

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 8672

1506 SHES

SB 327

1506



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

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, 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 gone 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

Mr. Speaker

-5-

March 11, 1980

Thelma Buchholdt

Hugh Malone

Terry Martin

Patrick M. O'Connell

Randy Phillips

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL WELFARE

OFFICE

JAY S. HAMMOND, GOVERNOR

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

Document # 21-82

January

The Honorable Charles Parr
Chairperson
Senate HESS Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Parr:

The information you requested from the Department regarding parole revocation statistics is enclosed.

If you have question on these statistics, please do not hesitate to contact me.

Sincerely,



Helen D. Beirne
Commissioner

Enclosure

ALASKA BOARD OF PAROLE

1981 REVOCATIONS

2170

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 Misdmmr 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 Misdmmr Conv.	1	0	0	0	1
F. Technical Violation	3	2	0	0	1
Total	13	2	0	1	10

ACTION CODES:

C.O.P. = Continue on Parole

R & C = Revoke & Review Case Again

R & RE = Revoke & Reparole

R & D = Revoke & Deny

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	275

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

May 28, 1981

Honorable Charlie Parr, Chairman
Senate Health, Education & Social
Services Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

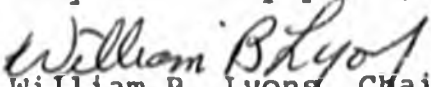
Dear Senator Parr:

Enclosed is a copy of the position paper of the members of the Alaska Parole Board regarding parole board legislation. This position paper with the current amendments was unanimously approved by the Board members at its recent hearings.

As the position paper states, the members of the Board are eager to meet with whatever interim groups or committees the Legislature establishes to review these major policy issues before the start of the next session. We believe that with over 50 years of experience in the criminal justice field by our members and professional staff, we can assist legislators and citizens to better understand some of the intricate workings of the criminal justice system.

Please contact me or the Parole Board office when you are ready to begin work on parole board and related legislature.

Very sincerely yours,


William B. Lyons, Chairman
Alaska Board of Parole

cc: Senate Judiciary
Committee Members

Senate H.E.S.S.
Committee Members

House Judiciary
Committee Members

House H.E.S.S.
Committee Members

Attachments

WBL/clr

POSITION PAPER
PAROLE BOARD LEGISLATION

by

Alaska Parole Board Members

The Parole Board supports House Bill 225 and Senate Bill 217. The Board members believe that these two bills will enable the Board to comply with the national standards established for paroling authorities. The bills more than surpass the legal requirements mandated by various court decisions in Alaska and around the country, and they provide reasonable structure for the equitable and fair handling of all state prisoners who might be eligible for parole. Also, many of the recommendations of the Alaska Corrections Masterplan consultants were incorporated into this legislation.

These bills spell out in detail in the statute all of the various rights of prisoners at hearings. The responsibilities of the Board are more specifically outlined than in the old statute. These bills provide new provisions for:

- a) The recruitment of board members;
- b) The selection criteria for board members;
- c) Five year staggered terms for board members;
- d) A basis for removal of board members;
- e) The procedure for removal of board members;
- f) The adjustment of compensation for board members;
- g) The standards and parameters for parole conditions;
- h) The requirement that regulations be printed in the administrative code;
- i) More detailed and concrete responsibilities for the board;
- j) The requirement that the board advise prisoners in writing the reasons for adverse decisions;
- k) The clarification of a number of old, vague provisions in the statute;
- l) The discharge of parolees from parole;
- m) The requirement that at least one board member interview each parole applicant;
- n) The removal of the statutory inequity in the handling of "legislative parole" and "mandatory release" cases;
- o) A definition of the status "mandatory release";
- p) A minimum correctional experience requirement for the board chairman;
- q) The requirement that the governor designate the board chairman;
- r) A prohibition against a board member seeking or holding a public office during his term;
- s) Clear definitions for the important terms used in the statute;

Although the Board is generally supportive of the direction of SB 327 and HB 261, these two bills (almost identical) also pose some major problem areas. Increasing the number of Board members to seven does not serve any useful function, and will increase the number of Board hearings, resulting in increased costs of the

operation of the Board, and slow down the decision making processes. These bills would result in a greatly increased number of Board hearings in attempting to reward parolees for good behavior by granting or taking away good time while on parole. The two bills supported by the Board do essentially the same by allowing them to be terminated early from parole supervision for good behavior. The Board members do not feel that the additional costs of the good time section is worth the burden it would impose upon the Division of Corrections and the Board. Early termination from supervision in probation cases in Alaska has proven very effective, and the Board feels this is an adequate tool to serve the purpose of rewarding good behavior while on parole.

The two bills supported by the Board require disclosure of all pertinent information on parole applicants and parolees when they are applying for parole or are in jeopardy of having their parole revoked. SB 327 and HB 261 allow the prisoner or parolee a copy of every piece of paper in his file, to refute information presented in his Board hearing, and to present any information he wishes on his own behalf. The methods by which SB 327 and HB 261 accomplish this are very cumbersome and will frequently result in the continuance of cases due to the arrival of material less than 30 days before hearings, which would not be in the best interest of the prisoners or parolees. There is needed clarifying language in SB 327 or HB 261 which are needed to void additional litigation in the future.

The Parole Board is opposed to the passage of House Bill 293. House Bill 293 makes all prisoners who commit crimes after July 1, 1981 ineligible for parole release. Instead, prisoners would be eligible to earn good time, some at a slightly higher rate than they can presently, and also they would be eligible for furloughs. Eligibility for furloughs under HB 293 is actually more restrictive than the current practices and policies of the Alaska Division of Corrections.

The administration's commentary on the bill implies that by extending the presumptive sentencing law to encompass all felony offenders, disparity in sentencing will no longer be a problem.

The current presumptive sentencing law nor the extension of presumptive sentencing to all felony offenders under this bill will not wipe out or significantly reduce the disparity in sentencing. The ranges of sentences even with this scheme are so wide that disparity is likely to remain. Much of what happens with presumptive sentencing depends upon the prosecutor's office, which has considerable discretion with that sentencing scheme. An Alaska Judicial Council study on plea bargaining aptly points out that the "local styles of prosecuting and judging were of overriding importance", and neither of these segments of the system, even with presumptive sentencing, should be relied upon to eliminate disparity. The new criminal code sharply increased the influence of the prosecutor while limiting somewhat the power of the judiciary. Except in a small percentage of cases, the presumptive sentencing law in effect does not mandate specific or mandatory sentences. The prosecutor is the person that frequently holds the key to whether

or not most of these presumptive or mandatory sentences will apply to a given case, and with the establishment of a mitigating or aggravating factor, the range of sentences is wide.

EXAMPLE: Mr. Smith has been arrested on an assault charge. He had a prior felony conviction five years ago which you would assume would automatically make Smith subject to presumptive sentencing. Not so. If the prosecutor does not charge the prior felony and prove it in court, Smith is considered a "first felony offender" and therefore not subject to presumptive sentencing.

The facts of his case indicate he could be charged as either a first degree assault or a second degree assault. Assuming the prosecutor charged the prior felony, he knows Smith would have a presumptive term of ten years if charged as first degree assault and if any mitigating and aggravating factors were charged, the judge could sentence Smith to any sentence from 5 to 20 years. Smith would have to be sentenced to the presumptive sentence of ten years only if the prosecuting and defense attorneys did not charge any mitigating or aggravating factors to the court (both tell us it will be unusual not to charge at least some mitigating and aggravating factors). The prosecutor knows if Smith is charged with assault in the second degree, the presumptive term would be 4 years, but could be mitigated down to 0 years or aggravated up to 10 years. Thus he can effectively decide what range the judge will have available at sentencing (5 to 20 years or 0 to 10 years) by what Smith is charged with. Of course if the prosecutor doesn't charge the prior felony, the judge's range of discretion is 0-20 years for the assault I and 0-10 years for the assault II charge. Obviously the prosecutor isn't lacking discretion under the new code, nor is the range of sentencing narrow.

We are told judicial discretion is removed or severely limited by presumptive sentencing. It is limited somewhat but certainly not removed entirely. Example: Two different judges with Mr. Smith's case could sentence him to widely varying sentences on the same circumstances of the crime and background, (assuming an assault II conviction) as long as at least one factor in mitigation and one factor in aggravation was proven, by giving different weights to those factors. For example, Judge A could give strong weight to the mitigating factors and sentence Smith to no jail time or certainly less than four years. Then Judge B could sentence Smith to ten years by giving primary weight to the aggravating factors. The point is, either judge could sentence Smith to 0-10 years, with Judge A usually handing out a sentence of one year to most offenders while Judge B usually sentences offenders to six years for similar crimes and backgrounds, and still be within the constraints of the presumptive sentencing scheme.

These or other examples are not meant to impugn the integrity of either prosecutors or judges around the State of Alaska, but only show that even with presumptive sentencing, disparity in the handling of cases by the criminal justice system is far from being eliminated. Obviously there is a need to develop some specific guidelines about who should go to jail and who should not. Developing these standards is the area that needs to be addressed. (At

least the Parole Board does have specific, concrete, written guidelines for determining how long offenders serve if they are sent to jail, but those guidelines don't help with the more basic question of who should or should not go to jail at all.)

The important point is that discretion has not been severely curtailed or removed from the judge or prosecutor by the establishment of presumptive sentencing, and extending presumptive sentencing to all felony offenders is not likely to accomplish the intended goal of the elimination of disparity in the handling of cases in the criminal justice system.

What House Bill 293 does do is increase the lengths of time that prisoners would serve in jail, as the Division of Corrections has made it very clear they would not attempt to and would not replace the current Alaska parole system with furloughs. This direction of increasing prison terms flies in the face of research which shows that prisoners serving substantially longer periods of time in jail are not deterred at any higher rate than those with shorter sentences, and possibly may do worse after release than prisoners with shorter sentences.

Competent research shows us that involvement in meaningful programs can have some effect on decreasing the recidivism rate of prisoners. The possibility of parole is obviously a motivating factor to offenders for involvement in these programs. Although many offenders initially get involved in programming "for show", many of them also have remarked later on in their incarceration or even after their release that they would not have been aware of any particular problem that contributed to their involvement in criminal behavior were it not for the involvement in the programming.

This bill would also result in the continued incarceration of the offenders when it has been demonstrated that only 6% of the parolees released by the Board with as long as a nine year follow up period have been convicted of a new felony while on supervision. The increased costs of incarceration of these offenders will reach over a million dollars in a few short years if the Parole Board is abolished. It should be pointed out that this new felony conviction rate is less than one-half of the national average. Although it is impossible to pinpoint directly the reasons for this low new felony rate, we think some of the policies adopted by the Board have had some effect. The Board does consider each case carefully, it individualizes parole conditions based upon the offender's background, it requires pre-release planning to insure the parolee had the best possible community and family support, and the Board strongly supports close contact by the supervising parole officer during the early months of parole to monitor and assist the parolee in making a successful reintegration.

This bill abolishes a segment of the criminal justice system that has the proven capability to set reasonable, equitable, and even prison terms on a state-wide basis. Recent parole board research shows that the Board does an excellent job of treating persons of various races almost identically, which of course has been a significant problem in sentencing in previous years. Legislation would shift this discretion back to the prosecutor, and also somewhat

to the Division of Corrections.

Perhaps the most objectionable feature of HB 293 is a constitutional one. Section 21 of Article III of the Alaska Constitution states; "A parole system shall be provided by law." The Department of Law states that the provisions for mandatory good time in HB 293, and the furlough system provide for therein, constitute a parole system. We believe a system of parole necessarily includes a parole board, empowered to release prisoners prior to the time they would otherwise be released under their judgment and good time statutes, empowered to impose conditions of release, to enforce those conditions through parole officers, and to revoke the early release if warranted. Furloughs and good time (already provided for in existing statute) do not constitute a parole system, and the abolition of the parole board in HB 293 violates the Constitution of the State of Alaska.

Part of the intent of this bill is an attempt to replace parole with furloughs by increasing the number of persons placed in community based programs. Furlough decisions are made by the individual classification committees and superintendents of the various correctional facilities around the State of Alaska and by similar groups of people when Alaska prisoners are farmed out on contract to the Federal Bureau of Prisons or other correctional facilities in other states. The effect is that instead of decisions being made by the same group of five people using one set of standards statewide, furlough decisions would be made by nine superintendents, 25 wardens, and the various classification committees in correctional facilities around the State of Alaska and in those facilities in the Federal Prison system. It is highly likely that disparity in handling of prisoners in the granting of furloughs would be quite disparate based upon the knowledge of how furloughs are granted and have been granted throughout the State in previous years. There is no intent to impugn the integrity of any of these professional staff people, but just to point out that it is highly unlikely that these 100 or more people could possibly carry out any policy more uniformly than the same five persons (Parole Board) operating together on all cases statewide.

The Board has compiled research on all cases handled by it from 1970 through 1979 and developed specific time served criteria for various crime categories, considering the offender's prior record and other significant factors. This approach represents a consistent, equitable approach to the handling of offenders that the judiciary sentences to serve time in jail. The parole guidelines system does provide a great deal of certainty about when a prisoner sentenced to jail might expect to be paroled. He can compute his risk score if he wishes even before he goes to jail and get an excellent idea of how much time he can expect to serve, if there are no extenuating aggravating or mitigating circumstances. Furthermore, the Parole Board adopted a policy several years ago to begin seeing all prisoners within six months of their date of sentencing, anticipating that presumptive parole dates would be established on many offenders that do not have extremely long sentences. The parole board has been hampered from implementing this policy because of the lack of information on what prisoners

were in jail and lack of funding to hold additional hearings. We hope this problem will be eliminated in the near future.

With the parole guidelines that are already in effect, and with the parole board seeing most prisoners early in their sentences to establish presumptive parole dates, offenders will know early in their sentences when they can expect to be paroled. The major focus of HB 293 is to introduce certainty into the criminal justice system. The current parole board guidelines with its policy of seeing people shortly after they are sentenced will provide the certainty without the greatly increased costs to the citizens of the State that HB 293 would impose. Current research shows that the parole board operates efficiently, cheaply, and equitably. With the recently completed modifications and those anticipated in the near future, certainty in the parole decisions has become a reality.

The State Constitution states that penal administration shall be based upon the reformation of the offender and protection of the public. Both of these must take into consideration individual information regarding the offender. We know from valid research that factors come to the attention of officials of the system after sentencing that can significantly influence both of these principals, reformation of the offender and protection of the public. Using this information at parole hearings does therefore enhance the protection of the public and reformation of the offender, and for these reasons the system should maintain the parole component that allows structured decision making after the judicial determination of who should go to jail and who should not.

Because of the short time left in this legislative session to deal with all of the various parole board bills, the Board members support House Bill 510 as amended in the House as the reasonable alternative due to time constraints. The Board strongly urges the Legislature to study the very complex issues involved with the operation of criminal justice system and its relationship to the Parole Board between now and January 1982. Communication with the Board and those working closely with the Board is encouraged. The Board members wish to meet with members of the Legislature between now and next January to carefully explore the information and complex issues involved before a major policy decision is made. We pledge our time and our small staff's time and resources in any way we can assist the Legislature in making an informed, well-reasoned decision.

MAY 29 1981



JUNEAU, ALASKA

Alaska State Legislature

Senate

Lawyer calls for end of state parole board

By The Associated Press

The state parole board should be replaced with a system that rewards inmates for good behavior, a criminal justice lawyer told a House panel Thursday.

In testimony before the House Judiciary Committee, Assistant Attorney General Barry Stern said the parole board should be allowed to die June 30, as it would under current state law. The committee is considering what kind of parole system the state should have.

Rep. Terry Martin, R-Anchorage, has introduced a bill (HB226) that would continue the parole board.

Stern urged lawmakers to adopt a plan that will be submitted by Gov. Jay Hammond next week to replace the parole board with a system that would shorten inmates' sentences for good

behavior and make prison sentences and parole releases more consistent.

He said it is important for current disparities be eliminated so that those convicted of crimes will know how long they will have to serve. "Now it's a guessing game," Stern said.

Director of the Division of Adult Corrections Charles Campbell said that there is "a great deal of concern about disparity and discrimination" in the criminal justice system, but the prospect of eliminating the parole board is "discomforting."

In written testimony, Sam Trivette, parole board executive director, said "although the parole function could be handled by the courts or another agency of the state, or by other state employees, the board is the most cost effective while offering fair, consistent and reviewable decisions."


Juneau Empire
2-27-81

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

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.

Representative Nels Anderson

February 28, 1980

Page 2

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:

Representative Nels Anderson
February 28, 1980
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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 5, 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
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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 / Committed
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			
TOTAL	30	3	16	3	19	4	12	1	
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 institutions; 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 ^a	11	At least monthly	12-15
Delaware	1,007	500	No ^a	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 ^a	3	Monthly	20

^aThe chairman serves fulltime; members serve part-time

^bThe 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 semimonhly	25-30

^aThe chairman serves fulltime; members serve part-time

^bThe 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 ^a	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 ^b	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

^aThe chairman serves fulltime; members serve part-time

^bThe 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
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 ^a
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

^aThe chairman serves fulltime; members serve part-time

^bThe 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
Virginia	5,147	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

^aThe chairman serves fulltime; members serve part-time

^bThe chairman and two members serve fulltime; two members serve part-time.

1978 information

GOALS AND OBJECTIVES OF
THE ALASKA PAROLE BOARD FOR 1982 - 1983

GOALS

Enhance the safety and security of the citizens of Alaska by only releasing to parole supervision those offenders that will, in reasonable probability, live and remain at liberty without violating the laws or without violating the conditions imposed by the Board (AS 33.15.080).

Enhance the criminal justice system by releasing to parole only those offenders whose release is not incompatible with the welfare of society (AS 33.15.080).

Provide the Governor with a comprehensive report of an investigation on each executive clemency applicant, along with all other information the Board has regarding the applicant (AS 33.20.080).

Conduct hearings as necessary pursuant to the Interstate Compact on Probationers and Parolees (AS 33.10.010).

OBJECTIVES

1. Operate the Board to insure that less than 8% of parolees released are returned to custody within one year of release with a new felony conviction.
2. Operate the Board to insure that less than 20% of the parolees are returned to custody within one year of release.
3. Operate all Board hearings in a timely manner in compliance with federal and State laws, applicable court decisions, and Board regulations to:
 - a) Prevent offenders from being released or parolees from remaining in the community because of technical errors made by the Board.
 - b) Prevent any monetary judgment against the State because of improper Board action or activity.
4. Operate the Board to insure the most cost effective expenditure of State funds.

5. Make consistent case decisions based upon researched, written guidelines and provide a written record in each case so that interested parties can be informed of the reasons for any case decision upon inquiry.
6. Handle all administrative appeals of Parole Board or Parole officer decisions in accordance with Board regulations.
7. Support the enactment of legislation to modify and update Parole Board laws to retain a constitutionally-viable parole system that would meet the standards established by the Commission on Accreditation for Corrections.
8. Once legislation has passed, apply for accreditation through the Commission on Accreditation for Corrections and strive to become accredited.
9. Hold hearings on all offenders eligible for discretionary parole within six months after the date of sentence on those sentenced to terms of 5 years or less, or within 2 years of parole eligibility on those sentenced to terms in excess of 5 years.
10. Have Division of Adult Corrections employees complete parole progress reports on all offenders applying for parole.
11. Provide professional training for all Board members and staff involved in conducting parole hearings.
12. Improve, expand, and update the research on parole applicants and parolees to insure accuracy of data and improve the information on which individual case decisions are made pursuant to the parole guidelines.
13. Meet with other criminal justice system employees in the State to coordinate activities and discuss problem areas.
14. Meet with other State officials to seek solutions to the overcrowding in Division of Adult Corrections institutions.
15. Continue long range planning of Parole Board and Board related activities.
16. Continue to support and assist with the implementation of OBSCIS (Offender Based State Correctional Information System).
17. Hold more frequent revocation and rescission hearings to decrease the time violators are held in custody before final action is taken by the Board.
18. Revise and update the Board's regulations and other working documents as necessary.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSSB 327 (HESS)
Title "An Act relating to parole of offenders."
Requested by Senator Parr Date March 8, 1982

II. FISCAL DETAIL

Agency Affected Health and Social Services
Program Category Affected Offender Confinement, Reformation & Supervision
BRU, Program, Or Subprogram(s) Affected adult Confinement - Probation
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

The changes incorporated into Committee Substitute for Senate Bill No. 327 (HESS) have removed the fiscal impact which would have been experienced with enactment of the original bill.

It has been assumed that all parolees will cooperate with the probation officers and waive a formal hearing when a change of parole condition is considered necessary by Department staff. The alternative for a parolee is to be incarcerated for the period until the hearing could be scheduled.

IV. DATE March 9, 1982

PREPARED BY Roger C. Lange

AGENCY Division of Adult Corrections

PHONE 465-3174

Original: Legislative Finance
cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

Roger C. Lange
JCC

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for SS for Senate Bill 327
 Title An Act Relating to Parole of Offenders: Continuing the Parole Board
 Requested by Senator Parr Date _____

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services
 Program Category Affected Offender Confinement, Reformation & Supervision
 BRU, Program, Or Subprogram(s) Affected Parole Board
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		-0-	-0-	-0-	-0-	-0-
200 TRAVEL		10.3	5.1	8.5	6.5	15.9
300 CONTRACTUAL		1.3	-0-	1.5	-0-	1.7
400 COMMODITIES		-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT		-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
800 COMPENSATION		33.0	35.5	38.8	41.0	62.1
TOTAL		44.6	40.6	48.9	47.5	62.1

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		44.6	40.6	48.9	47.5	62.1
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

NONE

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	-0-	-0-				
PART TIME	-0-	-0-				
TEMPORARY	-0-	-0-				

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

See Attached Sheets

IV. DATE March 8, 1982 PREPARED BY Samuel H. Trivette
 AGENCY H & S.S. Parole Board
 PHONE 465-1184
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

[Signature]
JCC

A. Sections .020 & .030, Nomination/Selection of Members
 Budget one trip by one staff to Anchorage, Fairbanks, Nome, Bethel, Kenai, Ketchikan and Sitka to meet with organizations to recruit for Board members and administer member assessment. Two additional one day trips to two locations to do final interviews and train on member responsibilities. Budget every fourth year.

Travel & Per Diem 3.9

Total 3.9

B. Section .050, Compensation

The bill would provide payment to the Board members for any day they are conducting business, including the reading of files, handling Board business by phone, as well as hearings.

a) Reading reports-assume 225 cases/year x 3/4 hours per file = 23 "member days". Guess 23 days x 7 members = 16.1

b) Phone log shows average of 30 calls/quarter to the office x 4 quarters/year = 120 calls for handling appeals, requests for special hearings, mandatory release conditions, etc. = 12.0

c) Pay full days compensation for those days holding preliminary hearings, 1/2 day parole hearings, etc. Guess 35 member days x \$50 = 1.8

Total 29.9

D. Section .080, Responsibilities

Funds for teleconferencing of hearings to adopt regulation, advertise hearings, have staff travel to hearings to establish regulations in the Alaska Administrative Code. Budget every other year.

Contractual 1.3

Travel & Per Diem 2.0

Compensation .4

Total 3.7

D. Section .180, Change in Conditions

Anticipate 5 parolees will request a hearing pursuant to this Section resulting in teleconference hearings by three Board members.

Transportation 1.6

Per Diem 1.3

Compensation 1.5

Total 4.4

E. Section .280, Revocation Hearings

The "clear and convincing evidence" test will result in a representative from the District Attorney's office presenting some of the cases for the Division of Corrections, as is done in many probation revocation cases now. Assume District Attorneys will be present in 1/4 of the cases (7) which will result in a doubling in the length of the hearing time in those cases resulting in 4 additional "board days per year".

Per Diem	1.6
Compensation	<u>2.0</u>
Total	3.6

F. Assumption for FY-84 Through FY-87

- a) Travel = 15% in FY-84 and FY-85; 10% thereafter.
- b) Compensation = Consumer Price Index will increase by 9% in FY-84; 8% in FY-85; 7% in FY-86 and FY-87.
- c) Contractual = 8%

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

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1. March 12, 1982 LETTER TO REP. BEIRNE--Explores some of the problems with the Governor's bill (HB 293 and CS for HB 225), discusses some of the philosophies of discretionary parole, and sets forth some basic information about the operation of the Board.
2. March 8, 1982 LETTER TO REP. BARNES--Gives background information necessary for the Judiciary Committee to complete its Sunset Review responsibilities. Details accomplishments of the Board, and explains why Board members favor retention of discretionary parole.
3. January 1982 GOALS & OBJECTIVES OF BOARD--Self-explanatory.
4. SENATOR PARR'S LETTER OF MARCH 8, 1982--Summation of Senate HESS Committee's Sunset Review of the Parole Board, containing the Committee's findings & recommendations.
5. REP. BARNES LETTER OF MARCH 10, 1982--Summation of House Judiciary Committee's Sunset Review of Parole Board.
6. CHAIRMAN LYONS LETTER OF AUGUST 28, 1981--Letter to clarify the Board did not parole a man who killed 3 people.
7. CHAIRMAN LYONS LETTER OF AUGUST 12, 1981--Letter to Representative Meekins clarifying an error in the Violent Crimes Report, and giving some data (p.3) on the number of parolees that have been involved in assaultive crimes while on parole.
8. ANNUAL REPORT 1981--Gives summation of Board's case decisions for CY-1981.
9. ANNUAL REPORT 1980--Gives summation of Board's case decisions for CY-1980.
10. BOARD REVOCATIONS 1981--Breaks down the 1981 revocation cases by parolees and mandatory releasees, and groups them into various standardized categories for a better understanding of Board decisions.
11. BOARD REVOCATIONS 1980--Breaks down the 1980 revocation cases by parolees and mandatory releasees, and groups them into various standardized categories for a better understanding of Board decisions.
12. GENERAL BOARD ACTIVITY 1975-1980.
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14. PAROLE BOARD OUTLINE--Explains some of the basic information about the operation and strengths of the Parole Board in Alaska.
15. PAROLE BOARD RESEARCH FINDINGS--Summation of data compiled while developing the Parole Board's guidelines, specifically dealing with how the Board treats prisoners of different races.
16. PAROLE GUIDELINES SUPPLEMENTAL REPORT, SEPTEMBER 1980--Details the final research compiled allowing the Board to adopt a parole guidelines release matrix, allowing the Board to handle all cases equitably.

**PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT**

New Hope Baptist Church

333 North Price
Anchorage, Alaska 99504

Doctor William B. Lyons, Pastor
272-9315-277-9222

March 12, 1982

Honorable Mike Beirne
Chairman, House Health, Education
and Social Services Committee
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Beirne:

There are a number of primary issues your committee needs to address in choosing between the two basic approaches to parole in Alaska as set forth in HB 225 and HB 293. Some of them are:

1. Are you concerned about increasing the chances of convicted felons not committing new crimes after they are released from jail?
2. Are you concerned about decision-makers taking into consideration certain factors present after sentencing significantly increasing a person's chances of success in the community, thereby supporting the constitutional mandates of reformation of the offender and protection of the public?
3. Are you willing to adopt a system of releasing prisoners back into the community that has shown to statistically produce a higher recidivism rate (HB 293) than discretionary parole does (HB 225)?
4. Is it more important that a prisoner know his release date from jail the date he is sentenced or that he be told this information in the first 6 months of incarceration and he be required to complete certain programs that will lower his risk in the community when he is released?
5. Are you concerned that persons convicted of similar crimes and having similar backgrounds serve a similar amount of time if they are sent to jail, irrespective of who the sentencing judge was, the city in which the

prisoner was sentenced, or which institution the prisoner is assigned to?

- 6. Are you concerned that decisions regarding the release of prisoners after sentencing be consistent?
- 7. Are you concerned that most sentenced prisoners be told early in their sentences when they can expect to be released and what their conditions of release will be?
- 8. Are you concerned that non-governmental citizen with different backgrounds including minority members having a role in the criminal justice system in determining who and when prisoners will be released from jail back to the community?
- 9. Are you concerned about keeping down the costs of operating our corrections system by allowing the somewhat early release of those prisoners who are a demonstrated low risk to commit new crimes in the community?
- 10. Are you concerned about establishing a public policy that would presume all felony offenders would be sentenced to a year or more of jail, when preliminary data shows judges more frequently increase sentences rather than decrease them when sentencing under the new criminal code?

National research and Alaska data shows that prisoners released by discretionary parole do significantly better than those released at sentence expiration minus good time (mandatory release), even when you control for differing risk of the two groups. If risk is allowed to be considered (as it is at current parole board hearings) parolees do even better. This data is based upon review of many studies by the criminal justice researchers at the National Council on Crime and Delinquency. Furthermore, the new felony conviction rate of Alaska parolees is about half the national average.

Risk is considered by the Alaska Parole Board now as it is required by AS 33.15.080. However, most of the risk factors utilized by the Board in its guidelines refer to "what the prisoner did" such as prior felony convictions, prior misdemeanor convictions, juvenile probation record, juvenile institutional record, adult probation/parole record, alcohol abuse/drug abuse record. Specific numerical scores are assigned to each factor so the guidelines are applied precisely and consistently to each parole applicant. It has been said we are notoriously poor predictor's of the future behavior of our fellow human beings. If we define our terms specifically, we find this statement is not necessarily correct. In compiling parole guidelines research our parolees fell into 4 distinct risk categories. Only 16% of the parolees in the best risk category had any problems (even minor violations) while on parole while over 57% of the parolees in the worst category had problems. This 41% difference certainly is significant. Realize a prisoner's risk is not cast in concrete - it is simply a numerical tool in helping to set a reasonable prison term. Similar risk profiles are utilized throughout

the country as a tool in the same manner psychological tests help us understand some things about human behavior. Furthermore, the Division of Adult Corrections will soon begin using a slightly modified version of the Parole Board's guidelines risk scale in making furlough decisions. The Division feels risk is an appropriate factor to consider when placing prisoners in the community. Besides the factors known at sentencing, other factors become known to correctional authorities later on that significantly increase or decrease a prisoner's chances of success or failure on parole such as:

- a) Institutional behavior.
- b) Involvement in some institutional programs or programing after release.
- c) Certain aspects of a prisoner's release plan have been statistically significant.

In order to insure the lowest possible offender recidivism and the protection of the public, these and similar factors would be considered by the Board. Even if the Legislature should decide as a policy matter that it does not wish to have risk used as a factor, the Parole Board is in an excellent position to apply its guidelines fairly and equitably to all prisoners using its numerical tables, considering only those "prior behavior" items. Prisoners would serve very similar time for basically similar crimes and backgrounds. Under current law, offenders committing similar crimes with similar backgrounds sometimes receive widely divergent sentences because a number of factors:

- 1. Individual personalities and philosophies of the prosecutor, defense attorney and judge.
- 2. The bargaining of prior felony convictions(s), bargaining of whether to charge the use of a handgun during the commission of the crime, the bargaining of which charges of multiple count indictments to dismiss, and the bargaining of mitigating and aggravating factors.
- 3. Pressure of the local community on the judge and prosecutor.

Since all parole decisions are made by the same five peoples, utilizing the same policies, procedures and guidelines, consistency is maintained throughout the state. This consistency is documented by parole guidelines research and would be difficult if not almost impossible to duplicate in any other forum not involving a team of persons making all of the decisions statewide. As you know from the guidelines research data, the Board has delt equitable with prisoners of different racial and ethnic backgrounds. Certainly in sentencing is a laudable goal of the criminal justice system. Many prisoners can sit down now and complete their own parole guidelines risk score i know with a 90% certainty when they will be released on parole. The Parole Board members have had a goal for almost three

years the receipt of funding so they could see offenders in the first four to six months of their sentences so most of the parole applicants could be advised of their release dates at that time rather than waiting to see the Board until they were eligible for parole release. The parole guidelines introduced a high degree of certainty into the system that could be improved upon by supplemental funding allowing the Board to see parole applicants earlier in their sentences. The parole guidelines not only establish certainty into the system, but they introduce statewide consistency into the decision-making process. The Board is the only component of the system likely to maintain this consistent certainty. Although gameplaying is certainly present in all segments of the criminal justice system it is less likely to be a primary factor when a prisoner would have to con two staff and a majority of the five Board members. The experience of the current Board members and staff in handling well over 8,000 hearings probably has been a factor in the Board's very low recidivism rate.

Parole release can help deal with the overcrowding of institutions if given the proper tools and if properly administered (see Michigan law). Competent research shows most prisoners can be released from jail before they earn all of their good time, at little risk to the community and at a substantial savings. This fact alone would support the retention of the Parole Board. The Board granted parole to 165 prisoners in the last two years - you can expect a major impact on Corrections if you decide to abolish discretionary parole.

The Parole Board members are not regular state employees that are required to follow the wishes of a particular administrator or appointee. They come from various communities around the state and their concern is with their constituents. Research shows they can do an excellent job of releasing those prisoners not likely to commit new crimes and still help reduce prison populations.

Parole in Alaska is working well--given small additional funding, its certainty could be increased so most offenders would know their release dates shortly after sentencing. The sunset audit report shows the Board has overcome the problems identified in the 1979 report. Give the Board a chance to work. The Board members and staff have spent a significant amount of time working on legislation over the last four years. We would hope the issue of continuation of a parole board could be resolved this spring without just another one year continuation so we can get on with the business of improving our operation if we are to remain in existence.

The Parole Board members support the continuation of a disciplinary parole system in Alaska and would specifically support HS 2.5 or CSSB 327, both with a small number of amendments. Specific amendment information will be forwarded to you in the next few days.

Sincerely yours,

William B. Lyons
William B. Lyons
Chairman

WBL/ab

cc: Senate H.E.S.S.
Board Members
Commissioner Bairne

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

JAY S. HAMMOND, Governor

BOARD OF PAROLE

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

March 8, 1982

Honorable Ramona L. Barnes
Chairperson
Judiciary Committee
Alaska House of Representatives
Alaska State Legislature
Pouch V
Juneau, Alaska 99811 .

RE: Parole Board Sunset
Review

Dear Representative Barnes:

I understand the Speaker of the House has referred the matter of the Sunset Review of the Alaska Parole Board to the Judiciary Committee. Please consider the following information on behalf of the members of the Alaska Parole Board.

The Board has compiled a significant list of achievements since the last Sunset Review Audit Report in the spring of 1979. A careful review of the old audit report and of the 1980 report of the House Judiciary Committee will reveal all of the major problem areas addressed in those reports have been rectified and the Board has made significant strides in the professionalization of the operation of the Board since that time. With the statutory changes incorporated into House Bill 225, the Board would probably be able to obtain national accreditation through the Commission on Accreditation for Corrections.

The following is a partial list of some of the major accomplishments of the Board since the 1979 audit report:

1. Adoption of Parole Board regulations (9-80) into one consolidated booklet, made available to all criminal justice practitioners, public libraries, prisoners, parolees, and other interested agencies around the State.
2. Completion of parole guidelines research (9-80) and implementation after a trial period of the parole guidelines matrix system for establishing parole release dates for prisoners, allowing for the equal treatment of similarly-situated prisoners.

March 8, 1982

Representative Ramona L. Barnes
Chairperson, Judiciary Committee

3. Implementation of a formal structured appeals system, subjecting all Board decisions to close scrutiny.
4. Comprehensive revision of the information and reports received by the Board so it can accurately assess a prisoner's risk, resulting in very few crimes being committed by parolees released by the Board (see p.3 of letter to Representative Meekins).
5. Completion of the revisions of the general filing system and of all case files resulting in one comprehensive file on each person subject to the supervision of the Board.
6. Establishment of numerous short-ranged objectives to upgrade the operation of the Board, most of which have been met.
7. Establishment of long-range goals and objectives to insure the continued improvement of the operation of the Board.
8. Met or exceeded all Departmental goals established during the budget process (program and administrative) in recent years.
9. Prepared and distributed an informational handbook explaining the parole guidelines to all prisoners applying for parole.
10. Prepared and distributed a new executive clemency application and informational handbook providing basic background about the clemency process in Alaska.
11. Operated the Board in compliance with current laws and court decisions to avoid monetary judgments against the State and provided fair and consistent parole release and revocation decisions.
12. Prepared and submitted draft legislation to the Alaska Legislature that provides for the comprehensive revision of the parole laws of Alaska, and allows the Board to meet all important national standards developed by professional corrections personnel.
13. Continued to provide staff support to the public, the Department of Health and Social Services, the Judiciary, the Legislature and others about criminal justice matters.
14. Operated the Board to insure minimal supportable complaints to the Human Rights Commission or the Ombudsman.

15. Continued to live within the budget passed by the Legislature at the same time propose additional funding for the Board that would significantly enhance the operation of the Board.
16. Met with various groups and clubs to discuss the operation of the Parole Board to help educate the members of the public.
17. Worked with auditors and other State agencies to critique the Parole Board and other criminal justice agencies and develop solutions for improving their operations.
18. Invited criticism of individual decisions of the Board by establishing regulations providing for the appeal of almost any Board decision and requiring the Board to set forth in writing its reasons for every decision.

As you know the Alaska Constitution requires the establishment of a parole system. The Board members believe the Board has demonstrated the public need for the continuation of the Parole Board, but we feel the Board can better serve the public if legislation drafted by the Board is passed this session. Although alternative legislation has been proposed to substitute more good time and furloughs for discretionary parole release, we believe the Board's parole guidelines provide fairness, equity and certainty that can not be bettered by any of the other proposals currently before the Legislature. The certainty of the Board's decisions could be enhanced by it seeing offenders shortly after they were sentenced and informing them what the Board would require before their release--rather than waiting to see them when they are eligible for parole. The additional funding to accomplish this would be minimal and would significantly improve the operation of the Board.

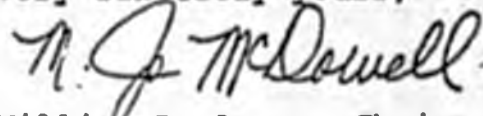
Funding to provide ongoing research about the decisions of the Board would be of great value to Legislators, the public and other criminal justice administrators in helping to understand the operation of the Board. Overall we believe the Board affords the public the maximum amount of protection by releasing only those offenders who are not a serious risk to the public and reduces the cost of the operation of the Alaska Correctional system by releasing low risk offenders from jail. We believe our policies meet the Alaska Constitutional mandates of reformation of the offenders and protection of the public.

Page Four
March 8, 1982
Representative Ramona L. Barnes
Chairperson, Judiciary Committee

Because of the budget constraints placed on the Board and the short notice given for the hearing, neither I nor the Vice-Chairman of the Board will be able to attend the Sunset hearing. We have requested that our Executive Director attend and be present to answer any questions you might have about the Board. Please contact me if you should have any questions or need additional information not attached to my letter to you and the other Committee members.

Please be assured of our continued interest and cooperation in the Sunset Review of the Parole Board.

Very sincerely yours,



WBL
William B. Lyons, Chairman
Alaska Board of Parole

cc: Board Members

Honorable Charles H. Farr
Chairman, Senate Health,
Education and Social Services
Committee
Alaska State Legislature

Attachments: Board Goals and Objectives, 1982-1983 (Rev. 01/82)
Parole Board Outline (02/82)
Parole Board Research Findings
Parole Guidelines-Supplemental Report (09/80)
Letter to Representative Meekins, pg.3 (08/12/81)
Parole Board Revocation Data 1981
Parole Board Revocation Data 1980
Parole Board Activity Calendar 1981
Parole Board Activity Calendar 1980

WBL/clr

GOALS AND OBJECTIVES OF
THE ALASKA PAROLE BOARD FOR 1982 - 1983

GOALS

Enhance the safety and security of the citizens of Alaska by only releasing to parole supervision those offenders that will, in reasonable probability, live and remain at liberty without violating the laws or without violating the conditions imposed by the Board (AS 33.15.080).

Enhance the criminal justice system by releasing to parole only those offenders whose release is not incompatible with the welfare of society (AS 33.15.080).

Provide the Governor with a comprehensive report of an investigation on each executive clemency applicant, along with all other information the Board has regarding the applicant (AS 33.15.080).

Conduct hearings as necessary pursuant to the Interstate Compact on Probationers and Parolees (AS 33.10.010).

OBJECTIVES

1. Operate the Board to insure that less than 8% of parolees released are returned to custody within one year of release with a new felony conviction.
2. Operate the Board to insure that less than 20% of the parolees are returned to custody within one year of release.
3. Operate all Board hearings in a timely manner in compliance with federal and State laws, applicable court decisions, and Board regulations to:
 - a) Prevent offenders from being released or parolees from remaining in the community because of technical errors made by the Board.
 - b) Prevent any monetary judgment against the State because of improper Board action or activity.
4. Operate the Board to insure the most cost effective expenditure of State funds.

5. Make consistent case decisions based upon researched, written guidelines and provide a written record in each case so that interested parties can be informed of the reasons for any case decision upon inquiry.
6. Handle all administrative appeals of Parole Board or Parole officer decisions in accordance with Board regulations.
7. Support the enactment of legislation to modify and update Parole Board laws to retain a constitutionally-viable parole system that would meet the standards established by the Commission on Accreditation for Corrections.
8. Once legislation has passed, apply for accreditation through the Commission on Accreditation for Corrections and strive to become accredited.
9. Hold hearings on all offenders eligible for discretionary parole within six months after the date of sentence on those sentenced to terms of 5 years or less, or within 2 years of parole eligibility on those sentenced to terms in excess of 5 years.
10. Have Division of Adult Corrections employees complete parole progress reports on all offenders applying for parole.
11. Provide professional training for all Board members and staff involved in conducting parole hearings.
12. Improve, expand, and update the research on parole applicant and parolees to insure accuracy of data and improve the information on which individual case decisions are made pursuant to the parole guidelines.
13. Meet with other criminal justice system employees in the State to coordinate activities and discuss problem areas.
14. Meet with other State officials to seek solutions to the overcrowding in Division of Adult Corrections institutions.
15. Continue long range planning of Parole Board and Board related activities.
16. Continue to support and assist with the implementation of OBSCIS (Offender Based State Correctional Information System).
17. Hold more frequent revocation and rescission hearings to decrease the time violators are held in custody before final action is taken by the Board.
18. Revise and update the Board's regulations and other working documents as necessary.



Official Business

Alaska State Legislature

Senate

Committee on

Health, Education & Social Services

Charlie Parr, Chairman
Terry Scinson, Vice-Chairman
Vic Fischer
Tim Kelly
Mike Colletta

Pouch V
State Capitol
Juneau, Alaska 99811

465-4907
465-4908

March 8, 1982

The Honorable Jalmar Kerttula
President of the Senate
Alaska State Legislature
Pouch V, State Capitol
Juneau, AK 99811

Dear Mr. President:

Pursuant to AS 44.66.050 the Senate HESS Committee has conducted a review of the State Board of Parole. The review entailed four committee hearings and analysis of documents related to the activities and performance of the Board. The Committee considered testimony and recommendations from the Department of Law, The Department of Health and Social Services - Division of Corrections, and the Executive Director and member of the Alaska State Board of Parole. Documents considered included: Legislative Audits', Reviews of the Alaska State Board of Parole of May 9, 1979 and its follow-up review of Dec. 21, 1981; Materials from previous "Sunset" reviews of the Board; State of Alaska Report of Performance; 1981 statistics on Parole Recidivism in Alaska; Regulations, Procedures, goals and objectives as promulgated by the Board; position papers of the Department of Law and Division of Corrections; and prison data developed by the HESS Staff.

The review of the AK State Board of Parole was conducted in conjunction with the analysis of the two Senate Bills concerned with the existence and continuation of the Parole Board - SB 217 and SB 327 which were pending in the Senate HESS Committee.

As a result of the review the HESS Committee has recommended the continuation as well as changes to the Parole Board under AS44.66.050.(C). The Statutory recommendations are found in CSSB327 reported out of the HESS Committee.

As outlined in the "Follow-up Review of the Alaska State Board of Parole", December 21, 1981 by the Division of Legislative Audit the Board has made considerable progress in resolving inadequacies which were apparent during the initial 1979 audit period. In light of the audit report, testimony, and other documentation the Committee finds that there is "public need" for the continued existence of the board as delineated in AS 44.66.050(C) and further recommends the following as required by AS 44.60.050(d):

(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: The problem or needs that activities of the board are intended to address are related to parole supervision and include:

Enhancing the safety and security of the citizens of Alaska through releasing only those offenders who in reasonable probability will abide by laws and conditions imposed by the board.

Enhance the criminal justice system by releasing to parole only those offenders whose release is not incompatible with the welfare of society.

Provide the Governor with comprehensive reports on applicants for executive clemency.

(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: Objectives of the Board include but are not limited to:

Ensuring that less than 9% of parolees released are returned to custody within one year of release with a new felony conviction.

Ensure that less than 20% of the parolees are returned to custody within one year of release.

Operate all Board hearings in a timely manner in accordance with federal and state laws, applicable court decisions and Board regulations.

Make consistent release decisions based upon researched written guidelines and provide a

written record of each case so that interested parties can be informed of the reasons for any case decision.

Gain accreditation for Alaska Parole System under the Commission on Accreditation for Corrections.

Hold hearings on all offenders eligible for discretionary parole within six months or two years after the date of sentence for sentences of less than five or more than five years respectively.

(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 Department of Law offered an alternative method of achieving the purpose of the program by eliminating the Board and having that responsibility held by the court or corrections systems. The option was not adopted because this would remove the element of judgement 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: This program is mandated in the constitution and cannot be eliminated. Funding at a lower level would render the Board very ineffective and restrict its opportunity to achieve its goals and objectives.

(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.

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 is contained in legislation introduced by this Committee.



Official Business

Alaska State Legislature

Senate

Committee on

Health, Education & Social Services

Charlie Parr, Chairman
Terry Stimson, Vice-Chairman
Vic Fischer
Tim Kelly
Mike Colletta

Pouch V
State Capitol
Juneau, Alaska 99811

465-4907
465-4908

February 26, 1982

LETTER OF INTENT

ON

COMMITTEE SUBSTITUTE (HESS) FOR SPONSOR SUBSTITUTE SB 327

It is the intent of the Health, Education and Social Services Committee, in passing out CS for SS for Senate Bill No. 327, that:

- 1 - Good behavior while on parole should be rewarded by earlier release. The Committee considered "good time" allowances but because of costs and administrative burden opted for another alternative. The parole board is allowed to release parolees from parole after a minimum of 20 months of good behavior. This allowance is intended to provide the parole board with a means of rewarding good behavior of parolees.
- 2 - The parole board should meet more frequently than the required minimum of 4 times per year. Although SB 327 does not require that the board meet a minimum of 6 times a year, the members believe that the board should be given the funds to do so. More frequent hearings would allow for an initial parole hearing early in the prisoner's incarceration. This hearing may encourage the prisoner to better prepare himself for rehabilitation while in jail, and may possibly reduce the period of incarceration.

Senator Charles H. Parr
Chairman

Alaska State Legislature



House of Representatives

REPRESENTATIVE
RAMONA L. BARNES

ANCHORAGE

2230 PAXSON
ANCHORAGE, ALASKA 99504
(907) 337-7804

POUCH V

JUNEAU, ALASKA 99811
(907) 465-3797

CHAIRMAN
HOUSE JUDICIARY COMMITTEE
MEMBER
HOUSE RESOURCES COMMITTEE
HOUSE POLICY COMMITTEE
ALASKA REPRESENTATIVE
STATES RIGHTS COORDINATING COUNCIL
WESTERN LANDS TASK FORCE
CITIZENS ADVISORY COMMISSION
ON ALASKA LANDS
FINANCE SUBCOMMITTEES
PUBLIC PROTECTION, JUSTICE
& EDUCATION

March 10, 1982

Reverend William B. Lyons, Chairman
Alaska Board of Parole
Pouch H-01E
Juneau, Alaska 99811

Dear Reverend Lyons:

Please find enclosed a copy of the letter sent to
Speaker Hayes regarding the Judiciary Committee's
recommendation on the Sunset of the Alaska Board of Parole.

If you have any questions or comments, please contact
my office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ramona".

Ramona L. Barnes
Chairman, House Judiciary Committee

RLB/rv
enclosure

Alaska State Legislature

CHAIRMAN
HOUSE JUDICIARY COMMITTEE
MEMBER
HOUSE RESOURCES COMMITTEE
HOUSE POLICY COMMITTEE
ALASKA REPRESENTATIVE
STATES RIGHTS COORDINATING COUNCIL
WESTERN LANDS TASK FORCE
CITIZENS ADVISORY COMMISSION
ON ALASKA LANDS
FINANCE SUBCOMMITTEES
PUBLIC PROTECTION, JUSTICE
& EDUCATION



House of Representatives

REPRESENTATIVE
RAMONA L. BARNES

ANCHORAGE
2230 PAXSON
ANCHORAGE, ALASKA 9950
(907) 337-7804

POUCH V
JUNEAU, ALASKA 99811
(907) 465-3797

March 10, 1982

Reverend William B. Lyons, Chairman
Alaska Board of Parole
Pouch H-01E
Juneau, Alaska 99811

Dear Reverend Lyons:

Please find enclosed a copy of the letter sent to Speaker Hayes regarding the Judiciary Committee's recommendation on the Sunset of the Alaska Board of Parole.

If you have any questions or comments, please contact my office.

Sincerely,

Ramona L. Barnes
Chairman, House Judiciary Committee

RLB/rv
enclosure



Pouch V
State Capitol
Juneau, Alaska 99811

(907) 465-4766
(907) 465-4767
(907) 465-3718
(session only)

P.O. Box 3388
Anchorage, AK 99510
(907) 274-1432
(907) 274-1441
POUCH V
JUNEAU, ALASKA 99811

Members

- Rep. Palmer, Chairman
- Rep. Anderson, Vice-Chairman
- Rep. Phillips
- Rep. O'Connell
- Rep. Freeman
- Rep. Maskins
- Rep. Buchholdt

POUCH V
JUNEAU, ALASKA 99811

House of Representatives

Committee on Judiciary

March 10, 1982

The Honorable Joe Hayes, Speaker
House of Representatives
Pouch V
Juneau, Alaska 99811

Re: Sunset Review Hearing for the
Alaska Board of Parole

Dear Speaker Hayes:

Pursuant to your request and to AS 44.66.050, the Judiciary Committee held a hearing on March 8, to determine the Committee's recommendation to you as to the question of the Sunset of the Alaska Board of Parole. At that hearing, the Committee heard testimony from the Board of Parole, Department of Law, and Department of Health and Social Services. The members had previously received the Follow-Up Review of the Alaska Board of Parole, by Legislative Audit. This was considered by the Committee along with the materials supplied by the Board of Parole. Of course this Committee has since last September considered a great deal of testimony from police agencies, prosecutors, private citizens, Division of Corrections, etc., relating to criminal justice in general and criminal recidivism in particular. That testimony, although not expressly given at the March 8th hearing, has been considered by the members and has played a part in the recommendation of this Committee.

The Committee notes that Article 3, Section 21 of the Alaska Constitution in the last sentence states as follows:

"A parole system shall be provided by law."

It is general knowledge that no other "Parole System" exist in the state at this time, and that no other board or commission is given the authority or responsibility for paroling prisoners, or revoking the parole of ex-prisoners.

As to the findings of this Committee on the compliance of the Alaska Board of Parole with the Statute, the Committee wishes to incorporate by reference, the "A Follow-Up Review of the Alaska State Board of Parole," by the Division of Legislative Audit. The Committee specifically finds that the Board of Parole has made considerable progress in meeting the challenges set by the Division of Legislative Audit in that Audit of the Board. The specifics of those accomplishments are set forth in both that audit and in the enclosed copy of the letter from Reverend William B. Lyons, Chairman of the Alaska Board of Parole, dated March 8, 1982, with attachments.

As to the specific findings required by AS 44.66.050(d):

1. The Committee identifies the following problem or need that the Alaska Board of Parole is intended to address: A Constitutionally mandated parole system, which shall, by releasing through parole supervision only those offenders who will in reasonable probability, live and remain at liberty without violating the laws and without violating the conditions imposed by the Alaska Board of Parole, as well as limiting release to those whose release is not incompatible with the welfare of society. Likewise, it is the duty of the Board to conduct parole revocation hearings where laws have been violated or rules of parole have been violated by the parolee. Lastly, the Board is obliged to provide the Governor with a comprehensive report on persons who have applied for executive clemency. Please note that the parole revocation hearings required include those necessitated by Alaska's membership in the Interstate Compact on Probations and Parolees (AS 33.10.010).
2. The stated objectives of the Alaska Board of Parole are as follows:
 1. Operate the Board to insure that less than 8% of parolees released are returned to custody within one year of release with a new felony conviction...
 2. Operate the Board to insure that less than 20% of the parolees are returned to custody within one year of release.

3. Operate all Board hearings in a timely manner in compliance with federal and State laws, applicable court decisions, and Board regulations to:
 - a) Prevent offenders from being released or parolees from remaining in the community because of technical errors made by the Board.
 - b) Prevent any monetary judgment against the State because of improper Board action or activity.
4. Operate the Board to insure the most cost effective expenditure of State funds.
5. Make consistent case decisions based upon researched, written guidelines and provide a written record in each case so that interested parties can be informed of the reasons for any case decision upon inquiry.
6. Handle all administrative appeals of Parole Board or Parole officer decisions in accordance with Board regulations.
7. Support the enactment of legislation to modify and update Parole Board laws to retain a constitutionally-viable parole system that would meet the standards established by the Commission on Accreditation for Corrections.
8. Once legislation has passed, apply for accreditation through the Commission on Accreditation for Corrections and strive to become accredited.
9. Hold hearings on all offenders eligible for discretionary parole within six months after the date of sentence on those sentenced to terms of 5 years or less, or within 2 years of parole eligibility on those sentenced to terms in excess of 5 years.
10. Have Division of Adult Corrections employees complete parole progress reports on all offenders applying for parole.

11. Provide professional training for all Board members and staff involved in conducting parole hearings.
 12. Improve, expand, and update the research on parole applicants and parolees to insure accuracy of data and improve the information on which individual case decisions are made pursuant to the parole guidelines.
 13. Meet with other criminal justice system employees in the State to coordinate activities and discuss problem areas.
 14. Meet with other State officials to seek solutions to the overcrowding in Division of Adult Corrections institutions.
 15. Continue long range planning of Parole Board and Board related activities.
 16. Continue to support and assist with the implementation of OBSCIS (Offender Based State Correctional Information System).
 17. Hold more frequent revocation and rescission hearings to decrease the time violators are held in custody before final action is taken by the Board.
 18. Revise and update the Board's regulations and other working documents as necessary.
3. The Committee does not identify any other program, committee, or board having a similar, conflicting, or duplicate objective to that of the Alaska Board of Parole.
 4. The Committee has not at the present time identified an alternative method of achieving the purposes of the Alaska Board of Parole and the constitutional provision. The Committee is aware that the Alaska Department of Law has authored a bill, presently in the House Education and Social Services Committee, which in its initial version would abolish the Board of Parole and set up a system of furloughs and release dates determined

by the Division of Corrections. However, this bill has not reached the House Judiciary Committee and it was testified by the Department of Law that there have been considerable changes in the bill.

In any event, the Committee does not identify such an "alternative method" as appropriate for the present time, considering the constitutional mandate and the fact that no method has been brought to the attention of the Committee which would allow for non-government employee citizens of this state to participate in the parole decision. It is noted that if the Board of Parole were indeed abolished and such a furlough system were instituted, the only such "citizen involvement" left in the criminal justice system would be at the Grand Jury and Petit Jury levels, all other persons being either attorneys or employees of the state or of a municipality.

5. In assessing the consequences of eliminating the Alaska Board of Parole, the Committee finds that the Board probably cannot be eliminated because of the constitutional mandate, and that as its activities could not be consolidated with another program. As to funding of the Alaska Board of Parole at a lower level, the Committee finds that although this would be perhaps questionable in light of the relatively low budget of the Alaska Board of Parole, this decision could best be made by the House Finance Committee.
6. The justification for the continuation of the Alaska Board of Parole is that it is a constitutionally mandated agency. The above findings are incorporated into this justification.

In summary, this recommendation of the Committee is based upon the consideration of the Constitutional mandate and the information detailed above. However, the Committee did not consider the three presently pending House Bills affecting the Alaska Board of Parole, including HB293, originally submitted by the Department of Law. All of these bills are presently in the House Education and Social Services Committee and none have yet been reported out to

Speaker, Joe Hayes

March 10, 1982

Page 6

the House Judiciary Committee. Please be assured that should any such bill be reported to the House Judiciary Committee, they will be considered in due course, with Committee recommendations made on the bills.

Sincerely,



Ramona L. Barnes
Chairman, House Judiciary Committee

RLB/rv

August 28, 1981

Editor
Anchorage Daily Times
Box 40
Anchorage, Alaska 99510

Dear Editor:

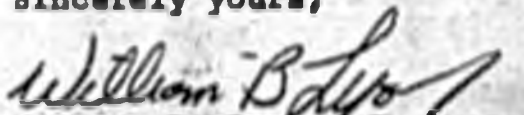
Enclosed is a recent letter I wrote to the Honorable Russ Meekins, Alaska State Representative, in his position of Chairman of the House Task Force on Violent Crime. The purpose of my letter to Representative Meekins was to correct the error in the Task Force report which stated that Mr. Nukapigak, a man recently convicted of committing three homicides, was a parolee released by the Alaska Parole Board. As you can see from the information contained in my letter, the Task Force report was obviously in error, and the defendant was not paroled by the Board.

Since newspapers and the public frequently confuse parolees with probationers and those prisoners released by operation law (and commonly referred to as mandatory releases or mandatory parolees), I would appreciate you printing this letter in your letter-to-the-Editor section. Even though it is a little longer than what you would normally print without editing, I would urge you to print the letter in its entirety as a public service to the citizens of the State to help give them a better understanding of the criminal justice system in Alaska.

As you can see, a parolee is not a probationer is not a mandatory releasee is not a prisoner on furlough or a defendant released on bail. I would hope your reporters would be cautious in determining a person's status when reporting on clients of the criminal justice system.

Thank you for listening to our concerns and printing the letter to Representative Meekins. Please feel free to call on me or my staff if you need to clarify information on a parolee or mandatory releasee.

Sincerely yours,


William B. Lyons, Chairman
Alaska Board of Parole

Enclosure: Letter to Representative Meekins

WBL/v:1

STATE OF ALASKA

JAY S. HAMMOND, Governor

DEPT. OF HEALTH AND SOCIAL SERVICES

BOARD OF PAROLE

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

August 12, 1981

Honorable Russ Meekins, Representative
Alaska State House
Chairman, House Task Force on Violent
Crime
1526 "K" Street
Anchorage, Alaska 99501

Dear Representative Meekins:

The members of the Parole Board applaud the work being done by the Legislature to identify and attempt to solve the problems we are having with violence throughout the State of Alaska. We are willing to assist the Task Force in any way we can, including providing you information about steps the Board has taken to help curb violent crime in the community.

I just received a copy of the "House Task Force on Violent Crime-Report to the First Session, Twelfth Alaska Legislature", June 1981. Overall the report is well written and documents the magnitude of violence in Alaska. However, there is a gross error in the prologue of the report that really detracts from the credibility of a valuable document. Unfortunately some staff person did not check out their facts and apparently took information from a newspaper article, traditionally one of the most unreliable sources around if a person is interested in accurate information. The erroneous reporting is so inaccurate and damaging that we would request your Task Force print a retraction and correction so other members of the Legislature and the public are not misled about the case

Let me list some of the facts of the case of the man written about on page 2 of the prologue. His name is Clifford Nukapigak, Sr. His name and his crimes are a matter of public record and were noted in a number of newspaper articles and at least one Alaska Supreme Court decision. However, Mr. Nukapigak was not paroled by the Alaska Parole Board. Parole is defined by the Alaska Statute 33.15.260(3) as "...the release of a prisoner to the community by the Parole Board before the expiration of his term,..." (emphasis mine). He appeared before the Board in October 1977 and was denied parole without further review because of his extensive history of very violent behavior. In spite of his involvement in all of the alcohol programming in the jail and his involvement in psychological counseling to help him deal more appropriately with his anger, he was denied a special hearing in 1978 because the Board felt he still constituted a very serious risk to the community.

Honorable Russ Meekins

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However, Mr. Nukapigak was released "as if on parole" pursuant to AS 33.20.040. This statute is commonly referred to as the "mandatory release" statute, the name used by the federal system from which our State statute was taken. Under this statute, offenders not paroled are released on supervision "as if on parole" for the number of days of good time they have earned, minus 180 days. This is the section under which Mr. Nukapigak was released. He was not paroled by the Parole Board.

Even though he was not paroled, the Board members strongly encouraged Mr. Nukapigak to continue with the counseling he started in the jail. Since he was not paroled, the Board had no authority to require he complete an alcohol program. He was certainly aware of the availability of such programming since the staff of the Fairbanks Comprehensive Alcohol Programs were running a program in the jail where he served his sentence. He was encouraged to take advantage of the alcohol program and apparently he was involved in mental health counseling to help him deal with his anger. If Clifford did not get involved in the C.A.P. program, it was because he did not go when he was released from jail, certainly an option that was available to him.

I cannot comment on the frequency of or the kind of supervision Mr. Nukapigak did or did not receive as this is the responsibility of the Division of Corrections probation officers. However, it appears even weekly contact would have made no difference in this case as Clifford was doing fairly well and abstained from the use of alcohol until the day before the homicides. Nothing short of continuous supervision or lack of access to alcohol would have prevented these crimes.

In summary, Nukapigak was not paroled. The Parole Board kept him in jail as long as legally possible and strongly urged his continued involvement in counseling. He was released by operation of law in February 1981. Clifford knew he was extremely dangerous when he drank and he made and kept his resolve to not drink until the day before he committed the homicides on August 18. There is nothing more the Parole Board could have legally done to protect the public from Mr. Nukapigak.

Those are some of the pertinent facts about the Point Lay case. Please feel free to contact the Parole Board office if you wish additional information or documentation of the information I have provided you.

Honorable Russ Meekins
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Let me briefly discuss some possible implications of the Point Lay case with the article as it is currently written in the Task Force report:

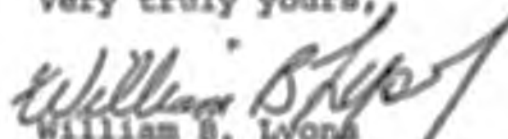
1. Parole Board paroles lots of high risk, violent offenders;
2. Lots of parolees commit new felonies while on parole supervision;
3. Parolees account for many of the assaultive crimes committed in Alaska;
4. Not paroling offenders would significantly reduce assaults in Alaska.

These are some of the assumptions many people will probably make after reading page 2 of the prologue. Fortunately, these assumptions are far from being correct.

Let me give you and the other members of the Task Force some hard data about parolees in Alaska. Since most of the concern now seems to be about violent felonious behavior, let me start with this information. A one year follow-up of all persons released from January 1975 through December 1979 shows that only 4% of the parolees (13 persons) were convicted of a new felony. Only 2% of those new felonies (7 felonies) were committed in Alaska. Of those new felonies committed only 3 persons were actually physically assaulted by parolees in Alaska (less than 1% of those paroled during a 5 year period). Only an average of 1.4 parolees were convicted of new felonies in Alaska, and of these only an average of 0.6 parolees in Alaska were convicted of a new felony involving an assault of a victim. It is clear from these figures Alaska parolees are not responsible for a "crime wave" in Alaska.

Hopefully this information will provide the members with some accurate recent information about the Parole Board. Please contact me or the Board office in Juneau at your convenience if we can ever provide any assistance to you, your staff, or any of the other Task Force members.

Very truly yours,


William B. Lyons
Parole Board Chairman

cc: Honorable Albert P. Adams

Honorable Charles G. Anderson

Honorable Russ Meekins

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cc: Honorable Oral E. Freeman

Charles Campbell, Director
Division of Corrections

Helen D. Beirne, Commissioner
Department of Health and
Social Services

Allen Korhonen, Deputy Commissioner
Department of Health and
Social Services

Parole Board Members

WBL/cir

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 HEARINGS - GRANTED	2
REQUEST FOR SPECIAL HEARINGS - DENIED	2
PRELIMINARY HEARINGS THIS QUARTER	17
OTHER	13
TOTAL CASES HEARD	290

89

ALASKA BOARD OF PAROLE

QUARTER _____, 198__

1980

PAROLED - INTERSTATE	19	} 76
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 Misdemr 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 Misdemr 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 Misdemeanor 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 Misdemeanor 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 & C = Revoke & Review Case Again

R & RE = Revoke & Reparole

R & D = Revoke & Deny

	1975	1976	1977	1978	1979	1980	1981	1982
Parole Hearings	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%)	0 (3%)	7 (3%)	12 (5%)	7 (4%)	28 (14%)	33 (15%)	14 (7%)
Revocations	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 (28%)	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		
Avg. Sentence Remaining	30.7	29.4	23.04	19.7	20.0	18.5		
**Mean Average Sentence Remaining	20.3	16.6	17.4	15.4	16.5	15.09		

*Paroled But Not Released During That Year

**Mean Average Sentence Remaining Based on Four Years

PAROLE IN ALASKA

1975 to 1980

From January 1975 to December 1979 (five years) the Parole Board held 1,089 release hearings, an average of 218 per year. During this same period 341 individuals were released on parole (31%), 435 were continued to a later hearing (40%) and 275 were denied parole (25%).

A one year follow-up of the 341 parolees shows that 86 (25%) were revoked, 73 (21%) for technical or misdemeanor violations and 13 (4%) for new felony convictions (only 7 (2%) of these were committed in Alaska).

(of these, only 3 involved revocation of a conviction, avg of .06/yr over 5 yrs.)

The average sentence remaining at the time of release (also the amount of time supervised on parole) is 17.2 months.

PAROLE BOARD OUTLINE

1. The Parole Board is extremely inexpensive to operate in relationship to other sectors of the Alaska Criminal Justice system. The overall costs of the operation of the Board just exceeds \$225,000 for the upcoming fiscal year. Most of the money spent goes for salaries of staff, some compensation for Board members, and travel funds to allow the members to hold hearings throughout the state and in contract facilities housing Alaskan inmates. Although we do not have the actual cost of operating the court system or other segments of the criminal justice system in Alaska, they certainly exceed the cost of operation of the Board by far.
2. The Parole Board has very specific written guidelines for making its decisions, which make it available for very close public scrutiny. Any time a prisoner is not granted parole, he is sent an individual letter advising him of the reasons for the decision. Whenever a parolee has his parole revoked, he receives an individualized letter explaining the specific reasons why he has been returned to custody. Any time the Board deviates from their written guidelines in any given case, they must document the specific reasons in the file why such a decision was made. These letters are available for public scrutiny. (Refer to articles on guidelines for more specific examples).
3. The new parole guidelines research has allowed the Board to develop very concrete guidelines with numerical weights given to statistically valid factors that allows the Board to closely compare similar cases and will result in equal treatment of similarly-situated inmates.
4. The Board members are representative of the major ethnic and minority groups of the state. The Board has had Alaskan natives and black membership since 1971, and a women on the Board since early 1976. Each of these members have a wide variety of experience in dealing with and relating to minority persons. They are familiar with the diverge cultures of the citizens of the State of Alaska. No other segment of the system has or is likely to have in the near future, this broad representation.

5. In spite of the problems with the disparity in sentencing in Alaska, the inmates handled by the Board are treated very similarly, no matter what their ethnic background is. Current Parole Board research indicates that within the parameters with the law which requires all inmates to serve one-third of their sentence to which they are sentenced before being eligible for parole, the Parole Board does treat individuals similarly as much as is reasonable.
6. The Board members are not employees of the State, but are citizens from various communities around the state that retain their ties there and are familiar with the wishes of the communities from which they come. They are concerned with the community foremost rather than the needs of any department of the state government, and their decisions reflect their community and individual person orientation. The Legislature established a separate Parole Board office in 1972 specifically for the purpose of allowing the Board members to not be controlled or too heavily influenced by the other full time employees of the criminal justice system. This appears to be working very effectively.
7. The Board members make consistent decisions statewide. Although there is known to be wide disparity in sentencing between different areas of the state, this small group of Parole Board members maintains consistency in its decision-making throughout the State of Alaska. No matter how closely regulations and guidelines are written, such consistency is unlikely to occur throughout the state with the number of judges, district attorneys, and defense attorneys involved in the other segments of the criminal justice system.
8. Social science research has shown that group decisions in making parole and related kinds of decisions produce more consistent and equitable than those made by individuals.
9. The State constitution requires a parole system. Although the parole function could be handled by the courts or another agency of the State, or by other state employees, or some other group, the current make-up of the Board is the most cost effective while offering fair, consistent and reviewable decisions. Unless and until the citizens of the state wish to amend the state constitution, or a more cost effective and equitable system can be shown to be available, the current procedure should be maintained.

10. In the mid to late 70's, many criminal justice professionals, college professors, attorneys, and others, were recommending the abolition of parole throughout the country. A great majority of those making that recommendation have since changed direction and many are now supportive of the parole process. The concept of a "community release board" separate from the courts to determine the length of prison terms was supportive by the American Bar Association in a position paper in the fall of 1977. This was a reversal of the Association's previous recommendation that parole be abolished.
11. A "community release board" concept is now being supported by many criminal justice professionals that had previously supported the concepts of "determinate", "flat-time", or "presumptive" sentencing schemes where the prison terms were set in statute with little judicial discretion and no parole discretion.
12. Some persons would argue that all relevant factors are known at the time of sentencing and therefore there is no need for any other determination about a release date later on after the date of sentencing. The proponents of this kind of system and the "nothing works" idea have lost most of their support in recent years.
 - (a) Research in other jurisdictions shows that institutional behavior does have a significant relationship to the success or failure of parolees and therefore should be considered at a parole release hearing some time after sentencing.
 - (b) Research in other jurisdictions shows that institutional programming and programming after release have a significant relationship to the success or failure of parolees and therefore should be considered at parole release hearings. (One such program that enhances the change of success is T.A.S.C.).
 - (c) Research in Alaska shows that certain aspects of an inmate's release plan do have a significant relationship to the success or failure of the parolee and therefore should be considered at the parole release hearing some time after sentencing.

Although we certainly do not have all of the research necessary to prove all relationships that exist, it is very clear that relationships do exist that are relevant after a person is sentenced and incarcerated and are appropriate to consider at a hearing by a parole board or similar body.

PAROLE BOARD RESEARCH FINDINGS

1. 70% of the "mandatory releasees" had served two years or less in jail when released on mandatory release supervision. Only 1% of the mandatory releasees had sentences exceeding five years.

It is apparent that the Parole Board frequently does not parole people with relatively short sentences (two years or less), but does parole most inmates with longer sentences.

A casual check of files several years showed that only one inmate out of 13 with six month sentences that applied for parole was paroled in a given year. It appears that the Board is following its stated of purpose in dealing with inmates with longer sentences and paroling those with short sentences only when unusual circumstances warrant.

2. Percentage of Inmates Paroled v M.R.'d by Race.

Race	M.R.	Parole
White	35%	65%
Black	21%	79%
Native	44%	56%
Other	35%	65%

Blacks get paroled at the highest rate with others and whites next. Natives get paroled at the lowest rate. At first glance, it would appear that there is a great disparity in who gets paroled and who mandatory releasees if you do not look at the following tables. As it turns out, some of the other tables give us a much better picture of the habits of the Parole Board, and provide us with the background on the differing parole rates.

3. Mean Months Sentenced by Race of M.R.'s and Parolees.

Race	M.R.	Parole
White	26.6	54.2
Black	34.6	79.2
Native	30.3	59.6
Other	61.5	127.6

This table gives us the length of sentence of people that the Board paroled and those that were released on mandatory supervision by operation of law without parole. This figure tells us more about the sentencing patterns of the court system rather than the Parole Board's, except that the Board does not parole inmates as frequently with shorter sentences as those with longer sentences. This especially true with the longer sentences as inmates are required to serve at least one-third and sometimes more of their sentence before being eligible to apply for parole.

4. Mean Months Served by Race of M.R.'s and Parolees.

Race	M.R.	Parole
White	20.2	19.4
Black	23.0	25.7
Native	22.9	21.4
Other	43.8	24.1

This table gives us a good comparison of how much time the Parole Board actually has inmates serve before they are released from custody either by parole or mandatory releases. Please note that the parole time on whites and natives is only two months different. The parole time on blacks and others is somewhat higher, but realizing that amount of time served before an inmate is eligible for parole is a function of the length of sentence, and thus these differences are somewhat dependent on the length of the inmate's sentence.

The time served for whites, blacks, and natives who are mandatory releasees are very close, being less than three months difference. Although the "other" mandatory releasees time is quite high, there are only a few people in that category which artificially inflates the time served number.

Very interesting are the close similarities between the amount of time the Board requires a person to serve by each race category whether or not they are paroled or released on mandatory supervision. There is less than one month's difference between the white parolees and white mandatory releasees, less than three months time served between the black parolees and black mandatory releasees and one month difference between the native parolees and native mandatory releasees.

Remembering that "others" had the longest sentences, followed by blacks, and then whites, this table shows that there is a very close relationship to the amount of time served by parolees and mandatory releasees within each race category.

5. Mean Months Served as Proportion of Mean Sentence, by Race.

Race	M.R.	Parole
White	76%	36%
Black	66%	32%
Native	76%	36%
Other	71%	19%

Interestingly, the Board required white and native parolees to serve an identical amount of their sentences before being released on parole. Blacks were required to serve four percent less of their sentences before being paroled, recalling that their sentences were somewhat longer than whites or natives. "Others" were required only to serve 19% of their sentences, but their sentences were extremely long in comparison to the other groups, and again there was a very small sample in this category which unduly influences the figures. It appears the Board is treating all races as similarly as is possible within the current statutory scheme.

Let's take a look at those released on mandatory supervision. Again, whites and native served an identical portion of their sentences before being released on mandatory release. Blacks served a little less time than whites or natives, proportionally which is probably a function of their longer sentences and the Board's attempt to treat all prisoners similarly. "Others" released on mandatory release served a little more time proportionally than did blacks, but less than whites or natives.

6. For a summary of release characteristics by race, please refer to the table on page 9 of the Supplemental Report Time Served Component of the Alaska Parole Guidelines Study (September, 1980). This sheet provides a quick overview of the release patterns of the Parole Board, the relative length of sentences imposed by the courts on those persons and by the Parole Board, etc.

7. Only six percent of parolees released by the Board from 1970-1979 were convicted of a new felony at any time while on parole. This figure is less than half the national figure with a two year follow up. This figure alone does not necessarily mean anything by itself, but probably indicates the Board is fairly careful about its release decisions, and also would suggest that parolees are being adequately supervised by parole officers. We know for certain that only about two or three parolees a year on the average are convicted of new felonies, so they are not a strong factor in the increased crime rate in Alaska.



Official Business

Alaska State Legislature

Senate

Committee on

Health, Education & Social Services

Charlie Parr, Chairman
Terry Stinson, Vice-Chairman
Vic Fischer
Tim Kelly
Mike Colletta

Pouch V
State Capitol
Juneau, Alaska 99811

465-4907
465-4908

February 26, 1982

LETTER OF INTENT

ON

COMMITTEE SUBSTITUTE (HESS) FOR SPONSOR SUBSTITUTE SB 327

It is the intent of the Health, Education and Social Services Committee, in passing out CS for SS for Senate Bill No. 327, that:

- 1 - Good behavior while on p. role should be rewarded by earlier release. The Committee considered "good time" allowances but because of costs and administrative burden opted for another alternative. The parole board is allowed to release parolees from parole after a minimum of 20 months of good behavior. This allowance is intended to provide the parole board with a means of rewarding good behavior of parolees.
- 2 - The parole board should meet more frequently than the required minimum of 4 times per year. Although SB 327 does not require that the board meet a minimum of 6 times a year, the members believe that the board should be given the funds to do so. More frequent hearings would allow for an initial parole hearing early in the prisoner's incarceration. This hearing may encourage the prisoner to better prepare himself for rehabilitation while in jail, and may possibly reduce the period of incarceration.

Senator Charles W. Parr
Chairman

NOTE REGARDING THE FOLLOWING FRAME ON MICROFILM:

COMPLETE DOCUMENT IS AVAILABLE IN ORIGINAL FILES
IN ALASKA STATE ARCHIVES. TITLE PAGE ONLY HAS
BEEN FILMED.

PAROLE GUIDELINES FOR ALASKA
SUPPLEMENTAL REPORT
TIME SERVED COMPONENT



ALASKA BOARD OF PAROLE

SEPTEMBER 1980