parole decisions in order to better quantify the apparent cost effectiveness of having a discretionary parole process in place.

*Determine the extent to which the board, commission, or agency has effectively attained its objectives and purposes and the efficiency with which the board, commission, or agency has operated.*

The board has timeline standards, set in statute, for all parole revocation hearings. The board must conduct a preliminary hearing within 15 working days<sup>19</sup> of a parolee's arrest and incarceration, with a final revocation hearing no later than 120 working days<sup>20</sup> after the parolee's arrest and incarceration. Our review of parole revocation files confirmed preliminary and final revocation hearings are consistently being completed in accordance with these time standards.

*Determine the extent to which the board, commission, or agency duplicates the activities of another governmental agency or the private sector.*

The activities of the Board of Parole are unduplicated within the State of Alaska. The state constitution requires that a parole function be developed. The Board of Parole is the state's parole authority.

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<sup>19</sup> AS 33.16.220(b)

<sup>20</sup> AS 33.16.220(f)

(Intentionally left blank)

SARAH PALIN,  
GOVERNOR

DEPARTMENT OF CORRECTIONS  
Office of the Commissioner

P.O. Box 112000  
Juneau, AK 99811-2000  
PHONE: (907) 465-4652  
FAX: (907) 465-3390

September 25, 2007

Pat Davidson  
Legislative Auditor  
Division of Legislative Audit  
P. O. Box 113300  
Juneau, AK 99811-3300

RECEIVED  
SEP 26 2007  
LEGISLATIVE AUDIT

Dear Ms. Davidson:

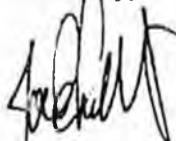
Thank you for the opportunity to respond to your September 25, 2007, preliminary audit report on:

*Department of Corrections, Board of Parole, Sunset Review, April 13, 2007*

A written response to your request has been prepared by the Chair of the Alaska Board of Parole and is attached for your review.

The Department of Corrections looks forward to your report and will assist in any way possible.

Sincerely,



Joe Schmidt  
Commissioner  
Department of Corrections

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STATE OF ALASKA

DEPARTMENT OF CORRECTIONS

**BOARD OF PAROLE**

SARAH PALIN  
GOVERNOR

Ed Rals, Chair  
Michael Stark, Vice Chair  
Charles Moses, Member  
Linda Smith, Member  
Michael Newinan, Member

Kathy Matsumoto, Executive Director

ALASKA BOARD OF PAROLE  
550 West 7<sup>th</sup> Ave., Suite 601  
Anchorage, AK 99501

PHONE: (907)770-8309

FAX: (907)770-6308

September 24, 2007

Pal Davidson  
Alaska State Legislature  
Division of Legislative Audit  
PO Box 113300  
Juneau, AK 99811-3300

RECEIVED  
SEP 26 2007  
LEGISLATIVE AUDIT

Dear Ms. Davidson:

On behalf of the Alaska Board of Parole, I wish to thank you for the opportunity to respond to the Preliminary Audit Report (Audit Control Number 20-20053-07) relating to the sunset audit for the Alaska Board of Parole. The professionalism and cooperation exhibited by the audit team during the course of the field work portion of the audit was appreciated. I offer the following responses to the Findings and Recommendations noted in this preliminary final report.

Article III of the Alaska Constitution, Section 21 states that a parole system shall be provided for by law. Because of this, the Board of Parole is unlike any other Board or Commission in the State of Alaska, it is respectfully requested that consideration be given to exempting the board from sunset criteria. However, the board fully supports the recommendation that the board's termination date be extended to June 30, 2016.

Recommendation No. 1

The Board of Parole should increase public accessibility to, and accountability for, its administrative actions and operations.

The board accepts this recommendation and will plan to hold at least one meeting each year in a public venue to afford the public the opportunity to address and observe the board during an administrative meeting as well as releasing annual statistical reports as the board has done in years past.

1. The Board of Parole should hold a general session meeting, open to the public, at least once a year.

The board has planned an administrative meeting in 2008 utilizing the Alaska Video Teleconference Network which will allow public access in the geographic areas where board members currently reside. These areas currently include Juneau, Anchorage, and Fairbanks.

09/26/2007 09:05 9074653315

CORRECTIONS

PAGE 03/03

Pat Davidson, Legislative Audit  
Board of Parole Sunset Audit  
September 24, 2007  
Page 2 of 2

2. The board should periodically report on its activities and the result of those activities.

The board acknowledges that within the past few years they have not formally published a report that summarized how effectively the board has been at achieving operation objectives. However, the board has posted an annual statistical report on the internet through the Department of Corrections web site. The statistical report currently contains years 1996 through 2005. Data for 2006 has recently been submitted for posting on the internet.

The board is revising the amount of data compiled, and with recent increases in staffing, the board intends to issue a formal report of the Alaska Board of Parole in the future. Additionally, this report will contain the board's recently revised mission statement which is currently being reviewed by the Commissioner of the Department of Corrections.

The board wishes to clarify information contained on page 14 regarding polygraph tests administered to sex offenders. As the board understands the use of polygraph tests in the treatment of sex offenders, the tests are part of a treatment plan which includes a Department of Corrections approved sex offender therapist as well as the supervising parole officer. Polygraph test results are provided to the sex offender therapist as well as the supervising parole officer. Treatment decisions are made on the basis of many factors, one of which is the polygraph test. Polygraph test results cannot be the sole basis for a parole violation. The sex offender treatment team would determine what factors could result in the filing of parole violations related to sex offender treatment.

The Board is in agreement with your analyses, findings and statements. Should you have further questions or desire additional input, please contact myself or Kathy Matsumoto (770-6309).

Sincerely,



Edward L. Rais  
Chair, Alaska Board of Parole

cc: Joe Schmidt, Commissioner, Department of Corrections  
Kathy Matsumoto, Executive Director, Alaska Board of Parole

**Nancy Manly**

---

**From:** Matsumoto, Kathy B (DOC) [kathy.matsumoto@alaska.gov]  
**Sent:** Friday, January 18, 2008 8:51 AM  
**To:** Nancy Manly; Ed Rais; mxx2@att.net  
**Subject:** RE: Revised Schedule House State Affairs Committee January 19, 2008

Thanks for the notification - Ed and I will be there on Sat. I also have the Board member in Juneau, Michael Starin, the vice-chair of the board who plans to attend.

Kathy

Kathy Matsumoto  
Executive Director, Alaska Board of Parole  
office 907 770-6309  
fax 907 770-6308

---

**From:** Nancy Manly [mailto:Nancy\_Manly@legis.state.ak.us]  
**Sent:** Thu 1/17/2008 4:21 PM  
**To:** Matsumoto, Kathy B (DOC)  
**Subject:** Revised Schedule House State Affairs Committee January 19, 2008

We're still on for Saturday but a couple of bills are ahead of it. These were heard today but held over until Saturday. Just wanted you to know.

**Schedule**  
**State Affairs Committee – Room 106**  
**For Week of January 14 - 19, 2008**

REVISED-2

Saturday, January 19, 2008 11:00 – 1:00pm

- + = HB 281 CAMPAIGN FINANCE COMPLAINTS
- + = HB 260 STATE OFFICERS COMPENSATION COMMISSION
- + \* HB 296 EXTENDING BOARD OF PAROLE

Bills Previously Heard Scheduled  
+ Teleconferenced

Nancy Manly, Chief of Staff and  
House State Affairs Committee Aide for  
**Representative Bob Lynn**  
**House District 31**  
907-465-2794 Fax: 907-465-4316

1/18/2008

# ALASKA BOARD OF PAROLE

## STATISTICAL REPORT 1996 - 2007

[NOTE: All percentages are rounded to the nearest whole percentage point.]  
[NOTE: Statistics are calculated on calendar year basis.]

	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
<b>Total Full Board Hearings Held</b>	538	562	655	590	595	570	543	582	488	492	435	497
<b>Specials Hearings (see Specials section)</b>	156	195	274	274	320	293	304	289	354	418	370	271
<b>MR Conditions Set</b>	-	425	648	633	540	598	722	744	643	646	805	791 (939 total with initial)
<b>Preliminary Hearings Held</b>	-	298	367	430	513	489	541	510	487	479	532	562
		[72% increase from 1997 to 2000]										
<b>Parole Arrest Warrants Issued Statewide</b>	-	491	515	551	669	633	616	600	591	600	618	600

( represents # warrants issued only -  
does not reflect actual arrests )

Arrest Warrants Year 2002 by Region: Southeast- 63; Northern- 132; Southcentral- 421  
 Arrest Warrants Year 2003 by Region: Southeast- 66; Northern- 128; Southcentral- 406  
 Arrest Warrants Year 2004 by Region: Southeast- 61; Northern- 161; Southcentral- 369  
 Arrest Warrants Year 2005 by Region: Southeast- 63; Northern- 117; Southcentral- 420  
 Arrest Warrants Year 2006 by Region: Southeast- 44; Northern- 98; Southcentral- 476  
 Arrest Warrants Year 2007 by Region: Southeast- 74; Northern- 48; Southcentral- 478

		<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
<b>Full Board Hearings Held by Quarter</b>	Winter	129	135	160	170	142	138	173	164	118	146	124	120
	Spring	141	141	158	124	147	153	108	117	90	123	106	145
	Summer	132	139	188	152	186	120	91	159	184	96	98	97
	Fall	<u>134</u>	<u>147</u>	<u>149</u>	<u>144</u>	<u>120</u>	<u>159</u>	<u>171</u>	<u>142</u>	<u>96</u>	<u>127</u>	<u>107</u>	<u>135</u>
			<b>538</b>	<b>562</b>	<b>655</b>	<b>590</b>	<b>595</b>	<b>570</b>	<b>543</b>	<b>582</b>	<b>488</b>	<b>492</b>	<b>435</b>

	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
<b><u>Total Full Board Hearings Held Each Year</u></b>	<b>536</b>	<b>562</b>	<b>655</b>	<b>580</b>	<b>595</b>	<b>570</b>	<b>543</b>	<b>582</b>	<b>468</b>	<b>492</b>	<b>435</b>	<b>497</b>
% of Full Board Hearings that are Initial Discretionary	37%	41%	36%	32%	27%	27%	28%	28%	30% (146)	25% (122)	24% (104)	28% (140)
% of Full Board Hearings that are Revocations	51%	43%	49%	56%	63%	66%	65%	64%	63% (309)	67% (328)	70% (305)	67% (334)
% of Full Board Hearings that are Rescissions	3%	2%	4%	5%	4%	3%	2%	3%	3% (12)	4% (19)	3% (15)	4% (20)
% of Full Board Hearings that are Reviews	6%	7%	4%	6%	6%	4%	6%	5%	4% (21)	4% (23)	3% (11)	1% (3)

<b><u>Hearing Types</u></b>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
# of All Full Board Hearings that are Initial Discretionary	198	228	238	186	161	154	145	165	146	122	104	140
% of All Full Board Hearings that are Initial Discretionary	37%	41%	36%	32%	27%	27%	27%	28%	30%	25%	24%	28%
# of All Full Board Hearings that are Reviews	29	39	28	37	35	22	33	28	21	23	11	3
% of All Full Board Hearings that are Reviews	6%	7%	4%	6%	6%	4%	6%	5%	4%	4%	3%	1%
# of All Full Board Hearings that are Rescissions (all types)	15	13	29	30	21	18	9	14	12	19	15	20
% of All Full Board Hearings that are Rescissions	3%	2%	4%	5%	4%	3%	2%	2%	2%	4%	3%	4%

(For information on Revocations, see next page)

### **Discretionary Parole Hearing Decisions**

# of Initial Discretionary Hearings with Grant decision	90	79	121	95	66	61	57	60	50	44	30	57
% of All Initial Discretionary Hearings	40%	35%	51%	51%	41%	40%	39%	36%	35%	36%	30%	40%
# of Initial Discretionary Hrgs with "Continue" Decision	41	30	31	32	34	23	29	27	21	14	14	19
% of All Initial Discretionary Hearings	21%	13%	22%	17%	21%	15%	20%	17%	14%	11%	14%	14%
# of Initial Discretionary Hrgs with "Deny" Decision				59	61	70	56	78	75	64	57	64
% of All Initial Discretionary Hearings				32%	38%	45%	41%	47%	51%	53%	56%	46%

### **"Continue" Decisions for All Full Board Hearings**

# of "Continue" Decisions (of All Full Board Hearings)	81	68	86	85	95	75	79	68	68	49	51	44
% of All Full Board Hearings with "Continue" Decision	15%	12%	13%	14%	16%	13%	15%	17%	14%	10%	12%	8%

[NOTE: See next page for statistics on all Revocation hearings.]

# REVOCATION STATISTICS

1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007

<b>Total Full Board <u>Revocation</u> Hearings Held (Disc. &amp; MR)</b>	272	243	322	335	376	415	367	374	342	355	331	351
	<i>[ 38% increase from 1996 to 2000 ]</i>											

	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
# of <u>Discretionary Revocation</u> Hearings	28	29	18	28	29	38	25	34	30	34	15	20
% <u>Discretionary Revocation</u> Hrgs of all <u>Revocation</u> Hrgs held	10%	12%	6%	8%	8%	9%	6%	8%	9%	10%	5%	6%
# of <u>Mandatory Revocation</u> Hearings (includes reacts & reviews)	245	214	304	307	347	377	369	380	312	321	316	331
% of <u>Mandatory Revocation</u> Hrgs of all <u>Revocation</u> Hrgs held	90%	88%	94%	92%	92%	91%	94%	92%	91%	90%	95%	94%

Subsets/Types of Mandatory Revocations Hearings: (does not include Review hearings)

# of MR Revocations & all Rescissions	238 (78%)	282 (81%)	318 (81%)	261 (77%)	281 (79%)	248 (85%)	252 (73%)	229 (72%)	295 (85%)		
# of MR Reparole Revocation Hearings	31 (10%)	28 (8%)	33 (8%)	36 (11%)	55 (16%)	31 (11%)	62 (15%)	62 (19%)	32 (9%)		
# of Anticipatory MR Revocations	38 (12%)	37 (11%)	42 (11%)	39 (11%)	14 (4%)	12 (4%)	15 (4%)	7 (2%)	4 (0%)		
Discretionary Reparole Revocation				1	0	3 (1%)	4 (1%)	0 (0%)	9 (3%)	7 (2%)	8 (2%)
Discretionary Revocation (statistics not maintained until 2005)					-	-	-	-	19 (5%)	15 (5%)	14 (4%)

	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
# of All Revocation Hrgs Resulting in "Revoke/Deny" Decision	80	131	111	109	115	153	103	121	98	110	89	95
% of All Revocation Hrgs Resulting in " <u>Revoke/Deny</u> " Decision	29%	54%	34%	33%	30%	39%	28%	30%	31%	31%	28%	27%
# of All Revocation Hrgs Resulting in "Reprimand/Warn" Decision	42	25	37	38	51	39	40	24	24	16	15	17
% of All Revocation Hrgs Resulting in " <u>Reprimand/Warn</u> " Decision	15%	10%	11%	11%	14%	10%	11%	6%	8%	4%	4%	5%
# of All Revocation Hrgs Resulting in "Revoke/Reparole" Decision	85	76	126	136	151	144	168	189	154	188	185	210
% of All Revocation Hrgs Resulting in " <u>Revoke/Reparole</u> " Decision	31%	31%	39%	41%	40%	37%	46%	48%	48%	54%	58%	60%
# of All Revocation Hrgs Resulting in "Continue" Decision				52	59	57	56	75	43	37	31	26
% of All Revocation Hrgs Resulting in " <u>Continue</u> " Decision				15%	16%	14%	15%	18%	13%	11%	10%	8%

# Specials Hearings

(Definition: Full Board hearings for special requests; parolees do not participate in Specials hearings)

	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
Total # of Specials Hearings Held	156	195	274	274	320	293	304	289	354	418	371	271

<u># Special Hearings Held by Type:</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
Condition Change Request	12	21	14	35	44	24	11	20	28	54	44	21
Anticipatory Waiver	0	2	0	0	3	2	1	3	2	1	1	0
Discr. Rescission Waiver	1	0	1	0	1	1	0	5	0	2	3	0
Discr. Reparole Revoc Waiver	0	1	0	0	1	0	0	1	0	0	1	1
Discr. Revocation Waiver	7	5	13	13	14	19	12	17	18	10	17	5
MR Reparole Revoc Waiver	8	10		3	15	26	32	29	32	42	29	34
MR Revocation Waiver	77	114	178	148	175	166	182	151	217	243	228	149
Reconsideration	27	30	41	37	38	31	22	36	26	38	32	33
Rescission Waiver	17	12	16	21	13	6	16	6	20	13	3	4
Offender Supv. Program(OSP)	-	-	-	5	3	1	1	4	0	1	0	0
Request for Time Served	-	-	-	-	3	-	1	3	2	4	1	4
Dismissed Charges	-	-	-	-	4	-	0	0	0	0	0	10
Special Requests	-	-	-	-	-	5	9	0	1	0	0	1
Early Release	7	7	11	10	4	9	15	9	5	9	12	6
	(7grant)	(7grant)	(4deny)	(3grant)	(3grant)	(4grant)	(7grant)	(5grant)	(3grant)	(4grant)	(3cont)	(1cont)
				(7deny)	(1deny)	(5deny)	(8deny)	(4deny)	(2deny)	(5deny)	(3grant)	(2grant)
											(8deny)	(3deny)
<b>Special Medical Parole</b>				<b>2</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>2</b>	<b>3</b>

Questions should be addressed to the Alaska Board of Parole  
 Mail: 550 W. 7<sup>th</sup> Ave, Suite 601, Anchorage, AK 99501  
 Email: kathy\_matsunoto@correct.state.ak.us

(doc: statistics addendum 2007.doc)

# ALASKA STATE LEGISLATURE

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P.O. Box 113300  
Juneau, AK 9811-3300  
(907) 465-3830  
FAX (907) 465-2347  
legaudit@legis.state.ak.us

August 29, 2007

Members of the Legislative Budget  
and Audit Committee:

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

### DEPARTMENT OF CORRECTIONS BOARD OF PAROLE SUNSET REVIEW

August 28, 2007

Audit Control Number

20-20053-07

This audit was conducted as required by Alaska Statute 44.66.050, under the authority of AS 24.20.271(1). Currently, under AS 44.66.010(a)(2), the Board of Parole is scheduled to terminate operations on June 30, 2008. If the legislature does not extend the termination date for the board, it will have one year from that date to conclude operations.

In our opinion, the termination date for the Board of Parole should be extended. There is a demonstrated public need for the Board of Parole, and the board carries out a public purpose mandated in the State constitution. Accordingly, we recommend the termination date of the board be extended to June 30, 2016.

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

Pat Davidson, 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, we reviewed the activities of the Board of Parole to determine if the board is operating in the best interest of the public and carries out a public purpose. As required by AS 44.66.050(a), the committee of reference is to consider this report during the legislative oversight process as it determines whether the board should be reestablished, or for how long the termination date for the board should be extended. Currently, under AS 44.66.010(a)(2), the board will terminate on June 30, 2008, 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(e). This statute sets out the criteria 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. Parole hearing calendars.
3. Parole application files from years 2004 through 2006.
4. Interviews with staff of the Board of Parole; the Victim Service Unit within the Department of Corrections; and, the Office of Victims' Rights.
5. Administrative policies and procedures of the Board of Parole and the Department of Corrections.
6. Compensation records related to the members of the board for 2001 through 2006.
7. Office of the Ombudsman closed case file.
8. Budget documents related to the appropriation requests of the Board of Parole.

(Intentionally left blank)

## ORGANIZATION AND FUNCTION

The Board of Parole was created as the parole authority for the State under AS 33.16, referred to as The Parole Administration Act.<sup>1</sup> 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.*"<sup>2</sup>

Members of the board serve for staggered terms of five years and until their successors are appointed. The board's presiding officer is chosen by the governor from current board members. Alaska statute directs that the governor make appointments to the board, "*with due regard for representation on the board of the ethnic, racial, sexual, and cultural populations of the state.*"<sup>3</sup> See Exhibit 1.

State law also requires the governor appoint at least one member who resides in the First Judicial District, one member who resides in the Third Judicial District, and one member who resides in either the Second or Fourth Judicial District.

Board members are compensated for participating in board business at a rate set by the governor. The current compensation rate for board members is set at \$125 for each half day and \$250 for each full day.

Travel costs and per diem are also provided to board members traveling in conjunction with their duties directly related to board activities. 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. After an individual meets the statutory requirement for parole eligibility (after serving a mandatory minimum sentence of either one-third or one-fourth of the imposed sentence), they may apply to the board for discretionary parole. If an offender is sentenced to two years or more,

<sup>1</sup> Article III Section 3.21 of the state constitution states "[s]ubject to procedure prescribed by law, the governor may grant pardons, commutations, and reprieves, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law." Alaska Statute 33.16 sets out the details of the state's parole administration process. Alaska Statute 33.16.060(a)(1) specifically identifies the Board of Parole as the "parole authority of the state."

<sup>2</sup> AS 33.16.030(a)

<sup>3</sup> AS 33.16.020(d)

### Exhibit 1

#### Board of Parole Members As of August 2007

Edward L. Rais, Chair  
Michael Stark, Vice-Chair  
Charles Moses  
Linda J. Smith  
Michael Newman

and is not released on discretionary parole for any reason, they must be released to mandatory parole supervision for the good time credit earned<sup>4</sup> on their sentence(s).

Upon application, an eligible inmate may appear before the board and be considered for discretionary parole. Consideration of each application typically involves an interview with the applicant. Additionally, if victims of the crime for which the applicant was convicted opt to do so, they may submit written or oral statements for the board to also consider. After deliberations, the board makes one of three decisions:

1. Continue the case to a future date;
2. Grant parole with conditions set by the board; or
3. Deny the parole application.

In contrast, mandatory parole is not voluntary and release is not contingent upon the board's approval. Although it is not involved with the original decision in the mandatory parole process, the board plays a large role. The board reports it spends most of its time either setting parole conditions or holding parole revocation hearings related to mandatory parolees.<sup>5</sup>

#### Operating Costs and Appropriations

The board's operations are financed by General Fund appropriations. Prior to FY 07 the board's budget was funded as a separate appropriation. For FY 07 the Board of Parole was included as an allocation under the Division of Probation and Parole within the Department of Corrections. In FY 05 and FY 06, the board received supplemental appropriations.

Fiscal Year	Appropriations	Expenditures
2007	\$ 621,500	\$ 594,400 <sup>6</sup>
2006	617,700 <sup>7</sup>	613,700
2005	530,900 <sup>8</sup>	530,900
2004	530,400	530,400

<sup>4</sup> With some exceptions specified in state law, for every three days a prisoner serves in which they follow "the rules of the correctional facility in which [they are] confined" they earn a good time credit of one-third their sentence. Prisoners not receiving discretionary parole, either because they: (1) were not eligible, (2) did not apply, or, (3) applied and were denied by the board, must be released on mandatory parole. Individuals with sentences of two years or more are released on mandatory parole after serving their sentence less any good time credit earned.

<sup>5</sup> The board holds revocation hearings when a parolee is charged with violating a law or condition of parole. After such hearings, the board ultimately determines to revoke all or a portion of an individual's parole, or reprimand and warn parolee.

<sup>6</sup> As of August 22, 2007.

<sup>7</sup> Includes operating appropriation of \$596,200 and a supplemental appropriation of \$21,500.

<sup>8</sup> Includes operating appropriation of \$459,200 and a supplemental appropriation of \$71,700.

## REPORT CONCLUSIONS S

Under AS 33.16, the Board of Parole serves as the parole authority for the State. As such, the board fulfills the Alaska Constitution requirement that the State establish a parole system. The board's primary responsibilities include determining a prisoner's suitability for discretionary parole and setting conditions for individuals receiving parole. Another major responsibility of the board is the holding of parole revocation hearings.

The board conducts its business in a professional manner. Although we have concerns about the board's accessibility to the general public and accountability over how effectively it is operating (see Recommendation No. 1), we believe there is a demonstrated public need for the Board of Parole. Accordingly, the termination date of the board should be extended.

Currently, the board is scheduled to terminate operations on June 30, 2008. If the legislature does not extend the termination date for the board, it will have one year from that date to conclude operations. We recommend that the legislature extend the board's termination date to June 30, 2016.

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## FINDINGS AND RECOMMENDATIONS

### Recommendation No. 1

The Board of Parole should increase public accessibility to, and accountability for, its administrative actions and operations.

For more than four years the board has not had a meeting that provided an opportunity for the public to observe or comment on the board's activities. Additionally, since 2001 the board has not formally issued a statistical report summarizing how effective the board has been at achieving operating objectives.

There is an expectation that appointed boards and commissions, responsible for carrying out certain government functions, be accessible to the public. That accessibility includes an opportunity to make comments regarding the board's activities, as well as being able to assess how well the board meets key operating objectives.

The two key groups involved with the board's central mission, incarcerated parole applicants and the victims of their crimes, consistently have access to the board. The board's current operations accommodate these two groups very well. However, the board should also be cognizant of its responsibility to a third group, the general public.<sup>9</sup>

The board should improve its accessibility and accountability to the public in two important ways:

1. The Board of Parole should hold a general session meeting, open to the public, at least once a year.

The Board of Parole meets numerous times during the year to deliberate and consider parole applications. Since the board's primary responsibility involves dealing with incarcerated felons, conducting business in public-accessible venues is not a ready option.

Holding at least one meeting a year would afford the public the opportunity to address and observe the board. Such a meeting could be held in the afternoon at a public venue, after a morning of hearings at a nearby correctional facility. This could be accomplished at minimal additional cost.

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<sup>9</sup> Under its statute and regulations, the board has discretion not to hold any publicly-accessible meetings, if funding does not permit. The board has faced funding shortages in each of the last three fiscal years (FY 05-07).

2. The board should periodically report on its activities and the results of those activities.

The Board of Parole has not issued an annual report since 2001. Nor does the board participate in the missions and measures (M&M) program administered by the Office of Management and Budget (OMB) in the Office of the Governor. Either of these forums would provide the legislature and the public with information regarding the board's accomplishments and a summary of its operational results.

Although not specifically required of the Board of Parole, the legislature often requires other boards and commissions to prepare an annual report of activities and accomplishments. Likewise, OMB's M&M program provides information on how well state agencies are accomplishing various operating objectives and goals.

Summary data exists that suggests individuals released on discretionary parole have their parole revoked substantially less often than individuals on mandatory parole. The board should take steps to develop a database of its decisions for each parole application it administers. Such a database could provide more reliable statistical information to document, as well as, quantify the cost effectiveness of having a discretionary parole process in place.

Such actions would assist the board in: improving public accessibility, increasing accountability, improving its administration, and achieving greater compliance with operational expectations reflected in state law.

Prior Recommendation No. 1

The Board of Parole should develop a formal Memorandum of Understanding (MOU) with the Department of Corrections to formally reflect the de facto partial "delegation" of the board's responsibilities under statute for the notification of victims of their right to comment at parole hearings.

The concerns of this prior recommendation have been addressed.

In 2003, the Department of Corrections (DOC) adopted regulations<sup>10</sup> related to victim notification. Under the new regulations, DOC was made responsible for all victim notification functions, both for parole hearings and impending release. DOC has developed policies and procedures to carry out this victim notification responsibility. These regulations eliminate the need for a formal MOU between DOC and the board.

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<sup>10</sup> 22 AAC 20.160(D)(1)

Prior Recommendation No. 2

The board should 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 of Parole.

This recommendation has been implemented.

The new compensation structure was formalized in November 2006 in a letter signed by Governor Murkowski. Board members now receive a rate of \$250 per full day, a rate of \$125 per half day, and a piecework<sup>11</sup> rate of \$16 per specified activity. This action resolves our previous recommendation.

Prior Recommendation No. 3

The board should initiate procedures that allow for a review of the risk assessment form to ensure that all mathematical calculations are performed correctly.

This recommendation has been partially implemented.

The parole risk assessment score sheet is a tool used by the board in their discretionary parole deliberations. In the 2000 sunset audit, we reviewed 80 parole files and noted seven errors in the mathematical calculation of the applicant's score sheet. In two of the instances, the errors had an impact on the risk category to which the individual was assigned. We recommended the board initiate procedures allowing for a review of the parole risk assessment score sheet, to ensure mathematical calculations are performed correctly. During the current audit we reviewed 90 files and noted two mathematical calculation errors. Neither of the errors had an impact on the assigned risk assessment category.

Board staff has implemented a system where they hand check the mathematical accuracy of the risk assessment sheets. Although mathematical error frequency did decrease, we note there are continued opportunities for improvement in parole file maintenance.

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<sup>11</sup> Piecework activities could include reading files for discretionary hearings, setting mandatory and discretionary parole conditions, deciding appeals of conditions, or conducting preliminary revocation hearings.

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## A NALYSIS OF PUBLIC NEE D

The following analyses of Board of Parole activities relate to the public-need factors defined in the "sunset" law, AS 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.

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

The Board of Parole must make discretionary parole decisions which protect the public while promoting cost-effective incarceration. The board has established objective, quantitative criteria for use in evaluating individuals eligible for discretionary parole. The criteria applied by the board are designed to assess the risk posed to the public by an individual under consideration of parole.

The board, in evaluating possible discretionary parole for an applicant, uses regulation-based guidelines<sup>12</sup> such as the parole risk assessment score sheet and number of months served by an applicant, in addition to the board's discretion.

The parole risk assessment score sheet assigns points for each risk factor, based on known information of the potential parolee. The score is then totaled. The total corresponds with a risk category, with "A" being the lowest risk and "D" being the highest risk. This classification ostensibly measures the risk of an applicant violating parole or committing future criminal offenses. Exhibit 2 lists examples of factors that raise or lower an applicant's risk score.

### Exhibit 2

#### Factors that increase parole risk:

- First offense at a young age
- High number of felony convictions
- Previous parole revocations
- Sporadic employment
- Substance abuse issues
- Disciplinary actions in prison
- Convicted of a sexual assault

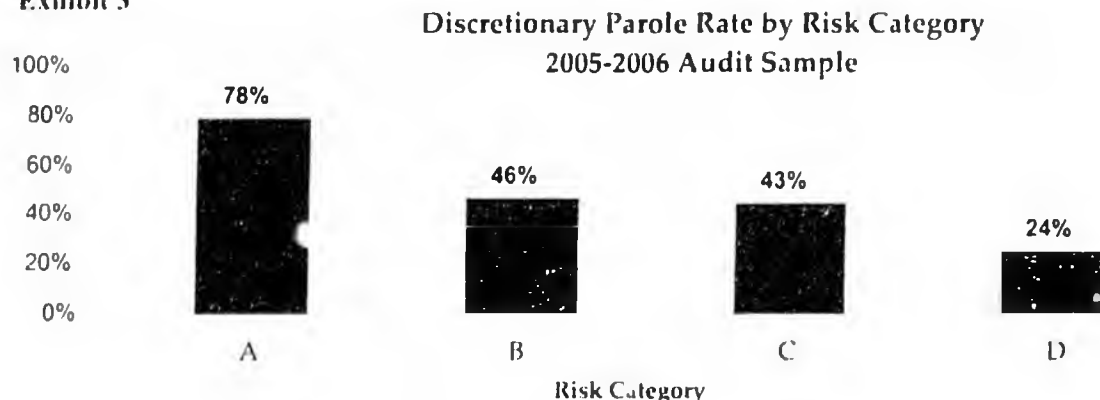
#### Factors that decrease parole risk:

- First offense after 25 years old
- No previous felony convictions
- No parole revocations
- Consistent employment
- No substance abuse issues
- Good prison record
- Current age is over 35 years old

<sup>12</sup> 22 AAC 20.142

We reviewed 90 of the 195 cases that had discretionary parole hearings in calendar years 2005 and 2006. As illustrated in Exhibit 3, we confirmed the board granted parole in a manner consistent with the assessed relative risk of applicants. Essentially, applicants assessed with lower risk scores were granted parole at a higher rate than individuals with higher risk scores. This trend indicates the Board of Parole is appropriately considering risk, as measured by their rating tool, when granting discretionary parole.

**Exhibit 3**



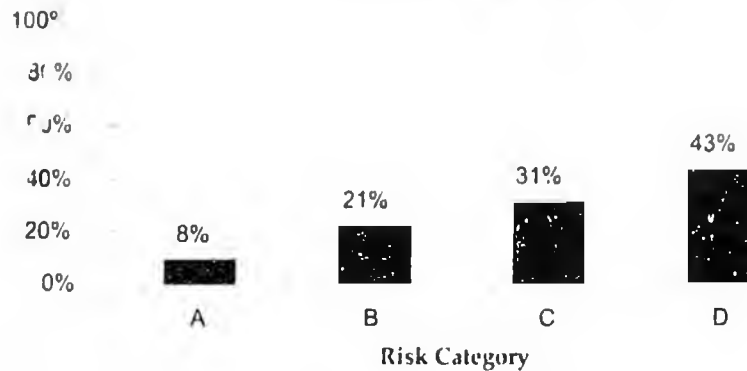
Number of Parole Requests in the Audit Sample	Risk Categories			
	Lower	—————>		Higher
	A	B	C	D
Granted	7	5	22	4
Denied	2	6	29	13
Withdrawn	<u>1</u>	<u>1</u>	<u>-0-</u>	<u>-0-</u>
Total Parole Request	10	12	51	17

Exhibit 4, on the following page, illustrates the rate at which individuals, within each risk category, violated parole and had their parole revoked. For this analysis we reviewed 97<sup>13</sup> of the 120 cases that were granted discretionary parole during calendar years 2004 to 2006. These years were chosen to give adequate time to track parole progress. The higher rate of revocations for individuals in the riskier classifications indicates the criteria used by the Board of Parole is relevant and does reflect graduated risk to the general public as measured by parole revocation.

<sup>13</sup> There were 120 granted discretionary paroles initially targeted for review. Six parole files were unavailable and 17 were inmates who had been granted parole but were not yet physically released from prison at the time of our review. This left 97 cases for our review.

Exhibit 4

Parole Revocation Rate by Risk Category  
2004-2006 Audit Sample



Number of Paroles/Revocations In Sample	Risk Categories			
	Lower			Higher
	A	B	C	D
Paroles Granted	12	19	59	7
Paroles Revoked	1	4	18	3

*Determine the extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices that it has adopted, and any other matter, including budgetary, resource, and personnel matters.*

The board's administrative support operations have generally been short-staffed by at least one position since 2000. The board was short one board member for a period of almost a year but now has the five members required by state law.<sup>14</sup> Through these difficulties, the board has continued to meet statutory requirements for discretionary parole hearings, revocations, and clemency investigations.

In 2006, the board moved their administrative offices to Anchorage. Previous to the move, the board maintained staffed offices in Juneau and Anchorage with parole files being shuttled between the two locations. The board made the decision to combine and centralize the office in Anchorage, because a majority of parole board hearings are conducted in southcentral Alaska. The intent of the consolidation was to lower travel expenditures for board members and staff.

<sup>14</sup> AS 33.160.020(a)

Prior to FY 07, the Board of Parole received a separate legislative appropriation. For both FY 05 and FY 06, the board was forced to seek supplemental appropriations to cover overspent, initial appropriation funding. In FY 07, the Board of Parole was placed under the Division of Probation and Parole's appropriation within DOC. The board's expenditures in FY 07 were within its allocated appropriation.

As discussed earlier, the current statutes require the Board of Parole to be responsible for victim notification under AS 33.16.120; yet, in practice, DOC performs the function. Since our last audit, additional regulations<sup>15</sup> were adopted specifying DOC's responsibility for victim notification for discretionary parole hearings.

In recent years, new state law was adopted which could potentially have an impact on the operations of the board. Chapter 14 SLA 06 enacted longer prison sentences for sex offenders and implemented the use of polygraphs<sup>16</sup> to manage the supervision and treatment of paroled sex offenders. Beginning July 2007, sex offenders must take polygraph tests as a condition of discretionary parole. Specifically, contractors will administer the test to determine if the parolee has participated in activities prohibited by conditions of the individual's parole. Depending on the results of the polygraph, the parole officer can subsequently recommend revocation of the individual's discretionary parole.<sup>17</sup> The board will be presented with evidence of parole violations, but may not necessarily know the violation stemmed from analysis of a polygraph test.

Chapter 1 SLA 07 expanded the Board of Parole's role in the executive clemency process. The legislation required the governor to provide notice of consideration of executive clemency to the board for an investigation. The board has up to 120 days to complete the investigation and submit a report to the governor. The board is also responsible for sending the governor's consideration of clemency to the Department of Law, the Office of Victims' Rights, and if requested, the victim of the crime involved. If victim notification is requested, the board is required to make a reasonable effort to locate the victim and provide reasonable notice of the potential executive clemency.

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<sup>15</sup> 22 AAC 20.160 (l)(1)

<sup>16</sup> A polygraph (commonly referred to as a "lie detector") is a device that measures and records several physiological variables such as blood pressure, pulse, respiration, and skin conductivity of an individual while they answer a series of questions. Analysis of the measurements, made by the polygraph, presumably can allow a trained administrator to assess the truthfulness of the answers given by the individual being tested. According to legislative testimony, the use of the polygraph is part of the Containment Model for treatment of sex offenders, which is a nationally-recognized methodology to manage and treat such individuals.

<sup>17</sup> According to the board, it is anticipated in instances where deception is noted, the parolee will be given an opportunity to clear up the deception. An indication of deception alone will not be considered as a valid basis to revoke parole.

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

Chapter 25 SLA 03 modified the standards for granting a special medical parole to incarcerated individuals. The legislation gave the board more discretionary authority in the granting of medical paroles by reducing the standard used to assess the risk of an individual to re-offend. The former executive director of the board testified in support of the legislation.

The intent of the legislation was to medically parole inmates that are too sick and fragile to be capable of re-offending. While under DOC's care, an inmate is not eligible for any sort of insurance and the State is responsible for an inmate's cost of medical treatment. Typically, by the time an inmate is ill enough to fit the new statute's criteria, they are already receiving costly treatment for their medical condition. If an inmate is medically paroled the cost of care can often be shifted to native health benefits, veteran benefits, or Medicaid.

Our review of special medical paroles, made under the new statute, confirmed the board decisions were consistent with the intent of the new law and were appropriately supported.

***Determine 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.***

As discussed in Recommendation No. 1, the board has not provided adequate opportunities for written or oral public comments at general administrative meetings. Under board regulations, the board may forego such meetings if operating funds are insufficient. Since 2000, the board has had only two general session meetings.

There is no evidence that oral or written comments were received by the board. No minutes were kept for one meeting, while the other had incomplete minutes that were never formally adopted by the board.

As to access of other "interested persons" to board proceedings, the board consistently engages with both applicants for parole and crime victims. When conducting parole hearings, the board typically meets applicants face-to-face at the correctional facility where they are incarcerated.

State law<sup>15</sup> allows crime victims to attend Board of Parole meetings in which the status of the perpetrator of the crime is officially considered. The victim can comment in writing, or in person, on the proposed parole decision. The victim notification process, as implemented, is working effectively in a manner consistent with the intent of the statute. During review of parole board files we noted several victim impact statements.

<sup>15</sup> AS 33.16.087 and AS 33.16.120

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

We reviewed the State of Alaska's public online notice system for the notice of proposed changes in the regulations for the Board of Parole. The proposed regulation changes were announced and there was an opportunity for the public to submit written comment by a specified date.

We could not determine whether any comments were presented to, or considered by, the board. As discussed previously, minutes of the two regulation comment meetings were either not kept, or were incomplete. The former executive director certified that an accumulated packet of information, forwarded to the Department of Law during the regulation development and adoption process, included all comments received by the board. No public comments were included in the certified information packet.

***Determine 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 victims' rights or the office of the ombudsman have been processed and resolved.***

We contacted the Office of Victims' Rights who did not have any concerns or issues with the board. Additionally, we contacted the Office of the Ombudsman who had five initial contacts. None of the contacts were considered significant enough to merit further investigation.

***Determine 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.***

During our review of board activities, nothing came to our attention regarding complaints involving state personnel practices or affirmative action requirements.

***Determine 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.***

As discussed in the Report Conclusions section, we recommend the board be extended to June 30, 2016. However, as reflected in Recommendation No. 1, we recommend the board take two measures to increase its accountability and access to the public and the legislature.

These measures include:

1. Conducting an annual general session meeting, accessible to the general public, to give the public an opportunity to comment on concerns or issues on the board;
2. Establishing measures that would reflect the board's operating mission, in order to assess and report how consistently the board is meeting the established operating performance objectives; and,
3. Developing a database of parole decisions in order to better quantify the apparent cost effectiveness of having a discretionary parole process in place.

***Determine the extent to which the board, commission, or agency has effectively attained its objectives and purposes and the efficiency with which the board, commission, or agency has operated.***

The board has timeline standards, set in statute, for all parole revocation hearings. The board must conduct a preliminary hearing within 15 working days<sup>19</sup> of a parolee's arrest and incarceration, with a final revocation hearing no later than 120 working days<sup>20</sup> after the parolee's arrest and incarceration. Our review of parole revocation files confirmed preliminary and final revocation hearings are consistently being completed in accordance with these time standards.

***Determine the extent to which the board, commission, or agency duplicates the activities of another governmental agency or the private sector.***

The activities of the Board of Parole are unduplicated within the State of Alaska. The state constitution requires that a parole function be developed. The Board of Parole is the state's parole authority.

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<sup>19</sup> AS 33.16.220(b)

<sup>20</sup> AS 33.16.220(f)

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SARAH PALIN,  
GOVERNOR

DEPARTMENT OF CORRECTIONS  
Office of the Commissioner

P.O. Box 112000  
Juneau, AK 99811-2000  
PHONE: (907) 465-4652  
FAX: (907) 465-3390

September 25, 2007

Pat Davidson  
Legislative Auditor  
Division of Legislative Audit  
P. O. Box 113300  
Juneau, AK 99811-3300

RECEIVED  
SEP 26 2007  
LEGISLATIVE AUDIT

Dear Ms. Davidson:

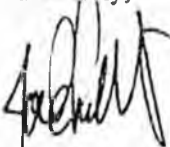
Thank you for the opportunity to respond to your September 25, 2007, preliminary audit report on:

*Department of Corrections, Board of Parole, Sunset Review, April 13, 2007*

A written response to your request has been prepared by the Chair of the Alaska Board of Parole and is attached for your review.

The Department of Corrections looks forward to your report and will assist in any way possible.

Sincerely,



Joe Schmidt  
Commissioner  
Department of Corrections

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09/26/2007 09:25

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CORRECTIONS

PAGE 02/03

## STATE OF ALASKA

DEPARTMENT OF CORRECTIONS

**BOARD OF PAROLE**SARAH PALIN  
GOVERNOREd Rals, Chair  
Michael Stark, Vice Chair  
Charles Moses, Member  
Linda Smith, Member  
Michael Newman, Member

Kathy Matsumoto, Executive Director

ALASKA BOARD OF PAROLE  
550 West 7<sup>th</sup> Ave., Suite 601  
Anchorage, AK 99501

PHONE: (907)770-6309

FAX: (907)770-6308

September 24, 2007

Pat Davidson  
Alaska State Legislature  
Division of Legislative Audit  
PO Box 113300  
Juneau, AK 99811-3300RECEIVED  
SEP 26 2007  
LEGISLATIVE AUDIT

Dear Ms. Davidson:

On behalf of the Alaska Board of Parole, I wish to thank you for the opportunity to respond to the Preliminary Audit Report (Audit Control Number 20-20053-07) relating to the sunset audit for the Alaska Board of Parole. The professionalism and cooperation exhibited by the audit team during the course of the field work portion of the audit was appreciated. I offer the following responses to the Findings and Recommendations noted in this preliminary final report.

Article III of the Alaska Constitution, Section 21 states that a parole system shall be provided for by law. Because of this, the Board of Parole is unlike any other Board or Commission in the State of Alaska, it is respectfully requested that consideration be given to exempting the board from sunset criteria. However, the board fully supports the recommendation that the board's termination date be extended to June 30, 2016.

Recommendation No. 1

The Board of Parole should increase public accessibility to, and accountability for, its administrative actions and operations.

The board accepts this recommendation and will plan to hold at least one meeting each year in a public venue to afford the public the opportunity to address and observe the board during an administrative meeting as well as releasing annual statistical reports as the board has done in years past.

1. The Board of Parole should hold a general session meeting open to the public, at least once a year.

The board has planned an administrative meeting in 2008 utilizing the Alaska Video Teleconference Network which will allow public access in the geographic areas where board members currently reside. These areas currently include Juneau, Anchorage, and Fairbanks.

Pat Davidson, Legislative Audit  
Board of Parole System Audit  
September 24, 2007  
Page 2 of 2

2. The board should periodically report on its activities and the result of those activities.

The board acknowledges that within the past few years they have not formally published a report that summarized how effectively the board has been at achieving operation objectives. However, the board has posted an annual statistical report on the internet through the Department of Corrections web site. The statistical report currently contains years 1996 through 2005. Data for 2006 has recently been submitted for posting on the internet.

The board is revising the amount of data compiled, and with recent increases in staffing, the board intends to issue a formal report of the Alaska Board of Parole in the future. Additionally, this report will contain the board's recently revised mission statement which is currently being reviewed by the Commissioner of the Department of Corrections.

The board wishes to clarify information contained on page 14 regarding polygraph tests administered to sex offenders. As the board understands the use of polygraph tests in the treatment of sex offenders, the tests are part of a treatment plan which includes a Department of Corrections approved sex offender therapist as well as the supervising parole officer. Polygraph test results are provided to the sex offender therapist as well as the supervising parole officer. Treatment decisions are made on the basis of many factors, one of which is the polygraph test. Polygraph test results cannot be the sole basis for a parole violation. The sex offender treatment team would determine what factors could result in the filing of parole violations related to sex offender treatment.

The Board is in agreement with your analyses, findings and statements. Should you have further questions or desire additional input, please contact myself or Kathy Matsumoto (770-6309).

Sincerely,



Edward L. Rais  
Chair, Alaska Board of Parole

cc: Joe Schmidt, Commissioner, Department of Corrections  
Kathy Matsumoto, Executive Director, Alaska Board of Parole

# **REPRESENTATIVE KEVIN MEYER**

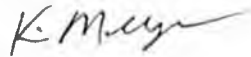
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HOUSE DISTRICT 30

## **MEMORANDUM**

**DATE:** January 16, 2008

**TO:** Representative Bob Lynn, Chairman  
House State Affairs Committee

**FROM:** Representative Kevin Meyer 

**RE:** Hearing Request for House Bill 293 *Legislative Sessions to be in Anchorage*

---

Please schedule HB 293 *Legislative Sessions to be in Anchorage* for a hearing in the House State Affairs Committee at your earliest convenience.

HB 293 requires legislative sessions to be convened in the Municipality of Anchorage beginning in 2010.

Included in this packet:

- HB 293 25-LS1212\A
- Sponsor Statement
- Sectional Analysis
- Backup Information
  - Division of Elections, History of Ballot Measures
  - Gavel to Gavel Coverage Areas
  - Alaska Division of Legislative Audit Memorandum

Thank you for your consideration of this request. If you have any questions, please feel free to contact me or my staff, Mike Pawlowski at x4945.