

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 86/2

2449 HJ HB 338 - HB 374 2999

all pertinent information that will enable the board to make a determination.

*Sec. 6. AS 33.15 is amended by adding a new section to read:

Sec. 33.15.065 RIGHT OF VICTIM TO COMMENT ON PAROLE OF PRISONER.

upon request of the victim

(a) Notice of a hearing to review or consider the parole eligibility or the setting of a parole date for a prisoner in a state prison who is convicted of a crime against a person as set out in AS 11.41, except custodial interference under AS 11.41.320 and AS 11.41.330, or a crime against a person in this or another jurisdiction having elements substantially identical to those of a crime against a person as set out in AS 11.41, except custodial interference under AS 11.41.320 and AS 11.41.330, shall be sent to the victim of the crime ~~where~~, ~~to the victim's immediate family~~ as defined in AS 12.55.185(11), at least 30 days prior to the scheduled hearing, unless the victim ~~or the victim's family~~ has indicated that ~~they don't~~ *he or she does not* wish to be notified.

(b) It shall be the responsibility of the victim ~~or the victim's immediate family~~ *upon?* ~~to keep the board apprised of their~~ *- his or her* most current mailing address. If the Board has not been kept apprised of the most current mailing address, notice required under (a) of this section shall be sent to the last known address of the victim ~~or the victim's immediate family~~. The address of the victim ~~or the victim's immediate family~~ shall in no circumstances be disclosed to the prisoner or the prisoner's attorney.

(c) The victim, ~~or the victim's immediate family~~, has a right to comment in writing on the proposed action of the board. *Copies of those comments shall be provided to the defendant's attorney.*
(d) The board, in deciding whether to release the prisoner on parole shall consider the comments presented under (c) of this section.

(e) If the board decides to release a prisoner who is convicted of a crime against a person as set out in (a) of this section on parole, notification of that decision shall be sent to the victim, ~~or the victim's immediate family~~, prior to the prisoner's release date. Notification under this subsection shall include the expected date of the prisoner's release, the geographic area in which the prisoner is required to reside, and any other pertinent information concerning the prisoner's conditions of parole that may impact the victim. The board shall make every reasonable effort to notify the victim, ~~or the victim's immediate family~~ of the pending parole of the prisoner unless ~~they have~~ *he or she* indicated that ~~they~~ *the victim has* ~~does not~~ *don't* wish to be notified.

*Sec. 7. AS 33.30.250 is amended by adding a new subsection to read:

(h) In the case of a prisoner convicted of a crime against a person as set out in AS 11.41, except custodial interference under AS 11.41.320 and AS 11.41.330, or a crime against a person in this or another jurisdiction having elements substantially identical to those of a crime against a person as set out in AS 11.41, except custodial interference under AS 11.41.320 and AS 11.41.330, notice of the commissioner's

... the prisoner for release under (a) of this section ^{if requested} shall be sent to the victim, ~~or the victim's immediate family~~ as defined in AS 12.55.185 (11). The victim, ~~or the victim's immediate family~~ may comment in writing on the intent of the commissioner to release the prisoner in work furlough status. The commissioner shall consider the comments of the victim, ~~or the victim's immediate family~~ prior to making a final decision to release a prisoner under (a) of this section. The victim, ~~or the victim's immediate family~~ shall keep the commissioner apprised of the person's current mailing address. The commissioner shall make every reasonable effort to notify the victim, ~~or the victim's immediate family~~ of an intent to consider a release of a prisoner under (a) of this section, unless the victim ~~or the victim's family~~ has indicated that ^{he or she does not} they ~~don't~~ wish to be notified. The notice shall contain the expected date of the prisoner's release and the geographic area in which the prisoner will reside.

*Sec. 8. AS 33.30.260 is amended by adding a new subsection to read:

(b) In the case of a prisoner convicted of a crime against a person as set out in AS 11.41, except custodial interference under AS 11.41.320 and AS 11.41.330, or a crime against a person in this or another jurisdiction having elements substantially identical to those of a crime against a person as set out in AS 11.41, except custodial interference under AS 11.41.320 and AS 11.41.330, notice of the commissioner's intent to consider the prisoner for release under (a) of this section shall be sent ^{if requested} to the victim, ~~or the victim's immediate~~

~~family~~ as defined in AS 12.55.185(11). The victim ~~or the~~
~~victim's immediate family~~ may comment in writing on the intent
of the commissioner to release the prisoner in rehabilitation
furlough status. The commissioner shall consider the comments
of the victim ~~or the victim's immediate family~~ prior to making
a final decision to release a prisoner under (a) of this section.
The victim ~~or the victim's immediate family~~ shall keep the
commissioner apprised of the person's current mailing address.
The commissioner shall make every reasonable effort to notify
the victim ~~or the victim's immediate family~~ of an intent to
release a prisoner under (a) of this section, unless the victim
~~or the victim's immediate family~~ has indicated that ^{he/she does not} they can't
wish to be notified. The notice shall contain the expected
date of the prisoner's release and the geographic area in which
the prisoner will reside.

*Sec. 9. The effect of Section 1 of this act is to amend
Rule 32(d)(2) of the Alaska Rules of Criminal Procedure by adding
a requirement for a Victim Impact Statement as part of a court
ordered Presentence Report.

POSITION PAPER

House Bill No. 345

"An Act relating to a victim's rights in the sentencing and parole hearings and furlough determinations of a person convicted of a felony; and making changes in sentencing procedures."

Section 1. AS 12.55.025 (a) amended to require that victim's or the immediate family of victim's evidence and opinions be included as part of the presentence report.

Section 2. AS 12.55.155 (c) is amended by adding "(27) the defendant's conduct caused substantial physical, emotional, or financial harm to the victim or, if the victim has died as a result of the defendant's conduct, to the victim's immediate family." as an aggravating circumstance under presumptive sentencing procedure.

Section 3. AS 12.55.155 (f) is amended to require the defendant to provide written notice to the victim or immediate family of the victim if the defendant seeks to establish a factor in mitigation in proceedings. This notice must be filed ten days prior to the date set for imposition of sentence. The victim or victim's immediate family may appear personally or by counsel at aggravation or mitigation proceedings and sentencing proceedings.

Section 4. AS 12.55.155 (h) adds a definition of "immediate family" which includes a spouse, child, parent, brother, sister, parent-in-law, brother-in-law, or sister-in-law.

Section 5. AS 33.15.060 (a) is amended to require the parole board to consider evidence presented and opinions expressed by the victim or the victim's immediate family in parole determinations.

Section 6. AS 33.15 is amended by adding a new section, AS 33.15.065, which requires the parole board to send notification of hearing to review or consider parole eligibility or the setting of a parole date to the victim or the victim's immediate family 30 days before the hearing. It is the responsibility of the victim or the victim's immediate family to keep the board informed of the person's current address.

Section 7. AS 33.30.250 (g) is amended by adding a new paragraph which would prohibit a prisoner from being placed on furlough status if the victim or the victim's immediate family submits a written statement outlining the objections and supporting evidence to the Commissioner.

Section 8. AS 33.30.250 (g) is amended by adding a new section which requires the commissioner to notify the victim or victim's immediate family of intention to release the prisoner on work furlough unless the Commissioner receives a written statement outlining the objections and supporting evidence, if any, advocated by the victim or

POSITION PAPER
House Bill No. 345
Page 2

the victim's immediate family.

Section 9. AS 33.30.260 is amended by giving the victim or victim's immediate family the right to object to rehabilitation furlough under the conditions and procedures set out in AS 33.30.250 (h).

Summary

The Department supports the concept of evidence and statements of the victim being included in sentencing, parole hearings, and furlough determinations. However, the bill, as written (Sections 7, 8, and 9), give victims or immediate family of victims the authority to prohibit prisoners from being granted furlough by objecting in writing to the Commissioner. The Department opposes to this authority being placed with victims because, constitutionally, the Department is charged with the responsibility of reformation of offenders. Furlough is an intricate part of the reformation process. Because of ineligibility or lack of program space, all prisoners do not participate in furlough programs. However, those prisoners referred to in section 7, 8, and 9 would be determined furlough eligible prior to contacting the victim or the victim's immediate family. The victim or the victim's immediate family could by objecting in writing prohibit the prisoner's participation in the furlough program whether or not the objections have merit.

It should be noted that furlough determinations are based on factual information regarding the prisoner's suitability for furlough release. The Department does not oppose including opinions, evidence and facts being presented by the victim or victim's immediate family as part of the furlough determination process, but placing the authority to veto furlough participation with the victim or the victim's immediate family is not acceptable. The Department recommends the language in sections 7, 8, and 9 be changed to indicate the victim's right to provide statements and evidence to the Commissioner to be used in the consideration of furlough determination.

Recommended by: *Roger V. Endell*
for Roger V. Endell Director
Division of Adult Corrections

Date: May 2, 1983

Approved by: *Robert London Smith*
Robert London Smith, Ph.D.
Commissioner

Date: 5/4/83

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: House Bill No. 345
Title: Act relating to a victim's rights
Sponsor: Rep. Flood
Requestor: House Judiciary Committee

II. FISCAL DETAIL

Agency Affected: Health & Social Services
Program Category Affected: Justice
BRU, Program of Subprogram(s) Affected:
Adult Confinement/Probation Community-
Based Programs

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		*	*	*	*	*
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

The source of funds to offset the impact of this bill has not been identified by sponsor.

*See Analysis.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Roger C. Lange *Roger C. Lange* Phone: 465-3376
Division: Adult Corrections Date: April 28, 1983
Approved by Commissioner: Robert London Smith, M.D. *Robert London Smith, M.D.* Date: 5/4/83
Department: Health & Social Services

Distribution:

Original to Legislative Finance
Copy to Office of Management and Budget (for Legislature introduced bills)
Copy to Department (for Governor introduced bills)
Copy to Sponsor
Copy to Requestor (if different from Sponsor)

3/8/83

IV. ANALYSIS

A. Assumptions

1. Sections 1, 2, and 3

These sections set up a legal process by which victims or their survivors can present testimony which will have bearing on mitigating/aggravating factors and sentencing. It is the opinion of this writer that this procedure will result in longer sentences for some persons convicted of felony offenses. It is believed that sentencing judges will be persuaded to give longer terms of incarceration as a direct result of such testimony. This opinion is subjective and there is no way to measure to ultimate impact on the State's inmate population.

2. Section 4

No effect.

3. Sections 5 and 6.

This section requires the Parole Board to consider "evidence presented and opinions expressed by the victim or the victim's immediate family . . ." The provisions of this section could result in some parole candidates not receiving parole based on the testimony presented by the victim. Again, there is no way to measure the potential impact on the inmate population.

4. Sections 7, 8, and 9.

These three sections will directly affect the number of persons who are released on either work or rehabilitation furloughs. Sections 7 and 9 will allow for a victim to automatically bar a prisoner from the work or rehabilitation furlough programs by submitting a written objection. It is assumed that a significant number of victims would submit a statement of objection to furlough release for the inmate.

It is assumed that approximately 300 felons are released each year into the furlough programs. Based on the above, it is assumed that 25% of the eligible candidates will be prevented from entering the furlough programs due to victim objections. Thus, 75 prisoners will be required to serve out the remaining sentence period in a state correctional center. The typical furlougher has 120 days of residual incarceration at the time entering the furlough program. Therefore, there will be 75 times 120 days or 9000 person days (24.7 person years) of added jail time generated by these provisions of House Bill No. 345.

Since there is currently a waiting list of persons eligible for entering the furlough program, it would not be accurate to indicate the need for the additional 25 beds. Enactment of this bill would, however, reduce by 25 the number of community beds which could be used as an alternative to incarceration in a state correctional center.

B. Program Summary

An estimate for additional operating costs cannot be made without more quantifiable data.

C. Economic Impact

Passage of this bill should have little impact on the State's economy.

D. Impact on Local Governments

This bill should have no fiscal impact on local governments.



Alaska State Legislature

House of Representatives

April 6, 1983

Peuch V
State Capitol
Juneau, Alaska 99801

Official Business

MEMORANDUM

TO: Representative Joe Flood

FROM: Mark K. Johnson *MKJ*
Staff Counsel

SUBJECT: Proposed Victim's Legislation

Attached is a draft of legislation that would establish certain basic rights for the victims of felonies at the sentencing phase of a criminal trial as well as during hearings for parole and furlough.

The legislation is modeled after provisions of Arizona law that were adopted by that state's legislature in 1982. Similar language was added to California law through the initiative process in June of 1982.

Section 1 of the legislation would provide that in sentencing individuals for felonies, the presently required pre-sentence report would also include "evidence and opinions expressed by the victim...concerning the physical, emotional, or financial harm caused the victim" as a result of the defendant's conduct.

Section 2 of the proposed legislation would establish an additional aggravating factor to be considered by the court in passing sentence upon a person convicted of a felony. This aggravating factor relates to the harm caused the victim as a result of the crime.

Section 3 would provide that the victim of a felony shall be notified at least 10 days before the sentencing of the defendant and that at this phase of the proceedings the victim would have the right to appear and participate. At that time, the victim, appearing personally or through counsel, may present evidence or opinions concerning the harm suffered by the victim or his immediate family as a result of the crime. The court would be required to consider this testimony in sentencing the offender.

Section 4 would define "immediate family", as used in the first three sections of the bill relating to sentencing.

Section 5 would require the Parole Board to consider the evidence and opinions offered by the victim at the sentencing hearing during the parole process.

Section 6 extends to the victim of the crime the right to receive notice of a parole hearing for an offender, the right to appear and present evidence and opinions at that hearing, and provides that the Parole Board shall consider

those statements in their deliberation on the decision to grant parole.

Section 7 would add the harm caused to the victim to a list of relevant considerations to be used by the Commissioner of Health & Social Services in determining whether an offender should be released on furlough.

Section 8 extends the notice and testimonial rights mentioned in sections 3 and 6 of the bill to the victim of a felony in a furlough determination to be made by the Commissioner of Health & Social Services.

Section 9 grants the victim of a felony the right to object to the granting of a furlough by the commissioner.

In each of the new provisions, if the victim has died as a result of the defendant's conduct, the victim's immediate family shall have the rights granted to the victim.

While far broader legislation on the subject of victim's rights is certainly possible, the provisions of this legislation are some strong and positive efforts to afford greater consideration to the victims of crimes. A copy of a Newsweek article on this subject is attached.



Photos by Ron Medvesek—Arizona Daily Star

Marietta Durkin (left), her mother on couch: A grieving family fights back

Giving Victims a Say in Court

The marriage of Tiberiu and Norma Nistor had dissolved long before Norma fired seven shots into her husband, pausing once to reload. He had come home to collect his books; Norma shot him before he could leave. Then she called a friend who remembers Norma saying, "I killed him. He deserved it." For the Tucson, Ariz., police, the murder was an open-and-shut case. But when it reached the Pima County prosecutor's office, other factors came into play—Norma's agitated emotional state and a history of domestic violence. Exercising his discretion, an assistant county attorney struck a deal with Norma's lawyers that allowed her to plead "no contest" to the homicide charge and receive a prison term of no more than seven years.

When this news reached Tiberiu's relatives in Pennsylvania, they were furious. "Our initial reaction was utter disbelief," recalls Robert Durkin, Tiberiu's brother-in-law. But the prosecutors, who now admit they made a mistake, were trapped: they could not legally disown a completed plea bargain. Durkin's remaining card was Arizona's new victims' rights law, which gives crime victims, or their families, independent standing to appear before a sentencing judge. In the first test of the law, Durkin and his wife, Marietta, Tiberiu's sister, demanded a hearing to overturn the deal. Over the objections of both Norma's lawyer and the prosecutor, Durkin's attorney argued that accepting a no-contest plea—which did not even automatically bar Norma from inheriting Tiberiu's \$345,000 in life insurance—amounted to a miscarriage of justice. Four weeks later, Judge William Drake agreed; a murder trial will probably begin this spring. Says Durkin: "We feel vindicated."

Durkin's vindication may recalibrate the scales of justice. Until recently, the crime-victims' movement has concentrated on obtaining compensation for victims and encouraging private lawsuits against criminals. Now victims are lobbying legislatures to give them a voice in the criminal courts. Already, Connecticut and California have joined Arizona in granting victims the right to have their say—what lawyers call "the right of allocution." At least nine other states and Congress have directed trial judges to consider written "victim impact statements" before sentencing guilty defendants. And President Reagan's Task Force on Victims of Crime has gone further, calling for a constitutional amendment to give victims the right "to be present and be heard at all critical stages of judicial proceedings."

Competing Interests These proposals represent a fundamental shift in the conventional courtroom calculus. Prosecutors serve the state, defense lawyers worry only about their clients and judges try to mete out justice. The victim, unless called as a witness, plays no role in the process. Until recently, the assumption was that the prosecutor represented the victim's interest. But as Yale law Prof. Abraham Goldstein points out, often that is not the case. "To the prosecutor, the victim is one among many competing interests," he says, among them unclogging court dockets. "We can't leave the victim to the prosecutor's discretion anymore," says Lois Haight Herrington, head of the Vic-

tim's Task Force and a former prosecutor.

Giving a victim a say may also serve as good therapy. "If they don't have an opportunity to express their pent-up anger, they carry it with them for the rest of their lives," says John M. Bailey, chief prosecutor in Hartford County, Conn.

But proposals granting victims the right to speak are more controversial than they seem. Some defense lawyers fear that an emotional appeal by a flesh-and-blood victim may improperly sway a judge as well as cause further court congestion. A more practical issue is when the victim should be heard. If he waits until a sentencing hearing, it may be too late to affect the outcome: many plea bargains are really "sentence bargains" that the judge has tacitly agreed to in advance—before the victim gets his day in court.

Including victims in the system may also place extra burdens on them. "The victim may be on the spot, feeling like a failure if he doesn't get a triple-digit sentence out of the judge," says University of Chicago law Prof. Franklin Zimring. And, says Harvard law Prof. Alan Dershowitz, the proposals may only lead to more unequal justice, "returning us to the day when each victim's life was worth a different amount." He argues that judges will become more concerned with "attractive" victims, while the law should demand that all victims be treated equally. Dershowitz prefers a system that would encourage victims to bring civil suits against their assailants. That is what the parents of Ronnie Joan Garland, a Yale student murdered by her college boyfriend, did. They recently won a \$30,000 judgment against Richard Herrin, who killed her.

Modest Expectations Expanding the rights of victims in courts seems likely in the short run, if only because legislators, who are powerless to stem high crime rates, can at least do something by taking up the victims' cause. But as with other reforms in criminal justice, modest expectations are in order. Experiments indicate that few victims actually appear in court to advise judges of their views, except in homicide cases where surviving relatives often closely track a case. Philadelphia Judge Lois Forer, author of "Criminals and Victims," says that while she routinely invites victims to sentencing hearings, they seldom choose to speak; in Connecticut, court officials estimate that victims appear at no more than 3 percent of the sentencing hearings.

And when they do come to court, victims are often more interested in alternative sentences that involve restitution; they seldom demand pure vengeance. That's a comforting thought, and may be the best reason for allowing victims to join the cacophony in the criminal courts.

ARIC PRESS with RON LABRECQUE in Tucson and bureau reports

Nistor: No deal



STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF LAW PRETRIAL INTERVENTION PROGRAM

POUCH KT
JUNEAU, ALASKA 99811
PHONE: (907) 465-3678

April 29, 1983

The Honorable Charles Bussell
Chairman, House Judiciary Committee
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Bussell:

Attached is a proposed committee substitute for H.B. 345. After conferring with your committee's counsel, Joseph Brewer, I prepared my amendments in this form rather than as amendments. I have discussed this proposed committee substitute with Ms. Forsythe, of the Court system, with Mr. Trivette of the Parole Board, and with Ms. Amy Webb of the Division of Adult Corrections. It was my intent to strengthen the provisions of the bill while retaining the prime sponsor's original intent, clear up possible legal problems, and produce a final bill that would have a zero fiscal note. All the parties consulted agree that this has been accomplished.

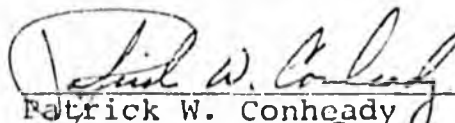
You may have questions regarding this proposed substitute, as you or your fellow committee members may likewise have further questions regarding my testimony on this bill. Unfortunately, I will be out of town from April 30 through May 6. If my presence is required for further hearing on this matter, I will be available on the afternoon of May 6.

I trust this proposed committee substitute is in agreement with your committee's desire on this legislation. If I can be of further assistance, do not hesitate to contact me.

Sincerely,

NORMAN C. GORUSCH
ATTORNEY GENERAL

By:



Patrick W. Conheady
Assistant Attorney General
Chief, Pretrial Services

Attachment

PWC/ks

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF LAW

PRETRIAL INTERVENTION PROGRAM

POUCH KT
JUNEAU, ALASKA 99811
PHONE: (907) 465-3678

April 29, 1983

The Honorable Charles Bussell
Chairman, House Judiciary Committee
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

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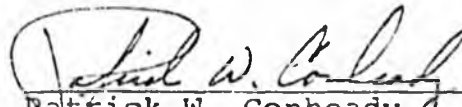
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Sincerely,

NORMAN C. GORUSCH
ATTORNEY GENERAL

By:



Patrick W. Conheady
Assistant Attorney General
Chief, Pretrial Services

Attachment

PWC/ks

REPRESENTATIVE
JOE FLOOD
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MEMBER
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Alaska State Legislature



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STAFF COUNSEL
MARK K. JOHNSON

House of Representatives

May 4, 1983

The Honorable Charlie Bussell
Chairman
House Judiciary Committee
Pouch V
Juneau, Alaska 99811

Dear Chairman Bussell:

I have carefully reviewed the proposed committee substitute for HB 345 that has been prepared by the Department of Law. I would appreciate it if you and the committee would consider the following comments on this proposed substitute.

First of all, I would like to indicate that I do not believe that the changes made to the legislation by the department are necessarily hostile to my original intentions in introducing this measure. In many instances the changes improve upon the provisions of the original bill and make it more workable under Alaska law. It is important to keep in mind that the provisions of the original bill were borrowed from other jurisdictions, primarily Arizona and California, and accordingly may require some changes in order to conform them to Alaska law.

Section 1 of the departments proposal would add to the presentence report the requirement that a "victim impact statement" be prepared by the probation officer. This material would then be considered by the court in making a sentencing decision. By and large, this new provision is consistent with my original intention but raises two major problems:

(a) The process set up by the department through sections 1, 2, and 3 of the proposed substitute would not allow the victim, or the victim's family the right to appear personally, or through counsel, at the sentencing hearing. Thus, the sentencing hearing would continue to be a setting in which only the court, the prosecutor, and the defendant would be parties to the discussions. Quite frankly, while I would prefer that the right to appear continue to be a part of the legislation, I don't know which of the procedures is a better one. I would therefore urge that the committee very carefully consider and discuss this situation before taking action.

(b) The addition of the "victim impact statement", would raise the issue of the need for a change in court rules. See section 9 of the proposed substitute. As you know, under the state constitution, a change in court rules requires a

two-thirds vote in both bodies to be effective. The problem with changes in court rules is that too often the determination of whether or not such a change will occur or is necessary is made by a legal draftsman and not the legislature. If such a determination is to be made in this case, it should be made by the committee on the basis of a careful analysis of the proposal that it has before it, and not by a draftsman. Furthermore, I believe that it is relevant to understand that I am interested in placing provisions such as those contained in the original bill in the statutes during this legislative session. To intentionally amend the measure to require that it be approved by a two-thirds majority in the legislature does not appear to contribute to this goal. Once again, I would urge the committee to carefully consider the effect of this proposed change before acting.

Section 2 of the proposed substitute deletes from section 1 of the original bill the language: "...and other factors relating to the crime, the defendant, disposition of the defendant upon sentencing,...". While I am not aware of the department's motivation in deleting this language, it would appear that the change is intended to remove terms which do not have a specific meaning under Alaska law and might render this section ambiguous. I do not oppose this change.

Section 3 of the proposed substitute conforms the new aggravating factor used in determinate sentencing to the amendments suggested above. One issue that should be considered by the committee is whether the deletion of the reference to physical harm to the victim is an appropriate change. While my first reaction is that this reference should not be dropped, the department may be able to offer some rationale for this change.

In essentially dropping section 3 of the original bill, the department also deletes the requirement that notice of the sentencing hearing be served on the victim or the victim's family. Absent a good explanation by the department for this change, I would oppose this change.

Section 4 of the proposed substitute re-defines "immediate family" to exclude in-laws and include guardians. I do not oppose this change.

The remaining sections of the proposed departmental substitute would basically remove from the bill a victim's right to appear at and object to parole and furlough proceedings and determinations. I have discussed this proposed change with the department and am inclined to agree with them that to give a victim, or his immediate family, the right to object to these determinations may pose significant due process problems. In my view, once an individual has served a period of incarceration, circumstances have changed to an extent that the rights of the victim or the victim's family may be appropriately weighed against those of the offender. Granting to the victim, or the victim's immediate family, the right to comment on a pending release and requiring the decision-maker to consider those comments in reaching a decision seems to be an appropriate way to balance these interests. Given the possibility of due process objections, I would endorse these proposed changes.

In closing, I would like to make clear to the committee that I believe that this legislation should be given expedited consideration during this session of the legislature. While the committee should take a tough stance in those instances where the proposed departmental substitute would undermine the intentions of the legislation, it should accommodate the suggestions of the department in those instances where it does not harm the intention of the legislation. The important goal, in my mind, is to give victims of crimes and their immediate families some sort of meaningful impact on sentencing, parole and furlough decisions this year. I hope the committee will work with the department, the court system and myself in achieving this goal.

Thank you for the opportunity to comment on the proposed departmental substitute.

Sincerely,

Joe Flood

H B

352

COMMITTEE REPORT

HOUSE

(7)

FURTHER:

4/25/83

Date: 5-4-83

Mr. Speaker:

The Committee on JUDICIARY has had HB 352

"An Act relating to the definition of death; and providing for an effective date."

under consideration and reports it back as follows:

do pass do not pass

do pass with attached amendments(s)

replace with CS for HR 272 (HESS) same title new title

and recommends _____

AND attaches a "Letter of Intent" New Fiscal Note

reports it back without recommendation Zero Fiscal Note Attached

referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]
[Signature] N. REC
[Signature] NO REC

[Signature]
CHAIRMAN

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: HB 352
 Title: Definition of death
 Sponsor: Rep. Fritz by request
 Requestor: House HESS

II. FISCAL DETAIL

Agency Affected: Health & Social Services
 Program Category Affected: Health
 BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUE: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING	0	0	0	0	0	0
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LANDS & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Source)	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Dean Tirador Phone: 465-2113
 Division: Public Health Date: 4-14-83
 Approved by Commissioner: Robert Landon Smith, Ph.D. Date: 4/18/83
 Department: Health and Social Services

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

POSITION PAPER/Department of Health and Social Services

POSITION PAPER

HOUSE BILL NO. 352

"An Act relating to the definition of death; and providing for an effective date."

BACKGROUND

A Uniform Definition of Death has been endorsed by the National Conference of Commissioners on Uniform State Laws, the American Medical Association, the American Bar Association, the President's Commission for the Study of Ethical Problems in Medical and Biomedical and Behavioral Research as well as by the American Academy of Neurology and the American Electroencephalographic Society. The Uniform Definition is as follows:

"An individual who has sustained either (1) irreversible cessation of circulatory and respiratory functions, or (2) irreversible cessation of all functions of the entire brain, including the brain stem, is dead. A determination of death must be made in accordance with accepted medical standards."

According to information received from the Commissioners on Uniform State Laws, 19 states have now adopted this definition, up from two states in 1981.

DISCUSSION

The definition proposed in this Bill, differs from the Uniform Definition in several respects:

1. In the Bill, "person" is substituted for "individual". The Uniform Definition purposely included the term "individual" to conform to the standard designation of a human being. The term "person" was not used because it is sometimes used by the law to include a corporation. Although that particular confusion would be unlikely to arise, the narrower term "individual" is more precise and thus avoids possibility of confusion.
2. In the Bill, the phrase "medically and legally dead" is used. The Uniform Definition prefers the phrase "is dead" since the broader provisions were considered to be misleading. The President's Commission stated, "A law setting a general standard without explicit limitations would be assumed to apply for all legal purposes; to say so in the statute, however, only raises needless questions (e.g., what does 'all legal purposes' leave out? For example, proceedings in equity?)"¹

¹/Defining Death. Medical, Legal and Ethical Issues in the Determination of Death. President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. Pg. 79. Government Printing Office, Washington, D.C., 1981.

3. The Bill sets the standard for establishing death as "ordinary standards of medical practice", while the Uniform Definition adopts "accepted medical standards". This difference is probably not important.
4. The Bill adds a provision that death may be pronounced "before artificial means of maintaining respiratory and cardiac function are terminated." The Uniform Definition avoids the necessity for such a provision by simply stating that an individual "is dead" when either "irreversible cessation of circulatory and respiratory function or irreversible cessation of all functions of the entire brain, including the brain stem" has occurred. When either of these circumstances prevails, the appropriateness of stopping medical intervention is apparent.

POSITION

While the Department considers the definition proposed in the Bill to be better than the current statutory definition, it would prefer that the Uniform Definition of Death be adopted.

Recommended by:

E. S. Rabeau
E.S. Rabeau, M.D.
Director
Division of Public Health

Date:

April 15, 1983

Approved by:

Robert London Smith
Robert London Smith, Ph.D.
Commissioner
Department of Health and
Social Services

Date:

4/18/83

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: HB 352
 Title: Definition of death
 Sponsor: Rep. Fritz by request
 Requestor: House HESS

II. FISCAL DETAIL

Agency Affected: Health & Social Services
 Program Category Affected: Health
 BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING	0	0	0	0	0	0
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LANDS & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Source)	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Dean Tirador Phone: 465-2113
 Division: Public Health Date: 4-14-83
 Approved by Commissioner: Robert London Smith, Ph.D. Date: 4/18/83
 Department: Health and Social Services

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
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3/8/83

H B

360

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: HB 360
 Title: "Act relating to permits issued..."
 Sponsor: Rep. Flood
 Requestor: House Judiciary

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Crime & ID
 BRU, Program of Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact anticipated

Prepared By: Paul A. Conder Phone: 465-4338
 Division: Administrative Services Date: 5-4-83
 Approved by Commissioner: [Signature] Date: 5/4/83
 Department: Public Safety

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)



STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST
 Bill/Resolution No: HB 360
 Title: Act relating to permits issued for
games of chance and contests of skill
 Sponsor: Judiciary & Finance
 Requestor: Representative Flood

II. FISCAL DETAIL
 Agency Affected: Department of Revenue
 Program Category Affected: Rev. Operations
 BRU, Program of Subprogram(s) Affected:
Public Svcs. & Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		43.0	46.0	49.0	56.0	60.0
200 TRAVEL		7.5	8.0	8.5	9.0	9.5
300 CONTRACTUAL	-	-	-	-	-	-
400 COMMODITIES		4.5	5.0	5.5	6.0	6.5
500 EQUIPMENT		-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS, ETC.	-	-	-	-	-	-
TOTAL OPERATING		55.0	59.0	63.0	71.0	76.0
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND		55.0	59.0	63.0	71.0	76.0
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (Specify Source)	-	-	-	-	-	-

POSITIONS:

FULL-TIME		1.5	1.5	1.5	1.5	1.5
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-
		1.5	1.5	1.5	1.5	1.5

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis.

Prepared By: Ralph Kimlinger, Acting Director
 Division: Public Services Division

Phone: 465-2392

Date: 4-22-83

Approved by Commissioner: *Ralph Kimlinger*
 Department: Revenue

Date: 4/26/83

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

ANALYSIS

HB 360

1. Passage of HB 360 will require a full time, seasonal, Tax Examiner to handle a minimum of 150 applications. Each application and attendant Financial Statement requires 1.5 to 2.0 hours of processing and in addition clerical time of approximately one hour per application is required.

To insure equitable compliance with the law, a full time investigator will be needed and audit and investigation will require a minimum of eight field trips per year.

Supplies and commodities include new forms, mail outs and miscellaneous clerical supplies. All instruction and forms will require immediate revision and reprint.

New office equipment will be required for both requested positions.

STATE OF ALASKA
FISCAL NOTE

Revision Date 5/6, 1983

I. REQUEST

Bill/Resolution No: CSHB 360(Jud)
 Title: Games of Chance and Skill
 Sponsor: Flood
 Requestor: House Judiciary

II. FISCAL DETAIL

Agency Affected: Revenue
 Program Category Affected: Rev. Operations
 BRU, Program of Subprogram(s) Affected: Public Svcs. & Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		29.5	31.5	34.0	36.5	39.5
200 TRAVEL	-	4.5	4.8	5.0	5.5	6.0
300 CONTRACTUAL	-	-	-	-	-	-
400 COMMODITIES	-	4.5	5.0	5.5	6.0	6.5
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS, ETC.	-	-	-	-	-	-
TOTAL OPERATING	-	38.5	41.3	44.5	48.0	52.0
CAPITAL						
	-	-	-	-	-	-
REVENUE						
	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND --	-	38.5	41.3	44.5	48.0	52.0
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (Specify Source)	-	-	-	-	-	-
-	-	-	-	-	-	-

POSITIONS:

FULL-TIME		one	one	one	one	one
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis.

Prepared By: Marcy Rehfeld
 Division: Office of the Commissioner
 Approved by Commissioner: Robert D. Heath
 Department: Revenue

Phone: 465-2300
 Date: 5/6/83
 Date: 5/6/83

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

IV. ANALYSIS:

To insure equitable compliance with the law, a full-time investigator will be needed and audit and investigation will require a minimum of eight field trips per year.

Supplies and commodities include new forms, mail outs and miscellaneous clerical supplies. All instructions and forms will require immediate revision and reprint.

MSG 83-00020134 PRY 1 05/24/83 13:33:36 ORIG: LA01 IN= 0008 OUT= 0136
FROM: SHIRLEY MC LIO TO: POMS JUNEAU INFO
TARGET: LJHL SUBJ: POM

TO: ALL MEMBERS, ALASKA LEGISLATURE

FROM: WEYMOUTH BOWLES, 2000 BUNKER STREET, ANCHORAGE 99503
H 277-1117 W 277-8615

I URGE YOUR SUPPORT OF HOUSE BILL 360 (PERMITS/GAMES OF CHANCE
AND CONTESTS OF SKILL) AND SENATE BILL 265 CONCERNING GAMES OF
CHANCE AND SKILL AS APPLIED TO QUALIFIED ORGANIZATIONS.

THANK YOU.

OR

MSG 83-00012653 PRTY 1 04/27/83 13:45:45 ORIG: LA01 IN= 0015 OUT= 0099
FROM: JUDY ANC LIO TO: POMS JUNEU INFO
TARGET: LJHL SUBJ: POMS

TO: SENATORS STURGULEWSKI AND RODEY
REPRESENTATIVES BUSSELL AND LINDAUER

Judiciary Referral

FROM: BRUCE PATTERSON, 934 W. 77TH, ANCHORAGE 99502 H 349-4249

I SUPPORT HB 360 AND SB 265 WITH THE EXCEPTION THAT THE GRANDFATHER
CLAUSE SHOULD BE DELETED.

MSG 83-00013564 PRTY 1 04/29/83 18:01:39 ORIG: LA02 IN= 0017 OUT= 0162
FROM: NINA, ANC LIO TO: JNU LIO
TARGET: LJHL SUBJ: POM

Judiciary Referral

TO: ALL MEMBERS OF THE LEGISLATURE

FROM: WILL ELDER 8571 PIONEER DR. ANC., AK. 99504 HM. 337-5887 WK. 264-4878

E: HE360 & SB265

I SUPPORT THIS LEGISLATION TO MAKE CASINO NIGHTS LEGAL FOR NON-PROFITS, BUT
HAT THE "GRANDFATHER CLAUSE" BE DELETED.



MSG 83-00013487 PRTY 1 04/29/83 16:32:15 ORIG: LA02 IN= 0011 OUT= 0124
FROM: NINA, ANC LIO TO: JNU LIO
TARGET: LJHL SUBJ: POM

TO: ALL LEGISLATORS

FROM: WILL HEPBURN
341 FIREQVED
ANCHORAGE 99504

27A-1991 (H/W)

YOU ARE CONSIDERING A BILL TO LEGALIZE "MONTE CARLO" NIGHTS. GREAT!
HOWEVER, THE GRANDFATHER RESTRICTIONS WILL PUT MANY CHARITABLE
"MONTE CARLO" NIGHTS OUT OF BUSINESS. THAT'S BAD. PLEASE SUPPORT
CHARITABLE "MONTE CARLO" NIGHTS, NOT JUST OLD ONES. SEE MY LETTER
TO THE EDITOR IN 5/3 DAILY NEWS.

W. Hepburn

4/29/83

Monte-Carlo nights

Dear Editor, *Times*

The other night I read about someone in Juneau deciding that the Fur Rendevous Monte-Carlo night was illegal because cards, tables and other gambling accessories are used at them.

I worked with my Jaycee chapter (Gold Rush Jaycees) at the Iditarod Trail Committee's Monte-Carlo Night in Wasilla. Everyone had fun, the public who came to play as well as the people who helped us pull it off. Prizes, donated by local businesses, were auctioned off during that night (bought with the play money won at the tables). The real money taken in that night went to help keep the Iditarod and the Jaycees in the business of helping others.

This is all well known. What I would like to know is why Monte-Carlo nights are in question. I am sitting here watching channel 11, the show is "world of poker." On this show I saw an interview with one of the players (a prominent furrier from Anchorage), who was saying how thrilling it all was. The winner has just won \$520,000 (real money).

Why is it that charities and

long established fund raiser programs are illegal?

Wake up legislators and think hard about this one. Who's gambling?

Raymond D. Hitchcock
4207 Cope St.

Important things

H B

362

COMMITTEE REPORT

5/13

HOUSE

JUDICIARY

FURTHER: FINANCE

(7)

4/15/83

Date: 5/12/83

Mr. Speaker:

The Committee on STATE AFFAIRS has had HB 362

"An Act relating to standards of conduct of legislators and legislative employees and establishing a Legislative Ethics Commission; and providing for an effective date."

under consideration and reports it back as follows:

[] do pass [] do not pass

[] do pass with attached amendments(s)

[X] replace with CS for HB 362 (SA) [X] same title [] new title and recommends

[] AND attaches a "Letter of Intent" [X] New Fiscal Note Sep 60

[X] reports it back without recommendation CS FOLLOW: Zero Fiscal Note Attached

[] referred to the Committee

MEMBERS SIGNING DO PASS

W. W. Miller
Ronald J. Jensen
Chet Thomas
Vaska

MEMBERS HAVING OTHER RECOMMENDATIONS:

Walt Furnace Do Not Pass
John J. Lundquist No Rec

Rep. Wildwood
CHAIRMAN

20
5/13

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB No. 362 (Page 1 of 2)

Title An act relating to standards of conduct of legislators and legislative
REMEMBERMY employees and establishing a Legislative DMY Ethics Commission

Requested by: House State Affairs Date: April 19, 1983

II. FISCAL DETAIL

Agency Affected Legislative Affairs Agency

Program Category Affected General Government

BRU, Program, Or Subprogram(s) Affected Legislative Affairs Agency

(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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES		-0-				
200 TRAVEL		44.1				
300 CONTRACTUAL		50.0				
400 COMMODITIES		-0-				
500 EQUIPMENT		-0-				
600 LAND & STRUCTURES		-0-				
700 GRANTS, CLAIMS, ETC.		-0-				
TOTAL		94.1				

FUNDING (Thousands of Dollars)

GENERAL FUND		94.1				
FEDERAL FUNDS		-0-				
OTHER (Specify Source)		-0-				

POSITIONS None

FULL TIME						
PART TIME						
TEMPORARY						

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

SEE ATTACHMENT

IV. DATE April 20, 1983 PREPARED BY Wally Harrison, Director, Admin. Svcs.

AGENCY Legislative Affairs Agency

Original: Legislative Finance PHONE 465-3850

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

III ANALYSIS:

There are no guidelines in the bill for amount or level of staff or for amounts of travel and per diem. It is necessary, therefore, to establish a set of assumptions on which to build a fiscal note.

Using input from various legislators who worked on the bill, I have made the following assumptions:

Assumption 1: There will be no permanent staff at this time. Personal services and professional services will be contracted as needed; therefore, no office space or equipment will be needed. The commission will determine how the central files are to be kept.

Personal Services Contracts	20.0
Professional Services Contracts	20.0
Other Contractual Services	<u>10.0</u>
	50.0

Assumption 2: To establish a good average for travel costs, I have hypothetically assumed that the Commission is to be made up of members living in Nome, Bethel, Fairbanks, Anchorage, Kodiak, Juneau, Ketchikan, and will travel coach fare: 3 roundtrips to Juneau; 4 roundtrips to Anchorage; and 5 roundtrips to Fairbanks for meetings. There will be no more than an average of three days per month of travel and per diem for meetings. There be no more than an average of one meeting per month.

Per Diem -----	\$18,720
Travel -----	<u>\$25,385</u>
TOTAL Trvl/PD	\$44,105

Assumption 3: Additional costs, if any, for reports or copies made by other agencies for the Commission will be absorbed in that agency's operation budget.

Assumption 4: The Legislative Affairs Agency print shop can print the semi-annual summaries of decisions and advisory opinions.

Conflict suggested with oil contracts

By HAL SPENCER
Associated Press Writer

Rep. John Cowdery, R-Anchorage, today suggested Gov. Bill Sheffield's support of a proposed long-term royalty oil contract with Tesoro Alaska Co. could be a conflict of interest.

Cowdery, in a letter to Sheffield that he also distributed to reporters, asked the governor to disclose whether he had received campaign contributions from Tesoro or Charter Oil Co., a firm with a 30 percent stake in Tesoro.

Al Parrish, head of the Sheffield-McAlpine campaign, said today that Tesoro in January gave the campaign \$2,000. Parrish said he has checked and rechecked the books and found no contributions from Charter. But he did not rule out the possibility there was a contribution, saying the campaign had received from 800 to 900 contributions since January.

Cowdery, an active critic of the state's proposal to sell a total of 54,000 barrels a day of Prudhoe Bay royalty oil to Tesoro and Chevron U.S.A., said he felt the question of a conflict of interest should be discussed because the governor is pressing hard for the contracts.

"The Legislature must know whether the Sheffield-McAlpine campaign directly or indirectly benefited from Tesoro or Charter so that an evaluation can be made as to whether

there is any appearance of a conflict of interest in the administration's efforts to approve the long-term contracts," he said.

Sheffield was in a meeting and could be not be reached. But press secretary Pete Spivey said he would respond later.

Cowdery later said "I understand" that the governor raised money from Tesoro and Charter during his controversial trip outside Alaska in January.

A special prosecutor appointed by the governor, Seattle lawyer Fredrick Tausend, is investigating that trip, which involved a series of oil company-sponsored fund-raisers, to determine if it was a conflict of interest under state law.

"While I realize the investigation into your fund raising trip is on-going and certain material is not available for public scrutiny, it is necessary to know if you have received any contributions toward retiring your campaign debt from either Tesoro or Charter affiliated companies since Jan. 1, 1983.

Cowdery said reports from the Alaska Public Offices Commission show only contributions up to Dec. 31. Theda S. Pittman, director of the APOC, said Sheffield needn't file a report of contributions received since Jan. 1 until year's end.

Legislator hired son's firm for sound system at seminar

The Associated Press

JUNEAU — Fairbanks Rep. Bob Bettisworth contracted with a company owned by his son to provide the sound system for a legislative seminar April 23 in Anchorage.

The arrangement, involving less than \$500, apparently violated no state laws nor legislative rules, although it may have run afoul of a new legislative ethics codes under consideration by lawmakers, according to a report in the Fairbanks Daily News-Miner.

The workshop, on the export of Alaska oil, was organized by the Legislative Budget and Audit Committee, a powerful oversight panel chaired by Bettisworth.

The Republican sponsored the seminar using state money in hopes of educating both lawmakers and Alaska businessmen to the advantages of exporting state oil.

At Bettisworth's choosing, the Anchorage firm Alaska Sound Labs provided the sound system for the seminar. The system included microphones for participants and the audience as well as a sophisticated speaker network and double tape recorders.

The firm is owned by Bettisworth's son Kenneth.

Not responsible *NEWS*

I would just like to say that Fairbanks has more than its share of eccentrics, proselytizers, Libertarians, kooks, criminals, radicals, reactionaries and random digits, but thank the Lord and all that is merciful we are not responsible for Ramona.

— Scott A. Sterling
Fairbanks

4/3/83

H B

368

I. REQUEST

Bill/Resolution No.: HB No. 368
 Title: Act Relating to Board of Parole
 Sponsor: Furnace, Pestinger & Liska
 Requestor: Furnace, Pestinger & Liska

II. FISCAL DETAIL

Agency Affected: Health & Social Services
 Program Category Affected: Parole Board
 BRU, Program of Subprogram(s) Affected:
Parole Board; Corrections

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	55.0	57.2	59.5	61.9	64.3
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC	-0-	-0-	-0-	-0-	-0-	-0-
800 COMPENSATION-MEMBERS	-0-	19.1	19.9	20.7	21.5	22.3
TOTAL OPERATING	-0-	74.1	77.1	80.2	83.4	86.6

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND		74.1	77.1	80.2	83.4	86.6
FEDERAL FUNDS		-0-	-0-	-0-	-0-	-0-
OTHER (Specify Source)		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Samuel H. Trivette *Samuel H. Trivette* Phone: 465-3384
 Division: Parole Board Date: April 26, 1983
 Approved by Commissioner: Robert Gordon Smith, M.D. *Robert Gordon Smith, M.D.* Date: 4/28/83
 Department: Health & Social Services

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
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FISCAL NOTE
HB NO. 368
ANALYSIS

The costs outlined on the previous page covers money necessary to have the two Board members attend the regularly - scheduled parole hearings as well as the additional hearings anticipated pursuant to the out-of-court settlement in the Cleary lawsuit. Although having two more members would likely slow down the hearing process, costing additional money for more days of hearings, this figure is difficult to estimate.

Requiring a minimum of 5 votes to grant a parole will almost certainly result in fewer prisoners being paroled. This would put a major stress on the already extremely overcrowded Alaska correctional facilities, which are now under court order to reduce prison populations. If corrections is required to build any new beds, the costs are likely to escalate into the millions of dollars.

POSITION PAPER
HOUSE BILL NO. 368

The Department of Health and Social Services recommends H.B. No. 368 remain in committee until the next session of the Legislature when the Legislature and Administration can work together to draft a comprehensive bill revising the Alaska parole statutes.

The issues raised in this bill were discussed extensively by various committees of the Alaska House and Alaska Senate in 1979-82 when the Parole Board was going through the "sunset review" process. Similar language was eliminated from the bill passed by both the House and Senate in 1982. These issues can be best resolved in the context of an overall revision of the parole administration act, which is contemplated in 1984.

Recommended by *Samuel H. Privette* Date *April 27, 1983*
Samuel H. Privette
Executive Director
Parole Board

Approved by *Robert London Smith* Date *4/29/83*
Robert London Smith, Ph.D.
Commissioner
Department of Health
and Social Services

I. REQUEST

Bill/Resolution No.: HB 368
 Title: State Board of Parole
 Sponsor: Representative Furnace
 Requestor: House Judiciary Committee

II. FISCAL DETAIL

Agency Affected: Department of Law
 Program Category Affected: Adm. of Justice
 BRU, Program of Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Pegues
 Division: Administrative Services Division

Phone: 465-3672
 Date: April 25, 1983

Approved by Commissioner: Norman C. Gorsuch, Attorney General
 Department: Department of Law

Date: April 25, 1983

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

HB 368
Fiscal Note
Analysis

This bill provides for the addition of two members to the Board of Parole. Since the Board of Parole is funded separate from the Department of Law, there will be no fiscal impact to the Department of Law.

H B

374

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: SS for HB #374
 Title: Act relating to estab. of max pris fac
 Sponsor: Schultz
 Requestor: House HESS

II. FISCAL DETAIL

Agency Affected: Health & Social Services
 Program Category Affected: Adm. of Just.
 BRU; Program of Subprogram(s) Affected: Adult Confinement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING:						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not applicable.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Roger C. Lange *Roger C. Lange* Phone: 465-3376
 Division: Adult Corrections Date: April 28, 1983
 Approved by Commissioner: Kathleen Arnold, M.D. *Kathleen Arnold* Date: 4/29/83
 Department: Health & Social Services

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

COMMITTEE REPORT
HOUSE

5/19

JUDICIARY

(7)

FURTHER:

5/10/83

Date: 5/18/83

Mr. Speaker:

The Committee on STATE AFFAIRS has had SSHB 374

"An Act relating to the establishment ^{of} maximum security prison facilities at Anderson and Palmer/Sutton."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

~~_____~~

 Wait Furnace

MEMBERS HAVING
OTHER RECOMMENDATIONS:

~~_____~~

 John Caudrey No Rec
 _____ No Rec
 Ronald J. _____ No Rec.

 CHAIRMAN

COMMITTEE REPORT

HOUSE

5/10
STATE AFFAIRS

JUDICIARY

FURTHER:

(7)

(HESS and Judiciary added 4/26/83; Finance removed 4/26/83)

4/26/83

Date: 5/10/83

Mr. Speaker:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had SSHB 374

✓ An Act relating to the establishment of maximum security prison facilities at Anderson and Palmer/Sutton."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SSHB 374 (Hess) same title new title
- and recommends drop out all bill recommendations.
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

~~_____~~
Mr. Miller Do Pass

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Mr. Trickett No Rec

Mr. Koppena No Rec
Peter Jones Do not pass

Co- Mr. Trickett
 CHAIRMAN
 Co- _____

5 communities vie for new prison

3-11-63
By KIRK McALLISTER
Empire Staff Reporter

It's coming down to the wire.

Palmer and Seward are fighting for the lead, Haines and Kenai are mired with internal problems and Cordova is trailing the field as a late entry.

It's not 'Alaska Handicap,' but rather the race to see what Alaska community lands the state's proposed \$45 million maximum security prison.

A decision on where to locate the prison will probably be made in the next three weeks and the five towns in the running are lobbying hard to have the facility located in their respective communities.

The 400-bed maximum security prison would provide an economic boost wherever it is located as it would require a

staff of 125, with about three-quarters of that number hired locally, said Roger Endell, director of the Division of Corrections.

It's a valuable economic carrot being dangled before Alaska communities, many of which are suffering from high unemployment and economic stagnation.

"A few years ago we couldn't give away a prison," Endell said. "But now, with a depressed economy, more communities see a correctional facility as a stable base for their economy."

Endell has been traveling the state in recent weeks talking to community leaders interested in the prison and trying to gauge public opinion in each town.

Currently, he is awaiting the results of technical evaluations of each site by the

Department of Transportation and Public Facilities. When the evaluations are completed, Endell will combine that information with what he learned in visiting the towns to produce a "prioritized list" to Gov. Bill Sheffield.

While he wouldn't say if there were any official frontrunners in the prison race, Endell did give a clue: "Seward and Palmer appear to have the best together and are presenting a united front."

Criteria to be used in making a decision on the prison site includes the amount of land available for the correctional facility, water and sewer service, transportation, access to court facilities, public opinion, the stance of city officials and business leaders and the economic impact on the community.

Palmer and Seward apparently have strong public support for the proposed prison while Haines and Kenai are divided on the issue. Cordova is also interested but is only in the preliminary stages of investigating a prison proposal.

Haines Mayor Jon Halliwill told the Empire despite the divided public opinion on the issue, city officials will continue to press for locating the prison in that Southeast community about 90 miles north of Juneau. A poll released in Haines this week showed the community evenly divided on the issue.

Haines has plenty of land available for the jail and could easily provide for the added population it would bring, Halliwill said. In addition, Haines has good marine

Continued on Page 2

Prison...

Continued from Page 1

and air transportation and relatively easy access to the Juneau court system, he said.

Kenai public opinion is also divided on the prison issue. The proposal in that area calls for the prison to be located at the old Wildwood Air Force Base northwest of the city. A three-story concrete building there would be remodeled to house the prison.

While the city council and chambers of commerce of Kenai favor the project, opinion was about evenly split at a public hearing on the issue March 3, said city manager Bill Brighton.

In Palmer, Gary Thurlow, manager of the Matanuska-Susitna Borough, said there was "overwhelming support" for the prison although opinion was divided in the community of Sutton, the area nearest one proposed prison site, about seven miles northeast of Palmer. A site at the old Goose Bay missile facility is also being

considered.

"We're lobbying for it," Thurlow said. "A state facility like this would make a good contribution to the community and the prison should be close to the area where a majority of the criminals come from. After all, half of all Alaska prisoners come from Anchorage."

Thurlow emphasized that his community was willing to provide work programs for prisoners and that Palmer afforded easy access to court facilities in Anchorage.

"Prisons are a clean industry and a renewable resource," Thurlow quipped. "It's the type of industry we like to attract to the area."

In Seward, there is not only a great deal of support for the proposed prison but the city is willing to assist the state in locating the facility there, said city manager Ron Garzini.

"I think we're the superior site," Garzini said. "The city might be willing to

help build the facility and lease it to the state — there's plenty of land."

The Alaska Vocational Technical Center is another factor favoring Seward as training and rehabilitation programs of the prison could be incorporated with the school, Garzini said.

Cordova has also expressed interest in having the prison located in their community. Perry Lovett, city manager, and leaders of the two Native corporations in Cordova were in Juneau Thursday seeking more information about the prison.

Cordova Mayor James Poor told the Empire his community is looking for more job opportunities for local young people and a year-around industry that is compatible with fishing, Cordova's main industry.

Following Endell's decision on the prison site, construction of the facility is expected to take two or three years, provided funding is approved by the legislature.

HB 217
JR

Haines residents split on wanting new prison

3-11-63

By KIRK McALLISTER
Empire Staff Reporter

Just 90 miles north of Juneau in the Lynn Canal community of Haines, the prison proposal has become the most controversial issue dividing the town since the fight over the fate of the bald eagles of the Chilkat Valley.

Haines city officials have pushed for the location of the \$45-million maximum security prison to boost the town's economy. The Schnabel Lumber Co. recently closed and is up for sale and there is concern by some in the community that more jobs are needed.

The City of Haines has hired lobbyist Wally Kubley to help convince the state

that Haines is the best site for the correctional facility and a task force was set up to provide local support for the project.

However, many residents remain unconvinced that locating a state prison in Haines is in the best interests of the community. Some residents worry that the prison would bring increased crime and unchecked growth and adversely affect the town.

A group called Citizens Concerned for the Future of Haines has been formed to oppose the prison.

Public meetings on the issue have been well-attended and often heated,
Continued on Page 2

Haines...

Continued from Page 1
according to the Lynn Canal News.

A recent public opinion poll conducted by radio station KHNS in Haines showed 240 residents against the prison, 234 in favor and 12 undecided. About 28 percent of the Haines area population voted.

Haines Mayor Jon Halliwill told the Empire that despite the divided public opinion, the City of Haines would con-

tinue to press for locating the prison there.

"The poll was not very representative of public opinion since 1/3 was only 28 percent of the voters," Halliwill said. "In public meetings held by the city there was overwhelming support for it. Over 400 people have signed a petition in support of the prison. Haines is a good site for the facility and we're still supporting it very enthusiastically."

Patricia Blank, a spokesman for the anti-prison group, told the Empire there was "definitely not overwhelm-

ing support" for locating the prison in Haines and that opinions were divided at the public meetings.

"The main concern of our group is that we feel the governor should show effective leadership and assess the facts presented by his task force on corrections that recommended that the maximum security prison be located in Southcentral Alaska," Blank said.

"The governor should look at the recommendation of the task force experts and follow it," said Blank. "Anything else is a waste of time and the taxpayers money."

Police

Lawyer attacks state's prison-building plan to relieve overcrowding

By TOM KIZZIA ³⁻⁶⁻⁸³
Daily News reporter

A state plan to build new prisons to relieve overcrowding among inmates contains less than meets the eye, according to the lawyer whose class-action suit against jail conditions prompted the plan.

"The report was lacking in particulars and substance," said Timothy Stearns, who added he would ask Superior

Court Judge Douglas Serdahely to request another plan that is "more comprehensive and more fully addresses the issues."

The overcrowding plan was submitted Wednesday by Director of Corrections Roger Endell as part of a settlement of the class-action suit. In it, the state said it would attempt to bring on line three new medium-security prisons

by the fall of 1984.

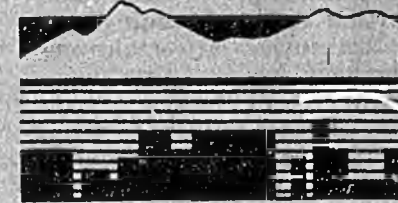
Endell said the plan could eliminate overcrowding by January, at which point the state projects an inmate population of between 1,700 and 1,800.

Adding up the new beds proposed in the plan shows the state being at least 243 beds shy of the demand by that date, Stearns said.

Stearns also complained

the plan did not adequately discuss plans to increase furlough programs, to develop community service and community placement alternatives, and to revise procedures by which inmates build up good time toward their release dates.

The plan promised to improve management techniques within the division, but did not say how better techniques



would address overcrowding, Stearns said.

The state has proposed to build prisons quickly at federal surplus facilities at Wild-

wood near Kenai, at Goose Bay on the north side of Knik Arm, and at Chiniak near Kodiak.

Longer range plans call for a 250-bed classification facility in Anchorage, probably near the municipal sewage treatment plant at Point Woronzof, and a maximum-security prison for 300 to 400 inmates, either at Palmer, Seward, Kenai or Haines.

Prison outline for Wildwood released

The "Functional Program Statement; Wildwood Correctional Center," released Thursday by the state's Division of Corrections, is preliminary and basic, and defines the possible operation of the proposed prison only in outline.

That is essentially what Roger Endell, director of corrections, Thursday told Kenai area citizens they would find when any of them read the document.

Endell presented the document, dated March 3, at the public hearing he held on that date at Kenai City Hall. About 125 people attended the hearing. Several people protested the lack of prior public access to such a report.

Endell answered that it was being worked on earlier and had only just been completed. He added that its main function was to help architects and engineers with preliminary planning, but the public was welcome to review it.

The document is 78 pages long. Endell provided copies to the Peninsula Borough Assembly and the news media. Kenai City Manager Bill Brighton, who chaired the hearing, afterward said he planned to make an extra copy to have on file at City Hall.

The first 25 pages cover the main public concerns. The second section is a short and technical fire marshal's report; the third is a long and technical listing of established correctional standards; the fourth and last is a very technical collection of graphs and charts detailing space management standards and functions.

The following specifics are reported in the first 25 pages:

- The Wildwood site, if chosen and converted for a medium-security prison, would be used for "220 custody beds" in Building 10.
- The site is 10 acres on the former Wildwood Air Force Station, and a prison might include Buildings 7 and 8, "the commissary and maintenance shops."
- Up to 50 prisoner spaces would be segregated from the prison proper and maintained for "pre-trial" inmates, persons awaiting trial.
- "The main entry point to the institution will be what is now known as the fire station." This would afford indoor space for the loading and unloading of prisoners. Visitors would not be allowed in the building while

... Wildwood prison plan

Continued from Page 1

prisoners were being loaded.

- Medical services would be provided "on a contract basis" and prisoners would be taken outside "under staff escort" when necessary for surgery.

- "Prisoners will spend from 8 to 23 hours per day in their sleeping areas depending upon status... Because of the amounts of time that prisoners may spend in their rooms, the rooms should be as pleasant as possible, while being durable and difficult to breach." There would be "two inmates per room or cell."

- Rooms would each have locks with electrical override controls.

- Suspects awaiting trial and sentenced prisoners would be absolutely segregated, and the pre-trial inmates would be more closely supervised than sentenced prisoners.

- Visitations with family and friends would be allowed twice a week without physical separation in the visiting room and with personal contact allowed under "open visual supervision." Physical contact might not be allowed in some cases.

- "Unsupervised work release programs will not operate at the Wildwood facility." Work programs within the prison are planned, however, and there is the possibility of

supervised work crews being established for local government agencies for "services such as brushing trails, cleaning streams, maintaining roads, and other similar services."

The program statement makes no mention of maximum-security prisoners being housed at Wildwood, except as a reader might infer that some pre-trial inmates might rate maximum-security status.

There are a couple of references to maximum-security prisoners in the context of excerpts from a correctional task force report dealing with that report's determined need for maximum-security prisons in the "Matanuska-Susitna or Kenai Borough site, or both," but Endell said that recommendation has nothing to do with Wildwood.

The program statement also makes no reference to conjugal visits. Endell said at the hearing Thursday that the state has no provision for conjugal visits and he does not know whether it will provide for them in the future.

The program statement makes no attempt to define the terms "medium," "maximum" or "minimum" security.

There is also no reference to leasing costs or any possible "lease-purchase option" that might be negotiated with the land owner, the Kenai Natives Association.

Peninsula Clarion

PENINSULA CLARION

Complimentary Copy
For

MEMBERS OF THE LEGISLATURE
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MONDAY, March 7, 1983

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Kenai, Alaska 25 cents

Mixed views heard at prison meeting

By JOHN QUINLEY
Assistant Editor

Testimony by 31 Kenai area residents Thursday night about whether a medium-security prison should be put at Wildwood was roughly split between those in favor of the facility and those opposed.

In addition to oral testimony, Roger Endell, director of the state Division of Corrections, received written opinions and peti-

tions promoting both sides of the issue.

Opponents to the prison plan said they submitted petitions with more than 350 names opposed to the project. Resolutions of support for the 220-bed facility have come from groups such as the Kenai Chamber of Commerce, the Kenai City Council and the Kenai Natives Association, which owns Wildwood.

Endell spent much of the three-hour hearing explaining what a prison at Wildwood

would consist of, why the state wants the 10-acre site and its large, concrete and steel buildings, and what comes next in the decision process.

Public comments focused on security, the possibility of increased crime and on economic benefits of the prison.

Assemblyman Dave Carey said the state's presentation was "an attempt to buy off with employment and salaries." He added, "You talk about cost. How much money will

be paid to victims of crimes from escaped convicts?"

Harold Dale, a Kenai insurance salesman, took an opposite view. "I've got a lot of kids and grandkids around this place. I saw the fencing and the wire. I sure wouldn't try to escape. I think instead of pushing against prison, we should push for a properly managed one."

See PRISON, Page 8



Roger Endell, director of the division of corrections, took testimony at Kenai City Hall Thursday on a proposed medium-

security prison in Wildwood. He also answered questions during a public hearing. (Photos by John Quinley)

...Prison hearing draws co

Continued from Page 1

Kenai Police Chief Rick Ross reminded people who expressed fear the area would see rapes, robberies and murders if a prison were established, that those crimes are here now.

"If we had a medium-security prison today, of the 200 prisoners, probably 150 of them would be from the peninsula," Ross said. "If the state built a 40-bed jail (there is now a 14-bed jail in downtown Kenai), it would hold people sentenced for less than 15 days. We're sending three-day sentences to Anchorage," he said.

To questions of whether maximum-security prisoners would be housed at the prison, Ross noted that recently when a four-man cell at the city jail was filled the least dangerous man was charged with assault with a deadly weapon. The other three faced murder charges.

Assemblyman Kenn Stephens said the Kenai Natives Association was trying to unload "a white elephant." He said he resented the state's approach of contacting "businesses first. You didn't come and ask the people, you dangled the money first. This has been railroaded through."

Ruby Coyle recalled the 1940s when Kenai was small and crime was practically nonexistent. "I'd like to say, 'Folks, go home.' But let's stay and take care of what crime we have and not push it on Juneau or Anchorage. Do you want to start another capital move? If that's what you want, then fellas get out your pocketbooks." A prison would "take care of the needs and our responsibility," she said.

"I favor a medium-security prison," said lawyer Ken Cusack. "It's a chance to save the state some money. Now when they have court appearances in Kenai, they fly back to Anchorage. I'm more worried about security in the airport and transporting them back and forth."

The state has listed Wildwood as one of three future medium-security prison sites in its response to a court case on prison overcrowding.

Assemblyman John Douglas said he and others "got a secure feeling" in knowing that prisoners in the Kenai Jail are not "residing there for a long time. They're on their way somewhere else."

He added that "there's no assurance that the next director might not want to make Wildwood a maximum-security prison."

The first third of the meeting allowed Endell to give the audience an overview of what is planned for Wildwood if a deal can be made. The last third of the meeting had Endell fielding questions from the audience.

Responding to Stephens, Endell said his speaking trips to local chambers of commerce and other groups were at the groups'

invitations, not at his request.

He noted that "very serious crimes are being committed" on the peninsula already. "With further economic development, the crime rate will go up. Also correlated with crime is the unemployment rate."

Other responses and comments made by Endell included:

- To allegations that a deal has already been made — "The state has not made up its mind. There is no piece of paper with a signature. We're not trying to cram anything down your throats."

- On public input — "It's within my power to appoint a citizens advisory board, and I intend to do so."

- On local hire — "Of the 71 employees, about half will need to be experienced correctional officers. You can't run a center with inexperienced people. About 30 to 35 people could be hired locally and trained."

- On security provisions — "There will be two 18-foot fences, 20 feet apart, topped by razor wire. There will be a facility on the roof for observation, and possibly trained dogs between the fences."

- On economic impacts — "There will be about 71 staff people with an average wage of \$40,000. People who work for us must live in the area. The site will cost about \$3 million to get ready for corrections. For most of the work, we'll hire private contractors."

- On the types of people housed — "You're looking at someone serving one-to-five years, primarily for property crimes and some personal crimes. The very violent criminal, is going to be a longer-term prisoner."

Endell also explained that as prisoners progress toward their release dates, they are generally moved to less secure institutions. No prisoners, except those serving the kind of short jail term now served in the Kenai jail, would be released directly from Wildwood, he said.

Medium-security prisoners, as they near their release, would move to minimum security and then community centers or halfway houses. No minimum-security or halfway house is planned for the Kenai-Soldotna area, Endell said.

"Our objective is not to warehouse people, but to change them so they don't break the law again. Statewide we have a 66 percent success ratio. You can turn that around and call it a one-third failure rate, too, I suppose, but we want to make law-abiding citizens. They come in at the bottom of the ladder, and we try to boost them up."

Endell said any final decision is still many weeks away. Comments on the prison plan may be sent to Division of Corrections, Pouch H03, Juneau. 99809

cerned residents



Jim Arness, at the podium, spoke against the proposed Wildwood prison during a public hearing in Kenai City Hall last week.

U.S. sues Hawaii for prison 'brutality'

by Michael J. Snielen

Associated Press

3-5-83

Washington — The Reagan Administration charged in an unprecedented civil suit on Friday that two Hawaii state prisons subject inmates to cruel and unusual punishment in violation of the Constitution.

Attorney General William French Smith personally signed the suit, filed in U.S. District Court in Honolulu, and said the two prisons have "egregious or flagrant conditions" and cause inmates "to suffer grievous harm."

Named as defendants were Gov. George R. Ariyoshi, four other state officials and the state government itself.

It was the first suit ever filed by the Justice Department under

the Civil Rights of Institutionalized Persons Act, passed by Congress in 1980.

Among the government's charges were that inmates were illegally segregated on the basis of race or national origin, were exposed to a "pattern and practice of brutality" by prison staff members, that they were inadequately protected from assault, rape and extortion inflicted by other inmates, that female inmates were inadequately protected "against sexual abuse by prison guards."

In Honolulu, the state said the suit was illegal because the Justice Department had not met legal requirements of the law under which it was filed.

Deputy Hawaii Attorney Gen-

eral James H. Dannenberg called the suit "laughable".

It was no coincidence that the suit was directed against a state controlled by Democrats, he said.

Court qualifies presumptive sentencing

The Associated Press

The state Court of Appeals has ruled Alaska's presumptive sentencing laws are constitutional, when applied with the court's interpretation of their provisions.

It held the legislature intended that all prior felony convictions be counted separately for the purposes of imposing a presumptive sentence for a subsequently committed crime.

But the court said Friday that a prior conviction is one for which a sentence had been imposed prior to the commis-

sion of a subsequent offense.

The presumptive sentencing statute sets definite prison terms for repeat felony offenders, and those terms may be altered only if aggravating or mitigating factors are present.

The ruling stemmed from a Kodiak case involving Nicholas Z. Rastopsoff, who committed three crimes during the period June 4 through Sept. 13, 1980.

Superior Court Judge Roy H. Madsen sentenced Rastopsoff for the first offense, forgery, on Oct. 27, 1980. He imposed sentences for the second and

third offenses, burglary and robbery on one occasion, and assault and burglary on the other, on Feb. 24, 1981.

Madsen applied the presumptive sentencing statute in sentencing Rastopsoff for the second and third offenses, but he said he did so only reluctantly because he felt it was unfair in Rastopsoff's case.

In its ruling, the Court of Appeals said since Rastopsoff was not convicted and sentenced for any of the offenses until after all had been committed, for sentencing purposes he should be considered a first-time offender.

Opinion

Prison hearing is the main event

The main event today in the Kenai area is this evening's public hearing on the proposal to locate a state medium-security prison at Wildwood.

The hearing will take place beginning at 7:30 p.m. at Kenai City Hall.

Obviously, if many people attend, not all will be able to speak. For this reason, supporters and proponents should consider bringing printed statements or petitions to leave with the state officials tonight in lieu of oral testimony.

People who want to express support, people who want to express opposition and people whose minds are unset but who want to hear

questions and answers should all be there.

Roger Endell, state director of corrections, will be there; Bill Brighton, Kenai city manager will be there. Numerous other officials will be there.

What they hear will have an immediate bearing on the Wildwood proposal and, certainly, an indirect bearing on other proposals that might be considered. Kenai, for instance, is one of a number of locations, including Seward, that might be considered for construction of a maximum-security prison.

Endell has made it clear that he favors the Wildwood site, offered by its owner, Kenai Natives Association.

He also made it clear that the support of the community or the lack of it will have a bearing on the Wildwood decision.

Robert B. Atwood
Editor-in-Chief
and Publisher

Lana Johnson
Managing Editor

William J. Tobin
Associate Editor
and General Manager

Clinton T. Andrews Jr.
Editorial Page Editor

Page A-8

Monday, February 7, 1983

Wayward court

NEARLY 150 YEARS AGO a famous European sociologist visiting America (Alexis de Tocqueville) observed that "Americans have the strange custom of seeking to settle any political or social problem by a lawsuit." The courts have responded to this "strange custom" by effectively becoming a continuous constitutional convention.

In Anchorage there was a demonstration of this court response last week when a judicial officer effectively overrode the constitutional separation of powers in government by ordering the legislative and executive branches to change the state prison system.

A Superior Court action obligates the state to spend \$45 million for a maximum-security prison and orders the officials to bring back to Alaska the prisoners now housed in federal institutions Outside.

STATE LAW authorizes the commissioner of corrections to contract for the care of prisoners in any state, territory or possession of the United States.

The legislature has the power to set the standards for the care of prisoners and if they are inadequate the legislators are the ones who should correct them. It's the commissioner's job to enforce the standards set by the legislature, not the court's.

The law specifies that he can contract with the federal government, any state government or a political subdivision — which might include even a county in another state — for the care of prisoners.

The law is not peculiar to

Alaska. It is in the Western Interstate Corrections Compact to which every state of the union is a signatory. Sending prisoners to facilities outside the prisoner's home state is a common practice that has been accepted nationwide for generations.

That Alaska law has been upheld in the courts.

The state appears to have a sound basis for challenging the legality of last week's decision.

THE GOVERNOR should challenge the right of the courts to encroach on the powers of the other two branches of government.

The Alaska courts have virtually taken charge of the prison system. Judges have been known to decide by their edict what color prison walls must be painted, the square feet of space that must be provided each prisoner, the type of furnishings in his quarters, the availability of television programs and other frills and perks.

The executive branch has had to scratch every time a judge itched and it sometimes seems that a judge itches every time a prisoner expresses some complaint or displeasure.

The courts are constantly creating demands for additional public resources without meeting the responsibility for raising those resources and without regard to any limits on those resources.

The activism of judges is imposing significant costs upon society. Some new rights for a few are created at the expensive of the established rights of many.

Building Prisons Is Madness, Says Ex-Nixon Aide

By EDWARD P. DUNN

Charles W. Colson, the one-time Watergate "hatchet man," came to Syracuse Thursday with good words about the Lord and bad words about the United States prison system.

"Prisons do not work. It's one of the myths of our time," said the former Nixon aide who now bids good-bye to acquaintances by saying, "God bless you."

"It's madness" to presume more prison cells will prevent crime, he said.

"You'll go bankrupt if you keep building prisons."

The answer, he maintained, is a system of "punishment that is constructive." In cases involving non-violent crimes, he favors mandatory community service work rather than punishment by incarceration.

Colson said he was glad to see New York residents voted down a \$500 million prison bond issue in last year's election.

The resolution, which called for the construction of new prisons and renovation of others, was a "rip-off" that would have amounted to a "monument" to bureaucracy, Colson said.

Victims of crimes are victimized twice, Colson said: once by the crime itself, and again by the high costs of an ineffective penal system.

He said in New York State the construction costs for each new jail cell

amount to \$90,000, and it costs \$17,000 a year to keep one person in prison.

Colson visited Syracuse Thursday to promote the non-profit Prison Fellowship, a Christian reform group he started in 1976. The fellowship has volunteer groups inside prisons and is active outside the walls in advocating changes in the penal system.

He said he'd like to start a Prison Fellowship chapter in New York.

Colson's knowledge of jail life includes firsthand experience. He spent seven months in federal penitentiaries in 1974.

He was sentenced to prison after admitting a charge of disseminating derogatory information to the press about Vietnam War opponent Daniel Ellsberg. At that time Ellsberg was awaiting trial on charges of theft and publication of classified documents in connection with release of the Pentagon Papers.

Shortly after he left prison, Colson wrote "Born Again," to describe his awakening to Christianity. His second book, "Life Sentence," chronicles his growth as a Christian and the beginning of Prison Fellowship.

"I've devoted my life to going into prisons and spreading the good news of the Lord," Colson, 50, told newsmen at a press conference Thursday.

SYRACUSE POST-STANDARD/Friday, May 7, 1982/

Prisons: Radical reforms are needed

By WILLIAM F. BUCKLEY JR.
Universal Press Syndicate

CHARLES COLSON, arguably the most exuberant sinner during the whole Watergate business, may have a difficult time outliving his reputation as a man who said he would walk over his grandmother to help Richard Nixon.



Buckley

That's the trouble with a nice aphorism, particularly if it's a little iconoclastic. The point is that Charles Colson has already done much more important things than ever he did to help to destroy the Nixon administration. He has founded something called the Prison Fellowship. It has a staff of 100 people, and it could just possibly be the agent of the most important prison reforms of the century.

SOMETIME in August of 1973, Charles Colson experienced Christianity. One is drawn to his matter-of-fact documentation of this datum, which — although he is certainly willing to expand on the impact of Christianity on him — he treats as a datum, pure and simple, as in: date of birth ... date of graduation from college ... date of marriage ... date of Christianization.

Asked whether he would be living the life he lives except that he is animated by Christianity, he will tell you, no, he would not spend his days in prisons, conducting seminars, evangelizing, agitating for reform — except that he is driven by a concern to please God. But he concedes that the specific reforms he favors can be argued for using an exclusively secular vocabulary.

Colson is much influenced by Yochelson and Samenow's masterwork, "The Criminal Personality," in which Samenow, a practicing Jew, concludes that criminals are for the most part criminals because that is their nature, and that in order to change they need to expose themselves to "deliberate conversion ... to a more responsible life-

style." This is, as a matter of fact, best accomplished by a religious conversion; but Colson is prepared to admit that the possibility exists that criminals can change their appetite for crime by experiencing a transformation outside of any religious orthodoxy.

THAT MUCH having been disposed of, Colson explains his ministry, which is one part devoted to persuading criminals to believe in Christ, the other to persuading the American public to listen to reason. To wit:

- The prison population is expanding 15 times as fast as the national population, notwithstanding that only two out of 100 agents of crime are apprehended, convicted and put away.
- The prisons are bursting at the seams, with over 200,000 more criminals inhabiting quarters than our prisons were designed for, resulting in a gruesome intensification of the experience of prison and a resulting increase in recidivist crime.
- The annual cost of keeping someone in prison is about twice the cost of keeping a student at Harvard University.
- An interesting statistical coinci-



Colson: A sinner turned crusader

dence: About 53 percent of the men behind bars are there for having committed crimes that did not involve violence or cause physical danger. Meanwhile, 53 percent of Americans report that they are afraid to walk one mile from their residences after dark. To some extent, then, it can be said that half of America is imprisoned in virtue of the impulses of half the criminal population.

What does this all add up to?

Not, Colson insists, more prisons; though that is the \$3-billion direction federal and local governments are heading toward. We should empty the prisons by one-half, Colson says — for the sake of dangerous criminals (the horror of their living conditions is mitigated, making less likely the stimulation of their bestial instincts); for the sake of non-dangerous criminals (they are costing society \$20,000 a year in upkeep and depriving society of the use of their talents); and for the sake of the public, which stands to gain by a lessened tax load and by a likelier reintegration into society of non-dangerous felons.

THE ACCENT of Charles Colson is on how usefully to deal with criminals who are non-dangerous, in the physical sense of the word. A companion in Colson's own penitentiary, for instance, had served as chairman of the board of trustees of the American Medical Association, got involved in an embezzlement and was spending three years in jail. Why not, instead, sentence that man to three years of free medical service for the needy? Why not the same for lawyers? Or carpenters? Or, indeed, anyone; giving them access at night to their families, who are innocent victims of existing patterns of penology?

It is strange that in an age when one is encouraged to think radically, so little radical thought is given to the subject of prison reform. Colson's crusade is profoundly conceived, existentially appealing, splendid in ambition. We are already in his debt for the Prison Fellowship. The whole country would be indebted to him if his reforms were effected.



Paul Harvey *Put Convicts To Public Work*

What to do with our exploding prison population?

Granted, little criminals jammed in with big ones come out worse than before.

The suicide rate in prisons is 16 times what it is outside.

Rebellious cons are wrecking what prisons we have, and we have too few.

Some far-fetched experiments have been tried. California tried releasing convicted rapists and child molesters for outings in town.

From Patton State Hospital convicted rapists and child molesters were allowed to go into San Bernardino, Calif., to visit discotheques—to mingle with women—in the name of "therapy."

In one month seven escaped.

I have heard no better option for violent criminals than a lockup.

For non-violent criminals, there may be something better.

Chuck Colson's Prison Fellowship Program seeks reform for individual prisoners and for the prison system.

As a missionary behind bars he seeks to redirect misdirected lives through a Christian commitment.

At the same time, Colson has sought and got the cooperation of prison authorities in releasing non-violent criminals to do "outside work."

On his responsibility, six prisoners were recently released from Eglin Federal Prison in Florida.

For two weeks they helped two elderly people in Atlanta—one an aged blind widow—to insulate their modest home against the oncoming winter.

The six, two Hispanics, two blacks, two whites, are committed Christians in whom Colson had enough confidence so that they were not guarded while on furlough. They lived in Christian homes in the area.

Work that might have cost \$21,000 was completed for a fraction of that. The men did behave themselves.

If non-violent criminals, instead of being sentenced to prison, can be sentenced to compulsory community service—or to work in jobs until they make restitution to their victims and to the state—then the punishment would fit the crime.

And they would pay taxes instead of taxpayers supporting them.

Grit circulation: 1,000,000

Opinion

A-4

F

SAT., JUNE 13, 1981

Colson's Prison Plan Worth Study

ONE IS inclined to be skeptical when Charles W. Colson suggests a plan for reducing prison populations. First, we are not for coddling convicts. Secondly, Colson is an ex-con, having served seven months in federal prisons for Watergate-related crimes.

Colson was a senior adviser to former President Nixon. He is a "born-again Christian" and founder of Prison Fellowship, a growing organization of prison inmates, ex-offenders and their families. That speaks better of Colson but does not automatically make us want to approve his plan.

But we read it. And it does have some strong points in its favor.

The plan is outlined in a Prison Fellowship publication entitled, *Is There a Better Way? A Perspective on American Prisons.*

As background, it points out that for thousands of years prisons were used mainly to keep political offenders, hold lawbreakers until trial or execution, or detain insolvent debtors until their debts were paid.

Punishment for the convicted offender used to include public beheadings and hangings and lesser penalties such as branding, flogging, the rack and the stocks. This probably deterred some crime but did not stamp it out.

In 1790, the publication states, Pennsylvania enacted laws making imprisonment the ordinary punishment for crimes, and that system spread.

Colson would not do away with prisons. He believes prisons are necessary "for that roughly 20 percent of the prison

population convicted of dangerously violent crimes . . . for the protection of the general public."

Colson contends, however, that prisons fail to rehabilitate and instead harm the offender, his family and, in the long run, society. He recommends alternative punishment for non-violent offenders.

The alternatives include placing the offender on a schedule requiring him to repay the crime victim for losses; ordering the offender to pay his debt to society by performing community services; placing him under "house arrest" except when out earning a living for himself and his family; and putting him on strict probation. Other alternatives are also suggested.

Colson also calls for some prison reforms, including weekend sentences, separating violent and non-violent offenders, and protecting inmates against brutal acts by other inmates.

He does not consider his plan a cure-all. He is more practical than that. His publication states:

"Many earlier prison reform efforts have come to nothing, or ended up leaving offenders worse off in prison and society less safe from crime. Thus it is proper to be modest and cautious in proposing a new reform campaign."

Colson points out his plan could save money, could keep offenders employed and producing, could keep them with their families and could work in thousands of cases.

With crime increasing daily, we think the plan is worth further study and consideration.

Anchorage may get new prison

By TOM KIZZIA
Daily News reporter

2-20-83

The idea of building a new prison in Anchorage was revived last week at a meeting between Director of Corrections Roger Endell and Mayor Tony Knowles.

Endell said Saturday construction of a 250-bed facility would allow the state to retire the antiquated Third Avenue and Sixth Avenue jails.

Endell said a likely location for the new jail would be a remote site near Point Woronzof that was selected by Knowles and former Gov. Jay Hammond last year. The biggest problem with the area is poor soils that would increase the cost of a facility there, Endell said.

A proposed expansion of court office space in downtown Anchorage could include some additional pretrial jail cells, saving the cost of transporting

prisoners, Endell said.

The next new prison to come into service and help relieve overcrowding in the state system could be the Wildwood Center in Kenai, he said.

A public hearing has been scheduled for March 4 there on the idea of creating a medium-security prison at the former Air Force base, now owned by the Kenai Native Association.

Report backs prison jobs

By TOM KIZZIA
Daily News reporter

A state commission has recommended that prison inmates in Juneau take over the laundry contract for the Alaska Marine Highway System, while prisoners in Palmer should do body and fender work on state vehicles and grow their own vegetables.

But the Correctional Industries Commission decided after a public hearing Friday against a plan to have inmates do all laundry for prisons in the Anchorage Bowl. About three-quarters of the annual \$206,000 laundry bill for Anchorage area prisons is now handled by two contractors, Alaska Cleaners and Quality Cleaners, and the commission decided a switch would hurt those businesses.

The new jobs for prison inmates have been proposed under 1982 legislation designed to give inmates a chance to develop employment skills and save up "gate money" for when they are released. Alaska is the last state to establish such a program, according to prison industry manager Wally Roman.

Under a wage plan now being drawn up, prisoners would be paid between 65 cents and \$1.15 an hour for working on a voluntary basis. Some of the money could be withheld by the state for restitution of victims, reimbursement of the cost of prosecution or support of dependents.

The three new industry programs will need the approval of Director of Corrections Roger Endell, Commissioner of Administration Lisa Rudd, and Commissioner of Health and Social Services Robert Smith. "If the commission received good input from the public, that is probably the way we will go,"

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Anch. Daily News
 Anchorage may yet be site for new prison. Story, Page B-2.

Endell said Saturday.

The recommended programs could provide jobs for 34 to 52 inmates, according to staff estimates.

In coming up with ways to employ inmates, the state has been careful about competing with the private sector or taking away established contracts — at least with Alaska businesses.

The commission recommended that laundry for the ferry LeConte continue to be handled by a local Juneau laundry. However, construction of a new addition in the coming year would allow Juneau's Lemon Creek Correctional Center to take over the other 95 percent of the ferry system's dirty linen that is now washed in Prince Rupert, British Columbia, and Seattle.

At the Palmer Correctional Center, 13 acres of land are being tilled, primarily for potatoes. The commission recommended expanding that area to 20 acres this summer and producing a more varied crop of vegetables.

But the commission decided to hold off on a proposal to set up some kind of food processing, possibly a cannery, that could provide year-round food for Alaska's prisons. Further study of small-scale food processing was required, the commission said.

No body shops commented during Friday's public hearing on the proposal to do state work in Palmer, despite extensive advertising about the meeting, Roman said. Around \$70,000 a year in body and fender work is now done on state-owned and state-leased vehicles in the Anchorage region.

Seven Alaska towns want new prison

By DEBBIE REINWAND ROSE
Empire Staff Reporter

Eeny, meeny, miney, moe — where will Alaska's new prison go?

While several Alaska communities have scorned a \$45 million proposed maximum security prison, seven towns are now clammering for the facility — and the income it would bring to their areas.

To the north, both Haines and Skagway have expressed an interest in the facility, which would require a staff of 125, according to Roger Endell, director of the Division of Corrections.

About three-quarters of the staff

could be hired locally, he added.

With the outlook dim for operation of the White Pass Railroad this summer, Skagway officials, including Mayor Rand Snure, have cast an interested eye at the possibility of locating the facility in that town.

"It's something we might need to boost employment," city council member Chris Rohlf said at a council meeting this month.

However, Skagway may not have the necessary land suitable for a maximum security prison, Endell said.

Haines also has a good reason for
Continued on Page 2

Prisons...

Continued from Page 1

seeking an employment boost as the Schnabel Lumber Mill recently announced plans to close.

Communities that have said they're interested in the facility include Seward, Kenai, Palmer, Cordova, Valdez, Skagway and Haines, according to Endell. Of those, Haines, Seward and Kenai appear at first glance to be the most suitable.

To encourage construction of the facility, Haines has offered free port facilities during construction and a cheaper industrial water rate, while Seward has anted-up 100 acres, a paved road and utilities to the prison.

Although some residents in the two

Southeast towns say they'd welcome the prison, Endell has been studying locations in the Kenai area intensely, spending much of his time in the Southcentral part of the state.

Just as important as the logistic needs when considering a prison site, however, are the economic needs of the community, the prison director added.

In an effort to "work closely" with the citizens who would be impacted, Endell will make a stop in Haines Monday to talk at a town meeting.

Some Haines residents are upset at what they call a lack of communication between the public and city fathers who are anxious to get the prison to their area.

At a meeting Tuesday, several residents asked for a town vote, or poll to see whether public sentiment is

favorable to the construction of the prison.

Haines city administrator Darrell Maple, who put together the town's prison proposal, defended his open-arms offer to the state, saying he had to work under the state's time frame.

"I can't contact all 1,700 people (in Haines)," he said in the Lynn Canal News. "We have to react according to the governor's and the Legislature's time schedule."

Wherever the prison ends up, it will take two or three years before construction is complete, according to Endell, providing legislative approval is granted to the facility.

A maximum security prison has been a high priority in sessions past, is backed by Gov. Bill Sheffield, and will likely be given the go-ahead.

State prisoners in Outside jails will be coming home

By GREG GADBERRY
Daily News reporter

A Superior Court judge Friday signed a long-debated court settlement that requires the state to bring home almost 200 Alaskans in federal prisons Outside and seek funds to build a new prison here to house them.

Signed by Judge Douglas Serdahely, the settlement is part of a wide-ranging court suit filed by inmates both in and out of Alaska seeking better prison conditions.

That suit is gradually being decided after two years of on-again, off-again court battles.

Still waiting to be settled are sections of the lawsuit dealing with complaints made by in-state prisoners against the state.

Judge signs agreement calling for return of

Continued from Page A-1

The portion settled Friday had been negotiated during the Hammond administration. Assistant Attorney General Michael Stark said the Sheffield administration decided to accept it. However, Roger Endell, state corrections chief, said earlier he probably would have "chosen a different path" toward settlement with the prisoners.

Friday's 14-page agreement deals only with inmates now behind bars in more than 20 federal prisons Outside. Federal regulations allow only 200 Alaskans to be housed in federal Bureau of Prison facilities Outside. About 188 Alaskans are now in federal pris-

ons.

The settlement orders the state to remove Alaskan prisoners from federal facilities no later than Dec. 31, 1987 although inmates who wish to remain in Outside prisons may do so.

The mandate, however, hinges on the state's ability to build a prison in Alaska capable of housing 300 inmates. Funding for such an institution will be up to the legislature.

The settlement also lists a number of guidelines that the state must use for deciding how long inmates must wait before their return to Alaska.

Inmates whose lives are endangered or who have less than two years left on their

sentences must be returned to the state within 60 days of a new Alaska prison being built.

Prisoners from rural backgrounds, who have good records in federal prison or who have a "family crisis" in Alaska, also will be given priority for return to state jails.

Also included in the settlement are provisions that give inmates Outside better access to legal materials, attorneys and to the state's Parole Board.

Stark told the court the state already is making plans to send a quorum of the Parole Board to various federal prisons to meet with Alaska inmates.

state inmates now held in Outside prisons

Stark and the inmates' attorney, Charlene Lichtmann, said that some inmates opposed the settlement.

Many of them were concerned they would lose some privileges — including recreational facilities — they now enjoy in the federal system, Lichtmann said. At the same time, those inmates want treatment afforded to prisoners now in Alaska.

However, Lichtmann said a majority of those who commented on the agreement approved it.

action suit involving in-state prisoners.

The state has agreed to partial settlement with in-state prisoners, but grievances concerning medical care, rehabilitation, visitation and prison staffing are still

being debated.

Under earlier plans, Stark said, up to \$9 million would be needed to alleviate those grievances. The Sheffield administration, however, hopes to make those changes for much less money, he said.

While the new state administration has accepted the settlement for federal prisoners, Stark said several points are still to be decided on a class

the back page

Palmer inmates complain

By ED TRUITT
Daily News correspondent

PALMER — Boredom and frustration provoked five weekend escapes from medium and minimum security units at the Palmer Correctional Center, other inmates said Monday.

"People like to paint this place as a country club," said one member of the medium security unit's inmate council. "They point to the pool table, the TVs, gym and ping pong table and say we have it easy, but you can only play so much pool a day, and there's 100 guys and one table.

"There are only about 60 jobs for a population of about 278 in both units, no rehabili-

tation, and not much education, few activities. It's not much to get you ready to go back Outside."

At a meeting Monday night, jail superintendent Stan Zaborac told the inmates about changes in jail supervision, including the addition of a correctional officer in every 20-man dormitory 24 hours a day. Zaborac said the changes had been requested since the new unit opened in April, 1981.

"But there's no doubt five escapes in one weekend speeded things up a bit," he said.

Additional money and staff shaken loose from the Department of Corrections on Sun-

day will enable some positive changes, such as the long-delayed opening of a prison craft shop now expected next week, Zaborac promised.

The inmates saw placing officers in each dorm as a positive step, offering them more access to the staff, although the move was designed to tighten security, one inmate said.

Inmates at the meeting on Monday asked not to be identified.

"What about more counselors?" another inmate asked, pointing out that there are only four counselors and one psychologist serving both prisons. In the minimum security unit, they have case-

Anchorage Daily News

Tuesday, January 25, 1983

a-16

of boredom, frustration

loads of 140 each.

Zaborac couldn't promise more trained counselors, but said three more probation officers were being hired to work in the prison.

Inmate complaints Monday night ranged from the usual gripes — poor food and a lumpy pool table — to questions of why grievances were not pursued and shortcomings in educational programs.

"Sure, there's a lot of little stuff," said another inmate. "But it piles up and piles up, and nothing is ever done about it. You file grievances, you run it through the inmate council and get the big 'okey dokey' on it from the administration, and nothing is ever

done. Even the littlest things take months," explained another council member.

The new security classification system being tried by the Palmer Correctional Center in the past month was probably another frustration leading to the escapes, a friend of one of escapee said.

Instead of going before a three-member review board to decide whether a prisoner can move to minimum security or a halfway house, the new method applies a point system that rates everything from prior criminal records to psychological adjustment.

The problem, the inmate said, is that the point system arbitrarily penalizes inmates

with longer sentences or juvenile records while virtually ignoring any real progress he might have made.

Zaborac agreed the point system has caused some discontent, but argued it is more objective and fair than the committee system. "They're being judged by the same criteria, but now they know what the criteria are," he said.

Administrators also have been frustrated with the lack of progress, Zaborac said. "With only enough staff to provide minimal security, we haven't been able to do things like job training that eats up staff time."

12/9/82

Lawyer leery of prison pact

by Beth Barrett
Times Writer

Some Third Avenue jail inmates are protesting a proposed state settlement with Alaska's prisoners, saying implementation may take too long, Anchorage lawyer Timothy Stearns said today.

But Stearns, who represents the state inmates in seven Alaskan institutions, said today he intends to recommend court approval of the partial agreement worked out last month with the state. He said he has received more than 40 prisoner responses to the agreement, and "most indicated approval."

Superior Judge Douglas Serdahely today at 3 p.m. is to review the state inmates' comments and may sign the proposed agreement.

According to Stearns, some of the about 100 prisoners in the Third Avenue jail argued it could take months under the settlement to upgrade the living conditions in their downtown facility. Described by Stearns as "one of the worst institutions in the state," he said the problems there range from overcrowding, to faulty heating, lighting and ventilation systems.

Stearns said he will emphasize

the complaints of the Third Avenue jail inmates — primarily felons awaiting sentencing — and will urge repairs and other improvements be made there quickly.

The lawsuit against the state was filed by Stearns on behalf of the state's prison population over a year ago. It included allegations of overcrowding, poor living conditions and inadequate medical care. The court subsequently ordered the negotiation with the state of a settlement.

But only a partial settlement was worked out last month, with over \$6 million in programs and staff still to be agreed upon, said a Division of Corrections official Wednesday.

Those items were left out, because state officials agreed Gov. Bill Sheffield's administration should make the new policy decisions, according to assistant attorney general Michael Stark, who represents the Division of Corrections.

One of the most controversial, unresolved issues is medical care, Stearns said.

Among the other "big money"

programs yet to be resolved are psychological counseling for inmates and other rehabilitative services, Stearns said.

It's uncertain when those questions — about 15 percent of the settlement, according to Stark — will be addressed.

The partial settlement, if signed by Serdahely today, would force the state to continue its efforts to decrease overcrowding in Alaskan jails.

The Divisor of Corrections already is seeding about \$119 million from the state Legislature next year to build several jail facilities.

They include a 300-bed maximum-security prison, possibly near Sutton, north of Palmer. It is to be built by 1985, with another 100-bed wing added in 1987. A 250-bed medium-security jail in an Anchorage setting. An 80-bed pre-trial detention facility in Fairbanks. A 50-bed pre-trial holding facility in Juneau. Additional jail space — up to 216 beds — in a new pre-trial institution on Post Road in Anchorage.

Jail populations also would be reduced by expanding alternatives to arrest and confinement in appropriate cases.

The settlement also calls for more rehabilitative programs, including high school and college courses, counseling programs, and employment training.

State inmates would rather stay in jail

by Jeff Berliner
Times Writer

11/2/83

About 150 state prison inmates eligible for parole haven't asked for it.

The state would like them to, because parole is one way to make room in the crowded jails, which now hold 200 more inmates than they can handle.

The state parole board, at the request of a task force that was headed by current corrections chief Roger Endell, has begun interviewing all 150 parole-eligible inmates to find prisoners who can legally be set free and relieve the overcrowding.

However, the board cannot order the early release of a prisoner who does not request parole. And parole officials are trying to discover why inmates are not seeking release on parole as soon as they become eligible, said parole board executive director Sam Trivette. Those who are eligible for parole are being encouraged to

apply, he said.

Trivette said Endell's recommended evaluation now is about two-thirds complete. About 90 inmates have been interviewed and the rest will be contacted by the end of the month, he said.

What the board is finding, Trivette said, is that inmates distrust the parole board and misunderstand parole policies. Also, many inmates would rather serve their time in jail and get out unconditionally than be released early under the conditions of parole.

"I would rather 'flat my time' than go out on conditions," one inmate said, meaning that he will pass up parole — and all the rules that go with it — for a later but unconditional release.

"Supervision of parole is worse in this state," another convict said. "There is no leeway to live a normal kind of life. They can violate you on a whim and send you back to jail. I can't move, I can't change

See Parole, page A-4

Parole

However, most state jail inmates have shorter terms to serve and Trivette said an average parole-eligible inmate might be

Officers said telephone talks between Sanders and the friend, identified only as "George," began about 6:30 a.m. and was "the most promising development" since the standoff began.

Rifle-toting tactical squad officers were seen on the elementary school's roof and crouched behind trees and police cars.

Sanders was described by his wife as "a very religious person" who believed the world was coming to an end.

Police said Sanders has a history of mental problems.

Sanders' wife, Dorothy, said her husband had been treated for a mental disorder for the past eight years and that the strain of being out of work was an added burden.

She said her husband had not left the house since late last week. "He has been shut in since Friday," she said. "He said he was waiting for the world to come to an end."

Schwilke was reported in serious but stable condition at a nearby hospital.

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State may be bound to inmate suit pact

By TOM KIZZIA
Daily News reporter

1/7/53

The state has already signed a partial settlement of a lawsuit filed by prison inmates and may be legally bound to it, even though Roger Endell, the new Director of Corrections, wants to scrap the agreement.

Superior Court Judge Douglas Serdahely on Thursday postponed the effective date of the partial agreement until Jan. 21. It had been scheduled to go into effect today, but the state had asked for a delay in the face of mounting opposition from within the Sheffield administration.

At the Jan. 21 hearing, Serdahely will rule on the inmates' contention that the Sheffield administration can't back out of the agreement.

Attorney Timothy Stearns, who is representing the inmates, said he might be willing to agree to change some deadlines on the partial agreement, which covers such areas as prisoner exercise and access to legal materials. But he said the attorney general's office had signed the partial agreement and should stick to it.

Assistant Attorney General Mike Stark said the state may technically be bound by the agreement, but added that without support from the administration and the legislature, any agreement would be meaningless.

"It can't be dealt with in isolation as a legal question," Stark said. "It is also a human and political problem."

In October, the state backed out of a wider settlement, deciding to withhold commitment to costly items until the legislature agreed. Stark then worked with Stearns to come up with a partial agreement.

Final action on the agreement was extended 30 days in December so the Sheffield administration could review the agreement.

This week, however, a Sheffield task force on corrections headed by Endell recommended that even the partial agreement be scrapped.

Endell, who was appointed Thursday as the new director of corrections, said members of the task force were "shocked by some of the commitments in the proposed agreement." He cited as examples the need to hire law librarians for prisoners and to provide inmates in isolation with jogging or bicycling machines for exercise.

Panel advises no settlement

By TOM KIZZIA
Daily News reporter

The state should abandon efforts to settle a class-action suit over prison conditions and slug it out with inmates in court instead, a state corrections task force has recommended.

The task force also is urging Gov. Bill Sheffield to give up efforts to build a modular jail at Point Woronzof in Anchorage. Task force chairman Roger Endell said it would be cheaper and more efficient to purchase existing facilities in the Kenai Peninsula and the Matanuska-Susitna boroughs and convert them into 100-bed prisons.

The task force made no specific site recommendations, but Endell, a professor at the University of Alaska, Anchorage Criminal Justice Center, said the two proposed facilities could be opened with modular units in six months to a year.

Sites that have been considered by the Division of Corrections include the former missile site at Goose Bay north of Knik Arm, the Wildwood Center in Kenai and Ohlson Mountain in Homer.

Attorneys for prisoners and the state have worked for months on a pretrial partial settlement of the so-called Cleary suit against prison conditions, and final hearings are scheduled in Superior Court for late next week.

"There are problem areas, but they are manageable and don't require court action," Endell said. "We were shocked by some of the commitments in the proposed agreement."

Endell cited as examples the requirement to hire law librarians for prisoners and to provide prisoners in isolation with jogging or bicycling machines for exercise. "We seriously doubted if these were constitutional issues," he said.

The task force also recommended temporarily keeping several jails open that the state had been eager to close. Among the specific changes proposed:

- The new Cook Inlet Pretrial Facility on Post Road should not open until staff are fully trained. With the jails bursting, corrections had planned to open the new jail as soon as Feb. 1, housing low-risk prisoners there while

Anchorage Daily News Wednesday, January 5, 1983

on prisoners' suit

staff were being trained.

- Ridgeview Correctional Center on Old Seward Highway should not be abandoned when the new jail opens. Instead, the old jail should be studied for conversion into a halfway house or a facility for low-risk short-term or pretrial prisoners.

- Mentally disturbed offenders should remain at Alaska Psychiatric Institute until a special unit can be designed either at API or within a prison. They should remain under control of the Division of Mental Health.

- The new Meadow Creek Correctional Center for women in Eagle River should be expanded with a less expensive design. The task force called the center "an example of architectural extravagance where simplicity and a more spartan environment would have sufficed."

- Plans for building new jails in Nome and Bethel should move ahead "as quickly as possible." The task force said that funds already allocated for a Bethel jail "have deteriorated in value due to mismanagement of site selection and building design delays."

- Like other existing facilities, the Third Avenue Jail in Anchorage should remain in use until more prison space is built.

- The Careage House in Anchorage, which holds drunken driving offenders, should be used instead as headquarters for the state's prison system.

Under the proposed partial settlement of the Cleary suit, the state had agreed to close the Third Avenue Jail in 18 months rather than spend up to \$4.5 million to bring it up to fire code. The state offered in the meantime to assume liability for the facility, which had been condemned by the city fire marshal.

Endell said the specific fire code problems had not been addressed by the task force, but expressed optimism about keeping the 28-year-old jail open.

The task force also recommended construction of a maximum-security facility in Alaska and elevating corrections to departmental status.

Endell predicted Sheffield would take action on the report within a week.

Partial settlement of jail suit OK'd

By TONI KIZZIA
Daily News reporter

The on-again, off-again attempts to resolve a lawsuit against prison conditions in Alaska was back on Friday, as the Sheffield administration agreed to a partial settlement.

The agreement, signed by Superior Court Judge Douglas Serdahely, immediately changes disciplinary procedures for prisoners. Beginning Monday, some prisoners will be given better opportunities for recreation, telephone calls and access to legal advice.

The agreement also commits the state to bringing Serdahely a plan for relieving overcrowding in state jails, which officials said are now receiving additional prisoners at the rate of 180 a year.

But portions of the agreement that

could be expensive for the state have been dropped. Sheffield administration officials indicated Friday they will either work out new agreements in these areas with the backing of the legislature or take the issues to court.

Tim Stearns, attorney for the prisoners, said the agreement would mean greater emphasis in the jails on rehabilitation and training, "so the public will be safer when the prisoner gets out than when he went in."

"I would have probably chosen a different path toward settlement had I been in charge from the start," said Roger Endell, head of Sheffield's newly created Department of Corrections. But he said a few last-minute changes made the partial settlement acceptable.

Endell also said Friday he was not

interested in putting a prison at a former pipeline camp at Isabel Pass, a location he described as "one of the most remote sites we could possibly consider." Endell said support services essential to prison operation would make it necessary to keep a prison nearer to population centers.

An effort to have the state buy the Isabel Pass camp in 1981 resulted in misdemeanor conflict-of-interest charges against former state Sen. Ed Dankworth, and Thursday another appropriation bill to buy the camp was introduced in the state legislature.

Serdahely postponed until Feb. 4 a final hearing on a portion of the prisoner class-action suit that could require the

See Page B-2, PRISON

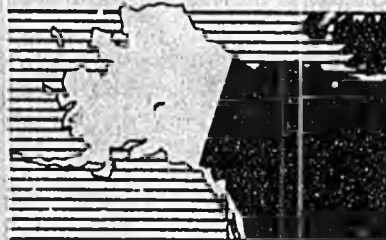
Prison suit partial settlement approved

Continued from Page B-1

state to bring 188 Alaska prisoners back from federal prisons in the Lower 48. The agreement, worked out with the administration of former Gov. Jay Hammond, would require only that the administration urge the legislature to provide funding for a maximum security prison here.

A number of prisoner requests in the class-action suit against the state corrections system remain unsettled, including development of new rehabilitation programs, longer visiting hours, and more reliable transportation to outside medical appointments.

A large area which may have to be fought out in court concerns improving medical care in the institutions. A consultant's report prepared last year concluded that Alas-



ka would have to spend \$1 million more on medical care every year to meet minimum standards for prisoner care set by the American Medical Association, the American Ear Association, and the American Correctional Association.

Under Friday's partial settlement, prisoners will no longer be locked away in solitary for petty offenses, while punishment for more serious infractions may increase. "The new agreement means more discretion for officials

and more fairness for prisoners," said assistant attorney general Mike Stark.

The agreement will require compliance officers in each jail whose sole responsibility, at least for a few months, will be to see that the agreement is lived up to. Attorneys said this provision was one of the few that would require extra funding from the legislature.

Endell initially recommended rejecting the proposed settlement, but concluded he had to accept it because the Hammond administration had signed off on it. Among the minor changes added this week, the right of prisoners to specific exercise equipment was made more general, and their right to a specific number of phone calls per week was changed to provide for a specific number of hours of phone access.

WEDNESDAY, FEBRUARY 2, 1983

Prisons officials admit cover-up

Evening Times

by Jeff Berliner
Times Writer

State Department of Corrections lawyer Michael Stark and assistant director of corrections Terrence Corey allegedly violated court rules last week when they sought to increase court-imposed limits on inmate populations and then concealed what they had done.

In an interview, Stark acknowledged that what he and Corey did was "improper," and stated he will have to figure out how to explain it at a Friday court hearing where a judge will be asked to find Stark in contempt of court.

In acknowledging that he may

have broken the rules of civil procedure, Stark said he apologized to state Superior Court Judge Victor Carlson and then reprimanded Corey for his actions.

What happened is not in dispute:

Last Wednesday, Corey called Carlson and asked him to lift the court-ordered 100-inmate limit at the Sixth Avenue jail. Corey told Carlson it was an emergency. Carlson granted the request and issued an order lifting the ceiling to 115 inmates.

Neither Stark, an assistant attorney general, nor inmate attorney Timothy Stearns was notified.

After receiving Carlson's order, Corey told Stark what he had done. Stark told Corey he had acted "improperly" and "in a pending action he should notify me."

Carlson said he expected Stark to notify Stearns since he represents the inmates. Stark conceded that he failed to notify the other parties.

Two days after the order was issued Friday, Stark called Stearns and told him that jails were overcrowded and he wanted to raise a 65-person limit at the Third Avenue jail. Stark said corrections needed about 18 more beds beyond the court-ordered limits. Stearns

agreed — not knowing what Stark knew: that corrections had already gotten the extra jail beds it needed.

Only after Stearns agreed to lift the inmate population ceiling at Third Avenue did he learn that corrections already had obtained the extra beds.

Stark received permission to raise the number of inmates housed at Third Avenue from Judge Douglas Serdahely. Carlson and Serdahely were unaware of each other's orders.

In papers filed in court Tuesday, Stearns charged that Stark used "fraudulent concealment and

deceit" to get a court order to increase the inmate population at Third Avenue jail by concealing the earlier order to raise prison population at the Sixth Avenue jail.

In the affidavit, Stearns said "Mr. Stark advised me that he would not tell me about Judge Carlson's order during any of our telephonic conversations on January 28, 1983 because he feared Judge Carlson would not agree to increase the inmate population at the Third Avenue correctional center. Mr. Stark clearly and apologetically indicated that he was aware of the order to increase the inmate population at the Third Avenue jail."

See Cover-up, page 4

Cover-up

(Continued from page A-1)

Judge Carlson's order at the time ... and conceded that he withheld this information from me."

Stearns now wants Judge Serdahely to rescind Stark's motion to increase Third Avenue jail population because Stark obtained the motion by "fraud." Stearns also asked the court to find Stark in contempt, to fine him \$500 plus attorney's fees and to impose "other appropriate sanctions."

"I'm surprised Stearns wasn't informed by Stark. I probably should have notified him of my order," Carlson said, adding, "I guess Judge Serdahely will have to

sort that out."

After learning what happened, Carlson said he thought Stearns and Stark "have just cause" to be angry with Corey and that Stearns has reason to be upset with Stark.

When asked why he tried to secure double the number of inmate beds and keep it a secret from the inmates' lawyer and the court, Stark replied, "That's a good question. I'm going to have to think about it."

But today, in a follow-up interview, Stark said he expected the Friday court hearing to be canceled because corrections decided to drop plans to raise the inmate population at Third Avenue. He said furnace problems at the jail prevented moving in more inmates.

Jail escapes lead to state of 'emergency'

by Jeff Berliner
and Al Campbell
Times Writers

Sutton — A state of emergency was declared Sunday at the Palmer Correctional Center after five inmates escaped in two separate incidents Saturday.

All five escapees are now back in custody and face additional charges of escape.

Following a meeting Sunday between prison superintendent Stanley Zaborac and the state's assistant director of corrections, Ted Corey, an emergency was declared and security was beefed up.

The emergency order calls for all 40 correctional officers to work mandatory overtime until new security staff can be hired. And a 24-hour guard will be placed in each of the 20-man housing units at the prison for the first time.

Zaborac said "emergency" funds are being sought to hire a dozen new guards immediately.

The 24-hour guard in each prison housing unit is something Zaborac said he has sought for some time, and Corey authorized it Sunday.

"We're getting a jump on emergency funding requests we have in the mill," Zaborac said.

Other security measures also are being considered, including a fence around the minimum security section of the prison. Construction of a second fence around the prison's medium security wing has halted because the money has run out, he said. An alarm system at the prison should be complete by April. And a new mandatory head count policy is in effect.

Zaborac said he has increased the number of people on each shift from eight to 13. He said Corey promised to lend the prison more staff from other institutions by the end of the week if necessary.

The prison — designed to hold 205 inmates — now has 242 prisoners, 142 of them in minimum security.

The beefed up security at the prison has resulted in "noticeable changes," according to inmates.

Four of the five escapees are now at the Sixth Avenue jail while the fifth, David Williams, 30, is under guard at Humana Hospital Alaska in serious condition after crashing a stolen getaway car in a high-speed chase Saturday.

Williams was serving a 390-day sentence for resisting arrest and several traffic violations, and had an April release date.

Steven Wassen, 22, and Lawrence Prokopiou, 19, escaped with Williams Saturday morning from the unfenced minimum security area. Wassen was serving seven years for criminal trespass and Prokopiou was serving six years for burglary and theft but had a July parole release set.

Later Saturday, two inmates prised a fence apart and fled from the medium security section. John Voisin, 20, and Valance Clark, 19, were captured early Sunday, apparently heading home to Fairbanks, when they were caught at Sheep Creek less than four hours after they cut their way through the fence at the Palmer Corrections Center here.

Voisin was serving two years
See Escapes, page A-4

BRIM FROST

along with thousands of other Army, Air Force and National Guard troops, are undergoing cold weather training in Brim Frost '83.

Norris Klesman of The Times

to limit spending

treasury. The 'no tomorrow' philosophy has prevailed for too long in Alaska," he said.

"I'm moving as fast as I can to cut back on the growth of the state

manent fund dividend budget." Of that total, \$140 million would be revenue sharing money for local governments.

This budget would be fueled by

Opec has
investors
in jitters

Delay ordered in settlement of prisoner suit

By TOM KIZZIA
Daily News reporter

The conclusion of a settlement between the state and prisoners has been delayed for a month to allow the Sheffield administration a chance to review the agreement.

The delay was ordered Thursday by Superior Court Judge Douglas Serdahely at the request of Assistant Attorney General Mike Stark. Timothy Stearns, attorney for the prisoners, said he was "real upset" by the postponement, because it meant a delay in prison reforms, including changes to existing

disciplinary procedures that Stearns called unconstitutional.

Comments on the proposed settlement from the prisoners who are party to the class-action suit against the state prison system have been positive, Stearns said, except for prisoners at the Third Avenue Jail. Prisoners there were nearly 4-to-1 against approval of the settlement. They complained that the language was too vague and gave the state Division of Corrections too much latitude to skirt the agreement, according to Stearns.

The state already has backed out of a wider agreement, leaving major cost items in the

suit to be decided by the new administration.

Under Thursday's decision, the state will have until Jan. 7 to review the proposed partial settlement. Serdahely may sign the agreement at a Jan. 14 hearing.

A separate portion of the suit, involving state prisoners held in federal institutions in the Lower 48, may be resolved when the judge hears comments from the prisoners on Jan. 13. Early comments from the prisoners in federal jails mostly opposed the proposed agreement, complaining that it pinned too much on hopes that the state legislature would be willing to pay for new prisons.

City ombudsman says recall petition legal

By **KARIN DAVIES**
Daily News reporter

A recall petition against Anchorage Assemblyman Gerry O'Connor should have gone to a vote of Eagle River residents, the municipal ombudsman said Friday.

The petition was recently invalidated by municipal clerk Ruby Smith, who said the document cited insufficient grounds for recalling the Eagle River representative.

Ombudsman Wayne Mabry said state law does not allow the municipal clerk to reject a recall petition for such reasons. He added, however, the only way for petitioner Tom Staudenmaier to reverse the clerk's decision is to challenge it in court.

See Page B-2, RECALL

Recall

Continued from Page B-1

In response to a complaint filed by Staudenmaier, Mabry urged the Alaska Legislature to revise state law to clarify the rules on recall petitions.

O'Connor said he is prepared to stand for a recall ballot. "I'm ready to have at it," He said he plans to run for re-election this fall.

Staudenmaier, chairman of the Alaska Conservative Political Action Committee, gathered 509 signatures on a petition that claimed O'Connor's support of a 34 percent increase in the municipal tax rate qualifies as proof of incompetence and failure to perform in office. Both are grounds for recall under state law.

Smith rejected the petition, saying the way an assembly member votes on a municipal budget "does not constitute incompetence or failure to perform prescribed duties."

Although he said the petition should have gone to a vote of Eagle River residents, Mabry said "the recall effort was premature if based on a municipal tax increase" because the budget does not automatically raise taxes. Mill rates are set by the assembly in the spring.

Staudenmaier could not be reached Friday for comment.

Doing time in comfort

Arch News 2/13

THE NEW LAW in California calling for mandatory 48-hour jail sentences for drunk drivers has led to an overflow of prisoners. Alaska has a similar problem with its 72-hour sentence requirement.

Los Angeles is handling some of its prisoners in a unique way by allowing them to serve their time in community jails in nearby Redondo Beach and Torrance, where conditions are considered much better than in the county jail.

THERE'S A HITCH. The inmates must pay for the privilege — \$75 a night — so the towns' taxpayers won't be burdened financially. Those who have served their 48 hours in the community jails say it's worth the money. Redondo is booked on weekends through May.

In the county jail prisoners have to share cells with four or five other people and associate with hard-core criminals. In the town jails they have private cells and are kept away from other inmates.

California also plans to erect some tent cities this spring to accommodate these

drunk drivers, presumably the ones who either will not or cannot pay the tab for better conditions.

ALASKA corrections officials could get some ideas from California's approach to the overcrowded jails. Drunk drivers generally are not a menace to society except when they are behind the steering wheel. Doing their three days in a super-secure, \$100,000 cell is just not necessary. A tent city ringed by a chain-link fence with some barbed wire on top could well be the answer here, for part of the year at least.

The state could buy or lease an old hotel and make it reasonably secure. First-conviction drunk drivers could be given the option of serving their time there if they were willing to pay a per-night charge for it. The charge would help defray the cost of upkeep.

The expensive cells should be saved for the prisoners who must be kept away from society. Elite jails could serve only a small segment of the prison population, but enough to relieve the terrible overcrowding that now exists.

Professor has 2 roles in jail study

5-21-83

By BETSY BRENNEMAN
Daily News reporter

JUNEAU — A University of Alaska professor trying to persuade the legislature that the town of Anderson is the best site for a new maximum-security prison also is being paid by the legislature to study the state prison system.

Dr. Gary Copus, assistant professor of criminal justice at the University of Alaska-Fairbanks, was awarded a \$22,000 contract by Sen. Don Bennett, R-Fairbanks, to study the state prison system. The contract was awarded without competitive bidding.

The contract runs from March 1 until the end of the year, and Copus will be paid a \$15,000 fee and \$7,000 for expenses by the Senate Advisory Council, which does research for the Senate leadership.

Earlier this year, Copus was paid \$75 an hour by the city of Anderson to study the potential of Anderson as a maximum-security prison site. He presented the study while actively pressing the case for Anderson during recent legislative hearings.

Anderson City Manager Vern McCorkle also said the city has paid for some of

See Back Page, PROFESSOR

Professor has 2 roles in study

Continued from Page A-1

Copus' expenses to help argue its case while Copus is in Juneau.

McCorkle maintains Copus is not a paid lobbyist, but merely is available to provide backup on the technical aspects of Anderson's qualifications as a prison site. Copus keeps both projects separated and hasn't talked to McCorkle about his legislative contract, McCorkle said. "He's got pretty high ideals and standards."

Anderson is about 80 miles southwest of Fairbanks.

Bennett said Copus had been hired to gather information about the workings of the state correctional system, because "we're not happy with the prison system, the way it is now."

The Fairbanks lawmaker cited overcrowding, misclassification of prisoners and the pending Cleary case settlement — a class action suit brought by inmates against the state — as problems the legislature needs to know more about.

Bennett added there is no need to solicit proposals for contracts less than \$25,000 and said very few people in

the state have expertise in the field of corrections.

He said he saw no problem with Copus being paid to lobby by the legislature at the same time the legislature has him under contract. The legislative study is about conditions in the prisons and has nothing to do with facility sites, Bennett said.

However, state corrections director Roger Endell is concerned about Copus' dual role. The Division of Corrections is willing to cooperate with the legislature on its research project, Endell said, but he's worried about perceptions that the division might be involved in questionable interaction with Copus.

"If there is a question, it needs to be clarified right now, because I don't want any part of it," Endell said.

Copus could not be reached for comment Friday.

At least seven communities are being considered as possible sites for a new 400-bed, \$45 million state facility for prisoners sentenced to serve an average of five years or longer.

A number of bills have been introduced favoring one site over another.

City council, residents want proposed prison to be built in Seward

By **RONNIE CHAPPELL**

Daily News correspondent

SEWARD — The Seward City Council unanimously has agreed to ask the Division of Corrections to locate the state's first maximum-security prison in this Resurrection Bay community.

Almost 100 people turned out for a special meeting Monday at which the vote was taken, said City Manager Ron Garzini.

"People were overwhelmingly positive," Garzini said. "Only two people expressed reservations about the prison, and no one said they were opposed to it."

Garzini said letters advising Gov. Bill Sheffield, Corrections Chief Roger Endell and legislators of the council vote, were mailed Tuesday.

Wally Roman, who represented the Division of Corrections at the council meeting, was surprised by the public response, Garzini said.

Garzini, too, was surprised by the degree of support. "I had expected some negative comment," he said.

Seward wants the state to build the proposed \$40 million prison on city-owned land next to the Fourth of July Creek Marine Industrial Park. Electric transmission lines run to the site, which also has road access.

"We've offered to provide them that ground for as long as the state continues to operate a prison there," Garzini said.

Seward has even offered to supervise construction of the prison for the state. Under the plan, the state would still underwrite the cost of the facility, but the city would assume responsibility for getting the job done.

"To my knowledge, we're the first community in the state to go through this exercise," Garzini said. "We're optimistic. We're the best possible site for a maximum-security prison."

"It's my understanding that the Sutton site is mostly muskeg," he said.

A number of Alaska communities are competing for the proposed prison. Although opinion in Sutton is divided, other Matanuska-Susitna Valley communities would like to see the prison built there. Cordova, Haines and Kenai have also expressed interest in having the facility.

Palmer-area prison OK'd

Associated Press

5-11-83
TIMES
Juneau — A bill requiring that Alaska's proposed \$45 million maximum-security prison be situated in the Palmer-Sutton area cleared the Senate Finance Committee today.

The committee, acting at the request of lawmakers from the Delta area, amended the measure to provide that if Alaska built a second maximum-security jail, it would be located in Anderson.

The bill is sponsored by Senate President, Jay Kerttula, D-Palmer.

Approval came amid an active lobbying campaign on the part of several Alaska communities to win the prison facility with its promise of scores of jobs.

See Panel, page A-5

Panel approves site

Continued from page A-1

Sen. Joe Josephson, D-Anchorage, defended the measure as justified by two studies that he said found the Palmer-Sutton area to be a good location.

He also criticized recent comments by Corrections Director Roger Endell that the legislature should stay out of the question of siting for the prison. Endell argued that it should not be a political decision, and said if it were to be located in the Mat-Su Valley, a better location would be at an abandoned missile site at Goose Bay.

Josephson said the decision is

a political one by the Sheffield administration as much as it is by the legislature.

Democratic Sen. Pappy Moss and Republican Rep. Dick Shultz, both of Delta Junction, persuaded addition of the Anderson amendment, although it was pointed out that it wouldn't necessarily bind future legislators.

The Sheffield administration has proposed a fiscal 1984 appropriation of \$3.6 million for the prison, which wouldn't be completed for several years. Alaska does not have a maximum-security prison and sends its convicted felons to federal penitentiaries.

MESSAGE #5769 JUDY/MATSU 4/5/83

TO: ALL LEGISLATORS

FROM: JOHN BOZINOFF
P.O. BOX 414
WASILLA. 99687 PH. 376-5746

RE: LOCATION OF PENAL INSTITUTION

PUTTING A PRISON IN OR NEAR A RESIDENTIAL AREA SUCH AS SUTTON, PALMER, OR WASILLA IS TO CONDEMN THOSE RESIDENTS TO THE VIOLENCE THAT THE PRISONERS WERE CONVICTED OF. THE STATE'S ABILITY TO PROTECT ITS CITIZENS IS INDEED DISMAL.

*Judiciary
Referral*