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HB

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(FILE NO. 4)

STATE OF ALASKA

JAY S. HAMMOND, Governor

DEPT. OF HEALTH AND SOCIAL SERVICES

BOARD OF PAROLE

ALASKA BOARD OF PAROLE
POUCH H-01E
JUNEAU, ALASKA 99811
PHONE: (907) 465-3384

February 1, 1979

Mr. Arne Maki
Legislative Audit
Audit Section
Pouch W
Juneau, Alaska 99811

Dear Mr. Maki:

Enclosed with and attached to this letter is information you have verbally requested from the Parole Board during your numerous trips to our office during the last three months. This information is an addition to the various material copied for you or Mr. Martin and the material we have loaned to you. The information enclosed covers a variety of topics. As you know, I have spent many hours with you discussing some of the basic whys and wherefores of the criminal justice field in general, and specifically the parole process. As I mentioned before, it is difficult to understand the operation of a parole board without a thorough knowledge of the other workings of the criminal justice system.

Before your agency completes its audit of the Alaska Parole Board, I would highly recommend your reviewing at least a few materials to help familiarize yourself with the criminal justice system from some of the respected resources in the field. "Issues In Sentencing" is a concise bibliography of material relating to various issues in the sentencing arena which, of course, relate directly to the parole decision-making process. This document will provide you with a great deal of material from which to select for your reading. We have some of that reading material in our office. I understand you have already been provided with a copy of Andrew vonHirsch's paper entitled "Abolish Parole?". Also, I understand Susan Knighton from the Criminal Justice Planning Agency has provided you with various recent papers relating to the suitability of maintaining parole as part of the justice

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system. "Parole Systems In The United States" provides the reader with an excellent short summary of each paroling authority in the United States that would allow you to compare the Alaska Board with other similarly-situated agencies. A very recent publication, "The Future of Parole" dated October, 1978, gives a very fresh perspective to a hotly debated subject. I would also refer you to articles written by Drs. William Moseley and Vincent O'Leary who are well established as researchers and authorities in the area of criminal justice. We have a few in our office.

One other reference source that is frequently utilized as a text book in criminal justice programs throughout the country is entitled "Parole", edited by William E. Amos and Charles L. Newman. I specially refer you to Professor Wilkins' article on pages 154. The article on page five will provide you with some additional background information regarding the parole process and you will probably also like to read Professor Newman's article beginning on page 22.

I have also included some background information on the Alaska Parole Board I developed for a consultant that will give you some historical perspective. We have already copied the "Standards for Adult Paroling Authorities" developed by the Commission on Accreditation for Corrections which you will probably want to use as a tool in assessing the Alaska System.

Let me briefly note some of the other material I have copied for which you requested documentation. Attached will be the second letter I mentioned to you regarding my appointment to the Parole Board temporarily as a voting member, as I already gave you the most recent letter of appointment. These are the only two times I have acted as a voting Board member since working for the Parole Board.

You were interested in lawsuits against the Parole Board. The attorney we work with on a regular basis in the Attorney General's office has spoken with Legislative Audit staff, made his files available to Legislative Audit staff, and has made copies of any material you requested. I guess your staff understands that irrespective of how we conduct our hearings or write our policy, lawsuits are inevitable in this business. As I am sure you are aware after reviewing some of Mr. Guaneli's files, most judges do not hand down any formal written decisions when lawsuits are settled. An

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exception to this was a recently decided case involving the Parole Board here in Juneau, and I will include a copy of that memorandum of decision (regarding David Avery) written by the judge for your information. This should give you some idea of the kinds of charges frequently made against the Board that we must defend. I will also include a copy of a memo I sent to Mr. Guaneli in early 1978 regarding another lawsuit filed against the Board. That particular case has been dismissed against the Board as not having any merit and the judge has ordered the defendant returned to custody to resume serving his sentence. You will note from my memo to Mr. Guaneli lawsuits are extremely time-consuming on the part of the staff, even if they are frivolous and the court finds in our favor. I will also include the order from another case (regarding Jeff McCracken) as this case relates specifically to some of our written policy regarding special hearings. This policy deals with appeals of the Parole Board decisions, which the Superior Court found to be sufficient. These three cases are typical of litigation against the Board.

You also requested information regarding other objectives of the Parole Board besides those listed in our current budget document. I have researched our files, notes of administrative meetings, and have put together this information for you from the various sources. Many of these objectives were established two or three years ago during discussions with the Board members while preparing budgets, and they have been continued since that time, even though the budget people do not want the information in the actual budget document. Since your agency has access to all relevant state government files, I have not had copies made of the program performance reports or the budgets referred to in this memo.

Although I do not have these documents in our office, the Division of Corrections has done a recidivism study for a number of years which gives you some data regarding the success or failure of parolees or other kinds of persons released from the correctional system. This information should be available through Dr. Mohr in the Division of Corrections. Enclosed is a sample of information (data) we have put together each year for the Criminal Justice Planning Agency which they include in their Annual State of Alaska Criminal Justice Plan. This document is widely

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distributed throughout the Criminal Justice community and in the public sector. I believe we have already furnished you with copies of the Board's annual reports through 1976. The 1977 and 1978 reports were completed in recent months and are enclosed.

As I mentioned to you before, the Parole Board has worked very diligently in attempting to gather data that would aid us in individual case decision-making and to assist us with management decisions. Information is enclosed regarding our work to get on line with the Uniform Parole Reports people and our work with other data people here in the Department of Health and Social Services. The one year data from Uniform Parole Reports is also in the enclosures. The Parole Board will soon be designated a primary user of the Alaska Justice Information System which will give us more complete direct access to data on offenders in the correctional system. Also, I will be on the Advisory Board of the OBCIS Grant which will oversee the collection of data on offenders and can be used by the Parole Board. My staff has also worked very closely with Dr. Mohr, Research Director, Division of Corrections, in helping him set up a risk assessment profile for corrections offenders. Documentation of these last few comments may be obtained by contacting Dr. Mohr, Division of Corrections, and Susan Knighton, Criminal Justice Planning Agency.

Also enclosed are a number of memoranda that address the Board providing information regarding the parole process to other agencies and individuals and requesting input from them. Many other meetings took place or information was solicited by phone for which no documentation will exist. This information includes contact with such diverse groups as the Coalition on Corrections, Superior Court Judges, Division of Corrections employees, local corrections advisory groups, the Governor, Commissioner of Public Safety, Commissioner of Health and Social Services, and others. The Parole Board has written several articles that have been published in the "Alaska Justice Forum" in order to publicize the proposed changes in Board's release policies. A formal presentation regarding these changes was also made at the Statewide Conference on Corrections held in Anchorage in 1978, and a written report of the presentation was made a part of the Conference's official report distributed statewide. This

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conference was heavily attended by citizens of southcentral Alaska. Also included is a list from my appointment calendar of some of the various meeting staff have attended to solicit input. Information you requested regarding other meetings will also be on that list.

A document of some significance is available from C.J.P.A. entitled "Corrections Task Force on Standards and Goals". Thousands of man hours of staff time, task force member time, interviews with criminal justice staff, and time with citizens in public hearings around the state, were spent in compiling this document. As chairman and a vocal member of this task force, I was responsible for that recommendation of the task force that sentence disparity - be identified as one of the major problem areas. I was very much aware this discussion might finally result in a recommendation to abolish the Parole Board. Although I raised the issue, I continued to study it and became increasingly concerned that the State not make major changes in the system without having made a responsible analysis of the problem and all available solutions. (See my memo dated 4-27-76 to Peggy Zufelt). That is exactly what happened with the revised criminal code.

The question of possible racial bias has been making headlines in recent months in Alaska. Inequities in the justice system, including racial bias, were reported at public hearings of the Governor's Commission on the Administration of Justice as early as 1975. See my enclosed letter to the Executive Director of C.J.P.A. dated May 29, 1975.

Also, you will probably want to look at some of the recommendations that came out of the Statewide Conference on Incarceration and Re-Entry that took place about a year ago on January 19-21, 1978. A copy is enclosed and two sections refer specifically to the Parole Board.

As you requested, I will also enclose a copy of the statutory revisions we have submitted to the department for transmittal to the Department of Law in recent years.

You requested documentation regarding problems we have had with the Commissioner's office as well as with other governmental entities. A great deal of information is enclosed regarding the problems with the Commissioner's office, especially

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relating with our inability in getting responses to our communications from that office. Also included is some information documenting problems with budgeting and with the Division of Corrections.

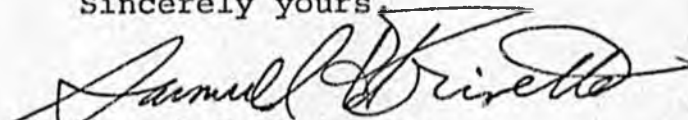
Also enclosed is documentation you requested that we had initiated formal record-keeping for Parole Board policy meetings (August 1978 being our last one). Also included is information regarding the training of Division of Corrections staff, Parole Board members, Parole Board staff, and a sample of information staff and members bring back from outside meetings that generate ideas for changes in the parole process. Much of this information has been transformed into positive, concrete changes in our operation in recent years.

You also requested information regarding some of the accomplishments of the Parole Board in recent years, and a copy of such correspondence is also enclosed with this memo. Also enclosed is a sample of some of the work we have done on revising our policies and procedures. We have much more and will copy it if necessary. You have already been provided a copy of recent policy changes.

If I have overlooked any other information you requested, please contact me at your convenience. For ease of reference I have attempted to title each enclosed document in large letters. Some material will refer to more than one topic but I have tried to arrange the enclosures to coincide with the order they were covered in this memo to you.

As a reminder all of the Board members indicated their willingness to sit down and discuss Parole Board matters with your staff at the staff's convenience. I advised Mr. Martin of this again shortly before the Board members were due to meet down here in Juneau last month at which time I also advised him a short administrative meeting to discuss cases would be held in the Parole Board office on January 24. Feel free to contact them if you wish.

Sincerely yours,



Samuel H. Trivette
Executive Director

SHT/vh
Enclosures
Dictated 2/1/79
Typed 2/15/79
Proofread and signed 3/27/79

<u>DATE</u>	<u>GROUP/PERSON MEETING WITH</u>	<u>PAROLE BOARD MEMBER/STAFF</u>	<u>PURPOSE OF MEETING</u>
8/24/74	D.O.C. Superintendents, Regional Administrators, D.O.C. Director, etc.	Executive Director (E.D.)	Discussion of policy areas needing attention, problems areas D.O.C. having with the operation of the Parole Board.
12/04/74 Thru 12/07/74	D.O.C. Institutional P.O.'s from Anchorage area	Executive Director	Train staff, solicit input for areas needed to be included in policy manual and suggested changes in existing policy.
1/14/75 Thru 1/15/75	Criminal justice staff & citizens from around the State	Executive Director & Member William Lyons	Conference on Sentencing. Guest speaker David Fogel proponent of "flat-time sentencing". Discussion of current sentencing practices in Alaska & the nation, problems area, mock sentences by all conference participants, discussion of sentencing process, etc.
4/26/75	Corrections Forum, Eagle River Correctional Center	Executive Director	Discussion of Parole Board policies and statutes, requirements and limitations of each, recent policy changes, and citizens concerns for future policy changes.
May, 1975	Anchorage Daily Times staff	Executive Director & members	Detailed interview regarding current Parole Board policies, procedures, practices, trends, relation- ship of the Parole Board to other criminal justice agencies, state and national trends in the justice system, etc.
8/29/75	Superior Court Judges Anchorage area	Executive Director	Discuss current Parole Board policies and solicit recommendations for changes, discuss problem areas statutory authority.
8/29/75	Staff of Anchorage Office Public Defender Agency	Executive Director	Discuss current Parole Board policies and solicit recommendations for changes, problem areas relating to Public Defender representation before the Board, and training for new Public Defender staff.
9/29/75	Eagle River Correctional Center Advisory Committee	Executive Director	Parole Board policies, procedures and operations as they relate to the offenders housed at the Eagle River Correctional Center. Solicit recommendations for perceived problem areas.

<u>DATE</u>	<u>GROUP/PERSON MEETING WITH</u>	<u>PAROLE BOARD MEMBER/STAFF</u>	<u>PURPOSE OF MEETING</u>
9/22/76 Thru 9/24/76	Institutional & Field P.O.'s, Anchorage & Fairbanks areas	Executive Director	Discuss current policies/procedures with D.O.C. staff and solicit input from them for changes to be presented to Board members.
12/18/76 Thru 12/10/76	Institutional & Field P.O.'s, D.O.C., Fairbanks and Anchorage areas	Executive Director	Same as above.
3/14/77 Thru 3/18/77	Field Parole Officers, D.O.C., in Fairbanks, Anchorage, Palmer and Kenai areas	Executive Director and Parole Board Officer	Review proposed policy & procedure changes, including conditions of parole, rules relating to all types of revocation hearings, parole supervision reports, parole plans, etc. with the D.O.C. staff for suggestions and comments before changes presented to Parole Board members in April, 1977.
6/20/77	Eagle River Correctional Center parole and administrative staff	Executive Director	Review of policy with staff, policy relating to conduct of parole hearings, suggestions for changes.
11/19/77 Thru 11/20/77	Alaska Criminal Code Revision Commission	Executive Director & member Beverly Dunham Guest Ira Blalock, Chairman Oregon Parole Board	Discussion of current Parole Board policies & procedures, proposed changes adopted by Board members on 11/18/77; discussion of how these relate to proposed sentencing scheme of new criminal code. Suggestions for improving the new criminal code generally.
11/21/77	Governor's staff & Criminal Justice Planning Agency staff	Executive Director and Ira Blalock	Advised them of the recent policy changes adopted by the Parole Board relating to parole guidelines, explaining expected impact on the justice system, requesting feedback from the staff we spoke to.
12/9/77 Thru 12/10/77	Alaska Criminal Code Revision Committee	Executive Director	Continuation of meeting of 11/20/77. Working with Commission members to provide additional input to various anticipated statutory changes and help finalize the draft of the Commission's bill to the Legislature.

<u>DATE</u>	<u>GROUP/PERSON MEETING WITH</u>	<u>PAROLE BOARD MEMBER/STAFF</u>	<u>PURPOSE OF MEETINGS</u>
3/31/78	Anchorage radio station KJZZ-FM audience	Executive Director	Explanation of some of the current practices and trends of the decisions of the Alaska Parole Board, recent proposed policy changes, discussions of guidelines and other pertinent topics relating to the Board's operation. Two separate taped interview of 15-20 minutes each. Reportedly tapes made available to other radio stations around the State.
4/21/78	Institutional P.O.'s Anchorage area, and various drug abuse treatment staff, Anchorage	Executive Director	Discussion of current Parole Board policies and procedures, the proposed guideline model and effect and relationship to these various programs. Feedback and comments from participants.
5/25/78	Coalition on Corrections	Executive Director	Discussion of current Parole Board policies and procedures and the proposed guidelines model and how these relate to the current practices of the Division of Corrections. Suggestions for changes.
5/26/78	Public Defender Agency Anchorage area	Executive Director	Answer questions regarding Parole Board procedures and policies and take comments for suggestions for changes.
1/19/78 Thru 1/21/78	Statewide Criminal Justice Conference in Anchorage	Executive Director and members	Executive Director presided over one session, providing information regarding recent proposed policy changes and soliciting input for the Parole Board policy changes and discussion of other proposed changes in the criminal code bill.
1/17/79	Municipality of Anchorage Health Department staff and drug abuse treatment staff from Anchorage area	Executive Director	Discussion of the new criminal code and impact on the drug treatment programs in the Anchorage area, the relationship to recent changes in Parole Board policies to these same programs.
1/17/79	Assistant Superintendents and Superintendents, Eagle River Correctional Center	Executive Director	Discussion of Parole Board policies implemented in the recent years, their effects, and problem areas still needed to be addressed.

In addition, Parole Board members from the Anchorage area have attended several other criminal justice conferences in the Anchorage area in years 1976-78 on behalf of the Parole Board, but no specific records were kept of these meetings.

EXECUTIVE SESSIONS

The following is a list of Executive Sessions conducted by the staff and members of the Parole Board. I have only gone back through our records for the last few years in gathering this specific information.

9/23/76	Anchorage
11/18/76	Anchorage
4/04/77	Anchorage
6/22/77	Anchorage
11/18/77	Anchorage
3/29/78	Anchorage
3/31/78	Anchorage
7/28/78	Anchorage
8/04/78	Anchorage
9/07/78	Anchorage
1/24/79	Juneau

Because of the lack of funds and sometime because the extreme demands made on the Parole Board members' time, short executive sessions are frequently held in conjunction with regular parole board hearings. Although policy decisions were made and other action taken, no documentation was made of these meetings outside of the implementation of the new policy through the Board's staff.

OTHER SIGNIFICANT MEETINGS ATTENDED

<u>DATE</u>	<u>GROUP/PERSON MEETING WITH</u>	<u>PAROLE BOARD MEMBER/STAFF</u>	<u>PURPOSE OF MEETINGS</u>
6/24/75	Corrections Task Force on Standards & Goals	Members of Task Force (See list in P.B. office)	Discussion of problems areas in the Alaska corrections system and establishing the goals to help resolve them and establishing standards for improve the overall operation of the criminal justice system. During the process of completing its work, the Task Force staff conducted numerous public hearings and personal interviews with citizens and criminal justice employees around the state, and this information was fed back to the members of the Task Force for discussion before the Standards and Goals were finalized in 1976. (See 4-76 Memo to Task Force)
8/27/79	Same	Same	Same

<u>DATE</u>	<u>GROUP/PERSON MEETING WITH</u>	<u>PAROLE BOARD MEMBER/STAFF</u>	<u>PURPOSE OF MEETING</u>
1/06/76 Thru 1/09/76	Same	Same	Same
5/24/76 Thru 5/25/76	Same	Same	Same
<p>The following is a list of specific meetings between the staff of the Parole Board and the Board's Chairman or Vice-Chairman that have taken place in the last few years. Again, many of these have taken place in prior years without being documented in the Board's files, and this list is not exhaustive of the meetings held, but these are the formalized meetings in the recent past when specific policies have been discussed, suggestions for changes aired, and have resulted in the change of Board operation. Because only one Parole Board member resides in Juneau and the remainder reside in various cities throughout the State, much of the Board's business, including the discussion of proposed policies and procedures, is taken care of by telephone. A review of our telephone log over the last few years will indicate the frequency with which the staff communicate with the Board members.</p>			
4/29/77	Chairman Lyons, Executive Director & Parole Board Officer		Discussion of Parole Board policy matters.
6/21/77	Chairman Lyons & Executive Director		Same, and specifically preliminary revocation hearings procedures.
6/23/77	Vice Chairman Dunham & Executive Director		Same
12/20/78	Chairman Lyons & Executive Director		Same
1/03/79	Chairman Lyons & Executive Director		Same
1/11/79	Chairman Lyons and Executive Director		Discussion of conducting of Parole Board hearings.
6/24/77 Thru 6/27/77	Tennessee Parole Board Nashville, Tennessee	Executive Director	Onsite review of the operation of the Tennessee Parole Board, copies of files Parole Board executive clemency forms and procedures, review operation procedures and statutes, and sit in on parole board hearings in various locations to view the actual conduct of the hearings. (See log in travel file for specific activities)
9/22/77 Thru 9/25/77	Oregon Parole Board Salem & Portland Oregon	Executive Director	Meet with staff and members of the Parole Board and the Division of Corrections. Discussion of the Oregon guidelines model, review of parole files, attend various kinds of parole board hearings. See travel file daily log and 8/31/77 memo to Deputy Commissioner for details of trip and the good derived from working with the Oregon Board.

<u>DATE</u>	<u>GROUP/PERSON MEETING WITH</u>	<u>PAROLE BOARD MEMBER/STAFF</u>	<u>PURPOSE OF MEETING</u>
7/13/78 and 7/14/78	Criminal Justice Researchers in Iowa and other states	Dr. Richard Mohr, Director of Research, Division of Corrections	The Parole Board funded several days of this trip so that Dr. Mohr could review the findings and discuss research he was helping the Parole Board with in the development of our parole guidelines model, specifically the multiple discriminate analysis. Dr. Mohr is on the advisory committee for the federal grant to develop the guidelines.

Considerable time has been spent attempting to get professional training for the staff and members of the Parole Board, outside of technical training for the office/administration training (see correspondence with Dr. Vincent O'Leary). As we were in the process of finalizing such training in 1975, federal money was made available on the national level to establish the training under the National Parole Institutes with top criminal justice professors from around the country. The following is list of the training provided thus far.

10/75	National Parole Institutes Board Member Training	Members Steve Hotch & Thomas Carey	Six day training session conducted in Oregon for parole board members from western United States regarding the parole board hearing processes, structuring of hearings, factors considered, relevant research, improving decision-making skills, etc.
3/02/76 Thru 3/05/76	National Parole Institutes Policy Seminar	Executive Director	Discussion of parole policy trends nationwide, case decisions, system changes; training on conducting hearings, due process changes, new research data, etc.
3/19/78 Thru 3/24/78	National Parole Institutes Board member training	Al Widmark, Member Joe Montgomery, Member Beverly Dunham, Vice-Chairman	Six day training session similar to one offered other-Board members in 1975, with the addition of new information regarding changes in the parole process since 1975, including parole guidelines, parole research data, etc.
7/11/78 Thru 7/14/78	National Parole Institutes Policy Seminar	Executive Director and Al Widmark, Member	With the assistance of a number of national criminal justice specialists, examined the parole process in depth, assessing strengths, weaknesses, the role of the Parole Board, and ways of improving the parole process. Discusses changes in various jurisdictions around the country and what might be more effective ways of managing the justice system.

<u>DATE</u>	<u>GROUP/PERSON MEETING WITH</u>	<u>PAROLE BOARD MEMBER/STAFF</u>	<u>PURPOSE OF MEETING</u>
9/30/74 Thru 10/02/74	Uniform Parole Reports Training Seminar	Executive Director	Receive information justice on only national data system tracking offenders released on supervision; learn the contents of the system, how it is collected and reported; discuss other related parole topics of concern to parole board personnel.
10/13/75 Thru 10/17/75	U.P.R. Seminar	Executive Director	Similar to above. Review new categories of data being collected under the U.P.R. system, suggestions on improving the data and gaining wider distribution of the information. Discussion of current parole related subjects.
9/13/76 Thru 9/15/76	U.P.R. Seminar	Executive Director	Similar to two above. Trained about the intricacies of coding of data for U.P.R., costs involved of supplying data to data system, advantages of belonging to the system, and worked with U.P.R. staff on providing technical assistance to get on board with the system.
1/19/77 Thru 1/20/77	U.P.R. Co-Director William Moseley	Executive Director, Parole Board Officer; research from C.J.P.A.	Dr. Moseley provided onsite training to Alaska personnel to enable the Alaska Parole Board to send data & receive feedback from the U.P.R. system. Data coded for 1976 cases as a result.
12/12/77 Thru 12/14/77	U.P.R. Seminar	Executive Director	Information about U.P.R.'s changes in the gathering and reporting of data for Parole Boards, and about U.P.R.'s involvement in collecting other non-parole board data for the criminal justice system. Reviewed the revised criminal code proposal with other criminal justice employees.
8/16/75 Thru 8/22/75	American Correctional Association & American Probation/Parole Association	Executive Director	National Training conference with major criminal justice speakers from around the country. Specialized work sessions dealing with parole board problems as well as general sessions about the entire operation of the justice system. Information regarding specialized treatment programs role of various segments of the justice system, etc. See 8-75 memo for specifics.
8/22/76 Thru 8/26/76	Same as above	Executive Director	Same as above. See 9-1-76 memo and memo to C.J.P.A.
8/20/77 Thru 8/24/77	Same as above	Executive Director	Same as above. See C.J.P.A. training memo.

STATE
of ALASKA

MEMORANDUM

TO: {

DATE: February 1, 1979

Memo to the File

FILE NO:

TELEPHONE NO:

FROM: Samuel H. Trivette
Executive Director *SH*
Alaska Board of ParoleSUBJECT: Recent Meetings With
Agencies and Public

Information for this memo was taken from the travel files of the staff and members of the Alaska Board and from the daily work calendars of the Parole Board. This list is representative of the numbers and kinds of meetings attended but is by no means exhaustive. Apparently since it is the desire of the Legislature to have this kind of information available for future, an attempt will be made to keep more complete data in future years.

Our recent records are much more complete and comprehensive. I decided to review our records for part of 1978 to get information on any important meetings during that period of time. The following list only covers the period of August through December 1978, but I believe is fairly representative of Board activities throughout the remaining part of the year and for other recent years.

On August 3, 1978, met with Jami Zipperian, Coalition on Corrections Board member, regarding the new parole guidelines and the likely effects it might have on female offenders. On August 16, 1978 met with Municipality of Anchorage drug treatment program employees and State Office of Alcoholism and Drug Abuse staff regarding Parole Board's policy relating to alcohol and drug offenders. On August 18, 1978 I spent approximately five hours with Assistant Attorney General Dean Guaneli working on Parole Board policy matters. On August 20, 1978, met with Jane Ferris, Assistant Director, Commission on Accreditation For Corrections, regarding the Commission's paroling authority standards and proposed changes. On August 20, 1978, met with Roger Endell, Assistant Professor, University of Alaska Criminal Justice Center, regarding Alaska Parole Board proposed guidelines and other proposed changes in the state's criminal code. On August 21, 1978, met with Robert Willstadter, Director, Washington State Parole Decisions Project, regarding the Alaska Parole Board guidelines grant (Willstadter is on the Advisory Committee for the grant). On August 21-23, 1978, I

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attended a number of meetings at the American Correctional Association Conference regarding parole guidelines, use of salient factor tables, new sentencing schemes, etc. On August 22, 1978, met with Larry Solomon from the National Institute of Corrections regarding the grant from N.I.C. for development of parole guidelines in Alaska. On August 22, 1978, met with Oregon Parole Board Parole Analysts Becky Perkins and Janice SanRomani regarding their rules in the Oregon Parole Board system, and the advantages of their placement in a separate unit apart from the state correctional facilities. August 23, 1978, met with Marc Meithercutt and Bob Willstadter regarding parole guidelines models developed elsewhere in the country and sentencing legislation. On August 25, 1978, met with Alaska Parole Board members at the Western Airlines Horizon Club and discussed Parole Board policy matters. Also met later with Board member Montgomery to discuss suggested improvements in the parole process. On August 29, 1978, met with Steve Nagley, Division of Corrections research staff, regarding information necessary to set up a system on the computer for compiling records on the parole eligibility of Alaska offenders. On August 30, 1978, met with Bill Peterson and Nagley from Division of Corrections research staff regarding placement of parole eligibility dates on the AJIS terminal and making it available to the Board.

In August and September, 1978, I spent approximately three days interviewing perspective parole board members at the request of the Governor's office. On September 7, 1978, met with Board member Joe Montgomery to discuss policies, conduct of board members at parole revocations hearings and the board's procedure for continuing cases. On October 14, 1978, met with the superintendents of the adult correctional institutions in the Anchorage area and the superintendent of the Juneau Correctional Center and discussed the Parole Board Policy & Procedures as they relate to the institutional parole officers and the operation of the state correctional centers, and ways of streamlining the Board's processes. On September 18, 1978, extensive discussion with Parole Board Chairman Lyons regarding parole policy matters. On September 18, 1978, met with Institutional Parole Officer Lloyd Cary regarding the role of parole officers in presenting cases to the Parole Board. On September 21, 1978, met with Bill Peterson, Division of Corrections research unit, and Susan Knighton, Research Analyst with the Criminal Justice Planning

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Agency, regarding management information systems, O.B.C.I.S. information needs of the Parole Board and how to get the data collected. On September 21, 1978, met with Boeing Computer Services personnel to discuss the use of their mini-computer for data collection for the Parole Board as a possible alternative due to D.H.S.S. handling the data. On September 22, 1978, met with Susan Knighton and again discussed data needs with the information gathered from the previous day's meeting. On September 28, 1978, met with Rick Stanfield of Barrett Office Equipment regarding the possible use of the "No Problem" machine as a means of data collection and record keeping by the Parole Board.

On October 5, 1978, met with staff of the Ketchikan parole office to discuss parole board policy relating to revocations, parole reports and presenting cases to the Parole Board. On October 27, 1978, the full Parole Board held a policy meeting to discuss its policy of informing inmates of Parole Board decision. The members decided not make any policy changes at that time. On October 24-25, 1978, I spoke as guest lecturer at the Division of Corrections Training Academy included a class of institutional and field parole officers regarding parole matters.

On November 7, 1978, I met with Richard Mohr and Bill Peterson, Division of Corrections research personnel, regarding development of "risk prediction" scale for use by the Parole Board and Division of Corrections that will dovetail with the Parole Board's guidelines model. On November 8, 1978, I met with Lloyd Pukis, D.H.S.S. Data Processing Unit, regarding the data needs of the Parole Board and how the department can meet these needs. On November 11, 1978, met with Board Chairman Bill Lyons regarding the scheduling and conduct of Parole Board revocation hearings. On November 15, 1978, met with Alaska State Troopers investigator Loren Thomas regarding Parole Board policy regarding serious felony cases and obtaining intelligence information relating to these cases. On December 19, 1978, appeared in Fairbanks Superior Court to testify on Parole Board policy before Judge Taylor to assist the Court in understanding current Parole Board policy. On December 20, 1978, met with Board Chairman William Lyons to discuss parole board procedures.

99109

Memo to the File.
Page 4
February 1, 1979

Addendum

In addition to meeting with the Kentucky and Oregon Parole Boards, I spent most of one day on April 7, 1978, meeting with Washington Parole Board Chairman Diane Oberquell and several other staff persons reviewing their files and discussing the progress and implementation of parole guidelines in Washington State.

SHT/vh
Data gathered 1-28-79
Memo proofread and
signed 3/30/79

50157

<u>DATE</u>	<u>TO WHOM</u>	<u>MEMO/LETTER</u>	<u>SUBJECT</u>	<u>FROM</u>
9/03/75	File	Memo	4/75 Board Meeting	*
12/22/78	Sam Trivette	Letter	Commission on Accreditaion for Corrections	Robert H. Fosen
8/75	File	Memo	American Correctional Associator. Meeting	
2/25/75	Vincent O'Leary	Letter	Training Program For Board Members	
4/04/75	Vincent O'Leary	Letter	Training Program	
2/03/75	Vincent O'Leary	Letter	Training Program	
5/16/78	Dean Guaneli	Memo	Newell, Terry F. (Lawsuit)	
12/06/78	Law Briefs		Avery, David	
3/29/78	Law Briefs		Memorandum of Decision (McCracken, Jeff)	
1/16/79	File	Memo	Parole Board Objectives	
9/14/77	Francis Williamson	Memo	Accomplishments of the Administration	
11/07/77	Sam Trivette	Letter	Responsible Research	Petter Hoffman
4/27/76	Peggy Zufelt	Memo	Corrections Task Force Recommendations	
11/28/78	Larry Solomon	Letter	Data N.I.C.	
2/06/78	William Huston	Memo	Parole Guidelines Proposal	
1/03/78	Charles G. Adams	Memo	O.B.S.C.I.S. Grant	
9/04/75	Sonja Johansen	Memo	Data Task Force	Gwen Byington
	Parole Board		C.J. Plan	

<u>DATE</u>	<u>TO WHOM</u>	<u>MEMO/LETTER</u>	<u>SUBJECT</u>	<u>FROM</u>
10/24/75	Office of the Governor	Memo	Uniform Parole Reports Training Session	
2/27/76	Bill Moseley	Letter	U.P.R.	
7/08/76	Charles Adams	Memo	U.P.R.	
7/12/76	Bill Moseley	Letter	Data U.P.R.	
3/02/77	Bill Moseley	Letter	Data U.P.R.	
3/30/77	Samuel Trivette	Letter	U.P.R. Tables	Bill Moseley
6/28/78	Ellen L. McNeil	Letter	Data U.P.R.	
1977			Annual Report	
1978			Annual Report	
2/14/75	Frederick McGinnis	Memo	Proposed Legislation	
9/03/75	Francis Williamson	Memo	Legislation for 1976 Session	
9/04/75	Avrum Gross	Memo	Attorney General's Opinion	Williamson/Trivette
12/03/75	Francis Williamson	Memo	Additional Legislation 1 76	
1/03/75	Frederick McGinnis	Memo	Proposed Legislation Input	
5/29/75	Lauris S. Parker		Input	
4/27/76	Peggy Zufelt	Memo	Corrections Task Force Recommendations	
9/11/75	Colonel J.P. Wellington	Letter	Input-Troopers	
			Input	
11/27/75	Andrew S. Warwick	Memo	Fogel Plan	
8/14/75	Ed Beu Jr.	Letter	Input-C.J. Commission	

<u>DATE</u>	<u>TO WHOM</u>	<u>MEMO/LETTER</u>	<u>SUBJECT</u>	<u>FROM</u>
2/27/76	Stephen Branchflower	Letter	Input-D.A.	
6/15/76	Jackie Dailey	Letter	Input-Public Hearings Corrections Task Force	
10/01/76	Bill Gordon	Memo	Meeting Agenda 10-7-76	
3/03/77	Mel Martin	Letter	Parole Study, Etc.	
3/08/77	Justice Connor	Letter	Input-Courts	
12/12/76	Probation Officers Institutional Counselors	Memo	Parole Board Policy & Procedure	
1-14-78	Pearl S. West	Letter	Guideline Input-Other P.B.	
2/16/78	Frederick McGinnis	Memo	Relationship with the Municipality of Anchorage	
3/07/77	Samuel Trivette	Letter	Input	Robert Boochever
2/14/77	Judge Thomas Stewart	Memo	Input	Larry R. Weeks
7/9/76	All Superior/District Court Judges	Memo	Input-Judges	Dan Hickey/Tom Turnbull
5/19/77	Judge Thomas Schulz	Letter	Input-Judge	
4/06/77	Representative Terry Gardiner	Letter	Input-Legislators	
4/06/77	Senator Geroge Homan	Letter	Senate Bill No. 206	
8/15/77	Tom McCollum	Letter	Input-NAACP	
1/30/78	Helen D. Beirne	Memo	Meeting With Board Members	
1/20/78	Governor Hammond	Letter	Input-Governor	
2/01/78	Patrick Wright	Letter	Input-C.J. Conference	

<u>DATE</u>	<u>TO WHOM</u>	<u>MEMO/LETTER</u>	<u>SUBJECT</u>	<u>FROM</u>
8/78			Alaska Justice Forum	
1/79			Alaska Justice Forum	
7/26/76	Francis Williamson	Memo	Delegation of Responsibilities	
9/28/76	Francis Williamson	Memo	Discussion of Problems	
1/19/77	David W. Freer	Memo	Legislative Briefing Memorandum	
1/30/77	Francis Williamson	Memo	Problems	
5/31/77	Francis Williamson	Memo	Delegation of Duties	
11/14/77	Francis Williamson	Letter	John P. Watson Jr.	Douglas Baily
11/27/77	Francis Williamson	Memo	Recent Impacts on Alaska Parole Board	
2/16/78	Helen D. Beirne	Memo	Coding Commissioner Expenses to Parole Board	
6/20/78	Helen D. Beirne	Memo	CETA Position	
2/14/75	Les Wertz	Memo	Phone Bill February, 1975	
9/19/75	Francis Williamson	Memo	FY-76 Budget Revised Programs	
12/15/75	Francis Williamson	Memo	Financial Matters	
6/07/76	Cathy Lloyd	Memo	Final Version FY-77 Budget	
7/09/76	Lois Jund	Memo	FY-78 Preliminary Budget	
10/06/76	Marsha Hubbard	Memo	Your 9-30-76 Memo Supplemental Requests	
6/03/77	Francis Williamson	Memo	FY-78 Legislative Appropriation Report	
6/09/77	Catherine Lloyd	Memo	FY-78 Budget Legislation	
8/29/77	Francis Williamson	Memo	FY-78 Appropriation Level & Supplementals	
9/27/77	Francis Williamson	Memo	Cover Program	

<u>DATE</u>	<u>TO WHOM</u>	<u>MEMO/LETTER</u>	<u>SUBJECT</u>	<u>FROM</u>
11/07/77	Francis Williamson	Memo	FY-78 Supplementals	
11/29/77	Francis Williamson	Memo	FY-78 Supplemental Request	
12/06/77	Francis Williamson	Memo	FY-79 Budget Submission	
12/12/78	Helen Beirne	Memo	Cover Program Increment # 17	
12/12/78	Helen D. Beirne	Memo	Cover Program Increment # 16	
12/12/78	Frederick McGinnis	Memo	FY-80 Budget	
12/15/78	Frederick McGinnis	Memo	FY-80 Budget Cover Program Increment # 17	
12/15/78	Helen D. Beirne	Memo	Error in Objective II Cover Program	
7/11/75	Lauris S. Parker	Memo	Executive Clemency Guidelines	
8/27/75	Dwane Burgess	Letter	Probation Division of Corrections	Gwen Byington
1/25/76	Institutional Counselors	Memo	Parole Hearing Parole Expiration Dates	
11/22/76	Institutional Counselors Field Offices	Memo	Communication	
1/30/77	William Huston	Memo	Access to Files	
11/11/77	All Institutional Counselors	Memo	Orders of Parole	
2/9/78	Walter B. Jones	Memo	Your "Communications" Memo 2/3/78	
1/09/77	Walter B. Jones	Memo	Parole Status Reports	
2/09/78	Helen Beirne	Memo	Corrections Masterplan Information	
12/19/78	Robert Spinde	Memo	Parole Eligibility	Richard Collum
3/28/75	Thomas Carey	Letter	Train Board Member	
9/10/76	David Freer	Memo	Monthly Activity Report	

<u>DATE</u>	<u>TO WHOM</u>	<u>MEMO/LETTER</u>	<u>SUBJECT</u>	<u>FROM</u>
10/06/76	David Fr	Memo	September Activity Report	
6/07/77	David Free	Memo	Administrative Meeting 6/21-22/77	
5/05/77	Governor Hammond	Letter	Policy Meeting Gov. Input	
12/18/77	Conrad B. Miller	Letter	Policy Meeting Input	
9/29/76	Ira Blalock	Letter	Policy Meeting-Bd.	
8/17/78	File	Memo	Policy Change	
8/17/78	File	Memo	Administrative Meetin 8/4/78	
8/17/78	File	Memo	New Policy	
10/13/78	Probation Officers Institutional Counselors	Memo	Parole Board Policy Manual	
1/28/76	Licensing and Certifications Task Force Members	Memo	Rough Draft Final Report	

January 16, 1979

Memo to the File

Samuel H. Trivette
Executive Director
Alaska Board of Parole

ST
Parole Board Objectives

Last month, I was requested by Legislative Auditor, Arne Maki, to provide him with a list of Parole Board objectives other than those listed in the current budget document. Please note that one of the primary objectives listed in the FY-80 Budget was not complete and a correction for the objective was sent to the Commissioner's office and they were requested to make the changes on other budget documents that have been dispersed outside the Commissioner's office.

Many of the objectives contained in this memorandum are those adopted by Board members in previous years that we still attempt to meet within the budget constraints placed upon us. For example, the Parole Board has always had an objective of conducting all preliminary revocation hearings within 10 working days after the arrest of parolees, ever since formal preliminary hearings were initiated in 1973. Although this objective is no longer in our budget because of a change in format by the State of Alaska, reference to it is found in the Parole Board's policy, in our rules governing preliminary hearings, in the older program performance reports, and in previous budgets. We have been in 100% compliance of this objective at least beginning with calendar year 1975.

A related objective is that the Board will conduct all final revocation hearings within 90 days after the date of arrest unless the parolee requests a continuance. Information regarding this objective is similarly located in our policy and in previous budgets and in program performance reports. The Board has met this objective 100% of the time since at least 1974.

Another previously established objective (FY-77 Budget) states that the Parole Board will conduct business so no monetary judgments against the state result because of improper Board action. There have been no monetary judgements.

Parole Board Objectives

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January 16, 1979

The Board currently has a program objective of having less than 8% of the parolees returned to confinement within one year following release because of new felony behavior in the community. A similar but somewhat modified objective has been in our budget since FY-76. The one year that data was compiled and analyzed (1976) the Board was well within the 8% figure. (See U.P.R.)

In the FY-76 Budget, the Board adopted an objective of having the Governor make decisions on all Executive Clemency applications within three months of receipt of the fully-completed application. Numerical computations have not been made on all of the clemency files since that time, but I am sure the Board staff did not meet the objective in the calendar year 1978. The objective was probably met part of the time in 1977 and probably most of the time in calendar year 1976.

One very important objective established by the Parole Board when compiling the FY-77 Budget, is that the Parole Board release only those offenders that met the criteria established by the Board, and that the Board prevent any offender from being released on a "technicality". In other words, the Parole Board should follow its Policies and Procedures in such a manner that a court does not order the release from custody of any offender because of improper action by the Parole Board. This objective has been met.

At an administrative meeting in Anchorage in November, 1977, the Board adopted an objective of soliciting funding to allow it to develop a parole guidelines model insuring it could substantiate that offenders are receiving the most fair and equitable treatment. This objective was met in the spring of 1978 when the Parole Board was awarded a grant by the National Institute of Corrections for that purpose.

In the spring of 1978, the Parole Board established an objective to complete the work on the parole guidelines model in its initial form by November, 1978. This objective was thwarted by a number of problems in the state administrative system, and the goal is now to complete the Alaska Guidelines Model by the fall of 1979.

Parole Board Objectives

Page 3

January 16, 1979

At the same administrative meeting in November, 1977, the Board established a goal of updating the present policy and codifying it in Alaska Administrative Code format for easier understandability. No specific time frame was placed on the objective, only that work would be completed as soon as possible with the staff available.

The Parole Board members established an objective several years ago to increase the staff by one person. This objective has been of the highest priority and strongly pursued by the members and staff since 1977. The Governor has not approved the position for his FY-80 Budget, and it appears the position will not be funded.

SHT/vh

Dictated 1-16-79

Transcribed 2-14-79

Signed 3-12-79

Parole sunset file

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

BOARD OF PAROLE

JAY S. HAMMOND, Governor

ALASKA BOARD OF PAROLE
POUCH H-01E
JUNEAU, ALASKA 99811
PHONE: (907) 465-3384

February 15, 1980

Honorable Charles Parr
Chairman
House Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Chairman Parr:

We appreciate the time your committee has devoted to the sunset review of the Parole Board. The questions the committee is dealing with are indeed extremely complex, and that is why we have provided the members of the committee with a minimal amount of background material on some important issues. We stand ready to verbally, or in writing, present additional backup information if the committee so desires.

I understand that your committee intends to interview some offenders at the Juneau Correctional Center in the near future, including those not yet eligible for parole, those eligible for parole but not paroled, and those previously paroled that have had their paroles revoked. I am sure any offender wishing to testify would be willing to allow the committee access to his file before the hearing so that you would have some idea of the information that would be available to the Board at the time it reviews his case. Superintendent Huston and his staff will be able to assist you with this. We will be willing to discuss cases and comments with your committee once you complete this process.

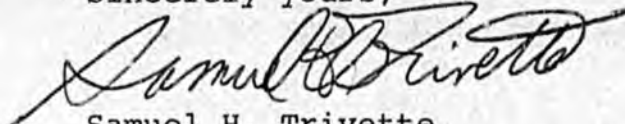
In order to get a more representative sampling of offenders in the Alaska correctional system, I might suggest the committee conduct hearings at the Palmer, Eagle River, or

Honorable Charles Parr
Page 2
February 15, 1980

Anchorage correctional centers. We would also be happy to provide the list of active or discharged parolees in this area so that the committee could have a chance to talk to some of the majority we deal with, the 75% who adjust well on parole.

There were a few more areas that needed clarification after Mr. Marks testified last week, and we will await notification of the Committee's next scheduled hearings for the opportunity to speak to you and the members again. Thank you.

Sincerely yours,



Samuel H. Trivette
Executive Director

SHT/vh

November 14, 1979

Frank Gold, EMD
Program Director
KILA, INC.
3098 Airport Way
Fairbanks, Alaska 99701

David M. Cammack, M.D.
Medical Director

Bonnie McCorquodale
Program Counselor

Cynthia E. Aiken
Program Counselor

Kitty Picotte, LPN
Program Nurse

Dear Staff:

Your letter of October 19 raises a number of issues that require some clarification. The information contained in your letter was based upon facts known to your staff. At least four other persons testified at the revocation hearing and considerable additional information was presented that was not mentioned in your letter. The Board makes decisions based upon all information presented at the hearing and available in the parolee's file. Based upon all of the information available to the Board at the hearing, many of the statements made in your letter to me, to Governor Hammond, Commissioner Beirne, Director Campbell, Parole Board members, Representative Parr, and anyone else that you may have sent copies to, are incorrect, misleading, and obviously intended for one purpose: To put the members of the Board in a very poor light. Your tactic is reprehensible for an organization that represents itself as a group of professionals serving the community and the citizens of the State of Alaska.

Drug Treatment Staff
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November 14, 1979

The Board members are aware of your staff interpretation of federal regulations that you cannot submit negative reports on any client even though a criminal justice waiver has been signed. Although many other program people and I disagree with your interpretation of the federal regulations and many other drug programs do release some additional information without difficulty, that final decision is yours. Obviously that does not put you in a position of being an unbiased participant in any criminal justice situation and any testimony you present must be placed in proper perspective.

Your letter commented that none of the "professionals" involved with Mr. Heflin's case recommended revocation. For the most part, none of the people testifying before the Board made any specific recommendation at all, and the Board members do not see that as the responsibility of those testifying before it. To say that none of the comments made by any of the professional people testifying before the Board including Gene Kingrea, Allen, Rothrock and your two staff would support revocation of Mr. Heflin's parole is simply not true. Much of the testimony before the Board on October 15 and 16 made it very clear that Mr. Heflin was having many other problems than just his return to the use of drugs, and all of these problems did not subside after the preliminary hearing was held on August 10, 1979. The Board members' decision in this case was made after considerable discussion and review of the case and I believe the decision would withstand close scrutiny by any appellant body that might be responsible for making such decisions.

You commented that he might have been treated differently if he had legal counsel to represent him at the hearing. Mr. Heflin was advised of this right in writing and he could have had legal counsel if he so chose. His not having the assistance of counsel certainly did not prohibit him from presenting any evidence or witnesses he wished, and I do not know of any other information he could have possibly presented through an attorney that he did not present through his own testimony or through the testimony of other witnesses. Again, that decision was Mr. Heflin's.

Drug Treatment Staff
Page 3
November 14, 1979

You commented on the fact that he was released by the hearing officer at the preliminary hearing and therefore should not have been revoked. The purpose of the preliminary revocation hearing is twofold.

First, the hearing officer must determine whether or not there is probable cause that a parole violation may have occurred. Secondly, the hearing officer must determine whether or not the parolee should be released pending the final hearing, based upon the five factors listed on the second page of the hearing form. These five factors are narrowly drawn on purpose and basically relate to the plan of the parolee and his potential risk if returned to the community at that time pending the final hearing. The final decision made by the members of the Board is a significantly different decision than the one made at the preliminary hearing, and the members must consider many other factors. The length of time on parole before violation, the supervisability of the parolee, the number and seriousness of the violations, impact on the parolee and others if revoked, accomplishments, and problems of the parolee, are just a few of these broader factors. The closest analogy would be a preliminary court hearing at which the judge only looks at a few risk factors and then the final decision the judge must make at the time of sentencing considering a number of broad factors other than just the release plan of the defendant. (See Chaney decision).

Obviously Mr. Heflin made some positive strides while on parole. You characterized him as always being "up front", keeping his parole officer advised of his situation, and seeking help before problems arose and dealing with those problems as they took place. The convincing testimony at the final hearing does not support your contention. Obviously Mr. Heflin was having problems some weeks before they were brought to the attention of his parole officer. The parole officer became aware of potential problems through others in the community, not through Mr. Heflin or through the drug program. When the parole officer discussed this situation with Mr. Heflin, he did not advise the officer fully of the problems he had been having. When questioned specifically about the area of drug abuse, he denied the presence of anything illegal at his residence.

Drug Treatment Staff

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September 14, 1979

Frank Gold testified at the hearing about the necessity for early intervention when problems arise. Of course, the notification of problems must normally come from the parolee himself and as Frank testified at the hearing, "I'm talking about before there is drug use. I am talking about the fact that Joe came over and saw me last night and I really wanted to take some of the stuff, but I didn't. That's when I want to know about it. I don't want to know about it after he uses, that's too late." It was apparent from the testimony at the hearing that Mr. Heflin did not meet this expectation. He did not make contact with his parole officer or with the drug program. The parole officer was the person initiating the contact and after he was unable to get a hold of the parolee himself, notified the drug program personnel who made contact with Heflin.

The Board members encourage the development of a trust relationship by the parolee with whomever he chooses in the community. The Board members do not automatically revoke every person's parole when a violation of parole has occurred, be it the use of drugs or any other specific violation. The Board has in the past had cases in which parolees have returned to the use of drugs in which parole was not revoked. Each case must and will continue to be reviewed individually based upon all information made available. The system does recognize that Mr. Heflin did make some progress while on parole. The parole officer took note of this and as a result did not press forward with the District Attorney's office for a new conviction on the possession of narcotics found in Mr. Heflin's residence. The Board considered Mr. Heflin's progress while on parole and the decision handed down by the Board makes it possible for Mr. Heflin to reapply for parole at any time.

The Board is certainly concerned about rehabilitation and reduced recidivism. Having a parolee return to the use of drugs certainly is not going to decrease recidivism. Because of the infrequent urinalysis that Mr. Heflin was giving, we can only speculate how long he would have gone and how much more deeply he might have become involved in the use of drugs and possibly further criminal behavior before there was any intervention. Let me remind you that Mr. Heflin is not serving time for the possession of drugs, but as a result of his involvement in an armed robbery with a pistol. The responsibility for Mr. Heflin if he becomes involved in serious criminal activity rests with the Board and this is one of the factors it must seriously consider.

Drug Treatment Staff
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November 14, 1979

Considering the many-faceted responsibility of the Board and taking into the account the testimony of Dr. Rothrock, Gene Kingrea, Don Allen, Donald Heflin, and the drug treatment program staff, along with Mr. Heflin's entire file, I believe any reviewing body would consider the Board's decision responsible and reasonable. Mr. Heflin is verbal and articulate himself, and he certainly has a choice of appealing the Board's decision back to the Board or to the Superior Court if he feels the action the Board took was clearly mistaken. For your information, Mr. Heflin advised us at the final revocation hearing that the chances of his returning to the use of drugs had he been placed on the same urinalysis schedule as he was after the preliminary hearing would have been extremely low. Heflin told us that his giving regular UA's was very helpful to his continued abstinence from the use of drugs after the preliminary hearing. Since you expressed a concern about catching clients before they become heavily reinvolved with drugs, and since we all know that clients are high risk for the first six months or more after release, it would seem to be cost effective in the long run to use more frequent urinalysis than the once or twice a month schedule you had Mr. Heflin on. This whole set of hearings and Mr. Heflin's reincarceration might have been avoided if this was your programs' current policy.

I hope this letter has been of some value in clarifying the Board's position and responsibilities and the fact that a great deal of other information was considered by the Board other than that presented by the staff of the Drug Treatment Center.

Sincerely yours,



Samuel H. Trivette
Executive Director

SHT/vh
cc: Donald Heflin

Fairbanks Drug Treatment
Center
(907) 456-5715

Fairbanks Drug Education
Center
(907) 452-1841

KILA, Inc.

Locally Controlled
Integrated and Coordinated
Human Services
3098 Airport Way
Fairbanks, Alaska 99701
(907) 452-5972

October 19, 1979

Beverly Dunham
P.O. Box 97
Seward, Alaska 99664

Dear Ms. Dunham:

We would like to register our personal and professional objections to the decision made by the Board regarding Donald E. Heflin on October 15, 1979. While we know that in all likelihood nothing can be done about it now, we would greatly appreciate your consideration of the following information. Perhaps it will prove helpful to all of us in the future.

The Fairbanks Drug Treatment Center has been operational since April 1974. Since that time we have had contact with and/or treated over 250 persons with serious addiction problems. We have learned a great deal and would like to share some of what we've learned with you. In light of the above mentioned decision, and because you are all familiar with his case, we will use Mr. Heflin as an example.

As you know, the FDTC has a long-standing policy pertaining to Parole Board and Court appearances. We do not appear for any addict simply because he/she happens to be participating in our program. Because of Federal confidentiality regulations we cannot submit negative reports on individuals: we think our absence speaks for itself. When we do appear it is because the individual has demonstrated a commitment to treatment and an ability to take responsibility within the framework of that treatment. Mr. Heflin has done that and much more. I

Drug addiction is not merely a social or criminal problem. It is a serious and often dangerous illness. While addicts have no known propensity towards psychosis, they--like millions of other people--often have other emotional problems that must be dealt with before full recovery can be achieved. This is not a simple process--nor does it occur simply because the addict desires recovery. 27.

Our experience indicates that successful recovery (or graduation normally requires 2 - 3 years involvement in a structured treatment program. The exception to this is often people whose treatment began in prison. While there is no denying the value of programs inside the prisons, the final treatment phase must take place in the community where the individual must cope with daily frustrations and the pressure from former associates in the drug world.

Mr. Heflin made a meaningful commitment to treatment while incarcerated. He participated in group and individual counseling for almost two years prior to applying for parole. He was also a full-time student during much of that time. While his progress was significant and his prognosis better than most, it is neither accurate nor fair to say that he was completely recovered. Neither the FDTC nor Mr. Heflin expected any major regression. While we expected "graduation" within a year or so, we knew that the first year out would be a difficult and occasionally traumatic one.

The fact that Mr. Heflin experienced serious difficulties during the fourth month following his release is not at all unusual. What is unusual is the fact that he sought additional help immediately. Far more common is the addict who denies any problem and who is afraid to seek help because the very nature of the problem is a violation of his/her parole or probation conditions. The end result--and the FDTC has seen it happen on a number of occasions--is that the individual successfully hides the problem, becomes re-addicted and eventually, returns to some form of criminal behavior. Mr. Heflin was quite familiar with this syndrome. He knew that unless he honestly confronted the problem in the beginning, his personal growth and eventual success would be seriously threatened. He also knew that part of the problem (association with known felons and two occasions of drug abuse) was a violation of his parole conditions. Mr. Heflin obviously felt that his need for support and treatment outweighed the risk of being violated. He discussed the problems, in detail, with his employer, his supervisor and the FDTC staff. His FDTC counselor spoke with his Parole Officer at some length and advised Mr. Heflin to do the same.

Parole Board
Heflin
Page 3

Since Mr. Heflin has since had his parole revoked and is currently serving a minimum of three more months in jail, we now have some serious questions regarding the priorities of both the Parole Board and the Adult Probation and Parole Office. Participation in a treatment program was a condition of Mr. Heflin's original release. What is the point of such a condition if the professional recommendations of the treatment staff are so readily set aside by a board obviously less experienced in this field? For the average individual in treatment, situations such as the one experienced by Mr. Heflin are common in the beginning. When dealt with in an appropriate manner, they decrease in frequency and soon stop altogether. Punishment is not an appropriate response in this case since Mr. Heflin recognized the problem immediately, sought help and stopped the behavior prior to being sent back to jail. 1.C 2.C

It should be noted that in addition to his obvious commitment to treatment, Mr. Heflin is a full-time University student. He has an overall grade point average of 3.4 and has made the Dean's List twice in the last year and a half. Incarceration at this time means that he has to withdraw from school--an event that cannot possibly be in his best interest. There is, however, no advanced education program at F.C.C. this year. Again, we wonder what anyone hopes to accomplish by this action? I.6 I.7

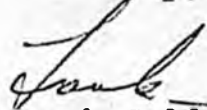
The argument could be made that had Mr. Heflin had legal counsel and had he vigorously denied the Parole Officer's charges, he might still be a free man. There was, after all, considerable evidence of successful rehabilitation in other areas of his life. Such an argument, however, was never considered by Mr. Heflin and would have been in direct opposition to everything the FDTC is striving for. The fact remains that our efforts toward helping addicts re-enter society and develop some trust in the system are made considerably more difficult every time that system fails to recognize genuine effort. 3.C 4.C

Parole Board
Heflin
Page 4


We do not know why the Board or the Parole Office felt that it was necessary to re-incarcerate Mr. Heflin--particularly in light of the fact that the Preliminary Hearing Officer released him. We do know that there were other options. Incarceration was not recommended by any of the professionals involved and cannot possibly be viewed as therapeutic. We would like to believe that rehabilitation and reduced recidivism are Board priorities. Unfortunately, the decision in Mr. Heflin's case cannot support such a belief.

5.C
6.C
7.C


Sincerely,



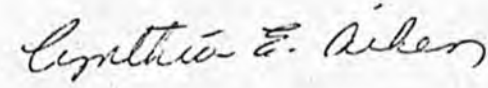
Frank Gold, EdD
Program Director



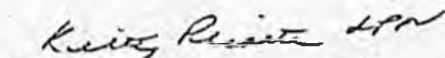
David M. Cammack, M.D.
Medical Director



Bonnie McCorquodale
Program Counselor



Cynthia E. Aiken
Program Counselor



Kitty Picotte, LPN
Program Nurse



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary
1016 West 6th Ave., Suite 201
Anchorage, Alaska 99501
277-7540 or 277-7549

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Sam Trivette, Executive Director
Alaska Board of Parole

FROM: *Rocky* Rocky Plotnick, Admin. Asst.
House Judiciary

DATE: October 13, 1979

As discussed at our meeting this morning, I am giving you a copy of the article that was printed in the Tundra Times. In all fairness, I think you should be given the opportunity to defend the Board's position. Please take some time to read and think about the article and reply no later than December 1. That way I can have time to include your reply in my final report to the Legislature.

Also, the Committee is interested in some specific examples of technical violations of parole. Could you please provide me with some?

Thank you very much for your cooperation. I did enjoy talking with you this morning and hope we keep in contact.

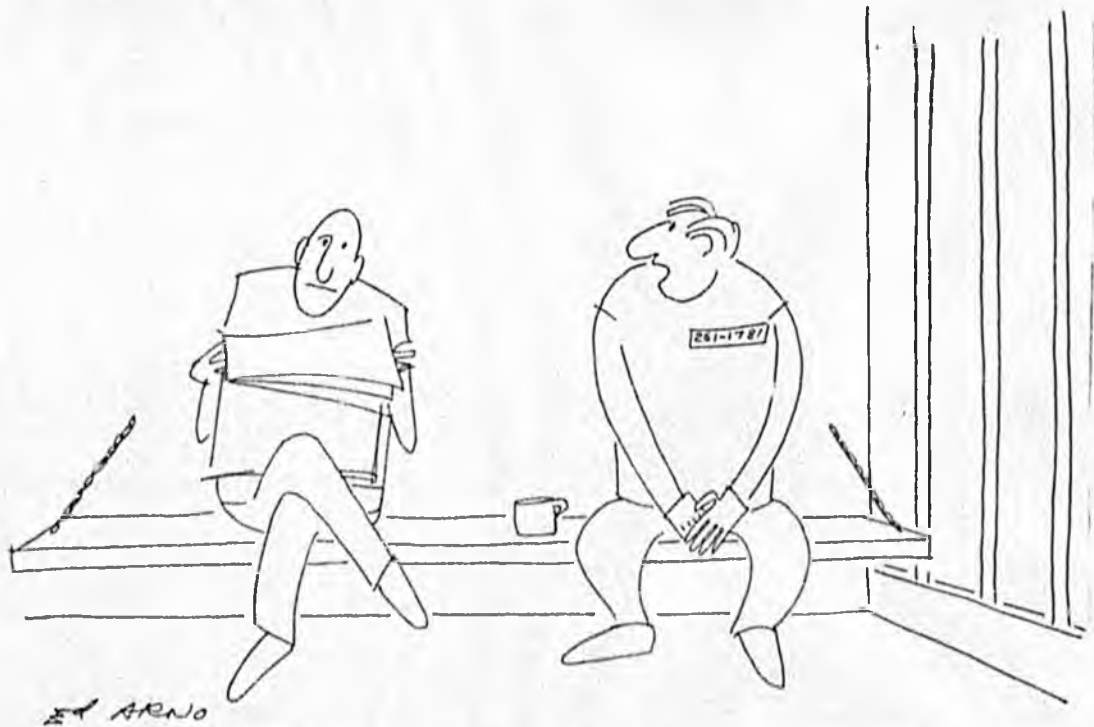
advertise? Does Public know it exists?
Parole Board

- 1) when a person speaks as a character witness can he be denied a chance to speak by either the Board or executive director
- 2) rehabilitation -
type of crime taken into account plus conduct - (rape)
- 3) Good time
- 4) reduction in time - less than $\frac{1}{3}$ in jail
- 5) Part/ Present Board members back to - get a past member to testify -

- 6) get specific tech. violations
what are they? Not being
able to associate w/ certain person?
- 7) mail copies of audit report
to members

THE NEW YORKER

JULY 30, 1979



ED ARNO

"Which are you—a victim of society or a crook?"

Parole Board - from Master Plan ^{draft}
grant from Nat'l Institute of Corrections
to develop a parole guidelines model - would

should visit all institutions annually

lack of staff (\$)

2 manuals procedures & policies
not available for public review

no administrative procedures policy
because small staff - not applicable

page 9 criteria of Board members
includes those w/ B.A.'s / B.S.'s
minorities, criminal justice experience

no staff to have info. gathering system

meets in (Arch.) Akks, & Juneau
(F.R.)
(Palmer)

no recording or summary of hearings

no written / structured appeal process

doing well considering staff size

Board make up pg. 21

check w/ Sam T. @ research Ocd.

~~give Sam a schedule of interviews~~

mid for date great

counts - probation
(in lieu of prison)

parole admin - appeal branch
has to be sentenced 1st

conflict w/ M. Han & C. Cade

"goodtime" Corrections

if Sam testifies letter
to Birnie & P.C. Sam —

PAROLE BOARD CALENDAR

Date: 10-25 & 26, 1979

Applicant	Offense	Reason for Appearance	Board Action
Spencer, Kenneth	M. R. Violation	Final Hearing	
Harris, Joseph	M. P. Violation	Final Hearing	3 months Jail
Hughes, Brett	Forgery	Initial	
Kunkle, Richard	BNIAD, Larceny, Introduction of Contraband Into a Prison	Special	
Lear, Jeffrey	Rape	Initial	
Sielak, Stanley	Manslaughter, Escape	Review	
Sisson, Robert	ADW, BNIAD	Initial	Postponed until January Trans. to A.P.F.
Terry, Hulon	Probation Violation (Rape)	Review	
White, Fred	OMVI	Initial	
Knudson, Wilbur	BNIAD, LIAB	Initial (Ketchikan)	
Arrington, Michael	BNIAD	Initial (Ketchikan)	Waive
Black, Vernon	Rape	Initial	Waive
Chavez, Richard	BIAD, ADW	Review	Waive
Ferreira, Chester	BIAD	Initial	Waive
Kurkoff, Conrad	ADW, Prob. Viol. (Rape)	Initial	Waive
Jacobs, Raymond	ADW	Review	Waive
Johnson, Randall	B, IAD	Initial	Waive
Meyer, John	BNIAD, LIAB, Forgery	Initial	Waive
Snyder, Wallace	Rape	Initial	Waive
Stephan, Donald	2 cts. ADW, Prob. Viol.	Review	Waive

M.R. = Mandatory Release

3) corrections - write up summary of Master Plan - how are prisoners currently classified, including outside the state - is there a breakdown on the classification of minorities? - who or how are the locations of correction facilities determined? - is there a category for race in job applications for corrections? - what about the funds for education at Ridgeview/Eagle River?

4) judges - get the travel time for Supreme Court Judges in the past year (fiscal or calendar) - how much was spent on travel and where did they go? - confirm the number of complaints the Judicial Qualifications Committee receives and the action taken - how are they planning to "advertise" or let the public know they exist?

5) parole board - find out exactly what technical violations are with specific examples - are there any statistics on minorities in terms of paroles granted, denied, or revoked? - how does the board determine character witnesses? - what specific factors are taken into account to determine granting of parole? - what is "good time" and how does it play a part in parole? - get some past board members to testify at invitational hearing - follow-up on Nel's question about parole being granted before 1/3 of the sentence - obtain copies of audit's report and mail to members

C. Hartie Campbell -

Reduction of discretion OK, elimination not OK

Favors professional board (not nec experts)

Doesn't find that prisoners all trying to con him
Evidence that longer stay in prison more likely to
commit crimes

Thelma - Advisory Board good? Campbell - yes,
→ Might be ~~for~~ some full-time, some lay
Clinical psychologist, attorney, etc but personal
qualifications more important
Limited service (3-4 years, maybe)

Campbell -

2/22/80

169 prisoners outside of 785, most not dangerous

Dormitory not adequate for long-term prisoners, and we are short of bed-space.

Feds may be getting ~~full~~ full, too -

ACA standards call for 400-bed max

Bonds ~~is~~ - Hugh - why not appropriate?

Alcohol treatment -

Energy-efficient

Security

Visitors facility - good telephone

Mike Clements -

2-hour 5-mile, 1 Ft Yukon

uninterrupted power source for computer (ASIS),
traffic,



Conditions of parole -

marriage (me) -

association (Nels) -

employment (Nels) -

travel (Thelma) - co. pact

weapons (Nels) waiver of Fed law
check w/ crim code

Counseling -

alcohol req but
not avail (Thelma)

Membership - (Thelma)

trained in human rel,

psych, counseling

~~ethnic req~~

training - Nels

nominees from Just Comm (Nels)

Parole officers

Village council (Nels) yes

Veto of order (me) No

Hearing off powers

Appeal -

Sat off -

Good time on parole - Nels

Parole Bd reqs
in all prison
libraries

Preparation of case files -

copy of records
made available
to inmate before
heard

Lemon Creek 2/25/80

Harold Joe - before Board - violated ^(moved) (drinking in bar) ^{14 mos} out
Only condition should be #3 - not to break
any Fed or state laws. Had association w/ others
2-3 years, now supposed to stop.

George Westall -

Att class asked for min custody - told no
go until turned down by Parole Board. Some
people get min custody right away.

Randall Johnson - before Board

Drop assoc w/ others is wrong.

Disturbed by clergyman passing judgment on him.

Larry Larson - before Board twice

No control on Board - not taped

Board objected to him fighting his case
w/ (Lyons) - Alcohol treatment rec, ignored
at 2nd hearing.

Board concentrated on appeal, bail, not
on rehab which had occurred.

* Good behavior time on parole doesn't count

Timothy African Jr - before Board - denied

Talk to Board, go out, don't know results
Couldn't get attorney to work with him,
in prison 26 months.

Convicted of ADW - head doesn't work since
beaten on head by cop. Didn't stab anyone.

Went to Att, got GED, taking college courses.
Has hearing problems.

*

Ernest Carroll - Parole Bd April 79

- Talked about juvenile record - and Att,
not about offense for which serving

Thelma - job lined up, family to take you
Larson - pretty standard that don't get parole
first time around - didn't want to have employer
hold job.

Ed Skaruzich - before Board Apr 79 (23 mos)
- lined up, went to AA meetings. Had two
jobs, half dozen places to stay
- Board brought up juvenile records (Lyons)
- Lyons started yelling, wouldn't let him
get word in
- Board doesn't really know cases
- " member hard of hearing
- " turned him down on juvenile record,
some on institutional record

Larson - letter of denial may not give all reasons,
always considers past record

Dwight Curly -

- parole counselors took fake accusations be-
fore Board. Need to separate inst counselors
from parole counselors.

- alleged that had been in fist fight every
night Feb-Apr
- Board not in good standing nationally

~~Eddie ~~Parade~~ Loredo - in 6 years -~~

- Board leaves it to inst counselor to put
together packet on inmate

- Inmate doesn't see packet

- Judge rec psychiatric counseling, didn't
get it for five years.

- Never got letter from Board on denial

parole officer
should have
auth to let
him go outside
to work -
parole bd
marriage
permission

William Hawley -

- judge rec alcoholic counseling, Board looks heavily at it - counseling not available
- AA doesn't work in inst although does on the streets
no inst counseling, no alcohol in inst

Philip Axatara -

- Lyons compared him w 10-year old son
- parole officer out to bust you

Byron Charles -

Board always asks about alcohol programs, but there aren't any

Board should have professional ~~members~~ counselors (psychiatrist, e.g.)

AA visits not considered by Board
Court rec never followed through
adjust

Harry Halverson - goes before Board in Apr

Martin Smith - before Board summer 1975, ^{and} again

- ^{jailed} no funds for counselor, so got AA

- Robert Collins, parole off Ktn turned down approved plan

- statutes say if follow inst req should get favorable consideration

- believes admin and parole off tell Board what to do

- need full-time board

Pete Gaona - before Board twice

- Board doesn't consider person, decides beforehand

- had plan

- Board holds past against him

- Lyons said insult to ask for parole
(Norm Anderson + rest of parole board)

- not allowed to see file

Thomas Wood -

- no jobs in rural areas, but Board says have to have one.

Bob Corbett - violated parole from Walla Walla

- on parole two years, worked all time

* - went into house w/o search warrant, went back next day with one

- sent to Walla Walla for 8 mo sentence
- parole officer invited police in
- was living w/ minor w/ knowledge of parole officer
- picked up for assault (on wife)
- smoked pot w/ knowledge of parole officer
- unlicensed - not training to do

Tom Naves
PD

Marrisey
vs
Brewer

Norman Franzen - two year sentence, in 11 mo

- before Board, denied because of past record. No inst record. Had job, place to stay

Bill Croize - 8 yrs ADW (under drugs) July 78

- has tried to get drug counseling, suing
- expects to go outside for rehab
- due before Board ~~April 8~~

Terry ~~St~~ Shine - 2 yrs for pot sale

- refused to go before Board, force
- had four months to do on 3-yr sentence,
- revoked because of change of residence
- come out of jail start over, no job, no training

John Deacon - 5 yrs -

- went before Board, denied, doesn't know why

Edward Andrews - 6 yrs, before Board last July

- denied because violated probation (drunk)

Sinka Crane -

- 3 yrs to go. Shot man who burned house down -
- not before Board yet
-

Abel Kozmikoff - before Board, denied

- denied because no alcohol treatment -
- violated probation for drinking in public

Vernon Black - before Board, year set off

- ~~no~~ Bd said need alcohol counseling, ~~but~~ ^{he} ~~didn't~~

~~accept~~ won't accep' - AA.

- wants evidence to show
- had job, village council willing act as probation, Board wants to parole to city

Monty Charles - before Board, 2-yr set off

- asked only about alcohol treatment
- Koyuk - firearms

Terry Gray -

- inmate back for rest of sentence because of technical violation
- picked up on assoc w/ felon, leaving area of residence
- in for felon in possession firearm

Roy Montgomery - not before Board, goes in July

- Cannon Mills (Kannapolis, N.C.)
-

Lyons shouting at him
Lyons provoked him

ALASKA BOARD OF PAROLE

Order of Parole

The Alaska Board of Parole, by the authority vested in it by Alaska Statute 33.15.080, authorizes the release to parole supervision of _____.

This parole is granted effective _____, or as soon thereafter as a release plan is approved by the Alaska Division of Corrections, and parole will expire on _____.

Parole is granted under the following conditions with the understanding the board can, at any given time during the period of parole, cause the parolee to be returned to custody when it is determined that any of the following conditions of parole are violated:

1. I will make diligent effort to maintain steady employment and support legal dependents. I will not voluntarily change employment without receiving permission from my parole officer to do so; if discharged or if employment at present job is terminated (temporarily or permanently) for any cause whatsoever, I will notify my parole officer or his designee within 48 hours. If I am involved in an education or training program, I will continue active involvement in the program unless I receive permission of my parole officer to quit. If I am released or removed from the program for any reason, I will notify my parole officer within 48 hours.
2. I will report to my parole officer at least monthly in the manner prescribed by him. I will follow any other reporting instructions established by my parole officer.
3. I will obey all state, federal and local laws, ordinances, and orders.
4. I will obtain permission from my parole officer before changing residence. I will notify my parole officer at once of an intended change of address and the reasons I expect to move.
5. I will obtain the prior written permission of my parole officer in the form of an interstate travel agreement before leaving the State of Alaska. Failure to abide by the conditions of that agreement is a violation of my conditions of parole.
6. I will not own, possess, have in my custody, handle, purchase or transport any kind of firearm without the prior written permission of the Alaska Board of Parole. I understand the federal law prohibits me from having any kind of contact specified above with firearms. State laws prohibit anyone convicted of assault and battery and other assaultive charges, from having any contact with a concealable weapon, including pistols, revolvers, other concealable firearms, and from concealing about his person a knife with a blade over 2" long, metal knuckles, or an instrument by the use of which injury could be inflicted upon the person or property of another. I will contact my parole officer if I have questions about the use of firearms or weapons.
7. I will not use any narcotic, hallucinogenic, stimulant, depressant, amphetamine, barbiturate or prescription drug not specifically authorized by a licensed physician.
8. I will report to my parole officer, no later than the next working day, any contact with law enforcement officers that involves arrest or interrogation for any crime or suspected crime.
9. I will not enter into any agreement or other arrangement with any law enforcement agency which will place me in the position of violating any law or any conditions of my parole.
10. I will obey any special instructions, rules or orders given to me by the board or by my parole officer.

SAMPLE

ALASKA BOARD OF PAROLE

SAMPLE

DATE _____

I have read these conditions of parole or have had them read to me, and I fully understand the conditions of my release on parole; by accepting this parole, I agree to abide by them. I understand it is my responsibility to contact my parole officer if I have any questions about the meaning or intent of any of these conditions of parole. I realize that I may be arrested at any time by a parole officer with or without a parole violation warrant. I do hereby waive extradition to the State of Alaska from any state in the Union, and agree I will not contest any effort to return me to the State of Alaska.

WITNESS _____

PAROLEE _____

DATED _____

1001, always conditions of Parole

1. I will report to the supervising parole officer's office the next working day after the arrival in the state in which I am being supervised.
2. I understand that I am obligated to abide by the conditions of parole established by the Alaska Board of Parole, as well as conditions of the state where I will be supervised on parole. I understand the interstate supervising parole officer may set up any additional conditions he finds necessary; if this is done, informational copies will be sent to the Alaska Division of Corrections and the Alaska Board of Parole. My interstate supervising officer has the authority to change any of the conditions set by his state, but only the Alaska Board of Parole has the authority to have any conditions changed on the Alaska Board of Parole order.
3. I will not leave the state where I am being supervised without the prior written permission of my supervising parole officer, including an interstate travel permit.
4. I will receive permission of my parole officer before I enter into any contracts, open or utilize a bank checking account, borrow any money or go into debt, apply for or use any credit cards, purchase an automobile, truck, snow machine, motorcycle, motorhome, trailer, house or property. I will advise my parole officer of any debts I currently owe. I will pay all bills when due, maintain all credit accounts current, and keep my parole officer advised of my financial condition and of any financial problems.
5. I will not open, maintain or utilize a checking account. I will not at any time have in my possession any checks, except payroll or business checks payable to me as the first party. I will not fill out any portion of any check except to endorse my name to a payroll or business check made payable to me.
6. I will consult with my parole officer before entering into an agreement to marry or marrying.
7. I will participate in mental health, psychiatric, psychological, or other counseling programming approved by my parole officer as directed by the Parole Board or my parole officer. I will continue active participation and attendance in any such programming determined appropriate by my parole officer, to his satisfaction. I will obtain the prior written permission of the parole officer before voluntarily discontinuing any programming established. If I am discharged or if this programming is terminated (temporarily or permanently) for any reason I will notify my parole officer or his designee within 48 hours. I agree to permit my parole officer access to any information obtained by these program personnel, including my attendance.
8. I will participate in approved alcohol/drug programming as directed by the Parole Board or my parole officer. I will continue active participation and attendance in any such programming determined appropriate by my parole officer, to his satisfaction. I will obtain the prior written permission of the parole officer before voluntarily discontinuing any programming established. If discharged or if this programming is terminated (temporarily or permanently) for any reason I will notify my parole officer or his designee within 48 hours. I agree to permit my parole officer access to any information obtained by these program personnel, including my attendance, and I will sign an approved criminal justice referral consent to release information to my parole officer.
9. I will notify my parole officer within 48 hours of the use of any drugs prescribed by a licensed physician.

barbiturate, or prescription drug not specifically prescribed by a licensed physician. I will not at any time have on my person, or in my residence or in my car any paraphernalia normally associated with the illicit use or abuse of drugs. This includes but is not limited to: syringes, injecting needles, cooking spoons, hash pipes, cocaine spoons or weighing scales and substances used for cutting down, packaging or diluting drugs.

11. I will not consume or have in my possession at any time any alcoholic beverages. I will not enter any establishment whose primary business is the dispensing of alcoholic beverages; this includes liquor stores, bars, pubs, taverns, night clubs. I will notify my parole officer within 48 hours of the use of any prescription or counter drugs containing alcohol.
12. I will not at any time allow alcoholic beverages to be brought into my residence or to be carried in any motor vehicle that I am driving.
13. Upon request by or at the direction of a parole officer at any reasonable time, I will submit to a search of my person, personal property, my residence or any vehicle under which I have control, for the presence of dangerous weapons, knives or firearms. This search of my person may consist only of a pat down or frisk search to determine the presence of weapons, unless the searching officer reasonably believes that I have a weapon concealed on my person which is not detectable by a pat down or frisk search.
14. Upon request by or at the direction of a parole officer at any reasonable time, I will submit to a search of my person, my personal property, my residence or any vehicle under which I have control, for the presence of narcotic, hallucinogenic, stimulant, depressant, amphetamine, barbiturate or other drugs or drug paraphernalia.
15. Upon request by or at the direction of a parole officer at any reasonable time, I will submit to a search of my person, my personal property, my residence or any vehicle under which I have control, for the presence of alcoholic beverages. This search of my person is limited to a pat down or frisk search.
16. Upon request by or at the direction of a parole officer at any reasonable time, I will submit to a search of my person, my personal property, my residence or any vehicle under which I have control, for the presence of property that may be stolen. A search of my person will normally be limited to a pat down or frisk search unless the searching officer reasonably believes that there is stolen property on my person which is not detectable by a pat down or frisk search.
17. I will submit to testing at any reasonable time upon request by or at the direction of a parole officer to determine whether or not I have used any narcotic, hallucinogenic, stimulant, depressant, amphetamine, barbiturate or prescription drug. This testing includes, but is not limited to, blood test, breathalyzer, urinalysis. I understand that if any of these tests show that I have ingested drugs not specifically prescribed by a licensed physician, my parole may be revoked. Refusing to cooperate when requested to submit to testing will constitute a violation of my conditions of parole.
18. I will submit to testing at any reasonable time upon request by or at the direction of a parole officer to determine whether or not I have used alcoholic beverages. This testing includes, but is not limited to, blood test breathalyzer, urinalysis. I understand that if any of these tests show that I have ingested alcoholic beverages, my mandatory release may be revoked. Refusing to cooperate when requested to submit to testing will constitute a violation of my conditions of mandatory release.

will not apply for a motor vehicle operator's license without the prior written permission of the Alaska Board of Parole. If I am presently licensed to operate any kind of motor vehicle, I will immediately surrender this/these license(s) to my parole officer, who will forward them to the issuing authority and advise the issuing authority why it is being returned.

20. I will not operate a motor vehicle without first obtaining liability insurance, and providing proof of this insurance to my parole officer.
21. I will provide information to my parole officer about any motor vehicle that I own, am buying, or operate. I will advise him of the make, model, year, color, and license number of these vehicles.
22. I will receive permission from my parole officer before leaving the area of the state to which my mandatory release case is assigned. I agree to abide by the limits set by my parole officer.
23. I will not associate nor have any non-employment related contact with a convicted felon, without the permission of the Alaska Parole Board. This includes corresponding or visiting with any person confined in a prison, penitentiary, correctional institution, jail, correctional work camp or work release center, etc. I will notify my parole officer if I have any job-related or any other contact with a felon.
24. I will enroll in the TASC program immediately and remain in the program unless and until written permission is granted by the Alaska Parole Board. I will cooperate with TASC program personnel and will sign the consent to release confidential information as a criminal justice referral.

Master file

D. Randolph
586-3392

From Board Member - Rev. William Lyons.

For an Act entitled: "An Act Relating to Parole Administration Act and to Prisoners."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

Section 1. AS 33.15.010 is amended to read:

Sec. 33.15.010. STATE BOARD OF PAROLE. There is in the department a board of parole consisting of five members to be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The governor shall designate one of the members as chairman of the board. The member shall remain chairman until the expiration of his term as a board member. [ONE OF THE MEMBERS, WHO SHALL BE CHAIRMAN OF THE BOARD, SHALL BE A PERSON WITH TRAINING OR EXPERIENCE IN THE FIELD OF PROBATION AND PAROLE, AND HE]. The members may be [AN] officials or employees of the department but may not be [AN] officials or employees of the division of corrections. As much as possible, the governor shall appoint board members that represent a broad cross section of the makeup of Alaskan residents. The term of each of the five members [EACH OF THE OTHER FOUR MEMBERS] of the board is five [FOUR] years and until his successor is appointed. [AND QUALIFIES.] Terms of all members shall be staggered to expire at one year intervals. Successors are appointed in the same manner as provided for the board members first appointed. A vacancy shall be filled for the unexpired term. The governor may remove a board member for nonmalfeasance, or for any behavior not in keeping with the code of ethics of the American Correctional Association or the written regulations of the parole board.

Section 2. AS 33.15.015 is amended to read:

Sec. AS 33.15.015. EXECUTIVE DIRECTOR. The board shall hire an executive director who has training and experience in the field of probation and parole. The executive director shall serve as the executive officer for the board in the accomplishment of its functions. He shall serve [THE BOARD] at the pleasure of the [GOVERNOR] board.

Section 3. 33.15.020 is amended to read:

Sec. 33.15.020. COMPENSATION AND EXPENSES. The members of the board, [OTHER THAN THE CHAIRMAN, SHALL NOT RECEIVE SALARIES BUT] are entitled to compensation per day at an amount [TO BE SET BY THE GOVERNOR FOR EVERY DAY THEY ARE IN SESSION,] commensurate with the salary of the executive director on an hourly basis during the time they are actually conducting board business, and a per diem and travel allowance as provided by law. [THE CHAIRMAN IS NOT ENTITLED TO A SALARY OR COMPENSATION FOR DAYS HE ATTENDS A SESSION OF THE BOARD, BUT IS ENTITLED TO A PER DIEM ALLOWANCE AND TRAVEL COSTS AS PROVIDED BY LAW.]

Section 4. 33.15.050 is amended to read:

Sec. 33.15.050. DUTY OF BOARD TO CONSIDER THOSE ELIGIBLE FOR PAROLE. The board shall consider all prisoners serving sentences who may be eligible for parole. A prisoner may waive the board considering him for parole for any portion of his sentence.

Section 5. 33.15.060 is amended to read:

Sec. 33.15.060. CONSIDERATIONS IN DETERMINING SUITABILITY [ELIGIBILITY] FOR PAROLE. In considering a prisoner, the board shall consider the presentence report made to the sentencing court, the recommendations

by the sentencing court and the prosecuting attorney, the report from the proper officers of the institution where the prisoner is incarcerated, the record of the prisoner and all pertinent information that will enable the board to make a determination.

Section 6. 33.15.070 is amended to read:

Sec. 33.15.070. ORDER OF PAROLE. An order for parole shall contain the conditions imposed, [INCLUDING THE FIXING OF THE PAROLEE'S RESIDENCE,] which may be changed in the discretion of the board, and the parole expiration date. The order does not take effect until signed by the parolee and the plan of parole is approved.

Section 7. 33.15.100 is amended to read:

Sec. 33.15.100. ADOPTION OF RULES AND HOLDING OF MEETINGS. The board shall adopt rules which it considers necessary or proper with respect to the [ELIGIBILITY] suitability of prisoners for parole, the conduct of parole hearings, and conditions of release to be imposed on parolees. The board shall meet as often as it finds necessary, but it shall meet at least four times [TWICE] each year. Three members constitute a quorum for the conduct of business.

Section 8. 33.15.130(b) is amended to read:

(b) The board shall keep a record of its acts and shall notify the commissioner of its decisions relating to prisoners considered for parole. At the close of each fiscal year the board shall submit to the governor, the commissioner, and the attorney general, a report containing statistical and other data of its work, including research studies which it may make of probation, sentencing, parole or related functions [, AND A COMPUTATION AND ANALYSIS OF DISPOSITIONS IN CRIMINAL MATTERS BY THE COURTS IN THE STATE].

Section 9. 33.15.180 is amended to read:

Sec. 33.15.180. PERSONS ELIGIBLE FOR PAROLE.

[Effective January 1, 1980.] a) A state prisoner other than a juvenile delinquent, whenever confined and serving a definite term over 180 days or a term the minimum of which is at least 181 days, and who is not imprisoned in accordance with AS 12.55.125 (c) (1), (c) (2), (c) (3), (d) (1), (d) (2), (e) (1), or (e) (2), [WHOSE RECORD SHOWS THAT HE HAS OBSERVED THE RULES OF THE INSTITUTION IN WHICH HE IS CONFINED,] may, in the discretion of the board, be released on parole, subject to the limitation prescribed in Sec. 80 and 230(a) (1) of this chapter.

(b) A state prisoner who has been imprisoned in accordance with AS 12.55.125(a) or (b) may not be released on parole until he has served at least the prescribed minimum term of imprisonment.

(c) A state prisoner imprisoned in accordance with AS 12.55.125(c) (1), (c) (2), (c) (3), (d) (1), (d) (2), (e) (1), or (e) (2) who is released under AS 33.20.030 shall be [PLACED] released as if on parole for the period specified in the certificate of deduction, subject to written rules and conditions imposed by the board or his parole officer.

(d) The board may revoke the release of a prisoner for a violation of a law or ordinance, or condition of release. The revocation results in the forfeiture of all good time earned by the prisoner.

Section 10. AS 33.15.200 is amended to read:

Sec. 33.15.190. RELEASE AND TERMS AND CONDITIONS OF RELEASE. The board may permit a parolee to return to his home if it is in the state, or to go elsewhere in the state, upon such terms and conditions, including personal reports from the paroled person as the board

prescribes. The board may permit the parolee to go into another state upon terms and conditions as the board prescribes, and subject to the provisions of any compact executed under the authority of chapter 10 of this title and amendments to it. A prisoner released on parole remains in the legal custody of the board until the expiration of the maximum term or terms to which he was sentenced, less good time allowances provide by law. However, the board, in its discretion, may discharge a parolee from supervision and from the remainder of his sentence after he has completed at least two years successfully on parole supervision. While in the custody of the board, a person is subject to the disabilities imposed by AS 11.05.080; but this section shall not deny a parolee access to civil tribunals.

Section 11. AS 33.15.200 is amended to read:

Sec. 33.15.200. RETAKING OF PAROLE VIOLATOR. A warrant for the retaking of a state prisoner who violates his parole may be issued only by the board or a member of it and the warrant shall issue before midnight on the day his parole is due to expire. [WITHIN THE MAXIMUM TERM OR TERMS TO WHICH THE PAROLEE WAS SENTENCED.] A parole violator may be retaken with or without a warrant for violation of a law, ordinance or condition [TERM] of parole. The unexpired term of imprisonment of the parolee shall be served and begins to run from the date he is returned to the custody of the commissioner under the warrant, and the time the prisoner was at liberty on parole does not diminish the time he was sentenced to serve, unless some or all credit is specifically allowed by the board, under the rules adopted by the board.

Section 12. AS 33.15.260 is amended to read:

Sec. 33.15.260. DEFINITIONS.

(1) "board" means the Board of Parole;

(2) "commissioner" means the commissioner of the Department of Health and Social Services or his designee;

(3) "parole" means the release of a prisoner to the community by the parole board before the expiration of his term, subject to conditions imposed by the board and subject to its supervision.

(4) "department" means the Department of Health and Social Services.

(5) "parolee" means any prisoner released to the community by the board, or any prisoner released to the community by operation of law as if on parole.

Section 13. AS 33.20.040 is amended to read:

Sec. 33.20.040. RELEASED PRISONER AS PAROLEE.

(a) A prisoner serving the term or terms for which he was sentenced less good time deductions shall be released unconditionally if there remains less than 180 days to serve under his sentence. If there remains more than 180 days to serve under his sentence a prisoner, upon release, shall be considered as if released on parole until the expiration of the maximum term or terms for which he was sentenced less 180 days.

(b) This section does not prevent delivery of a prisoner to the authorities of a state or the United States entitled to his custody.

(c) The parole board may revoke the release of a prisoner for a violation of a law or ordinance, or condition of release. Revocation results in the forfeiture of all good time earned by the prisoner.

DRAFT COMMITTEE REPORT ON PAROLE BOARD

In compliance with AS 44.66.010 - 060 and refferal by the Speaker of the House on Jan 15, 1980, the House Judiciary Committee has conducted a review of the State Board of Parole.

Committee staff conducted the necessary research. Also available to the Committee were the Master Plan and A Performance Review of the Alaska State Board of Parole, Division of Legislative Audit, May 9, 1979.

By letter of July 31 the Speaker notified the Committee of the forthcoming referral, thereby permitting advance work to be done during the interim between legislative sessions.

The Committee held four hearings, in Anchorage and Juneau. In addition, two teleconference hearings were held to receive testimony from Anchorage, Fairbanks, Ketchikan, Dillingham, Kenai, Nome and Bethel.

A total of 35 witnesses testified, including the Director, Division of Corrections, and Chairman and Executive Director of the Board. One other member of the Board attended a hearing but did not testify.

Art. III, Sec. 21, of the Alaska Constitution requires that "a parole system shall be provided by law". One option which was considered would have done away with the Parole Board and had the sentencing judge retain jurisdiction over the paroler. Once this option was rejected, the choices narrowed to a parole board in some form.

Testimony indicated that the workload of the present Board is heavy. The Chairman estimated that the average member spends 60 days a year on Board duties. The Committee considered the possibility of a full-time, paid board, but rejected it. (The new criminal code which prohibits parole for those convicted of second and succeeding felonies may result in a reduced workload after a few years.)

Also considered was the possibility of establishing a second board and dividing the work between the two. Prisoner reclassification and transfer could, however, result in both boards being involved with the same parolee or potential parolee. This seems undesirable.

The Judiciary Committee finds that:

- 1 - The Alaska State Board of Parole is necessary and should be continued.

- 2 - Statutory changes are needed to improve the functioning of the Board. The Committee will propose a bill incorporating these changes.

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In addition to receiving testimony during interim hearings, the Committee held three hearings in Juneau. Also, two teleconference hearings were held to receive testimony from Anchorage, Fairbanks, Ketchikan, Dillingham, Kenai, Nome and Bethel.

A total of about 35 witnesses testified, including the Director, Division of Corrections; the present Chairman, a former Chairman, and the Executive Director of the Board. One other member of the Board attended a hearing but did not testify.

Art. III, Sec. 21, of the Alaska Constitution requires that "a parole system shall be provided by law". The Committee received an opinion from the Legislative Affairs Agency to the effect that the Constitution does not mandate a parole board. One option which was considered would have done away with the Parole Board and had the sentencing judge retain jurisdiction over the parolee. Once

this option was rejected, the choices narrowed to a parole board in some form.

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Also considered was the possibility of establishing a second board and dividing the work between the two. Prisoner reclassification and transfer could, however, result in both boards being involved with the same parolee or potential parolee. This seems undesirable.

Testimony indicates that Parole Board members may rely too heavily on "gut reactions" in deciding whether or not to grant parole. Although no human being can be perfectly objective, and a completely mechanical system would probably be unacceptable, there is need for a proper balance. The Board has recognized this need and is considering objective criteria which have shown a high correlation with successful parole.

A matter of concern to the Committee was the recidivism rate among parolees. Although only about 4% were re-incarcerated because they committed a new felony, about 20% went back to prison for technical violations (violating conditions set by the Board at the

time parole was granted). In effect, about a fourth of all parolees are returned to prison, a disturbing statistic in view of the present and expected overcrowding in Alaska's correctional institutions. The Judiciary Committee, therefore, spent a significant amount of time considering the parole conditions now being set.

The chances that parole will be successful, from the standpoints of both society and the parolee, are to some extent dependent on the prisoner's willingness and ability to change while in prison. The Committee found that educational, alcohol treatment, psychiatric counseling and work programs are generally unavailable or inadequate. The Judiciary Committee recommends approval of additional funds and personnel spaces for the Division of Corrections for programs which can be shown to reduce recidivism.

In compliance with AS 44.66.050(d), the Committee finds that

- (1) There is a need to avoid unnecessary incarceration.
- (2) The Parole Board is intended to provide for mitigation of sentence while simultaneously protecting the general public.
- (3) There are no similar or conflicting programs.
- (4) The program could be handled by the judicial branch but this would remove the element of judgment by one's peers.
- (5) The program is constitutional and cannot be eliminated. Funding it at a lower level would make it very ineffective.

- (6) The program is necessary and no other agency performs similar functions.
- (7) Other information will be contained in legislation to be introduced or in other portions of this report.

The Judiciary Committee finds that:

- (1) The Alaska State Board of Parole is necessary and should be continued.
- (2) Statutory changes are needed to improve the functioning of the Board. The Committee will propose a bill incorporating these changes.

TO: Charlie Parr, Chairman, and Members of the House Judiciary Committee
FROM: M.W. Berck, Staff
DATE: Mar.5, 1980
RE: Sunset Review of the Parole Board.

EFFECT OF GOOD TIME ON A TEN YEAR SENTENCE FOR BOTH A PAROLEE
AND A MANDATORILY RELEASED PRISONER

