

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982

1346 HHESS HB 225 (#1)

1346

**Sec. 33.20.030. Discharge.** A prisoner shall be released at the expiration of his term of sentence less the time deducted for good conduct. A certificate of deduction shall be entered on the commitment by the warden, keeper, or the commissioner. (§ 3 ch 107 SLA 1960)

**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. (§ 4 ch 107 SLA 1960)

**Sec. 33.20.050. Forfeiture for offense.** If during the term of imprisonment a prisoner commits an offense or violates the rules of the institution, all or any part of his earned good time may be forfeited. (§ 5 ch 107 SLA 1960)

**ALR and C.J.S. references.** —  
 Withdrawal, modification or denial of good time allowance to prisoner, 127 ALR 1203.

72 C.J.S. Prisons § 21.

**Sec. 33.20.060. Restoration of lost good time.** The commissioner may restore forfeited or lost good time or such portion of it which he considers proper upon recommendation of the keeper or person in charge of the penal or correctional institution in which the prisoner is incarcerated. (§ 6 ch 107 SLA 1960)

**Cited in Bear v. State, Sup. Ct. Op. No. 470 (File No. 813), 439 P.2d 432 (1968).** void sentence or invalid judgment of conviction necessitating new trial, 35

**ALR and C.J.S. references.** — Right to ALR2d 1283.  
 credit for time served under erroneous or 72 C.J.S. Prisons § 21.

**Article 2. Power of Governor to Grant Pardons, Commutations and Reprieves.**

<p><b>Section</b>                  70. Governor may grant pardons, commutations and reprieves</p>	<p><b>Section</b>                  80. Board of parole to investigate applications for executive clemency</p>
---	---

**Sec. 33.20.070. Governor may grant pardons, commutations and reprieves.** The governor may grant pardons, commutations of sentence, and reprieves, and suspend and remit fines and forfeitures in whole or part for offenses against the laws of the State of Alaska or the Territory of Alaska. (§ 1 ch 16 SLA 1961)

**Cited in Bear v. State, Sup. Ct. Op. No. 470 (File No. 813), 439 P.2d 432 (1968).** ALR 324; 26 ALR 21; 28 ALR 171; 63 ALR 226

**ALR references.** — Power of executive to pardon one committed for contempt, 23 State conferring on court power as to suspension of sentence as infringement of

power of executive to grant reprieve and pardon, 26 ALR 400; 101 ALR 1402.

Recovery of fine or penalty after pardon, 26 ALR 1536.

Judicial investigation of pardon by governor, 30 ALR 238; 65 ALR 1471.

Formal requisites of pardon, 34 ALR 212.

Pardon as restoring license or other special privilege forfeited by conviction, 47 ALR 542.

Consent of convict as essential to a pardon, commutation or reprieve, 52 ALR 835.

Validity of and power to grant conditional pardon, 60 ALR 1411, 1413.

Change in sentence after commitment as infringement of pardoning power of executive, 148 ALR 711.

Offenses and convictions covered by pardon, 35 ALR 25 1291.

**Sec. 33.20.080. Board of parole to investigate applications for executive clemency.** The governor may refer applications for executive clemency to the board of parole. The board shall investigate each case and submit to the governor a report of the investigation, together with all other information the board has regarding the applicant. (§ 2 ch 16 SLA 1961)

**Chapter 25. Western Interstate Corrections Compact.**

**Section**

10. Compact enacted

20. Commitment or transfer of inmates under compact

30. Enforcement of compact

**Section**

40. Board of parole to hold hearings under compact

50. Implementation of compact

**Sec. 33.25.010. Compact enacted.** The Western Interstate Corrections Compact as contained in this section is enacted into law and entered into on behalf of the State of Alaska with any and all other states legally joining in it in a form substantially as follows:

**WESTERN INTERSTATE CORRECTIONS COMPACT**

**ARTICLE I**

**PURPOSE AND POLICY**

The party states, desiring by common action to improve their institutional facilities and provide programs of sufficiently high quality for the confinement, treatment and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of cooperation with one another, thereby serving the best interests of such offenders and of society. The purpose of this compact is to provide for the development and execution of such programs of cooperation for the confinement, treatment and rehabilitation of offenders.

As us  
otherwis

(a) "st  
limitatio

(b) "se  
convictio

(c) "re  
inmate i:  
was had;

(d) "in  
to or con

(e) "in  
facility (  
mentally

(a) Ea  
or more  
behalf o  
states. A

(1) its  
(2) pa

for inm  
and any  
correctic  
included

(3) pa  
dispositi  
account  
products

(4) de

(5) su  
the oblig  
states.

(b) P  
institut  
states  
capacity  
therein  
of a sp  
availab

# MEMORANDUM

# State of Alaska


TO: Barbara Wilkins  
House HESS

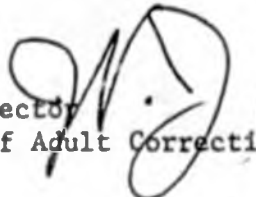
DATE: January 25, 1982

FILE NO: Document# 18-82

TELEPHONE NO: 465-3376

SUBJECT: Requested Data

  
XCCM: Allen Korhonen  
THRU: Deputy Commissioner  
Department of Health and Social  
Services

FROM: Walt Jones   
Acting Director  
Division of Adult Corrections

The attached material is in response to your request of January 22nd. We attached current best-fit linear projections of average Adult Correctional populations for January dates through 1987. We also have provided a copy of our charts showing monthly averages and annual admissions from 1974 through 1981. A bar graph which is included shows admission rates by offense for the combined fiscal years 1975 through 1981.

Attachments  
AK/WJ/rj

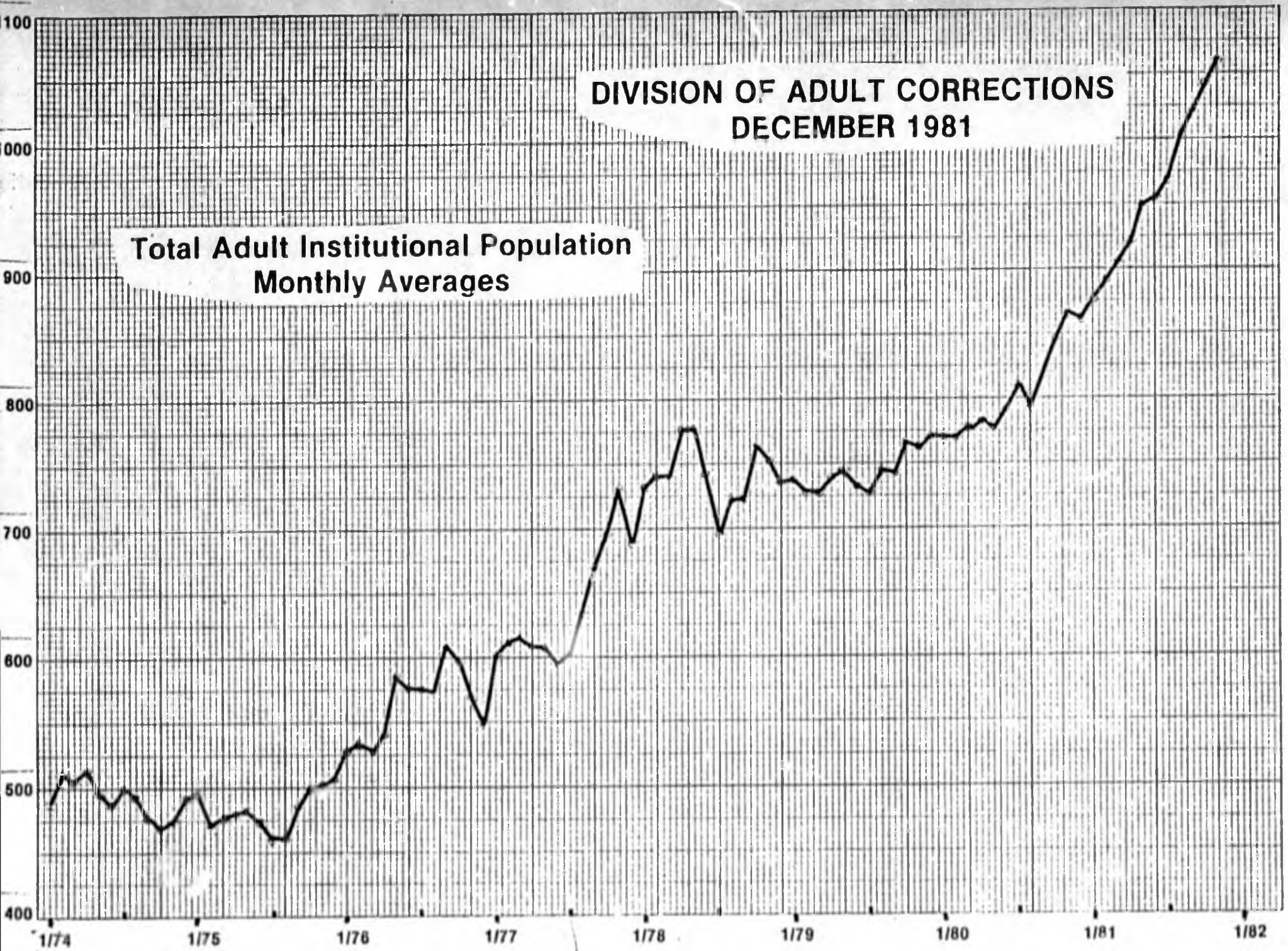
Date	Projected Population*
January 1982	1066
" 83	1236
" 84	1405
" 85	1574
" 86	1743
" 87	1912

\* Average monthly headcount

Note: These projections are based on the rate of growth which has been sustained since January 1980 (the date of commencement for the revised criminal code). There is no certainty however that this growth rate must continue and in view of the number of pending legislative changes, etc. it is reasonable to expect that it will change. The equation for this projection line is a linear function ( $\hat{y} = 14.099 x + 713.891$ ). The "slope" (rate of growth) implies an average monthly increase of about 14 inmates. Our historical growth based on complete data since January 1974 shows a more moderate rate equal to approximately 5.6 per month.

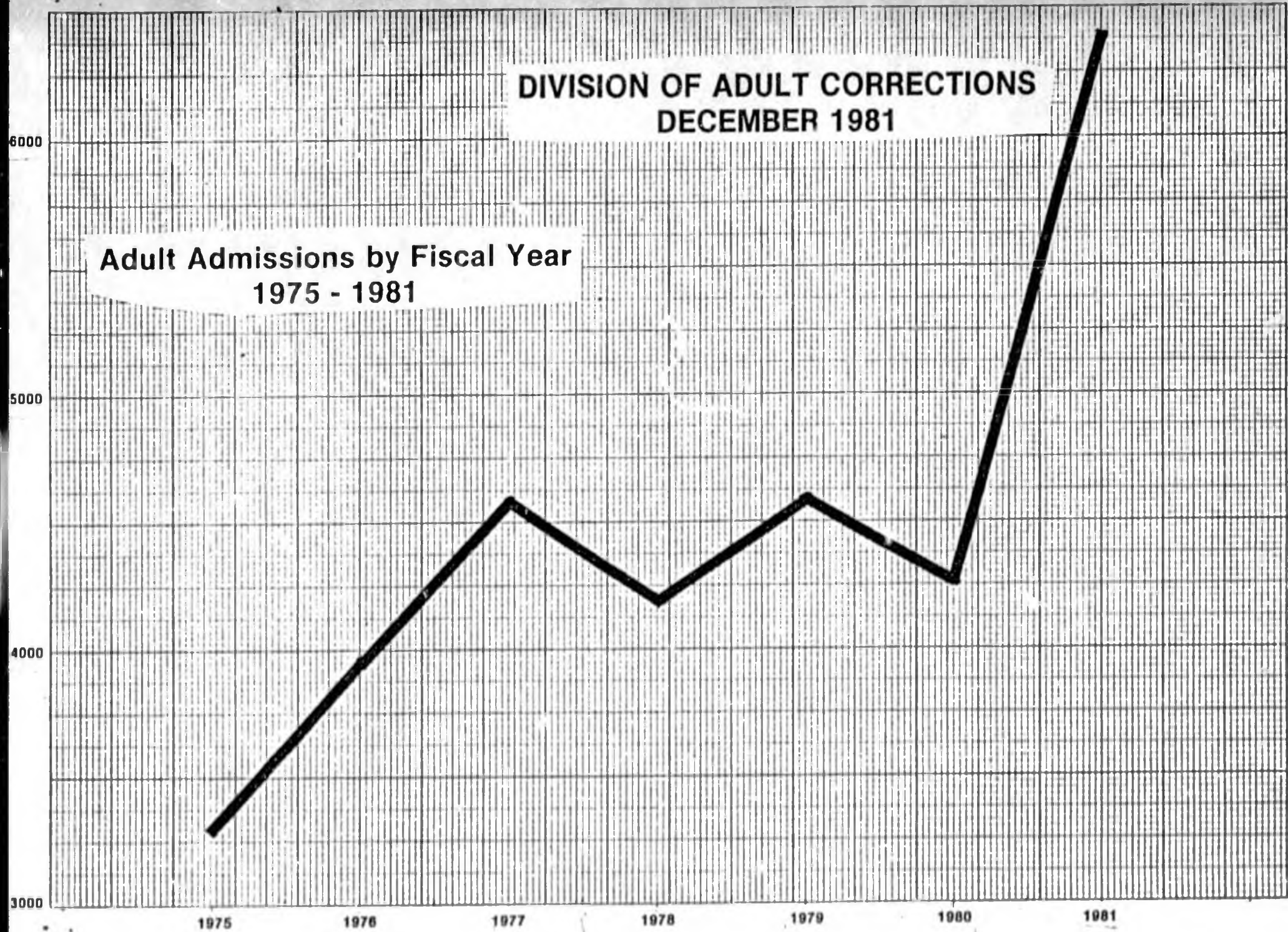
**DIVISION OF ADULT CORRECTIONS  
DECEMBER 1981**

**Total Adult Institutional Population  
Monthly Averages**



**DIVISION OF ADULT CORRECTIONS  
DECEMBER 1981**

**Adult Admissions by Fiscal Year  
1975 - 1981**





## ALASKA BOARD OF PAROLE

QUARTER \_\_\_\_\_, 198\_\_

1981

PAROLED - INTERSTATE	22
PAROLED - ALASKA	65
PAROLED - DETAINER	2
CONTINUED	34
DENIED	86
PAROLE RESCIND & CONTINUED	3
PAROLE RESCIND & REPAROLED	3
PAROLE RESCIND & DENIED	3
PAROLE REVOKED & CONTINUED	4
PAROLE REVOKED & REPAROLED	2
PAROLE REVOKED & DENIED	11
MANDATORY PAROLE REVOKED & CONTINUED	0
MANDATORY PAROLE REVOKED & REPAROLED	1
MANDATORY PAROLE REVOKED & DENIED	11
CONTINUED ON PAROLE	4
REQUEST FOR RECONSIDERATION - GRANTED	0
REQUEST FOR RECONSIDERATION - DENIED	5
REQUEST FOR SPECIAL HEARING - GRANTED	2
REQUEST FOR SPECIAL HEARING - DENIED	2
PRELIMINARY HEARINGS THIS QUARTER	17
OTHER	13
TOTAL CASES HEARD	290

## ALASKA BOARD OF PAROLE

QUARTER \_\_\_\_\_, 198\_\_

1980

PAROLED - INTERSTATE	19
PAROLED - ALASKA	56
PAROLED - DETAINER	1
CONTINUED	57
DENIED	61
PAROLE RESCIND & CONTINUED	1
PAROLE RESCIND & REPAROLED	1
PAROLE RESCIND & DENIED	4
PAROLE REVOKED & CONTINUED	6
PAROLE REVOKED & REPAROLED	4
PAROLE REVOKED & DENIED	9
MANDATORY PAROLE REVOKED & CONTINUED	0
MANDATORY PAROLE REVOKED & REPAROLED	2
MANDATORY PAROLE REVOKED & DENIED	10
CONTINUED ON PAROLE	5
REQUEST FOR RECONSIDERATION - GRANTED	0
REQUEST FOR RECONSIDERATION - DENIED	1
REQUEST FOR SPECIAL HEARING - GRANTED	7
REQUEST FOR SPECIAL HEARING - DENIED	1
PRELIMINARY HEARINGS THIS QUARTER	19
OTHER	12
TOTAL CASES HEARD	276

ALASKA BOARD OF PAROLE

1981 REVOCATIONS

PAROLEES	TOTAL	C.O.P.	R & C	R & RE	R & D
A. New Felony Conviction	1	1	0	0	0
B. In Lieu of Felony Conv.	3	0	2	0	1
C. Abscond	2	0	1	0	1
D. New Misdemeanor Conviction	7	0	0	0	7
E. In Lieu of Misdmr Conv.	1	0	0	0	1
F. Technical Violation	6	2	1	2	1
Total	20	3	4	2	11

M.R.'s	TOTAL	C.O.P.	R & C	R & RE	R & D
A. New Felony Conviction	2	0	0	0	2
B. In Lieu of Felony Conv.	2	1	0	0	1
C. Abscond	1	0	0	1	0
D. New Misdemeanor Conviction	5	0	0	0	5
E. In Lieu of Misdmr Conv.	1	0	0	0	1
F. Technical Violation	2	0	0	0	2
Total	13	1	0	1	11

ACTION CODE:

- C.O.P. = Continue on Parole
- R & C = Revoke & Review Case Again
- R & RE = Revoke & Reparole
- R & D = Revoke & Deny

## ALASKA BOARD OF PAROLE

1980 REVOCATIONS

PAROLEES	TOTAL	C.O.P.	R & C	R & RE	R & D
A. New Felony Conviction	4	0	1	0	3
B. In Lieu of Felony Conv.	4	1	0	1	2
C. Abscond	5	0	2	1	2
D. New Misdemeanor Conviction	5	1	2	1	1
E. In Lieu of Misdmr Conv.	2	0	0	1	1
F. Technical Violation	3	1	1	1	0
Total	23	3	6	5	9

M.R.'s	TOTAL	C.O.P.	R & C	R & RE	R & D
A. New Felony Conviction	3	0	0	0	3
B. In Lieu of Felony Conv.	2	0	0	1	1
C. Abscond	1	0	0	0	1
D. New Misdemeanor Conviction	3	0	0	0	3
E. In Lieu of Misdmr Conv.	1	0	0	0	1
F. Technical Violation	3	2	0	0	1
Total	13	2	0	1	10

ACTION CODE:

C.O.P. = Continue on Parole

R &amp; C = Revoke &amp; Review Case Again

R &amp; RE = Revoke &amp; Reparole

R &amp; D = Revoke &amp; Deny

	1975	1976	1977	1978	1979	1980	1981	Average Year
<b>Parole Hearings</b>	252	214	212	226	185	207	226	217
Paroled	93 (37%)	53 (25%)	75 (35%)	64 (28%)	56 (30%)	58 (28%)	61 (27%)	66 (30%)
Continued	133 (53%)	92 (43%)	78 (37%)	72 (32%)	60 (33%)	60 (29%)	38 (17%)	76 (35%)
Denied	22 (9%)	61 (29%)	52 (25%)	78 (35%)	62 (34%)	61 (29%)	94 (41%)	61 (28%)
*Paroled	4 (1%)	8 (3%)	7 (3%)	12 (5%)	7 (4%)	28 (14%)	33 (15%)	14 (7%)
<b>Revocations</b>	33 (35%)	19 (36%)	25 (33%)	20 (31%)	11 (20%)	18 (30%)		
Technical	30 (32%)	16 (30%)	19 (25%)	18 (28%)	7 (13%)	15 (25%)		
1-3 Months	10	5	5	3	2	9		
4-6 Months	7 (26%)	6 (27%)	6 (20%)	7 (22%)	2 (13%)	3 (23%)		
7-12 Months	7	4	4	4	1	2		
Over 13 Months	6	1	6	4	0	1		
Felony	3 (3%)	3 (6%)	4 (5%)	2 (3%)	4 (7%)	3 (5%)		
1-3 Months	3	1	0	1	1	2		
4-6 Months	0 (3%)	0 (6%)	2 (3%)	0 (1%)	1 (7%)	0 (5%)		
7-12 Months	0	2	0	0	2	1		
Over 13 Months	0	0	2	1	0	0		
<b>Avg. Sentence Remaining</b>	30.7	29.4	23.04	19.7	20.0	18.5		
<b>**Mean Average Sentence Remaining</b>	20.3	16.6	17.4	15.4	16.5	15.09		

\*Paroled But Not Released During That Year

\*\*Does Not Include Supervision Exceeding Four Years

TERMS OF IMPRISONMENT AND AUTHORIZED FINES IN REVISED CRIMINAL CODE

	FIRST FELONY CONVICTION	SECOND FELONY CONVICTION	THIRD FELONY CONVICTION
--	----------------------------	-----------------------------	----------------------------

"A" Felony	0-20 3-[6]*-20	5-[10]-20	7 1/2-[15]-20
"B" Felony	0-10	0-[4]-10	3-[6]-10
"C" Felony	0-5	0-[2]-5	0-[3]-5

MAXIMUM FINES - PERSONS

Murder or kidnapping - \$75,000  
 A, B, or C Felony - \$50,000  
 A misdemeanor - \$ 5,000  
 B misdemeanor - \$ 1,000  
 Violation - \$ 300

MAXIMUM FINES - ORGANIZATIONS

All offenses - \$100,000 or  
 3 X pecuniary gain  
 - whichever is greater

KEY

Number in bracket is presumptive sentence.  
 Number to left is lowest mitigated  
 sentence. Number to right is highest  
 aggravated sentence.

\* Six year presumptive term applies if first  
 A felony conviction, other than manslaughter,  
 and defendant used or possessed a firearm  
 during the offense or caused serious physical  
 injury.

MAXIMUM TERMS OF IMPRISONMENT  
 FOR MISDEMEANORS

A misdemeanor - 1 year  
 B misdemeanor - 90 days


2-1

HOUSE RESEARCH AGENCY  
Pouch Y - State Capitol  
Juneau, Alaska 99811  
465-3991

MEMORANDUM

February 28, 1980

TO: Representative Nels Anderson

FROM: Christine Johnson, Research Analyst 

THROUGH: Duncan L. Read

RE: Alaska State Parole Board #70

Earlier this month, you requested that the House Research Agency assemble information for you regarding the Alaska State Parole Board. Attached please find several pages of charts which should address your first concern pertaining to parole board caseloads. The Alaska Parole Board holds an average of 225 parole hearings each year. Additionally, the Board annually considers five or six revocation cases, and may also hold several hearings regarding offenders who have been released from prison according to the "mandatory release" and "legislative release" provisions in State law (AS 33.20.040, 33.15.180), but have violated conditions of their discharge. Board members spend between forty and sixty days each year on Parole Board business.

We have tried to provide you state-by-state statistics which indicate, to some degree, how the Alaska Parole Board functions relative to the other boards throughout the country. As the attached information indicates, sixteen other states have parole boards whose members serve on a part-time basis. There are also five states which have mixed boards, with both full and part-time members (see chart).

While nine states (Hawaii, Maine, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, Vermont, Wyoming) have smaller institutional populations than Alaska's, only one other state's parole board meets as infrequently as the Alaska Board. This may be one of the Alaska Parole Board's most significant inadequacies. Every offender who is eligible for parole and who applies for it is considered by the Board the next time they meet at his/her institution. However, as the Board only meets once a year at each of the detention facilities in Alaska, an individual who becomes eligible for parole several months after the annual board meeting at his/her institution could wait up to half a year for the board to consider the case.

In your memo to the Agency, you expressed concern that the State Parole Board may hear too many cases each year to treat each one adequately. This is difficult to measure. The State's parole recidivism rate may be an indicator of the quality of the Parole Board's decisions. Since 1975, the average annual parole revocation rate in Alaska has been 31%. However, an average of only 3.9% of the revocations occurred because the parolee committed a new offense. A board's typical daily caseload may also provide some insight into decision quality, indicating the amount of attention each case receives from the board as a whole. The Alaska Parole Board hears an average of 12 cases in a day; only one state board has a lower daily caseload. Parole boards in the eight states which have penal institution populations smaller than Alaska's see an average of 24 parole applicants daily. In a day, boards in Florida, Arizona and Texas may decide as many as a hundred cases.

It can be misleading to compare state parole boards' case disposition statistics. For example, in many states, e.g., Oregon, the court sets only the maximum term an offender must serve, and inmates are eligible for parole anytime after entering an institution. The Oregon Parole Board must see each sentenced offender and determine what amount of time he or she will actually serve. Data pertaining to Oregon would indicate that the Oregon Board paroles proportionately more offenders than the Alaska Parole Board because every inmate who is discharged from an Oregon institution before serving the maximum sentence for his or her type of offense is released by the Parole Board.

#### Parole Board Policy on Employment

The State Parole Board considers an offender's employment plans when making a decision regarding his/her parole. According to the Board's recently completed policy manual, the Board will review parole applicants' "employment history, including vocational and academic skills and training learned within the institution. Also previous training, job experiences including military training are also factors where appropriate in determining the applicant's employability." Additionally, the policy manual states that the "release plan" which each applicant is required to prepare and submit prior to his hearing should include "employment verification, job training verification, housing verification, and other letters of reference relevant to an applicant's plans." According to the executive director of the Parole Board, Sam Trivette, the Board acknowledges that it is frequently unrealistic to rigidly impose these employment requirements. According to the director, the Board is sensitive to the circumstances of offenders from rural areas who may never have held a typical job, or who are returning to communities whose employment opportunities are limited. Mr. Trivette repeated to us what he told the House Judiciary Committee in a letter dated November 12, 1979:

The Board has released offenders to subsistence plans including fishing, trapping, ivory and wood carving, training others to carve, chopping firewood to heat the home, repair fishing gear for the next season, etc. The Board has even paroled people to subsistence gardening in an appropriate case... The Board does release persons other than native persons to rural Alaska subsistence plans and will continue to do so when the Board members feel the offender's plan is realistic considering his entire life history. Some parole applicants have continually failed in some bush settings and the Board will not release any offender to a remote location so that he can escape supervision or just to get him out of sight.

Mr. Trivette asked us to note the Parole Board cannot release offenders to subsistence hunting as federal law does not permit felons to carry guns (18 USC § 1202).

Although the Parole Board may consider subsistence plans as an alternative to more traditional employment, this is not explicitly stated anywhere in the new Board policy manual which will be distributed through the State institutions. As an anonymous letter which appeared in the Tundra Times on August 15, 1979, indicates, the Board's receptivity to alternative employment plans is not widely understood. The author wrote:

I will state again, it is my firm conviction that the Department of Corrections should lift the stipulation of having a job, a requisite to the Native seeking parole. Simply for the reason there are no jobs in the bush communities.

The Parole Board's policy in this matter could be more clearly expressed so that prospective parolees understand that the Board will consider several kinds of employment options and they can develop their release plans accordingly.

#### Community Involvement in the Parole Process

You indicated in your letter to us that you would like to expand the role of village councils in the parole process. When contacted, Mr. Gray of your staff said you were specifically interested in the possibility of employing individuals at the village level who would assume parole responsibilities for offenders from the community. In this regard, there is presently a program in existence which, if expanded, could be what you have in mind. The Division of Corrections has employed "probation aides" since 1969. At this time, there is only one aide in Bethel and one in Kotzebue, but in previous years the program has been larger.

According to Walt Jones of the Division of Corrections, the difference between probation aides and professional probation/parole officers is the degree of administrative responsibility. Probation/parole officers in rural areas must also be regional office managers, and perform personnel and budget-related functions not required of probation aides. Aides have most of the same duties and powers with respect to probationers and parolees as professional officers. They have the power to enforce conditions of parole and probation and may make arrests when necessary. Aides and officers receive very similar training. The requirements for a probation aide position include the equivalent of eighth grade reading ability, sixth grade mathematic skills, maturity, and suitable character. The Division of Corrections budgets \$34,800 for each aide position. This amount includes the aide's salary and necessary support costs, i.e., transportation, administrative assistance. (Each professional probation/parole officer position requires \$68,200, according to the Division. This figure includes the officer's salary, transportation and the cost of renting space for a regional office.)

The State Parole Board encourages comment from parole applicants' home communities, and maintains that a community's comments and receptivity to the applicants' return will impact the parole decisions. However, according to the Parole Board's executive director, the Board does not presently have the necessary personal contacts or resources to directly request information from rural communities. Any information the Board receives from village councils, or other organizations, comes unsolicited, or in response to an applicant's efforts to have a community spokesperson recommend his/her release. Additionally, in the director's opinion, the Parole Board believes there should be someone in the offender's home community to provide assistance and supervision, and to report back to the parole officer and the Board.

With some modifications, the probation aide program, could address both these concerns. Parole Board members would be assured that they were not releasing a parolee into a completely unstructured setting, and through the aide, could determine communities' willingness to have offenders returned. Although the village councils would not be directly supervising parolees responsibility for parolees would be at the village level and the councils could participate to a greater extent in decisions regarding the parolees' presence and behavior in the communities.

We have not done a thorough analysis of what modifications would be necessary in order to expand the existing aide program. However, we have considered the possibility of creating part-time aide positions, having fulltime aides serving several villages, or the State contracting with village councils to train and employ parole aides when there will be parolees returning to the community.

Representative Nels Anderson  
February 28, 1980  
Page 5

We would be happy to provide further information if it would be useful to you. Please don't hesitate to contact us if we can be of more assistance.

CJ/dp

ALASKA BOARD OF PAROLE  
STATISTICS

	1975		1976		1977		1978		1979 (First Half)
Parole Hearings	252		214		212		226		91
Paroled	93		53		75		64		34
Continued	133		92		78		72		30
Denied	22		61		52		78		27
Other	4		8		7		12		
Revocations	Technical / New Felony Violation / Committed		Technical / New Felony Violation / Committed		Technical / New Felony Violation / Committed		Technical / New Felony Violation / Committed		Technical / New Felony Violation, Committe
1-3 Months	10	3	5	1	5		3	1	
4-6 Months	7		6		6	2	8		
7-12 Months	7		4	2	4		1		
13-18 Months	3				4	1			
19-24 Months	1								
25 or More Months	2		1			1			
<b>TOTAL</b>	<b>30</b>	<b>3</b>	<b>16</b>	<b>3</b>	<b>19</b>	<b>4</b>	<b>12</b>	<b>1</b>	
Revocation Rates	3-1/2 yr. - 4-12/yr. Follow up 35%		2-1/2 yr. - 3-1/2 yr. Follow up 36%		1-1/2 yr. - 2-1/2 yr. Follow up 31%		6 Mo. - 18 Mo. Follow up 20%		
Felony Revocation Rate	3.2%		5.6%		5.3%		1.6%		

STATE	INSTITUTIONAL POPULATION	PAROLE POPULATION	FULL- TIME BOARD	NUMBER OF BOARD MEMBERS	FREQUENCY OF BOARD HEARINGS	NUMBER OF CASES HEARD BY BOARD IN A TYPICAL DAY
Alabama	3,293	1,963	Yes	3	Monthly	30
Alaska	766	240	No	5	Quarterly; once a year at each major state facility	12
Arizona	3,122	1,832	Yes	5	Monthly	20-25
Arkansas	2,485	1,852	No	5	Monthly	150 at larger institution 75-80 at smaller facilities
California	21,220	17,880	Yes	9	Monthly	12-16
Colorado	2,375	2,946	Yes	5	Monthly	20
Connecticut	3,271	1,564	No <sup>a</sup>	11	At least monthly	12-15
Delaware	1,007	500	No <sup>a</sup>	5	Semimonthly	20
Florida	14,152	44,530	Yes	7	Whenever there are applicants eligible for parole	75-100
Georgia	11,373	3,374	Yes	5	Whenever there are applicants eligible for parole	30
Hawaii	594	n/a	No <sup>a</sup>	3	Monthly	20

<sup>a</sup>The chairman serves fulltime; members serve part-time

<sup>b</sup>The chairman and two members serve fulltime; two members serve part-time

1978 Information

STATE	INSTITUTIONAL POPULATION	PAROLE POPULATION	FULL- TIME BOARD	NUMBER OF BOARD MEMBERS	FREQUENCY OF BOARD HEARINGS	NUMBER OF CASES HEARD BY BOARD IN A TYPICAL DAY
Idaho	855	293	No	5	Monthly	30
Illinois	10,847	10,971	Yes	10	Monthly	12-15
Indiana	4,846	2,028	Yes	5	Monthly	50
Iowa	1,999	1,093	No	5	4 times a year at women's facility; bimonthly elsewhere	30
Kansas	2,263	1,931	No	5	Monthly	25
Kentucky	3,372	2,307	Yes	5	Monthly	40
Louisiana	7,270	1,936	Yes	5	Monthly	35
Maine	747	349	No	5	biweekly at major institutions; monthly at smaller facilities	15-25
Maryland	8,028	5,296	Yes	7	monthly at major institutions; as necessary at local jails	15
Massachusetts	2,543	2,788	Yes	7	Monthly	12-16 at state prison; 15-30 at county facilities
Michigan	13,487	5,624	Yes	7	varies among facilities; semiweekly to semimonthly	25-30

<sup>a</sup>The chairman serves fulltime; members serve part-time

<sup>b</sup>The chairman and two members serve fulltime; two members serve part-time

1978 information

STATE	INSTITUTIONAL POPULATION	PAROLE POPULATION	FULL- TIME BOARD	NUMBER OF BOARD MEMBERS	FREQUENCY OF BOARD HEARINGS	NUMBER OF CASES HEARD BY BOARD IN A TYPICAL DAY
Minnesota	1,813	2,250	Yes	5	Several times a month	15
Mississippi	1,949	1,631	No <sup>a</sup>	5	Monthly	30
Missouri	5,229	1,586	Yes	5	Bimonthly at women's institution; monthly elsewhere	15-18
Montana	360	518	No	3	Monthly	25
Nebraska	1,320	427	No <sup>b</sup>	5	Semimonthly	30-35
Nevada	1,351	683	Yes	3	Bimonthly	60-75
New Hampshire	263	1,190	No	3	Monthly	25-35
New Jersey	5,626	7,300	Yes	3	Monthly	10-30
New Mexico	1,582	566	Yes	3	Weekly	3-10
New York	20,174	6,851	Yes	12	Monthly	80
North Carolina	13,924	6,980	Yes	5	Monthly at eight locations in State	20-40
North Dakota	284	298	No	3	Bimonthly	20-25

<sup>a</sup>The chairman serves fulltime; members serve part-time

<sup>b</sup>The chairman and two members serve fulltime; two members serve part-time

STATE	INSTITUTIONAL POPULATION	PAROLE POPULATION	FULL- TIME BOARD	NUMBER OF BOARD MEMBERS	FREQUENCY OF BOARD HEARINGS	NUMBER OF CASES HEARD BY BOARD IN A TYPICAL DAY
Ohio	12,968	6,351	Yes	7	Monthly	20-25
Oklahoma	3,687	1,366	No	5	Monthly rotating between two locations	60-70
Oregon	2,626	1,310	Yes	5	Monthly at women's facility; 4 times a week at state penitentiary; weekly at other institutions	15
Pennsylvania	7,598	8,920	Yes	5	Monthly	20-40
Rhode Island	667	280	No	5	Monthly	35
South Carolina	7,364	2,132	No	7	Semimonthly	50
South Dakota	565	589	No	3	Monthly	40
Tennessee	5,568	4,080	Yes	3	Monthly	25
Texas	24,396	13,915	Yes	3	no hearings held; cases reviewed as necessary	80-100
Utah	956	570	No	3	three to four times a month	40
Vermont	411	407	No	5	Monthly	15

<sup>a</sup>The chairman serves fulltime; members serve part-time

<sup>b</sup>The chairman and two members serve fulltime; two members serve part-time

STATE	INSTITUTIONAL POPULATION	PAROLE POPULATION	FULL- TIME BOARD	NUMBER OF BOARD MEMBERS	FREQUENCY OF BOARD HEARINGS	NUMBER OF CASES HEARD BY BOARD IN A TYPICAL DAY
Virginia	8,147	3,008	Yes	5	Quarterly	15-25
Washington	4,000	2,463	Yes	7	Varies among facilities; weekly, semimonthly, monthly	16-20
West Virginia	1,142	650	Yes	3	Monthly	15
Wisconsin	3,286	2,414	Yes	10	Monthly	12-18
Wyoming	410	201	No	3	Quarterly	15-20

<sup>a</sup>The chairman serves fulltime; members serve part-time

<sup>b</sup>The chairman and two members serve fulltime; two members serve part-time.

1978 information

STATEWIDE CONFERENCE ON INCARCERATION AND RE-ENTRY ALTERNATIVES

Reports and Recommendations

Hiring Ex-Offenders

Dennis Morgan, Workshop Leader.....1

[REDACTED]  
Marian Kowacki, Workshop Leader.....2

Juvenile Justice Alternatives

Kathryn Ostrosky, Workshop Leader.....5

Sentencing Alternatives

Peter King, Workshop Leader.....6

Work Release & Diversionary Programs

Chris Cobb, Workshop Leader.....7

Prison Ministries

Josh Liljenstolpe, Workshop Leader.....8

Problems of Women Prisoners

Diane Tickell, Workshop Leader.....9

Prison Industries

Roger Endell, Workshop Leader.....10

Mental Health Alternatives

Joyce Munson, Workshop Leader.....13

Prisoner's Rights

Pam Dunham, Workshop Leader.....14

Tim Stearns, Co-leader

Bush Justice Alternatives

Steve Conn, Workshop Leader.....15

Prison Construction

Sylvia Short, Workshop Leader..... 16

Organizations for Ex-Offenders

Karen Kastle, Workshop Leader.....18

Production and People Issues

Samuel Trivette, Workshop Leader.....19

Social Services to Prisoners and Families

Elliot Robinson, Workshop Leader.....20

Prison Administration in an Intake Facility

Charles Moses, Workshop Leader.....21

Stan Zaborac, Co-leader

Conference Chairpersons:

Patrick Wright, National Alliance of Businessmen

[REDACTED] Coalition on Corrections

Marian Kowacki, Program Director, Treatment Alternatives to Street Crime  
Michael Walti, Executive Director, Narcotic Drug Treatment Center, Inc.  
Jerry Schreiner, Psychological Counselor, Public Defender Agency

25 workshop participants

This group met all together briefly to discuss the basic format, review the alternative programs available, and hear a report on a program that is being developed by several inmates at the Eagle River Correctional Center. We would like to express thanks and appreciation to the Director of the Division of Corrections for allowing two current inmates from Eagle River Correctional Center to participate in this workshop.


Alternative Programs that we are aware of are:

Alaska Children's Services-Emergency Shelter, Group Homes, Jesse Lee Home,  
Center for Children and Parents  
Akeela House  
Alaska Psychiatric Institute  
Alaska Youth Advocates  
Anchorage Community Mental Health Center  
Cimbac House  
Family Connection  
Family House  
McLaughlin (Cottage program)  
Narcotic Drug Treatment Center  
Open Door Clinic  
Salvation Army Comprehensive Alcoholism Services  
Studio Club  
Treatment Alternatives to Street Crime

Small group discussion focused on three areas: alternatives and treatment alternatives to incarceration; treatment alternatives for persons within correctional centers; and treatment alternatives for those who have served their sentences.

Participants in one small group began discussion with defining societal expectations of incarceration for offenders. The group agreed that the three main functions of incarceration, as far as the general public is concerned, are: 1) Protection of society, 2) Rehabilitation of the offender, and 3) Punishment for the crime.

CONCLUSIONS:

1. The ultimate, long-term protection of society can only be assured if rehabilitation of the offender occurs.
  2. Punishment and rehabilitation are mutually exclusive goals which cannot occur simultaneously. As punishment increases the possibility for real rehabilitation diminishes.
  3. People rehabilitate themselves and are not rehabilitated by others.
  4. The well known fact that at least 50% of all incarceration is unnecessary for the protection of society was reaffirmed by the group.
  5. There are plenty of treatment alternatives available in Alaska should the Division of Corrections administration decide to use them.
  6. An alternatives strategy needs to be developed which provides a combination of skill development, and re-entry counseling and training, using available community agencies and programs.
- 

Moderator, Peter Ring, Criminal Justice Center, University of Alaska  
Recorder, Samuel Trivette, Executive Director, Alaska Board of Parole

19 Workshop participants

After a review and discussion of the proposed revisions to the Alaska Criminal Code, the group made the following recommendations:

1. More offenders should be sent to institutions for short-term "shock" sentences.
2. Multiple offenders should be given longer sentences as the result of their continued criminal activity.
3. More people should become involved in diversionary programs; Division of Corrections staff as well as other public and private agencies.
4. Restitution and Community Service as alternatives to incarceration or in conjunction with incarceration, should be utilized more frequently.
5. There should be a more restrained use of discretion in all sectors of the Criminal Justice System, beginning with the police and including the prosecutor, the judge, the classification process, determination of good time, and the parole board.
6. Prior verified police contacts should be considered routinely by the sentencing judge and remain in the presentence report prepared by the Division of Corrections. The disparity in the admissibility of this information should be removed. (i.e. some judges are not allowing into evidence information that the Alaska Supreme Court says should be considered) This was viewed as an administrative matter that the courts should handle internally.

Moderator: Samuel H. Trivette, Executive Director, Alaska Board of Parole

About 25 participants

Mr. Trivette began by presenting information regarding proposed changes in Alaska Statutes by the Criminal Code Revision Commission. After general discussion of some of the concepts embodied in that legislation, he then spoke specifically of the modifications proposed by the Criminal Code Revision Committee as they relate to the areas of probation and parole. These concepts were discussed at length. Other problems were discussed as time permitted. Participants in this discussion strongly urged that an extensive conference on probation/parole matters be set up and implemented in the near future.

RECOMMENDATIONS:

1. The participants were supportive of the changes in the statutes being recommended by the Criminal Code Revision Commission in its draft legislation, as this relates to probation and parole matters. They were supportive of the direction of the bill in articulating the goals of the Criminal Justice System and in specifying the purposes of sentencing.

2. The curtailing of discretion in all facets of the system including the police, district attorney, judge, parole board, and the determination of good time was viewed as positive. The "just desserts" model embodied in the legislation, including a parole guidelines model similar to Oregon's system, was strongly supported by the participants as helpful in eliminating unwarranted disparities in sentencing.

3. All participants agreed that there was not sufficient emphasis being placed on the programming and staffing of community corrections programs. A great majority of the funding goes for the operation of institutions rather than community programming including probation and parole. It is well established that there are many more offenders involved in diversionary programs and on probation and parole than serving time in correctional institutions.

The group discussed the direction of recent court decisions in Alaska, specifically Supreme Court decisions, stressing that the rehabilitation programs be made available, especially psychiatric/psychological, drug, and alcohol programming. The need for these programs was recognized by the participants. Also pointed out was the extreme need for a psychiatric consultant available to probation/parole staff for advice, and for staffing and evaluating clients.

5. Also discussed were the recent court decisions requiring more individualization in dealing with persons under supervision and limiting the system's control of the offenders behavior, only if it met the test of one of the following: a. Assisting in the reintegration of the offender, or b. Protection of the public.

6. Participants urged that funds be expended to provide more education of the public regarding the problems and responsibilities of probation and parole staff so that the community gets a better understanding of the overall operation of the Criminal Justice System.

# Alaska State Legislature

## House of Representatives

Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811



Official Business

March 11, 1980

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Pouch Y, State Capitol  
Juneau, Alaska 99811

Dear Mr. Speaker:

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

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

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

In addition to receiving testimony during interim hearings, the Committee held three hearings in Juneau. Also, tv 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.

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.

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 reincarcerated 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). Examples of such conditions are (1) that the prisoner have an assured job as part of his parole plan, which may be impossible in a village situation, and (2) that the parolee not associate with other felons, although these may be in some cases his only friends or close acquaintances. 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.

Findings required by AS 44.66.050(d) follow:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

Finding: There is a need to avoid unnecessary incarceration.

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments;

Finding: The Parole Board is intended to provide for mitigation of sentence while simultaneously protecting the general public.

(3) an identification of any other programs having similar, conflicting or duplicate objectives;

Finding: There are no similar or conflicting programs.

(4) an assessment of alternative methods of achieving the purposes of the program;

Finding: The program could be handled by the judicial branch but this would remove the element of judgment by one's peers.

(5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level;

Finding: The program is constitutional and cannot be eliminated. Funding it at a lower level would make it very ineffective.

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts; and

Finding: The program is necessary and no other agency performs similar functions.

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

Finding: 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.
- (3) 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. 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.

---

Charles H. Parr, Chairman

---

Nels A. Anderson, Jr.

---

Ramona L. Barnes

---

Fred E. Brown

---

Thelma Buchholdt

---

Hugh Malone

---

Terry Martin

---

Patrick M. O'Connell

---

Randy Phillips

# STATE OF ALASKA

**DEPT. OF HEALTH AND SOCIAL SERVICES**  
**OFFICE OF THE COMMISSIONER**

**JAY S. HAMMOND, GOVERNOR**

POUCH H 01  
JUNEAU, ALASKA 99811  
PHONE: 465-3030

February 2, 1982

Document# 26-82

The Honorable Michael F. Beirne  
Representative  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Representative Beirne:

Recently you requested statistics regarding:

- (1) Summary of our Current Correctional Bed Capacity;
- (2) Summary of our Funded and Requested Correctional Construction Projects; and,
- (3) Projection of Inmate Population.

If you have questions, please do not hesitate to contact me.

Sincerely,



Helen D. Beirne  
Commissioner

Enclosure

DIVISION OF ADULT CORRECTIONS  
CAPACITY OF CORRECTIONAL CENTERS  
FEBRUARY 1982

STATE INSTITUTIONS	NORMAL OPERATING CAPACITY	EMERGENCY OPERATING CAPACITY	01/27/82 PRISONER COUNTS
Anchorage - 3rd Ave.	70	80	81
Anchorage - 6th Ave.	100	115	133
Eagle River	80	100	112
Alaska Women's Fac/ER	28	30	21
Palmer	113	113	107
Ridgeview Post #6	50	50	46
Fairbanks	110	118	164
Juneau	90	100	111
Ketchikan	22	30	21
Nome	30	34	32
<hr/>			
DAC Inst. Capacity			
• Totals In-State	693	770	828
<hr/>			
Alaska Prisoners in Federal Institutions			190
Prisoners Housed in Contract Community Facilities (Halfway Houses)			63
<hr/>			
Total Number of Prisoners In-State & Federal Institutions			1081

•In March 1982 additional beds will be available as follows:

Ridgeview Post #6 - 40 new beds for a 90 bed capacity  
Palmer (existing facility) - 24 new beds for a 137 bed capacity  
Palmer Addition (new facility) - 100 new beds

In-State confinement capacity by March 1982:

<u>NORMAL</u> <u>OPERATING CAPACITY</u>	<u>EMERGENCY</u> <u>OPERATING CAPACITY</u>
857	934

DIVISION OF ADULT CORRECTIONS

SUMMARY OF CAPITAL PROJECTS AFFECTING BED SPACE  
(DOES NOT INCLUDE CORRECTIONAL INDUSTRIES, CODE UPGRADE OR RELATED PROJECTS)

FUNDL) PROJECTS:

<u>Bed Space Increase</u>	<u>Project</u>
-0-	<u>Ketchikan Correctional Center</u> - Scheduled Completion 9-1-82. New Institution, 30 single rooms. Current Status - ahead of schedule - Contractor's estimated completion - 4-30-82. Staffing Available to operate 9-1-82. Since this is a replacement facility no system increase will result.
180	<u>Anchorage Pre-Trial</u> - Scheduled Completion - 12-31-82. New Institution, 180 single rooms. Current Status - ahead of schedule - Contractor's estimated completion 12-1-82.
60	<u>Eagle River Correctional Center Expansion</u> - Scheduled Completion 7-31-82. New single rooms = 80 - Post Construction Capacity = 180. Current Status - ahead of schedule - Contractor's estimated completion - 7-1-82. Upon completion of this project, it will be necessary to remove 20 inmates from 3rd Avenue in order to approach compliance. Therefore, the system capacity in August will only increase by 60, rather than by a full 80 beds.
100	<u>Palmer Addition</u> - Scheduled Completion - 3-1-82. New Institution, 100 single rooms. Current Status - nearly completed - Contractor's estimated completion date - 3-1-82.
40	<u>Juneau Expansion</u> - Scheduled Completion - October 1983. New single rooms = 56, Post Construction Capacity = 130 Current Status - on schedule - In design development stage.
67	<u>Fairbanks Expansion</u> - Scheduled Completion - October 1983. New single rooms = 77, Post Construction Capacity = 177.
Between 4 and 22	<u>Nome Replacement</u> - Scheduled Completion - Fall of 1983. New Institution, 32-50 single rooms, Post Construction Capacity = 32-50. Now in design phase. This project replaces 28 beds, so system increase will be minimal.
-0-	<u>Bethel Jail</u> - Scheduled Completion - Fall of 1983. New Institution, 40 single rooms, Post Construction Capacity = 40. Current Status - Now in design phase. While Bethel beds will be new to the DOAC system, we will also be assuming the current local jail function. No system increase will be realized.

FY'83 PROJECT REQUESTS AFFECTING BED SPACE:

Bed Space  
Increase

Project

300	<u>Long-Term Facility</u> - Secure institution for sentenced male felons to be located in Southcentral Alaska. \$41 million has been requested for this 300 bed facility with a core capacity enabling future expansion to not more than 400 beds. Through P.F.P.F. funds, an architectural firm has been selected to begin planning and preliminary design. Completion is projected for early 1985.
80	<u>Fairbanks Addition</u> - Minimum to medium custody facility to be located adjacent to the existing Fairbanks Correctional Center. This facility would be similar to the new Palmer Addition and would permit those requiring less secure conditions of confinement to remain in the Northern Region.

---

---

SUMMARY OF BED SPACE INCREASES

- 451 Beds - Funded projects under design or construction
- 380 Beds - FY'83 Capital Request
- 831 Beds - Funded or Requested

INSTATE BED CAPACITY COMPARED WITH PROJECTED PRISONER POPULATION

<u>Facility</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>
Ketchikan	30	30	30	30	50
Juneau Men's	90	130	130	130	130
Juneau Women's	3	3	3	3	3
Fairbanks	110	177	177	177	177
3rd Avenue	50	50	50	50	50
6th Ave. Men's & Women's	100	100	100	100	100
Ridgeview Men's	90	-0-	-0-	-0-	-0-
Eagle River Men's	160	160	160	160	160
Eagle River Women's	28	28	28	43	43
Palmer	237	237	237	237	237
Post Road	-0-	180	180	180	180
Nome	28	32	32	32	32
Bethel	-0-	40	40	40	40
Long Term Fac. Southcentral	-0-	-0-	-0-	300	300
Fairbanks Addition	-0-	-0-	-0-	80	80
<b>INSTATE BED TOTAL</b>	<b>896</b>	<b>1,167</b>	<b>1,167</b>	<b>1,562</b>	<b>1,582</b>
<b>Projected Inmate Populations</b>	<b>1,112</b>	<b>1,281</b>	<b>1,450</b>	<b>1,620</b>	<b>1,730</b>
<b>Range of Expected High/Low</b>	<b>to</b>	<b>to</b>	<b>to</b>	<b>to</b>	<b>to</b>
<b>Counts</b>	<b>1,022</b>	<b>1,191</b>	<b>1,360</b>	<b>1,530</b>	<b>1,700</b>

Summary: The difference between "Instate Bed Totals" and "Projected Inmate Populations" is that number that must be addressed through placement in the Federal Prison System, placement in contract community facilities, or by additional construction.



## Alaska Judicial Council

NON-ATTORNEY MEMBERS  
MARY JANE FATE  
JOHN E. LONGWORTH  
ROBERT H. HOBS

420 L Street, Suite 502  
ANCHORAGE, ALASKA  
99501  
(907) 279-2526

EXECUTIVE DIRECTOR  
NICHOLAS MAROULES

ATTORNEY MEMBERS  
MARCUS R. CLAPP  
JAMES B. BRADLEY  
JOSEPH L. YOUNG

CHAIRMAN, EX OFFICIO  
EDMOND W. BURKE  
CHIEF JUSTICE  
SUPREME COURT

### A PRELIMINARY DESCRIPTIVE STATISTICAL REPORT OF 1980 FELONY SENTENCES

Nicholas Maroules  
Executive Director

Acknowledgement

Judicial Council staff, whose assistance was invaluable in the data collection, analysis and administrative aspects of the 1980 Felony Sentencing study includes:

Martha Bender	Administrative Assistant
Sheila Vonesh	Administrative Assistant
Kevin Newland	Reserach Associate
Larry Pederson	Computer Specialist
Julia Coster	Research Assistant
Cindy Spanyers	Research Assistant
Michael Rikard	Research Assistant
Phyllis Ruemler	Research Assistant
Kata Dougherty	Research Assistant
Janet Graser	Research Assistant

In addition, the staff wishes to express its appreciation of the contribution of the Judicial Council's previous Executive Director, Teresa J. White.

The tables and figures discussed in this report are merely descriptive of the types of offenses, dispositions and sentence outcomes rendered in 1980. A complete multivariate analysis is not expected to be completed until February, 1982.

Accordingly, a thorough discussion of the data collection methodology, coding, study design and statistical methodology will not be presented here, but will be included in the Council's final report. Nevertheless, a few comments regarding the parameters of the data base used in this study are discussed below.

#### A. Data Base

The data base and design of this study are comparable to the Judicial Council's earlier sentencing studies. The data includes all cases originally charged as a felony that were committed between January 1, 1980 and December 31, 1981, that resulted in a conviction.

Due to the typical two month time period between acceptance of a guilty plea or conviction and sentencing, we continued to code cases until August, 1981 in an effort to include the universe of 1980 offenses. Nevertheless, a few cases were "lost" due to appeals or extended delays in trials and/or sentencing.

## I. INTRODUCTION

In 1978 the Alaska Judicial Council announced that its felony statistical study of the effects of the elimination of plea bargaining revealed apparent racial disparities among sentences for many classes of offenses. As a result, the Supreme Court and legislature asked the Council to conduct a follow-up study and to thereafter periodically monitor felony sentencing patterns. The follow-up study, covering felony sentences imposed between July, 1976 and July, 1979 indicated that racially disproportionate sentences had been largely eliminated. However, this research revealed other findings suggesting problematical outcomes in sentencing, including significant differences in sentence outcomes according to whether a defendant plead guilty or was convicted at trial, by the type of attorney representing a defendant as well as the impact of pre-sentence report factors.

The purpose of this report is to outline felony sentencing patterns discerned from the Judicial Council's most recent study, covering Anchorage, Fairbanks and Juneau felony offenses committed in 1980 that resulted in conviction. This study is particularly significant since, in addition to providing a basis to check the disparate and other outcomes discerned in the earlier studies, it provides the first statistically comprehensive view of sentencing patterns under the state's new criminal code.

## II. Preliminary Urban Sentencing Patterns:

### Comparison of 1980 Data with Past Studies

#### A. Introduction

This section of the report compares felony offenses and sentencing patterns rendered from 1980 offenses with those studied by the Judicial Council in its two major previous studies, the plea bargaining study covering 1974-76 offenses and the follow-up 1976-79 study.

Utilizing the same broad analytical classification scheme developed in the earlier studies, offenses were grouped into six broad classes. These classes reflect the felony offenses that were originally charged. The subsequent analysis of sentence outcomes focuses on the offense at conviction.

#### B. Offense Classes

Table I represents a comparison of the distribution of 1980 offense classes with those discerned from the Judicial Council's two earlier studies.

TABLE I

Distribution of Convicted Offenses  
By Six Classes of Offense  
For Three Study Periods

<u>Class of Offense:</u>	<u>1974-76</u> <u>Period</u>		<u>1976-79</u> <u>Period</u>		<u>1980</u> <u>Study</u>	
	<u>%</u>	<u>n</u>	<u>%</u>	<u>n</u>	<u>%</u>	<u>n</u>
Murder/Kidnapping Class 1	1.7%	( 25)	3.6%	( 49)	2.9%	( 14)
Violent Felonies Class 2	29.4%	(420)	27.1%	(365)	31.4%	(151)
Property Offenses Class 3	34.8%	(499)	35.7%	(481)	41.4%	(199)
Fraud Offenses Class 4	13.6%	(195)	15.2%	(204)	5.4%	( 26)
Drug Offenses Class 5	17.8%	(255)	14.3%	(192)	17.0%	( 82)
"Morals" Offenses Class 6	2.7%	( 39)	4.1%	( 55)	1.9%	( 9)
Totals	100.0%	(1433)	100.0%	(1366)	100.0%	(488)

The most notable changes in the distribution of offenses over the three study periods concerns property offenses (Class 3) and fraud offenses (Class 4). Property offenses increased proportionately from approximately 35% in the first two studies to 41% in 1980. Conversely, fraud offenses decreased from approximately 14% for the first two periods to only 5.4% in 1980. One likely explanation for the significant proportionate decrease in fraud offenses concerns the impact of the Pre-Trial Intervention Project instituted by the Department of Law. This program allows the District Attorney to screen "appropriate" cases into a diversionary system that functions as an

alternative to traditional disposition. Fraud offenses-- particularly bad check and forgery offenses--are typical examples of diverted offenses. This hypothesis will be tested in our final report by analyzing or profiling data we collected on diverted offenses.

### C. Classification of Felonies In New Criminal Code

The new criminal code that became effective January 1, 1980 classified most felony offenses, including unclassified, "A", "B" and "C" felonies. In addition, as will be discussed, infra, a presumptive sentencing scheme was implemented for repeat felony offenders.

Table II, below, represents the distributions of both offenses charged and offenses at conviction according to this new classification scheme.

TABLE II

Distribution of New Criminal  
Code Classified Offenses  
Comparing Offenses Charged and  
Offenses at Conviction

Classification Offense:	Offenses Charged		Offenses Convicted	
	<u>%</u>	<u>(n)</u>	<u>%</u>	<u>(n)</u>
Unclassified Felonies	2.7%	( 13)	1.9%	( 9)
"A" Felonies	12.3%	( 59)	6.9%	( 35)
"B" Felonies	24.5%	(118)	17.0%	( 82)
"C" Felonies	43.0%	(207)	35.1%	(169)
Drug Felonies	17.0%	( 82)	16.6%	( 80)
Felonies Not Classified	0.4%	( 2)	---	---
Misdemeanors	---	---	22.4%	(108)
	100%=n=481		100%=n=481	

#### D. Trials

The Council's study of 1976-79 cases indicated that the proportion of (convicted) cases that went to trial rose substantially over the 1974-76 study period. The overall proportion of cases that went to trial in 1974-76 was 11.8% compared to 21.9% for the later period. As Table III, below, indicates, the overall proportion of trials has decreased significantly among 1980 new criminal code offenses to 15.8%. In fact, the proportion of 1980 offenses that went to trial nearly approximates the trial rate for the 1974-76 study. However, any explanation for this overall change in trial rates cannot be determined until we have completed our multivariate analysis.

TABLE III

Proportion of Convicted Cases  
That Went to Trial By Class  
Of Offense\* For Three  
Study Periods

<u>Class of Offense:</u>	<u>1974-76 Period %</u>	<u>1976-79 Period %</u>	<u>1980 Study %</u>
Violent Felonies Class 2	20.7%	33.7%	22.5%
Property Offenses Class 3	6.8%	13.5%	7.5%
Fraud Offenses Class 4	5.7%	16.2%	7.7%
Drug Offenses Class 5	11.8%	26.6%	15.8%
All Cases	11.8%	21.9%	15.8%

\*Classes 1 and 6 excluded due to small number of cases.

#### E. Sentencing

##### (1) Comparison With Past Studies

Our 1976-79 sentencing study revealed that sentences increased in length substantially for most classes of offense while a defendant's chance of receiving a probationary sentence decreased in comparison with the plea bargaining study. In fact, typical violent felony and property offenses sentences nearly doubled in length (82% and 92% increases,

respectively). Tables IV and V represent a comparison of mean active sentences and the proportion of cases receiving probation with past studies.

TABLE IV  
 MEAN ACTIVE SENTENCES FOR  
 SIX OFFENSE CLASSES FOR THREE  
 STUDY PERIODS  
 (IN MONTHS)

<u>Class of Offense:</u>	<u>1974-76 Period</u>	<u>1976-79 Period</u>	<u>1980 Study</u>
Murder/Kidnapping	231.4 ( 22)	356.1 ( 49)	434.7 ( 14)
Violent Felonies	36.5 (274)	66.3 (293)	29.2 (119)
Property Offenses	10.4 (257)	20.0 (283)	14.8 (144)
Fraud Offenses	16.4 ( 99)	19.9 (136)	17.6 ( 18)
Drug Offenses	33.1 (120)	27.3 (110)	16.3 ( 65)
"Morals" Offenses	38.4 ( 22)	44.0 ( 37)	16.7 ( 3)

*with*  
*data*

TABLE V

Proportion of Cases Receiving  
 Probation for Six Offense Classes  
 For Three Study Periods  
 (In Percent)\*

<u>Class of Offense:</u>	<u>1974-76 Period</u> %	<u>1976-79 Period</u> %	<u>1980 Study</u> %
Murder/Kidnapping	12%	0%	0%
Violent Felonies	35%	20%	21%
Property Offenses	48%	41%	28%
Fraud Offenses	49%	33%	31%
Drug Offenses	53%	43%	21%
"Morals" Offenses	44%	33%	67%

\*Percentages rounded to nearest whole number

Table IV reveals that mean average sentence lengths have decreased substantially since the 1976-79 study. The decrease is greatest for violent felonies (-56%) and drug offenses (-40%) in comparison with the 1976-79 period. In fact, the average sentences for many 1980 offense classes are actually lower than those for the 1974-76 period. A multivariate "modeling" of sentence outcomes for each class of offense should provide an index to the factors associated with this overall decrease. Conversely, the proportionate of cases

receiving a straight probationary sentence has decreased for most 1980 offense classes. A clear pattern emerges in comparing the figures for the three study periods: proportionately fewer defendants have received straight probation over the past six years. Thus, more defendants are being sentenced to periods of incarceration while the average period of incarceration has decreased substantially.

#### F. Presumptively Sentenced Cases

The new criminal code established presumptive sentencing for repeat felony offenders whose prior conviction is less than seven years old, excluding periods of incarceration. Sentencing for first offenders, including defendants with prior misdemeanors or felonies older than seven years, follows the previous criminal code's sentencing scheme within statutorily established ranges. Figure 1, below, outlines the terms of imprisonment under the new criminal code.

TERMS OF IMPRISONMENT IN NEW CRIMINAL CODE

	FIRST FELONY CONVICTION	SECOND FELONY CONVICTION	THIRD FELONY CONVICTION
"A" Felony	0-20 3-[6]*-20	5-[10]-20	7 1/2-[15]-20
"B" Felony	0-10	0-[4]-10	3-[6]-10
"C" Felony	0-5	0-[2]-5	0-[3]-5

Key

Number in bracket is presumptive sentence. Number to left is lowest mitigated sentence. Number to right is highest aggravated sentence.

- Six year presumptive term applies if first A felony conviction, other than manslaughter, and defendant used or possessed a firearm during the offense or caused serious physical injury.

Note: In addition to Class "A", "B" and "C" felonies, there are three unclassified felonies with corresponding statutory sentence ranges: Murder in First Degree - 20-99 years  
Murder in Second Degree and Kidnapping - 5-99 years.

Our analysis indicates that there were fewer 1980 convictions that resulted in presumptive sentencing than was originally anticipated. (Data on prior criminal histories of offenders would suggest that thirty to forty percent would be subject to presumptive sentencing.) Table VI reflects the proportion of presumptive and traditional sentences rendered in 1980 for each of the six classes of offense.

TABLE VI

Type of Sentence for  
Six Classes of Offense  
(In Percent)

Class of Offense:	Presumptively Sentenced		Traditionally Sentenced	
	%	(n)	%	(n)
(1) Murder/Kidnapping	7.0%	( 1)	93.0%	( 13)
(2) Violent Felonies	19.9%	(30)	79.1%	(121)
(3) Property Offenses	12.6%	(25)	87.3%	(174)
(4) Fraud Offenses	34.6%	( 9)	65.4%	( 17)
(5) Drug Offenses	0%	( 0)	100.0%	( 82)
(6) "Morals" Offenses	0%	( 0)	100.0%	( 9)

According to this distribution, fraud offense convictions are most likely to have resulted in presumptive sentencing, presumably due to the nature of the defendant's prior record. Drug offenses were not reclassified under the new criminal code and are thus not subject to presumptive sentencing.

In an effort to identify differences in patterns between defendants sentenced presumptively and those traditionally sentenced, Table VII compares the proportion of cases receiving straight probation and the mean active sentence for three of the six classes of offense. (Classes 1, 5 and 6 were excluded; class 1 had only one case sentenced presumptively, while classes 5 and 6 had none.)

TABLE VII

Comparison of Sentence  
Outcomes For Presumptive  
And Traditional Sentences  
For Three Classes of Offense

<u>Class of Offense</u>	<u>Presumptive</u>		<u>Traditional</u>	
	<u>% prob</u>	<u>X Active</u>	<u>% prob</u>	<u>X Active</u>
Violent Felonies Class 2	3.3%	67.7	25.6%	16.8
Property Offenses Class 3	0%	41.3	31.6%	8.9
Fraud Offenses	0%	33.3	47.1%	1.9

As the above table indicates, the sentence outcomes between presumptive and traditional sentences is striking. Presumptive sentencing results in an extremely low probability of receiving probation as well as considerably longer average sentences than traditionally sentenced cases. The forthcoming multivariate analysis will facilitate a better comparison of these differences by controlling for such factors as the specific offense (as opposed to class of offense) at conviction.

G. Offense and Sentence Distributions for Six Classes of Offense

Tables A-I through A-VI appendix, provide summaries of specific offenses at conviction and corresponding sentence distributions for each of the six major classes of offense. These distributions reflect the conviction outcomes for cases

that began as a class 1 through 6 offense. Our final analysis will cross-classify new criminal code offenses with those of the old code to facilitate a more direct comparison of sentencing patterns for the specific offenses represented in these tables.

### III. Conclusion

As has been stated repeatedly throughout this preliminary report, these results provide a descriptive statistical analysis of 1980 new criminal code offenses and sentences. A more definitive analysis considering the impact of race, type of attorney and other factors associated with increases or decreases in typical sentence length will be completed in late winter, 1982. Nevertheless, the analysis and findings presented in this report provide a sound statistical summary of 1980 offense and sentencing patterns, especially as they compare with the results of prior studies.

The findings of this report suggest many implications for the criminal justice system. Foremost among these concerns the impact of increased numbers of incarcerations on the Division of Corrections. Although sentence lengths have decreased since the last study (1976-79), proportionately more defendants are going to jail. In addition, the number of 1980 Anchorage, Fairbanks and Juneau cases (n=481) reveals that the number of convictions is increasing. (Our 1976-79 study revealed that

the number of convictions had steadily decreased from the 1974-75 period to the 1976-79 period.) Accordingly, we plan to include a prison population impact analysis in our final report that projects the anticipated effects of these sentencing patterns on our jail populations.

In addition, we hope to identify, in the context of multivariate analysis, the factors associated with the overall decrease in sentence lengths and straight probationary sentences identified in this report.

APPENDIX A

TABLE A1

Offenses and Sentence Distribution  
 --Class 1, Murder Kidnapping--  
 --1980 Offenses--  
 (Urban Courts)

OFFENSE	n	X of N	X Act Sent	(n) Active	Med Active	.....Active Time.....											
						Prob.		1-6 Mo.		7-12		13-24		25-60		Over 60	
						Z	(n)	Z	(n)	Z	(n)	Z	(n)	Z	(n)	Z	(n)
Murder 1	5	35.7	1046.4	(5)	1099.5	----	----	----	----	----	----	----	----	----	100.0	(5)	
Murder 2	3	21.4	92.0	(3)	96.0	----	----	----	----	----	----	----	33.3	(1)	66.7	(2)	
Kidnapping	1	7.1	360.0	(1)	360.0	----	----	----	----	----	----	----	----	----	100.0	(1)	
Manslaughter	3	21.4	64.0	(3)	57.0	----	----	----	----	----	----	----	66.7	(2)	33.3	(1)	
Coercion	1	7.1	1.6	(1)	1.6	----	----	100.0	(1)	----	----	----	----	----	----	----	
Assault 3	1	7.1	24.0	(1)	24.0	----	----	----	----	----	100.0	(1)	----	----	----	----	
<b>TOTALS</b>	<b>14</b>	<b>100.0</b>		<b>(14)</b>				<b>7.1</b>	<b>(1)</b>			<b>7.1</b>	<b>(1)</b>	<b>21.4</b>	<b>(3)</b>	<b>64.3</b>	<b>(9)</b>

p = .002

p = .004

TABLE A2

Offenses And Sentence Distribution  
 --Class 2, Violent Felonies--  
 --1980 Offenses--  
 (Urban Courts)

OFFENSE	n	% of N	X Act Sent	(n) Active	Med Active	.....Active Time.....											
						Prob.		1-6 Mo.		7-12		13-24		25-60		Over 60	
						%	(n)	%	(n)	%	(n)	%	(n)	%	(n)	%	(n)
Assault 1	6	6.0	36.1	(5)	14.9	16.7	(1)	16.7	(1)	33.3	(2)	----	----	----	----	33.3	(2)
Sexual Assault 1	10	10.0	106.0	(9)	60.0	10.0	(1)	----	----	----	----	20.0	(2)	30.0	(3)	40.0	(4)
Attempt Sex. Assault 1	2	2.0	21.0	(2)	21.0	----	----	----	----	----	----	100.0	(2)	----	----	----	----
Robbery 1	13	13.0	70.0	(12)	63.0	7.7	(1)	7.7	(1)	----	----	7.7	(1)	30.8	(4)	46.2	(6)
Attempt Robbery 1	1	1.0	30.0	(1)	30.0	----	----	----	----	----	----	----	----	100.0	(1)	----	----
Assault 2	23	23.0	25.5	(19)	12.0	17.4	(4)	30.4	(7)	13.0	(3)	8.7	(2)	26.1	(6)	4.3	(1)
Sexual Assault 2	1	1.0	12.0	(1)	12.0	----	----	----	----	100.0	(1)	----	----	----	----	----	----
Robbery 2	8	8.0	36.0	(7)	33.0	12.5	(1)	----	----	12.5	(1)	25.0	(2)	37.5	(3)	12.5	(1)
Crim. Negligent Homicide	1	1.0	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
Arson 1	1	1.0	4.0	(1)	4.0	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Attempt Arson 2	1	1.0	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
Escape 2	5	5.0	33.6	(5)	42.0	----	----	20.0	(1)	----	----	20.0	(1)	60.0	(3)	----	----

TABLE A2

Offenses And Sentence Distribution (Cont'd)  
 --Class 2, Violent Felonies--  
 --1980 Offenses--  
 (Urban Courts)

OFFENSE	n	% of N	$\bar{X}$ Act Sent	(n) Active	Med Active	.....Active Time.....											
						Prob.		1-6 Mo.		7-12		13-24		25-60		Over 60	
						%	(n)	%	(n)	%	(n)	%	(n)	%	(n)	%	(n)
Fail to Aid Injured Person	1	1.0	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	
Misconduct Weapon 1	5	5.0	27.0	(4)	26.0	20.0	(1)	----	----	----	----	60.0	(3)	20.0	(1)	----	
Assault 3	22	22.0	17.3	(17)	7.7	22.7	(5)	45.5	(10)	4.5	(1)	----	(3)	-----	(3)	-----	
TOTALS	100	100.0	----	(83)	----	17.0	(17)	21.0	(21)	8.0	(8)	16.0	(16)	24.0	(24)	14.0 (14)	

p = .000

p = .004

TABLE A3

Offenses and Sentence Distribution  
 --Class 3, Property Offenses--  
 --1980 Offenses--  
 (Urban Courts)

OFFENSE	n	Z of N	X Act Sent	(n) Active	Med Active	.....Active Time.....											
						Prob.		1-6 Mo.		7-12		13-24		25-60		Over 60	
						Z	(n)	Z	(n)	Z	(n)	Z	(n)	Z	(n)	Z	(n)
Theft	1	0.7	6.0	(1)	6.0	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Burglary 1	38	26.0	30.4	(27)	24.0	28.9	(11)	21.1	(8)	5.3	(2)	15.8	(6)	18.4	(7)	10.5	(4)
Attempt Burglary 1	1	0.7	6.0	(1)	6.0	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Theft 2	49	33.6	14.2	(34)	12.0	30.6	(15)	32.7	(16)	8.2	(4)	24.5	(12)	4.1	(2)	----	----
Theft Receiving 2	2	1.4	21.0	(2)	21.0	----	----	50.0	(1)	----	----	----	----	50.0	(1)	----	----
Conceal Merchandise 1	1	0.7	0.2	(1)	0.2	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Burglary 2	39	26.7	16.7	(27)	12.8	30.8	(12)	20.5	(8)	15.4	(6)	28.2	(11)	2.6	(1)	2.6	(1)
Criminal Mischief 2	14	9.6	17.8	(11)	23.2	21.4	(3)	21.4	(3)	7.1	(1)	42.9	(6)	7.1	(1)	----	----
Criminal Trespass 2	1	0.7	1.0	(1)	1.0	----	----	100.0	(1)	----	----	----	----	----	----	----	----
<b>TOTALS</b>	<b>146</b>	<b>100.0</b>		<b>(105)</b>		<b>28.1</b>	<b>(41)</b>	<b>27.4</b>	<b>(40)</b>	<b>8.9</b>	<b>(13)</b>	<b>24.0</b>	<b>(35)</b>	<b>8.2</b>	<b>(12)</b>	<b>3.4</b>	<b>(5)</b>

p = .045

p = .471

TABLE A4

Offenses and Sentence Distribution  
 --Class 4, Fraud Offenses--  
 --1980 Offenses--  
 (Urban Courts)

OFFENSE	n	%	of N	$\bar{X}$ Act Sent	(n) Active	Med Active	.....Active Time.....											
							Prob.		1-6 Mo.		7-12		13-24		25-60		Over 60	
							%	(n)	%	(n)	%	(n)	%	(n)	%	(n)	%	(n)
Bad Check 2	4	17.4		36.0	(1)	36.0	75.0	(3)	----	----	----	----	----	25.0	(1)	----	----	
Forgery 2	18	78.3		20.0	(14)	24.0	22.2	(4)	33.3	(6)	----	----	11.1	(2)	33.3	(6)	----	----
Bribery	1	4.3		----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
<b>TOTALS</b>	<b>23</b>	<b>100.0</b>			<b>(15)</b>		<b>34.8</b>	<b>(8)</b>	<b>26.1</b>	<b>(6)</b>			<b>8.7</b>	<b>(2)</b>	<b>30.4</b>	<b>(7)</b>		

p = .357

p = .368

TABLE A5

Offenses and Sentence Distribution  
 --Class 5, Drug Offenses--  
 --1980 Offenses--  
 (Urban Courts)

OFFENSE	n	Z of N	X̄ Acc Sent	(n) Active	Med Active	.....Active Time.....											
						Prob.		1-6 Mo.		7-12		13-24		25-60		Over 60	
						Z	(n)	Z	(n)	Z	(n)	Z	(n)	Z	(n)	Z	(n)
Possession Narcotic	20	25.0	7.1	(12)	2.3	40.0	(8)	35.3	(7)	15.0	(3)	10.0	(2)	-----	-----	-----	-----
Sale Narcotic	42	52.5	14.0	(36)	6.2	14.3	(6)	52.4	(22)	9.5	(4)	9.5	(4)	9.5	(4)	4.8	(2)
Fraud/Deceit Obtain Narcotic	4	5.0	30.5	(4)	30.5	-----	-----	50.0	(2)	-----	-----	-----	-----	50.0	(2)	-----	-----
Possession for Sale-HDS	3	3.8	30.0	(2)	30.0	33.3	(1)	-----	-----	33.3	(1)	-----	-----	33.3	(1)	-----	-----
Sale of HDS	10	12.5	17.8	(9)	12.0	10.0	(1)	40.0	(4)	10.0	(1)	20.0	(2)	20.0	(2)	-----	-----
Disposal to a Minor	1	1.3	120.0	(1)	120.0	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	100.0	(1)
<b>TOTALS</b>	<b>80</b>	<b>100.0</b>		<b>(64)</b>		<b>20.0</b>	<b>(16)</b>	<b>43.8</b>	<b>(35)</b>	<b>11.3</b>	<b>(9)</b>	<b>10.0</b>	<b>(8)</b>	<b>11.3</b>	<b>(9)</b>	<b>3.8</b>	<b>(3)</b>

p = .000

p = .003

TABLE A6

Offenses and Sentence Distribution  
 --Class 6, Moral Offenses--  
 --1980 Offenses--  
 (Urban Courts)

OFFENSE	n	Σ of N	X Act Sent	(n) Active	Med Active	.....Active Time.....											
						Prob.		1-6 Mo.		7-12		13-24		25-60		Over 60	
						Σ	(n)	Σ	(n)	Σ	(n)	Σ	(n)	Σ	(n)	Σ	(n)
Sex Abuse Minor	5	62.5	2.0	(1)	2.0	80.0	(4)	20.0	(1)	----	----	----	----	----	----	----	----
Incest	1	12.5	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
Promote Prostitution 1	1	12.5	36.0	(1)	36.0	----	----	----	----	----	----	----	----	100.0	(1)	----	----
Promote Prostitution 2	1	12.5	12.0	(1)	12.0	----	----	----	----	100.0	(1)	----	----	----	----	----	----
<b>TOTALS</b>	<b>8</b>	<b>100.0</b>		<b>(3)</b>		<b>62.5</b>	<b>(5)</b>	<b>(12.5)</b>	<b>(1)</b>	<b>(12.5)</b>	<b>(1)</b>			<b>12.5</b>	<b>(1)</b>		

P = .061

**PAROLE GUIDELINES FOR ALASKA**  
**SUPPLEMENTAL REPORT**  
**TIME SERVED COMPONENT**



**ALASKA BOARD OF PAROLE**

**SEPTEMBER 1980**

# 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

September 11, 1980

Dear Colleagues:

The basic PAROLE GUIDELINES FOR ALASKA report was completed, printed, and distributed in December 1979. It explained the progress made at that time on developing parole guidelines in Alaska. The report also outlined the additional research necessary before the "time served" portion of the parole guidelines could be established.

We are very pleased to announce the National Institute of Corrections did award the Parole Board a supplemental grant allowing us to complete the necessary research for the "time served" component. The results are contained in the consultant's attached report. We believe you will find much of this data very interesting and informative. Many of the basic questions about the release patterns of the Board are answered in this report.

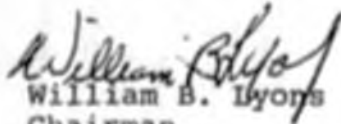
The Board members met with the consultants on June 27, 1980 and adopted the parole guidelines matrix as outlined in table M8 on page 20 of the attached report. The members also voted to delete the race data item from the risk score after receiving an opinion from the Attorney General's office and after further discussion regarding that item. The revised risk score sheet is included with this report.

The Board's staff is drafting the coding manual to accompany the risk score sheet and the Board expects to initiate the "dry runs" soon as recommended on page 21 of the report. If no major problems arise, we expect to be using the guidelines for our decisions by Spring 1981.


Page 2  
September 11, 1980

We are happy to share the results of our research with you.  
Your comments are always welcome.

Sincerely Yours,

  
William B. Lyons  
Chairman

Sincerely Yours,

  
Samuel H. Trivette  
Executive Director

Attachments: PAROLE GUIDELINES FOR  
ALASKA REPORT--SUPPLEMENTAL  
REPORT

SHT/clr

This report was prepared by Bay Area Research Design Associates under contract with the Alaska Board of Parole. The research was supported by supplemental funding from the National Institute of Corrections under grant number A18. Points of view or opinions stated in this document are those of the author and do not necessarily represent the official position or policies of the National Institute of Corrections or the Alaska Board of Parole.

BAY AREA  
*Research Design*  
ASSOCIATES

*ALASKA PRISON RELEASE  
MATRIX DECISION MAKING*

M. G. Neithercutt

June 1980

Box 3890 San Francisco, California 94119

(916) 756-4028

## ABSTRACT

This document is a technical supplement to the materials provided the Alaska Board of Parole in November 1979 and published by them in December 1979. The major task left undone in that report was recommendation of a release decision matrix to be tested and then implemented as an information resource.

The suggested matrix appears as Table M8 herein. Also included are analyses of mandatory releasee data and demonstration responses to queries typical of those received/generated by the Board in its usual operations.

This report closes with observations about some possible next steps.

ALASKA PRISON RELEASE  
MATRIX DECISION MAKING

Mandatory Releasees

New cases augmented the set from which decisions can be made in the time elapsing since the last report.<sup>1</sup> These took three forms: 1) existing parolee cases were edited to some extent, 2) new parole cases were added, both in instances of earlier omissions of cases and paroles since mid-1979, and 3) data on mandatory releasees exiting prison from 1970 - 1979 were added. These last cases are not as extensive as the parolee files, however; we have only identifiers, race, year of release, offense, sentence, time served, and release status for each of those 362 files.

Race

For this report<sup>2</sup> the mandatory releasees have been classified into four ethnic categories: white, black, native, and other.

Table R1  
Racial Composition of Mandatory Releasees

<u>Race</u>	<u>0</u>	<u>1</u>
White	202	56%
Black	30	8%
Native	120	33%
Other	8	2%
Unknown	<u>2</u>	<u>1%</u>
Total	362	100%

Most mandatory releasees are white (56%) and a third are native.

#### Release Year

Persons in this file were released over a ten year period-- from 1970 - 1979. (The first year, 1970, and the last, 1979, are incomplete.)

Table R2  
Mandatory Release Years

<u>Year</u>	<u>#</u>	<u>%</u>
1970	1	-
1971	12	3%
1972	30	8%
1973	19	5%
1974	34	9%
1975	38	10%
1976	66	18%
1977	48	13%
1978	65	18%
1979	46	13%
Unknown	3	1%
Total	362	100%

As Table R2 demonstrates, peak mandatory release years were 1976 - 1979 with 1976 and 1978 having the heaviest concentrations of cases (18% each).

#### Sentences

Sentence lengths also are of interest. Table R3 presents the picture. Almost 2/3 of the mandatory releasees had sentences of 2 years or less. Only 3 persons (1%) had sentences exceeding 5 years. None of these are life sentences as lifers do not mandatorily release under Alaska law. Mean mandatory release sentence length was 29.2 months.

Similarly, Table R4 shows mandatory releasee time served. Seventy percent of these persons served 2 years or less; only 1 stayed in prison over 5 years. Mean time served was 21.8 months, 75% of the sentence mean (see Table R3). Thus, although Alaska good time credit laws as applied to these persons

**Table R3**  
**Mandatory Release Sentences**  
 (in Months)

<u>Months Sentenced</u>	<u>#</u>	<u>%</u>
Under 7	27	7%
7 - 12	103	28%
13 - 24	103	28%
25 - 36	68	19%
37 - 60	40	11%
61 - 120	18	5%
Over 120	3	1%
Mean	29.2	100%

**Table R4**  
**Mandatory Releasee Time Served**  
 (in Months)

<u>Months Served</u>	<u>#</u>	<u>%</u>
Under 7	29	8%
7 - 12	107	30%
13 - 24	117	32%
25 - 36	60	17%
37 - 60	34	9%
61 - 120	14	4%
Over 120	1	-
Mean	21.8	100%

are tedious to understand and explain, they worked out to about a 25% credit on sentences up to 5 years on which parole was not granted.

#### Offense

These mandatory releasees were imprisoned for a great variety of offenses. In no case were more than 30 persons mandatorily released for the same offense. Table R5 shows the 10 most frequent crimes represented and the percent of the 362 total population included in each crime grouping. The table accounts for 54% of the cases.

Table R5  
Mandatory Releasees' Most Frequent  
Imprisonment Offenses

<u>Offense</u>	<u>#</u>	<u>%</u>
BNIAD	30	8%
ADW	26	7%
BIAD	24	7%
GL	22	6%
Forgery	20	6%
Robbery	17	5%
L&L	17	5%
R&C	15	4%
Manslaughter	13	4%
Sale of Drugs	<u>12</u>	<u>3%</u>
Total	196	54%

#### Race & Release

Though there are a multitude of excursions possible through these data, their full exploration awaits questions for which answers are needed from them. To give an idea of the potential here we can use a couple of questions about race.

During the formulation of these data sets a question arose as to whether one racial group or another receives parole

Table R6  
Release Type by Race

Race	Mode of Release						Paroled
	Mandatory Release		Parole		Combined		
	#	%	#	%	#	%	
White	202	56%	381	57%	583	57%	65%
Black	30	8%	110	17%	140	14%	79%
Native	120	33%	152	23%	272	26%	56%
Other	8	2%	15	2%	23	2%	65%
Unknown	<u>2</u>	1%	<u>7</u>	1%	<u>9</u>	1%	-
Total	362	100%	665	100%	1,027	100%	-

$x^2 = 21.15$      $df = 3$      $P = L .001$

more frequently. The last column in Table R6 indicates blacks are most likely to be paroled (79%), whites and "others" are next most likely (65% each), and natives are least likely (56%). The main differences are among the whites, blacks, and natives. Whites are about equally represented in both the mandatory release and the parole groups, with blacks overrepresented among parolees and natives overrepresented among mandatory releases.

Whether or not these differences can be accounted for in terms of the applicable sentence lengths is a reasonable question. Table R7 shows mean sentences for mandatory releasees and for parolees by race. The parolees have sentences roughly twice as long as do the MR's. This is true of each racial group, except that paroled blacks' mean sentences are well over twice as long as are their MR counterparts'.

Table R8 gives comparable findings for mean terms served by race. Each racial group serves much closer to the same mean months whether MR'd or paroled.

**Table R7**  
**Mean Months Sentenced by Race**  
**Mandatory Releasees and Parolees**

<u>Race</u>	<u>Release Type</u>	
	<u>Mandatory Release</u>	<u>Parole</u> *
White	26.6	54.2
Black	34.6	79.2
Native	30.3	59.6
Other	61.5	127.6
Overall Mean	29.3	61.3
Total Cases (Missing Cases)	360 (2)	576 (89)

**Table R8**  
**Mean Months Served by Race**  
**Mandatory Releasees and Parolees**

<u>Race</u>	<u>Release Type</u>	
	<u>Mandatory Release</u>	<u>Parole</u>
White	20.2	19.4
Black	23.0	25.7
Native	22.9	21.4
Other	43.8	24.1
Overall Mean	21.9	21.1
Total Cases (Missing Cases)	360 (2)	576 (89)

—————\* Note that these tables are based on a slightly different population than data cited in previous reports. This base is used to make MR and parolee codings comparable.

Table R9 tells that only "other" races serve a substantially different portion of their sentences than the balance of the ethnic groups. Thus, it appears that sentence length does impact proportions paroled. Natives tend to have shorter sentences and, thus, to be paroled somewhat less than other minority racial groups. They serve the same portions of their sentences as whites, though, whether MR'd or paroled. Blacks serve shorter terms, proportionally, reflecting the longer sentences with which they enter prison. This is even more true for those in the "other" racial group. Blacks are paroled at the greatest rate of any racial group though they serve slightly more time than whites and natives.

Table R9  
Mean Months Served as a Proportion of  
Mean Sentence, by Race  
Mandatory Releases and Parolees

<u>Race</u>	<u>Release Type</u>	
	<u>Mandatory Release</u>	<u>Parole</u>
White	76%	36%
Black	66%	32%
Native	76%	36%
Other	71%	19%

Another way to formulate these data, to assure mean sentence data are not distorting, is to look at sentence lengths by time categories. Table R10 lends this perspective.

Another important consideration here touches parole performance by various racial groups. How one evaluates the appropriateness of times served by racial groups is impacted by effectiveness considerations. One index to effectiveness is the proportions of each group who sustain new felonies while on parole. Table R11 shows blacks have the highest portion of new

Table R10  
 Categorized Months Sentenced by Race  
 Mandatory Releasees and Parolees Combined

Race	Under 7		7 - 12		13 - 24		25 - 36		37 - 60		61 - 120		Over 120		Total		Unknown						
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%					
White	27	5%	109	20%	268	124	23%	49%	113	21%	70%	94	18%	88%	49	9%	97%	17	3%	533	100%	90	14%
Black	3	2%	8	6%	9%	23	18%	27%	24	19%	45%	48	38%	83%	13	10%	93%	9	7%	128	100%	0	0
Native	14	6%	45	18%	23%	63	25%	48%	59	23%	72%	38	15%	87%	23	9%	96%	10	4%	252	100%	0	0
Other	0		4	17%	17%	5	22%	39%	4	17%	57%	4	17%	74%	3	13%	87%	3	13%	23	100%	0	0
Total	44	5%	166	18%	22%	215	23%	45%	200	21%	67%	184	20%	86%	88	9%	96%	39	4%	936	100%	90	9%

felonies; natives and whites have essentially equal proportions of new felonies and there were no new felonies outside these groups.

Table R11  
Parolee  
New Felonies by Race

	<u>Race</u>				<u>Total</u>
	<u>White</u>	<u>Black</u>	<u>Native</u>	<u>Other</u>	
Number of Cases	383	111	152	15	661
Number of New Felonies	19	14	9	0	42
Percent New Felonies	5%	13%	6%	-	6%

From these observations we can look at release characteristics of racial groups in summary form.

Release Characteristics by Race

<u>Whites</u>	<u>Blacks</u>	<u>Natives</u>	<u>Others</u>
medium proportion paroled	largest proportion paroled	smallest proportion paroled	medium proportion paroled
shortest mean sentences	second longest mean sentences	third longest mean sentences	longest mean sentences
(with natives) shortest mean terms served	second longest mean terms served	(with whites) shortest mean terms served	longest mean terms served
(with natives) served largest proportion of sentence	served medium proportion of sentence	(with whites) served largest proportion of sentence	served smallest proportion of sentence
low proportion new felonies	higher proportion new felonies	low proportion new felonies	no new felonies

Sentence Length and Release Type

Another example of the use of these data comes from the question: "What proportion of persons in each sentence length category receives parole?" Tables R12 and R13 respond. Note that as sentence length increases proportion paroled grows. This is true both for the years 1970-80 and 1975-80.