

AK LEGISLATURE FINANCE COMMITTEES FILES 2007-2008 3239

2007 PB hearings days

	A	B	C	D
40	08/02/07	Thursday	Full	HMCC/PCC
41	08/03/07	Friday	Half hearings and half travel	Board office; half day Board admin meeting
42	09/10/07	Monday	Full	ACCW/APO
43	09/11/07	Tuesday	Full	HMCC/APO
44	09/12/07	Wednesday	Half hearings and half travel	ACCW; half travel to FBKS
45	09/13/07	Thursday	Full	FCC
46	09/14/07	Friday	Half hearings and half travel	FCC; half return to ANC
47	10/07/07	Sunday	Half travel day	travel to Seward
48	10/08/07	Monday	Full	SCCC
49	10/09/07	Tuesday	Half hearings and half travel	SCCC; half return to ANC
50	10/10/07	Wednesday	Full	ACCW/APO
51	10/11/07	Thursday	Full	Board office/APO
52	10/12/07	Friday	Full	ACCW/APO
53	11/05/07	Monday	travel day	travel to Arizona
54	11/06/07	Tuesday	Full	Arizona
55	11/07/07	Wednesday	Full	Arizona
56	11/08/07	Thursday	travel day	return to Alaska
57	11/26/07	Monday	Full	ACCW/APO
58	11/26/07	Tuesday	Full	Board office/APO
59	11/28/07	Wednesday	Full	Board office/APO
60	12/10/07	Monday	Full	ACCW/Board office
61	12/11/07	Tuesday	Full	ACCW/APO
62	12/12/07	Wednesday	Full	PCC
63	12/13/07	Thursday	Full	Board office/APO
64	12/14/07	Friday	Half hearings and half travel	travel to Juneau; half day LCCC; return to ANC (1 day trip)
65				
66			Full hearing days - 40	63%
67			Half hearing days - 6	10%
68			Half hearings/half travel days - 10	16%
69			Travel days - 4	6%
70			Half travel days - 1	2%
71			Half hearings/half board admin. meeting days - 2	3%
72			TOTAL 63 DAYS	100%
73				
74			NOTE: Most half days compute out to a full day for some board members who must travel from their residences for hearings	NOTE: Some board members elect to travel the morning of hearings to save hotel and a half day of compensation on the day prior to the week of hearings

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

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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

TABLE OF CONTENTS

	<u>Page</u>
Objectives, Scope, and Methodology	1
Organization and Function	3
Report Conclusions.....	5
Findings and Recommendations.....	7
Analysis of Public Need	11
Agency Responses	
Department of Corrections	19
Board of Parole	21

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.

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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.¹ 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.*"²

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.*"³ 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,

¹ 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."

² AS 33.16.030(a)

³ 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 earned⁴ 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.⁵

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 ^a
2006	617,700 ^b	613,700
2005	530,900 ^c	530,900
2004	530,400	530,400

⁴ 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.

⁵ 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.

^a As of August 22, 2007.

^b Includes operating appropriation of \$596,200 and a supplemental appropriation of \$21,500.

^c 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.⁹

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.

⁹ 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 regulations¹⁰ 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.

¹⁰ 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 piecework¹¹ 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.

¹¹ 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 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 guidelines¹² 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:

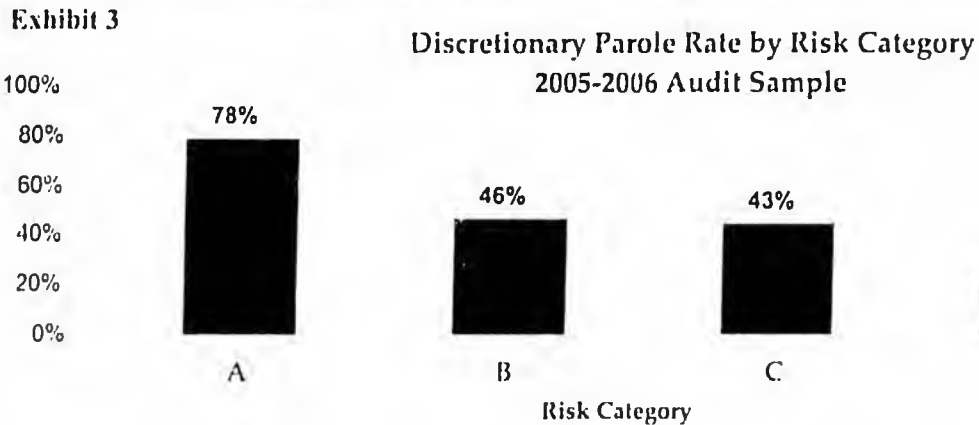
- First offense at a young age
- High number of felony convictions
- Previous parole revocations
- Sporadic employment
- Substance abuse issues
- Disciplinary actions in prison
- Convicted of a sexual assault

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

¹² 22 AAC 20142

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.



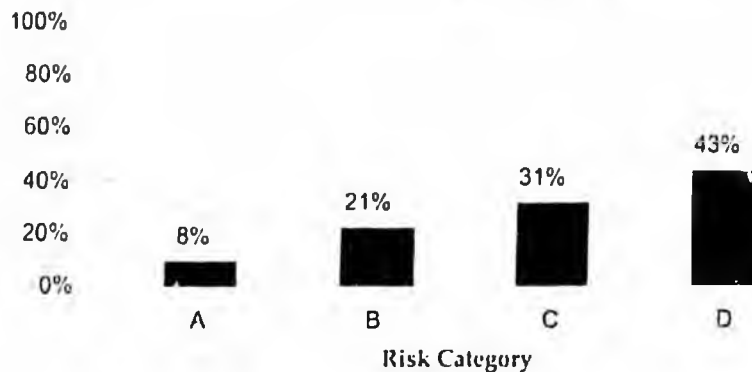
Number of Parole Requests in the Audit Sample	Risk Categories			
	A	B	C	D
Granted	7	5	22	4
Denied	2	6	29	13
Withdrawn	<u>1</u>	<u>1</u>	<u>0</u>	<u>0</u>
Total Parole Request	10	12	51	17

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 97¹³ 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.

¹³ 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.¹⁴ 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.

¹⁴ 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 regulations¹⁵ 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 polygraphs¹⁶ 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.¹⁷ 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.

¹⁵ 22 AAC 20.160 (D)(1)

¹⁶ 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.

¹⁷ 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 Med'caid.

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 law¹⁸ 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.

¹⁸ 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 days¹⁹ of a parolee's arrest and incarceration, with a final revocation hearing no later than 120 working days²⁰ 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.

¹⁹ AS 33.16.220(b)

²⁰ AS 33.16.220(c)

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SARAH PALIN,
GOVERNOR

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September 25, 2007

Pat Davidson
Legislative Auditor
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Juneau, AK 99811-3300

RECEIVED
SEP 26 2007
LEGISLATIVE AUDIT

Dear Ms. Davidson:

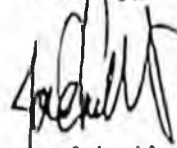
Thank you for the opportunity to respond to your September 25, 2007, preliminary audit report on:

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

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GOVERNOR

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Linda Smith, Member
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September 24, 2007

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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 II 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 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. Rals
Chair, Alaska Board of Parole

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

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>
Total Full Board Hearings Held	536	562	655	590	595	570	543	582	488	492	435	497
Specials Hearings (see Specials section)	158	195	274	274	320	293	304	289	354	418	370	271
MR Conditions Set	-	425	648	633	540	598	722	744	643	646	805	791 (939 total with initial)
Preliminary Hearings Held	-	298 <i>[72% increase from 1997 to 2000]</i>	367	430	513	489	541	510	487	479	532	562
Parole Arrest Warrants Issued Statewide <i>(represents # warrants issued only - does not reflect actual arrests)</i>	-	491	515	551	669	633	616	600	591	600	618	600
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>
Full Board Hearings Held by Quarter	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>
			536	562	655	590	595	570	543	582	488	492	435

	<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 Full Board Hearings Held Each Year	538	562	655	590	595	570	543	582	480	492	435	497
% 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)

<u>Hearing Types</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>
# 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	26	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	80	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%	21%	17%	21%	15%	20%	17%	14%	11%	14%	14%
# of Initial Discretionary Hrgs with "Deny" Decision				59	61	70	59	78	75	64	57	64
% of All Initial Discretionary Hearings				32%	38%	45%	41%	47%	51%	53%	51%	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.]

REVOCAATION STATISTICS

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

Total Full Board <u>Revocation</u> Hearings Held (Disc. & MR)	272	243	322	336	378	416	367	374	342	366	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 Hrgs</u> held	10%	12%	6%	8%	8%	9%	6%	8%	9%	10%	5%	6%
# of <u>Mandatory Revocation</u> Hearings (includes rescis & reviews)	245	214	304	307	347	377	369	380	312	321	316	331
% of <u>Mandatory Revocation</u> Hrgs of all <u>Revocation Hrgs</u> 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 (76%)	282 (81%)	318 (81%)	281 (77%)	281 (79%)	248 (85%)	252 (73%)	229 (72%)	295 (85%)
# of MR <u>Reparole</u> Revocation Hearings	31 (10%)	28 (8%)	33 (8%)	38 (11%)	55 (16%)	31 (11%)	52 (15%)	82 (19%)	32 (9%)
# of <u>Anticipatory MR</u> Revocations	38 (12%)	37 (11%)	42 (11%)	39 (11%)	14 (4%)	12 (4%)	15 (4%)	7 (2%)	4 (0%)
<u>Discretionary Reparole</u> Revocation	1	0	3 (1%)	4 (1%)	0 (0%)	9 (3%)	7 (2%)	6 (2%)	8 (2%)
<u>Discretionary Revocation</u> (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 <u>Revocation Hrgs</u> Resulting In " <u>Revoke/Deny</u> " Decision	80	131	111	109	115	153	103	121	98	110	89	95
% of All <u>Revocation Hrgs</u> Resulting In " <u>Revoke/Deny</u> " Decision	29%	54%	34%	33%	30%	39%	28%	30%	31%	31%	28%	27%
# of All <u>Revocation Hrgs</u> Resulting In " <u>Reprimand/Warn</u> " Decision	42	25	37	38	51	39	40	24	24	16	15	17
% of All <u>Revocation Hrgs</u> Resulting In " <u>Reprimand/Warn</u> " Decision	15%	10%	11%	11%	14%	10%	11%	6%	8%	4%	4%	5%
# of All <u>Revocation Hrgs</u> Resulting In " <u>Revoke/Reparole</u> " Decision	85	76	126	136	151	144	168	189	154	188	185	210
% of All <u>Revocation Hrgs</u> Resulting In " <u>Revoke/Reparole</u> " Decision	31%	31%	39%	41%	40%	37%	46%	46%	46%	54%	58%	60%
# of All <u>Revocation Hrgs</u> Resulting In " <u>Continue</u> " Decision	-	-	-	52	59	57	56	75	43	37	31	26
% of All <u>Revocation Hrgs</u> 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)

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

# Special Hearings Held by Type:	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
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 (7grant)	0	11 (7grant) (4deny)	10 (3grant) (7deny)	4 (3grant) (1deny)	9 (4grant) (5deny)	15 (7 grant) (8 deny)	9 (5 grant) (4 deny)	5 (3 grant) (2 deny)	9 (4 grant) (5 deny)	12 (3 cont) (3 grant) (6 deny)	6 (1 cont) (2 grant) (3 deny)

Special Medical Parole	2	2	3	2	3	2	3	3	0	2	3
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Questions should be addressed to the Alaska Board of Parole
 Mail: 550 W. 7th Ave, Suite 601, Anchorage, AK 99501
 Email: kathy_matsumoto@correct.state.ak.us

PAROLE BOARD HEARING SCHEDULE

January --- December 2008

NOTE: AMCC, KCC, WWCC, YKCC contact Board for scheduling of discretionary parole applicants

January 7 - 11	ACCW / ACCE / Anch PO / Furlough/EM Telephonics	packets due in Board office by 12/21/07
February 4 - 8	ACCW / ACCE / Anch PO PCC/Palmer HMCC/ MatSu / Pt MAC Administrative	packets due in Board office by 1/18/08
March 10 - 14	ACCW / ACCE / Anch PO FCC/Fairbanks	packets due in Board office by 2/22/08
March 26 - 27 (a.m.)	telephonics - only if necessary	packets due in Board office by 3/12/08
April 7 - 11	CCA - ARIZONA (Red Rock Correctional Center)	packets due in Board office by 3/21/08
(April 14-18 - Statowide PO training in Anchorage)		
May 5 - 9	ACCW / ACCE / Anch PO / Furlough/EM Telephonics SCCC (Seward)	packets due in Board office by 4/18/08
June 2-6	ACCW / ACCE / Anch PO HMCC/ MatSu / Pt MAC	packets due in Board office by 5/16/08
June 18 -19	LCCC/Juneau / Telephonics	packets due in Board office by 6/4/08
July 16	PUBLIC ADMINISTRATIVE MEETING	
July 28 - August 1	ACCW / ACCE / Anch PO PCC/Palmer Telephonics	packets due in Board office by 7/11/08
September 15-19	ACCW / ACCE / Anch PO / Furlough/EM HMCC/ MatSu / Pt MAC FCC/Fairbanks	packets due in Board office by 8/29/08
September 24 - 25 (a.m.)	telephonics - only if necessary	packets due in Board office by 9/10/08
October 6 - 10	ACCW / ACCE / Anch PO SCCC (Seward) Telephonics	packets due in Board office by 9/19/08 (be aware of PD staff training scheduled annually in October)
November 3 - 7	CCA - ARIZONA	packets due in Board office by 10/17/08
November 24 - 26	ACCW / ACCE / Anch PO Telephonics Administrative	packets due in Board office by 11/7/08
December 8 - 12	ACCW / ACCE / Anch PO / Furlough/EM PCC/Palmer LCCC/Juneau	packets due in Board office by 11/21/08

NOTE: Some days of telephonic hearings will be added throughout the calendar year.

NOTE: All dates subject to potential change as circumstances require.

HB

296

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/14/08

FURTHER:

DATE TURNED
IN TO OFFICE: _____

Finance Committee considered HOUSE BILL NO. 296

HB 296 EXTENDING BOARD OF PAROLE

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

and recommends:

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

SENATE BILL:
 Same Title
 New Title

HOUSE BILL:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

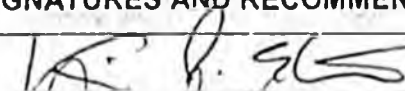
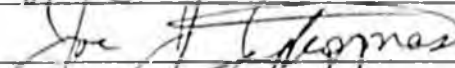
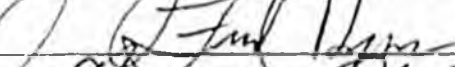
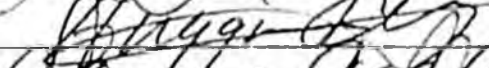
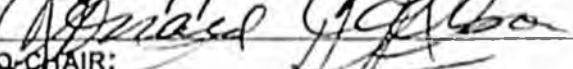


NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
COR	1/30/08	✓			2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Elton	✓			
	Thomas	✓			
	Dizon	✓			
	Huggins	✓			
	O'SON			✓	
CO-CHAIR: 		✓			
CO-CHAIR: 	STUBBINS	✓			

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: HB 296
(H) Publish Date: 1/31/2008

Identifier (file name): _____ Dept. Affected: Corrections
Title HB 296 Extending Board of Parole RDU Population Management
Sponsor Representative Lynn Component Parole Board
Requester House Finance Committee Component Number 695

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

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

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

CHANGE IN REVENUES ()							
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Matc.							
1004 GF		769.1	769.1	769.1	769.1	769.1	769.1
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Intraagency Receipts							
TOTAL	0.0	769.1	769.1	769.1	769.1	769.1	769.1

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time		5.00	5.00	5.00	5.00	5.00	5.00
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

HB 296 extends the Board of Parole to June 30, 2016. There is funding in the Governor's FY 09 Proposed Operating Budget for the Board of Parole and no additional funds will be required due to the passage of this legislation.

Prepared by: Rep. Meyer
Division: House Finance Committee
Approved by: Rep. Meyer
House Finance Committee

Phone: 465-4945
Date/Time: 1/30/08 1:23 PM
Date: 1/30/2008

House Bill 296

Extending Board of Parole

Background Information

Parole Board Hearing Schedule, 2008

Full/Half Day Hearing Days by Location, 2007

Full/Half Day Hearing Days by Board Member, 2007

Board of Parole Statistical Report, 1996-2007

Sunset Audit by Div. of Legislative Audit, 08/28/07

PAROLE BOARD HEARING SCHEDULE

January --- December 2008

NOTE: AMCC, KCC, WWCC, YKCC contact Board for scheduling of discretionary parole applicants

January 7 - 11	ACCW / ACCE / Anch PO / Furlough/EM Telephonics	<i>packets due in Board office by 12/21/07</i>
February 4 - 8	ACCW / ACCE / Anch PO PCC/Palmer HMCC/ MatSu / Pt MAC Administrative	<i>packets due in Board office by 1/18/08</i>
March 10 - 14	ACCW / ACCE / Anch PO FCC/Fairbanks	<i>packets due in Board office by 2/22/08</i>
March 26 - 27 (a.m.)	<i>telephonics - only if necessary</i>	<i>packets due in Board office by 3/12/08</i>
April 7 - 11	CCA - ARIZONA (Red Rock Correctional Center)	<i>packets due in Board office by 3/21/08</i>
(April 14-18 - Statewide PO training in Anchorage)		
May 5 - 9	ACCW / ACCE / Anch PO / Furlough/EM Telephonics SCCC (Seward)	<i>packets due in Board office by 4/18/08</i>
June 2-6	ACCW / ACCE / Anch PO HMCC/ MatSu / Pt MAC	<i>packets due in Board office by 5/16/08</i>
June 18 -19	LCCC/Juneau / Telephonics	<i>packets due in Board office by 6/4/08</i>
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July 28 - August 1	ACCW / ACCE / Anch PO PCC/Palmer Telephonics	<i>packets due in Board office by 7/11/08</i>
September 15-19	ACCW / ACCE / Anch PO / Furlough/EM HMCC/ MatSu /Pt MAC FCC/Fairbanks	<i>packets due in Board office by 8/29/08</i>
September 24 - 25 (a.m.)	<i>telephonics - only if necessary</i>	<i>packets due in Board office by 9/10/08</i>
October 6 - 10	ACCW / ACCE / Anch PO SCCC (Seward) Telephonics	<i>packets due in Board office by 9/19/08</i> <i>(be aware of PD staff training scheduled annually in October)</i>
November 3 - 7	CCA - ARIZONA	<i>packets due in Board office by 10/17/08</i>
November 24 - 26	ACCW / ACCE / Anch PO Telephonics Administrative	<i>packets due in Board office by 11/7/08</i>
December 8 - 12	ACCW / ACCE / Anch PO / Furlough/EM PCC/Palmer LCCC/Juneau	<i>packets due in Board office by 11/21/08</i>

NOTE: Some days of telephonic hearings will be added throughout the calendar year.

NOTE: All dates subject to potential change as circumstances require.

Preliminary Hearings 2007

Alaska Board of Parole
Preliminary Parole Hearing by Board Member, 2007

CHARLES MOSES, Anchorage area	# of hearings	Full prelim hearing days	Half prelim hearing days	EDWARD RAIS, Anchorage area	# of hearings	Full prelim hearing days	Half prelim hearing days	MICHAEL NEWMAN Wasilla/Palmer area	# of hearings	Full Prelim Hearing days	Half Prelim Hearing days
January	21	0	4	January	5	1	1	January	3	0	3
February	17	2	1	February	11	3	0	February	1	0	1
March	9	1	1	March	18	4	1	March	1	0	1
April	16	1	2	April	15	2	1	April	0	0	0
May	24	3	1	May	3	1	0	May	2	0	2
June	6	1		June	16	3	0	June	1	0	1
July	18	3		July	15	3	1	July	2	0	2
August	12	1	2	August	17	4	0	August	5	0	4
September	18	3		September	9	2	0	September	0	0	0
October	15	2	1	October	7	2	1	October	0	0	0
November	5	1	1	November	28	4	0	November	1	0	1
December	13	2		December	18	3	0	December	2	0	2
TOTAL	174	20	13	TOTAL	162	32	5	TOTAL	18	0	17

MICHAEL STARK, Juneau & all other outlying areas	# of hearings	Full prelim hearing days	Half prelim hearing days	LINDA SMITH, Fairbanks/Kenai area	# of hearings	Full prelim hearing days	Half prelim hearing days
January	8	0	5	January	8	1	2
February	11	0	4	February	9	1	2
March	12	0	5	March	5	1	2
April	14	0	6	April	8	1	2
May	13	0	8	May	5	0	3
June	10	0	5	June	8	1	2
July	6	0	4	July	12	1	3
August	14	0	5	August	7	1	2
September	9	0	4	September	4	0	2
October	12	0	7	October	8	2	0
November	6	0	2	November	8	0	3
December	10	0	5	December	4	0	1
TOTAL	125	0	60	TOTAL	86	9	24

Total of 5 members	565	61	119
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2007 PB full-half hearings days by location

	A	B	C	D
1	HEARING DATES	DAY OF WEEK	FULL/HALF HEARING DAYS	LOCATION
2	01/08/07	Monday	Full	ACCW/APO
3	01/09/07	Tuesday	Full	ACCW/APO
4	01/10/07	Wednesday	Full	ACCW/APO
5	01/11/07	Thursday	Half	APO
6	02/12/07	Monday	Full	ACCW/APO
7	02/13/07	Tuesday	Full	ACCW/APO
8	02/14/07	Wednesday	Half hearings and half Board admin. meeting	APO; half Board Admin Meeting
9	02/15/07	Thursday	Full	MSPT/PCC
10	02/16/07	Friday	Half	HMCC
11	03/12/07	Monday	Full	ACCW/APO
12	03/13/07	Tuesday	Full	ACCW/APO
13	03/14/07	Wednesday	Half hearings and half travel	HMCC; half travel to FBKS
14	03/15/07	Thursday	Full	FCC
15	03/16/07	Friday	Half hearings and half travel	FCC; half return to ANC
16	03/21/07	Wednesday	Half	LCCC; Stark in Juneau/rest of Board in ANC
17	03/28/07	Wednesday	Half	LCCC; Stark in Juneau/rest of Board in ANC
18	04/08/07	Sunday	travel day	travel to Arizona
19	04/09/07	Monday	Full	Arizona
20	04/10/07	Tuesday	Full	Arizona
21	04/11/07	Wednesday	Full	Arizona
22	04/12/07	Thursday	Full	Arizona
23	04/13/07	Friday	Half hearings and half Board admin. meeting	Arizona; half day Board admin meeting
24	04/14/07	Saturday	travel day	return to Alaska
25	04/30/07	Monday	Full	APO
26	05/01/07	Tuesday	Half hearings and half travel	SCCC; half travel to Seward
27	05/02/07	Wednesday	Half hearings and half travel	SCCC; half travel to ANC
28	05/03/07	Thursday	Full	ACCW/APO
29	05/04/07	Friday	Half	ACCW
30	05/16/07	Wednesday	Half	LCCC; Stark in Juneau/rest of Board in ANC
31	05/17/07	Thursday	Half	LCCC; Stark in Juneau/rest of Board in ANC
32	06/18/07	Monday	Full	ACCW/APO
33	06/19/07	Tuesday	Full	ACCW/APO
34	06/20/07	Wednesday	Full	ACCW/APO
35	06/21/07	Thursday	Full	HMCC
36	06/22/07	Friday	Full	APO
37	07/30/07	Monday	Full	ACCW/APO
38	07/31/07	Tuesday	Full	ACCW/APO
39	08/01/07	Wednesday	Full	ACCW/APO

2007 PB full-half hearings days by location

	A	B	C	D
40	08/02/07	Thursday	Full	HMCC/PCC
41	08/03/07	Friday	Half hearings and half travel	Board office; half day Board admin meeting
42	09/10/07	Monday	Full	ACCW/APO
43	09/11/07	Tuesday	Full	HMCC/APO
44	09/12/07	Wednesday	Half hearings and half travel	ACC W; half travel to FBKS
45	09/13/07	Thursday	Full	FCC
46	09/14/07	Friday	Half hearings and half travel	FCC; half return to ANC
47	10/07/07	Sunday	Half travel day	travel to Seward
48	10/08/07	Monday	Full	SCCC
49	10/09/07	Tuesday	Half hearings and half travel	SCCC; half return to ANC
50	10/10/07	Wednesday	Full	ACCW/APO
51	10/11/07	Thursday	Full	Board office/APO
52	10/12/07	Friday	Full	ACCW/APO
53	11/05/07	Monday	travel day	travel to Arizona
54	11/06/07	Tuesday	Full	Arizona
55	11/07/07	Wednesday	Full	Arizona
56	11/08/07	Thursday	travel day	return to Alaska
57	11/26/07	Monday	Full	ACCW/APO
58	11/26/07	Tuesday	Full	Board office/APO
59	11/28/07	Wednesday	Full	Board office/APO
60	12/10/07	Monday	Full	ACCW/Board office
61	12/11/07	Tuesday	Full	ACCW/APO
62	12/12/07	Wednesday	Full	PCC
63	12/13/07	Thursday	Full	Board office/APO
64	12/14/07	Friday	Half hearings and half travel	travel to Juneau; half day LCCC; return to ANC (1 day trip)
65				
66			Full hearing days - 40	63%
67			Half hearing days - 6	10%
68			Half hearings/half travel days - 10	16%
69			Travel days - 4	6%
70			Half travel days - 1	2%
71			Half hearings/half board admin. meeting days - 2	3%
72			TOTAL 63 DAYS	100%
73				
74			NOTE: Most half days compute out to a full day for some board members who must travel from their residences for hearings	NOTE: Some board members elect to travel the morning of hearings to save hotel and a half day of compensation on the day prior to the week of hearings

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>
Total Full Board Hearings Held	538	562	655	590	595	570	543	582	488	492	435	497
Specials Hearings (see Specials section)	158	195	274	274	320	293	304	289	354	418	370	271
MR Conditions Set	-	425	648	633	540	598	722	744	643	646	805	791 (939 total with Initial)
Preliminary Hearings Held	-	288 <i>[72% increase from 1997 to 2000]</i>	367	430	513	489	541	510	487	479	532	562
Parole Arrest Warrants Issued Statewide <i>(represents # warrants issued only - does not reflect actual arrests)</i>	-	491	516	551	669	633	616	600	591	600	618	600
Arrest Warrants	<i>Year 2002 by Region: Southeast- 63; Northern- 132; Southcentral- 421</i>											
Arrest Warrants	<i>Year 2003 by Region: Southeast- 66; Northern- 128; Southcentral- 406</i>											
Arrest Warrants	<i>Year 2004 by Region: Southeast- 61; Northern- 161; Southcentral- 369</i>											
Arrest Warrants	<i>Year 2005 by Region: Southeast- 63; Northern- 117; Southcentral- 420</i>											
Arrest Warrants	<i>Year 2006 by Region: Southeast- 44; Northern- 94; Southcentral- 476</i>											
Arrest Warrants	<i>Year 2007 by Region: Southeast- 74; Northern- 48; Southcentral- 478</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>
<u>Full Board Hearings Held by Quarter</u>	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>
			538	562	655	590	595	570	543	582	488	492	435

	<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 Full Board Hearings Held Each Year	638	662	655	590	595	570	543	582	488	492	435	497
% 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)

	<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>
Hearing Types												
# of All Full Board Hearings that are Initial Discretionary	198	228	236	186	161	154	145	165	148	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	26	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	80	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	59	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.]

REVOCAATION STATISTICS

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

Total Full Board Revocation Hearings Held (Disc. & MR) 272 243 322 335 376 415 367 374 342 355 331 351
 [38% Increase from 1996 to 2000]

	<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 Revocation Hrgs held	10%	12%	6%	8%	8%	9%	6%	8%	9%	10%	5%	6%
# of <u>Mandatory Revocation</u> Hearings (includes rescis & reviews)	245	214	304	307	347	377	369	380	312	321	316	331
% of <u>Mandatory Revocation</u> Hrgs of all Revocation Hrgs held	90%	88%	94%	92%	92%	91%	94%	92%	91%	90%	85%	94%

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

# of MR Revocations & all Rescissions				238 (78%)	282 (81%)	318 (81%)	281 (77%)	281 (79%)	248 (85%)	252 (73%)	229 (72%)	295 (85%)
# of MR Reparole Revocation Hearings				31 (10%)	28 (8%)	33 (8%)	38 (11%)	55 (16%)	31 (11%)	52 (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%)
<u>Discretionary Reparole Revocation</u>					1	0	3 (1%)	4 (1%)	0 (0%)	9 (3%)	7 (2%)	6 (2%)
<u>Discretionary Revocation</u> (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%	46%	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)

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

# Special Hearings Held by Type:	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
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	38	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 (7grant)	0	11 (7grant) (4deny)	10 (3grant) (7deny)	4 (3grant) (1deny)	9 (4grant) (5deny)	15 (7 grant) (8 deny)	9 (5 grant) (4 deny)	5 (3 grant) (2 deny)	9 (4 grant) (5 deny)	12 (3 cont) (3 grant) (6 deny)	6 (1 cont) (2 grant) (3 deny)
Special Medical Parole				2	2	3	2	3	3	0	2	3

Questions should be addressed to the Alaska Board of Parole
 Mail: 550 W. 7th Ave, Suite 601, Anchorage, AK 99501
 Email: kathy_matsumoto@correct.state.ak.us

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

TABLE OF CONTENTS

	<u>Page</u>
Objectives, Scope, and Methodology	1
Organization and Function	3
Report Conclusions.....	5
Findings and Recommendations.....	7
Analysis of Public Need	11
Agency Responses	
Department of Corrections	19
Board of Parole	21

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 44.65.050(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.

(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.¹ 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.*"²

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.*"³ 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,

¹ 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."

² AS 33.16.030(a)

³ 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 earned⁴ 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.⁵

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 ⁶
2006	617,700 ⁷	613,700
2005	530,900 ⁸	530,900
2004	530,400	530,400

⁴ 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.

⁵ 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.

⁶ As of August 22, 2007.

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

⁸ 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.⁹

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.

⁹ 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 regulations¹⁰ 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.

¹⁰ 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 piecework¹¹ 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.

¹¹ 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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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 guidelines¹² 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:

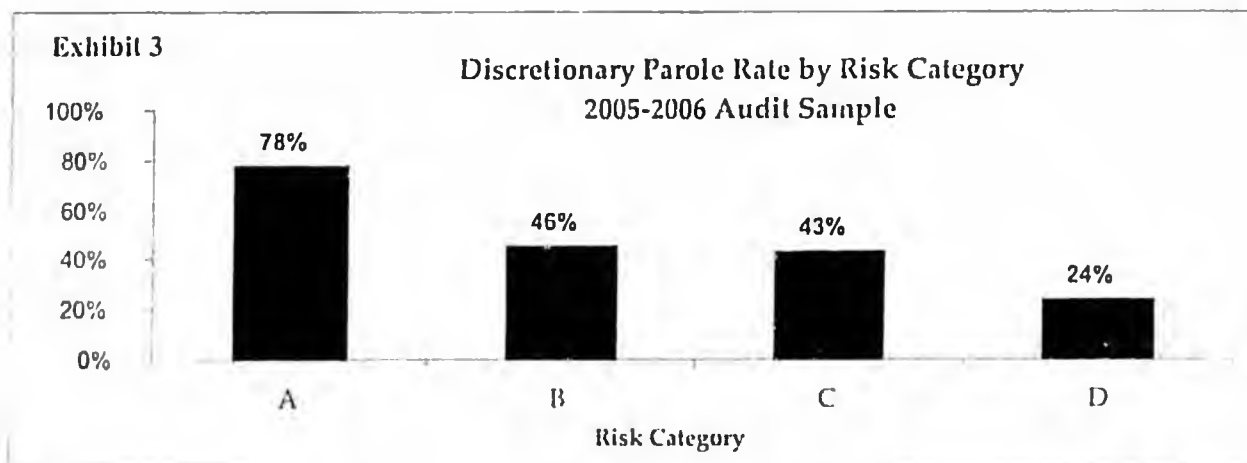
- First offense at a young age
- High number of felony convictions
- Previous parole revocations
- Sporadic employment
- Substance abuse issues
- Disciplinary actions in prison
- Convicted of a sexual assault

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

¹² 22 AA 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.



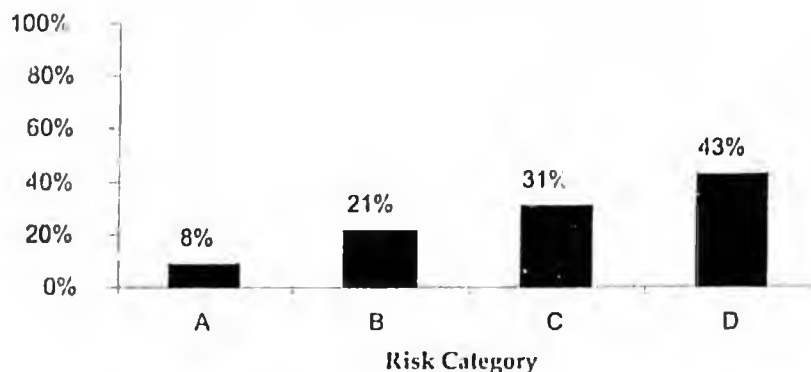
Number of Parole Requests in the Audit Sample	Risk Categories			
	Lower	—————>		Higher
	A	B	C	D
Granted	7	5	22	4
Denied	2	6	29	13
Withdrawn	<u>1</u>	<u>1</u>	<u>-0-</u>	<u>-0-</u>
Total Parole Request	10	12	51	17

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 97¹³ 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.

¹³ 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.¹⁴ 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 southeentral Alaska. The intent of the consolidation was to lower travel expenditures for board members and staff.

¹⁴ 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 regulations¹⁵ 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 polygraphs¹⁶ 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.¹⁷ 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.

¹⁵ 22 AAC 20.160 (l)(1)

¹⁶ 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.

¹⁷ 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 law¹⁵ 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.

¹⁵ 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 days¹⁹ of a parolee's arrest and incarceration, with a final revocation hearing no later than 120 working days²⁰ 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.

¹⁹ AS 33.16.220(b)

²⁰ AS 33.16.220(f)

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CORRECTIONS

PAGE 01/03

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:

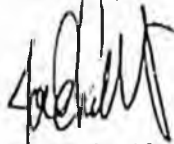
Thank you for the opportunity to respond to your September 25, 2007, preliminary audit report on:

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 Rols, Chair
Michael Stark, Vice Chair
Charles Moses, Member
Linda Smith, Member
Michael Neumann, Member

Kathy Matsumoto, Executive Director

ALASKA BOARD OF PAROLE
550 West 7th 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 99811-3300

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.

Pal 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. Rals
Chair, Alaska Board of Parole

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

Alaska State Legislature



Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
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Anchorage, AK 99501-2133

Phone: (907) 269-0205
Fax: (907) 269-0207

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. That date was chosen for two reasons: it was recommended in the audit report and it is the same amount of time from the previous term.

Your support of HB 296 is respectfully requested.

HB

307

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB 307(FIN)
() Publish Date: _____

Identifier (file name): _____ Dept. Affected: Alaska Court System
Title: Crimes of Domestic Violence RDU: Trial Courts
Component: Trial Courts
Sponsor: Representative Holmes
Requester: House Finance Committee Component Number: 768

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
OPERATING EXPENDITURES							
Personal Services			12.3	31.2	49.4	68.3	74.0
Travel			0.4	1.0	1.7	2.3	2.5
Contractual			10.9	24.2	37.4	50.7	55.1
Supplies			6.0	3.0	3.0	3.0	3.0
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	29.6	59.4	91.5	124.3	134.6

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF			29.6	59.4	91.5	124.3	134.6
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	29.6	59.4	91.5	124.3	134.6

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time			1	1	1	1	1
Temporary			1	1	1	1	1

ANALYSIS: (Attach a separate page if necessary)

CSHB 307(FIN) will make a misdemeanor, domestic violence, physical crime against a person (assault in the fourth degree) a class C felony if the defendant has been convicted two or more time of DV crimes against a person within the past ten years. The predicate crimes include assault crimes under AS 11.41.100 - 289 (excluding the non-physical crimes), most municipal assault cases, stalking in the first and second degree, and most sexual assault crimes under AS 11.41.410 - 425.

Continued on page 2.

Prepared by: Doug Wooliver, Administrative Attorney
Division: Alaska Court System
Approved by: Stephanie Cole
Administrative Director

Phone: 907-463-4750
Date/Time: 3/14/08 3:39 PM
Date: 3/14/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. CSHB 307(FIN)

ANALYSIS CONTINUATION

Our records show that had this law been in place in calendar year 2007 the court would have seen approximately 250 misdemeanor crimes charged as felonies. Because felony crimes are more expensive and time-consuming than misdemeanor crimes, this bill will impact the court system.

This bill is prospective in that the only prior convictions that will apply will be those that occur on or after the effective date of this Act. Based on a study of their current population, the Department of Corrections estimates that the criminal justice system will see approximately 14% of these new felony offenders in FY 2010, 23% in FY 2011, 27% in both FY 2012 and 2013, and 6% in FY 2014.

This fiscal note reflects the cost of additional superior court judicial and clerical time as well as additional juror costs.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB 307 (FIN)
() Publish Date: _____

Identifier (file name): HB307CS(FIN)-DOA-OPA-3-13-08 Dept. Affected: Administration
Title: "An Act relating to penalizing certain misdemeanor domestic violence offenses as felonies." RDU: Legal and Advocacy Services
Sponsor: Reps. Holmes, Gara, Dahlstrom, Fairclough, Johnson et al Component: Office of Public Advocacy
Requester: _____ Component Number: 43

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	7.20	20.00	33.4	47.7	47.7	
Travel	0.0	0.0	0.24	0.67	1.12	1.60	1.60	
Contractual	0.0	0.0	3.06	8.44	14.10	20.1	20.10	
Supplies	0.0	0.0	0.14	0.38	0.63	0.90	0.90	
Equipment	0.0	0.0	0.40	1.20	2.00	2.90	2.90	
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	10.9	30.7	51.2	71.0	71.0	

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF	0.0	0.0	10.9	30.7	51.2	71.0	71.0	
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	10.9	30.7	51.2	71.0	71.0	

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time			0.05	0.14	0.23	0.33	0.33
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This bill will convert misdemeanor physical assaults into C felonies, if the defendant is charged with a domestic violence crime and the defendant has two or more prior convictions for crimes involving domestic violence under the specified statutes within AS 11.41 or similar statutes from other jurisdictions. To determine whether a crime is domestic violence, the bill defines household member. Based upon information from the Alaska Court System, had this law been in place in 2007, OPA would have seen approximately 54 new felony cases. Based upon information from the Department of Corrections, it is predicted that we will see a gradual increase in the number of new felonies and resultant fiscal impact. The expected overall increase in felony cases is roughly equivalent to or third of an attorney position, and therefore, the agency predicts a fiscal impact of approximately one-third of an attorney plus an increase in contractor costs for cases in areas where we do not have staff offices or due to conflicts of interest.

Prepared by: Joshua P. Fink, Director
Division: Office of Public Advocacy
Approved by: Rachael Petro, Deputy Commissioner
Department of Administration

Phone: 907-269-3501
Date/Time: 3/13/08, 5:00 p.m.
Date: 3/17/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CS HB307 (FIN)
() Publish Date: _____

Identifier (file name): HB307CS(FIN)-DOA-PDA-3-14-08 Dept. Affected: Administration
Title: "An Act relating to penalizing certain misdeme or domestic violence offenses as felonies..." RDU: Legal and Advocacy Services
Sponsor: Representative Holmes Component: Public Defender Agency
Requester: _____ Component Number: 1631

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services				35.6	71.2	106.8	106.8	106.8
Travel				1.2	2.4	3.6	3.6	3.6
Contractual				9.0	18.0	27.0	27.0	27.0
Supplies				0.7	1.4	2.0	2.0	2.0
Equipment				0.2	0.4	0.7	0.7	0.7
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	46.7	93.4	140.1	140.1	140.1	140.1

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF			46.7	93.4	140.1	140.1	140.1
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	46.7	93.4	140.1	140.1	140.1

Estimate of any current year (FY2008) cost: _____

POSITIONS

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Full-time			1.00	1.00	1.00	1.00	1.00
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

CSHB 307(FIN) will make a misdemeanor, domestic violence, physical crime against a person (assault in the fourth degree) a class C felony if the defendant has been convicted two or more times of domestic violence crimes against a person within the past ten years. The predicate crimes include assault crimes under AS 11.41.100 - 289 (excludes the nonphysical crimes), most municipal assault cases, stalking in the first degree, and most sexual assault crimes under AS11.41.410 - 425.

Court System data indicates that had this law been in place in calendar year 2007 the court would have seen approximately 250 misdemeanor crimes charged as felonies. The Agency anticipates 140 new felony cases that would have formerly been charged as misdemeanors. It is anticipated that the fiscal impact will occur over three years beginning in FY 10.

Prepared by: Quinlan Steiner, Director
Division: Public Defender Agency
Approved by: Rachael Petro, Deputy Commissioner
Department of Administration

Phone 907-334-4414
Date/Time 3/14/08 12:00 PM
Date 3/17/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 307
() Publish Date: _____

Identifier (file name): HB307-DPS-DET-02-19-08 Public Safety
Title "An Act relating to penalizing certain misdemeanor domestic violence offenses as felonies." RDU Alaska State Troopers
Component AST Detachments
Sponsor Representative Holmes
Requester House Finance Component Number 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2008) cost: 00

POSITIONS

Full-time								
Part-time								
Temporary								

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

This bill imposes enhanced penalties for certain domestic violence offenses under AS 11.41. If a person has been previously convicted on two or more separate qualifying offenses, then the crime and penalty are increased to a class C felony.

Passage of this legislation will not increase the number of arrests made or cases referred for prosecution. This bill will have no fiscal impact on the department.

Prepared by: Lt. Rodney Dial
Division: Alaska State Troopers
Approved by: Walt Monegan, Commissioner
Department of Public Safety

Phone 907-269-5591
Date/Time 2/19/08 3:47 PM
Date 2/19/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB307-DOC-IDO-03-13-08
() Publish Date: _____

Identifier (file name): HB307-DOC-IDO-02-27-08 Dept. Affected: Corrections
Title: "Act relating to penalizing certain misdemeanor domestic violence offenses as felonies." RDU: Population Management
Sponsor: Representatives: Holmes, Gara, Dahlstrom, Fairclough, Johnson, Blum Component: Institution Director's Office
Requester: House Judiciary Component Number: 524

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	71.7	143.4	215.1	
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Contractual	0.0	0.0	806.7	3,009.4	6,049.2	9,273.3	11,396.9	
Supplies	0.0	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	
TOTAL OPERATING	0.0	0.0	806.7	3,009.4	6,120.9	9,416.7	11,612.0	

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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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	0.0	0.0	806.7	3,009.4	6,120.9	9,416.7	11,612.0	
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	
TOTAL	0.0	0.0	806.7	3,009.4	6,120.9	9,416.7	11,612.0	

Estimate of any current year (FY2008) cost: _____

POSITIONS

	0	0	0	0	1	2	3
Full-time	0	0	0	0	1	2	3
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 will have an impact on the Department of Corrections.

The department has calculated costs associated with the potential increase in mandays based on a blended rate (average of in-state and out-of-state daily bed rates) of \$85.00 per day.

(See page 2)

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

Phone (907) 465-3339
Date/Time: 3/13/08 2:00 PM
Date: 3/13/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. HB307-DOC-DO-03-13-08

ANALYSIS CONTINUATION

One additional Adult Probation Officer position with support costs will be necessary when the total crime legislation increases the offender population by 80. The estimated cost for each required position is \$85,600.

Offender population is based on the Courts information reflecting 250 misdemeanor crimes that have the potential to become felony cases. In FY2007, the Courts reflected a 76% conviction rate of felony cases.

The Department of Corrections anticipates an impact of approximately 190 cases annually. This reflects an increase of the offender population with passage of this legislation as:

Anticipated offender growth impact :

Increased manydays :

	2009	2010	2011	2012	2013	2014
Total Annual Offender Count :	0	26	97	194	298	366
Increased Mandays :	0	9,490	35,405	71,004	108,770	133,590

First year is -0- ... offender would have been incarcerated under existing legislation.

These offenders would carry forward 2nd year of sentencing.

Estimated annual costs :

Blended Daily bed rate w/o annual adjustment \$85.00

Annual Incarceration Costs :	\$0	\$806,650	\$3,009,425	\$6,035,340	\$9,245,450	\$11,355,150
Probation Officer Costs :	\$0	\$0	\$0	\$85,600	\$171,200	\$256,800
Total Annual Costs :	\$0	\$806,650	\$3,009,425	\$6,120,940	\$9,416,650	\$11,611,950

PO PFT :	0	0	0	1	2	3
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FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: HB307CS-LAW CRIM-03-17-08
 Bill Version: CSHB307
 () Publish Date: _____

Identifier (file name): _____ Dept. Affected: LAW
 Title An Act relating to crimes of domestic violence. RDU Criminal
 Component Criminal Justice Litigation
 Sponsor REPRESENTATIVE(S) HOLMES
 Requester HOUSE FINANCE Component Number 2202

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	132.2	0.0	132.2	132.2	132.2	132.2	132.2	132.2
Travel	2.2		2.2	2.2	2.2	2.2	2.2	2.2
Contractual	2.0		1.0	1.0	1.0	1.0	1.0	1.0
Supplies								
Equipment	6.5		0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	142.9	0.0	135.4	135.4	135.4	135.4	135.4	135.4

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF	142.9	0.0	135.4	135.4	135.4	135.4	135.4	135.4
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	142.9	0.0	135.4	135.4	135.4	135.4	135.4	135.4

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time	1.0	0.00	1.0	1.0	1.0	1.0	1.0
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: Robert Meiners, Administrative Services Manager
 Division: Administrative Services Division
 Approved by: Talis Colberg, Attorney General
Department of Law

Phone 907.465.5427
 Date/Time 3/17/08 11:18 AM
 Date 3/17/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. CSHB307

ANALYSIS CONTINUATION

CSHB 307 makes a conviction for Assault in the Fourth Degree (excluding fear assaults) a class C felony if the defendant, within the prior 10 years, has been convicted of two or more domestic violence crimes. The predicate offenses include homicide, assault, stalking, and first, second, and (in some instances) third degree sexual assault.

The CS would adopt a definition of household member for purposes of domestic violence that is slightly more limited than the definition in AS 18.66.990. The draft also clarifies that a prior conviction would not be counted unless the offense occurred after the effective date of the bill.

The bill increases the classification of the offense (Assault in the fourth degree under the conditions described above) to a class C felony. Felony offenses are generally more expensive than misdemeanor cases. The Department of Law believes that the fiscal impact for the department will be \$142.9.

SV

3/14/08

AMENDMENT | A

divided

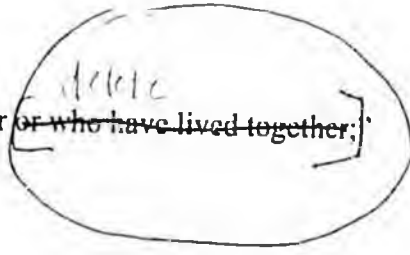
*adopt
emend del*
(a)

OFFERED IN THE HOUSE

BY REPRESENTATIVE HAWKER BY REQUEST

TO: CSIB 307 (Work Draft 25-LS1236K)

1 Page 3, line 7
2 DELETE "(2) adults or minors who live together ~~or who have lived together;~~"
3



4 Renumber the following sections accordingly.

5

6 Page 3, line 13, following "(7)"

adopted

7 DELETE "minor"

8 INSERT "parents or"

(b)