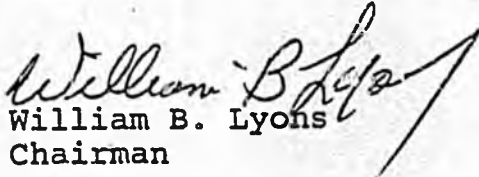


ALASKA LEGISLATURE COMMITTEE FILES 1981-1982

1692 SJ SB 327

5
The Parole Board members support the continuation of a discretionary parole system in Alaska and would specifically support HS 225 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
Chairman

WBL/ab

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

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) 463-3384

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 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.

March 8, 1982

Representative Ramona L. Barnes
Chairperson, Judiciary Committee

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,



William B. Lyons, Chairman
Alaska Board of Parole

cc: Board Members

Honorable Charles H. Parr
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 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.



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

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 8% 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 on compliance 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 99817
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 FAXSON
ANCHORAGE, ALASKA 99504
(907) 337-7904

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 that reads "Ramona L. Barnes".

Ramona L. Barnes
Chairman, House Judiciary Committee

RLB/rv
enclosure

Alaska State Legislature

CHAIRMAN
HOUSE JUDICIARY COMMITTEE
MEMBER
HOUSE RESOURCE 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 99504
(907) 337-7904

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) 465-2718
(session only)

Members

- Rep. Barnes, Chairman
- Rep. Anderson, Vice-Chairman
- Rep. Phillips
- Rep. O'Connell
- Rep. Freeman
- Rep. Meekins
- Rep. Buchholdt

POUCH V
JUNEAU, ALASKA 99811

House of Representatives

Committee on Judiciary

P.O. Box 3382
Anchorage, AK 99510
(907) 274-1432
(907) 274-1441
POUCH V
JUNEAU, ALASKA 99811

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.

Speaker, Joe Hayes

March 10, 1982

Page 2

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 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:

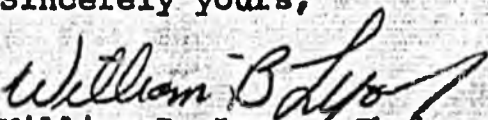
Enclosed is a recent letter I wrote to the Honorable Russ Meekins, Alaska State Representative, in his position of Chairman of the House Task Force on Violent Crime. The purpose of my letter to Representative Meekins was to correct the error in the Task Force report which stated that Mr. Nukapigak, a 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 releasees 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/vh

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

August 12, 1981

Honorable Russ Meekins, Representative
Alaska State House
Chairman, House Task Force on Violent
Crime
1525 "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

Page 2

August 12, 1981

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
Page 3
August 12, 1981

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:

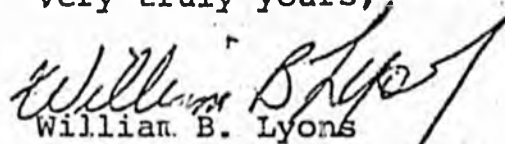
1. Parole Board paroles lots of high risk, violent offenders;
2. Lots of parolees commit new felonies while on parole supervision;
3. Parolees account for many of the assaultive crimes committed in Alaska;
4. Not paroling offenders would significantly reduce assaults in Alaska.

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
Page 4.
August 12, 1981

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/clr

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

89

ALASKA BOARD OF PAROLE

QUARTER _____, 198__

1980

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

ALASKA BOARD OF PAROLE

1981 REVOCATIONS

PAROLEES	TOTAL	C.O.P.	R & C	R & RE	R & D
A. New Felony Conviction	1	1	0	0	0
B. In Lieu of Felony Conv.	3	0	2	0	1
C. Abscond	2	0	1	0	1
D. New Misdemeanor Conviction	7	0	0	0	7
E. In Lieu of Misdemeanor 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 Misdemeanor Conv.	1	0	0	0	1
F. Technical Violation	2	0	0	0	2
Total	13	1	0	1	11

ACTION CODE:

C.O.P. = Continue on Parole

R & C = Revoke & Review Case Again

R & RE = Revoke & Reparole

R & D = Revoke & Deny

ALASKA BOARD OF PAROLE

1980 REVOCATIONS

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

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

ACTION CODE:

C.O.P. = Continue on Parole

R & C = Revoke & Review Case Again

R & RE = Revoke & Reparole

R & D = Revoke & Deny

	1975	1976	1977	1978	1979	1980	1981	Year
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%)	8 (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 Exceeding 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 victims of a victim, 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 chance 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 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.

<u>Race</u>	<u>M.R.</u>	<u>Parole</u>
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.

<u>Race</u>	<u>M.R.</u>	<u>Parole</u>
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.

<u>Race</u>	<u>M.R.</u>	<u>Parole</u>
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 of 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.

<u>Race</u>	<u>M.R.</u>	<u>Parole</u>
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 seen 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.

NOTE REGARDING THE FOLLOWING FRAME ON MICROFILM:

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PAROLE GUIDELINES FOR ALASKA
SUPPLEMENTAL REPORT
TIME SERVED COMPONENT



ALASKA BOARD OF PAROLE

SEPTEMBER 1980

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

Committee Copy SB327



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March 22, 1982

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

M E M O R A N D U M

TO: Senator Patrick Rodey
FROM: Nick Maroules
RE: Prison Population Impact Analysis

Enclosed please find a copy of the Judicial Council's recently completed Prison Population Impact Analysis. The study very clearly identifies a number of policy considerations related to HB 293 and its impact on prison populations.

If you have any comments or questions regarding the study, please do not hesitate to call me; I would be more than happy to discuss the study with you.

Nick Maroules
Nick

Enclosure: as stated



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ESTIMATING ALASKA'S FUTURE PRISON POPULATIONS

Nicholas Maroules
Executive Director

I. INTRODUCTION

As has been well documented in the press over the past few months, Alaska's prisons have experienced an unprecedented increase in population over the past four years. There are three main components to our prison populations: (1) sentenced felons; (2) unsentenced felons; and (3) misdemeanants. Data provided by the Division of Corrections (DOC) suggests that the increase is due mainly to the first two groups--sentenced and unsentenced felons. From January 1, 1978 through January 1, 1982, the total felony population--sentenced and unsentenced--rose from 595 to 913, a 53% increase. Sentenced felons rose from 458 on January 1, 1978, to 717 on January 1, 1982, a 57% increase. During the same period unsentenced felons rose from 137 to 196, a 43% increase. During these four years, however, the number of misdemeanants in our system has remained at 140 plus or minus 20.

At the present time, the Division of Corrections maintains ten jail/prison facilities in the state. The following table reflects the normal and emergency operating capacities of the ten facilities and the number of prisoners in each facility as of January 27, 1982.

TABLE I

STATE INSTITUTIONS	NOR MAL OPER ATING CAPACITY	EMERGENCY OPER ATING CAPACITY	01/27/82 PRISONER COUNT	% of NOR MAL CAPACITY
Ketchikan	22	30	21	95%
Juneau	90	100	111	123%
Anchorage - 3rd Ave.	70	80	81	116%
Anchorage - 6th Ave.	100	115	133	133%
Ridgeview Men's	50	50	46	92%
Eagle River Men's	80	100	112	140%
Eagle River Women's	28	30	21	75%
Palmer	113	113	107	95%
Fairbanks	110	118	164	149%
Nome	30	34	32	107%
TOTALS	693	770	828	119%

In addition to the 828 prisoners in state correctional facilities on January 27, there were 190 prisoners housed in federal institutions (Federal Bureau of Prisons) outside the state.

The population impact analysis being conducted is limited to anticipated changes among the sentenced felon population. This decision was made for two reasons. First, the Judicial Council's data concerns felony sentencing patterns and is thus most appropriate for an analysis of population impacts on this group. Second, and more importantly, the great preponderance of the dramatic increase in prison populations over the past four years has concerned the convicted felon portion of the population.

Our analysis uses a sophisticated computer program that considers the interaction of two distinct and fundamentally important data bases simultaneously in projecting population changes. The first is a base file of all inmates currently incarcerated in Alaska's prisons (including those in the FBP) and their probable release dates. The second is a micro data base of all 1980 offenders, including their offense and sentence.

II. PRISON POPULATION DYNAMICS/PROJECTIONS
BASED ON 1980 FELONIES

The first stage of the analysis considers the impact of 1980 felony dispositions, assuming they remain constant, for the next five years on our current prison population. Essentially, the program considers the current total prison population, the numbers of offenders due to be released and those entering the system each month, and calculates the necessary bed space needed for each of the next 60 months.

Many assumptions are of course implicit in such an analysis. The first is that 1980 sentencing patterns persist for the next five years. While this is not very likely to hold true, it is the best empirically available information on which to base the analysis. In addition, the sentences imposed by judges do not correspond to those actually served by offenders. Accordingly, we reduced each offender's sentence for both good time and parole. All offenders sentenced presumptively are eligible for a good time reduction only--25% being the maximum such reduction. In order to calculate the most conservative impact on the system, the sentences of all presumptively sentenced offenders were reduced by 25%. Non-presumptively sentenced offenders are eligible for both the 25% good time as well as parole. On the basis of information received from the Parole Board, it was decided to reduce the

sentences of these offenders by 30%. Finally, due to a limitation in our micro data base, the analysis does not include the impact of (1) probation revocations, and (2) consecutive sentences. We hope to include the impact of these factors in future analysis.

The following two tables reflect the impact of 1980 sentencing patterns for future prison populations. The first table makes no allowance for a growth rate in convictions, while the second adjusts for a 20% rate in the first year and a 5% per annum increase in the years thereafter. The 20% Year I increase attempts to approximate the serious increase in crimes and felony convictions experienced between 1980 and 1982. The model then assumes a modest 5% increase for the period between 1983 and 1986. As noted above, the analysis was conducted only for the sentenced felon population, which includes a base of N=665 current inmates.

TABLE II

PROJECTED SENTENCED FELONY PRISON
POPULATION COUNTS
(1980 Convictions - No Growth)

	YEAR				
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
12th Month	672	698	695	699	676
Lowest Month	672	691	695	699	676
Highest Month	717	716	738	734	729
Annual Average	693	702	717	720	703

Base Population (2/1/82) = 665

Year	MONTH											
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>
1	677	680	684	684	698	710	717	709	706	698	688	672
2	705	691	697	716	711	703	696	695	708	703	711	698
3	729	738	733	725	721	714	712	700	712	704	718	695
4	720	724	722	723	727	712	723	717	715	734	730	699
5	721	718	714	719	729	722	706	685	679	677	696	676

TABLE III

PROPOSED SENTENCED FELONY PRISON
POPULATION COUNTS
(1980 Convictions--First Year Growth 20%, 5% Thereafter)

	<u>YEAR</u>				
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
12th Month	719	786	816	859	866
Lowest Month	687	749	815	855	864
Highest Month	757	801	848	902	923
Annual Average	727	778	831	873	890

Base Population (2/1/82) = 665

<u>Year</u>	<u>MONTH</u>											
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>
1	687	695	704	709	728	746	751	751	752	744	737	719
2	763	749	761	788	783	780	773	774	793	787	801	786
3	830	845	848	834	833	829	828	815	832	823	843	816
4	855	863	864	869	878	864	881	874	873	902	897	859
5	895	895	893	904	923	919	899	871	864	865	893	866

Table II, reflecting no growth adjustment for 1980 felony sentences, essentially replicates what occurred in 1980 for each of the next five years, given the current prison population. The model indicates an anticipated change of -1 bed between month one (n=677) and month sixty (n=676). The lowest monthly bed count is 672 while the highest is 738 for a range of fluctuation of only 66 beds.

This projection model thus reveals that prison population fluctuations have largely stabilized. In addition, it strongly discounts the theory that the recent increase in prison populations was a result of the state's new criminal code. Replication of felony sentences rendered under the first year of the new criminal code does not result in continued population increases.

What then accounts for the population increases experienced in 1980-1981? We believe these increases were the result of unusually high felony sentences handed down in the 1977-1978 period as documented in the Judicial Council's most recent report of sentencing practices, Alaska Felony Sentences: 1976-1979 (November, 1979). Accordingly, it appears likely that the dramatic population increase experienced in 1980-1981 was a function of fewer monthly releases from prison during this period--due to the sentencing practices of 1976-1977--than they were a function of the number of (1980-1981) monthly admissions.

Table III replicates the above model adjusting for a 1982 growth of 20% over and above the 1980 cases and a further continued growth of 5% per annum thereafter. It is intended to represent the best empirically based projection of current sentencing practices on future jail populations. This model reveals an increase of 179 beds between month one (n=687) and month sixty (n=866), and a fluctuation of 236 beds between the lowest monthly count (n=687) and the highest (n=923). Thus, a maximum of 923 beds would be required over the next sixty months, 258 more than the January 27, 1982 population of 665.

III. Estimated Impact of HB 293 on Prison Populations:

The second portion of our prison population impact analysis concerns an estimation of the impact of House Bill 293 on future populations. The current Committee Substitute for HB 293 would extend presumptive sentencing to all felony offenders, with graduated presumptive terms within all classes of offense according to the number and recency of prior felony convictions, increase the maximum "good time" award from 25% to 33% of the total sentence while effectively eliminating parole decisions, and institute a furlough program that would result in an additional 50% (maximum) reduction in sentence length for periods served on the program.

The presumptive terms of incarceration proscribed by the bill are represented in the following chart.

Presumptive Sentences
(In Months)

Class of Offense	First Felony Offense	Second Felony Offense	Third Felony Offense
"A" Felony	60/72*	100	180
"B" Felony	24	48	72
"C" Felony	12	24	36

*Applies to first offenders convicted of a Class A felony who used a weapon or caused serious injury.

On the basis of both prior criminal history information contained in the Judicial Council's 1980 felony sentencing data and the empirical outcomes of presumptively sentenced (repeat) offenders during 1980, we estimated the number of offenders that would be subject to first offense and second offense presumptive terms for each class of felony had they been sentenced under HB 293. However, we were unable to determine or calculate an estimate of the number of offenders that would be subject to third offense presumptive terms, owing largely to the very few number of cases thus sentenced in 1980. All offenders were assigned exactly the presumptive term applicable to them--i.e., we did not attempt to determine the number of sentences that would be aggravated above or mitigated below the presumptive term. In addition, the analysis assumes that all offenders would receive the maximum 33% reduction in sentence for good time. Finally, no assumptions were made regarding the impact of the furlough program on sentences.

The following two tables represent the impact of our model of HB 293 sentences on future prison populations. Table IV makes no allowance for a growth rate in convictions, while Table V adjusts for a 20% rate in the first year and a 5% per annum increase in the years thereafter. The explanation for this adjustment schedule is the same as that provided in the first aspect of the analysis, above.

Table IV reveals that, with no adjustments made for growth, our model of HB 293 sentencing results in continued decreases in prison populations after an initial increase during the first year. The net change between months one and sixty reveals a decrease of 179 beds with an overall range of fluctuation of 243 beds between the highest and lowest months (n=754 and n=511 beds, respectively).

Table V is the model we feel best conforms to empirical reality as it provides for the same growth adjustment as the model in Table III. This projection model results in a decrease of 57 beds between months one (n=702) and sixty (n=645), with a range of fluctuation of 157 beds between the highest and lowest months (n=802 and n=645, respectively). The initial population increases in year one in both these models are likely due to the present prisoner population.

TABLE IV

PROPOSED SENTENCED FELONY PRISON
 POPULATION COUNTS
 (Model of HB293 - No Growth)

	<u>YEAR</u>				
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
12th Month	657	612	571	542	511
Lowest Month	657	612	571	542	511
Highest Month	754	686	654	603	575
Annual Average	720	648	623	577	546

Base Population (2/1/82) = 665

<u>Year</u>	<u>MONTH</u>											
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>
1	690	709	722	740	748	754	754	752	722	709	686	657
2	686	665	669	671	658	636	642	639	638	635	636	612
3	645	654	654	652	633	626	621	623	612	592	598	571
4	594	597	595	603	587	558	559	569	578	578	564	542
5	573	575	561	561	556	541	544	543	528	529	532	511

TABLE V

PROPOSED SENTENCED FELONY PRISON
POPULATION COUNTS
(Model of HB293 - Growth of 20% Year 1, 5% thereafter)

	YEAR				
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
12th Month	701	683	662	657	645
Lowest Month	701	683	662	657	645
Highest Month	802	741	749	721	712
Annual Average	759	714	718	691	685

Base Population (2/1/82) = 665

Year	MONTH											
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>
1	702	730	750	776	788	799	801	802	771	757	735	701
2	741	719	729	736	721	701	711	709	710	707	711	683
3	729	745	749	748	728	724	719	723	710	685	694	662
4	698	705	706	721	702	668	671	687	700	703	685	657
5	705	712	696	701	697	682	688	687	666	670	675	645

It is interesting to note that the HB 293 model results in decreased bed space despite the fact that no offenders in the model received what would amount to a straight probationary sentence. (That is, as stated earlier, we did not mitigate any presumptive terms.) Thus, all offenders would be sentenced to at least 12 months in prison. The gradual reduction is due to the very significant amount of good time (33%) likely to be earned and awarded under the bill.

NOTE REGARDING THE FOLLOWING FRAME ON MICROFILM:

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

Comm. 56527

**The Impact
of Determinate Sentencing
on Corrections**

A Handbook for Decisionmakers

Prepared by the
National Institute of Corrections
and the
Department of Criminal Justice,
California State University,
Long Beach
July 1980

POSITION PAPER
CS FOR SENATE BILL NO. 327 (HESS)

The Department still supports the Governor's bill that would abolish discretionary parole release and replace it with increased good time for prisoners and with furloughs. This bill is currently in the House Judiciary Committee as CS for HB 225 (HESS), originally HB 293.

If the Legislature decides to continue discretionary parole release in Alaska, CS for SB 327 (HESS) would be a reasonable means of accomplishing this. CS for Senate Bill 327 replaces the current Parole Board laws with a more comprehensive statute that includes the following provisions:

- a. Five year terms for Board members as recommended by the Commission on Accreditation for Corrections and other professional organizations.
- b. Statutorily sets the compensation of Board members at \$100/day and provides for a raise with the consumer price index in Anchorage.
- c. Requires the Board to recommend statutory changes to the Legislature.
- d. Requires the Board's regulations to be promulgated pursuant to the Alaska Administrative Code.
- e. Allows the Board to discharge parolees from supervision after two years as recommended by the Corrections Masterplan consultants and other professional corrections organizations.

The changes listed in sections a), b), d), and e) above are supported by the Commission on Accreditation for Corrections and by the Alaska Corrections Masterplan consultants.

We would like to propose several minor amendments to CS for SB 327. The Department recommends inserting the words "or municipal ordinance" at the end of line 26 on page 11, and inserting the same wording on line 27, page 12 after the phrase "or federal law". This amendment would clarify that the Board may revoke a parolee for serious misdemeanor behavior, such as driving while intoxicated. It appears many of the more serious law violations are being prosecuted by municipalities now, and parolees should be aware they can not disregard the local laws any more than they can State and federal laws. This amendment has been made to the Governor's bill in the House Judiciary Committee.

POSITION PAPER
CS FOR SENATE BILL NO. 327 (HESS)

Section .290 of the bill requires that a parole violation warrant be obtained from a judicial officer. This requirement will unnecessarily tax the already overburdened prosecutors and judges. The additional paperwork required from parole officers to secure a judicial warrant would increase their workload, and the Alaska Supreme Court has already ruled this an unnecessary burden on the parole officers. It is standard procedure in all other states to have a warrant issued by the Board, member of the Board or a corrections staff person. The issuance of parole violation warrants by judicial officers does not offer any more real protections to parolees than having the warrants issued by a Board member pursuant to applicable laws and United States court decisions. The Department recommends that the words "judicial officer" be deleted from line 4 on page 13 and instead the wording "Board member or the Board" be inserted instead.

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

Date 3-24-82

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 FUND	-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 465-3376
 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 and 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						
200 TRAVEL		-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL		6.4	0.6	9.5	1.0	10.4
400 COMMODITIES		1.3	-0-	1.5	-0-	1.7
500 EQUIPMENT		-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.						
		33.0	35.5	38.8	41.0	43.9
TOTAL		40.7	36.1	43.3	42.0	54.3

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		40.7	36.1	43.3	42.0	54.3
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	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 465-3384
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

A. 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

B. 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	<u>.4</u>

Total 3.7

C. 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	<u>1.5</u>

Total 4.4

D. 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 in 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

E. 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%.



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

APRIL 5, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

- SB 327 - "An Act relating to parole of offenders; continuing the existence of the Board of Parole; and providing for an effective date."
- HB 377 - "An Act relating to factors in aggravation for purposes of imposing presumptive terms of imprisonment for felonies."
- SB 686 - "An Act relating to the return of property recovered or seized by law enforcement agencies or acquired as evidence in a criminal proceeding."
- SB 864 - "An Act continuing the existence of the Alaska Code Revision Commission and amending the statutes relating to its responsibilities."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:40 P.M. Committee members present were: Senators Rodey, Ray, Parr, and Anderson. Senator Bennett was absent.

002 - Call to order.

005 - Chairman Rodey brought SB 327 before the committee.

027 - Senator Anderson moved to delete [S100] and insert S150 on Page 3, Line 1. Senator Ray objected.

076 - Senator Anderson's amendment was adopted with Senator's Rodey, Parr, and Anderson a yes vote. Senator Ray voted no.

124 - Senator Parr moved to pass SB 327 with individual recommendations. There was no objection.

184 - Chairman Rodey brought SB 864 before the committee.

220 - Mr. Bruce goes over language.

417 - Senator Parr moved that beginning on Page 2, Line 24 the following language be added: Each draft of legislation submitted by the commission shall be accompanied by a sectional analysis; the commission shall prepare the sectional analysis using language that is understandable to a layman. There was no objection.

531 - Senator Ray moved to strike Sec. 4 of the committee substitute beginning on Page 2, Line 21: [(2) establish one or more subcommissions to assist it in the performance of its duties; the commission may appoint any person to serve on a subcommission established under this paragraph.] There was no objection.

547 - Senator Ray moves to pass SB 864 with individual recommendations. There was no objection.

558 - Chairman Rodey brought HB 377 before the committee.

560 - Mr. Bruce explains the committee substitute.

640 - Senator Anderson moved to adopt the committee substitute for HB 377. Senator Ray objected on the basis that the committee substitute is not germane to the original bill.

659 - Senator Anderson moved to pass HB 377 pending the chair's decision on germaneness.

675 - Chairman Rodey brought SB 686 before the committee.

677 - Pat Conheady, Department of Law, testified, giving the changes in the bill.

107 - Don Magneson, representing the Alaska Retailers Association, testified in favor of photographing evidence.

180 - SB 686 returned to file.

183 - Adjourned at 3:15 P.M.



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

MARCH 29, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

SB 327 - "An Act relating to parole of offenders; continuing the existence of the Board of Parole; and providing for an effective date."

HB 356 - "An Act relating to unlawful practices in the sale or rental of real property."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:40 P.M. Committee members present were: Senators Rodey, Ray, Anderson, and Parr. Senator Bennett was absent.

001 - Call to order

005 - Chairman Rodey brought SB 327 before the committee.

015 - Wil Condon, Attorney General, testified in favor of this bill, and answered questions from the committee.

545 - Senator Ray left the meeting to attend a meeting in the Governor's office.

638 - After lengthy discussion, Chairman Rodey laid SB 327 on the table until the Wednesday meeting.

659 - Next Chairman Rodey brought HB 356 before the Committee.

685 - Mr. Bruce gave a brief explanation of the amendment the Committee proposed last year.

690 - Chairman Rodey moved to adopt the following amendment: On Page 1, Line 11, After property insert (a), and on Page 2, Line 19, add a new subsection: (b) This section does not apply to the sale or rental of dwelling units in Pioneer Homes or other housing provided to senior citizens by the federal government, state government, a political subdivision of the state or a non-profit organization. There was no objection and the amendment was adopted.

700 - Senator Anderson moved that HB 356 be passed from committee with individual recommendations. There was no objection and the bill was passed with Senators Rodey, Parr, and Anderson all signing do pass.

734 - Mr. Bruce distributed a resolution relating to Victim's Rights Week to Committee members for their approval of introducing it. There was no objection to it's introduction by the Committee.

740 - Adjournment at 2:15 P.M.



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

March 24, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

SB 327 - "An Act relating to parole of offenders; continuing the existence of the Board of Parole; and providing for an effective date."

SB 633 - "An Act relating to work programs for prisoners in state institutions."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:30 P.M. Committee members present were: Senators Anderson, Ray, Parr, and Rodey. Senator Bennett was absent.

002 - Call to order.

005 - Chairman Rodey brought SB 327 before the committee.

010 - Mr. Pettyjohn, Vice-Chairman of the Parole Board, testified in favor of SB 327, stating that the Parole Board works should be continued. The Board would recommend inserting the words "or municipal ordinance" at the end of line 26 on page 11, and inserting the same wording on line 27, page 12 after the phrase "or federal law". This amendment would clarify that the Board may revoke a parolee for violation of a city ordinance when a person is involved in serious misdemeanor behavior, such as driving while intoxicated. The Board also recommends that the words "judicial officer" be deleted from line 4 on page 13 and instead the wording "Board member or the Board" be inserted instead. The issuance of parole violation warrants by judicial officers does not offer any more real protections to parolees than having the warrants issued by a Board member pursuant to applicable laws and United States and Alaska court decisions.

The Committee discussed the following areas of SB 327:

Page 1, Line 19 - Paragraph (c), Senator Ray questioned language.

Page 2, Line 10 - Senator Ray questioned having members of the Board serving at the Governor's discretion.

Page 3, Line 6 - Senator Ray stated that there should be flat

compensation.

Page 3, Line 14 - Senator Ray stated that 3 votes should be required for official action. Senator Anderson concurred. Senator Rodey stated that a designee should be allowed to serve. Senator Ray thought that it should be a 30 day appointment period.

Line 23, Page 6 - Senator Ray stated that the language was unclear.

Line 10, Page 11 - Senator Ray wanted to know why only parolees who had not been charged with a felony (vs. a misdemeanor) during their time on parole were discharged from parole after a five year period.

Line 16, Page 14 - Senator Ray questioned language.

670 - Mr. Barry Stern, Department of Law, distributed a committee substitute to the bill. Mr. Stern stated that the Parole Board is not constitutionally mandated, only a parole system is needed. He further stated that the number of paroles have been constant although inmate population has doubled in the last few years. He informed the committee that the House had introduced HB 293 which addresses the Parole Board. He expressed the administration's wanting to see HB 293 approach:

- A.) presumptive sentencing for first offenders, and
- B.) restricting the Parole Board in supervising offenders currently in the system.

SIDE TWO

133 - SB 327 was laid on the table to allow for some of the language to be worked on.

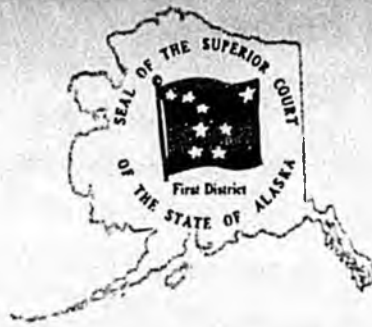
136 - Chairman Rodey brought SB 633 before the committee.

198 - Mr. Walt Jones, Department of Health & Social Services, testified in favor of SB 633, and explained the zero fiscal note attached to the bill.

316 - Mr. Mike Stark testified and suggested SB 633 be incorporated with HB 194, relating to prison industry, as this bill had already passed the House and is on its way to the Senate.

419 - SB 633 was laid on the table to allow for combination of the language.

426 - Chairman Rodey adjourned the meeting at 2:45 P.M.



Superior Court

State of Alaska

FIRST JUDICIAL DISTRICT
415 MAIN STREET, ROOM 402
KETCHIKAN, ALASKA 99901

Chambers of
THOMAS E. SCHULZ, Judge

March 31, 1982

Patrick M. Rodey, Chairman
Judiciary Committee
Pouch V
Juneau, Alaska 99811

Re: CS Senate Bill No. 327, Parole Board

Dear Senator Rodey:

I have had an opportunity to review CS SB 327, relating to parole of offenders and the Parole Board, and I wanted to write and express my support for that Committee substitute. I think the Committee substitute is a good bill, and I believe it would provide little needed flexibility in the presumptive sentencing program without doing any substantial damage to the presumptive sentencing scheme enacted by the Legislature a couple of years back.

I, frankly, was not particularly impressed with the original bill, but I believe that this one is a good bill and I would urge favorable Committee action on it.

Very truly yours,

Thomas E. Schulz
Presiding Superior Court Judge

TES:mb

TABLE OF CONTENTS

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.
13. PAROLE IN ALASKA 1975-1980.
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.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

CORRECTED
3-31-82

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for Senate Bill 327 (HESS)

Title An Act Relating To Parole of Offenders: Continuing the Parole Board
Requested by Senator Parr Date March 10, 1982

II. FISCAL DETAIL

Agency Affected Department of Health and 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						
200 TRAVEL		6.5	4.1	8.4	5.1	10.0
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		-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.						
800 COMPENSATION		29.2	31.4	34.2	36.1	38.9
TOTAL		37.0	35.5	44.1	41.2	50.6

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		37.0	35.5	44.1	41.2	50.6
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

NO NEW POSITIONS

	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 10, 1982

PREPARED BY Samuel H. Trivette
AGENCY H & S.S. Parole Board

Original: Legislative Finance
cc: Budget and Management

PHONE 465-3384

Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

MEMORANDUM

State of Alaska

TO: Charlie Parr

DATE: March 25, 1982

FILE NO:

TELEPHONE NO:

FROM: Bill Zybach

SUBJECT: Paroles Granted

I contacted the Parole Board for information about the number of paroles granted in recent years. The Board reviews the cases of any prisoner that applies for parole. The total number of parole applicants is reflected in the "Total Release Hearings" column:

YEAR	TOTAL RELEASE HEARINGS	PAROLES GRANTED	% GRANTED PAROLE
1981	209	89	42.6%
1980	194	76	39.2%
1979	187	63	33.7%
1978	221	71	32.1%
1977	210	80	38.1%
1976	218	65	29.8%

Even though the prisoner population has increased significantly in recent years, the actual number of prisoners applying for parole has not. No data is gathered from those prisoners that waive the parole hearings. Some are ineligible by statute, because of presumptive sentencing or by order of the sentencing judge. Speculation is that some eligible prisoners don't want to bother with the work it takes to prepare a parole plan since the time between when they are eligible for parole (1/3 or more of sentence) and when they are eligible for release with good time (67% to 75% of sentence) is sometimes only a matter of months.

The information above indicates the year in which the lowest percentage of applicants were paroled was in 1976 (29.8%) and the highest year was 1981 (42.6%). The trend is for a larger percent to be paroled in successive years from 1976 through 1981 with the average over the six years being 35.9%. The Parole Board staff thinks the Board's guidelines may be a factor in the increased percentage of paroles granted.

EZ

STATE OF ALASKA

JAY S. HAMMOND, Governor

DEPT. OF HEALTH AND SOCIAL SERVICES

BOARD OF PAROLE

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

March 18, 1982

Honorable Patrick M. Rodey
Chairman
Judiciary Committee
Alaska State Senate
Pouch V
Juneau, Alaska 99811

RE: Parole Board Legislation

Dear Senator Rodey:

Please accept this letter as testimony from the members of the Alaska Parole Board that they support Committee Substitute for Senate Bill 327 (HESS). The bill adopts many ideas contained in the national paroling authority standards while comprehensively rewriting the Parole Board statutes. The Committee Substitute incorporates a number of changes recommended by the Board, the Division of Adult Corrections, as well as some very useful changes suggested by the HESS Committee members at recent hearings. The bill also provides the Board with the tools to fairly and consistently administer a parole system in Alaska, balancing the needs of offenders while providing protection for the public from those high risk offenders.

The recent Legislative Audit Sunset Review Report (December 1981) forwarded to your Committee members shows the Board has overcome the significant deficiencies pointed out in the original report of May 1979. We believe a review of the reports of the Senate HESS Committee and the House Judiciary Committee regarding the Sunset of the Parole Board reflects the positive accomplishments of the Board in recent years. Even though we have come a long way during that time, more work needs to be done to upgrade our guidelines and to make other improvements in the parole process. We hope to initiate some of these improvements in the near future if CS SB 327 (HESS) passes.

Page Two
Honorable Patrick M. Rodey
Chairman
Judiciary Committee
Alaska State Senate
March 18, 1982

The Board members understand there are many pieces of legislation that need your attention before the end of the session. We would like to propose several minor amendments to CS SB 327 (HESS) as follows if these amendments will not significantly increase the amount of time your Committee needs before it passes out this legislation. The Board would recommend inserting the words "or municipal ordinance" at the end of line 26 on page 11, and inserting the same wording on line 27, page 12 after the phrase "or federal law". This amendment would clarify that the Board may revoke a parolee for violation of a city ordinance when a person is involved in serious misdemeanor behavior, such as driving while intoxicated. It appears many of the more serious law violations are being prosecuted by municipalities now, and parolees should be aware they can not disregard the local laws any more than they can State and federal laws.

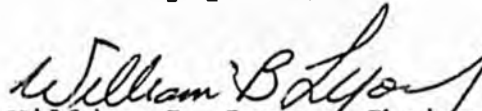
The Board recommends that the words "judicial officer" be deleted from line 4 on page 13 and instead the wording "Board member or the Board" be inserted instead. The issuance of parole violation warrants by judicial officers does not offer any more real protections to parolees than having the warrants issued by a Board member pursuant to applicable laws and United States and Alaska court decisions. A fairly recent Alaska Supreme Court Decision dealt specifically with the issue of whether or not a judicial warrant was necessary or proper before a parolee was arrested. "In fact, counsel has been unable to cite, and our independent research has failed to reveal, any federal case requiring an affidavit or sworn complaint, or for that matter, even the issuance of a warrant for that purpose. We hold that the procedure under which the warrant was issued for Davenport's arrest did not violate the United States Constitution..." "To impose the same requirements as are otherwise mandated for an arrest including an affidavit or sworn complaint would constitute meaningless additional time and effort on the part of Parole Officers..." "Nevertheless, to avoid unnecessary appeals from warrants issued on oral statements, the contents of which may be subject to argument, we shall require in the future that a written statement indicating probable cause be filed with the Parole Board or a member as justification for issuance of the warrant." (Davenport v State, September 2, 1977).

Page Three
Honorable Patrick M. Rodey
Chairman
Judiciary Committee
Alaska State Senate
March 18, 1982

The Board believes the requirement of having a judicial officer issue parole violation warrants would unnecessarily increase the workload of already overburdened parole officers, prosecutors and judges. We believe these persons affected by this section of the bill would support our amendment if made aware of its intent.

We would appreciate the support of your committee to insure the passage of this legislation which we believe would significantly improve the operation of the criminal justice system in Alaska. Please advise me when you are ready to conduct hearings on Parole Board legislation, and let me know if I can provide additional information to the Committee you do not already have regarding the operation of the Parole Board.

Sincerely yours,


William B. Lyons, Chairman
Alaska Board of Parole

cc: Senate Judiciary Committee Members
Board Members

WBL/clr

March 22, 1982

Mr. Robert B. Atwood, Editor
Anchorage Times
Box 40
Anchorage, Alaska 99510

Dear Mr. Atwood:

The information contained in your editorial of March 21, 1982 regarding "Official Liability" is almost completely in error. Possibly if you had not ignored my August 28, 1981 letter to you and attachment, you would not be misleading the public with your own biases and misinformation contained in the March 21, editorial.

Here are the facts regarding the case which is the subject of your editorial. The prisoner in question appeared before the Parole Board in October 1977 and was DENIED PAROLE, and he was required to serve the remainder of his sentence in jail. The law requires that he be given good time if he has no incidents while in jail. Alaska Statute 33.20.040 requires prisoners be released "as if on parole" for most of their good time if they are not paroled. The prisoner in this case was released at the expiration of his sentence minus good time BY OPERATION OF LAW, not at the direction of the Parole Board. THE PRISONER WAS NOT PAROLED BY THE ALASKA PAROLE BOARD.

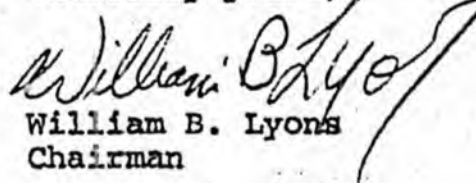
You also made comments in your editorial regarding the authority of the Parole Board. Contrary to the statement in your editorial regarding the power of the Parole Board to over-rule all public agencies protecting society, the Board's authority is very limited. It only has the authority to grant or deny parole to those sentenced prisoners eligible for parole release and to return parolees to jail for violating laws or conditions of parole. The members take their responsibility under the law very seriously by only paroling prisoners who "will, in reasonable probability, live and remain at liberty without violating the laws, or without violating the conditions imposed by the Board, and if the Board determines that his release on parole is not incompatible with the welfare of society...". The Board is very careful who it releases and under what conditions prisoners are returned to the community. The results of the meticulous release decisions and good supervision of parolees are that only 4% of the parolees are convicted of new felony offenses and less than 1% of the parolees are actually involved in a physical assault on another person while on parole. These are the facts.

Page Two
Mr. Robert B. Atwood
March 22, 1982

You have a public responsibility to not continually misrepresent information to the public. You were advised of the facts of this case last August. We offered to assist you at any time if you had any questions regarding the parole process or parolees. You would better serve the public if you would take a few minutes to check your facts before misleading the public in your editorials.

The Senate Bill you referred to would apparently absolve the Board members personally of liability if a parolee committed a criminal act in the community. This bill was not introduced at the request or even with the knowledge of any of the members or staff of the Alaska Parole Board. We appreciate the concern of Senator Ray, but the Board members certainly don't need any protection in cases similar to this in which they did not grant a parole to a high risk prisoner. Please print this in your "Letters to the Editor" section and also print a retraction in your "corrections and clarifications" section. Our offer still stands to provide information at any time to you regarding parolees.

Sincerely yours,


William B. Lyons
Chairman

cc: Jay Hammond, Governor
Terry Miller, Lt. Governor
Helen D. Beirne, Commissioner
All State Senators
All State Representatives
Board Members

WBL/clr

bcc: D-11
I-1
Sam (+ 3 Copies)



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

STATE OF ALASKA

A FOLLOW-UP REVIEW OF THE
ALASKA STATE BOARD OF PAROLE
(Originally Released May 9, 1979)

December 21, 1981

Audit Control Number
06-022-0026-R



DIVISION OF LEGISLATIVE AUDIT
Juneau, Alaska

A FOLLOW-UP REVIEW OF THE
ALASKA STATE BOARD OF PAROLE
(Originally Released May 9, 1979)

December 21, 1981

Audit Control Number
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Commissioner, Department of
Health and Social Services

Helen D. Beirne

Deputy Commissioners, Department of
Health and Social Services:

Field Operations and Local,
State and Federal Liaison

Frederick McGinris

Program Management

Dean F. Tirador

Management Services

Allen Korhonen

Members of the
Alaska State Board of Parole

Chairman
Vice-Chairman
Member
Member
Member

William Lyons
F.P. Pettyjohn
Al Widmark
Conrad Miller
M. Jo McDowell

STATE OF ALASKA

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

JUNEAU, ALASKA 99811

December 29, 1981

Members of the
Legislative Budget and Audit Committee:

In accordance with the intent of Title 24 and 44 of the
Alaska Statutes, the attached report is submitted for your
review.

A FOLLOW-UP REVIEW OF THE
ALASKA STATE BOARD OF PAROLE
(Originally Released May 9, 1979)

December 21, 1981



Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

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PURPOSE OF THE REVIEW

In accordance with the provisions of Alaska Statutes 24.20.271(1) and 44.66.050 (sunset legislation), a follow-up review of the Board of Parole was conducted to determine whether the recommendations presented in our report entitled, A Performance Review of the Alaska State Board of Parole, May 9, 1979, have been implemented, and, if not, whether those recommendations are still pertinent. 0

ORGANIZATION AND FUNCTION

Article III, Section 21, of the Alaska Constitution states that a parole system shall be established by law. AS 33.15, or the Parole Administration Act, is the law that establishes the Alaska State Board of Parole and its authority. The Board consists of five part-time members who meet quarterly to hear parole related matters. The members are appointed by the Governor, with confirmation by the Legislature, and serve without salary although travel costs and per diem are provided. The Board has an administrative staff which currently consists of an Executive Director, Parole Board Officer and two clerical personnel.

The Board basically conducts two types of hearings: release hearings and revocation hearings. By statute, an inmate may not be considered for parole release until a statutory minimum time in prison has been satisfied (AS 33.15.080 requires that at least one-third of the sentence be served in confinement before parole eligibility). Upon application, an eligible inmate will be considered for parole and will appear before the Board. The Board will consider the case in view of certain criteria (e.g., institutional behavior, release plans, past record, recommendations, etc.) A parole decision will either release an inmate on parole, continue the case for future consideration or deny parole. During 1980 and 1981 the Board averaged 217 release hearings per year of which an average of 60 per year were released on parole.

When it has been determined that a parolee has violated a law or condition of parole, the Board will hold a revocation hearing to decide upon the course of action to take in the case. The Board may choose to revoke the violator's parole and return the parolee to prison, whereby no credit is allowed against the sentence for time served on parole; parole may be revoked and the parolee reparaoled without time credited against the sentence for prior time on parole; or no action may be taken. The Board has the authority to establish terms and conditions of parole, and their enforcement, which is accomplished through revocation proceedings. During 1980 the Board conducted 31 revocation hearings.

AS 33.15.080 gives the Board the authority to release prisoners from confinement. Accompanying the Board's authority is the responsibility for public welfare. In each parole release case, the Board weighs the benefits of granting parole release against the inherent risks involved. The benefits of parole embrace opportunities for successful community life and reduced monetary and social costs which

follow successful parole release cases. The risks involve additional social and monetary costs that will result from parole violations.

The Board receives General Fund appropriations to support its operations. The Board's primary expenditures are for personal services relating to the administrative staff and travel associated with the various Board meetings and hearings.