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Litigation Regarding State Prison Conditions

Beyond ethical questions regarding just and humane treatment of those institutionalized, prison overcrowding can present significant legal problems for state governments. Since 1981, 29 states have had court orders rendered pertaining to prison overcrowding and inadequate living conditions for prisoners. States are particularly concerned that the outcome of litigation will be federal preemption of the states' criminal justice authority.

In Alaska, issues regarding the quality of care and the general standard of living readily available for prisoners have resulted in several court suits. In Mosely v. Beirne, a class action suit that was filed in 1976, plaintiffs charged that conditions in the Anchorage Sixth Avenue Annex violated their constitutional rights.¹⁹ The final order of the Third Judicial District of the Alaska Superior Court pertaining to Mosely established a population limit for the Annex and specified changes to be implemented in prison operations, prisoners' communication and general well-being, which would be required in order to make the facility constitutionally acceptable. In response to this and a separate suit, Thomas v. Williamson, the Division of Adult Corrections made a number of improvements including increased staffing levels of correctional officers and decreased prison populations.²⁰

Perhaps of greatest significance to Alaska's correctional policies is Cleary v. Beirne, a class action suit filed in 1981.²¹ Plaintiffs have charged that Alaskan prisoners residing within State facilities as well as those state inmates housed in federal prisons outside Alaska have been deprived of a number of constitutional and statutory rights. The case has been set for trial in the Third Judicial District of the Superior Court for the State of Alaska in June 1983. State representatives and the plaintiffs' attorneys have negotiated and signed a partial settlement. The second part of Cleary, which pertains to major issues such as prisoner education and medical treatment, has not been resolved.

The problem of overcrowding is central to the charges brought on behalf of in-state prisoners and detainees. Attorneys for the plaintiffs note that research funded by the National Institute of Law Enforcement and Criminal Justice, the Law Enforcement Assistance Administration, and the U.S. Department of Justice have indicated a relationship between "increased death rates, increased suicide rates, increased inmate assaults and inmate killings, increases in self-mutilations, increases in stress-

¹⁹ Mosely v. Beirne, Case No. 76-1899.

²⁰ Thomas v. Williamson, Case No. 77-8670.

²¹ Cleary v. Beirne, Case No. 3AN-81-5274 Civil.

related illnesses and psychiatric commitments in correctional institutions to crowding too many prisoners into too small a space."²²

Under the partial settlement agreement reached in the Cleary case, the State will be required to submit a plan to the court that specifies corrective actions concerning prison overcrowding. The partial settlement establishes the following framework for the State in its reduction of overcrowding:

- Reduce overcrowding, particularly of the pretrial population through arraignment and bail procedure modifications;
- Reduce the pretrial offender's length of stay;
- Expand alternatives to arrest and confinement for appropriate cases through diversion, community service sentences, probation, community release, and furlough programs;
- Involve the judiciary in overseeing population levels;
- Improve correctional management techniques (i.e., classification, information systems, procedures);
- Continue to build or locate appropriate facilities to house prisoners;
- Continue placement for some inmates on a short-term basis within the Federal Bureau of Prisons;
- Modify good-time legislation;
- Seek gubernatorial action through executive clemency and/or emergency crowding legislation.²³

Overcrowding in Alaska's institutions is the result of a number of factors including changes in State laws. For example, the implementation of presumptive sentencing--where specific sentence terms are established by statute--has extended the average length of time that a prisoner is confined in prison. Similarly, an increase in court filings has resulted in a corresponding increase in the number of people held in custody. Other policies, such as three-day mandatory jail sentence for individuals convicted of driving a motor vehicle while intoxicated have bolstered the state's incarceration rate.²⁴ Alaska currently

²² Cleary v. Beirne, Partial Settlement Agreement and Order as to Subclasses "A" and "B," Case No. 3AN-81-5274 Civil.

²³ Ibid.

²⁴ The incarceration rate is defined as the number of people confined per 100,000 civilians.

OVERVIEW OF THE PROBLEM

has the second highest rate of incarceration in the nation. Between 1971 and 1980, Alaska experienced a 143 percent increase in its incarceration rate.²⁵

Former Attorney General, Wilson Condon, maintains that much of the growth in prison populations is attributable to a "dramatic increase in the sentenced felon population," many of whom Mr. Condon defines as serious and violent felons.²⁶ In part, this is the result of a recent trend toward stricter sentencing. A report prepared by the Alaska Judicial Council found that the increase in Alaska's prison population during 1980 and 1981 was a result of significant increases in felony sentences that were issued between 1977 and 1978.²⁷

Whether or not Alaska's prison populations will continue to increase is largely contingent upon the endurance of these general trends. National forecasters have predicted that the tremendous growth rate in prison populations seen during the 1970s will begin to decline in many states in the coming years.²⁸ They base their predictions on a number of factors including anticipated changes in governmental policies and a gradual decline in the size of the nation's population that is between the ages of 18 and 30.

A PROFILE OF PRISONERS IN ALASKA

In March of 1982, the Division published the results of surveys conducted over the previous two and one-half years. From these surveys, the Division computed average prisoner population characteristics.

Two-thirds of all inmates within the state are 30 years old or younger; nine out of ten inmates are 40 years old or younger. About half the inmates are caucasian, 35 percent are Alaska Native, 8 percent are black, and 6 percent are classified as other. Eighty-four percent of the inmates had lived in the state at least three years before they were arrested; 8 percent had lived in Alaska for less than a year.²⁹

²⁵ Leah Brumer, Western Governors' Conference, Preliminary Report to the Western Governors' Conference, "The Stresses on State Correctional Systems: Major Issues and Potential Policy Directions," 1981, p. 41, (hereafter cited as Preliminary Report Western Governors' Conference).

²⁶ Alaska Office of the Attorney General, Memorandum to the File from Wilson L. Condon, Attorney General, "Analysis of Corrections Population Projections," November 23, 1982.

²⁷ Alaska Judicial Council, Alaska Felony Sentences: 1980, December 1982, (hereafter cited as Alaska Felony Sentences: 1980).

²⁸ American Prisons and Jails

²⁹ Alaska Department of Health and Social Services, Division of Adult Corrections. Analysis of Prison Population, March 1982.

The majority of the in-state inmates were incarcerated for offenses against the person, which include such classes of crime as murder, sexual assault, robbery, and assault. However, the single most common class of crime for which in-state inmates are incarcerated is property crime, accounting for about one-quarter of the State's prisoners. Over 60 percent of the in-state prisoners had no prior institutional experience and 86 percent were held or sentenced on felony charges.³⁰

The State's prisoners held in the Federal Bureau of Prisons have a slightly different profile. As a group, they are older; 47 percent are over 30. Caucasians are more predominant, accounting for 59 percent of the inmates in the FBP; 25 percent of the inmates are Native and 14 percent are black. Inmates are most frequently incarcerated for murder; this classification accounts for one-third of inmates. Although most of the prisoners in the FBP lived in Alaska at least three years before their arrest, 16 percent--twice the number of in-state prisoners--had been in Alaska for less than a year.³¹

A recent study by the Alaska Judicial Council of felony sentencing in Alaska in 1980 found that of urban felons sentenced in 1980, 57 percent had used alcohol at the time of the offense, 5 percent had used alcohol and drugs, and 2.5 percent had used drugs. Substance abuse was highest among those convicted of murder or kidnapping; 79 percent were under the influence of alcohol at the time of the crime and the rest were under the influence of alcohol and drugs. Four times as many urban felons had histories of alcohol addiction as had histories of drug addiction.³²

In rural courts, the proportion of felons who were under the influence of alcohol was 63 percent. All of the four felons in the study who were convicted of murder or kidnapping were under the influence of alcohol at the time of the offense. The proportion of those under the influence of both drugs and alcohol and those under the influence of drugs only were approximately the same as in urban courts. A rural felon was almost twenty times more likely to have a history of alcohol addiction as drug addiction, and twice as likely to have a history of alcohol addiction as to have no history of addiction.³³

³⁰ Ibid.

³¹ Ibid.

³² Alaska Felony Sentences: 1980. In addition, 40 percent of urban felons with a history of drug addiction were first offenders, and 28 percent had prior felony records. Among urban felons with a history of alcohol addiction, only 16 percent had no prior criminal record, and 48 percent had prior felony convictions.

³³ Ibid.

OVERVIEW OF THE PROBLEM

Alcohol use among Alaska felons appears to be somewhat higher than the national pattern. A 1979 survey published by the Bureau of Justice Statistics found that slightly less than half of all inmates nationally were under the influence of alcohol at the time of the offense.³⁴

The racial distribution in Alaska prisons is also substantially different from national patterns. Nationally, almost 48 percent of prisoners are black.³⁵ A comparison among western states in 1981 also found that Alaska had the highest proportion of Native American inmates. In the state with the next highest ratio, Montana, only 12 percent of the prisoners were Native Americans. Alaska had almost three times this percentage.³⁶

Another area in which Alaska inmates differ from the inmates nationally is in education. The Division of Adult Corrections found that in 1981, 58 percent of the inmates had at least a high school diploma or its equivalent. This figure was slightly higher for Alaska prisoners held in the FBP. Nationally, only 42 percent of inmates have a high school education.³⁷

³⁴ U.S. Department of Justice, Bureau of Justice Statistics, Prisons and Prisoners, January 1982.

³⁵ Ibid.

³⁶ Preliminary Report to the Western Conference

³⁷ Bureau of Justice Statistics.

CORRECTIONS MANAGEMENT IN ALASKA

Public concern for Alaska's correctional system has generally focused on the problem of prison overcrowding. However, overcrowding is both a symptom and a cause of other administrative problems within the Division of Adult Corrections (DAC). Furthermore, overcrowding may inhibit the Division's ability to provide for prisoner reformation, as required by the Constitution of Alaska (Art. 1 §12). This section examines several of the issues that are confronting the Division today as identified in interviews conducted with correctional authorities in Alaska. Before describing these issues, it will be useful to provide some background information on the Division of Adult Correction's role in the State correctional system.

THE ROLE OF THE DIVISION OF ADULT CORRECTIONS

The State of Alaska administers all correctional activities, either directly or through contract providers, including all services for pre-trial detainees, misdemeanants, probationers, and parolees. Most other states are only responsible for the supervision of sentenced offenders; the responsibility for pretrial prisoners and short-term sentenced offenders rests with local governments. In some states, probation and parole are also the responsibility of local correctional agencies. In Alaska, however, pretrial and misdemeanor offenders are the responsibility of State government. Under AS 33.30.040, it is the obligation of the State to provide for the incarceration of all individuals held on State charges. As a result, few offenders requiring incarceration are booked on municipal charges. Those offenders who are booked on municipal charges are housed in State facilities through a contractual agreement with the municipality. Therefore, the State is responsible for virtually all prisoners within the state.

The Division of Adult Corrections operates pretrial and short-term prisoner facilities in Anchorage, Fairbanks, Juneau, Ketchikan, Nome and Sitka. In fact, only the Palmer Correctional Center and the Johnson Human Services Center house no pretrial prisoners. The State also contracts with sixteen local governments for the operation of local jails. However, these contracts are administered by the Department of Public Safety. According to Terry Hansen, Special Assistant to the Commissioner of Public Safety, experience has shown that as a law enforcement agency, the Department is better suited to dealing with the local law enforcement agencies which operate the facilities. At one time, the Division of Corrections administered some jail contracts with local governments, but that responsibility was transferred to the Department of Public Safety in 1981.

In addition to facilities, DAC is responsible for the supervision of parolees and probationers. The administration of parole and probation is divided into three regions: the Northern region, with offices in

Fairbanks, Bethel, and Nome; the Southcentral region, with offices in Anchorage, Kenai, Kodiak, and Palmer; and the Southeastern region, with offices in Juneau, Ketchikan, and Sitka. It is important to note that while DAC supervises probationers and parolees, it does not select them. Probation is a judicial sentencing option and parole is granted by the Alaska Parole Board, an independent body. In both cases, DAC makes evaluations of candidates and submits recommendations.

Besides prisoners and probationers within the state, the Division is also legally responsible for the welfare of almost two hundred Alaska felons who have been sent to institutions operated by the Federal Bureau of Prisons (FBP). These inmates generally have been sent to the FBP because they have received extremely long sentences and, in some cases, because they require a high degree of security.

Several community corrections programs are also administered by the Division. DAC operates New Start Centers in Anchorage, Fairbanks, and Juneau. These centers are designed to provide ex-offenders, including parolees, probationers, and halfway house residents, with assistance in obtaining employment. The New Start Centers also provide some counseling and social service referral. In addition, the Division contracts with private providers for the operation of halfway houses in Anchorage, Fairbanks, Ketchikan, and Sitka.

The Division of Adult Corrections does not have custody of mentally ill offenders.³⁸ These individuals are the responsibility of the Division of Mental Health (DMH). Recently, the Division of Mental Health arranged to house offenders referred to DMH for evaluation and observation within the DAC facility at Hiland Mountain; however, the wing containing these inmates is to be staffed by DMH counselors and the inmates are still the responsibility of the Division of Mental Health.

The Division of Adult Corrections no longer has responsibility for the supervision of the state's juvenile offenders. All juvenile correctional programs were taken out of the old Division of Corrections in 1980, as was recommended by the Alaska Corrections Master Plan in 1978. The responsibility for youth offenders now rests with the Division of Family and Youth Services, which operates its own institutions and probation services.

For FY 83, DAC has an operating budget of \$39,308,100. This is an increase of 28 percent over the operating budget authorized for FY 82. In the same period, the number of full-time employee positions of the Division increased from 423 to 613, an increase of 45 percent. The Division

³⁸ This group is comprised of offenders judged not guilty by reason of insanity, offenders referred by the Court for psychiatric evaluation and observation, and offenders who are diagnosed as mentally ill while serving a sentence in a state correctional facility.

received no capital appropriation for FY 83. The Legislature passed a bond proposal which included \$46,711,500 for DAC facilities; however, the measure was vetoed by the governor.

CORRECTIONAL RESPONSIBILITIES WITHIN ALASKA

Division of Adult Corrections

State-operated adult correctional centers

State prisoners transferred to FBP

Adult probation

Adult parole

Division of Family and Youth Services

State-operated juvenile correctional centers

Juvenile probation

Division of Mental Health

Supervision of the criminally insane

Department of Public Safety

Transportation of State offenders

Administration of local jail contracts

In 1978, the State commissioned a comprehensive plan for the development of its correctional system; the result was the Alaska Corrections Master Plan, completed in the summer of 1979. A fundamental goal of the Master Plan was to develop a strategy for "the provision of the most adequate corrections system for Alaska at the least possible cost."³⁹ The plan attempted to identify the philosophy and goals of the Alaska correctional system, and made a number of specific recommendations concerning the Division's organization, management, staffing, delivery of services, facilities construction, program development, and health services. The Master Plan also discussed the need for coordination of criminal justice decision making.

The Plan emphasized that the document should be used as a framework for the future development of correctional services in Alaska; it states, "Planning is a continuous process of goal-setting, information-gathering, evaluation and monitoring and revision of action plans in light of new constraints, resources or goals."⁴⁰ Although the Divi-

³⁹ Moyers Associates, Alaska Corrections Master Plan: Executive Summary, Chicago, August 1979, p. 25, (hereafter cited as Alaska Corrections Master Plan: Executive Summary).

⁴⁰ Ibid., p. 5.

CORRECTIONS MANAGEMENT

sion still considers the Master Plan to be an integral part of its development strategy, it appears that the evaluation and monitoring recommended by the Master Plan has not been fully realized in recent years.

CURRENT ISSUES IN CORRECTIONS MANAGEMENT

We identified the following areas of concern in our interviews with correctional authorities in Alaska:

- corrections management, including both the areas of offender management and administrative management;
- prisoner program development, implementation, and evaluation;
- coordination and planning of criminal justice activities;
- public information and involvement.

Each of these issues is expanded upon below.

Corrections Management

In Alaska, the growth in the correctional population over the last few years has placed an increasing burden on the management of the Division of Adult Corrections. The increase in the prison population has affected many of the Division's operations, not simply the availability of bed space. Furthermore, because DAC has had to devote a tremendous amount of its resources to the task of coping with the growth of the correctional system, issues distinct from those surrounding the system's growth have not received adequate attention.

Like any other bureaucratic organization, sound management principles are essential to the effective operation of adult corrections. However, the need for solid management capabilities, for both offender and administrative management, is particularly important to corrections organizations because of the unique position they maintain in the criminal justice system. If the caseload of another criminal justice agency begins to increase, there are internal remedies to limit the volume. Even the judiciary, which must eventually hear all of the cases that prosecutors bring before it, can restrict the number of cases heard at any one time. However, corrections agencies cannot reject or postpone the entry of new offenders, they must accept whatever caseload they are given by the criminal justice system.

Corrections management was a major concern of most of the the correctional authorities with whom we spoke. The growth in the correctional system has created a substantial number of management problems and the Division is in serious need of management attention, according to Allen Korhonen, former Deputy Commissioner of DHSS. Robert Hatrak,

the Division's former director, stated that corrections management simply has not grown to meet the scale of growth in correctional facilities and the inmate population. Another observation made by Susan Humphrey Barnett, Superintendent of Meadow Creek, was that DAC generally compares unfavorably with other divisions within State government in terms of its administration, organization, and staff development.

The Division's concern for its own management capabilities manifested itself in its Management Plan, prepared by independent consultants and released in December 1982. The Management Plan makes numerous recommendations on fourteen major coverage areas, including organization and management style, policies and procedures, planning, classification, fiscal management, community programs, population management, staff development, and accreditation. Former Deputy Commissioner Korhonen emphasized that the Management Plan was intended to be a continuation of the planning process initiated with the Alaska Corrections Master Plan. However, it should be noted that the Management Plan has not been adopted by the Sheffield administration. In fact, the Governor's Task Force on Corrections recommended that the Management Plan "should not be implemented until it has been reviewed by the new Department of Corrections."⁴¹

Offender Management

The rapid growth of Alaska's correctional system in the last few years has created many problems in the management of the offender population. Although it is not within the scope of this report to discuss every criticism of the Division's present offender management capabilities, we have tried to provide examples of problems which affect the quality of corrections not only for inmates, but also for the DAC personnel.

Classification. Classification is the process by which an offender is assigned to the institution or program that is appropriate to the inmate's needs and the safety of the public, the correctional staff, and other offenders. Classification occurs at two levels:

- 1) an institution can be classified according to its security levels, treatment programs, and target population;
- 2) an offender can be classified according to his or her security risk and program needs.

⁴¹ Alaska Office of the Governor, Task Force on Corrections, A Report on the Status of Corrections for Governor William Sheffield, December/January 1982-1983, (hereafter cited as Report on Status of Corrections). Although the Management Plan has not been adopted by the current administration, we have treated it as an additional source of information on the issues facing the Division of Corrections.

Ideally, classification enables offenders having similar needs to be housed within a facility tailored to their requirements.⁴² This enables them to move through the correctional system in a cost-effective manner that, hopefully, will aid the offender in their transition back into society.

Both Charles Campbell and Robert Hatrak stressed the importance of a good classification system for effective prison management. Mr. Hatrak stated that without adequate classification of both the prison population and existing correctional facilities, it is very difficult to make an informed decision regarding future facility needs.

Unfortunately, during the last several years, overcrowding has resulted in inmates being assigned to institutions on the basis of which facilities have less capacity to hold an additional person.⁴³ Both Stanley Zaborac, Superintendent of the Palmer Correctional Centers, and Frank Sauser, Superintendent of Hiland Mountain, reported accepting prisoners who do not meet the eligibility requirements for their institutions. In the case of Hiland Mountain, some pretrial detainees are placed in units and programs designed for convicted felons. At Meadow Creek, Alaska's only long-term facility for women, inmates ranging from convicted murderers to three-day drunk driving cases live under the same level of security, and mingle together in the same common spaces. Improper prisoner classification has also been a contributing factor to many of the prisoner escapes in the last two years.⁴⁴

In addition, as some institutions have exceeded their rated capacity, space for isolation and security holding has been reduced. Some of these cells are currently housing prisoners for whom no other cells are available.

Ancillary Space. As a result of the Division's efforts to house the ever growing number of offenders, space for activities such as contact visitation, attorney conferences, and recreation no longer may be adequate for the number of prisoners now in an institution. In Ridgeview, for example, the recreation area is now serving as a dormitory with 54 beds, and attorney visitation in the medium security unit is held in a room barely large enough to permit two adults to sit down. However, the proposed partial settlement of the Cleary suit severely

⁴² According to the Management Plan, only two facilities, Hiland Mountain and Palmer, are currently classified to facilitate population management.

⁴³ The partial settlement of the Cleary suit states, "as a general rule, any classification system begins to break down when an institution is at more than 80 percent capacity." Cleary et al v. Beirne et al., Partial Settlement Agreement, p.21, (hereafter cited as Partial Settlement Agreement).

⁴⁴ "Prison Escapes"

limits the Division's ability to restrict visitation, and requires that all prisoners, except for escape, smuggling, and security risks, be allowed at least one hour of recreation per day. Those inmates in punitive segregation for longer than three days must have access to a large muscle exercise equipment.⁴⁵

Other Problems. Another example of how overcrowding burdens the system is the reassignment of personnel to special duties. According to Suzanne Lassiter, Director of New Start in Anchorage, counselors from the New Start Center were temporarily reassigned to conduct surveillance on offenders in community release programs. This detracts from their credibility as counselors. Also, on occasion we found institutional counselors who had assumed administrative functions in addition to their regular duties.

Another area in which overcrowding effects operations is the maintenance of policies and procedures. The Management Plan cites deficiencies in the Division's policies and procedures, and emphasizes the importance of maintaining up-to-date policies and procedures in the face of frequent changes in the conditions of the correctional system.⁴⁶ Indeed, according to the results of the Division's investigation of the escape of Michael Andrejko and Joseph Contreras, inadequate post orders were a contributing factor in the inmates' escape.⁴⁷

Administrative Management

Effective corrections administration is perhaps more crucial today than at any time previously. Not only is corrections confronted with the task of coping with an ever growing number of offenders, but it must also respond to the emerging concept of prisoners' rights as defined by the courts. In the course of our interviews, a number of deficiencies in DAC's administrative management were identified.

Organizational Problems. The Division's ability to provide support for its general operation was cited by several sources as one area of management in need of improvement. The very first problem identified in the Management Plan is that "the Division is not structured to provide for sufficient levels of support for management of operations." Specific criticisms contained in the study include the lack of a single organi-

⁴⁵ Partial Settlement Agreement. P.5

⁴⁶ State of Alaska, Department of Health and Social Services, Division of Adult Corrections, Management Plan, September 1982, p. 23. Note: The Management Plan has not been approved for implementation by the current administration. The Governor's Task Force on Correction has recommended that approval of the plan should be left for the proposed Department of Correction's assessment, (hereafter cited as Adult Corrections, Management Plan).

⁴⁷ "Prison Escape"

zational chart, improper spans of control, unclear reporting relationships, and inadequate central office staffing levels.⁴⁸ Charles Campbell, former Director of DAC, commented that top level administrators in the Division traditionally have devoted too much time to overseeing the day-to-day functioning of the Division. According to former Director Hatrak, the Division's central administration needs to develop a strong support staff to assist the superintendents in handling the problems associated with overcrowding.

Personnel Problems. During our interviews, several problems regarding the Division's personnel structure were cited. There have been frequent reclassifications of administrative positions. A Deputy Director's position was replaced by an Assistant Director's position under former Director Charles Campbell's administration and was reinstated under Robert Hatrak. In addition, administrative personnel have been transferred from post to post frequently. The organizational charts and staff lists provided to us by the Division showed different titles or conflicting assignments for some staff, and contained handwritten corrections to reflect recent changes in staff assignments. Allen Korhonen stated that at one point last year, a Division survey turned over 100 employees who were not working in the position listed for them in administrative records.

From our interviews, there appear to be a number of reasons behind the frequent changes within the Division's administrative structure. Former Director Campbell stated that because of the shortage of administrative personnel, certain staff members were moved from post to post to deal with crises as they arose. Another reason given for the alterations of administrative structure is that when new directors take charge, they restructure the organization in order to move those individuals with whom they have the best working relationships into key positions. As the Division had four directors in the last six years, each with a distinct corrections philosophy or management style, this could possibly account for a substantial amount of the administrative changes.

The frequency with which administrative changes were made within the Division during the last several years may have damaged the morale of administrative staff, according to some authorities. It was suggested that as a result of the changes in administrative direction taken by each succeeding director, the administrative staff have not received positive reinforcement for their efforts under previous directors, and now may perceive little advantage in adapting to new policies and accommodating new administrative superiors, as neither tends to remain for any length of time.

⁴⁸ Adult Corrections Management Plan p. 7.

Staff Development. Two problems were cited in the field of staff development: 1) insufficient staff training; and 2) inadequate opportunities for career advancement.

Training. The effectiveness of a correctional system depends upon the caliber and dedication of its staff. Because of this, a correctional agency needs to attract highly qualified people and needs to establish mechanisms to assure their continued development. As the courts have increasingly expanded the rights of offenders, it is more important than ever that corrections personnel have a working knowledge of the judicial process, law enforcement, psychology, and counseling. Effective staff training and internal development programs are one means of attaining this objective. Several authorities indicated to us that the State's training and development opportunities are sorely lacking. Problems cited ranged from declining morale to high staff turnover--most of which was attributed in part to a lack of emphasis on staff development.

In FY 83, the Division of Adult Corrections had a training budget of \$237,700. Three full-time instructors (one of whom was temporarily reassigned to purchasing for the new Cook Inlet Correctional Center) with no support staff provide training for a division with 600 full-time equivalent positions.⁴⁹ In comparison, the Department of Public Safety, which operates the Public Safety academy in Sitka, had a training budget of \$1,412,600 in FY 83. The Public Safety Academy has 33 full-time equivalent staff positions, and is responsible for providing training for the Alaska State Troopers and the Division of Fish and Wildlife Protection, which have approximately 550 full-time equivalent positions. The Public Safety Academy also provides six-week training courses for about 110 village safety officers and municipal police officers each year.

According to Ron Epperson, Senior Training Officer, the ability of the training staff to keep pace with the needs of the Division has steadily eroded over the last few years. He stated that training tends to be seen as an expensive luxury to a correctional system trying to keep pace with continuing growth in the inmate population. Initial training courses have been cut from six weeks to three weeks. According to Epperson, the Division has not been able to offer self-defense training in over eighteen months. Epperson anticipates a greater burden on the training program in the next year, when the opening of

⁴⁹ The number of full-time equivalent positions is slightly lower than the number of full-time authorized positions. Some authorized positions, such as the new positions associated with the new Cook Inlet facility are not funded for the full year. In addition, the Division actually budgets for more than 12 staff months for Adult Confinement positions to allow for the overtime pay which correctional officers receive.

the Cook Inlet facility and expansion of existing facilities will result in an unusually larger number of new correctional officers in need of training.

Timothy Stearns, the attorney representing the in-state prisoners in the Cleary suit, emphasized the need for correctional staff to have adequate training. Crisis intervention and stress awareness were two areas of training that Stearns felt were particularly important to a training program. Adequate staff training is one of the issues involved in the Cleary suit. Annual training of staff has been proposed as one of the settlement items in the negotiations, yet Ron Epperson doubts that even training of new correctional officers could be accomplished at levels acceptable to the courts, given current budget levels.

Career Advancement. The Management Plan identifies inadequate career advancement opportunities as one of the primary staff development problems faced by DAC.⁵⁰ Charles Campbell cited this as a major reason why the Division has not been able to strengthen its management capabilities more fully. According to Campbell, personnel have had infrequent opportunities until recently to advance within the Division, as a result of the Division's relatively small size. Furthermore, corrections has always been characterized by a large ratio of line staff to management staff. In addition, the last two directors were brought in from outside the state, further reducing the opportunity for advancement within the Division.

The Division's pay structure also was cited as an impediment to attracting and developing good personnel. Allen Korhonen stated that he believed most of the positions within the Division were underclassified. The table below provides a comparison of positions within State government. As the table shows, entry level correctional officers currently receive about \$250 per month less than entry level legal and social service workers, and over \$750 less than State Trooper Trainees. It is particularly interesting to note that a Superintendent I, responsible for supervising the inmates and employees of a smaller institution, makes \$250 per month less than the base pay of a sergeant in the Troopers. However, according to Jenny Thomas of the Department of Public Safety, by the time most Troopers are promoted to sergeant, they have accumulated enough seniority to receive a salary about four steps

⁵⁰ Adult Corrections, Management Plan p. 105.

above base, or \$3,695 per month. This is roughly equivalent to the base salary of a Superintendent II, who is likely to supervise an institution with over fifty employees and as many as two hundred inmates. In addition to the underclassification problem, Charles Campbell pointed out that the pay structure in the Division is such that a correctional officer receiving a significant amount of overtime pay might take a pay cut if he or she was promoted to assistant superintendent.

Table 4
Comparison Of State Criminal Justice Salaries In Alaska

Position	Base Pay	Position	Base Pay
<u>Corrections</u>		<u>Law Enforcement</u>	
Correctional Officer I	\$1,782	Trooper Recruit	\$2,555
Correctional Officer II	2,010	Trooper	2,855
Probation Officer I	2,010	Sergeant	3,307
Probation Officer II	2,463		
Superintendent I	3,041	<u>Social Services</u>	
Superintendent II	3,475	Social Worker I	\$2,010
		Social Worker II	2,145
<u>Law</u>			
Paralegal Assistant I	\$2,010		
Paralegal Assistant II	2,463		

Program Development

In recent years, courts have consistently held that access to adequate programs is the right of all prisoners. In our interviews, the necessity of offering some programs for offenders was almost universally accepted. Substance abuse programs, sex offender counseling, and adult basic education were frequently cited as being essential to corrections. Timothy Stearns, an attorney representing the in-state prisoners in the Cleary case, identified program development for prisoners as the most important activity currently facing the Division.

The partial settlement of the in-state portion of the Cleary case requires that the Division provide drug and alcohol counseling, family counseling, programs in basic life skills, stress reduction and management, and employment skills.⁵¹ It is likely that the trial portion of the Cleary suit will further address program issues.

⁵¹ Partial Settlement Agreement and Order as to Subclasses "A" and "B," Case No. 3AN-81-5274 Civil, pp. 18-20.

However, among the authorities we interviewed, there was considerable disagreement over the extent to which the Division needs to develop additional programs and the kinds of programs which the Division should pursue. For instance, Dana Fabe, Alaska's Public Defender, stated that in some institutions the Division may need to place more emphasis on vocational programs. Others with whom we spoke were skeptical as to the effectiveness of many existing programs. Victor Krumm, District Attorney for the Third Judicial District, recognizes the need to maintain ancillary programs in the prison, but he questions the extent to which many of them are utilized. According to Mr. Krumm, in prison, as in any institutional setting where people are living in a place "where they don't want to be," people are disinclined to become involved in organized activities. According to Roger Endell,⁵² the programs that the Division has developed rarely receive any critical evaluation. He stressed the need to try a variety of programs and sort out the ones that work.

Several of the superintendents mentioned that because overcrowding is changing their prisoner profile and infringing on their auxiliary space, it is becoming more difficult to offer appropriate programs. According to Frank Sauser, Superintendent of Hiland Mountain, some pretrial prisoners have been placed in units with convicted offenders because of the lack of space, and as a result, participate in programs designed for convicted offenders.

Coordination and Planning of Criminal Justice Activities

Most of the individuals contacted agreed that there is a need for the Division of Adult Corrections to coordinate its activities with other agencies within the Alaska criminal justice system. We were frequently reminded that corrections is the only part of the criminal justice system that has no discretion regarding its caseload. Cooperation between agencies was seen as crucial to effective planning for the growing corrections population. Allen Korhonen stated that Ridgeview would have never been opened as a men's facility without the cooperation of the Alaska State Troopers, Anchorage Police, and the local fire marshals. According to Korhonen, "informal contacts [between criminal justice agencies] are necessary at all levels" to manage the problems stemming from overcrowding. The Management Plan identifies a need for the development of a planning process which involves all components of the criminal justice system.⁵³

⁵² Mr. Endell, recently appointed Director of Adult Corrections, was Associate Professor of Justice and Director of Academic Programs for the Justice Center of the University of Alaska, Anchorage at the time of our interview.

⁵³ Adult Corrections, Management Plan.

To improve coordination of activities most effectively, agencies need to understand how changes in other criminal justice activities are likely to affect their own operations. As Roger Endell observed, there is a considerable lack of information available in Alaska on the effect of crime on corrections, and the effect of corrections on crime.

Many individuals contacted agreed that a formal structure was needed both to promote better coordination between the various agencies within the Alaska criminal justice system and to initiate research of a broader interagency scope. Since the State's Criminal Justice Planning Agency (CJPA) was abolished at the end of FY 82, no agency exists to perform this latter function. Although some authorities stated that the CJPA had never successfully performed this function, the absence of this agency has clearly reduced the criminal justice research capabilities of the State. Several authorities suggested that a different kind of structure was required to effectively perform this coordination and planning function; many different options were suggested. These will be discussed at greater length in the following section of this report.

The Management Plan also identifies a need for improved planning within the Division, both financial and programmatic.⁵⁴ Robert Hatrak stated that the Division currently has inadequate data collection capacity, and that he would like to see a management information system developed. According to Hatrak, such a system would be particularly useful in responding to overcrowding, enabling the Division to better anticipate shortages in bed space.

Our discussions with correctional personnel offered some evidence that DAC may be deficient in its long-range planning capabilities. Many of the staff persons we spoke with were not aware of the long-term plans for the use of their particular facility or program.

Public Information and Involvement

The lack of a consensus on the purpose of the correctional system makes the formulation of a response to the overcrowding problem a difficult task. Many of the Division's options for expanding its capacity, particularly community corrections options, are not feasible without public support.

Several sources identified a need for the Division to improve its communication with the public and with other organizations, including the Legislature. The Management Plan states that "(t)he Division currently has a weak image with the public and other governmental agencies."⁵⁵ As interest in correctional issues has increased, it has

⁵⁴ Ibid. p. 27.

⁵⁵ Ibid. p. 116.

become apparent that some confusion exists in the minds of the public as to the functions of the Division of Adult Corrections. For instance, many individuals assume that the Division has responsibility for the criminally insane, even after the extensive publicity surrounding the Meach case.⁵⁶

It was suggested that the Division could improve its communication and image with the public if it appointed a public information officer. According to the Management Plan, a public information officer could respond to requests for information from the media, disseminate information on the Division, coordinate tours of correctional facilities, and provide Division personnel with a single source of information and policy advice regarding external communication.⁵⁷ Timothy Stearns mentioned that correctional agencies in several other states have public information officers.

Roger Endell stated that the Division would benefit if advisory boards were established at the regional level, with the possibility of each institution having a local advisory board as well. According to Endell, advisory boards would not only serve as a forum for obtaining public comment, but also would provide the Division with an opportunity to educate the public as to the Division's needs and plans. Allen Korhonen also concurred that local advisory boards would be of benefit to the institutions. Presently, Hiland Mountain is the only facility which has a local advisory board.

The Governor's Task Force on Corrections was also in favor of creating advisory boards. As part of its recommendation to reorganize the administration of the proposed new department into regional administrative units, the Task Force stated that "[e]ach regional director should be encouraged to establish local citizen advisory groups to advise him or her on correctional programs in the area. Communications between the state's citizens and correctional managers will be enhanced via this mechanism."⁵⁸

⁵⁶ Charles Meach found not guilty by reason of insanity for a 1973 murder, was convicted of killing four teenagers in Anchorage last spring while on work release from the Alaska Psychiatric Institute.

⁵⁷ Adult Corrections, Management Plan, p. 117.

⁵⁸ Report on Status of Corrections.

LEGISLATIVE OPTIONS IN ADULT CORRECTIONAL SERVICES

A number of alternatives are available in Alaska for improving the delivery of correctional services. Some of these options will require the development of new policies and programs by the legislature; others are administrative in nature and should be undertaken by the executive branch. We have identified the following areas as requiring legislative involvement:

- Increasing and diversifying correctional bed space;
- Modifying State laws affecting who goes to prison, the length of stay in prison, or the capacity of the correctional system;
- Strengthening correctional management through reorganization; and
- Improving communications and decision making in criminal justice agencies.

Of these, no one approach will rectify correctional problems. A productive strategy is one which employs a combined approach.

INCREASING CORRECTIONAL BED SPACE

By the end of 1983, following the addition of 389 beds, the anticipated capacity of Alaska's prison system will be 1,258. As we have discussed in earlier sections of this report, the preliminary budget request for FY 84 also includes plans for an additional 380 custodial beds, including a proposal for a 300-bed medium and maximum security facility.

Justice professionals in Alaska advocate different strategies for increasing the capacity of the correctional system.

The major options are as follows:

- Develop a comprehensive capital expansion program that immediately provides for site acquisition and construction of new facilities and renovation of existing prisons.
- Establish a scaled-down capital improvements program that addresses the State's most critical spatial requirements; develop a long-term capital improvements plan following the completion of a comprehensive reassessment of the system's current capacity, a revision of prisoner classification methods, and an analysis of future population growth trends.

LEGISLATIVE OPTIONS

- Implement no plans for major capital improvements until a comprehensive analysis of the system's current capacity, prisoner classification methods, and prisoner population growth trends is completed.

Cost is one of the key issues in evaluating these three options. In a recent draft policy report prepared by the Division of Policy Development and Planning, a fundamental concern regarding the implications of prison construction was expressed:

Prison construction projects in Alaska average approximately \$146,160 per bed (FY 84) or \$14 million for a 100 bed facility. The operating costs are estimated to be \$50 per day per bed (1981) or \$1.8 million per year for a 100 bed facility. Such major expenditures will reduce the availability of funds for other resources which respond to justice problems. Prisons are by far the most expensive corrections response, [emphasis added].⁵⁹

Naturally, the costs of prison construction vary depending upon the type of facility that is developed; e.g., generally a maximum security facility, having stringent design specifications, is more expensive to construct than a minimum security prison. Because of the high costs of facility construction, some individuals believe that permanent correctional facilities should be developed only after the State has ascertained the specific level of custody needed for future facilities.

Several of the State's justice authorities maintain that the State would not be experiencing space shortages if correctional procedures were in compliance with the stated goals and philosophies of the Alaska Corrections Master Plan:

Incarceration of both presentence and post sentence offenders should be used as a last resort, and then for as short a period as possible, only for offenders who represent a demonstrable risk to public safety and/or who are convicted of crimes for which society demands punishment through imprisonment.⁶⁰

Charles Campbell, a former director of the Division of Adult Corrections, believes that the State's current criminal justice policies have prevented this goal from being met. According to Mr. Campbell, too many of Alaska's nondangerous offenders are incarcerated for excessive periods of time.

⁵⁹ Janice Cole, Alaska Office of the Governor, Division of Policy Development and Planning, "Corrections Planning (Focusing on Prison Expansion and Related Criminal Justice Issues)" Draft, December 1982. (hereafter cited as "Corrections Planning").

⁶⁰ Alaska Corrections Master Plan: Executive Summary, p.6.

There is also some concern among criminal justice professionals that the construction of additional facilities may increase prison populations, and, hence, raise expenditures. Research has suggested that the availability of additional space has at times been responsible for increasing the number of persons confined "with no clear evidence of any deterrent or rehabilitative effect."⁶¹ In a study prepared in 1980 by the National Institute of Justice, the following comments were made regarding the potential implications of these research findings:

[If the capacity theories are accurate,] responding to crowding by increased capital expenditures for new institutional space can provide at best a temporary alleviation of the crowding problem, and will ultimately result in a new equilibrium of more prisons, more prisoners, and the same crowded conditions as before. Whether this new equilibrium is desirable is a value question beyond the scope of our research. We can say that there appears to be new evidence that decisions to build more prisons may carry with them hidden decisions to increase the number of persons under custodial supervision. Under these circumstances even a massive construction program might fail to keep pace with the potential demand for prisoner housing.⁶²

Regardless of the reason, some states have found that the construction of additional prison facilities has not eased problems of overcrowding. In light of these and other factors, the draft policy report prepared by the Division of Policy Development and Planning does not recommend "long term commitments for additional prison expansion" until the following tasks are completed:

- Interagency problem solving to address alternatives to institutionalization;
- Evaluation of other states' responses to their prison overcrowding problem;
- Research regarding the cause of prison population growth; and

⁶¹ Joan Mullen et al. American Prisons and Jails: Vol. I Summary of Findings and Policy Implications of a National Survey (U.S. Department of Justice, National Institute of Justice: Washington, 1980) p.120.

⁶² Ibid.

LEGISLATIVE OPTIONS

- Reevaluation of prison capacity.⁶³

Some correctional authorities disagree that the resolution of these issues must be a prerequisite to capital planning.

Victor Krumm, District Attorney for the Anchorage area and a former D.A. for several of the state's rural regions, believes that the State has a pressing need for additional bed space. According to Mr. Krumm, the State is currently diverting a significant number of offenders from correctional institutions.⁶⁴ By his interpretation, substantial reductions in incarceration levels may not be possible without jeopardizing the safety of the public.

Mr. Krumm would like to see Alaska respond to its most immediate needs through the acquisition of modular correctional units, which he views to be a cost-effective means of resolving the more critical overcrowding problems. As a long-term solution, Mr. Krumm believes that the State should initiate a strategic planning process for the construction of correctional facilities. Mr. Krumm believes that the construction of adequate correctional facilities should be one of the top priorities for the expenditure of State revenues and, if necessary, should bypass the bonding process.

Governor Sheffield's Task Force on Corrections presented a similar viewpoint in its review of the overcrowding problem. The Task Force concluded that additions to facilities, building renovations, and new site acquisitions should be "completed expeditiously as the highest priority through the channels of state government while minimizing both hindrances and costs."⁶⁵ The Task Force made a number of recommendations regarding existing and proposed correctional facilities, including the following:

⁶³ "Corrections Planning," Ms. Cole also noted that the Division has been reexamining the capacity levels of all correctional institutions. Instead of bed capacity, former Director Hatrak evaluated facilities in terms of their capacity for five different population groups: booking, holding, detention, sentenced misdemeanor, and sentenced felon. Because maximum space requirements have only been defined by the courts for the sentenced felon population, the new procedure could increase the amount of the State's existing prison capacity. Additional information regarding this is found in the DAC report on population capacity prepared by T. Don Hutto, December 1982.

⁶⁴ According to former Attorney General Wilson Condon, during 1981, 231 defendants charged with felony offenses and 749 defendants charged with misdemeanor offenses were referred to Alaska's pretrial diversion program.

⁶⁵ Report on Status of Corrections

- Maintain all facilities currently used for custodial purposes until adequate new space is prepared. An exception is Careage House, which the Task Force suggested be used for administrative purposes.
- Immediately evaluate and obtain additional available sites for expansion of correctional operations in the Kenai and Matanuska-Susitna Boroughs. (The Task Force maintains that with "rapid site acquisitions...overcrowding in the Division...could be addressed dramatically within nine months to one year".)⁶⁶
- Construct a maximum security prison in southcentral Alaska.
- Construct comprehensive regional correctional centers in Nome and Bethel.

A significant part of the Task Force's recommendations appears to be based on the opinion that all prison construction proposals need not be excessively costly. For example, the medium and minimum custody institutions at Palmer were constructed with a significant savings of both time and cost by using modular components and a combination of private and prisoner labor.

According to Roger Lange, Internal Management Administrator for the Division, per bed construction costs for the Palmer facility were approximately \$60,000 (FY 83 dollars). Mr. Lange noted that the new medium security facility was built faster and more efficiently than it would have been had standard contracting procedures been employed.⁶⁷ Mr. Lange stated that the design and construction of new prison facilities in Alaska routinely has taken between two and four years for completion. In contrast, the Palmer project was devised in February 1981; a bill was introduced and enacted by the legislature shortly thereafter; and the facility was designed, constructed, and opened in the following year. Stanley Zaborac, Superintendent of the Palmer facility, also noted that the employment of prisoners in the construction of the facility released them from otherwise idle time. The Governor's Task Force recommended that the Palmer plan be used as a model for construction proposals in other parts of the state.

Similarly, in its recommendations regarding site acquisitions, the Task Force has suggested that "sites which have the advantage of existing

⁶⁶ Ibid.

⁶⁷ The Alaska Department of Transportation and Public Facilities is responsible for the planning and supervision in the construction of State facilities. Authorities have long held that the current policies and procedures employed by DOT/PF create unnecessary delays in the construction of State institutions which, in the case of adult corrections, exacerbates overcrowding problems.

LEGISLATIVE OPTIONS

grounds, utilities and buildings, and which could have security modules added at a relatively low cost and high benefit, should be of priority concern."

As mentioned earlier, the Task Force also proposed altering the function of some existing facilities and has endorsed the Division's plan for the construction of a maximum security facility. In the course of our interviews, individuals had divergent views regarding the appropriate use of State facilities as well as the proposed maximum security facility. For example, Art Schmidt, who is the acting superintendent of the Anchorage Annex, is very supportive of a maximum security facility. Mr. Schmidt anticipates an increasing number of "serious offenders" entering the Alaska correctional system. Dana Fabe, Public Defender for the State, also spoke in favor of increasing maximum security space in the state; she noted that it would enable many of her clients, currently confined in federal prisons outside Alaska, to return and regain access to their family, friends, and legal counsel. Timothy Stearns, as an attorney representing prisoners in the Cleary suit, obviously is also a strong proponent of an in-state facility.

Others were less certain. In our initial interview with Roger Endell, he expressed skepticism about the utility of a large maximum security facility. He noted that the State has no experience in managing a facility as large as the proposed prison, which initially was designed for a 400-bed capacity. He also observed that other states have found that their larger facilities have a higher incidence of prison violence. Mr. Endell commented that, to a great extent, the relative absence of violence in Alaska's prisons is attributed to its small prison capacities. Dana Fabe shares this concern. One means of addressing this problem, according to Ms. Fabe, would be to establish several small maximum security facilities. Ms. Fabe believes that this approach would also strengthen the Division's ability to separate dissimilar groups of maximum security prisoners; e.g., sex offenders could be housed apart from other classes of prisoners.

Some individuals also expressed doubt about the Division's ability to administer such a facility until its other administrative problems are resolved. Several correctional staff, such as Leonard Whittaker and Peter Skerris, who both work in the neglected Third Avenue Center, would rather see the Division remedy the deficiencies in its existing institutions before assuming the responsibility for a large number of maximum security inmates.

The most critical need that was articulated in our interviews is space for Alaska's short-term offenders.⁶⁸ Art Schmidt predicts that Alaska

⁶⁸ Because of the burden that the State's long-term prisoners place on correctional facilities that were originally intended for short-term use, some officials believe that existing short-term space would be adequate if additional long-term space were available.

will always have a primary need for this type of space because the state has a large population of "lesser felons" who are in jail merely because they cannot make bail and would be unable to provide for themselves if they were released. Roger Endell also noted a fundamental need for facilities for short-term offenders, and the Task Force appears to have responded to some of these concerns.

The advantages and disadvantages of a maximum security facility will need to be weighed carefully. As Roger Endell noted in our interview, an intrinsic problem in the construction of any institutional space, and particularly those that have substantial security specifications, is that its construction generally commits the state to a fixed kind of space limited in function. Should Alaska's correctional needs change in the future, its ability to adapt will be shaped by the kind of space that has already been constructed.

LEGISLATIVE REMEDIES FOR OVERCROWDING

Many states are attempting to rectify problems of prison overcrowding by modifying state laws affecting:

- the number of people who enter prisons;
- the length of time that people spend in prisons; and
- the capacity of the prison system.

Options For Controlling Prison Entry

A state legislature can undertake several steps to control the number of people who enter the prison system. Some states have established laws that decriminalize or reclassify designated offenses. Others have enacted extensive revisions of their sentencing codes in order to broaden the types of sanctions that are rendered. Still others have developed comprehensive community corrections acts.

In Alaska, some of these alternatives may be more feasible than others given the state's unique correctional requirements. For example Wilson Condon, the State's former Attorney General, maintains that decriminalization of selected offenses would have little impact in Alaska because only a small proportion of the state's current prison population are charged with victimless, minor offenses.

Extended use of community corrections is one option that could be applied in Alaska. The Alaska Corrections Master Plan describes community corrections as "the brightest hope for the future of corrections."⁶⁹ Community corrections is an "all-encompassing" term for community-based

⁶⁹ Alaska Correction Master Plan: Executive Summary p.9.

LEGISLATIVE OPTIONS

alternatives to incarceration. Besides the long-established programs of probation and parole, community corrections refers to a range of programs including pretrial diversion; residential halfway houses and boarding programs; and work release and restitution. Programs may be established by either a state or local government and may provide either residential or nonresidential services. Alaska's corrections master plan advocates the major expansion of community corrections in two areas: (1) pretrial assessment and supervision; and (2) prerelease and halfway house programs.

Minnesota is noted for its comprehensive treatment of community corrections; other states, including Oregon and Kansas, have also established significant programs. Established in 1973, the Minnesota Community Corrections Act provides a financial incentive for county governments to establish local corrections programs as well as a disincentive for these governments to commit nonviolent adults or juveniles to state prisons. The law also establishes provisions for bolstering local correctional planning and modifies the state's role in planning, training, evaluation, and standard setting.

The Minnesota law was enacted for several purposes. Most notably, policymakers wanted to strengthen community-based programs, many of which were extremely fragmented. Although the program is generally regarded favorably, there is some indication that it is not fully functional. The program does not serve the state's rural areas. Moreover, an evaluation undertaken in 1981 questioned the effectiveness of the program in reducing the growth of the state prison population, improving public safety, or reducing state correctional expenditures.⁷⁰

In Colorado, policymakers recently enacted legislation pertaining to sentencing procedures for DWI offenders. Unlike other states, such as Alaska, that have established mandatory jail terms for both first-time and repeat offenders, Colorado law gives judges the option of sentencing a first-time offender to either a jail term or to a community work project. A second offense requires a mandatory jail sentence of between seven and ten days. According to Captain Walter R. Smith, Assistant Superintendent of the Denver County Jail, most of the sentences requiring community work involve manual labor; e.g. road crew work. Captain Smith commented that preliminary figures indicate that the Colorado law which was enacted in July 1982, has not increased Colorado county incarceration levels and is generally regarded favorably.

⁷⁰ John Blackmore, The Minnesota Community Corrections Act: A Policy Analysis, prepared for the National Institute of Corrections: Grant No. DF-6, March 31, 1982 p.2, (hereafter cited as Minnesota Community Corrections Act).

In Alaska, a number of people involved with correctional policy matters have expressed interest in the potential for increased community placement and the extended use of work release. The Governor's Task Force on Corrections recently submitted recommendations favoring the development of a comprehensive, cost-efficient halfway house program for those offenders about to be released and the implementation of a substantive work program for the State's eligible prisoner population. The Task Force emphasized the need for "a halt to planning and the commencement of activity," and suggested a program based on restitution, work incentive, and adequate counseling and rehabilitation services to assist offenders in making an effective transition back into society.⁷¹

Another potential option in Alaska is increased utilization of public and private agencies for community correctional services. According to Kay Harris, there are currently approximately 170 community-based prerelease facilities for adults throughout the nation that are operated by private organizations under contract with either the state or federal government. Peter Greenwood, a criminal justice authority with the Rand Corporation, is a strong advocate of the increased use of the private sector for the provision of correctional services. Under Alaska statutory law, the Commissioner of Health and Social Services is empowered to enter into contracts for correctional services with public and private agencies.

Options for Altering the Length of Prisoner Confinement

There are several alternatives available for legislative consideration which affect the length of incarceration, including: modifications of sentencing policies; expanded use of "good time" credits⁷² and work credits; and revision of parole policies.

Sentencing Policies. Several states have altered sentencing policies by reducing the length of sentences for certain nonviolent offenses or by modifying the types of sentences to be rendered. Sentencing commissions, which present prescriptive guidelines to the judiciary that define who should go to prison and for how long, have also been established in several states. In Minnesota, where this concept has been implemented, the sentencing commission established a sentencing matrix which provides both durational and dispositional guidance to judges. Also factored into the guidelines is current information regarding the correctional system's capacity and operations. Rather than establish sentences based on past practices, the Commission reviewed differ-

⁷¹ Report on Status of Corrections

⁷² "Good Time" refers to nonfinancial methods of remuneration, specifically reduction of sentence length, provided to prisoners for exemplary services, employment, or administrative purposes.

ent sentencing strategies and developed guidelines that were consistent with Minnesota's available correctional resources.⁷³

Under the Minnesota program, a judge maintains some discretion to depart from the sentencing guidelines on a case by case basis. However, to do so, a judge must submit a written justification of the circumstances that warranted the decision to the Minnesota Sentencing Commission. According to a report prepared by the National Council on Crime and Delinquency, there is considerable agreement that the guidelines established in Minnesota offer a promising approach to stabilizing the state's prison population problems.⁷⁴

In Alaska, sentencing policies may bear some review. According to an analysis conducted by former Attorney General Wilson Condon, Alaska's prison and jail system currently has approximately 32 sentenced felons entering the system each month for every 20 that are being released. This pattern is partially attributable to the length of sentences that are presently being rendered.

Good Time Credits. Many correctional authorities strongly support the concept of "good time" as a tool for controlling the size of prison populations. The rate at which good time accumulates and whether the credits are subtracted from the maximum or minimum sentence can each have a significant effect in reducing the amount of time served and, thus, the size of prison populations. Essentially, two types of good time are found in correctional systems: 1) "meritorious good time" which rewards offenders for good behavior or exemplary endeavors;⁷⁵ and 2) "administrative good time" which is established as a means of affecting early releases when prisons exceed their capacities.

In Illinois, the Department of Corrections established an administrative good time provision by administrative regulation to alleviate prison overcrowding. A study conducted by the Department indicated that 4,600 offenders were released through administrative good time in an 18-month period and that there was no higher recidivism rate among those released through this program than those released under normal procedures.⁷⁶ Although the program has not been without flaws, it

⁷³ Minnesota Community Corrections Act, p. 73. Part of the program's effectiveness is attributed to the composition of the sentencing commission, which is comprised of three judges, a public defender, a county attorney, the Commissioner of the Department of Corrections, the Chairman of the Minnesota Corrections Board, and two individuals who represent Minnesota citizens.

⁷⁴ Controlling Prison Populations, p. 27.

⁷⁵ In Alaska, meritorious good time was repealed with the enactment of Chapter 166, SLA 1978.

⁷⁶ Controlling Prison Population, p. 10.

currently appears to be regarded as an effective measure for reducing Illinois' prison populations without adversely affecting public safety.

Parole Modifications. Several legislative adjustments can be made to parole procedures to reduce the length of time that prisoners spend in prison. In New Jersey, the legislature enacted a parole law that enables an inmate to be released on parole as soon as (s)he is eligible unless the parole board can determine that there is a significant probability that the offender will commit a crime upon release. As a result of this legislation, the burden of proof is shifted from the prisoner to the parole board.

Another method that has been implemented in some states is the early release program which includes work or training programs, furlough, or early parole. Generally, most programs of this nature limit eligibility to prisoners nearing their release. Under Maryland's early parole program, for example, an offender is eligible for consideration if (s)he meets established criteria; e.g., (s)he has minimum security status; has had at least one parole hearing and is approaching the next regularly scheduled hearing; has been convicted of a nonviolent offense; and is serving a sentence of less than three years.⁷⁷

Recently, however, some states have broadened their eligibility requirements for their early release programs in an effort to further reduce prison overcrowding. South Carolina, for example, is reportedly engaging about 16 percent of its prison population in work release programs. Policymakers in South Carolina are currently considering recommendations of the governor to extend the work release program to every region of the state and to expand prisoner eligibility to some of the state's inmates who have been convicted for violent offenses.⁷⁸

The recent emphasis on work release programs is regarded by many justice authorities to be one of the more promising trends in correctional service today. Because approximately 90 percent of the nation's prison population return to live and work in the community, current thinking of many professionals favors comprehensive work programs that will reduce prison idleness at the same time that they are instilling work habits, providing needed community services, and possibly reducing costs. A recent report prepared by the U.S. General Accounting Office found prison work programs to be underutilized and in need of significant expansion in state and federal prisons.⁷⁹

⁷⁷ Ibid.

⁷⁸ M. Kay Harris, "Reducing Prison Crowding: An Overview of Options, Draft, (National Council on Crime and Delinquency, July 1981) p.6, (hereafter cited as "Prison Crowding-An Overview of Options.")

⁷⁹ U.S. General Accounting Office, Report to the Attorney General, "Improved Prison Work Program will Benefit Correctional Institutions and Inmates", (Washington, June 29, 1982).

LEGISLATIVE OPTIONS

In Alaska, the newly established correctional industries program as well as other prisoner work programs may merit consideration for further development.

Options Concerning Prison System Capacity

A number of alternatives have been established in other states as a means of altering the capacity of a prison system. Besides the construction or renovation of facilities, some states have established standards and capacity limits for facilities and have adopted emergency overcrowding measures. Others have increased the options that are available to correctional agencies in their placement of offenders.

Standards and Capacity Limits for Facilities. In recent years, increased attention has been given in many states to the development of minimum standards and formal accreditation procedures for prison facilities. The courts, national correctional associations, criminal justice organizations, and the U.S. Department of Justice have each had a major role in defining acceptable conditions for correctional institutions. The courts have largely focused on the issue of overcrowding while other organizations have addressed this and broader aspects of institutional operations. Of these, the most comprehensive undertaking has been the standards developed by the Commission on Accreditation for Corrections which was established by the American Correctional Association in 1974.

The Commission has published ten volumes of standards addressing both juvenile and adult correctional agencies and their institutional and community-based operations. The goal of the Commission has been to promulgate a uniform set of standards for evaluating the safety and general well-being of both staff and inmates. The standards are used as the basis for the Commission's voluntary accreditation process. In order for a system to receive a three-year accreditation, it must be in compliance with 90 percent of the standards that the Commission has categorized as "essential," 80 percent of the "important" standards, and 70 percent of the "desirable" standards.

As of February 1982, 13 federal and 49 state adult correctional institutions have been accredited. Of these, only 12 institutions are maximum security prisons.⁸⁰ Alaska's institutions are not accredited. However, the Division of Adult Corrections is in the process of applying for accreditation for three of its facilities: Highland Mountain, Meadow Creek, and Palmer. The DAC Management Plan, which has been under consideration for implementation by the Division, states that "[a]ccreditation is the long term goal" for attainment of better correctional

⁸⁰ Stephen Gettinger, "Accreditation on Trial," Corrections Magazine, February 1982, p.8.

service through improved management techniques and systems. The Plan describes accreditation as "the ultimate measure of sound management in the corrections profession...[and] the yardstick against which correctional accomplishments can be measured."⁸¹

Although most would agree that the goals of accreditation are well intentioned, its usefulness is questioned by some criminal justice authorities. Critics at both ends of the spectrum of correctional philosophies believe that the standards are costly measures that are not always effective in establishing adequate safety and living conditions. A central issue of concern is the method by which the standards are applied, particularly the thoroughness of the inspection process.

Emergency Crowding Measures. Several states have established procedures known as "sentence rollbacks" which enable correctional or parole authorities to reduce prisoners' minimum sentences by 90-day increments during times of overcrowding. These mechanisms do not apply to a system's most serious offenders.

In 1980, the Michigan state legislature enacted the Prison Overcrowding Emergency Powers Act (Public Act 519).⁸² The act was established largely in response to a county circuit court ruling which found that the state correctional facilities had been overcrowded continuously for the past five years.

Rather than face the possibility of the courts setting Michigan's public policy, the governor and the legislature agreed upon an approach, which included the Emergency Powers Act, to retain control of their prison system. The Act was established as a last resort in resolving conditions of overcrowding to be triggered only when other managerial remedies in the Department of Corrections had been exhausted. The Act provides a four-step approach for the reduction of prison populations:

1. If the prison system's population exceeds approved levels for more than 30 consecutive days and if all available administrative measures had been exhausted; e.g., parole and community corrections programs, the state's correction commission notifies the governor;
2. The governor is required by statute to declare a state of emergency which results in all established minimum sentences being automatically reduced by 90 days in order to bring the capacity down to 95 percent. This reduction in sentences enables an additional group of parole-eligible prisoners to be established

⁸¹ Adult Corrections, Management Plan, p. 137.

⁸² The Alaska State Legislature is currently considering Senate Bill No. 106 which is similar in concept to the Michigan law.

LEGISLATIVE OPTIONS

for the Parole Board's consideration. The law excludes prisoners who have been given no minimum sentence as well as those offenders who have been retained beyond their minimum sentences by the parole board.

3. If the targeted population reduction does not occur within 90 days of the governor's declaration, sentences of eligible prisoners are again rolled back by 90 days.
4. When the corrections commission certifies that the population of the prisons has been brought down to 95 percent of their rated capacity, the governor is required to cancel the emergency declaration.⁸³

According to Susan Herman, an aide to Representative Padden, the governor has been required to implement the sentencing rollback procedures 4 times since the law's enactment. Ms. Herman stated that no security problems have occurred in Michigan as a result of prisoners being released early. In general, the law has been very favorably received and is regarded to be an effective method of addressing the state's prisons overcrowding.

Interest in overcrowding legislation, such as that enacted in Michigan, seems to be increasing in many states, possibly because it is a measure that interrupts the normal operations of correctional intake and release only during times of an emergency.

Prisoner Placement Options. By extending the authority of correctional administrators for the placement and supervision of offenders into non-institutional settings, some of the more costly dilemmas resulting from overcrowding may be resolved. A number of states are placing increased emphasis on both permanent and temporary community placement of offenders especially when combined with a comprehensive public work program.

Some states appear to be broadening eligibility requirements for these kinds of programs. In South Carolina, for example, the governor has recommended that the Department of Corrections "automatically screen all offenders committed to its agency for nonviolent offenses with sentences of five years or less for possible placement on work release or supervised furlough."⁸⁴

⁸³ Michigan House of Representatives, Memorandum to Members of House Corrections Committee from Jim Boyd and Ken Empey, "HB 6049--Prison Overcrowding Emergency Powers Act; Information Sheet on HB 6049," Nov. 24, 1980, (hereafter cited as "HB 6049--Prison Overcrowding").

⁸⁴ "Prison Crowding--An Overview of Options."

STRENGTHENING CORRECTIONAL MANAGEMENT THROUGH REORGANIZATION

Some of the problems recently encountered in adult correctional services in Alaska have been attributed to the current structure of the Division of Adult Corrections as well as to its location within the Department of Health and Social Services. During the past several months, authorities have contemplated the effectiveness of a divisional reorganization.

Generally a state changes the structure of its correctional agency in order to accomplish three major objectives: to strengthen the agency's political accountability; to make programmatic improvements; and to strengthen managerial control. In Alaska, policymakers have mentioned each of these three objectives in considering the reorganization of the Division of Adult Corrections.

The State of Alaska has a number of options regarding the organization and placement of correctional services; the following options have been suggested by justice professionals in recent months:

- Create a Department of Corrections.
- Move the Division into a different department.
- Relocate the Division to the Office of the Governor.
- Keep the Division in its current location and bolster its supervisory support--both internally and externally.
- Establish a Board of Corrections.

Before reviewing these specific options, it is important to consider some of the limitations of reorganization proposals for state correctional agencies. A study conducted in 1977 by the Council of State Governments offered this advice:

[A]lthough changing the administrative structure has important implications for correctional policy, the exact meaning is very problematical. Numerous intervening conditions are necessary for reorganization to have maximum impact...[R]eorganizing is a costly, time-consuming process which is more appropriate for dealing with broad-scale weaknesses in a state corrections program than rectifying specific problems...If its limitations as well as its strengths are recognized, it can be an effective means by which public officials can influence the future development of corrections programs.⁸⁵

⁸⁵ Jack D. Foster et al., Reorganization of State Corrections Agencies: A Decade of Experience, (hereafter cited as Reorganization State Correction Agencies.)

Create a Department of Corrections

The development of a Department of Corrections is an option that has been discussed by policymakers for several years. A final recommendation of the Hammond administration, for example, suggested that the Division of Adult Corrections be given departmental status. This recommendation was subsequent to several related legislative proposals, including Senate Bill No. 860 which was introduced by the State Affairs Committee of Alaska's Twelfth Legislature. In January 1983, Governor Sheffield, acting upon a recommendation of his Task Force on Corrections, offered Executive Order No. 54 for consideration by both houses of the legislature. In the executive order, the governor found that:

it would be in the best interests of efficient administration, protection of the public, and reformation of persons convicted of violations of the criminal laws of the state to reorganize penal corrections functions by creating a Department of Corrections as a principal department of the state. The new department is being created from the current division.

If approved, the order will take effect on April 1, 1983. The legislature has 60 days to respond.

There are several potential advantages to establishing a Department of Corrections in Alaska. Adult correctional services, which will always have substantial budgetary requirements, would no longer be in a perceived position of direct funding competition with other divisions within the Department of Health and Social Services. Moreover, as a member of the executive cabinet, the correctional administrator's access to the governor would improve. In addition, it would enable more coordination between the attorney general and other commissioners involved with criminal justice matters.

A new move of this order might also resolve some of the Division's existing personnel problems. As mentioned in the previous section, many of the staff positions within the Division appear in need of reclassification. Moreover, some authorities feel that the agency would benefit from additional staff positions that are partially exempt from State classified service. According to Robert Hatrak, the former director of DAC, Alaska is possibly the only state where the correctional administrator does not have the power to hire and fire his own staff. Mr. Hatrak commented that this can impair a director's ability to implement necessary program and administrative changes, particularly when staff are resistant of agency modifications. Presumably, a comprehensive review of staffing needs, including personnel reclassification, would occur as part of the transition process in forming a department. Some of the perceived inequities in pay scales could also be addressed through this process.

Former Director Charles Campbell believes that the development of a department would be extremely beneficial for Alaska's correctional programs. Mr. Campbell views this option to be a realistic means of assuring that the correctional administrator has routine contact with the governor.

Among those authorities who support departmental status for corrections, many are reluctant to see a department created prematurely. Robert Hatrak believes that establishing a department without sufficient time reserved for its design will not resolve Alaska's correctional problems and, may in fact, create added problems by improperly allocating human and budgetary resources.

One individual also commented that the transition process involved in establishing a department could renew personnel conflicts and produce management problems. By some assessments, many correctional staff already are demoralized by past management problems within the Division. The governor's recent appointment of a new director will signify the Division's fourth director in a period of six years. By some interpretations, several administrative issues should be resolved before an organizational step of this magnitude is undertaken.

Some criminal justice professionals are skeptical that the creation of a corrections department will ever be an appropriate option for Alaska. At issue are questions pertaining to management, program size, and cost. Some professionals do not believe that Alaska's correctional system is large enough to require departmentalization. As one former state official noted, a department could create more bureaucracy and more eventual expense than the benefits to be realized from such a move.

The trend in other states in recent years has been to relocate correctional agencies from human services departments in order to create a central department.⁸⁶ Daniel Skoler, a national authority on organizational options related to criminal justice, views the development of an independent, cabinet-level corrections department to be well worth consideration as an organizational option.⁸⁷

If Alaska policymakers conclude that the departmental option is not appropriate at this time, the following alternatives may be considered for the organization of correctional services.

⁸⁶ Ibid.

⁸⁷ Daniel L. Skoler, Organizing the Non-System: Governmental Structuring of Criminal Justice Systems, Lexington Books, Lexington, Massachusetts, 1977, p. 242, (hereafter cited as Organizing the Non-System).

LEGISLATIVE OPTIONS

Move the Division into a Different Department

The Departments of Law, Public Safety, and Community and Regional Affairs have each been mentioned in the past several months as potential recipients of the Division of Adult Corrections. By some interpretations, the relocation of DAC from the Department of Health and Social Services would offer some distinct advantages: it could release valuable administrative resources for other divisions and programs within DHSS; it could provide a "fresh perspective" for the Division from a management standpoint; and it could enable the Division to alter its program emphasis from one of human services to another, such as public safety, which is regarded by some as a positive transition.

However, of the individuals we interviewed, most did not support the relocation of DAC into another department at this time. These views generally were based on a common perception that although DHSS may not be an ideal location, there is no department which could offer an improved setting. Victor Krumm, for example, is not in favor of a divisional move to the Department of Public Safety. He fears that the addition of correctional responsibilities would result in DPS' resources becoming "too diluted," thus making it difficult to fulfill its responsibilities in law enforcement. Similarly, he questions the placement of DAC into the Department of Law. Mr. Krumm made the following observation:

The problem with [the Division of Adult] Corrections is that it will automatically become the 'step-child' in whatever department it is placed. Because it is a large program that drains other division's resources, it doesn't really fit anywhere particularly well.

By Mr. Krumm's assessment, the Division "fits" most appropriately within an agency that has a social services emphasis and consequently, he believes it should remain where it is.

Dana Fabe, the State's Public Defender, would also like to see the Division stay within DHSS. Ms. Fabe noted that the Department is charged with responsibilities for human services treatment and welfare; she is apprehensive that relocation could attenuate the "treatment" function of adult correctional services.

Relocate the Division into the Governor's Office

The Governor's Office was one of two possible locations for correctional services that was suggested by Governor Sheffield's Transition Task Force on Human Services. While this type of placement would strengthen the agency's political accountability on certain levels, it could impair it on others. Clearly, it would improve the correctional administrator's access to the governor. Improved access could assist in expanding the governor's expertise and familiarity with this complex

topic. A potential disadvantage of placing a program as large and as sensitive as adult corrections in the Governor's Office is that it may place too great an administrative burden on the governor and his staff.

Keep The Division In Its Current Location

In its ten-year study of reorganizational efforts of state correctional agencies, the Council of State Governments found that reorganization can be costly and that objectives for program reform are not always realized. Additionally, the Council found that the effectiveness of reorganization is very dependent upon the clarity and uniformity of the goals that have been established for the state's criminal justice system.

In light of these factors, it may be that State dollars would be better spent by working to reduce the existing Division's imperfections and to improve upon other elements of Alaska's criminal justice system. One former official within the Department of Health and Social Services observed that relocation of the Division may not be very timely, because the Department--partially as a result of its recent problems with the Division--has now developed the skills and understanding necessary to effectively address a correctional agency's needs. If the Division is placed elsewhere, it may lose this necessary foundation.

Dana Fahe, the State Public Defender, feels that many of the agency's current problems could be resolved without relocation. In response to criticisms regarding the managerial capabilities of the Division of Adult Corrections, Ms. Fahe commented that some of these problems could be rectified by improving the Division's administrative support within the Department. This approach, in turn, may be more cost-effective than other available options. For example, by extending intradivisional administrative support and by establishing a deputy commissioner position within DRSS with primary responsibilities for policy development and program oversight of corrections-related activities, several of the Division's more fundamental problems could be remedied. Similarly, consideration could be given to establishing a special assistant within the Office of the Governor having sole responsibility for criminal justice areas.

By many interpretations, addressing the Division's needs through this approach would be less expensive and potentially more efficient than other options under consideration. Some have suggested the following alternative as a method of further strengthening the existing division.

LEGISLATIVE OPTIONS

Establish a Board of Corrections

Correctional agencies in some states function through a board or commission. Operations vary from state to state, but most commonly a board is responsible for establishing and overseeing correctional policies. In turn, boards frequently have authority for the hiring and firing of the agency director. Correctional agencies in ten states currently operate through this type of board.⁸⁸ In addition to policy development, specific functions of the boards include the administration of probation and parole, standard-setting, and, in some cases, juvenile corrections.

Several other states have boards with distinctly different responsibilities than those described above. In Wyoming, for example, the board has authority for numerous state institutions; e.g., correctional centers, mental health centers, and facilities for the elderly.

According to research conducted in 1980 on behalf of the State of Washington, a distinct benefit derived from a board or commission is that it reduces the political accountability of correctional services to the governor and increases accountability to the public.⁸⁹ Based upon their research, accountability to the legislature remained unchanged. Additionally, boards can assist an agency in its external communications and relations.

Robert Hatrak noted that the primary significance of a board is the stabilizing effect it appears to have on program administration. According to Mr. Hatrak, the Florida Department of Corrections has retained the same administrator, Louie Wainwright, for 20 years. According to Mr. Hatrak, the duration of Mr. Wainwright's position is largely attributable both to an effective professional relationship between the administrator and his board and to the role that the board serves in acting as a buffer between Mr. Wainwright and various political factions.

Others have noted that policy boards if improperly administered may become guided by political motivations rather than by appropriate strategies. Some states, such as Minnesota, have dispensed with their policy boards in favor of other administrative mechanisms.

Of the individuals we interviewed regarding this concept, most stressed the importance of establishing a board principally comprised of professional membership. If a board is devised with lay citizens, its abilities to address complex issues of criminal justice policies may become diffused.

⁸⁸ The ten states are Arkansas, Georgia, Idaho, Indiana, Michigan, Mississippi, New Hampshire, South Carolina, Texas and Washington.

⁸⁹ Bert H. Hoff et al., Battelle Law and Justice Study Center, A Corrections Commission for the State of Washington, April 1980.

The State of Washington did an extensive analysis of the board/commission option. If it is decided that this option is worth further consideration for Alaska's agency, it would be advisable to contact correctional staff in Washington for their insights.

IMPROVING CRIMINAL JUSTICE COMMUNICATIONS AND DECISION MAKING

Paramount to any discussion of options in adult correctional services is the agency's programmatic and administrative relationship with others involved with the criminal justice system. In many respects, the difficulties that the Division of Adult Corrections has experienced in recent years are partly the result of actions taken in other parts of Alaska's criminal justice system. The Alaska Corrections Master Plan discusses three major criminal justice decisions that essentially determine the size of the Division of Adult Correction's caseload; these are:

- the decision to release or detain those awaiting trial;
- the sentencing decision; and
- the parole release decision.

The ultimate responsibility for these decisions is placed within the courts, the parole board, and the legislature. In light of this, many justice authorities have expressed a need for improved communication among these entities. Others have added that there needs to be effective interagency communication and planning among agencies. As Janice Cole observed in a recent draft policy report:

The criminal justice system includes the Departments of Law, Health and Social Services, Public Defender (Department of Administration), and Public Safety, local law enforcement entities, and the Judicial System. Major policy changes within one entity are likely to affect all related agencies.⁹⁰

Policy Analysis, Planning, and Research

Ms. Cole recommended that the State establish a process for interagency communication and policy development. According to Ms. Cole, this process should include the establishment of a cabinet-level criminal justice planning committee for the purposes of resolving current policy issues and long-range planning and policy development. Ms. Cole further suggested that a system be established for short-term problem solving, which would provide more effective management of the pretrial and sentenced populations. This, in turn, could serve as a vehicle for providing the judiciary with current information regarding available

⁹⁰ "Corrections Planning"

LEGISLATIVE OPTIONS

sentencing options and for providing the legislature with information regarding the status of justice programs and concerns.

This function was formerly accomplished by the Criminal Justice Planning Agency which was originally located within the Office of the Governor. Following budgetary reductions and the elimination of the federal Law Enforcement Assistance Administration, the Criminal Justice Planning Agency was closed down in July 1982. As a result of this, the State lost much of its research and planning capabilities in the field of criminal justice.

The significance of this loss is apparent in examining the State's needs in crime prevention programs. As Roger Endell has noted, the State does not currently have access to basic demographic data regarding crimes in Alaska which would be useful information in forecasting law enforcement needs in given locales.

Moreover, many authorities have identified information system deficiencies within the Division of Adult Corrections particularly in the areas of population management and long-range forecasting; and in its general capabilities for research and policy analysis. To date, the primary data that is available for analysis is generated from the booking process. According to Wilson Condon, the former attorney general, this has limited the State's capabilities for detailed research of prison populations.⁹¹ In many other states, computer programs are used that examine the pattern and flow of prisoners from the time of their arrest until their release. This would provide a base which would enable more substantive analysis to occur in Alaska.

Accurate Short and Long-Term Cost Information

Throughout the course of our interviews, individuals stressed the need for improvements in forecasting the financial costs of criminal justice policies. The most frequently cited illustration of this need is Alaska's revised criminal code, amended by the legislature in 1978 and implemented in 1980, which provided presumptive sentencing for felony convictions. Many authorities believe that cost analyses regarding this legislation were insufficient. In other states, presumptive sentencing trends have resulted in prison population increases. If accurate analysis of the implications of these kinds of policies is done, correctional administrators and policymakers can plan more effectively for capital, staffing and program needs.

Further, it can provide insights as to whether a proposed policy is cost-effective and should be established at this time. In Pennsylvania, for example, an analysis of a bill providing mandatory minimum sentencing

⁹¹ Memorandum from Wilson L. Condon

estimated that a 50 percent increase in prison populations and a 40 percent increase in state prison expenditures would result from its implementation. Similarly, individuals have mentioned a need for the effective presentation of cost data related to the construction or renovation of correctional facilities. According to Kay Harris, of 31 prisons where construction began between 1976 and 1980, costs in 26 facilities exceeded the original appropriation. There is also a need for accurate forecasting of maintenance and operation costs.

CONCLUSION

Chief Justice Warren Burger recently called for the development of a national correctional policy. Commenting on the scale of the problem, Justice Burger made the following recommendation:

Correctional policy, particularly during times of rapidly increasing prisoner populations and prison overcrowding, can no longer remain confined to one segment of society...State, local and federal authorities must focus on these problems [and] develop a national correctional policy to deal with them.

Justice Burger's remarks serve as a reminder that the effective delivery of correctional services is a dilemma that is confronting the nation as a whole. Although policymakers in Alaska are grappling with some difficult corrections issues, a review of correctional systems in other states reveals problems of much greater magnitude than those currently found in Alaska.

In reviewing the draft version of this report, Charles Campbell, former Director of the Division of Adult Corrections, commented that Alaska has one of the better correctional systems in the nation. Several of the State's facilities and programs have served as models for other parts of the United States. Mr. Campbell cited other examples of the overall effectiveness of the State's system: the incidence of violence in Alaska's prisons is probably lower than in any other state; drug use and trafficking within institutions is very low; and prison escapes were not a problem in Alaska until 1982. Moreover, in a field noted for its high attrition, the Division of Adult Corrections reportedly has one of the lowest turnover rates of any State agency in Alaska. In summary, Mr. Campbell stated that:

[D]uring a period of precipitous population growth and serious overcrowding, [Alaska's prison] superintendents managed their facilities skillfully enough to avoid anything like the problems which beset other jurisdictions.

Although it is apparent that the administrative and managerial capabilities of the Division of Adult Corrections may require strengthening through budgetary, organizational, and legislative reform, it is less clear how much may be gained by this strategy or, in turn, how much risk will be assumed by rejecting this approach.

It is evident that correctional expenditures are increasing both in Alaska and in the nation as a whole. Between 1971 and 1979, correctional expenditures almost tripled in the United States, having in-

CONCLUSION

creased from \$2.3 billion annually to \$6 billion per year. Moreover, the rate of increase in prison populations--at least in the immediate future--is expected to continue to grow. In light of this, it is becoming increasingly important that government become more efficient in its management of offender populations and its use of existing facilities.

1982 SPECIAL REPORTS
HOUSE RESEARCH AGENCY

- 82-A State Loan Programs: A Review of Administration, Funding
and Activity
December 1982
- 82-B State Budget Policy Under Uncertain Revenue Forecasts:
Options for Legislative Action
January 1983
- 82-C Power Project Development and Financing in Alaska
January 1983
- 82-D Election District Breakdown of State Operating and Capital
Budgets: Fiscal Years 1981 - 1983
- 82-E Adult Corrections in Alaska: Current Issues in Administration
and Management
January 1983



Alaska State Legislature
State Senate

Committee on Judiciary

Senator Bill Ray
Chairman
Senate Floor Leader

Pouch V
State Capitol
Juneau, Alaska 99811

FOR IMMEDIATE RELEASE
April 4, 1983

SENATE JUDICIARY COMMITTEE TO HOLD TELECONFERENCE
ON HB 103 - ESTABLISHING A DEPARTMENT OF CORRECTIONS

Juneau, Alaska -- The Senate Judiciary Committee will hold a teleconference this Friday (April 8, 1983) in Juneau on CSHB 103--An Act establishing a Department of Corrections and transferring certain functions [including certain juvenile functions] of the Department of Health and Social Services to the Department of Corrections; and providing for an effective date.

The following sites are included for this teleconference, and interested parties can contact the local Legislative Information offices:

Anchorage	1024 West 6th Avenue Phone: 278-7668	11:30 a.m.
Fairbanks	315 Barnette, Suite 101 Phone: 452-4448	11:30 a.m.

Matsu	Wasilla Village Center Phone: 376-3704	11:30 a.m.
Ketchikan	111 Stedman, Rm 100 Phone: 225-9675	1:30 p.m.
Sitka	210 Lake Street Phone: 747-6276	1:30 p.m.

Senator Pettyjohn who is the sub-committee chairman of this bill will be participating in Anchorage and urges every citizen with an opinion on whether or not the state should institute a new Department of Corrections to participate in Fridays hearings.

POSITION PAPER

CS FOR HOUSE BILL NO. 103

PAGE 1

"An Act establishing a Department of Corrections and transferring certain functions of the Department of Health and Social Services to the Department of Corrections; and providing for an effective date."

The Committee substitute for House Bill No. 103 would accomplish the creation of the Department of Corrections which would include those functions pertaining to the administration of State programs dealing with State prisons and prisoners, probation and parole, extraditions and detainers and would also include State programs dealing with accused and adjudicated delinquent minors.

Departmentalization of the Adult Corrections System is an essential step in dealing with the current crisis and more longstanding problems.

The Governor and the Department of Health and Social Services support the creation of a Department of Corrections which would contain those functions dealing with adults accused or adjudged guilty of criminal offenses. The administration and the Department of Health and Social Services oppose the inclusion within such a Department of those functions pertaining to accused or adjudicated delinquent minors.

The Adult Corrections System within the State of Alaska is presently in an acknowledged crisis circumstance. It is beset with problems stemming from dramatic growth in prisoner population and forced capital expansion. In attempting to deal with an array of problems it is limited by outdated management structure it has long since outgrown.

Departmentalization of Corrections will ensure an increased focus on the problems besetting the correctional system and allow for altered management structure to deal with those problems. In addition, removal of the correctional system from the Department of Health and Social Services will decrease the drain on other vital human services programs.

Increased focus on correctional issues resulting from Departmentalization would enable the needs and problems of corrections to be routinely presented to the Governor and the Legislature. The alteration in management structure would allow for additional administrative support, the development of a more comprehensive corrections plan and in general a more effective administration of corrections programs. The ultimate result would be an increase in the effectiveness of the criminal justice system as a whole.

Juvenile delinquents differ significantly from adult criminals and should not be a part of an Adult Corrections Department.

The Administration opposes the inclusion of those functions dealing with accused and adjudicated delinquent minors for a variety of reasons.

POSITION PAPER

CS FOR HOUSE BILL NO. 103

PAGE 2

There is a very real difference between adult and juvenile offenders which is verified by national research and Alaskan data and reflected in the philosophical approaches of adult corrections and juvenile services programs. National research shows that juvenile crime is less serious than adult crimes in three ways. First, juveniles commit primarily property crimes - thefts. Second, juveniles are far less successful at such crimes than are adults and thefts committed by juveniles result in less financial loss. Last, but most importantly, juveniles commit far fewer crimes of violence than do adults, they use weapons less frequently and guns rarely, and cause less frequent and less serious injuries to victims than do adults. National research also indicates that a very small group of juveniles is responsible for a large number of the serious, particularly violent, crimes committed by juveniles. This group and the publicity given to their offenses is largely responsible for an erroneous public perception that juvenile crime is widespread and serious. It is not. Studies conclude that efforts should be made to identify those few exceptional juveniles who commit violent crimes and deal with them selectively in different ways than other juveniles are treated. (This is a policy supported by the Governor and embodied in legislation proposed by both the legislature - HB 109 - and the executive.)

Alaskan statistics verify that National trends hold true here also. Of 6,128 juveniles arrested in 1981 only 60 were arrested for serious, violent crimes (unclassified or Class A felony's). However, 33% or 2,047 juvenile arrests were for essentially non-criminal or status offenses (alcohol consumption, curfew, or runaway.) The vast majority of the 4,081 criminal arrests of juveniles during 1981, 42% or 1,749 were for theft offenses. Of all juveniles arrested during 1981 only 648 committed offenses serious enough to require formal adjudication by the court and only 95 of these were ordered by the Court to be placed in secure youth services institutions.

Adult Corrections deals with the end result of the crime problem. Youth Services controls the problem and focuses on the cause.

It is clear that juvenile crime and delinquents differ significantly from adult crime and criminals. This is reflected in the differing philosophies and approaches of adult corrections and youth services. Adult corrections efforts are directed at controlling the problems resulting from individual and societal failure. Juvenile services are directed at eliminating the causes of the problems and preventing the failures. The approach of adult corrections in dealing with offenders has increasingly been focused on incarceration as a result of legislation establishing a stricter determinate sentencing scheme, dramatic increases in prisoner population, and forced capital expansion. Rehabilitation has been a secondary consideration. In dealing with juveniles youth serving agencies are attempting to resolve problems of families and youth to prevent or reduce individual failure and

delinquency, and ultimately prevent the development of adult criminals. This approach focuses equally on protecting the public and rehabilitating the individual. Services are designed to both control and supervise the individual and strengthen the juvenile and the family. The approach is comprehensive and aim is to achieve prevention, intervention, control and rehabilitation.

National research is showing increasingly that the primary cause of delinquency is the failure of families. As a result of this research there is an increasing understanding of the direct link between abuse and neglect of children and the development of juvenile delinquency, and even adult crime. Alaska is at the forefront of national thought in recognizing these important links and designing services to deal with the causes of delinquency in a comprehensive, coordinated way to prevent the development of adult criminals. Services for abused, neglected and delinquent children are presently organized in one agency which can more effectively address the causes rather than simply attempting to patch up the results of delinquency.

A comprehensive approach to youth and family problems is more effective and more cost efficient.

The placement of services for delinquent youths as well as services for those youths who are abused or neglected within a single comprehensive youth and family serving agency resulted from the recognition within Alaska of several important facts: 1) that there are real differences between adult offenders and juvenile delinquents, and 2) that a link exists between family breakdown, abuse and neglect of children, and juvenile delinquency. However, equally important was several years of study within the executive branch and a legislative audit report each of which concluded that combining all services for youth and families within one agency would result in more cost effective provision of services.

The benefits resulting from the present organization include:

1. increased focus and attention to juveniles and juvenile problems,
2. better coordination of services and reduced duplication of effort,
3. improved coordination in the development and implementation of policies and procedures affecting services for youth,
4. improved and more cost effective training for social workers and juvenile corrections personnel focusing specifically on juvenile services without unnecessary attention to adult issues,

POSITION PAPER

CS FOR HOUSE BILL NO. 103

PAGE 4

5. more efficient administration and comprehensive planning efforts for all youth services,
6. more effective utilization of resources, and
7. a comprehensive approach to the development of additional resources.

Of particular importance is the management by a single agency of the residential child care system - foster home, group home, and larger private treatment facilities - which includes recruitment, licensing, payment and assessment of effectiveness. Single agency administration of this system is of acute importance given the complexity of the issues relating to its operation, the level of fiscal resources required for the purchase of these services (\$16.4 million FY 84), and the fact that a study of method of operation and possible alternatives to the present system of determining costs of these services has been authorized by the legislature and is in progress.

A comprehensive approach is particularly important to rural Alaska.

The comprehensive approach to providing all youth and family services from within one agency has proven particularly beneficial in rural Alaska where traditionally services have been more expensive and less cost effective in terms of simple numbers. The comprehensive approach of the existing service structure allows a greater variety and higher levels of services to be provided in rural areas without significantly greater costs. The more effective utilization of resources in rural areas made possible by a comprehensive approach to Youth Services also allows greater effort to be expended to provide culturally relevant/sensitive services to Native Alaskans.

Transfer of Youth Services would disrupt the comprehensive approach to youth and family problems. Inclusion of services to delinquent youth within a Department of Corrections focusing on adult criminals and adult correctional programs would violently disrupt the comprehensive approach to youth and families. This disruption would inevitably result in a return to the previous duplication and lack of coordination, and would result in a greater expense, which were among the reasons services to delinquents were originally removed from the Division of Corrections. Disruption of the comprehensive approach of youth services would prove particularly detrimental to rural Alaska where the Division of Family and Youth Services is the primary social service resource and the benefits resulting from the increased coordination within a single agency is most apparent.

POSITION PAPER

CS FOR HOUSE BILL NO. 103

PAGE 5

Creation of a Department of Corrections is vital but youth services must not be included.

Although the Department and the Governor view the creation of a Department of Corrections as an essential step in resolving the present crisis in the adult correctional system, inclusion within such a Department of services for accused and adjudicated delinquent youth is adamantly opposed. Such an inclusion would be a regressive "step backward" in terms of philosophy and what has been demonstrated about the causes, nature and extent of juvenile delinquency. It would also be an important "step backward" in a fiscal sense because it would result in less efficient and less effective services and undoubtedly greater expenses in a time of decreasing resources.

The problems besetting the adult corrections system require the full attention of top administrators. Their time and efforts must not be diverted to other matters as would necessarily occur if youth services were included in a Department of Corrections. Under such a structure neither adult corrections problems nor youth services receive adequate attention or resources.

RECOMMENDED: John R. Pugh
John R. Pugh
Acting Deputy Commissioner
Office of the Commissioner

RECOMMENDED: Michael L. Price
Michael L. Price, Director
Division of Family and
Youth Services

DATE: 3/21/83

DATE: March 21, 1983

APPROVED BY: Robert London Smith
Robert London Smith, Ph.D.
Commissioner

DATE: 3/21/83

I. REQUEST
 BILL/Resolution No.: CS for HB 103 (Jud.)
 Title: "An Act Establishing a Dept. of Corr."
 Sponsor: Judiciary Committee
 Requestor: House Judiciary

II. FISCAL DETAIL
 Agency Affected: Dept. of Corrections
 Program Category Affected: Admin. of Justice
 BRU, Program or Subprogram(s) Affected:
 Adult Confinement, Probation & Community Programs, Admin. & Support, Youth Correctional Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		9596.3	10172.1	10782.4	11429.4	12115.1
200 TRAVEL		213.1	225.9	239.5	253.8	269.0
300 CONTRACTUAL		1365.5	1447.4	1534.3	1626.3	1723.9
400 COMMODITIES		586.0	621.1	658.4	697.9	739.7
500 EQUIPMENT		12.7	13.5	14.3	15.1	16.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC		4961.1	5258.8	5574.3	5908.7	6263.3
TOTAL OPERATING		16734.7	17738.	18803.2	19931.2	21127.0
CAPITAL		16376.2	9111.7			7870.2
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		33110.9	26850.5	18803.2	19931.2	28997.2
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		231.0	231.0	231.0	231.0	231.0
PART-TIME		1.0	1.0	1.0	1.0	1.0
TEMPORARY						

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

Source of funds to offset fiscal impact of CS for House Bill No. 103 (Judiciary) has not been identified by the sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Division of Budget & Finance, DH&SS *J. H. Hubbard* Phone: 465-3331
 Division: _____ Date: March 18, 1983
 Approved by Commissioner: *Robert Gordon Smith, M.D.* Date: 3/19/83
 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

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: CS for HB 103
 Title: Establishing a Dept. of Corrections
 Sponsor: Fritz
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: HSS
 Program Category Affected: Adm. of Justice
 BRU, Program of Subprogram(s) Affected: Juvenile Custody & Youth Corr. Svcs.

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		9,066.2)				
200 TRAVEL		165.1)				
300 CONTRACTUAL		1,009.0)				
400 COMMODITIES		569.0)				
500 EQUIPMENT		12.7)				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC		4,961.1)				
TOTAL OPERATING		(15,783.1)	0	0	0	0
CAPITAL		(16,376.2)	(9,111.7)	0	0	(7,870.2)
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	(32,159.3)	(9,111.7)	0	0	(7,870.2)
FEDERAL FUNDS					
OTHER (Specify Source)					

POSITIONS:

FULL-TIME	(221.0)	0	0	0	0
PART-TIME	(1.0)				
TEMPORARY					

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

Funds would transfer from the Division of Family and Youth Services for existing Youth Services programs only, and could not be utilized to meet the increased administrative costs of a new Department of Corrections; the same source was not identified by the sponsors of the Bill.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Michael L. Price *Michael L. Price* Phone: 465-3170
 Division: Family and Youth Services Date: 3-18-83
 Approved by Commissioner: Robert London Smith, Ch. D. Date: 3/19/83
 Department: Health & Social Services

Distribution:

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3/8/83

"An Act establishing a Department of Corrections."

Division of Family and Youth Services

A. Assumptions

While the Department does not support the transfer of the youth services programs to the Department of Corrections, this fiscal note is based upon the assumption that if passed, the Bill would require the transfer of all funds in the FY 84 Governor's Budget for delinquent youth to that department.

B. Program Summary

All positions and related support costs in the Youth Correctional Services BRU, which includes the youth facilities, would transfer. Included are costs for treatment of delinquent youth. Funds for the purchase of foster and residential care for delinquent youth would also transfer.

C. Computations

Funds for the Youth Correctional Services BRU are taken from the Governor's Budget. Funds for Foster and Residential Care are based upon the FY 82 history and 7/1/82 - 1/31/83 actual expenditures, plus inflation for FY 84. (See the attachment for a detailed breakout.)

D. Economic Impact

Current programs provide intensive rehabilitative treatment and preventive programs for youth. Transfer of these programs to another department could result in a breakdown of the concurrent treatment efforts of social workers and probation officers for youth of the Division of Family and Youth Services, resulting in an adverse effect on the youth and their families and the continued or recurring need for state intervention.

E. Impact on Local Governments

Enactment of this Bill should not have an impact.

CS FOR HOUSE BILL NO. 103

ATTACHMENT
DIVISION OF FAMILY AND YOUTH SERVICES
PAGE 3

C. Computations - continued

FY 84 GOVERNOR'S BUDGET

JUVENILE CUSTODY

<u>OPERATING</u>	<u>YOUTH CORR. SVCS</u>	<u>FOSTER CARE</u>	<u>INSTITU- TION CARE</u>	<u>TOTAL</u>	<u>PCN'S</u>	
100	9,066.2			9,066.2	221	1
200	165.1			165.1		
300	1,009.0			1,009.0		
400	569.0			569.0		
500	"			12.7		
700	<u>446.2</u>	<u>487.6</u>	<u>4,024.6</u>	<u>4,961.1</u>		
TOTAL	11,270.9	487.6	4,024.6	15,783.1	221	1

Foster Care: 20,785 days (57 FTEs) at \$18.75 x
average daily rate x 365 = \$ 413,206

Other Costs (medical, travel,
clothing, special needs) = 74,377
SUBTOTAL \$ 487,583

Residential Care: 34,055 days (93 FTEs) at \$111.49 x
average daily rate x 365 = \$3,796,792

Other Costs (medical, travel,
clothing, special needs) = \$ 227,808
SUBTOTAL \$4,024,600

TOTAL JUVENILE CUSTODY \$4,512,183

CAPITAL

<u>FY 84</u>	Rank 05 Youth Corrections Facility Repairs	
	Project 1506	\$ 3,376,200
	Project 1507	2,807,500
	Rank 06 Fairbanks Y.F. Wing - Proj. 1508	<u>10,192,500</u>
		16,376,200
<u>FY 85</u>	Rank 40 Southeast Y.F. Project 1590	9,111,700
<u>FY 88</u>	N/A Bethel Y. F. N/A	7,870,200

CS FOR HOUSE BILL NO. 103
FISCAL NOTE

ATTACHMENT
PAGE 4

Division of Family and Youth Services, continued

The removal of programs for delinquents from administration by the Division of Corrections, and the organization of all juvenile services within one agency was recommended by the Division of Legislative Audit in its September 1979 report on a performance review of juvenile confinement programs. The advantages of placing responsibility for all juveniles services in the Division of Family and Youth Services are several:

1. Improved coordination and efficiency of efforts to provide a continuum of services to youth and families;
2. Increased efficiency and effectiveness in the development and utilization of private resources;
3. Improved coordination and efficiency in the development of policy and procedures affecting services for youth;
4. Improved staff development through the utilization of combined training programs for social services' workers and juvenile corrections' personnel;
5. Greater capacity to provide a range of services, particularly in rural areas, with greater cost effectiveness through cross training of staff;
6. Development of comprehensive planning for children, youth, and families;
7. Development of a singular program budget for services to youth and families; and
8. Increased cost effectiveness of single administrative responsibility for development of regulations, and licensing of foster homes and child care facilities.

I. REQUEST
 Bill/Resolution No.: CS for HB 103 (Jud.)
 Title: "An Act establishing a Dept. of Corr."
 Sponsor: Judiciary Committee
 Requestor: House Judiciary

II. FISCAL DETAIL
 Agency Affected: Health & Social Servs.
 Program Category Affected: Admin. of Justice
 BRU, Program of Subprogram(s) Affected: Adult Confinement; Probation & Community Programs; Administration & Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		530.1	561.9	595.6	631.4	669.2
200 TRAVEL		48.0	50.9	54.0	57.2	60.6
300 CONTRACTUAL		356.5	377.9	400.6	424.6	450.1
400 COMMODITIES		17.0	18.0	19.1	20.2	21.4
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	*	951.6	1008.7	1069.3	1133.4	1201.3

CAPITAL		-0-	-0-	-0-	-0-	-0-
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REVENUE		-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	*	951.6	1008.7	1069.3	1133.4	1201.3
FEDERAL FUNDS		-0-	-0-	-0-	-0-	-0-
OTHER (Specify Source)		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	10.0	10.0	10.0	10.0	10.0	10.0
PART-TIME		-0-	-0-	-0-	-0-	-0-
TEMPORARY		-0-	-0-	-0-	-0-	-0-

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

Source of funds to offset fiscal impact of CS for House Bill No. 103 (Judiciary) has not been identified by the sponsor. *FY 1983 funding has been identified in Senate Bill No. 158 as a delete/add supplemental of \$250,000.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Roger C. Lange *Roger C. Lange* Phone: 465-3376
 Division: Adult Corrections Date: March 17, 1983
 Approved by Commissioner: Robert Gordon Smith, III Date: 3/18/83
 Department: Health & Social Services

Distribution:

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3/8/83

IV. ANALYSIS

A. Assumptions:

1. C.S. for House Bill No. 103 (Judiciary) creates a Department of Corrections to include juvenile corrections, which were added in this committee substitute.
2. The transfer of juvenile corrections entails (Governor's budget level) 221 permanent full time positions and an appropriation of \$11,270,900. This does not include a pro rata share for corrections juveniles of the foster care/private institutional care request of \$16,399,500. Since the administrative support for these positions and processing of purchase/expenditure documents already exists in the Department of Health and Social Services, it is assumed no new positions will be required for these functions. However, an additional four positions should be identified for transfer from the Department of Health and Social Services to the Department of Corrections for processing personnel documents, purchase requisitions, billings, etc. If positions are not transferred, additional resources would be needed.
3. No additional central administration positions above those identified in the fiscal note for House Bill No. 103 would be needed.

B. Program Summary

1. Positions

Ten new positions are required to implement C.S. for House Bill No. 103 (Judiciary), as follows:

- a. Special Assistant to the Commissioner II
- b. Regional Director - Rural
- c. Executive Secretary II
- d. Programmer/Analyst V
- e. Personnel Officer III
- f. Administrative Officer I
- g. Secretary II
- h. Information Officer II
- i. Secretary I
- j. Clerk-Typist III

2. Other Expenditures

- a. Travel - Administrative and field travel for Commissioner, Assistant Commissioners, Regional Directors and Special Assistants.
- b. Contractual Services - Space lease costs approximate \$250,000. The remainder is for increases in telephone charges, office equipment rentals (postage meters, word processing), janitorial services.
- c. Commodities - Office supplies, departmental forms, etc.

C. Impact

This bill will have no impact on the State's economy or local government units.

REVISED PROGRAM
REQUEST FOR NEW POSITION

CATEGORY	Admin. of Justice
COVER PROGRAM	Offend. Conf. Reform. & Supv.
AGENCY	Dept. of Health & Social Services..
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin & Support
BUDGET COMPONENT	Director's Office

POSITION TITLE Special Assistant to the Commissioner II		JUSTIFICATION: CS for H.B. #103 (Jud.) creates a new Department of Corrections. The requested position will provide direct support to the Commissioner in the form of project assignments, as appropriate.
LOCATION Juneau		
TYPE (FULL OR PART-TIME) <u> PFT </u>		
NUMBER REQUESTED <u> 1 </u>		
RANGE 23A	BARGAINING UNIT PX	
MONTHLY SALARY 4,149	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	16.5	Salary 12,447 Benefits 2,126 Supplemental Benefits 763 Fixed Benefits 720
02 TRAVEL	15.0	Travel 15,000 (relocation expenses)
03 CONTRACTUAL	1.5	Contractual 1,544
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
08 OTHER		
TOTAL	33.8	
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND	33.8	
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

REVISED PROGRAM
REQUEST FOR NEW POSITION

CATEGORY	Admin. of Justice
COVER PROGRAM	Offend. Conf. Reform & Supv.
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

POSITION TITLE Regional Director - Rural		JUSTIFICATION: CS for H.B. #103 (Jud.) creates a new Department of Corrections. The requested position will provide services to rural Alaska which are currently not available in the existing organizational structures. The incumbent will be in contact with village councils, Public Safety and all other agencies involved in the criminal justice system in rural Alaska. The incumbent will also negotiate and administer the local jail contracts
LOCATION Anchorage		
TYPE (FULL OR PART-TIME) <u>PFT</u>		
NUMBER REQUESTED <u>1</u>		
RANGE 24A	BARGAINING UNIT PX	
MONTHLY SALARY 4441	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	17,100	Salary 13,323 Benefits 2,277 Supplemental Benefits 81/ Fixed Benefits 720
02 TRAVEL	15,000	Travel 15,000 (relocation expenses)
03 CONTRACTUAL	1,600	Contractual 1,563
04 COMMODITIES	400	Commodities 400
05 EQUIPMENT	800	Equipment 800
06 OTHER		
TOTAL		
		34,900
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND		34,900
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

REVISED PROGRAM
REQUEST FOR NEW POSITION

CATEGORY	Admin. of Justice
COVER PROGRAM	Offend. Conf. Reform & Supv.
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

POSITION TITLE Executive Secretary II		JUSTIFICATION: CS for H.B. #103 (Jud.) creates a new Department of Corrections. The requested position is to provide direct secretarial support to the Commissioner. This is a new function resulting from the organizational change.
LOCATION Juneau		
TYPE (FULL OR PART-TIME) <u>PFT</u>		
NUMBER REQUESTED <u>1</u>		
RANGE 14A	BARGAINING UNIT PX	
MONTHLY SALARY 2241	MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	9.0	salary 6723 Benefits 1148
02 TRAVEL	..	Supplemental Benefits 412 Fixed Benefits 720
03 CONTRACTUAL	1.2	Contractual 1197
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
08 OTHER		
TOTAL		
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND	11.4	
1005 I/A RECEIPTS		
1025 PROGRAM RECEIPTS		

CATEGORY	Admin. of Justice
COVER PROGRAM	Offend. Conf. Reform. & Supv.
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

REVISED PROGRAM
REQUEST FOR NEW POSITION

POSITION TITLE Programer Analyst V		JUSTIFICATION: CS for H.B. #103 (Jud.) created the new Department of Corrections. Within existing staff, there are no programing/Analyst capabilities as these had been furnished through the Office of Information Systems, Dept. of Health & Social Services. No resources in this area of expertise is being transferred. The incumbent in this position will be responsible for the maintenance and development of systems for the new Department (OBSCIS, AJIS, turn-around document, etc.)
LOCATION Juneau		
TYPE (FULL OR PART-TIME) <u>PET</u>		
NUMBER REQUESTED <u>1</u>		
RANGE 21A	BARGAINING UNIT GGU'	
MONTHLY SALARY 3630	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	14.1	Salary 10,890 Benefits 1861 Supplemental Benefits 667 Fixed Benefits 720
02 TRAVEL	1.0	Travel 1,000
03 CONTRACTUAL	1.2	Contractual 1,562
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
05 OTHER		
TOTAL	17.9	
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND	17.9	
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

REVISED PROGRAM
REQUEST FOR NEW POSITION

CATEGORY	Admin. Of Justice
COVER PROGRAM	Offend. Conf. Reform. & Supy.
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

POSITION TITLE Personnel Officer III		JUSTIFICATION: CS for H.B. #103 (Jud.) creates a new Department of Corrections. The existing Div. of Adult Corrections does not have the responsibility, nor staff, to carry out the duties of a Departmental personnel officer. The incumbent in this position would have the first line responsibility for all personnel matters in the Department of Corrections.
LOCATION Juneau		
TYPE (FULL OR PART-TIME) <u> PFT </u>		
NUMBER REQUESTED <u> 1 </u>		
RANGE 20A	BARGAINING UNIT S	
MONTHLY SALARY 3469	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	13.5	Salary 10407 Benefits 1779 Supplemental Benefits 639 Fixed Benefits 720
02 TRAVEL	1.0	Travel 1000
03 CONTRACTUAL	1.5	Contractual 1555
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
08 OTHER		
TOTAL		
		17.3
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND		17.3
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

CATEGORY	Admin of Justice
COVER PROGRAM	Offend. Conf. Reform. & Supv.
AGENCY	Dept. of Health & Social Services.
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

REVISED PROGRAM
REQUEST FOR NEW POSITION

POSITION TITLE Administrative Officer I		JUSTIFICATION: CS for H.B. #103 (Jud.) creates a new Department of Corrections. The working title of the incumbent of this position will be contract officer. The Department of Corrections has numerous contracts for medical, dental and counseling services, half-way house beds for persons on furlough status, leases, local jail facilities, etc. The incumbent will assist in preparing contracts and authority to negotiate documents; assure compliance to state regulations and laws regarding letting of contract awards, etc.
LOCATION Juneau		
TYPE (FULL OR PART-TIME) <u>PFT</u>		
NUMBER REQUESTED <u>1</u>		
RANGE 17A	BARGAINING UNIT S	
MONTHLY SALARY 2824	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	11.2	Salary 8472 Benefits 1449 Supplemental Benefits 519 Fixed Benefits 720
02 TRAVEL		
03 CONTRACTUAL	1.5	Contractual 1540
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
06 OTHER		
TOTAL		
	13.9	
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND	13.9	
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

STATE OF ALASKA
Office of the Governor
Budget & Management Div.

CATEGORY	Admin. of Justice
COVER PROGRAM	Offend. Conf. Reform. & Supervision
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin & Support
BUDGET COMPONENT	Director's Office

REVISED PROGRAM
REQUEST FOR NEW POSITION

POSITION TITLE Secretary II		JUSTIFICATION: CS for H.B. #103 (Jud.) creates a new Department of Corrections. The requested position will provide secretarial support to the Assistant Commissioner of Operations.
LOCATION Anchorage		
TYPE (FULL OR PART-TIME) <u>PFT</u>		
NUMBER REQUESTED <u>1</u>		
RANGE 11A	BARGAINING UNIT GGU	
MONTHLY SALARY \$1,862	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	7.6	Salary 5586 Benefits 954 Supplemental Benefits 342 Fixed Benefits 720
02 TRAVEL		
03 CONTRACTUAL	1.2	Contractual 1198
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
06 OTHER		
TOTAL		
1002 FEDERAL	10.0	
1003 G/F MATCH		
1004 GENERAL FUND	10.0	
1005 I/A RECEIPTS		
1006 PROGRAM RECEIPTS		

CATEGORY	Administration of Justice
COVER PROGRAM	Offend. Conf. Reform. & Supervision
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

REVISED PROGRAM
REQUEST FOR NEW POSITION

POSITION TITLE Information Officer II		JUSTIFICATION: CS for H.B. No. 103(Jud) creates a new Department of Corrections. The requested position will perform as a public information source for the department.
LOCATION Juneau		
TYPE (FULL OR PART-TIME) <u> PFT </u>		
NUMBER REQUESTED <u> 1 </u>		
RANGE 17A	BARGAINING UNIT GGU	
MONTHLY SALARY \$2,757	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	10.9	Salary 8271 Benefits 1413 Supplemental Benefits 507 Fixed Benefits 720
02 TRAVEL	1.0	Travel 1000
03 CONTRACTUAL	1.5	Contractual 1489
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
08 OTHER		
TOTAL	14.6	
1002 FEDERAL		
1003 G/F MATCH		
100 GENERAL FUND	14.6	
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

CATEGORY	Administration of Justice
COVER PROGRAM	Offend. Conf. Reform, & Supervision
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

REVISED PROGRAM
REQUEST FOR NEW POSITION

POSITION TITLE Secretary I		JUSTIFICATION: CS for H.B. #103 (Jud.) creates a new Department of Corrections. The incumbent in this position will provide the secretarial support to the Rural Regional Director.
LOCATION Anchorage		
TYPE (FULL OR PART-TIME) <u> PFT </u>		
NUMBER REQUESTED <u> 1 </u>		
RANGE 10B	BARGAINING UNIT GGU	
MONTHLY SALARY \$1,803	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	7.4	Salary 5409 Benefits 924 Supplemental Benefits 333 Fixed Benefits 720
02 TRAVEL		
03 CONTRACTUAL	1.1	Contractual 1114
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
06 OTHER		
TOTAL	9.7	
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND	9.7	
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

REVISED PROGRAM
REQUEST FOR NEW POSITION

CATEGORY	Administration of Justice
COVER PROGRAM	Offend. Conf. Reform. & Supervision
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

POSITION TITLE Clerk Typist III		JUSTIFICATION: CS for H.B. #103 (Jud.) creates a new Department of Corrections. The requested position will provide clerical support to the Special Assistant to the Commissioner and Information Officer positions in the Commissioner's Office.
LOCATION Juneau		
TYPE (FULL OR PART-TIME) <u>PFT</u>		
NUMBER REQUESTED <u>1</u>		
RANGE 8A	BARGAINING UNIT GGU	
MONTHLY SALARY \$1,553	# MONTHS (CY) 3	
		DETAIL OF RELATED EXPENSES
01 PERSONAL SERVICES	6.5	Salary 4659 Benefits 794 Supplemental Benefits 286 Fixed Benefits 720
02 TRAVEL		
03 CONTRACTUAL	1.1	Contractual 1141
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
03 OTHER		
TOTAL		
1002 FEDERAL		
1003 G/F MATCH		
1001 GENERAL FUND	8.8	
1005 I/A RECEIPTS		
1023 PROGRAM RECEIPTS		



9

MSG 83-00003715 PRTY 1 03/25/83 18:51:26 ORIG: LA01 IN= 0020 OUT= 0118
FROM: MARCIE, AND INFO TO: JUNEAU INFO
TARGET: LJHL SUBJ: MESSAGE FOR JOHN GABRIELLI,

11:30 AM
4/5/83

PLEASE DELIVER THE FOLLOWING MESSAGE TO JOHN GABRIELLI AS SOON AS POSSIBLE:

TO: JOHN GABRIELLI, AID, SENATOR RAY'S OFFICE
FROM: FUDGE KLEINKHAUF
RE: GROUPS & INDIVIDUALS INTERESTED IN ISSUE OF JUVENILE WAIVER FOR TELECONFERENCE

- DANA FARE, PUBLIC DEFENDER 279-7541 ✓
- ROBERT HICKERSON, LEGAL SERVICES 272-9431 ✓
- ~~SHARON EGGERS, AK YOUTH ADVOCATES 274-6541 ✓~~ → 204 E 5th, Rm 211
99501
- DENNY PATELLA, FAMILY CONNECTION 279-0551 ✓
- MARGARET WOLF 277-1977 *
- JEAN STASSEL, LEAGUE OF WOMEN VOTERS 276-8927 *
- JAN STUMPF 694-9279 *
- SALLY KNEELAND 863-2115 *
- JOANIE CLEARY, NORTH PACIFIC RIM NATIVE CORPORATION 276-2121 ✓ H-274-9056
- SALLY LAUSTER H: 277-8474 *
- JOHN GARVIN, AK CHILDREN SERVICES 276-4515 ✓
- SHERRY ECHRICH H: 345-7893 *
- KATIE HURLEY, COM ON STATUS OF WOMEN 561-4227 ✓
- JOAN HURST, CAMP FIRE 279-3551 ✓

I WILL BE IN TOUCH WITH YOU THURSDAY, MARCH 31.
THANKS FOR YOUR HELP. FUDGE

Marshe Schneider. FBKS 456-5914

EOM

participant list for TK.



ALASKA CHILDREN'S SERVICES, INC.

1200 East 27th Avenue
Anchorage, Alaska 99508-3999
(907) 276-4515

March 28, 1983

The Honorable Bill Ray, Chairman
Senate Judiciary Committee
Alaska State Senate
Pouch V, Mail Stop 3100
Juneau, Alaska 99811

RE: CSHB 103 - "An Act establishing a Department of Corrections and transferring certain functions of the Department of Health and Social Services to the Department of Corrections: and providing for an effective date."

Dear Senator Ray:

We are in support of the creation of a separate Department of Corrections, however, we strongly oppose the transferring of juvenile delinquents (minors) into the new Department for many reasons. The most important ones are:

1. Juvenile delinquents have more in common with "children in need of aid" than they do with adult criminals.
2. Prevention services, which include family services, require specialized staff, facilities, and resources which will be better coordinated with the Department of Health and Social Services staff who have the responsibility of working with families. This aspect of treatment is extremely important in rehabilitation of minors and the possibility of building stronger families.
3. Adult Corrections deals with the end result of the crime problem. Youth Services focuses on the cause.
4. Both national and Alaskan research indicates there is a real difference between adult and juvenile offenders, therefore, the adult corrections and juvenile service programs must be different. Our concern is that this knowledge will not be translated into the philosophy of treatment in a new Department of Corrections.

Serving Alaska's

Children and Families through:

- Residential Treatment Center
- Group Homes
- Emergency Shelter Services

- American Baptist
- American Lutheran
- United Methodist Churches

Member:

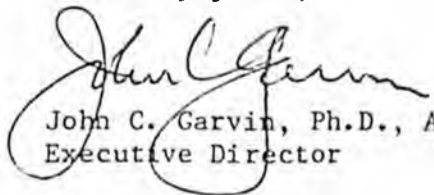
- United Way of Anchorage
- Child Welfare League of America
- Alaska Association of Homes for Children
- Affiliate of the National Benevolent Association of the Christian Church (Disciples of Christ)

Page 2
March 28, 1983
The Honorable Bill Ray

5. Several years of study within the executive branch and a legislative audit report each concluded that combining all services for youth and families within one agency would result in more cost effective provision of services.
6. The cost of duplicating social services and corrections staff, particularly in rural Alaska, will involve considerable cost to the State. A comprehensive approach to providing all youth and family services is much more desirable in the rehabilitation of minors and the possibility of building stronger families.
7. Because of the current situation with the adult criminals, the next few years must be spent building and staffing jails. We are concerned that this would take priority over time, money, and effort spent to develop a good quality program for youngsters.

It is true that in our society today "law and order" are being given much attention and money is likely to be available, but priorities can change and corrections be short changed again; and juveniles who have few advocates will suffer most. Even though the present administration and legislature have expressed concern for adequate correctional services, there is no guarantee that another legislature or administration would have the same commitment. Public policy must reflect what is in the long-term, best interest of our young people, and as advocates for children, youth, and families, we must speak in their behalf when issues such as these arise.

Sincerely yours,



John C. Garvin, Ph.D., ACSW
Executive Director

JCG/rv

March 28, 1983

The Honorable Bill Ray, Chairman
Senate Judiciary Committee
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Ray:

RE: CSHB 103

I would like to share with you some of my concerns about CSHB 103. As I understand the provisions in this bill, a new Department of Corrections would be created. Although I am in favor of this new Department, I would object to having minors (juvenile delinquents) included. There are several reasons for my objections, the major ones are as follows:

1. Prevention services, which include family services, require specialized staff, facilities and resources which will be better coordinated with the Department of Health and Social Services staff who have the responsibility of working with families. I would very much like for this to remain as it is currently.
2. Several years of study within the executive branch and a legislative audit report each concluded that combining all services for youth and families within one agency would result in most cost effective provision of services.
3. Research indicates there is a real difference between adult and juvenile offenders, and thus the philosophy of treatment must be different. Juvenile delinquents have more in common with "children in need of aid" than they do with the adult criminal.
4. The current situation with Alaska's adult corrections system is such that priority must be placed on building and staffing jails. I fear time, effort and money to do this would be at the expense of developing a good quality program for youngsters.
5. At the present time, Youth Services focuses on the cause. Adult Corrections deals with the end result of the crime problem.

Thank you for your attention to the needs of children and families in the past. As an advocate for children, youth and families over the past 25 years, I am aware of the many times you voted in favor of programs that have been good for them.

Sincerely yours,

Thelma P. Langdon

Thelma P. Langdon
2363 Captain Cook Drive
Anchorage, Alaska 99503

HEK - send to [unclear]
March 17, 1983

Senator Bill Ray
Pouch V
Juneau, Alaska 99811
(Mail Stop 3100)

Dear Senator *Bill* Ray:

Thank you for taking the time to talk with me recently about Senate Bill 127 relating to juvenile prosecution.

As you requested I am sending you the references for recent research on the effects of legislation in Minnesota and New York which provides for the prosecution of juveniles by the adult courts. That research revealed that instead of increasing the incarceration of juveniles, conviction rates for serious crimes were often lower - than would have been the case in juvenile court. That research is referred to in these articles -

1. Kiersh, Edward, "Minnesota Cracks Down on Chronic Juvenile Offenders," Correction Magazine, (New York) 7 (6) 21-28, 1981

Roysher, Martin; Edelman, Peter, Treating Juveniles as Adults in New York: What Does it Mean & How Is It Working? Albany, New York State Division for Youth 1980

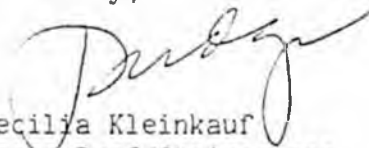
Sobie, Merrie, The Juvenile Offender Act: A Study of the Acts' Effectiveness & Impact on the New York Juvenile Justice System, New York Foundation for Child Development, 1981

Senate Bill 127 does provide for a hearing in juvenile court and also provides a set of criteria for the judge to use in deciding whether the juvenile shall be prosecuted as an adult. That approach is preferable to an automatic waiver and also to the wide latitude now available to the courts. It is interesting to note, however, that Mr. John Pugh, Dept. Commissioner, Dept. of Health & Social Services testified recently before House Judiciary Committee that 16 waiver petitions were filed in juvenile court last year and 12 of them were granted. So it seems the courts are waiving most of the serious juvenile offenders to adult court. Alaska Chapter, National Association of Social Workers has requested statistical information from the court system to verify this or to provide actual data on the use of the waiver. We will share that info with you when we receive it.

TO: Senator Bill Ray
Page #2

I would appreciate being notified of future hearings on SB 127 and perhaps provided an opportunity via a telephone speaker system to give testimony.

Sincerely,

A handwritten signature in cursive script, appearing to read 'C. Kleinkauf', written in dark ink.

Cecilia Kleinkauf
Assoc Prof/Chairperson

CK:par

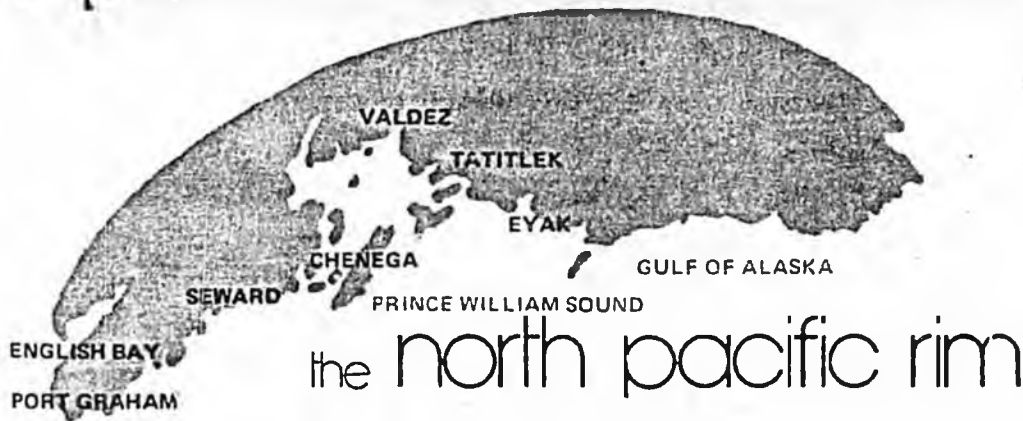
cc: Senator Pat Rodey

1981
CRIME IN ALASKA

Office of Justice Assistance
Department of Law

AGE, SEX AND RACE OF PERSONS ARRESTED
UNDER 18 YEARS OF AGE
STATEWIDE
1981

			10 and UNDER	11-12	13-14	15	16	17	TOTAL UNDER 18	WHITE	BLACK	NATIVE	OTHER
MURDER / NONNEG MANSL.	01A	M	0	0	1	0	0	1	2				
		F	0	0	0	0	0	0	0	2	0	0	0
MANSLAUGHTER BY NEGLIGENCE	01B	M	0	0	0	0	0	0	0	0	0	0	0
		F	0	0	0	0	0	0	0	0	0	0	0
FORCIBLE RAPE	02	M	0	0	2	2	3	1	8				
		F	0	0	0	0	0	0	0	2	1	3	2
ROBBERY	03	M	0	0	3	1	9	7	20				
		F	0	0	0	3	0	0	3	9	7	5	2
AGGRAVATED ASSAULT	04	M	2	8	5	8	10	18	51				
		F	0	0	1	3	0	4	8	40	0	12	7
BURGLARY	05	M	33	39	130	88	101	107	498				
		F	1	6	8	1	5	1	24	369	34	37	82
LARCENY / THEFT	06	M	181	218	300	188	199	189	1275				
		F	52	78	146	62	73	62	474	1279	148	236	86
MOTOR VEHICLE THEFT	07	M	4	12	45	38	38	38	175				
		F	1	1	5	3	4	3	17	121	5	25	41
OTHER ASSAULTS	08	M	3	5	16	12	28	29	93				
		F	0	3	13	10	9	9	44	67	7	36	27
ARSON	09	M	3	4	9	2	2	2	22				
		F	1	0	0	0	0	0	1	13	0	3	7
FORGERY & COUNTERFEITING	10	M	0	1	4	0	2	6	13				
		F	0	0	1	1	3	1	6	14	1	1	3
FRAUD	11	M	1	0	2	5	3	6	17				
		F	0	0	3	1	3	8	15	27	2	2	1
EMBEZZLEMENT	12	M	0	0	0	0	4	6	10				
		F	0	0	0	0	3	6	9	16	3	0	0
STOLEN PROPERTY	13	M	0	1	2	1	2	1	7				
		F	0	0	0	0	2	0	2	7	0	2	0
VANDALISM	14	M	66	38	47	36	36	45	268				
		F	7	2	3	3	3	12	30	205	8	38	47
WEAPONS	15	M	4	2	9	12	9	13	49				
		F	0	0	2	1	0	2	5	25	2	13	4
FROSTITUTION & COMM VICE	16	M	0	0	1	0	0	0	1				
		F	0	0	0	0	3	1	4	4	0	1	0
SEX OFFENSES	17	M	0	1	7	5	10	3	26				
		F	0	0	0	0	0	6	6	25	0	1	6
SALE - OP/UM, COCAINE, ETC.	18a	M	0	0	1	0	0	1	2				
		F	0	0	0	0	2	0	2	3	0	0	1
SALE - MARIJUANA	18b	M	0	1	2	1	4	0	8				
		F	0	0	1	1	0	1	3	8	0	1	2
SALE - SYNTHETIC DRUGS	18c	M	0	0	0	0	0	0	0				
		F	0	0	0	0	0	0	0	0	0	0	0
SALE - OTHER NON-NARCOTIC	18d	M	0	0	1	5	0	2	8				
		F	0	0	1	0	0	0	1	5	1	2	1
POSS - OP/UM, COCAINE, ETC.	18e	M	0	0	1	0	2	5	8				
		F	0	0	2	0	1	0	3	9	0	1	1
POSS - MARIJUANA	18f	M	1	4	50	40	73	67	235				
		F	1	1	22	20	15	8	67	260	10	26	6
POSS - SYNTHETIC DRUGS	18g	M	0	1	5	0	1	0	7				
		F	0	0	4	0	0	0	4	11	0	0	0
POSS - OTHER NON-NARCOTIC	18h	M	0	0	0	2	0	1	3				
		F	0	0	1	0	0	0	1	3	0	0	1
GAMBLING	19	M	0	0	0	0	0	0	0				
		F	0	0	0	0	0	0	0	0	0	0	0
OFFENSES AGAINST FAMILY	20	M	0	0	0	0	0	0	0				
		F	0	0	0	0	0	0	0	0	0	0	0
DRIVING UNDER THE INFLUENCE	21	M	2	0	1	3	18	61	85				
		F	0	0	1	0	3	8	12	73	0	15	9
LIQUOR LAWS	22	M	2	8	40	113	289	421	873				
		F	0	5	99	111	132	189	536	666	2	344	397
DRUNKENNESS	23	M	1	1	0	0	1	2	5				
		F	0	0	2	3	1	3	9	5	1	8	6
DISORDERLY CONDUCT	24	M	0	0	9	11	15	31	66				
		F	0	0	6	7	3	16	32	58	2	30	8
VAGRANCY	25	M	0	0	0	0	0	0	0				
		F	0	0	0	0	0	0	0	0	0	0	0
ALL OTHER OFFENSES	26	M	8	15	41	37	74	81	256				
		F	5	8	27	15	19	21	95	261	11	44	35
SUSPICION	27	M	0	0	0	0	0	0	0				
		F	0	0	0	0	0	0	0	0	0	0	0
CURFEW	28	M	4	9	67	81	83	63	309				
		F	5	6	58	65	32	32	196	285	5	92	125
RUNAWAY	29	M	4	5	22	7	13	6	57				
		F	2	7	30	12	7	2	60	82	1	22	12
TOTALS			397	492	1259	1020	1352	1608	6128	3964	251	1000	913



April 4, 1983

Senator Bill Ray
Senate Judiciary Committee
Pouch V
Juneau, AK 99811

Dear Senator Ray:

I am writing to inform you of our opposition to certain parts of the CSHB 103 (Jud.), "An Act establishing a Department of Corrections...". We are also opposed to CSHB 109 which you will be hearing later this month. It proposes to amend the children's proceedings waiver provisions, and relates to the criminal prosecution of minors. Please consider the concerns of The North Pacific Rim (TNPR) as you deliberate and decide on these bills.

While TNPR agrees that establishing a separate Department of Corrections is a positive move, we object to the inclusion of juveniles in this bill. Juveniles who commit crimes can be better served by remaining under the jurisdiction of the Department of Health & Social Services. It is through a rehabilitative approach, such as that offered by DHSS, that juveniles can gain the needed insight, resources, and skills to lead more socially acceptable lives.

With the great demand for resources within each Department, the needs of juvenile offenders risk becoming secondary to the needs of adults. This is especially true when one considers 1) the larger adult caseload, 2) the new focus on developing a correctional industries program, and 3) the high cost of rehabilitative treatment needed by both adults and juveniles.

903 W. Northern Lights Blvd., Suite 203 / Anchorage / Alaska 99503 / Ph. (907) 276-2121

The Non-Profit Corporation Serving The People Of The Chugach Native Region



TNPR is also concerned that the inclusion of juvenile offenders under the Department of Corrections would adversely affect the quality of services they receive. In the villages and rural areas, the same Probation Officer would most likely have both adults and minors on their caseloads. The attitude that one develops after working with adult offenders would not generally serve the best interest of the minor. In working with minors, even those determined "criminal", it is important that the Probation Officer retain some faith in the human spirit and in the person's ability to change.

Finally, we are fearful that the combination of youth with adult corrections will result in less diversion for youth, as well as a decreased emphasis on youth facilities. Of the 6,128 juvenile arrests in 1981, only 648 were adjudicated delinquents, and only 95 were sentenced to a closed youth facility such as McLaughlin. This means that over 6,000 youth were diverted from closed institutions, thereby keeping costs down and preventing the less dangerous youth from entering the criminal system.

Of course, there are those minors who are "unamenable to treatment", or who commit certain types of felonies such as murder and rape. These are the youth who are dealt with in CSHB 109 (Jud.). Section 9 of CSHB 109 outlines quite adequately the circumstances under which a waiver of children's court jurisdiction should be used. We think that Section 1 of CSHB 109 (Jud.) should be deleted entirely from the bill. A decision to try a 16 year old as an adult should be made on a case by case basis. The waiver as it stands in the current law can be used in this way; and yet its use in past years has been minimal. I would like to see an investigation of the reasons for the lack of use of the waiver before it is established as a general policy for all 16 and 17 year old suspected felons.

In addition, the presumptive sentences outlined in Sections 3 and 4 are too harsh for minors. Without treatment, the youth sentenced to such long terms will have little hope of leading normal, well-adjusted lives upon release. Two to three years in McLaughlin would serve the offender, society, and the State much better. If the youth is not amendable to treatment, it is unnecessary to pass this law if the goal is to have an effective system for treating criminal youth. The waiver in the current law is quite adequate.

In sum, The North Pacific Rim strongly opposes passage of CSHB 109 (Jud.), and we oppose inclusion of juveniles in the proposed new Department of Corrections. Thank you for your time and consideration of our concerns.

Sincerely,

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

The North Pacific Rim
Richard A. Rolland
Director
Health & Social Services

HOUSE JUDICIARY
STANDING COMMITTEE

March 7, 1983

1:30 p.m.

Members Present: Rep. Bussell, Chairman
 Rep. Liska, Vice-Chairman
 Rep. Barnes
 Rep. Clocksin
 Rep. Hayes
 Rep. Wendte

Members Absent: Rep. Malone

COMMITTEE CALENDAR

Legislative Teleconference on the Cleary Case

EO 54

HB 103 "An Act establishing a Department of
 Corrections and transferring certain
 functions of the Department of Health and
 Social Services to the Department of
 Corrections; and providing for an effective
 date."

WITNESS REGISTER

Commissioner Sundberg
Department of Public Safety
Pouch N
Juneau, Alaska 99811
465-4322
Position Statement: Was available to the committee.

Kenneth 'Jim' Brown
State of Alaska, D.O.C.
2200 East 42nd
Anchorage, Alaska
(No phone number given)
Position Statement: Gave testimony regarding the Cleary Case.

Art Schmidt
D.O.A.C.
P.O. Box 10-2100
Anchorage, Alaska 99510
277-7651
Position Statement: Gave testimony regarding the Cleary Case.