

**SB**

**195**

<TARGET><BILL>SB 195</BILL><SUBJECT>SB  
195</SUBJECT><COMM>SJUD27</COMM></TARGET>

# Alaska State Legislature

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## Senator Lesil McGuire

### SB 195 "An Act establishing a maximum caseload for probation and parole officers."

SB 195 will put into statute a maximum of 60 cases for probation and parole officers at any given time.

Currently parole officers in the Anchorage area are often responsible for over 100 cases. That is not an appropriate amount of time to manage their caseload and protect the public. The ability of a parole officer to monitor an individual closely can reduce recidivism rates and help offenders return to our community as productive members of society.

Felony offenders are given the greatest amount of attention. These interactions include home visits, office visits, employment checks, and frequent contact with other agencies including law enforcement and social service programs. Officers use a range of sanctions and treatment interventions to reduce the chance an offender will commit a new crime. Research shows that this approach is more successful and cost-effective than relying on jails or prisons as the only response to criminal behavior.

SB 195 is intended to start a conversation about the effectiveness and systemic costs of our corrections system.

I greatly appreciate your support of Senate Bill 195.

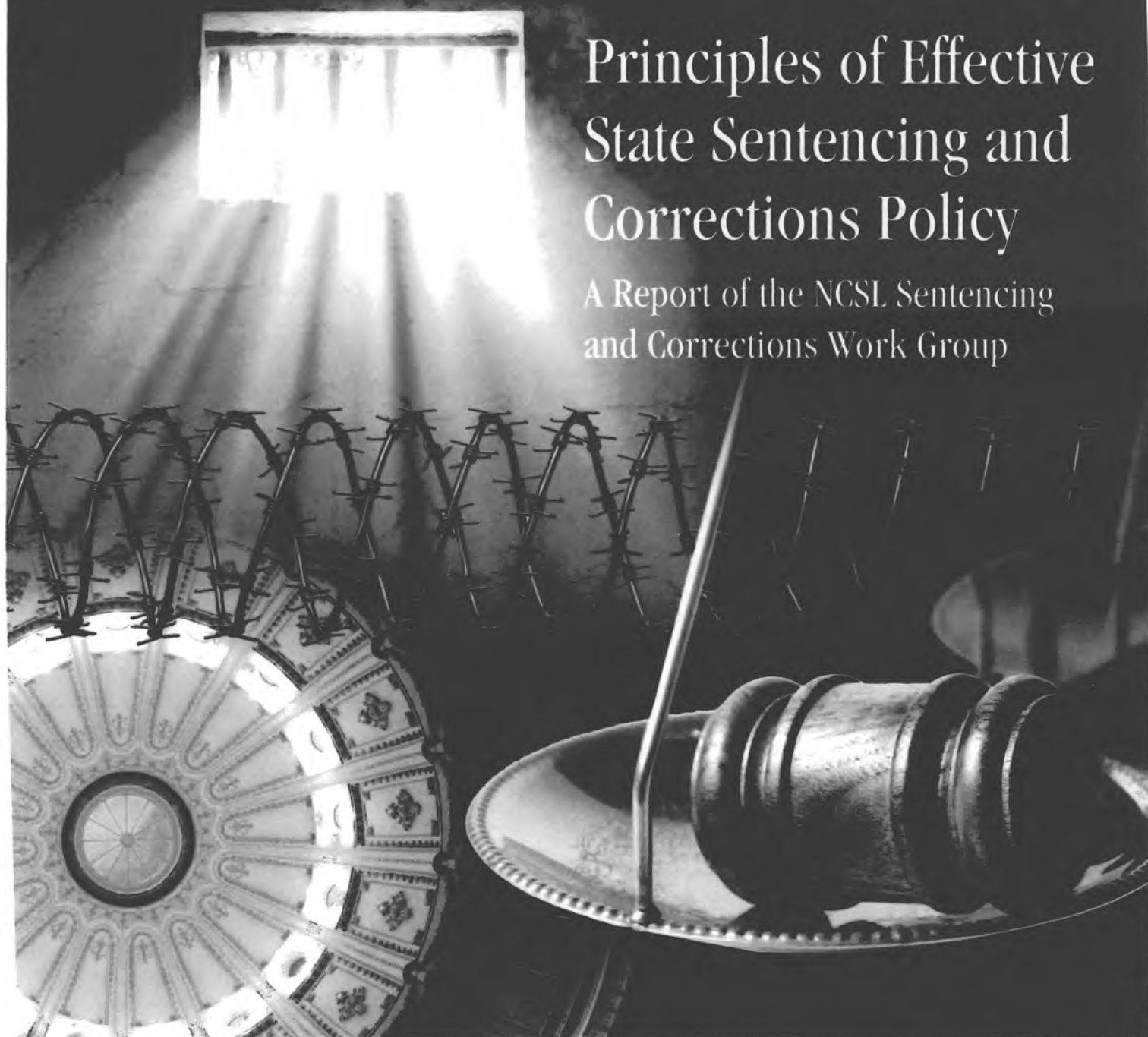


NATIONAL CONFERENCE *of* STATE LEGISLATURES

*The Forum for America's Ideas*

# Principles of Effective State Sentencing and Corrections Policy

A Report of the NCSL Sentencing  
and Corrections Work Group



# PRINCIPLES OF EFFECTIVE STATE SENTENCING AND CORRECTIONS POLICY

A REPORT OF THE NCSL SENTENCING AND CORRECTIONS WORK GROUP

Prepared By Alison Lawrence and Donna Lyons



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The National Conference of State Legislatures is the bipartisan organization that serves the legislators and staffs of the states, commonwealths and territories.

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To improve the quality and effectiveness of state legislatures.

To promote policy innovation and communication among state legislatures.

To ensure state legislatures a strong, cohesive voice in the federal system.

The Conference operates from offices in Denver, Colorado, and Washington, D.C.

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## ABOUT THE PROJECT AND WORK GROUP

The NCSL Sentencing and Corrections Work Group project was developed under an NCSL partnership with the Public Safety Performance Project (PSPP) of the Pew Center on the States. The NCSL project responds to the challenges faced by states as they consider corrections and sentencing policies that both manage state spending and protect the public. The Pew PSPP was launched in 2006 to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections. Pew's work has included research, technical assistance, and funding and overseeing a variety of efforts both in states and nationally to support strategies that protect public safety, hold offenders accountable and control corrections costs.

The NCSL Criminal Justice Program assembled the Sentencing and Corrections Work Group in 2010. The bipartisan, 18-member group includes officers of NCSL's Law and Criminal Justice Committee and other legislators who are recognized as leaders on these issues. The group had a one-year work plan to discuss and identify overarching principles for effective state sentencing and corrections policy and to identify key issues and approaches that explain and illustrate the recommendations.

The issues addressed by the NCSL work group reflect the important role of state legislatures in enacting policies that manage prison populations and costs, address offender and community needs, and contribute to the safe and fair administration of criminal justice. The discussions took place during a difficult, recessionary budget climate. A major interest of the work group was how to have an immediate effect on state public safety dollars while also ensuring that the public safety is protected into the future. Many concepts addressed in the *Principles* reflect recent advances in resource-sensitive policies that actually reduce risk and recidivism. Mindful that sentencing and corrections policies reach into various levels and branches of government, the *Principles* also reflect the value that lawmakers place on stakeholders throughout criminal justice systems in policy development and discussions. Apparent throughout the *Principles* is the importance of interbranch and intergovernmental collaboration, information exchange and evaluation in working toward effective sentencing and corrections policies.

It is the intent of NCSL and this work group that the *Principles* and examples presented here will help guide and inform many aspects of state sentencing and corrections policy now and well into the future.

## Sentencing and Corrections Work Group Members



*Jerry Madden  
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Co-Chair*



*Joni Cusler  
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*Debra Hilstrom  
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*Janice Pauls  
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*Faye Hanohano  
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*John Tilley  
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## Managing Offenders in the Community

Prisons are expensive. The Public Safety Performance Project of the Pew Center on the States reported that approximately \$9 of every \$10 spent by states on corrections in FY 2008 was devoted to state prisons, even though nearly 70 percent of offenders are supervised in the community. The 2009 Pew report shows that prison spending has increased in recent years at a faster rate than spending on community corrections. The analysis of corrections department data from eight states—Alabama, Georgia, Louisiana, Missouri, Montana, New York, Oregon and Wyoming—covered a 25-year period. During that time, Pew reported, 88 percent of new corrections dollars were allocated to prisons and only 12 percent went to community corrections supervision.

Non-prison options for suitable offenders not only helps states do more with their corrections money, but also ensures prison space is available for the most dangerous offenders. Intermediate supervision options such as electronic monitoring, residential programs and problem-solving courts are less costly than incarceration, and they provide a greater degree of monitoring and requirements than traditional probation or parole programs. Residential and community treatment can address substance abuse and mental health needs commonly related to criminal behavior (see also *Treating Drug Offenders*). Non-prison sanctions for probation and parole violations can also provide for offender accountability and reserve costly prison space for offenders who may present a public safety concern.

Adequate funding for community corrections is a perennial challenge, especially as states struggle with the recent recession. Some states are finding ways to use data and evidence to invest in successful, effective supervision strategies; they use savings gained to reinvest in identified policies that further manage costs and achieve better

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*Using community-based supervision options for suitable offenders not only helps states do more with their corrections money, but also ensures prison space is available for the most dangerous offenders.*

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result for both offenders and corrections systems. Policies such as risk-based supervision, administrative supervision and compliance credits allow agencies to focus community resources on the highest-risk offenders and at the same time, hold accountable all offenders who are in the community.

### Tailored Supervision

Many states allow courts and agencies to tailor supervision based on an offender's risk of reoffending and treatment needs (see also *Using Data and Evidence*). Intermediate supervision options, which provide varying levels of surveillance and services, may include such

options as electronic monitoring and home confinement, residential placements, or required participation in problem-solving courts. As noted in *Principle 4*, the value of intermediate sanctions depends upon policies that target resources effectively and focus the highest-level supervision on the highest-risk offenders. Creating more intensive supervision for lower-risk offenders usually does not help meet corrections goals, affect cost control, or reduce reoffending.

**Electronic Monitoring** Electronic monitoring uses technology to track an offender's whereabouts and monitor compliance. For nonviolent offenders, it often is combined with house arrest or is used to enforce curfew and travel restrictions. Correctional agencies also use electronic monitoring as an alternative sanction to jail or prison for violations of supervision conditions or to monitor offenders who are making the transition into the community after prison.

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*Of every \$10 spent by states on corrections in FY 2008, \$9 was devoted to state prisons, even though nearly 70 percent of offenders are supervised in the community, according to Pew's Public Safety Performance Project.*

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## Savings Identified in Florida

Florida's Office of Program Policy Analysis and Government Accountability (OPPAGA) identified several intermediate sanctions for nonviolent offenders that, when used in lieu of prison, could significantly reduce criminal justice costs and reserve prison beds for the most dangerous criminals. Shown below are these sanctions, the suitable offenders and savings expected. The per diem savings are comparable to the state's \$55.54 per diem cost of incarceration.

Intermediate Sanctions	Target Population	Per Diem Savings Per Offender
GPS monitoring	Nonviolent felony offenders with minimum sentence of 12 to 24 months' incarceration.	\$41.51
Non-treatment residential facilities	Probation technical violators, nonviolent offenders with restitution ordered, or nonviolent offenders in need of structured assistance to obtain employment and gain stability.	\$29.53
Day reporting centers	Low-level felony or misdemeanor offenders.	\$44.06
Residential substance abuse treatment	Offenders with substance abuse issues.	\$26.66

Source: Florida Office of Program Policy Analysis and Government Accountability, 2010.

The Vermont General Assembly increased use of electronic monitoring to provide community supervision for certain offenders who otherwise would be incarcerated. A 2008 law authorized use of electronic monitoring for probation violations and as part of supervision provided in a structured, community transition program. In 2010, the General Assembly created a house arrest sentence for offenders who otherwise would be sent to prison. This allows offenders to continue working, attend treatment, support their families, and remain in their residences except for travel approved by a supervising officer.

Electronic monitoring has been found to be a cost-effective supervision strategy when used in lieu of jail and in conjunction with appropriate services. A 2006 Washington State Institute for Public Policy (WSIPP) analysis of evidence-based policy options determined electronic monitoring to be an economically beneficial supervision tool that does not affect crime incidence. The WSIPP analysis determined that electronic monitoring, when used in lieu of jail, could save Washington State \$870 per offender.

**Residential Facilities** Residential facilities provide offenders with a structured environment and support services in a community-based setting. Colorado's 35 residential facilities serve both offenders diverted from prison and some who are making the transition from prison into the community. Most facilities require offenders to keep a job, and pay room and board, state and federal taxes, and any restitution and child support owed. Offenders participate in programs such as substance abuse treatment; counseling designed to address cognitive reasoning and criminal behavior; employment and vocational courses; and life skills, financial, and anger management training. A Department of Corrections analysis in FY 2008 found that employed offenders were three times more likely to finish the program than those who were unemployed, underscoring the importance of job readiness for community-based offenders.

**Problem-Solving Courts** Problem-solving courts were identified by state chief justices and court administrators in a 2006 National Center for State Courts survey as one of the two most effective supervision programs

available in their states; mental health and substance abuse programs are the other. These courts, which vary in size, target population and structure, are designed to address the special needs of the target population. In Nevada, 42 problem-solving courts throughout the state include adult, juvenile and family drug courts; mental health courts; reentry courts; driving under the influence courts; a prostitution prevention court; habitual offenders' courts; and veterans' courts.

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*At least six state legislatures—Colorado, Hawaii, Illinois, Indiana, Nevada and Texas—authorized establishment of veterans' treatment courts in 2009 and 2010.*

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Veterans' treatment courts are the most recent type of problem-solving court being established in states. At least six state legislatures—Colorado, Hawaii, Illinois, Indiana, Nevada and Texas—took action in 2009 and 2010 to authorize courts that address needs of veterans who become involved in the criminal justice system. Many of these offenders have substance abuse and mental health needs stemming from combat experience; services overseen by the courts partner with veterans' agencies and eligible benefits. California, Iowa, New Hampshire and Oregon have similar policies that authorize diversion of veterans convicted of nonviolent crimes into treatment programs in lieu of prison.

Drug courts are the oldest and most common type of problem-solving courts—in 2010 there were more than 2,500 such courts operating across all 50 states, according to the National Association of Drug Court Professionals. Missouri's first drug court was established in 1993; today that state has the most drug courts per capita of any state in the nation. A Drug Court Coordinating Commission was established by the General Assembly in 2001 to evaluate resources, oversee operation and recommend funding for the state's drug courts. An academic study conducted for the commission projected savings of \$7,800 per year for each offender who is supervised in drug court instead of being sent to prison.

The federal Bureau of Justice Assistance's Drug Court Clearinghouse tracks and summarizes cost-benefit evaluations of drug court programs dating back to 2000. Studies comparing drug court participants to similar offenders who are not enrolled have found criminal justice system savings as a result of reduced prison and jail time, lower re-arrest and re-conviction rates, and decreased victim and law enforcement costs. Other benefits—such as increased employment rates and wage earnings, reduced health care costs, and increased parental participation and payment of child support—also have been noted. Studies of statewide drug court programs reveal that, while some drug courts cost more than typical court dockets or probation caseloads, the specialty courts still are more cost-effective than jail or prison.

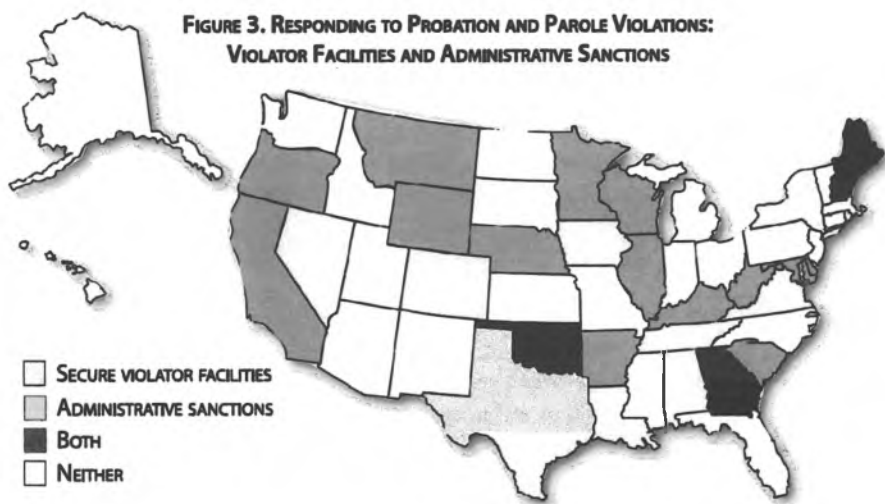
As policymakers explore the value of drug courts, they also can be aware of opportunities for improvement. A two-year examination of problem-solving courts by the National Association of Criminal Defense Lawyers resulted in a 2009 report that questioned the effectiveness of drug courts in addressing the societal problems of substance abuse. The report also cautioned about procedural matters and questioned whether drug court caseloads are adequately diverse and if clients are predominately those with the greatest need for intensive judicial supervision and treatment services (see also *Determining Criminal Sentences* and *Treating Drug Offenders*). As suggested in the *Principles*, policymakers can improve the effectiveness of intermediate and alternative sanctions both by ensuring that approaches are evidence-based and by requiring that community resources safely target offenders who can most benefit from community interventions in lieu of prison.

**Probation and Parole Violations** Offenders sent to prison for probation and parole violations contribute substantially to state prison populations and related costs. According to the Bureau of Justice Statistics, 35 percent of all state prison admissions in 2009 were offenders who returned to incarceration as a result of parole violations. Although some violators must be returned to prison to protect society, a growing number of states are developing non-prison sanctions for offenders who break the rules of their supervision, known as technical violations.

Alternative sanctions for probation and parole violators are designed to hold offenders accountable for breaking the rules, address issues related to the violations, and minimize the cost of incarceration to the state. Intermediate options allow a violator to remain in the community, continue to work, and pay restitution and child support. Sanctions include residential and community-based treatment programs, specialty court supervision, house arrest, electronic monitoring, work release, community service, secure and residential facilities, increased monitoring and reporting, and possible short periods in jail.

Several states have statutorily authorized community supervision agencies to impose intermediate sanctions for technical violations of probation or parole in lieu of formal court revocation proceedings (see Figure 3). Administrative sanctions allow violations to be swiftly dealt with at the agency level. This not only reduces time and costs of court and parole board hearings, but also provides for offender accountability and reduces reliance on prison as a sanction. Under the Oregon Department of Corrections' structured sanctions program, officers can impose immediate sanctions for violations of probation or parole conditions. A grid is used to determine

appropriate sanctions—jail, residential work centers, house arrest and community service—based on the offender's risk level, crime of conviction, and seriousness of the violation. Officers also can order violators to participate in programs such as substance abuse and mental health treatment, employment assistance, and anger management classes. A 2002 evaluation by the Department of Corrections found that offenders who were ordered to community sanctions had lower rates of future re-conviction than those ordered to jail; those ordered to community service had the lowest rate of re-conviction among all community-based options. The overall evaluation conclusions noted that the most effective sanctions include a rehabilitative component.



ordered to community service had the lowest rate of re-conviction among all community-based options. The overall evaluation conclusions noted that the most effective sanctions include a rehabilitative component.

Several states have secure facilities that are designed to house and treat probation or parole violators instead of sending them to prison, as shown in Figure 3. In 2006, the Tennessee General Assembly authorized the Parole Technical Violators Diversion Program. Parolees who violate a condition of parole but have not committed a new felony may be sent to a secure facility for a six-month term to participate in a community service work crew or attend GED classes during the day and complete treatment programs in the evening. Tennessee offers probation violators the opportunity to complete programming in a Special Technical Violator Unit (STVU) in lieu of revocation to a state prison. In the STVU, the probationer will participate for at least four months in an intensive work and treatment program. As of 2010, New Hampshire requires that all programs and services provided at a parole violator facility be evidence-based and designed to re-engage parolees in their parole plan.

## Funding Strategies

Prison populations are beginning to decline as a result of changes in front-end sentencing policies, availability of strategies to provide community-based sanctions for probation and parole violators, and specialized court and other treatment programs for drug offenders and those with mental health and other needs. Some states have created funding mechanisms to reinvest prison savings into programs that safely and successfully supervise offenders in the community.

In some states, state-local partnerships provide “incentive funding” to localities that successfully supervise offenders in the community instead of sending them to state prison for probation and parole violations. At least nine states—Arizona, Arkansas, California, Colorado, Illinois, Kansas, Kentucky, Ohio and Texas—have such arrangements, under which local correctional agencies usually receive state funding and other assistance to implement evidence-based supervision and programming. The goal is to reduce the rate at which probationers and parolees commit new crimes or violate their supervision conditions and are then sent or returned to prison.

In Kansas, a Risk Reduction Initiative adopted by the Legislature in 2007 was designed to increase offender success by reducing the number of revocations to state prison by at least 20 percent. To accomplish this, a grant program was established for local probation agencies that developed risk-reduction supervision and programming. Targeting medium- to high-risk offenders, the initiative uses specialized caseloads, employment training and placement, educational assistance, transportation and housing, and other services to help offenders remain crime- and drug-free. Careful assessment is used to assign offenders to the appropriate level and type of substance abuse, mental health, cognitive and other treatment.

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*At least nine states—Arizona, Arkansas, California, Colorado, Illinois, Kansas, Kentucky, Ohio and Texas—have “incentive funding” for localities that safely and successfully supervise offenders in the community.*

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The first round of funding in FY 2008 went to all 31 probation agencies in the state. By FY 2009, the Department of Corrections reported a 25 percent decrease in revocations to prison compared to the FY 2006 baseline; this exceeded the initial goal of 20 percent reduction.

In 2009, the California Legislature created a performance-based state-local funding partnership. Using one-time federal stimulus money, the Legislature allocated funding to local probation departments to implement evidence-based supervision practices designed to increase successful probation completion. Success is measured in terms of decreases in the number of probationers sent to prison for technical violations or new crimes. Continued funding under the act depends upon the rate at which the revocations decline. Each year, counties will be eligible to receive a portion of state savings achieved by reducing the number of prison admissions.

These funding strategies are examples of ones that, related to *Principle 4*, help states partner with local jurisdictions to create incentives for and hold accountable community programs and services.

### **Options for Low-Level Offenders**

Other state community supervision strategies are risk- and resource-sensitive in terms of identifying offenders who are not serious criminals, pose little threat and can be safely sanctioned at lower levels of supervision. State policies provide for administrative supervision, which consists of minimal reporting and monitoring requirements so long as restitution is being paid and the offender remains crime- and drug-free. Other policies move offenders who comply with their supervision conditions to less active supervision or provide an opportunity for early termination of the community supervision term. Table 1 identifies additional information on policies for supervising low-risk offenders. Limiting and decreasing supervision and services for lower-risk offenders focuses resources more effectively on higher-risk offenders, and are among the strategies states can consider that, as suggested in the *Principles*, update and adapt criminal codes to reflect current standards and needs.

# Principles of Effective State Sentencing and Corrections Policy

**Table 1. Options for Supervising Low-Risk Offenders**

Type	Supervision Components	Examples
Administrative Supervision	Minimal reporting requirements; monitoring to ensure court-ordered payments are being made and no new criminal activity occurs.	Kentucky created an administrative caseload supervision program in 2011 for low-risk offenders who are identified via risk assessment.
Risk-based Supervision Levels	Offender is assigned to a supervision level based on offense, compliance with supervision conditions and risk assessment scores.	In New Hampshire, risk assessments guide both the level of supervision and time spent at each level of supervision. For example, a low- or medium-risk offender will be placed on active supervision for the first 12 months and, if compliant, moved to administrative supervision for the remainder of the term.
Early Termination	Gives courts discretion to review and grant early termination of a probation or parole sentence. Often requires the offender to have paid restitution in full and completed all program and treatment requirements.	Texas has incorporated early termination into a "progressive sanctions and incentives program" administered by local supervision agencies. Includes use of structured, swift and incremental sanctions for violations of supervision, and incentives such as early termination for compliance.
Compliance Credits	Provides probationers or parolees with a monthly credit for compliance with supervision requirements.	Nevada law permits certain probationers to earn 10 days per month for complying with supervision requirements and staying on schedule with all court-ordered fee and restitution payments. An additional 10 days per month can be earned for maintaining employment and participating in education or rehabilitation programs.
Probation Term Limits	Caps the length of time a court can order for a probation sentence.	In 2003, Delaware limited probation sentences to two years for any violent felony, 18 months for drug offenses and one year for all other offenses. Previous law did not set an upper limit on probation terms, and lengthy probation sentences were common.

Source: 2007 Tex. Gen. Laws, Chap. 1205; 2009 Nev. Stats., Chap. 44; 2010 N.H. Laws, Chap. 247; 2011 Ky. Acts, Chap. 2; and Vol. 74 Del. Laws, Chap. 27.

The variety of strategies described help states safely and cost-effectively manage many offenders in the community. Community corrections resources can be maximized with other risk- and resource-sensitive policies that focus the most supervision and services on offenders who need to be watched most closely and who have significant needs that can be addressed in the community.

on probation**Bail set at \$50,000 for man accused of beating girl****ARRAIGNED: Syvinski still in jail; third-party observation required.**

By CASEY GROVE  
casey.grove@adn.com  
(06/11/11 21:15:27)

A man accused of punching a 7-year-old girl multiple times in the head Sunday in Midtown remained in jail after his arraignment Friday in Anchorage Jail Court.

A judge set bail for Byron Syvinski at \$50,000 and required that he be under 24-hour observation by a court-approved third party.

Syvinski, 32, faces one count each of third- and fourth-degree assault and one count of first-degree robbery. He did not enter a plea Friday, and Judge Catherine Easter assigned his case to a public defender.

Easter also ordered Syvinski not to return to the Eide Street neighborhood where police and witnesses say he attacked two of his neighbors, including young Am-Marie Martin.

Police wrote in court papers that Syvinski -- who stands 6 feet tall and weighs 240 pounds -- first tried to take a bag from a neighborhood boy, then punched the boy's father when he intervened. Police said the boy hit Syvinski with a metal pole, but that didn't stop him.

Syvinski then walked down the street and ordered Martin to get off her bike, police said. When she didn't, he punched her once, then twice more after she fell to the ground, police said.

Neighbors surrounded Syvinski, who police say was acting delirious when two officers arrived and arrested him. Syvinski had a cast on his broken left arm and the arm was infected, police said. He was taken to a hospital after the incident.

Officers arrested Syvinski on Thursday after he was released from the hospital.

Martin was still at Providence Alaska Medical Center on Friday for continued treatment, said her mother, Andrea Dunwoody, just after the arraignment. The girl suffered a concussion and brain hemorrhage from Syvinski's pounding, police said.

Martin wasn't eating solid food and depended on an intravenous line for nutrients, Dunwoody said.

"She's traumatized. She's depressed. She's angry. She's upset. All of the above," Dunwoody told reporters outside the jail. "He took away my daughter. She's not the same."

The girl has refused to allow male nurses into her hospital room and she also didn't trust the male doctor treating her, Dunwoody said.

"She wants to know why she's there. I can't tell her," Dunwoody said.

Still, small gifts and letters -- some from complete strangers -- had raised Am-Marie's spirits, her

mother said.

In the meantime, Dunwoody is wondering why Syvinski was loose on Anchorage's streets the day of the attack.

Syvinski had called police four times seeking help the day before the attacks, police said. He was taken into protective custody -- either to jail or a hospital but police won't say -- and was back out by Sunday afternoon, when the violence began.

His criminal record, which includes previous assaults and a felony gun theft conviction, indicates repeated drug use, according to court records.

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Dunwoody said the Alaska justice system failed to address Syvinski's many problems.

"He should've gotten the help he asked for," she said.

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Reach Casey Grove at [casey.grove@adn.com](mailto:casey.grove@adn.com) or 257-4589.

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## Syvinski can't move to halfway house

**RULING: Man accused of hitting girl says he was beaten in jail.**

By CASEY GROVE  
casey.grove@adn.com  
(08/13/11 21:53:47)

Alaska State Troopers are investigating the reported jailhouse beating of an Anchorage man accused of punching a young girl in June. But a judge on Friday denied Byron Syvinski's subsequent request to be moved from the jail to a halfway house, saying the 32-year-old remains a danger to the community.

Syvinski is accused of attacking several neighbors, including a 7-year-old girl he allegedly punched in the head multiple times while trying to steal her bike.

Through his court-appointed attorney, Jeff Robinson, Syvinski had sought lowered bail and release to a halfway house because of a beating that left his face bruised and re-injured his previously broken arm, Robinson told Anchorage District Court Judge Patrick Hanley.

Troopers are investigating the alleged July 31 attack on Syvinski by another inmate or inmates at the Anchorage jail, a troopers spokeswoman said.

Syvinski appeared in court for the Friday bail hearing with bruises under his eyes and his left arm in a cast and sling. He's charged with robbery and multiple assault counts for the alleged June 5 attack on his Eide Street neighbors.

Police wrote in court papers that Syvinski was acting delirious when he approached a neighborhood teenager and tried to snatch the boy's bag. Syvinski punched the boy's father in the face before the boy struck Syvinski with a pole, police said.

Syvinski walked down the street to where Am-Marie Martin -- who turned 8 Friday, her mother said -- was on her bike in her driveway, police said. Syvinski ordered the girl off the bike and when she didn't move, he punched her, knocking her to the pavement, police said.

Witnesses told police that Syvinski punched the girl twice more while she was on the ground.

Martin was taken to a hospital with severe head injuries. Syvinski also was taken to a hospital for an infected arm. Police arrested him five days later.

In court Friday, Robinson told Hanley that Syvinski spent some time separated from other inmates for additional medical treatment. It was shortly after Syvinski's release from medical segregation that he was attacked, Robinson said.

"The decision to release him to general population is frightening," Robinson told the judge. "We live in a civilized society; we don't believe in vigilante justice."

Robinson showed Hanley and Assistant District Attorney Brittany Dunlop pictures of Syvinski's injuries taken days after the beating. The photos showed Syvinski's swollen lips and dark bruises

on his body.

"We have no reason to think the (Department of Corrections) can't protect Mr. Syvinski," Dunlop said.

Halfway houses have less security than jails, which could make it easier for Syvinski to escape, the prosecutor argued. That would allow Syvinski -- whose criminal record indicates repeated drug abuse dating back to 1999 -- to possibly get high and attack someone again, she said.

Martin's mother, Andrea Dunwoody, told the judge that Syvinski belonged in jail, not a halfway house. Dunwoody also addressed Syvinski directly.

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"Just imagine what my daughter felt when you pounded her head into the ground," she told him. Dunwoody glared at Syvinski, who looked to the floor.

In the end, Hanley agreed with the prosecutor, saying that Syvinski posed a threat to the community and a halfway house did not provide the necessary level of security.

Dunwoody told reporters outside the courtroom that her daughter still suffers from headaches and dizziness but that she is ready for the school year to start.

Dunwoody said she doesn't have much sympathy for Syvinski.

"Like it or not, he's going to get justice in jail," she said. "I don't feel bad that he's got black eyes."

Reach Casey Grove at [casey.grove@adn.com](mailto:casey.grove@adn.com) or 257-4589.

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## Ex-officer arrested again on child porn charge

Anchorage Daily News  
(01/10/08 12:25:40)

A former Anchorage police officer, already convicted once of possessing child pornography, has been arrested and charged again.

Bryan Herrera, 44, was charged last month with violating the terms of his probation for having downloaded and stored thousands of child porn images in his computer, according to police spokeswoman Marlene Lammers.

On Wednesday, the Anchorage Police Department's Cyber Crimes Unit detectives re-arrested Herrera on a new charge of child porn possession. He is being held on that charge in lieu of \$30,000 bail, Lammers said.

A 12-year veteran at the time, Herrera was charged in October 2005 with collecting images of young children having sex with each other and with adults. He was also accused of setting up a remote-controlled camera in his home so he could tape a teenage girl undressing.

In a plea agreement with the district attorney's office, Herrera pleaded no contest to two counts and was sentenced to serve up to two years in prison. He was released on probation after serving his time. A condition of his release was that he not have a computer with an Internet connection.

In June, probation officers told police they had seized Herrera's laptop and believed he had downloaded and stored child porn on it. Police forensics computer examiners verified the accusation and on Dec. 10 probation officers arrested him, according to Lammers.

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*While on Parole / Probation Two new*

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Anchorage Daily News

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**Murder parolee questioned in woman's slaying**  
**Man had done yard work for woman found dead in her home.**

*x Proberoy*

By JAMES HALPIN and MEGAN HOLLAND

Anchorage Daily News

(06/25/09 22:06:21)

The man being sought for questioning in the slaying of a woman found dead in her home just off West International Airport Road was taken into custody Thursday night while using the restroom at the Flight Deck Bar and Lounge, just a block from the crime scene, according to police.

Kenneth Arnold Wahl, who is on parole for the brutal 1983 killing of a school counselor, was taken to police headquarters for questioning and was held on a felony parole violation, police said. Wahl had not been charged in connection with the death of Elisa Orcutt, 47, though police have named him a "person of interest." Orcutt was found dead in her home in the 5100 block of Cambridge Way on Tuesday.

Police from the vice unit and Community Action Policing team descended on the bar at 832 W. International Airport Road just before 8:30 p.m. and found Wahl in the men's room, police spokeswoman Anita Shell said.

"Patrons at the bar recognized him," Shell said. "He was taken into custody without incident."

Police say Wahl, 45, was doing yard work for Orcutt on Friday, the last day she was seen alive.

Wahl had been arrested six times, and released six times, since 2005 for parole violations stemming from the 1983 murder and was currently wanted on a seventh charge.

Investigators say they have learned of no connection between Wahl and Elisa Orcutt, 47, beyond his doing work at her home.

Orcutt's body was found in her home in the 5100 block of Cambridge Way just before 10 a.m. Tuesday, less than two hours after she missed a court appearance for a divorce that was finalized in her absence.

Since naming Wahl as a man who might have some information, detectives had received reports of possible sightings, homicide Detective Sgt. Slawomir Markiewicz said Thursday afternoon.

"We accounted for all the other neighbors as far as talking to them," Markiewicz said. "He had a place pretty close to the victim's place. Actually, from where he was staying he could see the victim's house." Neighbors say Wahl moved into a small, white pickup camper sitting on pallets in a yard catty-cornered to the Orcutt residence earlier this spring. He'd been doing odd jobs and yard work for the people whose property he was on and other neighbors and landed some work at the Orcutt home last Friday, according to police.

Elisa Orcutt was supposed to meet with her lawyer, Jody Brion, on Saturday in preparation for the divorce trial this week, but didn't show, according to a memorandum Brion filed in court. Brion called her repeatedly over the weekend but didn't reach her.

"Counsel believes that she is very stressed out with the prospect of the trial," Brion wrote in court papers.

About 8:30 a.m. Tuesday, everyone but Orcutt showed up at the courthouse for a hearing. The divorce was granted despite her absence. According to court documents, both Orcutt and her husband suffered from physical and mental impairments. They had no children.

Douglas Orcutt, 56, spent a career working for Alaska Airlines but left his work after being diagnosed with the early onset of Alzheimer's disease, court records say. He moved to Washington in September and filed for divorce in November, citing "irremediable differences" caused by "an incompatibility of temperament existing between the parties." Records say he was in town for the hearing this week.

Court records indicate Elisa Orcutt used to work at a Lowe's Home Improvement Warehouse but was injured on the job and had received Social Security income. She had been diagnosed with bipolar disorder and also suffered from depression and physical problems, according to court records.

"Elisa has been through a lot of stuff," said Pete Johnson, husband of her sister. "She didn't deserve this." If they know a motive for the slaying, police won't say what it is. They have been equally mum on what exactly happened inside the home, saying only they and the killer have that information.

"There was some trauma that caused her death," Markiewicz said. "The nature of the injuries is such that we concluded it must be the result of a homicide."

Wahl was convicted of first-degree murder for the stabbing death of Edward "Larry" Delany, a 40-year-old junior high school counselor. Authorities said Wahl stabbed him with a knife about 40 times in his apartment the day after they hooked up for a sexual encounter in 1983. He was sentenced in 1985 to serve 45 years.

According to Parole Board records, Wahl first appeared before the board in 2003, but was denied parole. He went back before the board in April 2005, when board members changed their minds. He was released two months later.

Conditions of Wahl's parole were standard, including requirements that he: maintain employment, training or treatment; notify his parole officer of a change in residence; possess no firearms; stay away from drugs and alcohol; not leave Anchorage beyond a 50-mile radius without informing his parole officer; not contact the victim's family.

But between his release and April of this year, Wahl was out of jail only for brief periods -- three months, then two days, then three weeks, and then two months -- before being jailed again for parole or probation violations.

He went back before the Parole Board after each one, and each time the board decided to let him go -- in April 2005, December 2005, September 2006 and January 2009. Ronald Taylor, executive director of the Alaska Board of Parole, said he couldn't discuss why the board decided to let Wahl out.

But in April, Wahl vanished from his halfway house. His probation officer searched for him for a day before handing over the search to Alaska State Troopers. A felony warrant for his arrest was issued.

Some fugitives are actively sought, but in many cases they are arrested after incidental contacts,

like traffic stops, troopers spokeswoman Megan Peters said. Various factors affect who is actively sought, including the severity of the crime and whether there is information on the person's location, she said.

Troopers have about 9,300 active arrest warrants, she said. Asked how Wahl's warrant would be prioritized, Peters said, "It goes back to what resources you have available, if you know where somebody is."

### **Kennith Wahl's time behind bars**

**Jan. 19, 1983:** Arrested for murder.

**Nov. 20, 1985:** Sentenced to 45 years.

**June 9, 2005:** Released from prison to a halfway house, the Glennwood Center in downtown Anchorage

**Sept. 6, 2005:** Back in jail for a parole/probation violation.

**March 15, 2006:** Released.

**May 17, 2006:** Back in jail for a parole/probation violation.

**June 16, 2008:** Released.

**July 6, 2008:** Back in jail for a parole/probation violation.

**July 22, 2008:** Released.

**Sept. 23, 2008:** Back in jail for a parole/probation violation.

**Dec. 3, 2008:** Released.

**Jan. 12, 2009:** Begins mandatory six months at a halfway house.

**April 9, 2009:** Doesn't show up to halfway house. Felony arrest warrant later issued. Kenneth Wahl's time behind bars

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## Four charged in armed robbery spree

Posted by crimeblog

Posted: July 29, 2011 - 3:52 pm

From Kyle Hopkins in Anchorage --

A four-man stickup crew has been indicted following a string of gunpoint robberies earlier this year in northeast Anchorage, prosecutors say.

Wearing black masks and gloves, the group held shotguns inches from the face of a Mountain View cigarette shop owner during a holdup in January, police say. The men are accused of blasting a shotgun round through the window of a Bragaw Street convenience store during a March robbery and robbing a cabbie and his passenger in April.

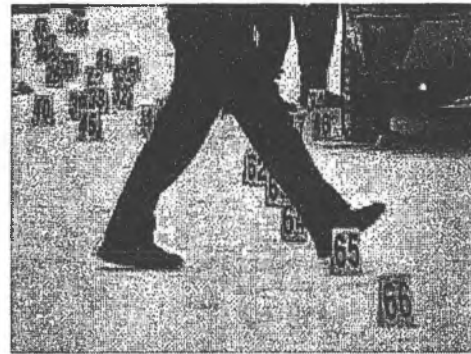
Assistant District Attorney James Fayette outlined the accusations today in **this prosecution bail memo**.

An Anchorage grand jury on Wednesday indicted:

- Aaron Aasa, 26.
- Ronald E. Thompson Jr., 18. *BOTH on Probation*
- Brothers Eric Vaifanua, 18, and Faamanu "Junior" Vaifanua, 21.

They are charged with robbing a cigarette shop called Smoke King in north Mountain View on Jan. 20, holding the shopkeeper and his son at gunpoint, prosecutors say. A security camera taped the invasion:

### Crime Scene



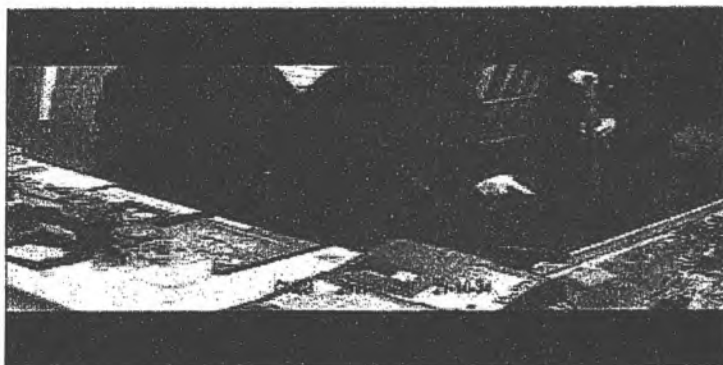
This is a blog dedicated to the general topic of crime and crime prevention in Alaska. We will post crime-related stories and other relevant items as we come across them. The Daily News encourages community engagement and discussion of issues of crime and criminal justice. Comments are not edited and will be posted immediately. We know that stories about crime often provoke strong reactions, but **we insist that you keep your comments on point, use good taste and show courtesy toward other writers. Posts that violate the Terms of Use will be deleted, and repeat offenders will be banned from adn.com.** When presenting factual information, take care that it is accurate and cite and/or link to sources where appropriate.

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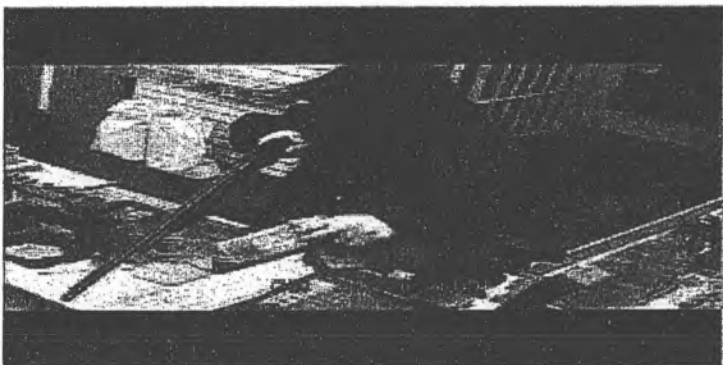
#### Anchorage crime reports



Track APD's latest crime reports in Anchorage, by location.



Photos courtesy of the Anchorage police department.



Two months later, three of the men robbed the Mini Stop convenience store on Bragaw Street, prosecutors say.

A break in the robbery investigations came April 10, following the cab-driver robbery.

The early morning holdup came on North Bunn Street where the taxi driver's passenger was trying to pay his fare, prosecutors say. A man with a shotgun had approached the passenger. Another man, carrying a handgun, walked up to the cab driver and demanded cash, prosecutors say.

As the men fled, one fired several shots in the air, prosecutors say. Someone nearby called police to report the sound of shots fired. The witness saw a black SUV speeding away, prosecutors say.

Police soon found the black Ford sitting in a car wash in west Mountain View. In a nearby trash can, police found a Mossberg 12-gauge shotgun, a handgun and white surgical gloves.

Security cameras showed the men pulling the pistol-grip shotgun from the SUV and stashing it in the trash can, prosecutors say.

In the SUV, police found old cartons of "Kool" cigarettes, the same brand that robbers stole from the Mountain View smoke shop and the Bragaw convenience store, prosecutors say.

Among other evidence linking the men to the robberies, police say that Faamanu Vaifanua was wearing white tennis shoes that matched footprints left in the snow outside the Smoke King store.

The four are accused of robbery, conspiracy to commit robbery and evidence tampering. Faamanu

**Recent crime headlines**

- Fuglvog pleads guilty; deal addendum sealed 12:54 PM
- Former UAF student pleads guilty to phone harassment 9:31 AM
- Woman pleads guilty to fraud
- Suspect towing skiff holding corpse is charged with murder
- Anchorage woman pleads in fraud, tax schemes

**Web resources**

- Anchorage police
- Anchorage Crime Stoppers
- Fairbanks police
- Juneau police
- Palmer police
- Wasilla police
- Alaska State Troopers
- Statewide active warrants
- Unalaska dispatches
- Alaska state law reference
- Court record search

**Archive**

- City Hall protester arrested yet again - 8/10/2011 5:38 pm
- Police want help catching speedy motorcyclist, abusive shoplifter - 8/8/2011 4:45 pm
- Trooper shoots pit bull in head, dog lives - 8/5/2011 7:36 pm
- City Hall protester arrested for trespassing at coffee shop - 8/4/2011 4:46 pm
- The free ride is over. Meet the new downtown parking enforcers - 8/4/2011 2:05 pm
- Man robs Subway restaurant, strikes clerk with gun - 8/3/2011 12:44 pm
- Four charged in armed robbery spree - 7/29/2011 3:52 pm
- Police accuse 2 of possessing, distributing child porn - 7/29/2011 11:06 am

**full archive »**

Vaifanua and Thompson were scheduled to appear in court today. Eric Vaifanua and Aaron Aasa were arraigned yesterday.

Attachment	Size
robberies pdf.pdf	1.6 MB

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Senator Lesil McGuire

## MEMORANDUM

**To:** Senator Hollis French, Chairman  
Senate Judiciary Committee

**Cc:** Cindy Smith, Aide  
Senate Judiciary Committee

**From:** Senator Lesil McGuire *Lesil*

**Date:** February 13, 2012

**Re:** Hearing request for SB 195, "An Act establishing a maximum caseload for probation and parole officers."

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Please schedule Senate Bill 195, relating to child care services, at your earliest convenience.

Attached to this memo please find:

- SB 195, the original bill, Version B
- Sponsor statement
- Back up articles from the Anchorage Daily News
- Back up: NCSL Principles of Effective State Sentencing and Corrections Policy

The contact for SB 195 is Genevieve Wojtusik, 465-3579

Thank you.

February 15, 2012

Senate Judicial Committee  
Alaska Legislature

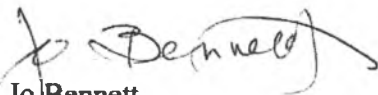
Re: S195

As a Probation/Parole Officer (PO) for the State of Alaska for over sixteen years and in three different offices around the state, I have been assigned to different units during that time and am currently assigned to the sex offender (SO) unit in Anchorage. I keep in mind the goal of protecting the community while supervising felony offenders.

In general, a PO monitors an offender for compliance with conditions set forth by the Superior Court or the Alaska Board of Parole. That means meeting with an offender at least monthly, sometimes twice monthly and a few individuals warrant weekly visits. All contacts require documentation. Contacts are not limited to the office. SOPOs are required to conduct home visits and engage in other collateral contacts such as with employers, family members, neighbors, landlords, and occasionally contact a victim or the parent of a minor victim. During a home visit of a sex offender today, PO cannot simply look for a pile of glossy magazines in the corner of a room or under a piece of furniture. In light of technological advances for example, in order to search for pornography, a PO must search a residence for computers, laptops, thumb drives, CDs, additional hard drives and other devices that have internet connectivity such as smart phones, tablets, X boxes and play stations. We are also expected to monitor compliance with the sex offender registry, monitor the use of email addresses as well as prohibited social networking sites and aliases etc. SOPOs are also expected sit in on treatment groups, attend staffing meetings, communicate possibly multiple times in one month with a treatment provider and prepare various forms utilized during the course of a treatment period. In addition, we write violation documents and reports as well as attend court and parole hearings. Some offenders warrant extensive time and effort with referrals at least initially to get started down the path of rehabilitation or to see if they will reject the rehabilitative offerings.

I appreciate your consideration of legislation limiting our caseload size, which will allow POs to more effectively supervise felony offenders, which will enhance protection of the public and support rehabilitation.

Very truly yours,



Jo Bennett  
Probation/Parole Officer II  
Anchorage, Alaska

Good morning Chairman French and committee members.

My name is Charles Stewart and I am a probation officer at the Anchorage Complex. First I would like to thank you for considering this bill. It is very important to all state Probation Officers. The goal of every probation officer is to work with offenders and to help them change their criminal thinking and behavior. Doing so will help keep them out of jail.

Unfortunately, we can't do that now. At this time officers are mainly doing paperwork with very little time to work hands on with offenders. We have caseloads of up to 100 or more. The goal of the Department of Corrections is to cut down the recidivisms. Deputy Commissioner Gutierrez explained to you on Jan 25 of 2012 our goal and program to cut down on recidivisms in the future. Deputy Commissioner Gutierrez working with a committee developed a reentry program.

We believe that this is a great program, but we foresee a problem. That problem is the caseload of the probation officers. We have very little time to work hands on with offenders because the current paperwork load is overwhelming given the numbers we supervise. Mainly we put out fires at this time. While we all support the "evidence based" approach to handling offenders, we must have more "face" time with our caseload for it to work. All of the evidence based programs contain significant one-on-one time with offenders. It also requires even more paperwork because we must document what we are doing with these people. Not reducing the caseload is to assure that our recidivism reduction efforts will fail.

Our current recidivisms rate is 66 percent. Andre Rosay, Director of the UAA Justice Center provided you with this information on January 25. In your packets you will see a report from North Carolina (dated March 2011) that shows that a caseload of 60 is an ideal caseload goal for probation officers, and a caseload of 30 for officers carrying a special case loads of

mental health patients, sex offenders or offenders under “increased supervision”. In you packets you will find other reports showing that the lower caseloads the more reduction there is in recidivism.

Another piece to this is the cost. On 1/25/12 Deputy Commissioner Edward stated to this committee that the average cost in the state of a hard bed is \$134 a day. If allowed to spend more time with offenders in one-on-one supervision, probation officers can reduce recidivism. We estimate that it will save money. For instance, a reduction of just 16 percent per our current case load of 100 or more would save \$2,144 a day or \$782,560 a year in just one case load. We believe that this kind of savings would pay for an additional probation officer, administration, and space and still save over \$600,000 per caseload. This does not take into consideration the other department with in the state that supports the offender and his family.