

901

HJ

CRIMES

-

CORRECTIONS

Table VII-1. Mean Active Sentences, in Months, for Offense Classes and
Frequently Occurring Specific Offenses, by City and Policy Year

Offense Class ²

All Cities
1974-75 1975-76

	1974-75	1975-76
Class 1 Murder and kidnaping	171.2	238.8
Class 2 Other violent felonies	24.8	22.7
Class 3 Burglary, larceny, receiving	6.8	4.3
Class 4 Forgery, fraud, embezzlement	9.5	6.2
Class 5 Drug felonies	8.0	25.4
Class 6 "Morals" felonies	25.5	16.6

Anchorage
1974-75 1975-76

Fairbanks
1974-75 1975-76

Juneau
1974-75 1975-76

<u>Class 1</u>	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76
Class 1	93.4	258.4	262.0	211.2	----	---- ¹
<u>Class 2</u>	<u>13.9</u>	<u>24.6</u>	<u>38.9</u>	<u>22.1</u>	<u>24.0</u>	<u>0.6</u>
Rape ³	69.0	115.5	120.0	72.0	----	----
Robbery	32.3	25.8	108.0	35.6	----	----
Attempted robbery	4.8	33.5	----	----	----	----
Use of firearms in robbery, etc.	----	----	82.3	64.5	----	----
Assault with dangerous weapon	16..	11.7	16.0	20.3	4.3	1.3
Misd. assault and battery	0.9	1.1	1.1	1.4	1.5	1.2
Misd. careless use of firearm	0.2	0.2	----	----	----	----
<u>Class 3</u>	<u>5.0</u>	<u>4.0</u>	<u>11.3</u>	<u>5.0</u>	<u>1.5</u>	<u>2.7</u>
Burglary in dwelling-occupied	22.0	7.5	1.0	1.5	----	--
Burglary not in dwelling	2.5	6.1	4.4	12.1	6.5	5.2
Larceny over \$100	5.0	3.7	37.2	10.0	----	----
Buying, receiving, concealing stolen property	4.0	2.7	13.5	5.7	----	----
Misd. unauthorized entry	0.6	1.7	0.1	1.8	0.4	0.4
Misd. larceny	0.9	0.6	0.5	0.3	----	----
Misd. buying, receiving, concealing stolen property	----	----	0.0	0.7	----	----

1. Dash indicates sample very small or no cases.
2. Indicates class of felony initially charged. Offense of which defendant convicted may be misdemeanor or lesser felony, but is usually of same type as original.
3. Specific offenses named are those of which defendant was actually convicted.

Table VII-1. (Continued)

	Anchorage		Fairbanks		Juneau	
	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76
<u>Class 4</u>	10.2	7.8	8.5	3.1	8.7	7.3
Forgery of debt	18.0	11.3	15.9	12.0	----	----
Bad check over \$50	1.7	3.0	----	----	----	----
Embezzlement by employee over \$100	3.4	12.0	----	----	----	----
Fraudulent use of credit card	----	----	0.0	0.0	----	----
Obtaining property by false pretenses	40.0	1.5	0.0	0.1	----	----
<u>Class 5</u>	11.0	10.0	0.9	47.1	9.6	5.5
Possession of narcotic	0.0	21.0	0.5	33.9	----	----
Sale of narcotic	18.5	9.6	3.0	71.6	----	----
Possession of HDS drug for sale	5.5	13.7	----	----	----	----
Sale of HDS drug	14.6	9.6	0.7	0.0	----	----
Misd. simple possession of HDS (excluding marijuana)	0.5	0.0	----	----	----	----
<u>Class 6</u>	22.1	6.0	34.7	36.0	3.0	0.1

(Sample sizes for specific Class 6 offenses too small for comparison of means.)

TO : Sharman Haley
Legislative Affairs Agency

DATE: February 22, 1979

FILE NO

TELEPHONE NO.

FROM: Dr. Richard Mohr
Research Coordinator
Division of Corrections

SUBJECT: Parole Statistics

The frequencies which you requested are noted in the table below. I am sorry that there is nothing in our records which identifies the specific nature of offenses leading to violations. If you wish further amplification, please call me at 465-3377.

		<u>1977</u>	<u>1978</u>
PROBATION	New charges	65	58
	Technical Violations	41	46
PAROLE	New Charges	13	15
	Technical Violations	16	14

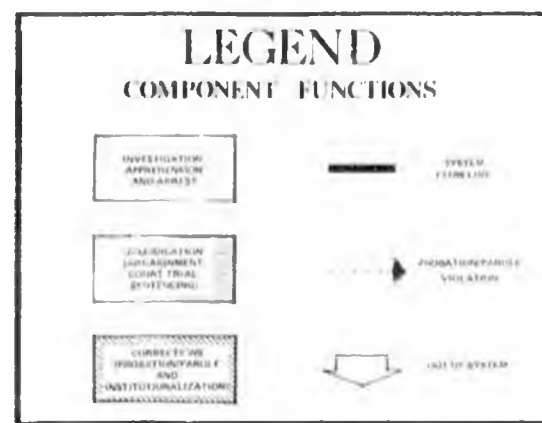
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cc: Walt Jones

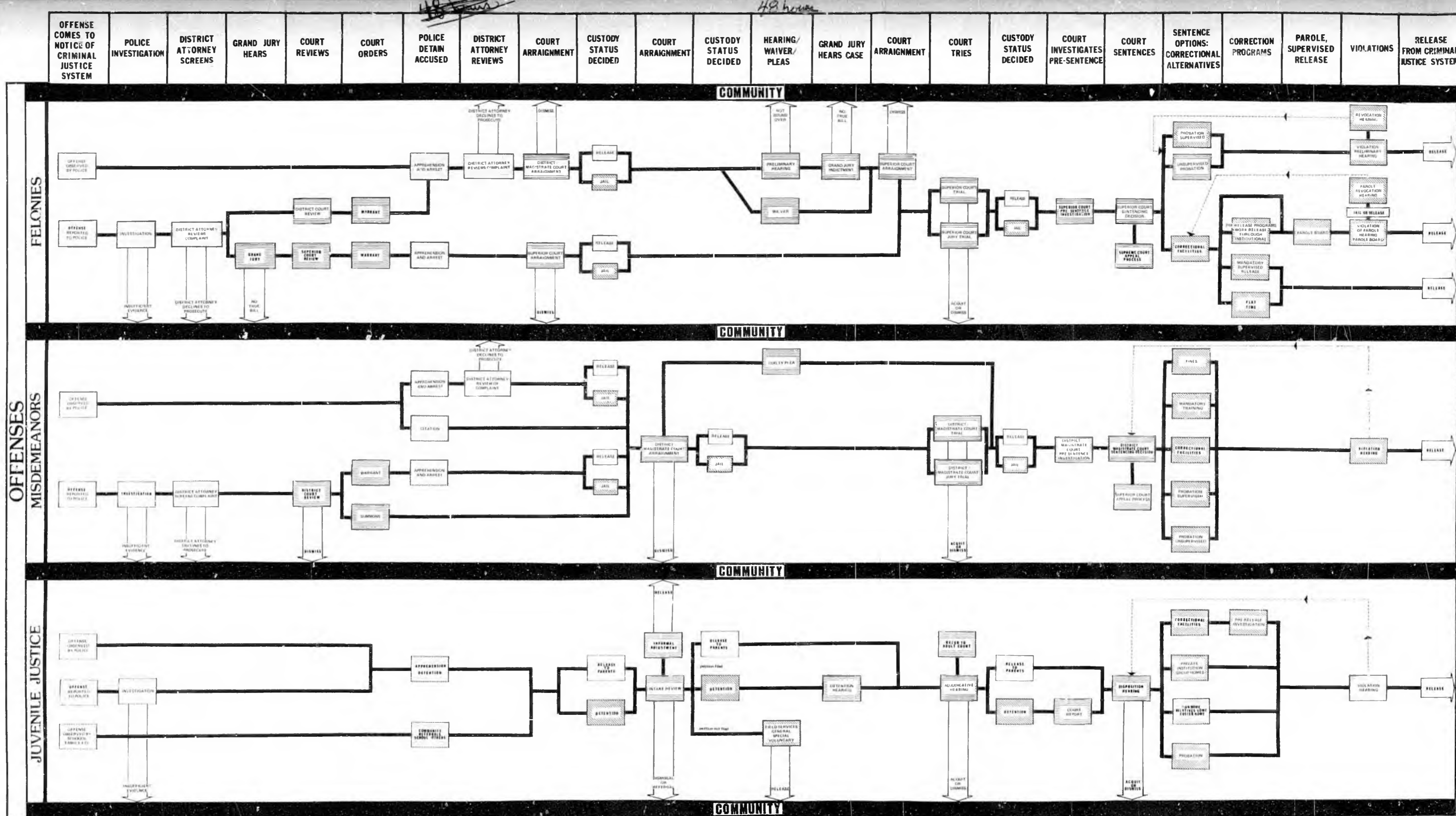
ALASKA'S CRIMINAL JUSTICE PROCESS

Prepared by:

Alaska Criminal Justice Planning Agency



MINER PUBLISHING CO.



JUDGES



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

MEMORANDUM

TO: House Judiciary Committee Members
FROM: Rochelle Plotnick *RP*
DATE: August 2, 1979
RE: Alaska Judicial Conference

On June 11, 1979 approximately 50 of Alaska's judges gathered for a conference. The underlying theme of the conference was "Bias in the Judicial System". Statistics from a study done by the Alaska Judicial Council suggested there was discrimination in sentencing by some judges. The purpose of the conference was to provide ethnic sensitivity training for the judges. For two days the judges listened to various speakers. Questions were asked after each presentation. Though some judges were defensive, most attended the conference with hope of gaining by the experience. There was a willingness to listen and learn. The conference was sponsored by the Alaska Court System, the Alaska Human Rights Commission and the Community Relations Service of the United States Department of Justice.

The first participant was Judge Charles Z. Smith, Professor of Law, University of Washington. A black man, Judge Smith has served as a Juvenile Court judge, judge of the Municipal Court of Seattle, and judge of the Superior Court of Washington for King County. He began by recounting the history of racism in

the United States, stressing the fact that a great deal of discrimination still exists. For example, 56% of the schools in the South are integrated while 16% are integrated in the North. He said racism is a nationwide problem and not limited to one part of the country. Smith contends that we must admit to ourselves our prejudices.

Dr. Lindbergh Sata followed. Sata, of Japanese descent, is Chairman of the Department of Psychiatry at Saint Louis University School of Medicine. He has held several teaching positions as Professor of Psychiatry in Washington and Maryland. Prior to the conference Sata had traveled throughout Alaska conducting interviews with various people. Whites told him of a positive way of life in Alaska, but when he interviewed Alaska Natives their reports were not as favorable. They said the white man had made life terribly complicated for them. An Alaska Native was quoted as saying, "I don't understand the white man's law". A Native in Bethel said whites reside there, but do not live with the Natives there. Sata talked about white man's laws, for the white man, used on Alaska Natives. He mentioned two types of economic systems in Alaska: monetary and subsistence. He said the white man's system is monetary while many Alaska Natives prefer subsistence. White man's laws reflect his monetary system, while the Alaska Native's values are set aside. For example, if an Alaskan Native is "voluntarily unemployed" so that he can lead a subsistence way of life, it might be a strike against him in the courtroom. Sata said that those involved in the criminal justice system were described as either "good" or

"lousy". "Good" meant a willingness to understand and interact with Alaska Natives. His final point was regarding a theory on alcohol among Alaska Natives. Asians, which anthropologists believe Alaska Natives are distantly related to, lack an enzyme in the blood that aids in the breakdown of alcohol. While a white person has six drinks and the alcohol count in the blood is 150, six drinks for Sata, using himself as an example, would register 2000. Sata suggested this be studied more carefully and taken into account when alcohol related problems are addressed.

The final speaker on the first day of the conference was Dr. Paul Takagi, Professor of Education at the University of California, Berkely, with a specialty in criminology. A Japanese-American, Takagi began his presentation by showing a video tape about racism in American institutions. The basic message of the tape was that racism exists in all major institutions; schools, courts, prisons, churches, unions, employment, housing and lending institutions. Not any one institution can be pinpointed as racist. They all affect each other. For example, schools affect the kind of people who are successful in college, who are successful in law school, who are successful bar members, who are successful judges, etc. Takagi then turned to some national statistics regarding crime and unemployment. He felt that as unemployment rises, imprisonment rises too. If a person is employed he or she is less likely to go to jail than if not working. Because of the racial discrimination in the nation's institutions, the blacks, Alaska Natives, and other minorities are the first to be unemployed.

Therefore, according to Takagi, their imprisonment rate increases.

Day two of the conference began with Gilbert Pompa, Director of the Community Relations Service of the U.S. Department of Justice. He is an attorney with experience in the private sector and as a district attorney in Texas. Pompa placed blame on district attorneys as a whole for the imbalances in the criminal justice field. Pompa is a Mexican-American.

Robert Lamb, the Northwest Regional Director of the Community Relations Service followed Pompa with two additional points. He said that in white neighborhoods the police "protect", but in minority neighborhoods the police "patrol". His second point was an observation he had made during twenty years experience as a policeman. He has never heard of a black kleptomaniac. While white persons charged with theft or shoplifting are sometimes released with the excuse that they are kleptomaniacs, blacks are not. These two points backed up Lamb's statement that bias exists in the criminal justice system. Lamb is black.

The next item on the agenda was a panel discussion on "Alaska's Minorities - Perceptions of Grievances and Problems".

Rosita Worl, an Alaskan Tlingit, pointed out the cultural differences in Alaska. Worl is an Assistant Professor of Anthropology, University of Alaska. She said cultural differences must be recognized by the Alaskan Justice System.

Worl used herself as an example. As she spoke, she stood with her hands on her hips. She described Tlingits as great orators with a tendency to lecture. Her hands on her hips were there to hold a Tlingit blanket. It could appear arrogant to a white person. In Tlingit culture it would be a sign of respect.

Thelma Buchholdt described Filipinos as people who talk very fast when excited. Born in the Phillipines, Buchholdt has become a U.S. citizen and is currently a member of the Alaska Legislature. Even now she sometimes has a hard time translating English into Filipino and suggested a person in the courtroom is probably intimidated and having a very difficult time understanding. When a person fails to respond it could be because of a lack of understanding rather than disrespect, and too embarrassed to admit he does not understand.

Ron Scollon, an Assistant Professor of Linguistics at the University of Alaska, discussed ethnic differences within the mechanics of conversation. He said that different ethnic groups have different speaking and pausing paces. Some use silence to show respect. Scollon explained that while an Alaska Native might think unfavorable of a white person who talks fast and leaves little time for pauses, that white person might be thinking the Alaska Native is dumb because he does not respond quickly or is silent. Scollon is white.

Robert Kemp, Assistant Director with the Alaska State Commission for Human Rights, said he was examining pre-sentencing reports

to determine whether or not they influence the racial disparities that showed up in the Judicial Council's sentencing study. Kemp is black.

Jane Yamashiro, a researcher at the University of Alaska and Japanese-American, suggested that the judges interact with different ethnic groups in their own environments. She said that at a P.T.A. meeting she discovered the parents of Japanese-American children wanted the same for their children as any other parents; a good education.

The second panel was focused on "Indicators of Bias in the Criminal Justice System".

Bill Nix, Commissioner of the State Department of Public Safety, said that he would make every effort to see that his department handled all matters in a fair and just manner. If there was any bias in his department he wanted to correct it. Nix is white.

Bill Green, Superintendent for Ridgeview Correctional Center for Women, told the judges that out of 16 felon convictions at Ridgeview, all were either of a minority group or closely associated with one (a white woman living with a black man, for example). He said the average correctional officer is not a member of a minority group and the correctional system is geared for the middleclass. Green said we all have some biases, but that the first step is to admit them to ourselves and learn to

overcome them. Green is black.

Kim Moeller, Director of the North Slope Borough Department of Public Safety, said he had been involved in a case where an Eskimo man was accused of a serious crime by an Alaska State Trooper. Because the Eskimo was intimidated by the trooper he said he had committed the crime. Moeller did some investigation and concluded there was no possible way the Eskimo could have been guilty. He contacted Fairbanks, where the Eskimo was in jail, and charges were dropped. Moeller is white.

Nora Guinn, the first Alaska Native to serve as a judge, backed up Kim Moeller by explaining that when Eskimos say "yes" they mean "no".

The final participant on the panel was Chuck Robinson, a former prosecutor and public defender, currently a private attorney from the Kenai Peninsula. He reported a case where a black man was given a harsher sentence for a smaller amount of drugs than a white man with a larger amount. He was sure similar cases exist. Robinson, a black, also felt some judges discriminate in their sentencing more than others.

ALASKA COURT SYSTEM
JUDICIAL RESPONSIBILITIES*

SUPREME COURT--5 justices

- Final Appellate Jurisdiction
- Civil Appeals & Cross Appeals
- Criminal Appeals & Juvenile Appeals
- Petitions for Review/Original Applications

TRIAL COURTS--63 court locations statewide

SUPERIOR COURT--20 judges

- Trial Court of General Jurisdiction
- Original Jurisdiction in all
Civil and Criminal Matters
- Appeals from Final Judgments of
the District Court
- Exclusive Jurisdiction: Domestic
Relations, Children's Proceedings,
Probate, Guardianship and Civil
Commitments

DISTRICT COURT--17 judges & 54 magistrates

- State Misdemeanor Violations
& Local Ordinance Violations
- Recovery of Money or Damages of
Property not exceeding \$10.0
- Motor Vehicle Tort Cases not
exceeding \$15.0

*The Supreme Court has administrative responsibilities which include the management of the entire state judicial system, the promulgation of rules governing practice and procedure in civil and criminal cases in all courts, the promulgation of administrative rules and the supervision of admissions and disciplinary matters of the Alaska Bar.



Alaska State Legislature

House of Representatives

Committee on Judiciary

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: HOUSE JUDICIARY COMMITTEE
FROM: ROCKY PLOTNICK
DATE: SEPTEMBER 13, 1979
SUBJECT: JUDGES

During the interim I have done three things regarding judges.

I have written a summary of the Judicial Conference in Sitka last June. A copy is enclosed.

I have copied a page from a report that Judith Pinero wrote for the House Finance Committee on the Court System. It gives a breakdown of judicial responsibilities.

I talked to Art Snowden, Administrative Director of the Alaska Court System. He says he will send a copy of the judges evaluation of the Judicial Conference. Also, there will be a follow-up of continuing education for judges in October. I plan to check it out.

I need to know what to pursue in terms of judges. What kind of information do you want?

THE FOLLOWING PAGES WERE TREATED AS
A UNIT IN THE ORIGINAL FILE.

NOT FOR PUBLICATION

PRELIMINARY DRAFT OF ANALYSIS
OF MISDEMEANOR SENTENCES
(1974 - 1976)

ALASKA JUDICIAL COUNCIL
AUGUST 1979

Michael L. Rubinstein
Executive Director

Nick Maroules
Research Analyst

Teresa White
Research Supervisor

This project was supported by Grant No. 76-N1-10-001, awarded to the Alaska Judicial Council, 303 K Street, Anchorage, Alaska, by the Law Enforcement Assistance Administration, U.S. Department of Justice, through the Governor's Commission of the Administration of Justice (State of Alaska).

A. METHODOLOGY

This analysis is of 1795 cases initially filed in the District Court for the state of Alaska as misdemeanors, and which resulted in misdemeanor convictions between August 15, 1974 and August 14, 1976. The data comprised adjudicated violations of state and municipal laws in Anchorage and Fairbanks, Alaska.^{1/}

The population source was the Alaska Judicial Information System which contains the official records of the Alaska Court System. The Technical Operations office of the court system furnished the judicial council with a listing of some 14,000 misdemeanor convictions by case number for the two-year period of interest. On the basis of standard statistical procedures a sample size was determined would be representative of the population. The size of the total sample was then increased to enhance its representativeness, and, as we will explain below, to allow for the over-representation in the sample of convictions after trial.

1/

Alleged violations of municipal ordinances in Alaska are tried in state district courts. There are no separate municipal courts in Alaska.

The major hypothesis concerned changes, if any, in plea/trial sentencing differentials--differences in sentences received by defendants convicted after trial compared with sentences for those who pled guilty. We sought to determine whether these differentials were affected by the new plea bargaining policy. It was therefore important to sample a sufficient number of cases convicted after trial. Since proportionately very few cases went to trial--309 out of 14,000--it was decided that all of the 309 trial convictions during the two-year period should be included. The remainder of the sample--i.e., the 1486 convictions by plea of guilty were randomly selected from the Judicial Information Systems records by using a stratified sampling technique. With this technique cases are selected according to a random number chosen from a table of random numbers. The overweighted trial convictions constituted 17% of the total sample N of 1795 cases, while randomly-selected pleas constituted the remaining 83%.^{2/}

^{2/} The 309 trial cases included 38 Black cases (28.1% of all Black cases in the sample), 37 Native cases (10.8% of all Native cases), and 215 White cases (18.2% of all White cases).

For purposes of analysis we classified misdemeanor offenses into five broad categories which we believed reflected substantive similarities among discrete offenses.^{3/} Among the

^{3/} Class I. Property Offenses, includes petty larceny, malicious destruction, concealment of merchandise, joy riding, credit card theft, and misdemeanor embezzlement; Class II. Street Crimes, includes disorderly conduct, vagrancy, and prostitution-related offenses, and non-traffic offenses alcohol offenses; Class III. Assaults, includes simple assault and battery, misdemeanor assault with a dangerous weapon and misdemeanor weapons offenses; Class IV. Traffic Offenses, include reckless driving, negligent driving, and failure to render assistance; and Class V. limited to OMVI and DWI (operating a motor vehicle while under the influence of intoxicating liquor or drugs, and driving while intoxicated).

TABLE I
FREQUENCY OF MISDEMEANOR TYPES

	<u>frequency</u>	<u>% of N = 1795</u>
Class I: Property	324	18%
Class II: Street	392	22%
Class III: Assaults	138	8%
Class IV: Traffic	279	16%
Class V: OMVI	547	30%
Misc. unclassified	<u>115</u>	<u>6%</u>
	N = 1795	100%

randomly drawn convictions by plea, 47% (852) of these pleas of guilty were entered at the arraignment stages--mostly early on in the process--while 35% of the guilty-plea cases represented pleas entered at other stages of the proceedings.

We broke down sentences into a number of types. Table I provides an index of the variety of types of sentences imposed.

TABLE I
FREQUENCY OF TYPES
OF SENTENCES

	<u>frequency</u>	<u>% of N = 1795</u>
Fine/court costs only	456	25%
Restitution only	2	.5%
Fine and restitution	25	1%
Suspended sentence - no active time	715	40%
Active* imprisonment, concurrent with another sentence	84	5%
Active imprisonment, consecutive to another sentence	31	1%
Active, not concurrent or consecutive	468	26%
Specific rehabilitation program	10	1%
Time served**	6	.5%
	N = 1795	= 100%

*Active imprisonment means the amount of time which the defendant must actually serve in jail. It is computed by subtracting any suspended portion of the sentence from the total sentence imposed.

**Time served means that the total sentence imposed on the defendant did not exceed the time he had already spent in pre-adjudication detention.

In an effort to assess the impact of the plea bargaining policy effective August 15, 1975, cases were selected from the year immediately preceding the implementation of the policy (Year One) and the year immediately following the policy (Year Two).

TABLE II

NUMBER OF MISDEMEANOR CASES
SELECTED BEFORE AND AFTER THE
PLEA BARGAINING BAN

	<u>frequency</u>	<u>% of N = 1795</u>
Year One	811	45%
Year Two*	<u>984</u>	<u>55%</u>
	N = 1795	100%

*An increase in the number of trials during Year Two, as well as an overall increase in the number of misdemeanor filings accounts for the higher number of cases in Year Two.

Extensive and detailed information was collected concerning the prior criminal record of each defendant convicted of a misdemeanor within the sample. [See attached data-collection instrument.] For this preliminary analysis, however, prior record was summarized according to the simple scheme outlined in Table III.

TABLE III

SUMMARY OF PRIOR
CRIMINAL RECORDS OF
MISDEMEANOR DEFENDANTS

	<u>frequency</u>	<u>% of N = 1795</u>
No prior record	861	48%
Misdemeanors only	569	32%
1 felony*	188	10%
2 or more felonies*	<u>177</u>	<u>10%</u>
	N = 1795	100%

*These defendants may have had prior misdemeanors as well.

Nearly half (48%) of the total number of defendants in the sample had no prior record of convictions, while 20% had at least one prior felony conviction.

B. SENTENCES: JAIL TIME AND FINES

The tables that follow show primarily mean sentences. Jail times are in days and fines in dollar amounts. These mean sentences were computed only for defendants who received active sentences--that is, at least one day in jail. Thus, cases that received straight probation (0 days in jail) are omitted from these computations.

The first hypothesis we tested suggests that sentence differentials should diminish where sentence bargaining is

not permitted. Our first step in testing this hypothesis was to survey misdemeanor sentences for both years combined.

Table IV, below, indicates the proportion of cases that resulted in an active sentence as well as the overall jail and fine mean sentence.

TABLE IV

PROPORTION OF ACTIVE SENTENCES AND
MEAN SENTENCES IN BOTH YEARS

	<u>frequency</u>	<u>% of N = 1795</u>
<u>JAIL</u>		
No active jail	1229	68%
Active sentence	<u>566</u>	<u>32%</u>
	N = 1795	= 100%
<u>MEAN 10.09 DAYS</u>		
<u>FINES</u>		
No net fine	500	28%
Fine	<u>1295</u>	<u>72%</u>
	N = 1795	= 100%
<u>MEAN \$171.91</u>		

While over two-thirds of the cases (68%) resulted in no active jail time at all, most (72%) did result in some fine. Breakdown analysis-of-variance procedures are used to compare mean sentences according to Year One-Year Two, plea-trial, and prior record.

TABLE V
MEAN SENTENCES BY YEAR

	<u>Year One</u>	<u>Year Two</u>	<u>Difference</u>
<u>JAIL</u>	7.85 (206)	11.36 (360)	+45%
<u>FINE</u>	\$153.96 (601)	\$187.46 (694)	+22%

Sentences were markedly longer in Year Two, the year the no-plea bargaining policy was implemented. Active jail time was 45% higher, and fines were up 22% in Year Two. Table VI shows mean sentences broken-down by the plea-trial dichotomy discussed earlier.

TABLE VI
MEAN SENTENCES BY YEAR
AND MODE OF CONVICTION

	<u>Year One</u>		<u>Year Two</u>	
	<u>Plea</u>	<u>Trial</u>	<u>Plea</u>	<u>Trial</u>
Active Jail	7.30 (173)	10.76 (33)	11.32 (276)	12.17 (84)
Fine	\$150.65 (519)	\$174.92 (83)	\$183.09 (537)	\$202.42 (17)

Table VI suggests that the greater sentence differential occurred in Year One. In Year One active jail times were 47% higher and fines 16% higher for defendants convicted at trial compared with those who pled guilty. In Year Two, however, the "cost of a trial" was only 9% higher in jail

time and 11% greater in cash.^{4/} These figures support the hypothesis that sentence differentials should decrease when sentence (plea) bargaining is prohibited. Note, however, that Year Two sentences are much more severe than those of Year One generally.

C. IMPACT OF PRIOR RECORD ON SENTENCES

Table VII, below, reflects levels of prior record severity, by the plea-trial dichotomy, and by year, providing a starting point for an analysis of the relationship between past convictions and present sentences. Table VII indicates, generally that defendants who went to trial had somewhat worse prior records than those who pled guilty. Moreover, Year-Two defendants had slightly worse prior records than defendants in Year One. Subsequent tables examine the possible effects of prior record on sentences.

^{4/} Plea bargaining was banned for state cases only; municipal prosecutors were still able to negotiate pleas. Thus, some of the differential still remaining in Year Two might be accounted for by the presence of municipal cases. This hypothesis can be tested at a later date utilizing the present data set.

TABLE VII

PRIOR RECORD CORRELATED WITH
PLEA BARGAINING BAN AND PLEA OR TRIAL

	<u>Year One</u>		<u>Year Two</u>	
	<u>Plea</u>	<u>Trial</u>	<u>Plea</u>	<u>Trial</u>
No priors	364 52%	45 41%	357 47%	95 43%
Misdemeanors	212 30%	38 35%	246 32%	73 33%
1 felony	63 9%	16 15%	86 11%	23 11%
2 or more felonies	63 9%	10 1%	76 10%	28 13%
	<u>702</u> (100%)	<u>109</u> (100%)	<u>765</u> (100%)	<u>219</u> (100%)

Tables VIII and IX suggest an apparent association between severity of prior record and severity of sentence. These tables break down mean sentences by year, by the plea-trial dichotomy, and by severity of prior record.

TABLE VIII

MEAN JAIL SENTENCE FOR YEAR I/YEAR II,
PLEA/TRIAL, AND SEVERITY OF PRIOR RECORD

	<u>Year One</u>		<u>Year Two</u>	
	<u>Plea</u>	<u>Trial</u>	<u>Plea</u>	<u>Trial</u>
No priors	6.80 (59)	8.25 (8)	8.88 (92)	6.72 (29)
Misdemeanor only	6.24 (68)	8.82 (17)	10.20 (110)	12.56 (32)
1 felony	7.94 (16)	9.80 (5)	12.60 (37)	9.73 (11)
2 or more felonies	10.37 (30)	30.00 (3)	17.92 (37)	26.50 (12)

TABLE IX

MEAN FINES FOR YEAR I/YEAR II,
PLEA/TRIAL, AND SEVERITY OF PRIOR RECORD

	<u>Year One</u>		<u>Year Two</u>	
	<u>Plea</u>	<u>Trial</u>	<u>Plea</u>	<u>Trial</u>
No priors	\$135.46 (284)	\$129.08 (38)	\$168.19 (275)	\$194.93 (74)
Misdemeanor only	161.65 (158)	216.59 (27)	196.19 (172)	219.90 (49)
1 felony	182.13 (40)	215.83 (12)	194.91 (54)	194.74 (19)
2 or more felonies	186.22 (37)	200.00 (5)	216.53 (36)	192.00 (15)

As prior record increases in severity, so does sentence. But the effect of prior record on sentence is not as clear for those defendants who were convicted at trial.

The following tables also may suggest that severity of prior record was more strictly counted as an aggravating factor by judges in Year Two after plea bargaining was officially prohibited. Perhaps in Year One prior record was somewhat "discounted" in the negotiations.

In the above tables zero sentences (in which no active jail time was imposed) were eliminated from the computation. Only those defendants who received some active time were included. In the analysis of jail sentences, this means that only 566 of the total sample of 1795, (32%) were included. This could potentially mask situations in which some subpopulations consistently receive suspended or zero sentences. Accordingly, Tables X and XI, which follow, duplicate the above breakdowns with all cases included.

TABLE X

MEAN JAIL SENTENCE FOR YEAR I/YEAR II,
PLEA/TRIAL AND PRIOR RECORD (ALL DEFENDANTS)

	<u>Year One</u>		<u>Year Two</u>	
	<u>Plea</u>	<u>Trial</u>	<u>Plea</u>	<u>Trial</u>
No priors	1.07 (364)	1.47 (45)	2.29 (357)	1.79 (95)
Misdemeanors	1.86 (212)	3.95 (38)	4.18 (246)	5.30 (73)
1 felony	2.02 (63)	1.25 (16)	5.07 (86)	4.65 (23)
2 or more felonies	4.87 (63)	9.00 (10)	8.30 (76)	7.07 (28)

TABLE XI
MEAN FINES FOR YEAR I/YEAR II,
PLEA/TRIAL AND PRIOR RECORD (ALL DEFENDANTS)

	<u>Year One</u>		<u>Year Two</u>	
	<u>Plea</u>	<u>Trial</u>	<u>Plea</u>	<u>Trial</u>
No priors	\$105.69 (364)	\$109.00 (45)	\$129.56 (357)	\$151.84 (95)
Misdemeanors	120.47 (212)	153.90 (38)	137.18 (246)	147.60 (73)
1 felony	115.64 (63)	161.88 (16)	122.38 (86)	160.87 (23)
2 or more felonies	109.37 (63)	100.00 (10)	102.57 (76)	102.86 (28)

The recomputed jail breakdowns indicated a stronger, more uniform influence of prior record on sentence among all defendants, including those who were convicted after trial, than that shown in Table IX. Note that Year-Two defendants who pled guilty continued to account for most of the longer Year-Two sentences. Defendants convicted after trial in Year Two actually had shorter sentences, on the average, than those who pled.

Recomputed mean fines, by comparison, do not show a consistent relationship between severity of prior record and sentence. However, those defendants who pled guilty in Year Two received substantially greater fines than their Year-One counterparts, while those who were convicted at trial had substantially the same sentences over the two years.

In an effort further to understand the role of suspended (or zero) sentences Tables XII and XIII indicate the proportion of cases in each prior-record subpopulation in which defendants were required to spend no time in jail and pay no money.

TABLE XII

PROPORTION OF CASES RECEIVING
NO ACTIVE JAIL SENTENCE (IN PERCENTAGES)

	<u>Year One</u>		<u>Year Two</u>	
	<u>Plea</u>	<u>Trial</u>	<u>Plea</u>	<u>Trial</u>
No priors	83.8 (305)	82.2 (37)	74.2 (265)	69.5 (66)
Misdemeanors	67.9 (144)	55.3 (21)	55.3 (136)	56.2 (41)
1 felony	74.6 (47)	68.8 (11)	57.0 (49)	52.2 (12)
2 or more felonies	52.4 (33)	70.0 (7)	51.3 (39)	57.1 (16)

TABLE XIII

PROPORTION OF CASES RECEIVING
NO FINES (IN PERCENTAGES)

	<u>Year One</u>		<u>Year Two</u>	
	<u>Plea</u>	<u>Trial</u>	<u>Plea</u>	<u>Trial</u>
No priors	22.0 (80)	15.6 (7)	23.0 (92)	22.1 (21)
Misdemeanors	25.5 (54)	28.9 (11)	30.1 (74)	32.9 (24)
1 felony	36.5 (23)	25.0 (4)	37.2 (32)	17.4 (4)
2 or more felonies	41.3 (26)	50.0 (5)	52.6 (40)	46.4 (13)

Table XII (no active jail sentence) indicates an overall consistent relationship between prior record severity and sentence length for both years. Furthermore, Year-Two cases generally received fewer zero or suspended sentences than sentences in Year One.

Thus, among the "cleanest" group of offenders--those with no prior records--the proportion avoiding incarceration was substantially lower in Year Two as compared with Year One.

Table XIII representing the proportion of cases receiving no fines, indicates an overall inverse relationship between prior record and sentence. That is, as prior record increases in severity, the probability of paying no fine increases. (We may speculate for now that those defendants with the more severe prior records received active jail sentences rather than fines, as suggested by Table XII.)

Finally, Tables XIV and XV represent the proportion of cases that received a substantial sentence. (We will define "substantial" for this study as a jail sentence of 10 days or longer, or a fine of at least \$200.00).

TABLE XIV

PROPORTION OF CASES RECEIVING
A SUBSTANTIAL JAIL SENTENCE (IN PERCENTAGES)

	<u>Year One</u>		<u>Year Two</u>	
	<u>Plea</u>	<u>Trial</u>	<u>Plea</u>	<u>Trial</u>
No priors	3.3 (12)	8.9 (5)	7.6 (27)	8.4 (8)
Misdemeanors	7.5 (16)	13.2 (5)	16.7 (41)	19.2 (14)
1 felony	7.9 (5)	6.3 (1)	17.4 (15)	13.0 (3)
2 or more felonies	22.2 (14)	30.0 (3)	21.1 (16)	25.0 (7)

TABLE XV

PROPORTION OF CASES RECEIVING A
SUBSTANTIAL FINE (IN PERCENTAGES)

	<u>Year One</u>		<u>Year Two</u>	
	<u>Plea</u>	<u>Trial</u>	<u>Plea</u>	<u>Trial</u>
No priors	15.7 (57)	11.1 (5)	28.0 (100)	28.4 (27)
Misdemeanors	20.8 (44)	28.9 (11)	32.1 (79)	26.0 (19)
1 felony	17.5 (11)	37.5 (6)	37.5 (6)	39.1 (9)
2 or more felonies	20.6 (13)	30.0 (3)	25.0 (19)	25.0 (7)

Table XIV, showing the proportion of cases receiving substantial jail sentences, indicates an overall positive relationship between prior record and sentence. There were more long sentences handed down in Year Two than in Year One, although in some categories (notably those with the worse prior records), the relationship of the number of "substantial" sentences to the rest of the sentences remained stable from year to year.^{5/}

Table XV shows a trend in fines similar to that indicated by Table XIV in jail time.

However, it appears that those who pled guilty in Year Two received more substantial fines than their Year-One counterparts, while the fines for those convicted after trial did not vary much over the two years.

D. CONCLUSIONS

The hypotheses we tested were (a), that the ban on plea bargaining would reduce sentence differentials, and (b), that higher sentences imposed after trials would be significantly and positively correlated with the severity of the defendant's prior record.

^{5/} These findings suggest an effect of the plea-bargaining ban similar to the one we found for felony sentences: the "cleanest" defendants apparently were the most strongly affected. They experienced a marked increase in the severity of their punishment.

Hypothesis (a), when tested with the present sample, is supported by the preliminary analysis--there was a significant reduction in sentence differential in Year Two. Officially prohibiting plea bargaining may have reduced sentence differentials. Hypothesis (b) did not fare as well. Year Two defendants who pled guilty often received longer active sentences than those who went going to trial, no matter what the prior record (see Table X). While there is an overall positive correlation in both years years) between severity of prior record and length of active jail sentence, the correlation applies to defendants who pled guilty as well as those convicted after trial. Furthermore, as Table XII shows, defendants with no prior records had a reduced likelihood of avoiding jail in Year Two, with about the same chance of a fine. (Table XIII). The same effect of the plea bargaining ban we found in felonies--a more severe impact on less serious offenders--seems to appear in misdemeanors as well.

Coder Initials

MISDEMEANOR CODING FORM

Defendant's
Offenses: _____

PR: _____
CF: _____
FF: _____
KP: _____ KP Check: _____

Defendant Information Sheet

Offenses

1 Defendant Number. Defendant's Name: _____
Last First Middle

Defendant's Aliases: _____
(Include other
spellings of his
name). _____

5 Date of Birth. (Check PR, CF, FF).

11 Location of Court File. (1=Anchorage; 2=Fairbanks; 3=Juneau)

12 Race. (1=Black; 2=Native; 3=Caucasian or other; 9=Unknown).

13 Sex. (1=Male; 2=Female; 9=Unknown).

14 Was defendant on probation or parole on date of first arrest?
(1=Probation; 2=Parole; 9=Neither or unknown).
Do not code this from any source other than the DOC computer list

15 Defendant's age at time of arrest or summons.
(Maximum age=98. Unknown=99).

End of Defendant Information Form.

MISDEMEANOR STATISTICAL STUDY
 Defendant's Prior Record Form

Offense Code C
 C Mo. Yr.

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39									
Card #1																																																
Card #2																																																
Card #3																																																
Card #4																																																
Card #5																																																

Codes for Conviction: "CC" - Column 7
 0= Not convicted, or unknown disposition.
 1= Misdemeanor, incarcerated.
 2= Misdemeanor, not incarcerated.
 3= Felony, incarcerated
 4= Felony, not incarcerated

Card #1

Card #2

Card #3

Card #4

Card #5

MISDEMEANOR CODING FORM

Name of charge on this sheet: _____

Victim's name(s): _____
(If more than one victim, list all names) _____

Statute Number for this charge: _____

State Case, AS _____
Muni. Case, _____

Other identifying remarks about this charge: _____

COURT CASE FILE INFORMATION

1 Defendant number. Defendant's name: _____
Last First Middle

5 Court case file number for this charge.

11 Date complaint signed.

17 Offense code for charge on complaint.

22 Is charge on complaint state or municipal?
(1=state; 2=municipal, city or borough)

23 Final date set for trial.
Look at ALL papers in the file. If none, code 00-00-00.

29 Date of last plea or of last trial verdict.
From log notes. If there are no log notes, look at the other papers in the file. If no other date is found, use date on judgement sheet.

35 Charge at final disposition.

40 Stage of proceedings at which final disposition took place, _____
(1=first arraignment; 2=any later arraignment; 3=trial; 4=any other proceeding)

41 Type of trial.
(1=no trial; 2=jury trial; 3=judge trial)

42 Type of sentence given.
1=fine/court costs only
2=restitution only
3=fine/court costs and restitution together
4=suspended sentence with no active time
5=active imprisonment concurrent with another sentence
(Case # _____)
6=active imprisonment consecutive with another sentence
(Case # _____)
7=active imprisonment not concurrent or consecutive with another sentence
8=Defendant sentenced to a specific rehab program (not including Alcohol Screening)
9=defendant sentenced to time served (=time in pre-trial detentio

43

Was this sentence S.I.S.?

(1=yes; 2=no)

"SIS" means suspended imposition of sentence. Code "yes" if the judgement sheet says either S.I.S or "deferred imposition of sentence". If you have any questions, ask the coding supervisor.

44

days

Amount of time spent in pre-trial detention.

Look in court file to see whether defendant was released on bail. If he was released, look to see (a) Did he spend any days in jail prior to release? (b) In any case, was he ever remanded to custody? If he was never released, OR spent time in jail before release, OR was remanded to jail, count the total number of days/months he spent in jail before conviction and enter the total. If none, enter zero in each space.

months

48

days

Amount of time imposed for sentence.

If defendant is sentenced to "time served" enter the same amount of time as that spent in pre-trial detention. If he is sentenced to any other amount of time, enter the amount shown for this charge only (do not summarize consecutive sentences). If none, enter zero in each space.

months

52

days

Amount of time suspended.

Enter the amount of time suspended. If none, or if judgement only says "time served", enter zeros

months

56 \$

Amount of fine imposed, in dollars.

For fines and restitution:
0000=none

60 \$

Amount of fine suspended.

\$9998=maximum value

64 \$

Amount of restitution required.

\$9999=unknown value - no way to estimate (for restitution only)

68

Judge at sentencing.

Use judge coding list. If judge is unknown and no name can be found anywhere in the court file, ask the coding supervisor. If the supervisor agrees that judge is unknown, code 99.

70

Prosecutor at sentencing.

Use prosecutor coding list. If unknown, enter 99.

72

Type of defense attorney at sentencing.

(1=none; 2=Public defender; 3=private; 9=unknown, but there was an attorney)

73

Name of defense attorney.

Use defense attorney coding list. If unknown, enter 999. If none enter 000.

79

End of court file information. Card number for first charge is "10"; for second charge is "12"; third charge is "14", etc.

MISDEMEANOR CODING FORM

Name of Charge on
this Sheet: _____

Victim's Name(s): SOULS
(If more than
one victim, list
all names). _____

Other identifying
remarks about this
charge: _____

1 Defendant Number. Defendant's Name: _____
Last First Middle

POLICE REPORT

- 5 Offense Code for police version of charge,
- 10 Is the charge a municipal or state offense?
(1=state; 2=municipal, city, borough)
- 11 Date of alleged offense. (If a series of events are alleged, pick
a mid-point date).
- 17 Date of first arrest for this charge. (Use date of summons if no
arrest).
- 23 Police report number for this charge. (Start the number - including
any alphabetical letters - in the furthest left space. Leave
any extra spaces blank. If there is no police report, fill in
all spaces with zeroes).

ALCOHOL

- 30 If breathalyzer taken, indicate reading.
(0.00=no breathalyzer or question not applicable;
9.99=reading unknown)
- 33 If blood alcohol test done, indicate reading.
(0.00=no blood test or question not applicable;
9.99=reading unknown)
- 36 Was a videotape made of the defendant?
(1=yes; 2=no; 8=not an alcohol or traffic offense)
- 37 If this is an OWVI charge, was an accident involved?
(1=yes; 2=no; 8=not OWVI)

38

If this is an OMVI charge was another traffic-related misdemeanor charged?

(1=yes; 2=no; 8=charge is not OMVI)

Code only if the misdemeanor is "Leaving the Scene of an Accident", "Failure to Render Assistance", etc. Do not include traffic tickets or violations. Do not include Joyriding and other auto property offenses. If you question whether you should code "yes", ask the coding supervisor.

PROPERTY

If this is NOT a property crime, code zero in all of the spaces.

If this IS a property crime, code zero only if no amount of property was stolen, damaged, forged, defrauded, concealed, etc.

Estimate values if the police report does not give a dollar value. If you have questions, ask the coding supervisor. If the coding supervisor agrees with you that the value cannot be estimated for one or all of the three questions, then code "9999" in the appropriate spaces. The maximum value which can be coded is \$9998. If the value is higher, code \$9998 anyway.

39 \$ Approximate value of property stolen, forged, defrauded, etc.

43 \$ Approximate value of property damaged.

47 \$ Approximate value of property recovered.

Write in type of property: _____

VICTIM

51 Age of victim (actual years).
(98=maximum age; 99=unknown; 00=victim is organization or there is no victim).

53 Are victim and defendant related?
(01=husband/wife; 02=ex-spouses; 03=boyfriend/girl-friend; 04=other family relationship; 05=in-laws (past or present); 06=friends, acquaintances; 07=neighbors; 08=no victim; 09=employer/employee; 10=other business relationship; 11=criminal relationship; 12=victim is police officer; 13=strangers; 14=victim is organization and none of the above apply; 15=relationship unknown).

VICTIM (continued)

For the next five questions, if there is NO victim, code 8 in each space.

- 55 Was victim a person or an organization?
(1=person; 2=organization)
- 56 Sex of victim.
(1=male; 2=female; 7=victim is organization; 9=unknown)
- 57 Race of victim.
(1=Black; 2=Native; 3=caucasian or other; 7=victim is organization; 9=unknown)
- 58 Condition of victim.
(1=dead; 2=hospital; 3=bleeding wound or had to be carried from scene of crime or accident; 4=other visible injury; 5=no visible injury but victim was momentarily unconscious or complained of pain; 6=no injury; 7=victim is organization; 9=victim is person, unknown whether injury done)
- 59 Did victim contribute to crime?
(1=defendant alleges victim provocation; 2=reporting officer alleges victim provocation; 3=victim was negligent; 4=victim under the influence of liquor; 5=victim under the influence of drugs; 7=victim is organization; 9=unknown)

WEAPON

- 60 Weapon used to inflict or threaten to inflict personal injury OR alleged in "victimless" weapons charge (e.g., CCW, careless use, etc.)
(1=Firearm; 2=knife; 3=club; 4=poison; 5=other; 6=hands, feet, etc. 8=question not applicable; 9=unknown)

DRUGS

- 61 If drug offense charged, indicate type of drug.
(1=LSD, Hallucinogens; 2=amphetamines; 3=barbituates; 4=hashish or synthetic cannabis; 5=marijuana; 6=other, specify: _____; 8=not a drug offense; 9=unknown)
- 62 Amount of marijuana seized and charged in this count or not charged in a separate count.
(1=one lid, ounce, baggie or less (including "residue")
2=over one lid but less than one pound (Note: 1 average
3=one pound to ten pounds plant should
4=over ten pounds be counted as
8=no marijuana seized or not a drug charge 1/2 pound)
9=marijuana seized but amount unknown)

DRUGS (continued)

63 Amount of other drugs seized and charged in this count or not charged in a separate count. Give dosage units. Use grams whenever possible; otherwise use "vials", "pills" or whatever the PR states.

(If just marijuana, or not a drug charge, code 0000)

67 Type of dosage units.
(1=grams; 2=pills,etc.; 3=vials; 4=marijuana; 5=other, specify: _____; 8=not a drug charge)

DEFENDANT

68 What was condition of defendant?
(1=Defendant alleged by reporting officer to be under the influence of liquor; 2=Defendant alleged by reporting officer to be under the influence of drugs; 3=neither or no indication)

69 Does reporting officer indicate that this incident is likely to re-occur?
(1=yes. 2=no)

79 End of Police Report information. Card number for first charge is "11"; for second charge is "13"; for third charge is "15", etc.

THE PRECEDING PAGES WERE TREATED AS
A UNIT IN THE ORIGINAL FILE.

CORRECTIONS

DRAFT

NOT FOR RELEASE OR PUBLICATION

Alaska Corrections Master Plan:
A Preliminary Draft Summary

Prepared for the

Alaska State Legislature

House of Representatives

Committee on Finance

Chairman: Representative Russ Meekins

by

Roger Endell

University of Alaska

Criminal Justice Center

July 11, 1979

INTRODUCTION

The following summary of the Alaska Correctional Master Plan has been prepared in order to facilitate a more easily digestible overview of the various sections of the plan prior to the final meeting of the joint Master Plan Advisory Committee.

Because the plan itself is not yet in final approved form, this summary only reflects the plan as it exists prior to finalization. Certain potential weaknesses may be inherent in any summary of a major planning document which attempts to provide a comprehensive blueprint for public policy action over the next twenty year period. At stake are costs, or savings, to Alaska taxpayers of tens of millions of dollars and goals and objectives for the humane and secure treatment of Alaskan offenders.

It is suggested that reviewers begin with reading the section titled "Criminal Justice Decision Making" before reading other sections of the summary.

Finally, the summary makes every attempt to provide to the reader the essence of the material in objective fashion for each section. It is possible that fine details and supportive arguments contained in the master source document are essential to full understanding of the summary sections.

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PHILOSOPHY, GOALS AND OBJECTIVES

The planners have presented a historical perspective of the evolution of the Alaska Division of Corrections. The D.O.C. philosophy and goals are stated with emphasis on cost effectiveness, diversion from incarceration, least possible custody and community interaction and involvement.

Based upon the mandate of the Alaska Constitution (article 1, section 12): "[P]enal administration shall be based upon the principle of reformation and upon the need for protecting the public," it is stressed that protection of the public can be accomplished through focusing on rehabilitation of convicted offenders as well as through an emphasis on institutional security. A reintegrative approach is recommended based on five "moderate" but basic principles which will "help to maximize the root effectiveness of a corrections system through limiting use of correctional institutions" without detracting from the overall goal of protecting the public.

CORRECTIONS MANAGEMENT

This section emphasizes participatory management concepts in order to implement a management by objectives (MBO) strategy. Recommended are that the D.O.C. remain located in the DHSS, elimination of the current deputy director and the creation of four units under the director, each headed by an administrator: technical services, youth services, adult community services and adult institutional services (responsibilities and supervision of each defined).

The D.O.C. should take over all jail contracts and eliminate Public Safety entirely from this activity; regionalize (three regions) superintendents (Anchorage, Juneau, Fairbanks) who manage all institutions including jail contracts; create prison industry coordinator, program coordinator, legal counsel (assistant attorney general), public information officer, citizens' advisory board for D.O.C. (five members), prison industries advisory board, citizens' advisory boards for three major regional areas.

The management structure should not be statutorily prescribed but authority should be given to the director of D.O.C. to organize and reorganize as necessary. Restructuring as recommended in the management scheme can form the basis for translating philosophy into action.

ADULT COMMUNITY CORRECTIONS SERVICES

The D.O.C. should reorganize current field services (probation/parole) units to include probation and parole supervision, restitution and community services monitoring, presentence assessments and investigation, pretrial release assessments and supervision, and pre-release programs and facilities based on regionalization (three regions: Anchorage, Fairbanks, Juneau).

Included is an analysis of probation and parole personnel, clients and practices. Within the discussion of pretrial assessment and supervision is the critical statement that "the overall statewide impact of speedier pretrial release is potentially quite significant." The report goes on to state:

Because construction and operation of facilities to house pretrial detainees is so much more expensive than the salaries of community corrections staff who would operate the pretrial release screening services to reduce the needed capacity of these facilities, the implementation of such a program in Anchorage, Fairbanks, Juneau and Ketchikan certainly seems justifiable. Further legislation prescribing a uniform policy and procedure will be necessary to initiate such a program. Particularly needed is a uniform method of screening and investigating persons waiting trial as to their suitability for pretrial release, and provision for the supervision of any persons granted pretrial release who are deemed to require it. Beyond authorizing community corrections staff to undertake this added responsibility, adequate funds to obtain needed staff must also be appropriated.

There must be transitional programs provided as pre-release mechanisms available to about-to-be-released and released offenders through community residential centers. Approximately 18 percent (100 persons) of the present inmate population were found to be eligible for pre-release program status, i.e.: an obvious impact on critical institutional space, particularly in Anchorage (45) and Fairbanks (24).

Development of programs which would enable the courts to sentence offenders directly to community residential centers should also be carefully considered. Halfway Houses could be used as an alternative to total incarceration for those who would otherwise be imprisoned but should not be used for persons who are now successfully placed on probation. It is suggested that the D.O.C.'s community corrections staff focus its efforts on developing pre-release, transitional programs for inmates.

Central Office Community Services staff must be increased in order to design, implement and administer these programs (two people).

From 15 to 24 additional probation line staff may be required but may be added on a prioritized sequential basis as programs develop.

Consider converting the Annex to use as a pre-release facility and housing for Anchorage adult community services staff in that facility.

"Community corrections centers" which would include in one complex the various facilities required for all correctional purposes -- probation and parole staff offices, secure confinement of offenders and even halfway house sectors -- provides a promising proposal for smaller communities and may be particularly cost effective where new institutional construction seems indicated (e.g., Ketchikan, Bethel and Barrow). The planners state:

The reductions in the incarcerated population (and thus the capacity required to be provided in facilities) to be attained through even partial or gradual implementation of expanded community service programs are substantial enough to justify addition of needed staff and funds for providing and contracting for services. The long-term cost benefits of maximal use of alternatives to incarceration, particularly in Alaska where new construction can potentially be minimized or avoided, are undeniable (emphasis added).

ADULT INSTITUTIONAL SERVICES -- INTRODUCTION

It is anticipated and recommended that the state will not continue the practice of placing sentenced inmates with long sentences in Federal Bureau of Prisons facilities. Alaska faces the prospect of replacing or renovating most of its major state correctional facilities in order to house inmates in accordance with national and state program and facility standards.

SENTENCED INMATE PROFILE

Of the 547 total sentenced offenders incarcerated in Alaska's state operated facilities (including 134 state offenders incarcerated in federal institutions) on August 9, 1978: 94 percent were male; one-half of the inmates were Caucasian; 70 percent were under age 30; 62 percent had never been married; 53 percent had obtained a high school diploma or equivalent; 80 percent had no vocational training; only 25 percent had been employed full-time at intake; 25 percent were not considered to have been in the labor force; 43 percent were considered unemployed; 31 percent were reported to have a drug abuse problem; alcohol abuse was a problem for 53 percent and especially among older inmates and among both Eskimos and Indians (82 percent). There is a high correlation between unemployment and being sentenced to a term of incarceration and between alcohol and drug abuse and unemployment.

Nearly 85 percent of the inmates had been arrested at least once prior to being arrested for the current offense. About one-third of all inmates had no prior misdemeanor convictions, and nearly one-half had no prior felony convictions. Sixty percent of female inmates had never been incarcerated prior to their current offense. The single most serious current offense of the largest proportion (54 percent) of sentenced inmates could be classed as assaultive felony. Non-assaultive felony offenses were characterized by 37 percent of the inmates.

In general, it is apparent that females are incarcerated for relatively less serious offenses than are males. The presence of

either an alcohol or drug abuse problem does not appear to be associated with the likelihood of committing an assaultive felony.

Despite the generally low level of educational achievement, the lack of vocational training and the high levels of intake unemployment and alcohol abuse among Alaskan inmates, few were reported to be participating in any self-improvement programs during their current incarceration. Fully 28 percent of the total state inmate population did not have a current work assignment and were not participating in any program. This represents nearly one-third of the total Alaskan sentenced inmate population who apparently had no productive way to use their time while incarcerated.

The majority of Alaska inmates (60 percent) are either low or very low assaultive risks while about the same proportion (62 percent) are low property risks. Among female inmates an even larger proportion (73 percent) are low or very low assaultive risks while a slightly smaller proportion (58 percent) are low property risks. Fully one-third of Alaska inmates have a 64 percent or better chance for success on parole. An even larger proportion of female inmates (43 percent) have at least a 64 percent chance of success.

Utilizing an approach to custody classification of sentenced inmates developed by Moyer Associates as applied to the 547 inmates surveyed, it was found that 181 persons would be housed in maximum security, 175 persons in medium security, 93 in minimum security and 98 in work release statewide with obvious implication for types of facilities and programs.

Ten correctional service areas are defined and the offender group profile originating from each service area is described with obvious resulting implications for facility and program needs.

PRISONER CLASSIFICATION

In Alaska the development of an effective classification policy and procedure is impeded by a preoccupation with custody; the needs of individual prisoners have low priority and, in any event, programs intended to meet potential needs are rudimentary. Substantial improvements in policy and procedure can be made.

Eleven recommendations are made for improving the Division's classification policies and procedures, many of these to be implemented through relatively simple changes in current practices and increased authority given to the chief classification officer.

INSTITUTIONAL PROGRAMS

Characteristically, prison programs exist more on paper than in reality. They are usually badly underfunded and equipment and space are often inadequate. The desirability of prison rehabilitation programs is obviously agreed to by the State of Alaska. The state constitution provides for them and they are reflected in the Alaska Administrative Code and the regulations of the Division of Corrections. They are also substantially supported by the citizens of Alaska.

The institutional programs of the Division of Corrections are seriously deficient, the budget is inadequate and most of the

facilities are severly limited in their capabilities, actual or potential.

Various reports, standards, manuals and the Alaska Administrative Code as well as each institution are analyzed with regard to the provision of program services, i.e.: education, vocational training, counseling, substance abuse, recreation, libraries, work and pre-release programs.

The realization of the full potential for the development of programs in Alaskan institutions must await new construction (because of presently inadequate facilities). Certain steps can be taken by the Division in the near future that will bring about some measure of improvement. Among them: 1) the central office of D.O.C. should be allocated funds for development and staffing of the position of chief of programs to furnish leadership and direction for program development within the institutional system; 2) each institution should be authorized a program director; 3) sufficient funds should be requested and budgeted each year to support program development and operation including personnel, equipment and contractual program arrangements, on the basis of annual plans prepared by the chief of programs in consultation with the institutional program directors; 4) a process evaluation at least every three years of institutional programs by an outside agency, public or private; 5) the emphasis in program development should be in the direction of community, i.e., education and work release, furloughs, halfway houses; 6) consideration should be given to legislation which would assign to the public school

system the responsibility for providing educational instruction through the 12th grade within correctional institutions (contracting with local colleges and universities should be retained and, where possible, expanded); 7) budgetary provision should be made for the early development of fully equipped and adequately staffed vocational training programs at Eagle River and Palmer; 8) the counseling program is in immediate need of revamping and counseling positions should be established at Nome and Ketchikan; 9) there should be a concerted effort to provide alcoholism treatment to all inmates requiring such care, services should be provided to inmates by the State Office of Alcoholism and Drug Abuse (with additional funds allocated to this office for this specific purpose); 10) the chief of programs should address recreation needs at all institutions; 11) improve existing library services through contracting with local public libraries or the state library; 12) major improvement is required in effective implementation of pre-release programming including furloughs for educational and vocational training purposes, work release and halfway houses; 13) when new institutions are constructed the existing institutions that are unable to develop organized work programs due to unalterable physical plant limitations or an inmate population that is too small should not be used for very long-term prisoners, and a newly enacted federal law (Revenue Act of 1978, Targeted Jobs Tax Credit provision which modifies the Tax Reduction and Simplification Act of 1977) which provides that liberal dollar credits

may be granted employers who hire persons in seven specified categories, including ex-offenders, should be fully advertised and utilized.

Only with the appropriation of adequate funds to provide for inmate treatment and rehabilitation programs will the Division be able to fulfill the mandate of the state constitution which asserts that reformation of offenders should be a primary aim of the corrections system.

Not addressed by the plan are the Rust and the Abraham Alaska Supreme Court decisions which mandate treatment for arrested persons with alcohol or other treatment problems.

PRISON INDUSTRY

The analysis indicates that prison industries would be appropriate in Alaska and it is recommended that such operations be introduced to a number of facilities by the Division of Corrections. Long term centralized facilities seem to be most appropriate as settings for medium or large scale industrial shops while short term rural facilities are appropriate as settings from which to operate community service and/or public works projects.

Recommendations linking specific product/service lines with the most appropriate institutional sites for prison industry operations in Alaska are as follows:

	Eagle River	Fairbanks	Juneau	Palmer	New Centralized Facility
1. Highway signs				X	X
2. Office furniture					X
3. Decals/ stickers	X				X
4. Laundry			X		
5. Tire recapping				X	
6. Key punch			X		
7. Janitorial supplies					X
8. Furniture refinishing					X
9. Agriculture				X	
10. Dairy				X	
11. Small engine repair	X	X	X	X	
12. Handicrafts	X	X	X	X	X

Before an industrial operation can be implemented in Alaska's prisons enabling legislation should be passed by the state legislature to give the D.O.C. authority to market prison industry products and services. Enabling statutes should address the following issues:

1. establishment of a "Prison Industry Advisory Board" whose members should be appointed by the Governor;

2. establishment of a "Prison Industry Revolving Fund";
3. authority to sell prison industry goods on the open market;
4. authority to lease prison facilities and grounds to private businesses which would employ prisoner workers;
5. exemption of prison industry workers from the \$3.00 per day ceiling on wages established in law by AS 33.30.225.

Short range (startup) and long range staffing recommendations offered are:

Staffing -- <u>Short Range</u>	<u>Long Range</u>
Industry Director	Salesperson
Cost Accountant	Industrial Engineer
Shop Supervisor	Planner/Analyst
	Assistant Accountant
	Industry Manager

The planners recommend that wage plans be styled so as to be incentive for maximum production. Five goals are recommended for adoption: 1) financial self-sufficiency for the total industrial operation; 2) enhanced employability for prison workers; 3) autonomy of operation for industry management within the legitimate constraints of a total institution; 4) protection of the human rights of prisoner workers, i.e., prison industry employment should not be used for punishment, compensation should be at a level sufficient to encourage and sustain high levels of productivity and serve as a motivating force, employment should be voluntary, the work environment should meet prevailing safety and health standards; and, 5) expansion of productive work opportunities within the institution, i.e., meaningful work, no featherbedding.

An initial market and profitability analysis has been included on each of the recommended products/services and their potential institutional location. Jails and correctional facilities in such places as Barrow, Bethel, Kotzebue and Nome, while not appropriate as hosts for prison industry projects, should offer an institutional work orientation reflecting the Native Alaskan lifestyle of the area in which the facility is located. Natives should become involved in the design of work programs in rural facilities. The IKAJURTRUVIK program at the Baffin Correctional Center in Canada's Northwest Territories is cited as an example to follow in rural Alaska, stressing in three phases, cross-cultural adaptation, alcohol management and counseling and pre-release community interaction.

The Division of Corrections could make a substantial contribution to the development of Alaska's agricultural potential by providing labor to that industry during the summer months. Representatives of the D.O.C., Department of Agriculture, Rural Development Council and Native Alaska corporations should meet to discuss what role the D.O.C. could play in Alaska's agricultural development.

Properly supervised public work crews can provide a number of benefits to the institution, the offender and the public.

Among the benefits are:

1. offender public work crews offer a cost effective way of providing services to a community which otherwise might be constrained or neglected due to state and/or local budget constraints;
2. offenders are given the opportunity to provide general restitution to the community;

3. positive relations can be developed between the correctional facility and other state and local government agencies;
4. good relations can be fostered between the correctional institution and the surrounding community.

Specific issues to consider in drafting legislation are detailed as are issues in general management and organization and prisoner worker pay plans. It is strongly recommended that the legislature is not the appropriate place to fix prisoner wages. However, the specific purposes for which prisoners' wages can be disbursed should be spelled out in prison industry legislation, including:

1. support of the prisoners' dependents;
2. reimbursement to the state for an award made for violent crimes compensation;
3. payment of a court award;
4. reimbursement to the state for room and board, but the amount should not exceed the average daily cost of incarceration;
5. purchase of clothing and commissary items;
6. enforced savings to assure that funds will be available upon release.

INSTITUTIONAL HEALTH SERVICES

This section describes the health care now being provided in each of the Division's institutions. Following that are a series of recommendations concerning staffing needs, written policies, service delivery systems, space needs and information needs for health care with particular attention to the guidelines of the American Correctional Association and the American Medical Association.

Since the Commissioner of Health and Social Services has had reporting to that office the director of Corrections, the director of Mental Health, the director of Public Health and the director of Social Services, all of which are under the Commissioner's management, a significant sharing of professional talent could be realized. The State Office of Alcoholism and Drug Abuse could provide needed assistance in developing drug and alcohol programs. It is recommended that the resources for the delivery of services flow through the Division of Corrections.

In terms of personnel needs, it is recommended that a full time health professional (physician or public health administrator) be identified as the manager of the health delivery system within the central staff (technical services unit) of the Division of Corrections. In addition to general health services, it is recommended that this individual (already hired by D.G.C.) also manage the mental health intervention and the drug and alcohol programs. The remainder of needed physicians should be placed under contract for coverage of each facility. A full time registered nurse should be assigned to each facility. A system-wide dietician or nutritional specialist should be available under contract.

The Anchorage area medical resources are singled out for attention including the potential resources of the School of Nursing at the University of Alaska. "It is evident that the medical community in Anchorage needs to be convinced that their professional interests would be well served by responding to the needs of the correctional client."

Especially noteworthy and of current interest is a reference to a 1975 study of the impact of alcoholism in Alaska which points out that the cost of alcohol related crime to Alaska's criminal justice system during that year was \$15.2 million. The study points out that "funds spent on effective treatment and rehabilitation for alcohol offenders would ultimately save the criminal justice system money" by "contributing to the prevention of future offenses that would not occur without the excessive consumption of alcohol."

Funds for alcohol and drug treatment should be provided so that the medical manager can contract with available drug and alcohol intervention services to provide treatment for offenders.

This treatment should not be limited to only incarcerated offenders, but should involve community corrections clients (probationers, parolees, work releases) as well.

The study urges greater cooperation between courts, alcohol treatment and rehabilitation agencies and corrections in order to develop systematic sanctions that would enable early identification of individual problems and designation of available treatment resources. It is essential that all inmates entering the system be evaluated, not only from a medical standpoint but also from a psychological standpoint.

Personnel needs, written policy/procedures, service delivery and space needs are addressed. Significantly, the Alaska Supreme Court decisions in the Rust and the Abraham cases which mandate/empower the Commissioner to provide treatment services are not mentioned by the master plan consultants.

FEMALE INMATES AND CO-CORRECTIONS

[Unfortunately, this appears to be one of the weakest sections of the correctional master plan. It is suggested that the evaluation of women offender needs in Alaska now being completed by criminologist/consultant Esther Heffernan be included here as soon as it is available.]

In general the master plan consultants conclude that although coeducational corrections facilities may experience unique problems, their advantages in Alaska would outweigh any potential difficulties, particularly if facilities are designed, staffed and programmed with co-corrections in mind.

In the short run, temporary modular housing for women inmates (sentenced and unsentenced) on the grounds of Eagle River offers the best solution to the problem posed by an imminent need to vacate Ridgeview. The most optimal long term housing of female inmates could be accomplished through designing both the new pretrial detention facility and the proposed new sentenced inmate institution to accommodate unsentenced and sentenced women, respectively.

STAFFING ALASKA'S CORRECTIONAL INSTITUTIONS

In general, the number of security and program staff required to operate a given correctional institution is determined by the number of inmates to be housed there, the custody level(s) to be provided them, the programs to be offered and the physical design of the facility. In Alaska, security staff-to-inmate ratios vary

across the nine major facilities from a low of 1:5 at Fairbanks and Juneau to a high of 1:2 at Eagle River, Ridgeview and Ketchikan. The table below summarizes the number of correctional officer positions authorized for each institution on August 1, 1978, the total number of inmates confined as of October 30, 1978 and the resultant staff-inmate ratios (rounded to the nearest one inmate):

Institution	Correctional Officers Authorized	Inmate Population 10/30/78	Security Staff: Inmate Ratio 10/30/78	Inmate* Population 3/28/79	Security Staff:* Inmate Ratio 3/28/79	
	<u>Total</u>	<u>Ave./ Shift</u>				
Juneau	25	5	115	1:5	111	1:4
Fairbanks	33	6	160	1:5	105	1:3
Anchorage	17	3	69	1:4	79	1:5
Anchorage Annex	31	6	94	1:3	88	1:3
Nome	10	2	25	1:2	21	1:2
Palmer	17	3	36	1:2	50	1:3
Eagle River	39	8	81	1:2	85	1:2
Ridgeview	15	3	27	1:2	22	1:2
Ketchikan	15	3	26	1:2	28	1:2
			<u>633</u>		<u>580</u>	

*In order to assess fluctuations in security staff -- inmate ratios, a second date not included by master plan consultants, are used here to demonstrate impact on final staff through changes in inmate housing or transfer policies. Source: Institutional weekly count sheets, D.O.C.

The average number of correctional officers on duty during each of the three shifts (second column) is perhaps even more informative than the general ratios. It must also be kept in mind that the actual staffing pattern varies with more officers on duty during the day and in the evening than on the night shift and that at least one officer is normally confined to a secure control center..

Each facility, no matter how small, should have one full time staff member who is given the responsibility of being program director for that institution. It is essential that classification decisions, contractual and in-house program offerings, and work programs all be coordinated and administered by one individual in each facility. Full time program staff should continue to be supplemented with community agency and/or volunteer part time personnel who provide program opportunities for inmates. Contractual arrangements with other agencies and programs already providing such services should also be continued and expanded.

A systematic method for determining reasonably accurate numbers of security staff required to operate each institution safely and effectively is included. Such a priority rating system, which rates positions according to how essential they are to institutional operations, can allow more rational budget preparation. Providing institutional management with the opportunity to project optimal staffing needs (rather than simply the minimal necessary to operate a facility) can encourage planning for future flexibility.

EXISTING FACILITIES

All corrections facilities presently utilized by the Alaska Division of Corrections have been assessed in order to establish the extent to which these facilities are adequate to serve both present and projected need under a variety of policy options. As a result, it is possible to estimate the level of capital resource requirement which is generated under the various policy options. A multitude of national standards have been utilized to evaluate these existing facilities as well as the recent Alaska court decision (Moseley v. Beirne). In summary form the following conclusions are drawn:

Third Avenue, Anchorage: This facility is totally inadequate in its present utilization for the housing of sentenced inmates. The functional obsolescence of this building would not be significantly alleviated by redefining its conditions of use. It is recommended that this facility not be considered for major renovation or improvement for long term utilization although the property upon which this building is located might be viewed favorably for the construction of a pre-release or work release center.

Anchorage Annex: Although this facility was built as recently as 1956 the Annex fails to comply with recognized requirements for correctional facilities today. Various short range improvements should be made to provide a more satisfactory accommodation of inmates under the present conditions, but this facility should not be viewed as providing acceptable secure bedspace for the

long term future. It is recommended that this facility be considered for future use as a pre-release center (a potential pre-release clientele in the Anchorage area of between 70 and 113 individuals has been identified). Current expenditures made possible by the November 1978 bond package would have long term validity under this option and additional funds for more extensive improvements to this facility would not be required.

Eagle River: This facility is wholly in compliance with virtually all current standards for correctional facilities -- it is viewed as exemplary. A limited amount of construction is necessary in order to accommodate a work program.

Juneau: Spaces provided for the various support functions are basically adequate. Dormitory housing is, however, inadequate for the proper surveillance of medium or maximum security inmates. An option suggested is to upgrade the housing portions of the physical plant so that they can accommodate the number of inmates at various security levels which the rest of the facility components are designed to provide for, i.e., construction of new single room residency and dayroom spaces as well as the construction of program space is less expensive than it is to establish equivalent bedspace at other locations where the support component must also be constructed.

Fairbanks: Improved housing, consistent with current standards is recommended. The same mixture of components is found at Fairbanks as in Juneau and the same observations are suggested.

Ketchikan: This facility is totally unsuitable for its present use in the housing of sentenced or unsentenced inmates.

Further, its age and the general inadequacy of total space availability preclude any recommendation for its renovation, expansion, or recycling.

Palmer: The facility is an excellent candidate for a potential expansion by the D.O.C. of its inmate programs and industries. The Division should consider increasing Palmer's capacity and range of programs through construction of additional housing and work facilities.

Rural Facilities: Bush facilities are uniformly inadequate for the safe, secure and humane housing of accused or sentenced individuals. In no instance were any of the existing facilities found to be suitable for correctional functions.

FACTORS AFFECTING CORRECTIONS POPULATIONS

The size and characteristics of offender populations in a corrections system should determine the policies and practices of that system. The average number of inmates in a prison (or on probation or parole) is directly related to the number of offenders admitted and their average length of stay in the facility or program. In Alaska, the average monthly inmate population has grown from 440 in 1972 to approximately 720 at the end of 1978; this represents a nearly 65 percent increase in the size of the inmate population. The increase in inmate population is apparently attributable to an interaction between increased admissions and increased length of stay for at least a proportion of these admissions. The probation/parole average monthly caseload has grown approximately 36 percent in the same time period.

The number of admissions to a corrections facility or program is dependent upon the crime rate, the arrest rate, the conviction rate and sentencing statutes and practices.

The average length of stay of convicted offenders in corrections programs or facilities is a direct result of sentencing statutes and practices, paroling statutes and practices, and "good-time" statutes and practices.

It is apparent that corrections population levels are the end result of a complex series of decisions, most of which fall outside the jurisdiction of corrections systems. Reasons advanced for the spiraling increases in prison populations reflect the impact of external forces. Prominent among these are rising crime rates and unemployment levels, improved law enforcement, more efficient court processing, tougher attitudes toward offenders, and the age group composition of the (general) population. Some factors to consider:

1. the rise in crime rates may in fact be abating;
2. in Alaska, the violent crime rate showed a decline from 1975 to 1976;
3. crime rates have historically had little or no correlation with incarceration rates;
4. future unemployment levels cannot be accurately predicted so they cannot be reliably utilized as indicators for prison population projection;
5. a changing attitude toward offenders can affect both statutory and discretionary aspects of criminal justice decision making (the Revised Criminal Code recently enacted in Alaska is likely to increase the average daily inmate population by nearly 50 percent);
6. in the realm of corrections population levels, small changes in any of a number of (these and other) factors can have a resounding impact.

Because substantial increases in Alaska's prison population are placing increasing pressure on many of the state's older and more deteriorated facilities, it may well be that a decrease in the inmate population is both necessary and desirable so as to minimize the need for new construction.

It is possible to pinpoint the factors which can reasonably be manipulated. A decrease in prison admissions can be accomplished through decriminalization of selected victimless or minor offenses, increased use of diversion options prior to sentencing, more efficient presentence release programs and increased use of non-incarcerating sentences.

A decrease in the average length of stay of prison inmates can be achieved through a reduction in the maximum sentences imposed for crimes and an increase in the release rate (parole rate, good-time rate, pre-release programs).

A lengthy discussion of inmate population projections is offered in the plan. Two national studies are cited which indicate that Alaska holds one of the top prison population ratios (incarcerations per 100,000 population) in the nation, ranking fifth in one study and seventh in the other (among all 50 states). It is concluded that Alaska's prison population ratio will undoubtedly continue to move towards the national average over the next several decades. Since the Alaska ratio is currently very high it is most likely to fall moderately rapidly towards the national average (77:100,000). Any long term projections for Alaska's population should reflect a gradually declining prison population

ratio rather than a rising ratio due to "normalizing" of the age and sex distribution of Alaskan population. The planners conclude:

It is our firm conclusion that Alaska's prison population ratio is likely to decline consistently from a high of about 150 in 1980 towards a rate in the year 2,000 which should begin to approximate that of the total U. S. A conservative estimate of this trend leads us to expect a ratio of 150 in 1980 dropping slowly to a ratio of 130 in the year 2,000.

However, due to monthly and even daily fluctuations in corrections populations (as much as 20% of the average figure on given occasions) considerable attention could be given to either providing temporary additional holding capacity or to management programs which seek to damp out the daily and monthly variations instead of attempting to provide the maximum number of cells for the highest possible number of prisoners.

The impact of three major policy changes, i.e., the Revised Criminal Code, increased use of pre-release programming for selected inmates, and more efficient use of pretrial release and recognition, was evaluated in arriving at year 2,000 inmate population projections (including all female inmates, a presumption that all Alaska prisoners will be housed in-state and only those who would require minimum, medium or maximum security housing in state operated facilities -- both sentenced and unsentenced).

The planners conclude:

If the alternative diversion programs were to be fully and immediately implemented, the current population of about 740 would be substantially reduced. With more efficient ROR, the total inmate population could be as low as 500; with only pre-release programs being implemented, the secure housed population could decrease to about 600. If both programs were implemented, the secure housed inmate population could be as low as 360 (including females and those federally housed (emphasis in original)).

FACILITY CAPACITY NEEDS UNDER VARIOUS POLICY OPTIONS

The impact of three major policy changes, the new Criminal Code, release on recognizance (ROR), and maximal use of pre-release programs, is translated from statewide average daily population (ADP) estimates into regional estimates of inmate population to be expected by the year 2,000.

Eleven tables are presented indicating estimated average daily populations for the year 2,000 for each of the ten service areas under the three policy changes. Service areas are: Ketchikan, Juneau, Anchorage, Kenai, Kodiak, Bethel, Nome, Fairbanks, Kotzebue and Barrow.

FACILITY RECOMMENDATIONS

In view of the condition of Alaska's existing corrections facilities and the projected capacity needs for the year 2,000 under a range of possible policies, some general proposals for facility replacement or renovation and accompanying new construction are recommended. The existing facilities have been classified into three categories: those which must be replaced and can serve no alternative correctional functions, those which require major renovation to meet standards and fulfill their proposed functions, and those which can be recycled with relatively minor physical modifications.

The facilities which must be replaced are: Ketchikan, Ridgeview, Anchorage Third Avenue and Nome.

The two facilities which require major renovation are Juneau and Fairbanks.

Those facilities requiring only minor additions or renovations are: Anchorage Annex, Eagle River and Palmer (the latter two for industries programs).

Facilities now in use in rural areas are generally inadequate, particularly if regional housing of some sentenced inmates is to be implemented. This implies a need for new facilities, potentially in all five of the remaining service areas defined and not now served by state facilities (i.e., Bethel, Kodiak, Kotzebue, Barrow and Kenai). At a minimum, a replacement facility is needed in Bethel.

The construction of two major new facilities and at least two smaller ones is proposed: a new pretrial facility in Anchorage, a new sentenced inmate facility in Anchorage and new regional facilities in Ketchikan and Bethel. Only the sentenced inmate facility has not been funded at all (emphasis added).

1978 BOND ISSUE PACKAGE

Under the bond issue package approved in November 1978 by the state's voters, correctional funding was allocated as follows (includes master planners comments):

<u>PROJECT</u>	<u>LOCATION</u>	<u>AMOUNT</u>	<u>PLANNERS' COMMENTS</u>
Construct and equip pre-trial jail facility	Anchorage	\$12,367,000	Concur, full, required
Construct and equip a regional jail facility	Ketchikan	1,992,700	Concur, fully required
Construct youth facility	Fairbanks	2,400,000	Plan specifically recommends a direction which would <u>not</u> require this facility

<u>PROJECT</u>	<u>LOCATION</u>	<u>AMOUNT</u>	<u>PLANNERS' COMMENTS</u>
Renovate 6th Avenue Jail Annex facility	Anchorage	\$ 1,421,800	Concur, but would not substantially renovate for continued jail use
Construct youth residence center	Nome	792,000	Cannot be supported by the analysis of youth services needs contained in the plan
Construct McLaughlin youth facility gymnasium	Anchorage	1,300,000	Concur, well-justified
Construct state jail recreation and program facilities	Juneau	1,300,000	Concur, however, housing and program "spare-trade" should receive simultaneous coordination
Construct classroom and learning lab	Juneau	200,000	Concur, well founded, coordinate with above
Construct correctional facility	Bethel	3,129,000	Concur, clearly warranted
TOTAL (of correctional projects authorized)		<u>\$24,902,500</u>	

In addition, the planners print out that \$1.5 million had previously been allocated for a juvenile/women's facility in Juneau. (Note: the Legislature has also allocated two million dollars for correctional use to house women offenders in anticipation of the closing of the Ridgeview Center in Anchorage.)

Capital cost forecasts are provided in a series of tables which indicate budget requirements under various policy options. The forecasts are offered primarily for the significance which they have in considering these policy options. It is apparent that implementing ROR and pre-release programming can substantially reduce the need for new construction, thereby saving the state of Alaska tens of millions of dollars.

Considering the relatively low cost of staffing and operating such programs, the benefits in terms of capital cost savings alone far outweigh the program costs. The policy choice remains with the State of Alaska, but the capital cost consequence of each course of action seem clear.

The capital costs of accommodating all Alaska inmates in standards-complaint facilities range from \$24,854,000, if maximum ROR and pre-release options were immediately implemented and the current population dropped from the current 740 inmates to an estimated 533, to a maximum projected capital improvements cost of \$130,224,200 in the year 2,000 under the Revised Criminal Code and no ROR or pre-release programs.

JUVENILE CORRECTIONS

Alaska, unlike the majority of states, has taken a strong leadership role in developing statutes and Rules of Procedure which emphasize the objectives of reforming the child and protecting society and require that these objectives be equally weighted. The Rules further require that the medium used to achieve these objectives be that of "providing care equivalent to that which should have been provided by the child's parents." The statute clearly distinguishes between the remedies the state may impose for children in need of aid and for delinquent children. The former has been made the responsibility of the Division of Social Services and the latter the responsibility of the Division of Corrections, both administered by the Department of Health and Social Services.

The present juvenile system is described and problems of divergent practices and procedures are analyzed including arrest, intake, detention and residential services (both private and public), in and out of state.

The following listing of issues and policy recommendations have been presented:

- ° The Alaska Department of Health and Social Services should actualize the purpose clause of the Children's Code and Rules as guiding principles for developing juvenile justice services in the state.

At the moment, institutions are the major medium of service for children who are removed from their family's custody. Foster care is used sparingly, group foster care is not used at all, and basic care group home services are used infrequently.

- ° Juvenile correctional services should remain within the Division of Corrections but should be located in a separate bureau.

- ° The functions of initial receiving and screening of delinquency referrals should be unified within juvenile correction. This service should operate on a twenty-four hour basis. The services provided by this function should be screening for detention and petition and crisis intervention.

- ° The Alaska Department of Law should be the petitioner in all children's matters.

- ° Intake screening and receiving should be solely responsible for the initial detention decision.

- ° The use of contract services as a means of providing services to children in their homes and communities should be greatly expanded.

Shipping children long distances within the state to receive service or, in many instances, transporting them to other states should come to a halt. In the envisioned reorganization of