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(parole board)

THE ALASKA CORRECTIONS MASTER PLAN:
LEGISLATIVE IMPLICATIONS

Prepared for the
ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
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INTRODUCTION

This paper has been developed for the purpose of presenting to the members of the legislature a succinct summary of the voluminous (600 page) Alaska Corrections Master Plan. The summary is purposely structured to indicate those areas of the Plan which have obvious legislative implications. That is, this summary includes only recommendations for 1) statutory changes, 2) operational funding (personnel), and 3) capital improvements above and beyond the "normal" correctional budgetary process. It is not an all-inclusive narrative summary of the Master Plan. Two executive summaries do exist which provide narrative descriptions of the Plan's contents. (See Alaska Corrections Master Plan: A Preliminary Draft Summary by Roger Endell, July 11, 1979 and Alaska Corrections Master Plan: Executive Summary by Moyer Associates, Inc., August 1979.)

This summary does not address Division of Corrections policies and procedures or Administrative Code issues directly. Changes in Division operational practices will no doubt follow legislative review and, conversely, action and major changes which may result from a review of this document and/or the entire Master Plan will have implications for correctional policy changes.

The summary provides for page reference numbers, general topics, and a brief description of the recommendations under the three major topical headings listed above. Detailed information can be found in the Master Plan volume which will explore the reasoning and justification for these recommendations.

Finally, the introduction narrative and the specific recommendations are provided here without editorial comment. These statements are extracted from the Plan as nearly as possible to the original wording. There, of course, is a risk that the summary and/or recommendations contained within are subject to misinterpretation because of the out-of-context and out-of-sequence format. The reader is asked to seek further information from the Plan via the reference number whenever questions may arise.

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COST CONSIDERATIONS

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A fundamental goal of recommendations that this master plan has is the provision of the most adequate corrections system for Alaska at the least possible cost. The single most effective means of accomplishing this is to avoid unnecessary incarceration of offenders, thereby avoiding the capital cost of constructing new facilities to accommodate growing inmate populations. Avoidance of unnecessary incarceration in turn requires development of a full range of community-based corrections programs, including pretrial release, probation, prerelease and parole supervision. This is the basic strategy advocated throughout the plan.

Alaska will not be able to avoid a certain level of capital expenditures to improve its corrections facility system, due to several factors:

1. The badly deteriorated condition of several existing facilities.
2. Overcrowding of a few key facilities even at current inmate population levels.
3. Inadequate space for programs and prison industries at nearly all existing facilities.
4. Court actions, both actual and potential, which will mandate that Alaska provide constitutional housing for all inmates.
5. The long-range goal to return all Alaskan inmates from federal institutions to state facilities (some of these inmates have very lengthy sentences and could not be adequately accommodated in any existing Alaskan facility).
6. Expressed interest in regionalized incarceration of sentenced inmates, which would require replacement of existing rural corrections facilities, which are now totally inadequate to house long-term inmates.

However, capital expenditures can be minimized through development of a full complement of community corrections alternatives to incarceration, and the delaying of all but the most essential construction or renovation until the full impact of diversion efforts can be achieved.

On the cost-effectiveness balance sheet, there are two types of expenditures which must be weighed: operating costs (primarily staff salaries) and capital costs (for construction). The improvement and expansion of adult community corrections services will require additional personnel as well as increased funds for the Division of Corrections' use in contracting for services for offenders. To offer statewide pretrial assessment and supervision services, prerelease programs and improved probation and parole supervision (using a tri-level caseload classification) would require an estimated 15 to 24 additional line staff positions in adult community corrections with today's workload levels. If workloads continue to grow at rates observed over the past eight years, staff needs could increase by as much as 40 percent by 1990, requiring creating of an additional 17 to 20 line staff positions. Staff requirements can be minimized through more concerted use of volunteers, but it is likely that over the next ten years, a full-fledged adult community corrections effort will require the addition of at least 30 full-time line staff. If the salaries and associated cost of each new position is estimated to average \$38,000 annually over this same time period, this would represent an increase in the annual operating budget of about \$1.15 million by 1990. Or, from another perspective, assuming that five new staff are added in each of the next three years and two every year for the next seven years, the estimated total additional staff cost over the next ten years would be \$7.3 million. If additional funds are made available for contractual services averaging \$200,000 annually, the total operating cost increase could be nearly \$10 million over the next ten years.

Similar estimates of the cost of improving youth services are made in that section of the plan, which concludes that the current budget of approximately \$2.3 million now spent on probation and contractual services for youths would grow to a total estimated annual budget of \$9.5 million in 1990. This would represent a cost of about \$7.2 million over the ten-year period to improve and expand community corrections alternatives for delinquent youths.

These increases in operating costs must be compared to the cost of constructing additional bedspace capacity to accommodate inmates who could be diverted to community services if they are available and adequate. If the cost of an Alaskan prison construction project is estimated to average \$107,000 per bedspace (see facility recommendations section of plan), then Alaska must avoid building only 94 adult bedspaces

over the next ten years to offset the total cost of improved community corrections services in that same period ($\$10 \text{ million} \div \$107,000 = 94$). In fact, construction cost savings over the next 20 years which could be attributed to improved ROR and prerelease programs total over \$36 million (the bedspace savings would total about 345), more than four times the additional ten-year cost of improved adult community corrections services (and approximately twice the 20-year cost). On the youth services side, if just the current out-of-state placement cost of about \$600,000 could be avoided through improved community-based programs for youths, the entire cost of such improvements would be offset. It is logical to assume that other operating cost savings would also accrue over the ten years due to decreased rates of preadjudication detention and post-adjudication commitment of youths (this is true of adult corrections as well).

Therefore, although it might seem like a large increase in funding, increased expenditures on improved community corrections services can actually result in an overall budgetary savings over time through avoidance of massive capital (construction) expenditures and decreases in institutional operating costs. If cost-effectiveness is of paramount importance, the course of action which Alaska must follow is clear. Community programs must be fully funded and staffed to safely divert the maximum possible number of offenders from unnecessary pretrial and posttrial incarceration.

FACTORS AFFECTING
CORRECTIONS POPULATIONS

Discussion

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to Factors
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The size and characteristics of offender populations in a corrections system should determine the policies and practices of that system. In order to effectively supervise and serve the needs of offenders on probation and parole, or incarcerated in jails and prisons, it is necessary to know the number and types of persons who make up these populations. Therefore, in order to plan for the future of corrections in Alaska, an awareness of the variables which interact to determine the number and types of offenders passing through its corrections system is essential. Based on an understanding of the factors which affect the size and qualities of probation, parole, jail and prison populations, policy-makers can choose future courses of action with greater confidence of attaining their desired outcomes.

Relationships between variables determining corrections populations can be viewed from both a mathematical and conceptual perspective. The mathematical relationship between population levels, admissions to and lengths of stay in corrections programs and facilities is relatively straightforward:

$$\begin{array}{rcl} \text{Average} & & \text{Number of Admissions} & & \text{Average Length of} \\ \text{Daily} & = & \text{Per Year} & \times & \text{Stay (in months)} \\ \text{Population} & & & & \hline & & & & 12 \text{ months} \end{array}$$

Thus, 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 64 percent increase in the size of the inmate population. Total adult admissions (including pre- and post-sentenced offenders) increased only about 25 percent in a similar period (1972 through 1977), while total person-days served by those admitted increased 32 percent in this 6-year interval. Thus, 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. As noted elsewhere, the probation/parole average monthly case-load has grown approximately 36 percent in the same time period, a less dramatic but still significant increase.

Although the mathematical relationships between populations, admissions and lengths of stay is apparently simple, the policies, practices and demographic variables which determine these basic factors interact in a complex manner. The number of admissions to a corrections facility or program is dependent on:

1. the crime rate: the number of crimes committed per 100,000 persons in the general population;
2. the arrest rate: the number of persons apprehended by law enforcement agencies;
3. the conviction rate: the proportion of those arrested who are found guilty; and
4. sentencing statutes and practices: the penalties prescribed by the legislature for each crime, judicial decisions and, informally, some prosecutorial discretion in choosing the sentence for each convicted offender.

These variables are in turn linked with other political and socioeconomic factors in a casual chain which has yet to be unraveled; employment levels, the age-group and racial/ethnic composition of the general population, and punishment philosophies of legislators, judges, administrators and the general public all have an impact on the criminal justice system, and therefore, on corrections populations.

The average length of stay of convicted offenders in corrections programs or facilities is a direct result of:

1. Sentencing statutes and practices; the length of offenders' sentences as determined by legislative statutes and judicial and prosecutorial discretion.
2. Paroling statutes and practices (affecting both prison and parole populations): determined by statute and parole board discretion.

3. "Good-time" statutes and practices (also affecting both prison and parole populations): determined by statute and Department of Corrections staff discretion.

Many of the same philosophies that shape the commitment practices of a state also have an impact on the length of time that offenders are expected to remain the responsibility of the corrections system.

Upon examination of the factors outlined above, it becomes 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 these external forces. Prominent among these reasons 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 population.

Rising crime rates, linked by some to the depressed economy and higher unemployment rates of recent years, are often cited as a primary cause of growth in prison populations. However, reported crime rates may have shown a spurious increase in the past few years due to improved reporting methods. The rise in crime rates may in fact be abating; serious reported crime decreased nine percent nationwide during the first three months of 1977 when compared with the same period of 1976. In Alaska, the violent crime rate also showed a decline from 1975 to 1976. In addition, crime rates have historically had little or no correlation with incarceration rates, perhaps in part because of unreliable reporting and most probably because there are a large number of factors intervening between commission of a crime and commitment to prison. The impact of crime rate statistics on public attitudes toward criminals cannot be under-estimated; this may be the most direct causal link between reported increases in crime and rising prison populations. Societal fear of and a punitive response to criminal behavior have undoubtedly been exacerbated by an increased public awareness of crime.

Unemployment, which theoretically may motivate some types of criminal behavior, has been shown to be directly correlated with incarceration rates in many jurisdictions. Thus, as unemployment increases, incarceration rates often rise after a short time. However, as with crime rates, future unemployment levels cannot be accurately predicted, so they cannot

be reliably utilized as indicators for prison population projections.

Improved law enforcement, which can cause increases in both arrest and conviction rates, has also probably contributed to increased corrections populations. Similarly, more efficient court processing of criminal cases has probably been a factor in increased conviction rates, and in some jurisdictions has shifted the balance from pretrial to post-sentence incarceration (by shortening the length of time from arrest to sentencing for some jail inmates). The precise quantitative impact of improved law enforcement and court processing is difficult to estimate, either for present or future corrections population levels.

A changing attitude toward offenders, which has been evolving into a "get tough" stance, can affect both statutory and discretionary aspects of criminal Justice decision-making. The sentencing of a greater proportion of offenders to lengthier periods of confinement under more stringent parole policies will have a significant impact on prison populations and probation and parole caseloads. At present there are several divergent nationwide trends in correctional philosophies, which, coupled with regional differences in outlook, can have varying effects on corrections populations. An emphasis on reintegration of offenders through use of community corrections approaches would tend to reduce the number of persons confined in jails and prisons and increase probation and parole caseloads. On the other hand, a narrowly defined determinate sentencing structure (i.e., with definite terms but no shortening of existing minimum sentences) could cause substantial growth in incarcerated populations. The revised Criminal Code recently enacted in Alaska may increase the average daily inmate population by as much as 50 percent (see chapter on criminal justice decision-making for estimation methodology). Through an emphasis on community corrections and a more determinate sentencing structure are not inherently incompatible, careful consideration must be given to the impact upon inmate population size of lengthy determinate sentences for certain offenders.

One factor which is being increasingly utilized to predict the number of inmates who will be confined is the age-group composition of the general population. Incarceration rates are correlated with the size of the population between ages 18 and 34; this group is defined as being "at risk," since persons in this age range are most likely to be sentenced to incarceration.

Nationally, nearly 80 percent of the inmate population is part of this at-risk group. Since the U. S. and state census bureaus routinely develop future projections of the size of the general population, categorized by age groups, it is possible to use these projections in developing corrections population projections. However, this age group at-risk factor is also the one least amenable to change through legislation or policy-making, and so affords corrections administrators little guidance in effecting changes which may have a positive impact on their system. It is, quite simply, an effective tool for predicting the future size of corrections populations if statutes, policies and practices remain unchanged. Effective planning must include not only consideration of the outcome of current practices, but also an assessment of a range of options which require or assume system changes. In the realm of corrections population levels, small changes in any of a number of factors previously discussed 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. If so, some or all of the variables previously discussed as having an impact on the number of admissions and/or average lengths of stay could conceivably be modified to attain the desired decrease. Eliminating those factors which are less amenable to change (e.g., crime, arrest, conviction and unemployment rates, as well as the size of the at-risk age group), it is possible to pinpoint the factors which can reasonably be manipulated. A decrease in prison admissions can be accomplished through:

1. decriminalization of selected victimless or minor offenses;
2. increased use of diversion options prior to sentencing;
3. more efficient presentence release programs which shorten the length of time eligible defendants are detained prior to release; and/or
4. increased use of nonincarceratory sentences for a larger proportion of convicted offenders; these alternatives can include fines, restitution, probation and/or periodic imprisonment (work release).

A decrease in the average length of stay of prison inmates can be achieved through:

1. a reduction in the maximum sentences imposed for crimes, either through statutory change or modifications in judicial sentencing practices; and/or
2. an increase in the release rate, through an augmented parole granting rate, increased awarding of "good time," or more frequent use of prerelease programs for inmates serving the last months of their sentence.

Although some of these measures are more attainable and acceptable in the short run than others, all would have the impact of decreasing the prison inmate population, while some would increase either probation or parole workloads.

The objective is therefore to provide Alaska's corrections and criminal justice decision-makers with alternative courses of action regarding institutional corrections, as well as their cost implications, so that informed choices can be made regarding the future of Alaska's corrections system. For example, an analysis of current practices indicates the need for sound planning.

If current practices affecting inmate population size were to continue unchanged, Alaska would need to house an average daily population of somewhat over 1100 inmates by the year 2000 (this includes all females, federally housed prisoners and presentence detainees).

At the same time, it should be noted that the monthly and even daily fluctuation in Corrections population is substantial, apparently amounting to as much as 20% of the average figure on occasions. Due to this high variability, it seems likely that 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.

SENTENCING, PRETRIAL RELEASE AND
PAROLE DECISIONS

Discussion

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- 535 . Sentencing
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536
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- Although each is in a separate branch of government, the corrections system is really the instrument of the courts. The courts determine the sentences of offenders and the corrections system carries them out. The effective use of a corrections system is therefore highly dependent on the quality of sentencing.
- Imprisonment is the most serious and most costly of the sentencing alternatives. If the courts send more offenders to prison than belong there, institutional resources are strained and wasted, and the quality of services and treatment for all imprisoned persons deteriorates -- in the end too much of the public's money must be expended on the construction and operation of institutions. On the other hand, if persons are placed on probation who belong in prison, the corrections system cannot provide the degree of protection to which the public is entitled.
- Aside from sentencing decisions, there is one other decision in which the court system prevails which has a direct effect upon corrections: pretrial release. The policies and practices of the courts determine which defendants will be released pending trial and which of them will be detained in corrections facilities. Thus, the courts largely determine the size of the unsentenced prisoner population detained in Alaska's corrections facilities. As has been documented elsewhere in the plan, both the criteria used to assess defendants' eligibility for pretrial release and the speed with which such release is effected can have a substantial impact on the size of the average daily prisoner population. Although the Division of Corrections can aid the court system in developing a comprehensive pretrial release program through offering prompt assessment services and supervision for selected releasees, the decision ultimately rests with the court, and the consequences must be borne by the Division's institutions and community services.
- The capacity requirements for correctional institutions could increase substantially over the next several years due to implementing the revised Criminal Code.

The cost implications of this increased inmate population, both in capital and operating expenditures, are significant (discussed in detail in the adult institutions section of the plan). The source of the population increase can be traced directly to the longer average length of stay which is likely to result from enacting the new Code. Thus, it would appear that although some of the Governor's Commission on the Administration of Justice goals may have been achieved by this new Code, particularly those related to limiting judicial and Parole Board discretion, the unintended consequence of enacting the revised Criminal Code may well be to inflate the sentenced inmate population of Alaska's correctional institutions to extraordinarily high levels.

Alaska's revised Criminal Code is a comprehensive attempt at sentencing reform which, unfortunately, may not go far enough to eliminate sentencing disparity, and which also may go too far in imposing lengthy sentences on recidivist felons.

Parole policies and practices have as direct an effect on corrections as do court actions in pretrial release and sentencing decisions. Parole policies determine, within statutory and judicially determined limits, the length of time a sentenced inmate serves in prison, and the type of conditions that are imposed on his or her parole. The criteria used by the Alaska Parole Board in its decision-making shape the manner in which the Division of Corrections utilizes its institutional and community supervision resources.

Parole services should not be discontinued; whether releasees are released through Parole Board action or at the end of a sentence determined by statute and guidelines, most will continue to require some type of "depressurization" to help them adjust to life in their home communities. Prerelease programs operated by the Division, such as work release and furlough, will become even more critical if parole is abolished. At this juncture, it may also prove to be necessary to statutorily provide for some portion of the end of every sentence to incarceration to be served under community supervision (similar to the mandatory release law now in effect).

It is not likely that parole decision-making will be abolished in Alaska in the near future, since such a step would require a thorough reexamination of the revised Criminal Code, and concerted efforts to develop a guidelines matrix for sentencing decisions which

could eliminate the need for Parole Board sentence adjustments. In addition, all inmates sentenced under old sentencing statutes will continue to be eligible for parole for some time to come. Therefore, given that the Parole Board will continue to function in Alaska for the foreseeable future, it is important that the Parole Board's policies and practices are consistent with the state's overall corrections philosophy, and that the Board is provided with sufficient resources and authority to efficiently accomplish its responsibilities.

Implementing any sentencing or parole reform requires the highest level of cooperation between the judiciary, the legislature, law enforcement, and the Division of Corrections. Corrections alone cannot hope to improve Alaska's sentencing or pretrial release practices; only with the cooperation of the other decision-makers involved can true and lasting improvements be achieved. In the relationship between corrections and the courts, corrections planning necessarily must become criminal justice system planning as well.

RECOMMENDED STATUTORY CHANGES

Discussion

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- 70 Management In the interests of unifying correctional services in Alaska, it is recommended that the Department of Public Safety no longer have responsibility for any jail contracts and that the Division of Corrections assume responsibility for administering all present and future local jail contracts for the State of Alaska.
- 79 Management Appointment of a five member Correctional (Statewide) Advisory Board is recommended.
- 133 Community Services Legislation should prescribe uniform policies and procedures for screening and investigating persons awaiting trial as to their suitability for pretrial release and provision for supervision of any persons granted pretrial release who are deemed to require it. The legislation should authorize community corrections staff to carry out this function and provide funds for staff.
- 147 Community and Services The statutes should include:
- 540
1. a uniform criteria for eligibility for pretrial release;
 2. preliminary screening of all potential candidates by community services personnel, (including para-professionals and/or trained volunteers) with phone verification of all information;
 3. pretrial release recommendations by community services personnel to the district attorneys and courts;
 4. supervision by community services personnel of selected persons on pretrial release; and
 5. consideration should be given to a procedure under which persons charged with relatively minor offenses and who do not have a significant criminal history may have their charges dropped or suspended following a period of successful adjustment in the pretrial program.
- 205 Classification Statutes should consolidate the policies and procedures and relating to the various types of furloughs, work release and halfway houses. Assignment to these types
- 206

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of programs should be delegated to the institutional superintendents. The Parole Board should also be authorized to require the assignment of individual prisoners to any of these programs prior to the effective dates of parole release, as a means of prerelease testing.

224 Programs

Chief of Programs position is to be created in the Control Office management structure of the Division of Corrections. This officer each year will prepare an annual plan, in consultation with each institution program director, to support institutional program development and operation including personnel, equipment and contractual program arrangements for the rehabilitation of offenders within each institution. The program budget should be a separate line item in annual appropriations.

226 Programs

Legislation should be provided which would assign to the public school system the responsibility for providing educational instruction through the 12th grade within correctional institutions. It is recommended that contractual arrangements with personnel of local colleges for programs of higher education within correctional institutions should be obtained and expanded.

Industries

Alaska is one of only three states which does not have a prison industry law (the others are Delaware and Nevada). Prison industries statutes should be drafted which would include:

- 295 1. establish prison industry program and generally define its purpose;
- 297 2. establishment of a Prison Industry Advisory Board whose members should be appointed by the Governor;
- 295 3. establishment of a Prison Industry Revolving Fund;
- 296 4. authority to sell prison industry goods on the open market, possibly through existing in-state vendors;
- 296 to
298 5. authority to lease prison facilities and grounds to private businesses which would employ prisoner-workers in such facilities or on such grounds;

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- 299 Industries 6. exemption of prison industry workers from the \$3.00 per day ceiling on wages established by law by Alaska 33.30.225;
- 298 7. establish the position of director of the prison industry program with a requirement for considerable management experience and with powers and duties described;
- 299 8. require that all prison industry operations observe the state and federal health and safety regulations;
- 299 and 304- 313 9. define the specific purposes for which prisoner's wages can be dispersed including (legislation should not fix prisoner wages): support of the prisoners' dependents, reimbursement to the state for an award made for violent crimes compensation, payment of a court award, reimbursement to the state for room and board (not to exceed the average daily cost of incarceration); purchase of clothing and commissary items, enforced savings to assure that funds will be available upon release.
- 479 Alcohol Legislation should authorize the State Office of Alcoholism, and provide necessary appropriation, to establish alcohol sleep-off centers in all communities where state-operated correctional institutions or contract jails are now being used for persons detained under the 12-hour detention law (the Uniform Alcoholism Act adopted in 1972). And, as recommended by the Governor's Interdepartmental Coordinating Committee on Alcoholism, similar centers should be established in other communities demonstrating a need for them. The centers should be operated on a contract basis by local agencies or groups, subject to standards issued by the Office of Alcoholism. The Office of Alcoholism should be allowed full authority to design and operate alcoholism treatment programs, both in correctional institutions and in the community.
- 519 Training See comment under Operational Funding -- Personnel (attachment listing, page 519) for legislation recommended for correctional training.
- 572 and 573 Parole It is recommended that legislation be created providing that:
1. the Alaska Board of Parole be composed of three full-time members;

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572 Parole
and
573

2. appointment be made by the Governor from a panel of candidates submitted by the Commissioner of Health and Social Services, preferably with the aid of an intergovernmental committee;
3. candidates for appointment to the Board should have a background of education and experience in the social or behavioral sciences, criminal justice, the law or clinical practice;
4. the Board should represent the major ethnic and minority groups found in Alaska;
5. the salary of Board members should provide adequate compensation for their work. (Elsewhere the plan cites the American Correctional Association Commission standards which recommends that "salaries of parole board members are comparable to those paid judges of courts of general jurisdiction (or highest trial court). In Alaska this salary would be equivalent to that of a Superior Court judge.);
6. the Board members should be located in Juneau;
7. the Governor should designate one of the members as chairman who would serve as the operational head of the Board.

575 Parole

Legislation should be considered to allow the Parole Board to give parolees whose paroles have been revoked credit on their sentence for time served on parole between the date of release from an institution and the date of arrest for a violation of parole conditions. The Board should be authorized by legislation to discharge from parole status at any time after two years (for persons with sentences of more than ten years) parolees who in the judgment of at least two members of the Board have so conducted themselves that they are unlikely to become again involved in violations of the law. Affirmative decisions should be made administratively, without the necessity for a hearing. However, when in the judgment of at least two members of the Board, discharge from parole should be denied, a hearing should be granted the individual parolee.

Consideration should be given to legislation, and/or changes in Parole Board procedure, under which the Board would conduct initial hearings, in the case of

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- 575 Parole prisoners with maximum sentences of five years or less, within four months of their commitment. At these hearings a presumptive release date should be set either by parole or by mandatory release (the latter in effect a denial). Prisoners with maximum terms of more than five years would be heard at least a month prior to the completion of the minimum terms, also for the purpose of setting a presumptive release date, either by parole or by mandatory release, setting an effective date of parole or setting a future date for a reconsideration hearing.
- 205 Parole and
206 See comment at reference page 205, Classification section, Statutory Changes, regarding Parole Board authorization to assign individuals to prerelease programs.

RECOMMENDED
OPERATIONAL FUNDING; PERSONNEL

Discussion

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- 71 Management and 224 A function essential to the future operations of Alaska's institutions is program development. At present, there are few organized treatment programs available to inmates of Alaska's correctional facilities. In order to encourage coordinated development of such programs, an organizational focus on institutional programs will be essential. Creation of a position of "Program Coordinator" will satisfy this need; the staff person in this position would have responsibility for developing program policies, strategies and standards for all institutions. This officer would report to the Adult Institution Administrator and be located in the Central Office.
- 75 Management Because volunteers can be involved in a broad range of activities with offenders, including institutional and community programs, it is important that volunteer coordination be administratively placed in a centralized unit not identified with one type of correctional program more strongly than another. Since volunteers provide a very valuable additional staff resource for corrections, association of this function with other control services is logical. Addition of a Volunteer Coordinator to the responsibilities of the Central Staff Services unit is recommended.
- Other Central Office management positions recommended in the plan include:
- 76 1. a standard setting, inspection and architectural and capital development specialist;
- 77 2. a certified public accountant for budget development;
- 79 3. a public information officer;
- 140 4. at least one research/planner/data analyst who is assigned to work full time on community services problems.
- Field staff include:
- 143 Community Services 1. five community correctional personnel, client classification and differential association (first priority);

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- 234 Industries and 300 to 303 4. Assistant Accountant (Palmer Correctional Center);
5. Industry Manager (Palmer Correctional Center).
- 320 Health One full time registered nurse per correctional institution with shared services between some institutions (e.g., Eagle River/Ridgeview; two Ketchikan institutions).
- 314 Health to 329 Contractual arrangements for medical, dental, mental health, alcohol and drug treatment personnel and services are recommended to be implemented under the direction of the coordinator of health services. A specific proposal from that officer should be made which would address each of these service needs for each facility.
- 339 Program One full time Program Director for each institution not already having such a position (Eagle River is currently the only facility having the equivalent position) for essential coordination and administration of classification decisions, contractual and in-house program offerings and work programs.
- 340 Institutional and Staff 341 A systematic methodology is provided for assessing with "reasonable accuracy" the number of security staff required to operate each institution "safely and effectively." This tool will provide correctional management with the opportunity to project optimal staffing needs rather than simply the minimal necessary to operate a given facility. (It remains for corrections officials to apply the outlined method before adequate institutional staffing patterns can be assessed.)
- 441 Juvenile to Staff 444 Manpower estimates for community service personnel for juvenile services are estimated to require 60 line personnel for 1978 at an estimated cost of \$2,285,320. Staff requirements are provided in the plan as follows: first judicial district = 8; second judicial district = 4; third = 36; fourth = 12. Figures are also provided in the plan for staff requirements and costs for the years 1990 and 2000. (The planners have not specified what proportion of the estimated 60 line personnel recommended for juvenile community services are now assigned, or could be assigned, from existing staff.)

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- 143 Community Services
2. eleven community correctional personnel, pre-trial assessment and supervision;
 3. four paraprofessional and/or volunteer assessment and supervision personnel;
 4. five community correctional personnel, pre-release programs (i.e., adult community corrections will retain about 27 full time probation officer positions (including only line P.O. II and III) with transfer of some to juvenile services, the 24 positions above will be needed to implement fully the community corrections program including restitution and community service sentences provided for in the new Criminal Code. The reduction 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 run cost benefits of maximal use of alternatives to incarceration, particularly in Alaska where new construction can potentially be minimized or avoided, are undeniable (without significant increased risks to public safety through close community supervision).
- 227 Program counselor positions: Nome Correctional Center and Ketchikan Correctional Center.
- 234 Industries and 300 to 303
- Prison Industries (short range):
1. Prison Industry Director (central office);
 2. Prison Industry Cost Accountant (central office);
 3. Prison Industry Shop Supervisors (initially Eagle River, Fairbanks, Juneau, Palmer).
- Prison Industries (long range):
1. Salesperson (Anchorage area);
 2. Industrial Engineer (central office);
 3. Planner/Analyst (central office);

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- 234 Industries and 300 to 303 4. Assistant Accountant (Palmer Correctional Center);
5. Industry Manager (Palmer Correctional Center).
- 320 Health One full time registered nurse per correctional institution with shared services between some institutions (e.g., Eagle River/Ridgeview; two Ketchikan institutions).
- 314 Health to 329 Contractual arrangements for medical, dental, mental health, alcohol and drug treatment personnel and services are recommended to be implemented under the direction of the coordinator of health services. A specific proposal from that officer should be made which would address each of these service needs for each facility.
- 339 Program One full time Program Director for each institution not already having such a position (Eagle River is currently the only facility having the equivalent position) for essential coordination and administration of classification decisions, contractual and in-house program offerings and work programs.
- 340 Institutional and Staff 341 A systematic methodology is provided for assessing with "reasonable accuracy" the number of security staff required to operate each institution "safely and effectively." This tool will provide correctional management with the opportunity to project optimal staffing needs rather than simply the minimal necessary to operate a given facility. (It remains for corrections officials to apply the outlined method before adequate institutional staffing patterns can be assessed.)
- 441 Juvenile to Staff 444 Manpower estimates for community service personnel for juvenile services are estimated to require 60 line personnel for 1978 at an estimated cost of \$2,285,320. Staff requirements are provided in the plan as follows: first judicial district = 8; second judicial district = 4; third = 36; fourth = 12. Figures are also provided in the plan for staff requirements and costs for the years 1990 and 2000. (The planners have not specified what proportion of the estimated 60 line personnel recommended for juvenile community services are now assigned, or could be assigned, from existing staff.)

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- 519 Training Legislation should be submitted for authority and funds which will enable the Division of Corrections to hire personnel to cover positions when the incumbents are absent for training purposes. This additional personnel increment should be equal to ten percent of the Division's authorized personnel spaces. The legislature should appropriate sufficient funds to support all corrections staff training necessary to comply with national standards. Most programs now supported by grant funds (totaling nearly 50% of the current annual corrections training expenditures) should be instated as permanent and essential parts of the state corrections budget. Adequate funds should also be appropriated for contractual training services.
- 573 Parole See comment under Statutory Changes (attached), page 573, for legislative recommendations concerning a full time permanent Parole Board of three members.
- 573 Parole One administrative assistant position should be added to the Parole Board for a total of two. Two clerical staff positions should be added to the Parole Board for a total of three. The positions of Executive Director of the Parole Board should be reconstituted as that of Staff Director, reporting directly to the Chairman.

CAPITAL IMPROVEMENTS:
FUNDING ACQUIRED

Discussion

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387 Institutions

1978 Bond Issues:

Topic	Amount	Status
1. Construct and equip Anchorage pre-trial jail facility	\$12,367,000	Replacement
2. Construct and equip Ketchikan pre-trial jail facility	1,992,700	Replacement
3. Construct Fairbanks Youth Facility (open residential facility)	2,400,000	New
4. Renovate Anchorage Sixth Avenue Jail Annex Facility	1,421,800	Renovation
5. Construct Nome Youth Residence Center	792,000	New
6. Construct McLaughlin Youth Center Gym	1,300,000	Addition
7. Construct Juneau State Jail Recreation and Program Facilities	1,300,000	Addition
8. Construct Juneau classroom and learning lab	200,000	Addition
9. Construct Bethel Correctional Facility	3,129,000	Replacement
TOTAL	\$24,902,500	

1979 Legislative appropriation:

10. Provide funds for housing sentenced female inmates	2,000,000	Replacement
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Previous Bond Issue or Legislative Appropriation:

11. Construct and equip Juvenile Center, Juneau	?	New
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CAPITAL IMPROVEMENTS:
FUNDING NEEDED

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- 39 Community Corrections Consider multipurpose "community corrections center" which include in one complex the various facilities required for all correctional purposes -- probation and parole staff offices, secure confinement of offenders and halfway house sectors -- a promising proposal for smaller communities, especially where new construction seems to be indicated (e.g., Ketchikan, Bethel, Barrow, 6th Avenue Annex after completion of the new pretrial facility).
- 385 Institutions Construct and equip a replacement for the Nome Correctional Center for regional sentenced and unsentenced inmates.
- 386 Construct and equip state regional correctional center in Kodiak
- Construct and equip state regional correctional center in Kenai.
- 388 The Gruzen study recommends a major renovation of the Anchorage Third Avenue Facility. The Moyer group recommends abandonment but offers no recommendation for placement of short term sentenced offenders or those awaiting classification now held at Third Avenue.
- 392 Major renovations are needed at the Fairbanks Correctional Center (\$7,464,000).
- Major renovations are needed at the Juneau Correctional Center (\$4,760,000).
- Renovations at both of these facilities are needed for additional inmate housing and program space.
- 392 Construct the originally designed additional two 40-person housing units at the Eagle River Correctional Center and additional industry space (\$3,808,000).
- 398 Construct and equip a 400 person facility in the Anchorage area to house sentenced inmates from the Anchorage area as well as sentenced females from across

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the state, and any inmates with long sentences from other regions where the regional facilities cannot provide adequate housing for long-term inmates. (The plan cautions that the overall capacity of 400 "may or may not be appropriate" -- implying that any facility of 400 or less would meet national standards for facility capacity.) Cost estimates for various sizes of this facility range from a low of 10 million dollars to a high of over 100 million dollars depending on a variety of policy options and other capacity improvements elsewhere in the system. For example, with renovations or addition to Juneau, Fairbanks and Eagle River facilities (above) a long term facility for 217 is estimated to be required at a cost of \$23,219,000 (in 1979 dollars). A facility of this size and type should have an expansion capability.

CONCLUSION

Approximately 30 million dollars of capital improvements have been authorized for expansion and remodeling of an insufficient and out-dated state correctional system. These improvements will only improve upon or replace existing facilities, except for Fairbanks, Nome and Juneau juvenile facilities which are new and not recommended in the plan.

Alaskan policy makers are immediately faced with major decisions which will determine whether additional multi-millions of dollars will be spent on creation of new institutional space or whether lower sums will be directed toward developing alternatives to new prisons and jails.

To reiterate earlier statements in summation:

A fundamental goal of recommendation is that this Master Plan has is the provision of the most adequate corrections system for Alaska at the least possible cost. The single most effective means of accomplishing this is to avoid unnecessary incarceration of offenders, thereby avoiding the capital cost of constructing new facilities to accommodate growing inmate populations. Avoidance of unnecessary incarceration, in turn, requires development of a full range of community-based correction programs, including pre-trial release, probation, prerelease and parole supervision. This is the basic strategy advocated throughout the plan.

If cost effectiveness is of paramount importance, the course of action which Alaska must follow is clear. Community programs must be fully funded and staffed to safely divert the maximum possible number of offenders from unnecessary pretrial and posttrial incarceration.

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Parole Board Adopts Guidelines

By Samuel H. Trivette
Director
Alaska Parole Board

The members and staff of the Alaska Board of Parole have been quietly working on making some significant changes in its philosophy and operating procedures for the last few years. The direction of the board has changed significantly during this time and is about to receive another major overhaul.

The board has adopted a policy to implement a "parole guidelines model" as the method of releasing sentenced offenders on parole. If the grant money is received as anticipated, this approach could be in full operation by the fall of 1978.

Just Deserts

This approach is basically a "just deserts" model, insuring the uniformity of punishment through tightly structured discretion. This "just deserts" idea has been gaining increased prominence in the criminal justice field in the last few years.

It suggests a person's sentence should be based upon what he did, and not what someone thinks he might do in the future.

If the crime committed is severe, his punishment should also be severe in order to express the requisite degree of condemnation. A minor crime should provide for a mild sanction.

Offenders whose offenses are equally serious deserve penalties of equal severity.

Discretion Not Abolished

Proponents of this model and of similar models realized at the outset that discretion cannot be abolished in the criminal justice system. The system can only hope to identify the areas of discretion, isolate and structure the discretion, and keep as much public visibility as possible to insure that discretion is not abused and will be continually reviewed.

Guidelines Described

The guidelines consist of a table, set up on a grid, with an X and Y axis. On the vertical axis common criminal offenses are listed in four or five categories, going downward from the least serious to

the most serious. The criminal offense is taken from the judgment. The top horizontal axis contains the criminal history/risk scores, also in four or five categories going left to right from the best risk to the worse risk.

The offender's risk score is derived from concrete, verifiable information from his file, including such items as number of prior convictions, age at first conviction, serious drug problems, previous probation experiences, etc.

Where each of the offense categories intersect each of the criminal history/risk scores on the grid, a customary range of time normally served is established for that offense with the given background. This tightly structured discretion would require the release of persons convicted of similar crimes with similar backgrounds within the same range of time.

Deals Only With Sentence Disparity

Let me emphasize that this guideline approach deals only with the problems of unwarranted disparity in sentences of those offenders sentenced to periods of incarceration.

The decision of whether or not to grant probation or to incarcerate would still be the responsibility of the judiciary, and they have a great deal of discretion in a large majority of cases, even with the revisions suggested by the Criminal Code Revision Subcommittee.

In summary, the parole guidelines model tightly structures parole release discretion through the adoption of explicit parole standards, and makes the decision-making more visible and subject to review.

The disparities in the length of time offenders serve would be greatly reduced. In making decisions, the board would be looking at the offender's previous behavior, rather than attempting to guess at future behavior.

Only concrete, verifiable factors would be considered. Although we know that one of the best predictors of future criminal behavior is prior criminality, the distinction between prediction and having the "punishment fit the crime" is a critical and significant one in helping the public understand the Parole Board's operation.

Advantages

Based upon research and information available from other jurisdictions the following positive features would accrue to the criminal justice system as the result of the board's adoption of a parole guidelines approach to releasing offenders.

A. It would be established in statute and in administrative rule that the primary purpose of incarceration in correctional facilities is for the punishment of the offender.

The punishment must be commensurate with the severity of the offense and the offender's prior criminal history, i.e., George Jackson could no longer be required to serve 12 years for larceny of \$70 and Claudine Longette could not be sentenced to serve only 30 days for a homicide. An offender who embezzled \$150,000 would serve considerably more time than the offender who took a \$150 jacket from Sears ("just deserts").

Corrections would still be responsible for offering programming to offenders in correctional facilities, but the parole release date would not be tied to the programming, which we have known for years has absolutely no correlation with success or failure on parole. Programming would still be encouraged in a non-coercive manner.

Little emphasis would be placed on trying to predict behavior on parole once released. Considerable research has told us that when we try to predict the future dangerousness of people, or who will succeed on parole, we obtain a high percentage of "false positives," those people mistakenly characterized as a poor risk or as being dangerous, who have no difficulty when they are released.

B. The guidelines system assures that release is based on concrete, verifiable criteria so that the offender's personal history, social status, or family situation would not be used as bases for the decision.

It removes the subjectivity from the decision-making and reduces the "game playing" often associated with board hearings. Decisions outside the guidelines could be made only for a good cause, requiring specific written reasons.

C. The guidelines model will reduce inherent unwarranted discrepancies in the lengths in the sentences being served by

Model

offenders sentenced throughout the state. I emphasize that these discrepancies in sentencing are no reflection on the ability of our state judiciary, but simply a limitation because of the number of offenders sentenced by approximately 40 judges statewide.

No matter how proficient these 40 people come in following the general principles established by our Supreme Court, it is unlikely they will obtain the degree on consistency and equity that a small collegial body of board members following specific written standards whose primary function is and has been for decades, the fixing of terms of incarceration.

The "guidelines" is a better vehicle for handling this problem than appellate review as the guidelines deal with all sentenced offenders required to serve six months or more, not just those who decide to appeal. The role of the board is obviously changing. The board is developing a new kind of expertise with the adoption of the "just deserts" concept—the skill in developing standards for duration of confinement.

D. Parole release dates would be established early in the sentence (within six months of sentencing) and these release dates could be changed only if the offender was involved in serious misconduct or if he was severely emotionally disturbed at the time of the release date. This aspect of the guidelines itself provides some very positive benefits for the criminal justice system.

1. The offender no longer faces the uncertainty of not knowing when he had served "enough time" and is to be released. Game playing on the part of all parties is greatly reduced since the release decision is based upon the concrete information rather than individual biases or assumptions.
2. It would allow the Division of Corrections to project institutional populations with a much greater degree of accuracy, and enable the administration to much more accurately assess the need, if present, for additional correctional facilities.
3. Allows the Division of Corrections to know early in the sentence, offenders' release dates so that they can ade-

quately program the offenders without fear that a substantial change would be made in the release date. This would be a great help in the classification system and assist Corrections in utilizing more appropriate criteria for the classification decision.

E. Guidelines would make administrative appeals and court appeals of Parole Board decisions much easier to process and the issues easier to define with the concrete criteria and the guidelines matrix.

F. Adoption of the system would reduce a large number of routine, detailed letters being sent to all offenders not being paroled, even through frequently the offenders would be released within any realistic guidelines table established.

It would allow parole board staff to devote more time to policy, program concerns, and other important issues.

G. The Parole Board maintains the flexibility to continually revise and update the guidelines based upon current community values and research being compiled on the guidelines criteria. It can handle unusual cases effectively with minimal cost to the citizens of the state. The need for correction of defects and omissions has been necessary in all guideline systems and they can be much more easily handled by an administrative body.

H. The adoption of these specific guidelines with appropriate tables will enable us to explain the policies of the Parole Board to the general public and thus promote the understanding of the responsibility of the Parole Board and of other segments of the criminal justice system.

I. The parole guidelines model is supported nationally by many critics of traditional parole that realized many of the goals the "flat-time" "presumptive," or "determinate" sentencing schemes can be better addressed by a well-developed guidelines model.

The parole guidelines model has received strong support from many long-time criminal justice administrators, criminal justice academicians, judiciary, and others.

In November 1977, the American Bar Association on the Legal Status of Prisoners recommended legislation along the lines of our parole guidelines model as envisioned in our recent grant proposal.

J. The parole guidelines model was presented to the Criminal Code Revision Subcommittee in November 1977, and the proposed legislation adopted by them requires the guidelines be established through the cooperative efforts of the executive and judicial branches of government.

The "Joint Advisory Commission on Prison Terms and Standards" would be the first legislatively mandated cooperative body in the criminal justice system with the specific responsibility for improving the quality of parole decision-making by utilizing the expertise of both Parole Board members and sentencing judges.

BURGLARY WORKSHOP

The Traffic Institute of Northwestern University is sponsoring a Robbery and Burglary Control Workshop, Sept. 25-29, at Nashville, Tenn.

The purpose of the workshop is to develop effective crime reduction program relating specifically to robbery and burglary through preventive and tactical efforts.

Subjects covered during the workshop will include:

- Crime reporting and clearance.
- Community crime prevention programs.
- Resource allocation.
- Patrol management techniques and strategies.
- Communications and holdup information services.
- Analysis of robbery and burglary factors.
- Goals of police service.
- Use of decoys.
- Model tactical units.
- Management of special tac units.
- Tactical approaches to robbery and burglary.
- Tactical holdup alarm systems.
- Nonuniformed patrol apprehension strategy and tactics.
- Police patrol and crime prevention productivity measures.

The workshop fee is \$300 and registration can be made through:

Registrar
The Traffic Institute
405 Church Street
Evanston, Ill. 60201

What Parole Guidelines Can Do

By Sam Trivette
Executive Director
Alaska Parole Board

The Criminal Code Revision Commission spent two years reviewing various sentencing schemes in developing its Criminal Code Proposal, and finally adopted a concept incorporating both a presumptive sentence component as well as parole guidelines component.

No Light Decision

The commission's decision to incorporate the parole guidelines model did not come lightly and was adopted only after being made aware of some of the following information.

Many of the very strong and vocal opponents of traditional parole throughout the United States have backed off of their strong support of determinate and presumptive sentencing schemes, and are now supporting a parole guideline model similar to the system functioning in the State of Oregon.

For example, the Council of State Governments had adopted a paper and policy statement recommending the abolishment of parole. But, at a recent conference in Colorado, the author of that paper indicated he now feels the parole guidelines system as operating in several jurisdictions was more viable than other "flat time" sentencing schemes without discretionary release.

At the same conference, a number of professional people were in attendance from the State of California which has recently adopted a "model determinate sentencing" bill. The determinate sentencing bill abolishes discretionary release from incarceration and much more tightly structures the discretion of the sentencing judge.

Each of these professionals from California had been extremely supportive of the determinate sentencing concept when initially proposed to the state legislature, but all are unanimously opposed to it now because of the manner in which it is actually functioning. They are working actively to have the bill repealed, and instead strongly supported a structured parole guidelines concept.

This coalition of college professors, ex-offenders, consultants and criminal justice professionals all agreed that the basic philosophy behind determinate or presumptive sentencing is valid, but that the goals supporting that philosophy would be better met by the parole guidelines model.

Community Release Supported

The American Bar Association has been a very avid opponent of traditional parole. However, in a position paper last fall, they recommended a "community release board," separate from the court, established to determine the length of prison terms. A review of their paper indicates the separate "community release board" with tightly structured discretion is the same as envisioned by the Alaska Criminal Code Commission in its sentencing proposal with parole guidelines.

Sentencing Commission

The Law Enforcement Assistance Administration recently had a report prepared on parole by Andrew von Hirsch, Professor of Criminal Justice at Rutgers University. Professor von Hirsch, the author of a book released in late 1976 entitled *Doing Justice*, strongly supported a flat time sentencing scheme with discretion being left to the court and the legislature.

Since this book was published in 1976, Professor von Hirsch received the grant from LEAA and spent a considerable amount of time in states which have been working on changing sentencing laws.

After becoming intimately familiar with the various concepts involved with the discretion issue; and spending time in such states as California and Oregon which have adopted different sentencing models, Professor von Hirsch is now advocating the establishment of a separate commission or board from the judiciary that would set the length of prison terms.

Von Hirsch testified before the United States Senate last summer in supporting the Oregon Model that would establish the Advisory Commission on Prison Terms requiring that the judiciary and parole board work together in setting up the standards for the parole guidelines.

To quote some of his relevant testimony: "Sometimes it is supposed that the alternative to a lot of sentencing discretion is to have the legislature set the sentencing standards. Suggestions to limit the judge's discretion provoke arguments about the ills of legislative sentencing, for instance, the tendency of some legislatures to adopt harsh penalties to show toughness on crime.

"I do not believe that the legislature is well suited to write the sentencing standards. Aside from the dangers of escalating the penalties for political reasons legislatures simply do not have the necessary time.

Adequate standards are complicated and will require experimentation and revision over time. The standard-setting agency would be capable of reviewing and adjusting these standards continually, in the light of accumulating judicial experience with the use of such norms.

"A Congress that each year must decide an international budget and develop major programs in the fields of energy and job creation and a host of other areas simply does not have the time and resources for the task of reviewing and fine tuning sentencing standards adopted in the previous sessions.

"It is preferable, I think, to create a special rule-making agency, namely a sentencing commission, to set up the standards of the subcommittee bill, Senate 437, as well as the Kennedy Bill Senate 181, and our Javitts Bill proposal; a specialized rule-making agency having setting of standards as its primary function can develop expertise in this task, it could regularly modify and revise its norm on the basis of experience."

Statewide Conference

The Statewide Conference on Incarceration and Re-Entry Alternatives was held in Anchorage on January 19-21, 1978, to bring together diverse elements of the criminal justice system for public education and policy recommendations.

At least three of the workshops at this conference specifically addressed the issue of sentencing. One group recommended the narrowing of discretion in all sectors of the criminal justice system, beginning with the police and including

the prosecutor, the judge, the classification process, determination of good time, and the parole board.

The criminal code bill, as finally approved, increases the discretion of the police, prosecutor, and the classification process; it both increases and decreases the discretion of the court, probably having little net effect; the only discretion that is cut back relates to the parole board, where discretion is either more severely curtailed or entirely eliminated.

Another workshop group strongly supported the parole guidelines model in the Criminal Code Revision Commission proposal as being helpful in eliminating unwarranted differences in sentencing. The participants of this group were also supportive of other aspects of the Criminal Code Revision Commission proposal which curtailed the discretion in other areas of the system (such as good-time and classification).

The third workshop recommended that "The Parole Board implement a system similar to the federal parole board's guidelines which include a salient factor score, as soon as possible." The U. S. Parole Commission's guidelines are similar to the model adopted by the Criminal Code Revision Commission and for which a federal grant has been received by the Department of Health and Social Services, Parole Board, to implement a guidelines system.

I believe it is of great significance that many of the participants of this conference were not criminal justice employees, but interested citizens who took their own time interacting with criminal justice professionals in order to recommend positive changes to our system. Their suggestions should be given close attention.

Will Reduce Disparity

The guidelines model would reduce inherent unwarranted discrepancies in the lengths of the sentences being served by offenders sentenced in various jurisdictions throughout the state.

Discretion is much better defined and controlled, and very importantly—is measurable, under this concept. Data would be available on how closely the guidelines are being followed, and the "mitigating/aggravating factors" are more

explicit and are quantified and measurable under the guidelines model.

Release dates would be based upon objective criteria rather than family background, social history, etc. The specific weight given to each factor would be known in each case as the guidelines model requires the articulation of numerical values rather than a broad statement of the reasons for the length of the prison term.

In other words, under the present system and under the Criminal Code, as finally adopted, two different judges can give essentially identical reasons for imposing a 5-year sentence and a 15-year sentence (assuming the presumptive sentence is ten years), and utilize the same reasons for these two very different sentences, and those widely varying sentences would be legal and acceptable.

More Consistency

A much greater degree of consistency can be developed having five people applying one set of guidelines instead of approximately 40 judicial officers applying the statutes giving different weights to each of the mitigating/aggravating factors under broad presumptive terms.

Cases can be judged in relationship to similar cases throughout the state rather than other cases that the individual judge has handled. Consistency under the parole guidelines model is also enhanced simply because the board members review approximately seven times the number of felony cases the average judge sentences in one year. This statewide consistency is of major importance in improving the criminal justice system.

Appeals Easier

The guidelines model would make administrative appeals and court appeals of board decisions much easier to process and the issues easier to define with the concrete criteria and the guidelines matrix.

The guidelines are a better vehicle for handling the unwarranted disparity problems than appellate review as the guidelines deal with all sentenced offenders required to serve six months or more, not just those who elect to appeal. Abuse of discretion would be much easier to define

than the current "clearly mistaken" rule of the Supreme Court currently in use for sentence appeals.

Maintains Flexibility

The guidelines model using an administrative body such as the Parole Board maintains the flexibility to continually revise and update the guidelines based upon current community values and research compiled on the guidelines criteria.

The need for correction of defects and omissions has been necessary in all sentencing schemes and can be much more easily handled by an administrative body rather than the legislature. The inherent flexibility allows alterations in the guidelines based upon changes in community perception of offenses and in the addition or deletion of aggravating and mitigating circumstances.

In the last six months, new research techniques have developed a much more sophisticated prediction ability that would hopefully dovetail with the guidelines model insuring less risk to the community from those released.

Incarceration is for Punishment

A very important section deleted from the Criminal Code Revision Commission proposal in the final Criminal Code Bill was a section that made very clear that the purpose of incarceration was for the punishment for the commensurate with the seriousness of the crime and prior record.

This statement was developed after considerable discussion in which the members of the Commission felt the public should understand the primary purpose of incarceration was for punishment of the defendant.

Programming and services to offenders was encouraged in correctional facilities and the state correctional system would still have a responsibility for programming offenders. Including this section in the statute would have made clear, however, that the most severe sanction available to the state, imprisonment, is primarily for the purpose of punishment.

Far more programs are available in the community for the "rehabilitation" of offenders and far less serious sanctions

(Continued on Page 4)

Anchorage Check Program

by Sema Lederman
Community Crime
Prevention Program

On August 21, 1978, a new program for prevention and prosecution of bad check writers was proposed to the Anchorage Chamber of Commerce.

Speaking on the panel of experts was Mike O'Neill, of O'Neill Investigations, Captain Ralph Christianson of the Anchorage Police Dept., Joseph Balfe, District Attorney, District Court Judge Laurel Peterson, and Superior Court Judge Ralph Moody.

Also participating in the program were Robert Tober of the FBI, and "Paul," who had served a total of 12 years in various penitentiaries for felonious check-related offenses. The program was moderated by Sema Lederman.

Joint Project

The new procedures were developed jointly by the Community Crime Prevention Program (Criminal Justice Planning Agency), and the Crime Prevention Committee of the Chamber. After the initial presentation to the Chamber, comments and criticisms were received from merchants and incorporated into the process which is now endorsed by the criminal justice agencies concerned and the merchants themselves.

Merchants' Role

The unique features of the program focuses on merchants taking an active role in investigating and prosecuting bad check writers. There are guidelines for determining acceptability at the time a check is written, such as:

- Not accepting two-party or payroll checks;
- Not accepting counter or start-up checks;
- Requiring Alaska driver's license, a State identification; and
- Writing the place of employment, residence and work phone number, or check writer clerk's initials, and amount of purchase on the check.

For Prosecution

Should a check be returned to the merchant as unpayable, a certified letter, with notification that he/she has 24 hours

to make payment. If the merchant does not receive payment, the merchant signs an affidavit stating that he/she agrees to testify in court or release involved store personnel to participate in court proceedings, and that the merchant will not accept payment or restitution unless so directed by the courts.

The latter is most significant, as often in the past merchants dropped charges if restitution is made after police and prosecutors have gone to considerable effort in bringing a case to court. A practice which has dampened prosecution in the past.

Parole Guidelines

(Continued from Page 3)

are available to the criminal justice system than imprisonment for violating laws, and the statement above clarifies succinctly the purpose of incarceration if it is to be utilized.

Removes Uncertainty

One of the primary criticisms of parole boards throughout the nation has been the uncertainty of when the offenders would be released to parole supervision, if at all. Under the guidelines model, release dates would be established within six months of sentencing, to the distinct advantage of the board, the offender, and the correctional system.

Only 10 Per Cent For Good Time

The Criminal Code Revision Commission proposal included a provision stipulating that offenders would receive 10% of their sentence for good time based upon good institutional behavior. This 10% figure was proposed by Norman Carlson, Director of the Federal Bureau of Prisons, in testimony to the Congress on a similar federal sentencing bill last summer. Carlson has the reputation of being a very "tough" administrator and responsible for over 25,000 inmates in the federal correctional system.

He indicated that the 10% good time figure was quite sufficient to control the institutional behavior of inmates.

Certified letter forms and affidavits are available now at the Anchorage Police Department, and the District Attorney's office is prepared to carry through on all cases which are brought to them.

Nationally, the U. S. Chamber of Commerce estimates a billion dollars or more is lost each year.

In Anchorage bad checks have become a major liability. It is estimated merchants are losing several hundred thousand dollars annually. But in 1977, only 57 bad-check cases were brought to court in Anchorage, or less than one-half of one percent of the 1977 cases.

Presently, Alaska Statutes provide for a reduction of 28% to 34% for good institutional conduct and program involvement. The final version of the criminal code provides for about a 25% reduction for good time.

The guidelines model offers a much more tightly structured systematic approach for determining the length of incarceration for convicted offenders, requiring the cooperation of the executive and judicial branches, and promoting consistency throughout the state in establishing prison terms.

The primary purpose of incarceration should be stated in the statute and offenders should be released from custody when they have served a reasonable time for the crime committed based upon the defendant's prior record.

Decisions would be made upon concrete, verifiable information rather than other extraneous material.

Because of the mathematical process utilized, persons outside the decision-making process could easily verify whether or not the guidelines are being followed as promulgated.

Increasing Support for Guidelines

In summary, many of the professionals dealing with the sentencing issue nationwide for several years now have become strong supporters of a parole guidelines model either by itself, or in conjunction with some form of general determinate or presumptive scheme.

DISCUSSION OF PRESUMPTIVE SENTENCE MODEL
AND PAROLE GUIDELINES MODEL

June 6, 1978

The Criminal Code Revision Commission spent a number of days reviewing various sentencing schemes, and finally adopted a concept incorporating both a presumptive sentence component as well as parole guidelines component. A strong vote to support a combination of these two concepts came after the Commission had viewed various sentencing schemes over a two year period of time.

Their decision to incorporate the parole guidelines model did not come lightly and was adopted only after being made aware of some of the following information. Many of the very strong and vocal opponents of traditional parole throughout the United States have backed off of their strong support of determinate and presumptive sentencing schemes, and are now supportive of a parole guideline model similar to the system functioning in the state of Oregon. For example, the Council of State Governments had adopted a paper and policy statement recommending the abolishment of parole. However, at a recent conference in Colorado, the author of that paper indicated he now feels the parole guidelines system as operating in several jurisdictions was more viable than other "flat time" sentencing schemes without discretionary release. At the same conference, a number of professional people were in attendance from the state of California which has recently adopted a "model determinate sentencing" bill. The determinate sentencing bill abolishes discretionary release from incarceration and much more tightly structures the discretion of the sentencing judge. Each of these professionals from California had been extremely supportive of the determinate sentencing concept when initially proposed to the state legislature, but all are unanimously opposed to it now because of the manner in which it is actually functioning. They are working actively to have the bill repealed, and instead strongly supported a structured parole guidelines concept. This coalition of college professors, ex-offenders, consultants and criminal justice professionals all agreed that the basic philosophy behind determinate or presumptive sentencing is valid, but that the goals supporting that philosophy would be better met by the parole guidelines model.

The American Bar Association has been a very avid opponent of traditional parole. However, in a position paper last fall, they recommended a "community release board" separate from the court established to determine the length of prison terms. A review of their paper indicates the separate "community release board" with tightly structured discretion is the same as envisioned in the Alaska Criminal Code Commission's sentencing proposal with parole guidelines.

The Law Enforcement Assistance Administration recently had a report prepared on parole by Andrew von Hirsch, Professor of Criminal Justice at Rutgers University. Professor von Hirsch was the author of a book released in late 1976 entitled "Doing Justice", which was strongly supportive of a flat time sentencing scheme with the discretion being left to the court and the legislature. Since this book was published in 1976, Professor von Hirsch received the grant from LEAA and spent a considerable amount of time in states who have been working on changing sentencing laws. After becoming intimately familiar with the various concepts involved with the discretion issue and spending time in such states as California and Oregon who have adopted different sentencing models, Professor von Hirsch is now advocating the establishment of a separate commission or board from the judiciary that would set the length of prison terms. Professor von Hirsch testified before the United States Senate last summer in supporting the Oregon Model that would establish the Advisory Commission on Prison Terms requiring that the judiciary and parole board work together in setting up the standards for the parole guidelines.

To quote some of his relevant testimony; "The advantages of the Sentencing Commission, sometimes it is supposed that the alternative to a lot of sentencing discretion is to have the legislature set the sentencing standards. Suggestions to limit the judge's discretion provoke arguments about the ills of legislative sentencing, for instance, the tendency of some legislatures to adopt harsh penalties to show toughness on crime. I do not believe that the legislature is well suited to write the sentencing standards. Aside from the dangers of escalating the penalties for political reasons legislatures simply do not have the necessary time. Adequate standards are complicated and will require experimentation and revision over time. The standard-setting agency would be capable of reviewing and adjusting these standards continually, in the light of accumulating judicial experience with the use of such norms.

"A Congress that each year must decide an international budget and develop major programs in the fields of energy and job creation and a host of other areas simply does not have the time and resources for the task of reviewing and fine tuning sentencing standards adopted in the previous sessions.

"It is preferable, I think, to create a special rule making-agency, namely a sentencing commission, to set up the standards

of the subcommittee bill, Senate 437, as well as the Kennedy Bill Senate 181, and our Javitts Bill proposal; a specialized rule making agency having setting of standards as its primary function can develop expertise in this task, it could regularly modify and revise its norm on the basis of experience."

The Statewide Conference on Incarceration and Re-Entry Alternatives was held in Anchorage on January 19-21, 1978, to bring together diverse elements of the criminal justice system for public education and policy recommendations. At least three of the workshops at this conference specifically addressed the issue of sentencing. One group recommended the narrowing of discretion in all sectors of the criminal justice system, beginning with the police and including the prosecutor, the judge, the classification process, determination of good time, and the parole board. The current House version of the criminal code bill increases the discretion of the police, prosecutor, determination of good time, and the classification process; it both increases and decreases the discretion of the court, probably having little net effect; the only discretion that is cut back relates to the parole board, where discretion is either more severely curtailed or entirely eliminated.

Another workshop group strongly supported the parole guidelines model in the Criminal Code Revision Commission proposal as being helpful in eliminating unwarranted disparities in sentencing. The participants of this group were also supportive of other aspects of the Criminal Code Revision Commission proposal which curtailed the discretion in other areas of the system (such as good-time and classification), although many of these changes are also not included in the House proposal. The participants were strongly supportive of the Criminal Code Revision Commission bill in articulating the goals of the criminal justice system and the purposes of sentencing, which again were not included in the House version in the Criminal Code bill.

The third workshop recommended that "The Parole Board implement a system similar to the federal parole board's guidelines which include a salient factor score, as soon as possible." The U.S. Parole Commission's guidelines are similar to the model adopted by the Criminal Code Revision Commission and for which a federal grant has been received by the Department of Health and Social Services, Parole Board, to implement a guidelines system.

I believe it is of great significance that many of the participants of this conference were not criminal justice employees, but interested citizens who took their own time interacting with criminal justice professionals in order to recommend positive changes to our system. Their suggestions should be given close attention.

The guidelines model will reduce inherent unwarranted discrepancies in the lengths of the sentences being served by offenders sentenced in various jurisdictions throughout the state. Discretion is much better defined and controlled, and very importantly is measurable, under this concept. Data will be available on how closely the guidelines are being followed, and the "mitigating/aggravating factors" are more explicit and are quantified and measurable under the guidelines model. Also, the ranges in the guidelines would be much tighter than those in the current bills before the legislature. Release dates will be based upon objective criteria rather than family background, social history, etc. The specific weight given to each factor would be known in each case as the guidelines model requires the articulation of numerical values rather than a broad statement of the reasons for the length of the prison term.

In other words, under the present system and under the proposal before the legislature, two different judges can give essentially identical reasons for imposing a five year sentence and a 15 year sentence (assuming the presumptive sentence is ten years), and utilize the same reasons for these two very different sentences, and those widely varying sentences would be legal and acceptable.

A much greater degree of consistency will be developed having five people applying one set of guidelines instead of approximately 40 judicial officers applying the statutes giving different weights to each of the mitigating/aggravating factors under broad presumptive terms. Cases will be judged in relationship to similar cases throughout the state rather than other cases that the individual judge has handled. Consistency under the parole guidelines model is also enhanced simply because the board members review approximately seven times the number of felony cases the average judge sentences in one year. This statewide consistency is of major importance in improving the criminal justice system.

The guidelines model would make administrative appeals and court appeals of board decisions much easier to process and the issues easier to define with the concrete criteria and the guidelines matrix. The guidelines are a better vehicle for handling the unwarranted disparity problems than appellant review as the guidelines deal with all sentenced offenders required to serve six months or more, not just those who elect to appeal. Abuse of discretion would be much easier to define than the current "clearly mistaken" rule of the Supreme Court currently in use for sentence appeals.

The guidelines model using an administrative body such as the Parole Board maintains the flexibility to continually revise and update the guidelines based upon current community values and research compiled on the guidelines criteria. The need for correction of defects and omissions has been necessary in all sentencing schemes and can be much more easily handled by an administrative body rather than the legislature. The inherent flexibility allows alterations in the guidelines based upon changes in community perception of offenses and in the addition or deletion of aggravating and mitigating circumstances.

In the last six months, new research techniques have developed a much more sophisticated prediction ability that would hopefully dovetail with the guidelines model insuring less risk to the community from those released.

Another very important section deleted from the Criminal Code Revision Commission proposal was a section that made very clear the purpose of incarceration was for the punishment for the offender, commiserate with the seriousness of the present crime and the offender's prior record. This statement was developed after considerable discussion in which the members of the Commission felt the public should understand the primary purpose of incarceration was for punishment of the defendant. Programming and services to offenders would strongly be encouraged in correctional facilities and the state correctional system would still have a responsibility for programming offenders. However, including this section in the statute would make clear that the most severe sanction available to the state, imprisonment, was primarily for the purpose of punishment. Far more programs are available in the community for the "rehabilitation" of offenders and far less serious sanctions are available to the criminal justice system than imprisonment for violating laws, and the statement above clarifies succinctly the purpose of incarceration if it is to be utilized.

One of the primary criticisms of parole boards throughout the nation has been the uncertainty of when the offenders would be released to parole supervision, if at all. Under the guidelines model, release dates would be established within six months of sentencing, to the distinct advantage of the board, the offender, and the correctional system.

The Criminal Code Revision Commission proposal included a provision stipulating that offenders would receive 10% of their sentence for good time based upon good institutional behavior. This 10% figure was proposed by Norman Carlson, Director of the Federal Bureau of Prisons, in testimony to

the Congress on a similar federal sentencing bill last summer. Carlson has the reputation of being a very "tough" administrator and responsible for over 25,000 inmates in the federal correctional system. He indicated that the 10% good time figure was quite sufficient to control the institutional behavior of inmates. Presently, Alaska Statutes provide for a reduction of 28% to 34% for good institutional conduct and program involvement. The House version of the criminal code maintains the 34%. The responsibility for administering good time rests with the superintendent of each correctional facility. The discretion available to the Division of Corrections in the form of good time, is as much, and sometimes more than that available to the parole board under present statutes. Nothing in the House version of the bill curtails this good time discretion or limits it.

In summary, many of the professionals dealing with the sentencing issue nationwide for several years now have become strong supporters of a parole guidelines model either by itself, or in conjunction with some form of general determinate or presumptive scheme. The guidelines model offers a much more tightly structured systematic approach for determining the length of incarceration for convicted offenders, requiring the cooperation of the executive and judicial branches, and promoting consistency throughout the state in establishing prison terms. The primary purpose of incarceration would be stated in the statute if the Criminal Code Revision Commission proposal is adopted and offenders would be released from custody when they have served a reasonable time for the crime committed based upon the defendant's prior record. Decisions would be made upon concrete, verifiable information rather than other extraneous material. Because of the mathematical process utilized, persons outside the decision making process could easily verify whether or not the guidelines are being followed as promulgated.

Many of the professionals referred to in this paper have indicated an interest in the outcome of the sentencing bill here in Alaska, and have verbalized a willingness to travel to the state and testify personally before the legislature if this is desired. There are some other knowledgeable persons that have had the opportunity to review many of the sentencing structures in other jurisdictions and including those states that have recently changed their structures, and these people are willing to present testimony here in Alaska if it is desired.

MANUAL
FOR
ALASKA STATE
PROBATION & PAROLE OFFICES
DIVISION OF CORRECTIONS
DEPARTMENT OF HEALTH & SOCIAL SERVICES

5

PROBATION & PAROLE MANUAL

PREFACE

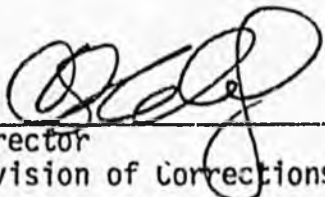
This manual is designed and printed in such a manner that the pages and sections may be replaced as necessary. When replacement pages are issued from the Division of Corrections' Central Office, the old sheets are to be removed and sent to the Central Office where they will be destroyed. Whenever a change is issued to an office, the old sheets must be returned within a period of ten days. This is necessary in order that all manuals will be up to date and contain the same information.

Copies of the manual will be distributed to each institution and to each field probation office. The manuals will be numbered and signed for by the responsible officer in charge of the institution or office.

This manual and all subsequent amendments are the property of the State of Alaska. Each manual has been serial numbered and must be accounted for at all times.

It is not possible to cover every situation, policy procedure, or regulation that may be necessary or develop within a probation and parole setting in one manual. A manual is intended to serve as a guide and to establish basic minimum requirements. It will also serve to provide uniform and consistent measures for similar operations throughout the system. Each regional office will establish its own rules and regulations and procedures for carrying out the policies contained in this manual. These regulations must be submitted to the Director for his approval.

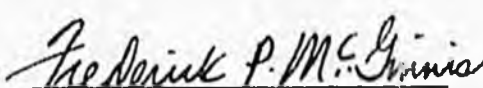
Signed:



Director
Division of Corrections

12/13/72
Date

Approved:



Commissioner
Department of Health
& Social Services

1/10/73
Date

INTRODUCTION

The Constitution of the State of Alaska under Article I, Section 12, provides the basis on which our present correctional system is founded. Although the reference is not lengthy, the intent is clearly spelled out for it provides that penal administration shall be based upon the principal of reformation and upon the need for protecting the public.

In order to carry out the constitutional mandate, the Division of Corrections has adopted the following philosophy and goal: "It is the philosophy of the Division of Corrections of the State of Alaska, that all persons are worthwhile, and their behavior is understandable and can change. It is the goal of the Division of Corrections to develop and provide programs designed to change the offender in order that he may function within the norms and laws of the community in which he chooses to live. Community protection will be reinforced by the implementation of these programs."

The State Legislature has given statutory authority for the care, custody and treatment of all State probationers and parolees to the Commissioner of the Department of Health and Social Services. The Commissioner, in turn, has administratively delegated the responsibility to the Director of the Division of Corrections whereby rules, regulations and procedures have been developed for the operational standards of all State probation and parole offices in Alaska.



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Subject:
PRELIMINARY INTAKE
(JUVENILE)

PURPOSE

To standardize preliminary intake procedures.

POLICY

Title 47 of the Alaska Statutes indicates that only the Juvenile Court has the authority to determine which children will be formally petitioned to Juvenile Court or be processed informally when allegations are presented. It is the responsibility of the individual Juvenile Court in a specific judicial district to establish policy and regulations to implement policy. It is the responsibility of the Court Intake Officer or Corrections' Probation Officer acting as an Intake Officer, in the absence of a Court Officer, (Alaska Children Rules, rule 4 - Sec. F) to carry out the Court's policy.

PROCEDURE

Each Regional Probation and Parole Supervisor shall establish procedures which are suitable and agreeable to the specific judicial district in the same probation-parole region, to carry out that particular judicial district's Juvenile Court's policy.



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2101

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Subject:

INTAKE ASSIGNMENTS
(JUVENILE & ADULT)

PURPOSE

To establish statewide standards in reference to assignment of cases (informal and formal).

POLICY

(A) Cases that come to the attention of the regional and district offices will be assigned to line staff for investigation, planning and recommendation. Such assignments will be made by Regional Probation-Parole Supervisors, District Supervisors, Line and Project Supervisor, but not clerical staff.

(B) Formal intake assignments shall be received from the Corrections' Central Office Interstate Desk, Alaska Court System (Superior Court and Standing Masters for the Children's Court), Alaska Parole Board, Alaskan correctional institutions and Alaskan law enforcement agencies, where no formal Court Intake Officer system exists and the probation staff member serves as a Court Intake Officer.

(C) Informal intake referrals and assignments may be received from parents, children, schools, other agencies and private persons. It should be understood that intake assignments of these matters must have the court's sanction and supervision is voluntary between the client and the Division of Corrections, as the Division has no legal jurisdiction unless the Division requests it and receives it through a formal court action.



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Subject:

INTAKE ASSIGNMENTS
(JUVENILE & ADULT)

(D) Adult misdemeanants may be accepted for a court report if there is time for the accepting region or district to complete an investigation. However, intake acceptance is not mandatory, but will be accepted at the discretion of the receiving regional or district office.

PROCEDURE

Each Regional Probation and Parole Supervisor shall develop procedures in writing to carry out the above policies.



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2102

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Subject:

INITIAL COURT REPORTS

PURPOSE

To establish content and quality of initial court reports (juvenile and adult).

POLICY

(A) All initial court dispositional reports shall contain the present sub-headings and a definite plan for the adult or juvenile offender. The present standard formats shall be utilized for court reports statewide until further notice. The plan should include the needs of the individual offender and how they are going to be met, where the program is to take place and how long it should take. If institutionalization is recommended, the same standard applies concerning type of custody and treatment program recommended.

(B) Content should be brief and to the point. The "Present Offense" category should be explained and taken from official sources other than the District Attorney's legal description of the offense. Information should include narrative as to what actually occurred during the offense time in a condensed version.

(C) A high degree of quality is necessary in terms of good sentence structure, logic, factual reporting, planning and evaluation. Supervisors should read reports carefully for technical and professional mistakes and illogical statements. Recommendations should be easily understood. The reader should be able to predict what the general recommendation is going to be before it is read as a result of reading the evaluation and plan.



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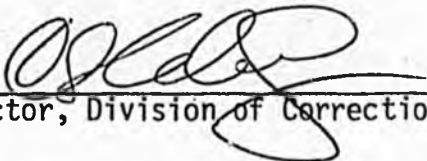
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Subject:

INITIAL COURT REPORTS

(D) Financial information should be accumulated for recommendations regarding payment of restitution, fines and payment of costs for care. Family insurance policies and eligibility requirements for Social Security and Veteran's Administration benefits should be screened as a possible financial resource.

Approved:


Director, Division of Corrections

4/19/73
Date


Commissioner, Department of
Health & Social Services

5/25/73
Date



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Dept. of Health & Social Services
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2103

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Subject:

OTHER REPORTS

PURPOSE

To establish the number and types of intake reports which are written, time frame when reports must be completed and content and quality of reports.

POLICY

(A) All probation-parole staff shall accept and complete the following types of reports: Juvenile Court Disposition reports, adult oral and written Pre-Sentence reports, Interstate Investigation reports, Pre-release reports, Furlough reports, supplemental court reports, various miscellaneous reports and Post-Sentence reports, when referred by the court system, Parole Board, correctional institutions, Interstate Compact, Central Office and the line officer's immediate supervisor.

(B) All initial court reports shall be completed and filed within 30 days of assignment if the court system does not require an earlier time parameter. If the court allows, the 30-day limit can be extended if the assigned staff member justifies to the supervisor the need for more time because of circumstances beyond the control of the assigned staff member. These circumstances should be unique and occur only in exceptional cases.

All other intake reports, with the exception of Post-Sentence Reports, shall be completed and filed within three weeks from the time the case was assigned.



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Subject:

OTHER REPORTS

Post-Sentence Reports need not be completed right after the defendant is sentenced, if a Pre-Sentence wasn't done, on those defendants who are placed on probation and remain in the same court jurisdiction for supervision. However, if the defendant is sentenced to an institution, a Post-Sentence Report should be completed within three weeks as the receiving institution will need the report for classification purposes. When probation is revoked, a Post-Sentence must be completed within three weeks for the same reason.

If the defendant receives probation but will be supervised in another district, region or state, a post-sentence must be completed within three weeks.

(C) All reports classified as "other" should be completed according to existing instructions from the Interstate Desk and the Parole Manual of the Alaska Board of Parole.

(D) Court reports have priority, regarding completion, over all other types of intake reports. Regional discretion may be used concerning the other types of intake reports.

PROCEDURE

Regional supervisors of probation and parole shall establish procedures to carry out this policy.



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Subject:

NEW CASES

PURPOSE

To establish when a new case shall be opened and closed.

POLICY

(A) A new case shall be opened at the time of referral in the intake stage and may be closed during the same phase if no further action will be required by the Division when intake has been completed. A file folder with the referral's name affixed on the label shall be given to the assigned officer with as much preliminary data as possible concerning the referral. Files closed at the intake level during any month will be transferred to the Central Records Unit by the 15th of the following month.

(B) If the Division has need to continue the matter, the case shall be left open and appropriate disposition made.



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2105

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Subject:

INSTITUTIONAL PRE-RELEASE
PLANNING

PURPOSE

To establish institutional pre-release guidelines in order to enhance the development of a realistic supervision plan.

POLICY

(A) Probation-parole staff should be involved in juvenile and adult pre-release planning and whenever possible with the release unit of the releasing institution and person to be released. The offender's plan should be discussed thoroughly and the offender and assigned officer should have a clear understanding of what will be expected of each other. Probation or parole conditions should be carefully explained to the person soon to be released. This orientation can be completed on an individual or group basis.

(B) The assigned field officer shall then investigate the release plan for its authenticity and whether or not it is the best plan available. If the assigned staff member does not feel that the plan is authentic or realistic, it then becomes the staff member's job to try and develop a better plan with the offender and appointed institutional official. The assigned field staff member has the authority to approve or disapprove a particular plan. In any event, if the offender has been approved for release to a workable plan it becomes a joint responsibility between the assigned staff member, offender and institutional representative to develop a suitable plan of release.



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Subject:

INSTITUTIONAL PRE-RELEASE
PLANNING

(C) When a release plan is approved, no later than three weeks from the date of assignment, the approving officer must inform the holding institution of the date when release is to be made along with appropriate reporting instructions.



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2200

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Subject:

PROBATION/PAROLE SUPERVISION

PURPOSE

To establish standards for probation and parole supervision.

POLICY

(A) When a person is granted probation or parole, it is necessary that the assigned staff member immediately or, as soon as possible, arrange for a face-to-face interview in order to become acquainted, discuss the conditions of supervision and implement the community plan. This initial supervision interview will be possible with few exceptions. It is understandable that when a probationer or parolee arrives in the state from another state to a remote location where no staff member is stationed that an interview may not take place for some time. However, contact can be made by mail through other agency persons located in the same area in which the offender resides or by phone.

There shall always be some type of initial contact made to set up a supervision plan.

(B) The individual regional or district office shall establish office and street contact times with those placed under supervision to meet the needs of the person under supervision. Field contact is preferable to office contact, and should be used when possible. It shall be the prerogative of the individual operating unit to determine what times are most beneficial



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Subject:

PROBATION/PAROLE SUPERVISION

for supervision and treatment purposes. However, office schedules should be reported to Central Office and office hours must conform with the State mandate of 8:00 a.m. to 4:30 p.m., Monday through Friday. In the larger offices, someone should open the office at 8:00 a.m. every work day. This does not mean that every staff member must report to work at that time if a different shift is required to meet supervision demands.

(C) Every probationer and parolee shall be contacted at least once a month, with the exception of those to whom the Parole Board has granted the minimum supervision status of reporting once a year to the Parole Administrator.

If monthly contact is not needed, it is probable that supervision is unnecessary. In this case, the court should be petitioned to terminate probation, or the Parole Board should be petitioned to place the parolee on minimum supervision status.

(D) Supervision reports by mail shall be authorized when: No personal contact is possible because the person resides or works in a remote location.

(E) Each contact, regardless of type, shall be recorded in the file as outlined in the Field Action Notice card (FAN) written procedures.

PROB

Regional Supervisors of Probation and Parole shall adopt procedures to implement this policy.



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2201

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Subject:

SUPERVISION REPORTS

PURPOSE

To establish standards for supervision reports to the court system, interstate authority and Parole Board.

POLICY

(A) Probation and parole staff shall provide the following reports:

To the Court System

1. Juvenile annual review reports to be filed with the court of jurisdiction by the court jurisdiction anniversary date.
2. Special progress and conduct reports as required by individual courts.
3. Supervision termination reports.

To the Parole Board

1. Progress and conduct reports when requested by the Board.
2. Parole termination reports.



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Subject:

SUPERVISION REPORTS

To the Interstate Authorities

1. Progress and conduct reports semiannually.
2. Special reports upon request by the sending state.
3. Supervision termination reports.

(B) The supervision report shall supply the following minimum data:

1. Identification information to include name, age or birthdate, physical characteristics, offense history, sentence and type of commitment (eg. probationer - parolee) and expiration date;
2. Residence address, employment or school location;
3. Supervision plan and whether or not the person being supervised is on or off plan, what problems and strong points exist. List corrections or recommendations that should be made and sign the report.

PROCEDURE

Each Regional Probation-Parole Supervisor shall adopt procedures to implement the above policy.



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Subject:
REVOCATION REPORTS

PURPOSE

To establish standards for revocation reports to the court system, interstate authority and the Parole Board.

POLICY

(A) Probation and parole staff shall provide revocation reports to above three systems with the following information:

1. Identification data as listed in "B-1&2" of Section 2201;
2. Brief history of progress and conduct under supervision;
3. Violation allegations listed in order by date of occurrence.
Allegations should answer the questions who, what, when, how and, if possible, why;
4. The report should be accompanied by any evidence or other documentation which the officer considers pertinent.
5. The report should include a recommended disposition.

PROCEDURE

Each Regional Probation-Parole Supervisor shall adopt procedures to implement this policy.



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Subject:

FURLOUGH LAW SUPERVISION
RESPONSIBILITIES

PURPOSE

To establish policy and procedures to implement the Furlough Law.

POLICY

(A) When an offender is released from an institution on furlough for less than 30 days, the regional or district office shall be notified, prior to his release, for what purpose and how long. The closest supervising office shall provide service to the offender if he requests help. An active supervision will not take place in the field office because of the shortness of the release period. The institution shall retain the file and jurisdiction.

(B) Prior to an offender being released from an institution for more than 30 days, the institution will notify the regional or district office that the offender is being released and to what program, where the offender will reside and any other pertinent information. The released offender shall report to the field office for supervision and assistance.

(C) Periodic progress reports will be supplied to the releasing institution by the field staff. The official file will be retained by the institution in order that computation of good time may be continued. A dump file will be utilized by the supervising field staff until supervision ceases.

In all cases, the releasing institution retains jurisdiction and the responsibility to return the offender if this becomes necessary.



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Subject:
FURLOUGH LAW SUPERVISION
RESPONSIBILITIES

PROCEDURE

The Regional Probation-Parole Supervisors shall adopt procedures with the institutions in their respective regions to implement this policy.



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Subject:
MANDATORY RELEASE

PURPOSE

To establish mandatory release guidelines and standards.

POLICY

(A) Every inmate released from a correctional institution who has been awarded good time is to have a certificate of "Good Time Award and Mandatory Release" filled out and placed in his file. If an inmate is released with less than 181 days good time to his credit, he or she is released without supervision. If an inmate is released at the expiration of his sentence less accrued good time of more than 180 days, the inmate is released under mandatory release supervision and is considered as if he were on parole.

(B) The releasing institution fills out the Mandatory Release Conditions form and the releasee should sign it before he leaves the institution. If the inmate doesn't sign it, have him sign during the first interview with the parolee. If the parolee refuses to sign it, the parolee is in violation and the assigned officer may arrest him and request a parole revocation warrant.

(C) If the assigned officer desires further conditions of mandatory release, include these conditions under the last condition which is #9.



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Subject:

MANDATORY RELEASE

(D) All offices should have a small supply of Terms and Conditions of Mandatory Release on file in case the releasee enters the supervising office without having signed his conditions. Further, the assigned officer may desire to change or add to condition #9 and these forms will allow the officer to do so.

PROCEDURE

All Regional Probation-Parole Supervisors shall work with the Superintendents in their respective areas to adopt procedures to implement this policy.



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Subject:

PROBATION-PAROLE SUPERVISION
CONFLICT

PURPOSE

To establish guidelines to determine when parole supervision stops and probation supervision begins.

POLICY

When probation supervision is to follow parole supervision, be it mandatory release supervision or regular parole, the assigned staff member will contact the court of jurisdiction to establish whether or not the court desires probation supervision to commence. If not, then a petition for probation termination must be filed. If probation supervision is still ordered to follow, then supervision shall be ongoing, but under conditions of probation rather than parole.

PROCEDURE

All Regional Probation-Parole Supervisors shall request policy clarification on this issue from the presiding Superior Court Judge in their regions.



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Subject:

RESTITUTION, FINES &
SUPPORT PAYMENTS

PURPOSE

To establish policy for the payment of restitution, fines, and support payments.

POLICY

(A) Restitution, fines and support payments may be ordered by the court during the sentencing (adult) or disposition (juvenile) hearing.

(B) It shall be the policy of the field office in all cases to request that the court specify amount and frequency of installments. This will avoid conflict between probationer and probation officer.

(C) It is preferable that, when possible, the court specify that payments are to be made direct to the court clerk's office. This enhances rapport between probationer and officer, and avoids burdensome bookkeeping procedures.

(D) If the court of jurisdiction desires the assigned staff member to collect the payments, all money obligations are to be paid to the probation officer by money order or certified check. No cash or personal check is ever acceptable.

PROCEDURE

(Regional Probation-Parole Supervisors shall establish procedures in each region with the respective Superior Courts as to how and by whom collections



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Subject:
RESTITUTION, FINES &
SUPPORT PAYMENTS

shall take place. Each Regional Supervisor shall first explain to the court system what the preferred probation-parole policy is regarding this issue.



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Subject:
VIOLATION DECISIONS

PURPOSE

To establish guidelines when offenders and juveniles under our supervision should be brought to the court's attention when an alleged violation has occurred.

POLICY

(A) All felony acts should be brought to the court's immediate attention. Serious misdemeanors should also be brought to the court's attention. It behooves all Regional Probation-Parole Supervisors to meet with the judges in their respective jurisdictions and, through joint discussions, determine regional policy on what type of other ^{violations} conditions of probation the judges want brought to their attention. Further discussion should take place to determine what type of violations the judges want to leave up to the discretion of the supervising staff.

(B) Parole policy should be developed by the Parole Board with the Division of Corrections staff to determine the same issues as outlined in "A" of this policy.

PROCEDURE

Each Regional Probation-Parole Supervisor shall meet with the members of Superior Court in each judicial district to determine policy and procedures regarding the above issue.



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Subject:
CASELOAD AUDITS

PURPOSE

To establish a statewide policy for Caseload Audits.

POLICY

(A) In order to assure that offenders are being contacted, services are being delivered, conditions of supervision are being met and files, with the necessary information, are being kept up to date. It is necessary that caseload audits be completed by line, special project and district supervisors once a month on 1/3 of each caseload assigned to the staff member under their respective supervision.

For those staff whose supervisor is not or cannot be in personal contact once a month, their entire caseloads shall be audited at least once every two to three months during a regular supervisory trip.

(B) The audit format to be used statewide is as follows:

1. Type and number of contacts with persons on caseload, such as personal or collateral.
2. Classification of cases.
 - a. By tests if tests are used
 - b. By program (optional)
 - c. By type of security (Maximum, medium, minimum)



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Subject:
CASELOAD AUDITS

3. Case problems and deficiencies.
4. Recommendations and solutions to #3.
5. Conditions of supervision and how the offender is meeting them.
6. All cases to be audited that are coming up for early termination or normal expiration one month hence, or cases to be transferred one month in the future.
7. At least 1/3 of each officer's caseload will be audited each month. In three months time, a complete audit of each caseload will occur.

PROCEDURE

Each Regional Probation-Parole Supervisor shall adopt procedures to carry out this policy.



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Subject:

SEARCH OF PERSONS ON
PROBATION & PAROLE

PURPOSE

To establish under what condition skin searches may or may not be done.

POLICY

(A) Only institutional personnel may carry out skin searches. No probation or parole staff member may conduct this type of body search. If a skin search is deemed necessary, the person to be searched should be placed under arrest, escorted to the nearest correctional facility and request made of the institutional staff to carry out the search. Solid probable cause for arrest and search should be established before an arrest is made.

(B) Probation-parole staff may search the clothing and personal effects of a person under arrest for obvious weapons and contraband in order to ensure the safety of the escorting personnel to the nearest institution.

PROCEDURE

Each Regional Probation-Parole Supervisor shall adopt procedures to carry out the above policy.

CR05 CR06 JP03
10-10-78 #7

ED COLEMAN
JOHN CAIN
KEITH STELL

THE DEPT. OF PUBLIC SAFETY WILL MAIL SPECIAL COMMISSIONS TO TROOPER DETACHMENT COMMANDERS TOMORROW. THE DETACHMENT COMMANDERS WILL SEND THESE COMMISSIONS TO QUALIFIED PROBATION OFFICERS. A COPY OF THESE COMMISSIONS WILL BE SENT TO ME. AS SOON AS I RECEIVE A COPY I WILL NOTIFY YOU WHO IS AUTHORIZED TO CARRY A FIREARM.

UNTIL A NEW POLICY IS ESTABLISHED, THE OLD POLICY ON FIREARMS SHALL BE UTILIZED THAT POLICY NUMBER IS #210.

WALT JONES

CC: C. SOTHAN

PLEASE ACK. MESSAGE #7 AND THANKS.

MEMORANDUM

TO: Herb Maschner, Assistant Director-Anch
Walter B. Jones, Assistant Director-Jnu
Michael Gilbert, Training Officer
All Institutional Superintendents
All Regional Administrators

DATE: March 9, 1977

FILE NO:

TELEPHONE NO: 465-3376

Thru: Charles E. Sothan, Deputy Director

FROM: William H. Huston, Director
Division of Corrections

SUBJECT: Carrying of Concealed
Weapons

You are hereby directed to disseminate the following policy to all employees under your supervision and all new employees during their orientation period.

Until further written notice from the Director, the carrying of concealed weapons by members of the Division and/or the carrying of weapons aboard aircraft as part of official duties for the Division is not condoned or authorized by the Division of Corrections.

Exceptions to this memorandum (such as prisoner transportation, etc.) must be authorized on an individual basis and in writing by the Director.

WHH:cc



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Subject:
FIREARMS POLICY

PURPOSE

To establish departmental policy regarding the use of firearms by probation/parole staff.

POLICY

It is the policy of this department that the primary effort of the probation/parole officer should be directed toward helping offenders live responsibly in the community and toward providing the judicial and executive branches with information and advice in order to facilitate good decisions regarding the management of sentenced offenders in the community. In order to further this policy, it has been determined, after a great deal of careful consideration and consultation with agencies from other jurisdictions, that it is neither necessary nor desirable for probation/parole officers to regularly carry firearms in the performance of their duties. Indeed, the carrying of firearms on a regular basis alters the role of the officer, affects the relationship between the offender and the officer, and is inimical to the proper performance of these duties.

It is recognized, though, that there may, under certain circumstances, be an element of danger in the work of the probation/parole officer and that there are rare occasions when having a firearm could conceivably reduce that danger. However, it is the position of this department that a firearm often escalates a non-deadly situation into a deadly one, and



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Subject: FIREARMS POLICY

the officer may be in a more dangerous position by having the weapon.

For all the reasons stated above, the carrying of firearms on a regular basis by probation/parole officers is prohibited. The remainder of this policy will establish the policy for carrying firearms under special circumstances.

It is incumbent on the individual probation/parole officer to maintain a proper concept of his role as a member of a helping profession; therefore, it is also appropriate for the individual officer to decide whether to carry a firearm under the following provisions of this policy.

Those probation officers who wish to exercise their option to carry firearms on selected occasions:

1. Must be qualified in the use of firearms according to established divisional policy (see attachment).
2. Must be assigned to adult matters exclusively or must refrain from working with juveniles while carrying a firearm. An exception to this rule is when the field officer is working in a remote area of the state and has no opportunity to secure his weapon because a qualified locked depository is not available.

The circumstances which will be considered acceptable reasons for carrying a firearm are:



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FIREARMS POLICY

1. When the probation/parole officer has reason to believe that the probationer or parolee who needs to be interviewed is involved in felonious criminal activities, might be armed or in the company of others who are armed.
2. When it is of immediate importance to arrest the probation or parolee and no law enforcement officer is available for assistance.
3. Where there is a substantial likelihood that the arrest of a potentially dangerous probationer or parolee might be necessary and no law enforcement officer is available.

When, on the basis of one or more of the above reasons, a probation/parole officer makes the decision that he or she needs to be armed for a specific contact, he or she shall file with the respective regional administrator or with the respective district supervisor a justification report in the form of a brief memorandum containing the following information:

1. Name of case and identification number.
2. Status of case (probationer/parolee).
3. Occurring offense and significant features of prior criminal record.
4. Place, date, and time contact is expected to be made.



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FIREARMS POLICY

5. Specific reason why carrying of a firearm is deemed necessary.
6. Reason why a regular law enforcement officer is unavailable for assistance.

This information will suffice for Section I of the justification report.

Section II will be in the form of a dated addendum to the justification report to be filed immediately after contact has been made. It will consist of a brief description of the contact and information as to whether the firearm was needed.

The justification report need not be lengthy, and it may be handwritten. Regional administrators may wish to devise a form for the submission of the firearms justification report. Probation/parole officers who are situated in offices other than at the location of the regional administrator will file their reports by mail with Section I being mailed before the contact; Section II within the first business day after the contact.

Regional administrators will review all justification reports as they are submitted and will forward them to the Assistant Director of Probation/Parole and Youth Services on a monthly basis. After the Assistant Director reviews the reports, he will make an oral report to the Director of the Division of Corrections as to the extent of the carrying of firearms.