

ALASKA LEGISLATURE COMMITTEE FILES 1900-1900 00 / Z

3978 SHES HB 114 854

1 under AS 33.30.151 for the employment of a prisoner if the Correctional
2 Industries Commission determines that the employment will have
3 minimal negative impact on an existing private industry or labor force
4 in the state; and

5 (5) subject to the provisions of AS 37.05, enter into joint
6 cooperative ventures with private industry for the establishment and
7 operation of "Free Venture" industries under AS 33.32.017, if the
8 Correctional Industries Commission determines that the "Free Venture"
9 industry will have minimal negative impact on an existing private
10 industry or labor force in the state.

11 * Sec 7. AS 33.32 is amended by adding a new section to read:

12 Sec. 33.32.017. "FREE VENTURE" CORRECTIONAL INDUSTRIES. (a)

13 Upon recommendation of the Correctional Industries Commission estab-
14 lished under AS 33.32.070, the commissioner may establish "Free Ven-
15 ture" correctional industries for the sale of goods or services to the
16 public or private sector. A "Free Venture" correctional industry is a
17 correctional industry that is operated and managed in total or in part
18 by a private industry or organization within a correctional facility
19 under an agreement entered into under AS 33.32.015(b)(5).

20 (b) The commissioner shall provide appropriate space, utilities,
21 security and inmate workers to the private industry or organization.

22 (c) The private industry or organization shall provide all
23 machinery, tools, supplies, materials, transportation, training,
24 supervisory personnel, management marketing, and insurance necessary
25 for the operation of the "Free Venture" industry.

26 (d) In exchange for the space, utilities, and inmate workers
27 provided to it, the private industry or organization shall pay to the
28 commissioner a weekly payment in an amount not less than the sum of
29 the existing minimum hourly wage, established under AS 23.10.265.

New provision.

1 multiplied by the total number of hours worked during that week by
2 inmates employed in the "Free Venture" correctional industry.

3 (e) The private industry or organization shall indemnify, save
4 harmless, and defend the state, its agents, officers, and employees
5 from liability of any kind resulting from injuries or damages sus-
6 tained by a person or property as a result of the use of the goods or
7 services of the "Free Venture" industry.

New provision.

8 * Sec. 8. AS 33.32.030 is amended by adding a new subsection to read:

9 (f) The provisions of this section do not apply to "Free Ven-
10 ture" industries established under AS 33.32.017.

11 * Sec. 9. AS 39.35.360(e) is amended to read:

12 (e) An employee of a detention facility provided by a local
13 government unit to the territorial or state government under AS 33.
14 30.031 or former AS 33.30.060, who continues in state employment upon
15 transfer of the facility to the state, is entitled to credited service
16 for prior service with the facility if the employee remains in contin-
17 uous employment with the state until July 1, 1976. To obtain credited
18 service the employee is required to make retroactive contributions for
19 the period of service between January 1, 1961, and the effective date
20 of the transfer of the facility to the state.

Existing 39.35.360(e).

21 * Sec. 10. AS 44.65.050 is amended by adding a new subsection to read:

22 (d) The Department of Corrections and the Department of Trans-
23 portation and Public Facilities may enter into agreements under this
24 chapter for the construction, renovation, repair or alteration of
25 state correctional facilities as defined in AS 33.30.301. An agree-
26 ment entered into under this subsection is limited to an estimated
27 cost of \$100,000 for each project as determined by the terms of the
28 agreement.

New provision.

29 * Sec. 11. The following laws are repealed: AS 33.30.010, 33.30.020.

New provision. Repeals old citations
per renumbering of chapter.

1 33.30.030, 33.30.040, 33.30.050, 33.30.060, 33.30.070, 33.30.080, 33.30.090,
2 33.30.100, 33.30.110, 33.30.120, 33.30.130, 33.30.140, 33.30.150,
3 33.30.160, 33.30.170, 33.30.180, 33.30.185, 33.30.190, 33.30.225, 33.30.227,
4 33.30.250, 33.30.260, 33.30.290, 33.30.300, 33.30.310, 33.30.320, and
5 33.30.900.

6 * Sec. 12. Regulations adopted under a statute amended or repealed by
7 this Act continue in effect until amended or repealed by the commissioner
8 of corrections, except to the extent that a regulation is inconsistent or
9 in conflict with a provision of this Act.

New provision.

STATE OF ALASKA

DEPARTMENT OF CORRECTIONS

BILL SHEFFIELD, GOVERNOR

REPLY TO

POUCH T
JUNEAU, ALASKA 99811
PHONE (907) 465-3376

March 18, 1986

The Honorable Bettye Fahrenkamp
Chairman, Senate HESS Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

I've prepared a packet of information for the Committee's review that will hopefully answer the questions that were raised at yesterday's work session on HB 114.

On classification, enclosed is a general overview of Alaska's prisoner classification system. It is followed by excerpts from our policy and procedures manual that provide more specific information. I would be happy to provide you with the entire classification manual; however, it is in excess of one hundred pages. I've also included a copy of a recently prepared memorandum that was provided to members of the Senate Finance Committee. It is on the subject of prisoner transfers, but may prove helpful.

Also enclosed is a chart showing community residential centers and restitution centers by type and location. Information is also provided on the sliding fee scale used in the contracts with the private sector. In answer to the question of how many of these beds are filled, I've provided copies of our count sheets over the last several months. As you will note, the beds are filled with minor fluctuations. Kila House in Fairbanks is not filled to capacity. By way of explanation, a breakdown of the population at Fairbanks Correctional Center is provided.

If you wish further information, please let me know and I will provide it as soon as possible.

Sincerely,



Nadine Winters
Special Assistant

NW:cc
Enclosures
cc: Roger V. Endell

Alaska's Classification System

The Classification System is an organized and systematic approach to placing each prisoner in the situation that will best provide an optimal level of reformatory services, at the same time that there is maintained an appropriate level of security to assure that there is neither escape nor internal disorder.

The development of Alaska's present prisoner classification system was begun in June 1982 via a contractual agreement or technical assistance from the American Correctional Association. The principal ACA advisor was Dr. Robert Levinson, the same person who earlier had developed the prisoner classification system that is presently used by the U.S. Bureau of Prisons. Alaska's system was developed and operationalized over a period of approximately three years, and was ultimately approved by Superior Court Judge Douglas Serdahely in conjunction with the Cleary-Bierne class action lawsuit.

The day-to-day management of the system is under the direction of the Chief Classification Officer, a central office position that reports to the Deputy Commissioner for Operations. There is also an Assistant Classification Officer. Classification committees composed of institutional staff meet regularly at the various facilities across the state and it is at the committee hearings that the prisoner is afforded the opportunity to participate in the classification process. Some of the classification actions, for example the custody level at which the prisoner is maintained, are subject to the approval of the institutional Superintendent. Others, such as transfer between institutions, must be approved by the Chief Classification Officer.

Generally speaking, the prisoner population is broken down into three target groups, each of which is subject to its own variation of the overall classification policy and procedure. Those three groups are the pre-trial prisoners, those who have not been convicted; the short-term prisoners, those who have sentences of such length that they come to Corrections with no more than 60 days to serve; and long-term prisoners, those who do have more than 60 days. A long-term prisoner reverts to short-term status when within 60 days of a firm release date.

The single most important classification consideration that transcends a person's status as a pre-trial or sentenced prisoner, etc., is that of custody level, the degree of relative freedom that the prisoner is to be allowed while confined within the correctional system. There are five such custody levels as follows, in descending order of the degree of restraint imposed:

1. Maximum
2. Close
3. Medium
4. Minimum
5. Community

At maximum custody a prisoner is allowed out of a cell only under escort of two correctional officers, with physical restraints optional within the

institutions secure perimeter, and mandatory outside that perimeter. A prisoner with community custody may be allowed to leave the institution to travel unescorted in the community. The other custody levels are graduated between these two extremes.

We shall now briefly examine prisoner classification as it relates to each of the three target sub-populations. Time constraints necessarily limit our scope to generalized observations. More specific detail can be extracted from the relevant portions of the Policy and Procedure Manual.

Pre-Trial Prisoners

At time of intake a prisoner is given a custody level that is commensurate with the seriousness of the criminal charges, as well as the prisoner's demeanor. Ordinarily that custody level would be no less than medium, but could possibly be as low as minimum if the charges are minor and the prisoner is known to staff due to prior incarceration.

Within 15 working days following admission a pre-trial prisoner is classified as to custody level and program involvement. This is accomplished via a review of all available records by a single staff person to assess such factors as nature of offense, amount of bail that has been set, medical needs and prior criminal history. That staff person makes recommendations to the Superintendent, who will render a final decision.

At intervals of approximately sixty days, and for as long as the prisoner remains in pre-trial status, a hearing is held before an institutional classification committee comprised of three staff persons. The committee recommendations go to the Superintendent for final decision. That decision is allowed one level of appeal to the Regional Director.

Short-Term Sentenced Prisoners

A short-term prisoner is designated to an appropriate facility within 15 days after sentencing. The term "designation" is used to clearly identify what is really nothing more than a sub-process of classification, namely the initial decision regarding institutional placement. This is accomplished by a single staff person who considers such common-sense factors as severity of offense, time to a firm release date, type of prior convictions, and history of escape and/or violent behavior. Each factor is quantified via a numerical score, and the resultant total used to aid the Superintendent in making a final decision. That decision is appealable to the Regional Director.

Prisoners sentenced for a misdemeanor will be designated within 5 working days after sentencing except for prisoner sentenced to five days or less; these very short-term prisoners will be designated as soon as possible after arrival at the receiving institution and may be designated directly to a restitution center if they meet eligibility criteria.

The Superintendent may classify a short-term prisoner (60 days or less) to community custody and may designate a minimum or community custody prisoner for placement in contract misdemeanor housing; or restitution center in accordance with eligibility criteria outlined in 818.04, Community Programs, section VI. D., Restitution Center Placement.

Unlike pre-trial or long-term prisoners, a short-term prisoner may be designated to community custody, and may be immediately placed on furlough or assigned to a restitution center.


Long-Term Sentenced Prisoners

A long-term sentenced prisoner is designated to an appropriate program facility within 15 working days following sentencing. This is accomplished by an institutional staff person who completes a numerically scored designation form which is forwarded, along with all available supporting documentation, to the Chief Classification Officer. The latter makes the non-appealable decision regarding initial institutional placement and arranges for transportation of the prisoner at such time as appropriate bedspace becomes available. A long-term prisoner is not eligible for designation to community custody, therefore is not eligible for furlough or restitution center placement at the outset.

Within 30 days of transfer or within 60 days following sentencing, whichever comes first, the prisoner is entitled to a classification hearing before a committee of three staff members. If the subject is only custody level or program involvement, the decision is made by the Superintendent, with appeal to the Regional Director. If transfer to another institution is considered, relevant material is forwarded to the Chief Classification Officer for a decision. In that event, appeal is to the Deputy Commissioner for Operations. Subsequent classification hearings are held at intervals of not more than a year to address the prisoner's custody level and program needs, if the prisoner has two years or more remaining to serve. When the prisoner is within two years of release the mandatory classification interval decreases to a year.

The prisoner classification system was designed and operationalized on the basis of an assumption that it would function within an environment conducive to implementation of the various steps necessary to achieve its goals. Insofar as that has been the case the system has worked quite.

By far the most significant impediment to efficacious operation of our prisoner classification system is the very simple basic fact that there is inadequate appropriate bedspace to accommodate the product of that system. The end result is that although the classification of "paper" proceeds reasonably well, what actually happens to the prisoner tends to lag far behind while we wait for the appropriate bedspace to become available.

State of Alaska Department of Corrections Policies and Procedures		Index #: 705.01 Page 1 of 4
		Effective Date: 85-4-22
Approved by: Roger V. Endell		Distribution: A, B, C
Supersedes: 760.03 (83-10-11)		Related ACA Standards: 2-4401 and 2-4407
Chapter: CLASSIFICATION		Subject: CLASSIFICATION OF UNSENTENCED PRISONERS

I. AUTHORITY:

In accordance with AS 44.28.030, AS 33.30.030, and 22 AAC 05.155, the Department of Corrections shall develop and adopt policies and procedures that are consistent with laws for the guidance, government and administration of correctional facilities, programs and field services.

II. PURPOSE:

To establish uniform procedures for determining an unsentenced prisoner's custody level, security level, and program needs.

III. APPLICATION:

To all employees.

IV. DEFINITIONS:

As used in this document, the following definitions shall apply:

A. Classification:

The process that systematically subdivides a prisoner population into prisoner groups based on security, custody and program needs.

B. Classification Committee:

A group of individuals convened to review and assess a prisoner's security, custody, and program needs.

C. Custody Level:

The custody status assigned to a prisoner. Such status establishes the degree of staff supervision needed to monitor and control each prisoner's behavior; as defined and applied in 735.01, Designation Process for Long-Term Sentenced Prisoners.

D. Exception Case:

A prisoner whose offense or subsequent conduct involves: a notorious crime, (i.e., one which has attracted substantial attention in the news media, which is particularly violent, or which is a serious sex offense); threats against government officials; or an escape risk, (i.e., attempted escape in the last five years or actual escape in the last 10 years).

Subject: CLASSIFICATION OF UNSENTENCED PRISONERS

E. Security Level:

The degree of security assigned to an institution based upon its constraint features; as defined and applied in 703.01, Institution Security Classification, and 735.01, Designation Process for Long-Term Sentenced Prisoners.

F. Unsentenced Prisoner:

A prisoner who is awaiting trial, sentencing, or probation/parole revocation.

V. POLICY:

- A. A prisoner who is awaiting trial, sentencing or probation/parole revocation must be classified with regard to security level, custody status, and program involvement.
- B. Prisoners will be placed in the least restrictive levels of security and custody, consistent with good correctional management.
- C. A classification Form for Unsentenced Prisoners; (form 20-705.01 and Instructions), which provides specific guidelines for decision making and serves as official documentation for the classification action, will be utilized.

VI. PROCEDURES:

- A. Classification Process for Unsentenced Prisoners Within 15 Working Days of Admission:
 1. Each unsentenced prisoner will be classified with regard to custody level, security level and program involvement by the holding institution within 15 working days after incarceration. All relevant information should be acquired prior to making any determination of placement within a given institution;
 2. The Superintendent will appoint a staff member to review the prisoner's permanent institution case file and records, interview the prisoner, and complete the Classification Form for Unsentenced Prisoners (form 20-705.01);
 3. The appointed staff member shall make appropriate recommendations to the Superintendent based on the following factors which are contained in the form:
 - a. Pending charges or detainers;
 - b. Nature of the current offense;
 - c. Amount of bail;
 - d. Medical and psychiatric needs;
 - e. Prior criminal history;
 - f. Escape histories;
 - g. Program needs; and

Subject: CLASSIFICATION OF UNSENTENCED PRISONERS

- h. Administrative needs, (e.g., orders or recommendations of the Court, bed space availability).
 4. The Superintendent shall make the final classification decision. If the Superintendent approves a recommendation for transfer, the recommendation and any supporting information must be forwarded to the Chief Classification Officer, who, if the recommendation is affirmed by the Chief Classification Officer, will select the receiving institution and coordinate the transfer of the prisoner; and
 5. The prisoner must be provided a written copy of the Superintendent's decision within three working days of completion. This decision is not subject to appeal.
- B. Reclassification Process for Unsentenced Prisoners Within 60 Days of Superintendent's Decision:
1. Classification Schedule:

Within 60 days of the Superintendent's classification decision, and each 60 days thereafter as described in section VI.A. above, the unsentenced prisoner must be given a hearing before the Classification Committee to review the prisoner's security and custody status and program involvement.
 2. Advance Notice of Hearing:

A prisoner is entitled to at least 48 hours advance written notice of a classification hearing (form 20-735.03P) which must inform the prisoner of:

 - a. Time and place of the hearing;
 - b. Purpose of the hearing;
 - c. That if the action of the Classification Committee may result in assignment of the prisoner to administrative segregation under 22 AAC 05.485 - .495, the prisoner is entitled to choose a staff advocate from an advocate pool, who will meet with the prisoner at least 36 hours prior to the hearing to actively assist the prisoner and help coordinate the prisoner's presentation at the hearing. In all other cases, a staff member assigned by the Superintendent shall meet with the prisoner prior to the hearing to explain the classification process and discuss possible classification action;
 - d. If the purpose of the hearing is consideration of assignment to administrative segregation, the hearing will be tape recorded and kept in transcribable form for 12 months if the classification action is appealed; or 30 days if the classification action is not appealed;

Subject: CLASSIFICATION OF UNSENTENCED PRISONERS

- e. The agenda for the hearing and what procedural opportunities are available to the prisoner, see Form 20-735.03B, Notice of Appearance, Agenda and Procedural Opportunities Afforded a Prisoner at a Classification Hearing and Instructions;
- f. That prior to the hearing the prisoner may prepare testimony, solicit statements, or compile other evidence when such action would not create a substantial risk of reprisal or undermine security of the institution;
- g. A prisoner may waive the opportunity to appear at the classification hearing;
- h. That the committee shall make written factual findings, indicate the evidence relied upon in it's recommendation, and submit its recommendations to the Superintendent for approval; and
- i. That the decision of the Superintendent may be appealed as set out in Policy 760.01, Appeal Procedures.

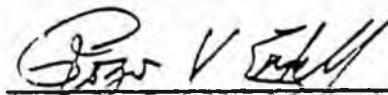
3. Classification Committee Recommendations referred to Superintendent:

- a. The committee must complete the Classification Form for Unsentenced Prisoners and make it's recommendations to the Superintendent within three working days of the hearing. The recommendations must be based on the factors contained in the form;
- b. The Superintendent has five working days to approve, disapprove or modify the decision of the committee. If the decision is disapproved or modified, the Superintendent must state the reasons;
- c. If the Superintendent approves a recommendation for transfer, the recommendation and the prisoner's classification packet must be forwarded to the Chief Classification Officer, who, if the recommendation is affirmed by the Chief Classification Officer, will select the receiving institution and coordinate the transfer of the prisoner; and
- d. A copy of the decision must be furnished to the prisoner within one working day of it's completion and must include a description of the appeal process set out in Policy 760.01, Appeal Procedures, and the forms to facilitate an appeal.

VII. IMPLEMENTATION:

This policy and procedure is effective as of the date signed by the Deputy Commissioner. Each Manager shall incorporate the contents of this document into local policy and procedure within 14 days. All local policies and procedures must conform to the contents of this document and any deviation from the contents of this document must be approved in writing by the Deputy Commissioner or designee.

DATE

April 22, 1985

Roger V. Endell, Commissioner
Department of Corrections

Forms applicable to this Policy.
INDEX = 705.01
FORM/Classification Form for Unsentenced Prisoners

Classification Form for Unsentenced Prisoners

Name: (1) _____ Date of Birth: (4) _____

Offense(s): (2) _____ Court Case #: (5) _____

(3) _____ City _____ State _____ Federal

Factors to be considered in establishing security and custody levels:

- 1. Pending charges/detainers: (6) _____
- 2. Nature of the Offense(s): (7) _____
 - a. Violent. _____
 - b. Non-violent. _____
 - c. Felony. _____
 - d. Misdemeanor. _____
- 3. Amount of bail. (8) _____
- 4. Medical/Psychiatric needs. (9) _____
- 5. Prior criminal history. (10) _____
- 6. Escape history. (11) _____
- 7. Program needs. (12) _____
- 8. Administrative needs, (13) _____
(e.g., order or recommendations of the Court, bed space availability, etc.)

SECURITY LEVEL:

(14) _____ Minimum _____ Medium _____ Maximum

CUSTODY LEVEL:

(15) _____ Community _____ Minimum _____ Medium _____ Close _____ Maximum

Staff Recommendations and Supporting Reasons: (16)


(17) _____
Superintendent's Signature

(18) _____
Date

Superintendent's Comments: (19) _____

Classification Form for Unsentenced Prisoners instructions

1. Name Enter prisoner's name.
2. Offense(s): Enter current offense(s).
3. City, State, Federal: Check appropriate space for type of offense.
4. Date of Birth: Enter prisoner's date of birth numerically, month, day, year, e.g., 03/03/52.
5. Court Case Number: Enter court case number(s) of current offense(s).
6. Pending Charges/Detainers: Note if there are pending charges or active detainers.
7. Nature of Current Offense: Check appropriate spaces provided.
8. Amount of Bail: Enter the amount of bail.
9. Medical/Psychiatric Needs: Note known problems, if any.
10. Prior Criminal History: Note previous offense(s). Attach extra sheet or computer print-out, if needed.
11. Escape History: Note any escapes or attempted escapes from any open or closed facility or program.
12. Program Needs: Note treatment or rehabilitative issues which may need to be addressed, i.e., court ordered alcohol treatment during incarceration.
13. Administrative Needs: Note any administrative issues which may need to be addressed, i.e., separatee, overcrowding, etc.
14. Security Level: Check appropriate space provided.
15. Custody Level: Check appropriate space provided.
16. Staff Recommendations and Supporting Reasons: Enter the name of institution most appropriate for the prisoner, and any program recommendations, based on the considerations addressed by this form. Institutional conduct of the prisoner should be considered when making any recommendations.
17. Superintendent's Signature: Superintendent signs after review of the form.
18. Date: Date of Superintendent's signature.
19. Superintendent's Comments: Indicate approve or disapprove. State any modification and the supporting reasons.

State of Alaska Department of Corrections Policies and Procedures		Index #: 735.02 Page 1 of 3
		Effective Date: 85-4-22
Approved by: Roger V. Endell		Distribution: A, B, C
Supersedes: 750.02 (83-10-11)		Related ACA Standards: 2-4400, 2-4401, and 2-4403
Chapter: CLASSIFICATION		Subject: DESIGNATION PROCESS FOR SHORT-TERM SENTENCED PRISONERS

I. AUTHORITY:

In accordance with AS 44.28.030, AS 33.30.030, and 22 AAC 05.155, the Department of Corrections shall develop and adopt policies and procedures that are consistent with laws for the guidance, government and administration of correctional facilities, programs and field services.

II. PURPOSE:

To establish uniform procedures within the Department for designating the initial institutional placement for short-term sentenced prisoners with 60 days or less remaining to a release date.

III. APPLICATION:

To all employees.

IV. DEFINITIONS:

As used in this policy, the following definitions shall apply:

A. Custody Level:

The custody status assigned to a prisoner. Such status establishes the degree of staff supervision needed to monitor and control each prisoner's behavior; as defined and applied in 735.01, Designation Process for Long-Term Sentenced Prisoners.

B. Designation Custody Level:

A prisoner's interim custody level determined at the initial designation on the basis of the prisoner's total security score on the Security Designation Form; the custody level in effect until the prisoner receives an initial classification at the receiving institution.

C. Exception Case:

A prisoner whose offense or subsequent conduct involves; a notorious crime (i.e., a crime which has attracted substantial news media attention, which is particularly violent, or which is a serious sex offense); threats against government officials; or an escape risk, (i.e., attempted escape in the last five years or actual escape in the last ten years).

Subject: DESIGNATION PROCESS FOR SHORT-TERM SENTENCED PRISONERS

D. Security Level:

The degree of security assigned to an institution based upon its constraint features; as defined and applied in 703.01, Institution Security Classification, and 735.01, Designation Process for Long-Term Sentenced Prisoners.

E. Short-Term Prisoner:

A sentenced prisoner with 60 days or less remaining to a firm release date.

V. POLICY:

A short-term prisoner will be designated to the least restrictive institution appropriate for that prisoner's security and custody needs, consistent with good correctional management.

VI. PROCEDURES:

A. Designation Schedule and Documentation:

Each prisoner will be designated by the holding institution within 15 working days after sentencing. The community corrections probation staff shall provide the holding institution a copy of the Presentence Investigation Report (PSI), if any, at the time of sentencing when the prisoner is incarcerated or within three working days when the prisoner is sentenced to time to serve but not immediately incarcerated.

B. Process:

1. The Superintendent will appoint a staff member to review the prisoner's permanent institutional case file and records and to complete the Security Designation Form for Short-Term Sentenced Prisoners (form 20-735.02 and Instructions);
2. The appointed staff member will interview the prisoner and then submit to the Superintendent the completed Security Designation Form for Short-Term Sentenced Prisoners and a Need Assessment Form;
3. After consultation with the Superintendent of an appropriate receiving institution, the Superintendent of the holding facility shall designate the institution for placement and notify the Chief Classification Officer; and

NOTE: The designation of a short-term prisoner will not ordinarily result in a transfer. When the designation results in a transfer requiring the assistance of the Alaska State Troopers, the Chief Classification Officer shall coordinate the transfer.

Subject: DESIGNATION PROCESS FOR SHORT-TERM SENTENCED PRISONERS

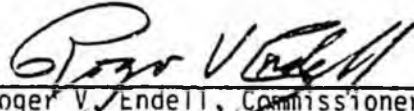
4. A copy of the completed Security Designation for Short-Term Sentenced Prisoners (form 20-735.02) shall be included in the prisoner's permanent institution file.

VII. IMPLEMENTATION:

This policy and procedure is effective as of the date signed by the Commissioner. Each Manager shall incorporate the contents of this document into local policy and procedure within 14 days. All local policies and procedures must conform to the contents of this document and any deviation from the contents of this document must be approved in writing by the Commissioner or designee.

DATE

April 22, 1985



Roger V. Endell, Commissioner
Department of Corrections

Forms Applicable to this Policy:

INDEX #735.02

FORM/Security Designation for Short-Term Sentenced Prisoners and Instructions.

8. Designated Custody Level:

Minimum = 0-6 Medium = 7-13 Close = 14-25 Maximum = 26-36

SECTION C

MANAGEMENT CONSIDERATION

- | | | |
|------------------|-------------------------------------|----------------------------|
| 1. Release Plans | 4. Education | 7. Overcrowding |
| 2. Medical | 5. Special Treatment | 8. Judicial Recommendation |
| 3. Psychiatric | 6. Ethnic/Cultural
Consideration | 9. Residence |

(1) Designation based on: Matrix Score _____ Override _____

(2) Designation: _____

(3) Staff Comments: _____

(4) Approved _____ Disapproved _____ (5) _____ (6) _____
Superintendent's Signature Date

(7) Superintendent's Comments: _____

<u>Points</u>	<u>Severity of Detainer</u>
0	None
1	Misdemeanor and Violations
3	Class C Felony or Immigration Detainer
5	Class B Felony
7	Unclassified and Class A Felony

Example:

Prisoner has two detainers for Bad Checks (less than \$500.00), which is a misdemeanor, and one for Theft I, which is a Class B Felony. Enter "5", for Class B, in the box in the right hand column.

2. Severity of Current Offense:

Enter the appropriate number of points in the box in the right hand column to reflect the severity of the documented offense behavior of the most severe of the offense(s) for which the prisoner was sentenced during this period of incarceration. This should not include the same information used to assign points on the "history" items. (See Severity Scale, form 20-735.01S).

<u>Points</u>	<u>Severity of Offense</u>
1	Misdemeanor and Violations
3	Class C Felony or Immigration Detainer
5	Class B Felony
7	Unclassified and Class A Felony

Example:

According to the Presentence Investigation Report, if the prisoner was involved in Kidnapping (Class A Felony), but pleads guilty to Assault II (Class B Felony), assign points on the basis of the more severe documented behavior, 7 points. This same information should not be included in assigning points on the "history" items.

NOTE: Any prisoner scoring seven (7) points initially will be designated to an institution for medium or higher security prisoners.

3. Firm Release Date:

Enter the appropriate number of points reflecting the prisoner's time to a firm release date, which includes prior service and good time in the box in the right hand column. If concurrent sentences were imposed, use the longest one, if consecutive sentences were imposed, aggregate (sum total) them.

<u>Points</u>	<u>Sentence Length (Excluding any suspended portion)</u>
0	0-12 months
1	13-59 months
3	60-83 months
5	84 plus months

SECURITY DESIGNATION FOR SHORT-TERM SENTENCED PRISONERS

(1) _____
Institution

(3) _____
Designation Staff Member

(2) _____
Date

(4) _____
Supt. Signature (Exception case only)

SECTION A

IDENTIFYING DATA

(1) _____ (2) _____
Prisoner's Name: (Last) (First) (M.I.) D.O.B.

(3) Type of Case: Regular _____ Exception _____ (4) OBSC Number: _____

(5) Separates: _____

SECTION B

SECURITY SCORING

1. Type of Detainer:

0 = None	3 = Class C Felony	7 = Unclassified or	<input type="text"/>
1 = Misdemeanor	5 = Class B Felony	Class A Felony	

2. Severity of Current Offense:

1 = Misdemeanor	3 = Class C Felony	7 = Unclassified or	<input type="text"/>
	5 = Class B Felony	Class A Felony	

3. Time to Firm Release Date:

0 = 1-12 months	3 = 60-83 months	Firm Release Date	<input type="text"/>
1 = 13-59 months	5 = 84 + months		

4. Type of Prior Commitments:

0 = None	1 = Misdemeanor	3 = Felony	<input type="text"/>
----------	-----------------	------------	----------------------

5. History of Escapes or Attempted Escapes:

	<u>None</u>	<u>+15 Years</u>	<u>10-15 Years</u>	<u>5-10 Years</u>	<u>-5 Years</u>	<input type="text"/>
Minor	0	1	1	2	3	
Serious	0	4	5	6	7	

6. History of Violent Behavior:

	<u>None</u>	<u>+15 Years</u>	<u>10-15 Years</u>	<u>5-10 Years</u>	<u>-5 Years</u>	<input type="text"/>
Minor	0	1	1	1	3	
Serious	0	4	5	6	7	

7. Security Level: (Total of Security Scoring)

Minimum = 0-6 Points Medium = 7-13 Points Maximum = 14-36 Points

E. Designated Custody Level:

Minimum = 0-6 Medium = 7-13 Close = 14-25 Maximum = 26-36

SECTION C

MANAGEMENT CONSIDERATION

- | | | |
|------------------|-------------------------------------|----------------------------|
| 1. Release Plans | 4. Education | 7. Overcrowding |
| 2. Medical | 5. Special Treatment | 8. Judicial Recommendation |
| 3. Psychiatric | 6. Ethnic/Cultural
Consideration | 9. Residence |

(1) Designation based on: Matrix Score _____ Override _____

(2) Designation: _____

(3) Staff Comments: _____

(4) Approved _____ Disapproved _____ (5) _____ (6) _____
Superintendent's Signature Date

(7) Superintendent's Comments: _____

Security Designation for Short-Term Sentenced Prisoners Form InstructionsA. Data Identification:

1. Institution: Enter name of institution.
2. Date: Enter the numerical month, day and year, e.g., 8/08/82.
3. Designation Staff Member: Enter name of prisoner's staff designator.
4. Superintendent's Signature: For exception case confirmation only.

B. Section A: Identifying Data:

1. Prisoner's Name: Enter last, first, middle initial. Name is entered as it appears on the Court Commitment.
2. Date of Birth: Enter numerical month, day and year of birth, e.g., 3/03/61.
3. Type of Case: Check appropriate space, regular or exception.
4. OBSCIS Number: Enter prisoner's OBSCIS Number.
5. Separatees: Enter the name(s) of individual(s) from whom the prisoner is to be separated.

The completed Security Designation Form for Short-Term Sentenced Prisoners will be placed in the prisoner's permanent institutional file. The prisoner will not be permitted access to information concerning separatees.

C. Section B: Security Scoring:

Only ONE Numerical score may be selected in each category, i.e., numbers may not be aggregated within a category. Enter the appropriate number of points in the box on the right hand side of the form. (Refer to Security Scale, form 20-735.01S).

1. Type of Detainer:

Enter the appropriate number of points to reflect detainer status in the box in the right hand column. Assign the highest number of points based on the nature of the charge of the most serious detainer.

- a. If it is a pending charge, points based on documented behavior are assigned to the Detainer Item only.
- b. If it is an adjudicated sentence AND that sentence is concurrent and absorbed within the sentence for which the prisoner is currently incarcerated, the documented information is used in the appropriate "history" item, either History of Escapes or History of Violence.
- c. If it is adjudicated sentence AND that sentence is not absorbed within the sentence for which the prisoner is currently incarcerated, this material should be considered as a detainer and treated as described above in Section C.1.a. This does not include consecutive sentence (see length of sentence, Section C.3).

If law enforcement officials indicate a firm intent to lodge a detainer, treat it as lodged. Treat a federal sentence as a detainer only if that sentence is expected to exceed the Alaska sentence. Otherwise, treat the federal sentence as a "history" item (as indicated in Section C.1.b.). Handle other states' sentences (non-Alaskan) in this same manner.

<u>Points</u>	<u>Severity of Detainer</u>
0	None
1	Misdemeanor and Violations
3	Class C Felony or Immigration Detainer
5	Class B Felony
7	Unclassified and Class A Felony

Example:

Prisoner has two detainers for Bad Checks (less than \$500.00), which is a misdemeanor, and one for Theft I, which is a Class B Felony. Enter "5", for Class B, in the box in the right hand column.

2. Severity of Current Offense:

Enter the appropriate number of points in the box in the right hand column to reflect the severity of the documented offense behavior of the most severe of the offense(s) for which the prisoner was sentenced during this period of incarceration. This should not include the same information used to assign points on the "history" items. (See Severity Scale, form 20-735.01S).

<u>Points</u>	<u>Severity of Offense</u>
1	Misdemeanor and Violations
3	Class C Felony or Immigration Detainer
5	Class B Felony
7	Unclassified and Class A Felony

Example:

According to the Presentence Investigation Report, if the prisoner was involved in Kidnapping (Class A Felony), but pleads guilty to Assault II (Class B Felony), assign points on the basis of the more severe documented behavior, 7 points. This same information should not be included in assigning points on the "history" items.

NOTE: Any prisoner scoring seven (7) points initially will be designated to an institution for medium or higher security prisoners.

3. Firm Release Date:

Enter the appropriate number of points reflecting the prisoner's time to a firm release date, which includes prior service and good time in the box in the right hand column. If concurrent sentences were imposed, use the longest one, if consecutive sentences were imposed, aggregate (sum total) them.

<u>Points</u>	<u>Sentence Length (Excluding any suspended portion)</u>
0	0-12 months
1	13-59 months
3	60-83 months
5	84 plus months

Example:

The prisoner was convicted of Breaking and Entry and was sentenced to three to five years. Use five years and multiply by 12 equaling 60 months. Enter three (3) in the box in the right hand column.

4. Type of Prior Convictions:

In the box in the right hand column, enter the appropriate number of points reflecting the most severe offense for which the prisoner was previously convicted and served a period of incarceration.

<u>Points</u>	<u>Type</u>
0	None
1	Misdemeanors and Violations
2	Felonies and Unclassified

Example:

The prisoner has a previous incarceration for Bribery (Class B Felony), which would be considered serious, equaling three (3) points. Enter number in the box in the right hand column.

5. History of Escapes or Attempted Escapes:

Enter the appropriate number of points that reflect the prisoner's escape history in the box in the right hand column. History refers to the prisoner's entire background of escapes or attempted escapes from confinement, excluding the current offense. If there is more than one escape attempt, use the most severe. Include institution disciplinary committee findings of guilt if the prisoner committed the prohibited act (disciplinary report) of escape or attempted escape regardless of the prosecution or conviction status of the case. Also, consider behavior relating to a prior offense. Failure to appear for traffic (automobile) violations, AWOL(s), and runaways from foster homes are not considered. The length of time begins with the date of conviction.

NOTE: This item and the following one, History of Violence, use the same point scale, but each item is scored separately.

<u>Points</u>	<u>History</u>	<u>Definition</u>
0	None	No escapes or attempted escapes.
1	+15 = Minor	An escape or attempt more than 15 years ago from an open institution or program, not involving any actual or threat of violence. Also includes flight to avoid pending charges, if documented.
1	10-15 = Minor	An escape or attempted escape more than 10 but less than 15 years ago, from an open institution or program.

<u>Points</u>	<u>History</u>	<u>Definition</u>
2	5-10 = Minor	An escape or attempted escape more than five, but less than 10 years ago from an open institution or program not involving an actual or threat of violence. Also includes flight to avoid pending charges, if documented.
3	-5 = Minor	An escape or attempted escape within the last five years from an open institution or program.
4	+15 = Serious	An escape or attempted escape more than 15 years ago from closed confinement (medium or maximum), with or without threat of violence. Also includes escape or attempted escape from open facilities or programs with actual or threat of violence.
5	10-15 = Serious	An escape or attempted escape more than ten years, but less than 15 years ago from closed confinement or an open facility or program.
6	5-10 = Serious	An escape or attempted escape more than five, but less than ten years ago from closed confinement or open facility or program.
7	-5 = Serious	An escape or attempted escape within the last five years from closed confinement or an open facility or program.

Example:

The prisoner jumped bail on the current offense, (-5 = Minor), and six years ago escaped from an institution by sawing through the bars (5-10 = Serious). Use the latter, or most serious, and enter "6" in the box in the right hand column.

6. History of Violent Behavior:

Enter the appropriate number of points in the box in the right hand column that reflect the prisoner's entire background of criminal violence, excluding the current offense. However, institution disciplinary committee findings that the prisoner was guilty of committing a violent prohibited act (disciplinary report) are to be considered regardless of prosecution and conviction status, if known. DO NOT use behavior related to the current offense for this item. Severity of violence is defined according to the degree of seriousness of the act that resulted in a conviction or finding of guilt. If there is more than one incident of violence, severity is determined by the most serious one. The length of time begins with the date of conviction.

NOTE: This item and the previous one, History of Escapes, uses the same point scale, but each item is scored separately.

Security Designation for Short-Term Sentenced Prisoners Form Instructions Continued

<u>Points</u>	<u>History</u>	<u>Definition</u>
0	None	No history of violence.
1	+15 = Minor	Acts occurring more than 15 years ago involving individuals or property that resulted in misdemeanor convictions.
1	10-15 = Minor	Acts occurring more than 10, but less than 15 years ago, that resulted in misdemeanor convictions.
2	5-10 = Minor	Acts occurring more than five but less than 10 years ago, that resulted in misdemeanor convictions.
3	-5 = Minor	Acts occurring within the last five years that resulted in misdemeanor convictions.
4	+15 = Serious	Acts occurring more than 15 years ago involving individuals or property that resulted in a felony conviction.
5	10-15 = Serious	Acts occurring more than 10 but less than 15 years ago that resulted in a felony conviction.
6	5-10 = Serious	Acts occurring more than five but less than 10 years ago that resulted in a felony conviction.
7	-5 = Serious	Acts occurring within the last five years that resulted in a felony conviction.

NOTE: "Aggravated Assault" is intentionally inflicting, threatening or attempting serious bodily injury without a dangerous weapon.

Example:

If the prisoner has a history of being fined for drunken fights 12 years ago, this would rate as a +10 = Minor and a "1" would be entered in the box in the right hand column.

Security Level:

The severity level total, Item #7, is used to determine the prisoner's appropriate security level institution, according to the following table:

<u>Points</u>	=	<u>Prisoner's Security Level</u>
0 - 6	=	Minimum
7 - 13	=	Medium
14 - 36	=	Maximum

NOTE: Based on these point ranges, circle the appropriate security level on the form.

8. Designated Custody Level:

Designated custody level is determined from the following table:

<u>Security Score</u>	=	<u>Custody Level</u>
0 - 6	=	Minimum
7 - 13	=	Medium
14 - 25	=	Close
26 - 36	=	Maximum

NOTE: Designated custody level shall be in effect until the prisoner receives a classification at the receiving institution.

D. Section C: Management Consideration:

Circle the appropriate management factor(s) that should be considered in making the final designation decision.

Release Plans	Education	Overcrowding
Medical	Special Treatment	Judicial Recommendation
Psychiatric	Ethnic/Cultural Consideration	Other

1. Designation Based on: Matrix Score or Override:

When designation is based upon the numeric matrix score, place check in Matrix Score space. If designation is based upon Management Considerations, place check in Override space and justify decision in the Staff Comments section.

2. Designation:

Enter institution most appropriate for the prisoner based on the considerations addressed by this form. Institutional conduct of the prisoner should be considered when making this designation.

3. Staff Comments:

Enter any relevant information not already recorded that may have an impact on the designation process, including justification of use of override and/or Management Considerations.


4. Approved/Disapproved:

The Superintendent will indicate approval or disapproval of indicated designation. If indicated designation is disapproved, Superintendents action is entered in comments section.

5. Superintendent's Signature: Superintendent signs after review of form.

6. Date: Date of Superintendent's Signature.

7. Superintendent's Comments: Considerations and comments entered by the Superintendent; indication of final designation action if different than staff recommendations.

State of Alaska Department of Corrections Policies and Procedures		Index #: 735.03 Page 1 of 5
		Effective Date: 85-4-22 85-7
Approved by: Roger V. Endell	Related ACA Standards: 2-4401, 2-4403 and 2-4405	Distribution: A, B, C
Supersedes: 760.01 (83-10-11)	Subject: INITIAL CLASSIFICATION	
Chapter: CLASSIFICATION		

I. AUTHORITY:

In accordance with AS 44.28.030, AS 33.30.030, and 22 AAC 05.155, the Department of Corrections shall develop and adopt policies and procedures that are consistent with laws for the guidance, government and administration of correctional facilities, programs and field services.

II. PURPOSE:

To establish uniform procedures for determining a prisoner's custody level, security level and program needs, in accordance with 22 AAC 05.216.

III. APPLICATION:

To all employees.

IV. DEFINITIONS:

As used in this document, the following definitions shall apply:

A. Classification:

A process that systematically subdivides a prisoner population into groups based on security, custody and program needs.

B. Classification Committee:

A group of individuals convened in order to review and assess a prisoner's security, custody and program needs.

C. Classification Packet:

A prisoner's file forwarded to the Chief Classification Officer for effecting a classification action and which contains, where applicable, the following:

1. Final Judgement and Commitment:
2. Presentence Investigation Report:
3. Recent Psychiatric/Psychological Reports:
4. Time Accounting Records:
5. Any Security Designation Forms, or Classification Forms:
6. Needs Assessment Survey Forms;
7. Health Care Record Extract; and
8. The taped proceedings of a classification action recommending or resulting in a transfer to an institution outside of Alaska.

Subject: INITIAL CLASSIFICATION

D. Custody Level:

The custody status assigned to a prisoner. Such status establishes the degree of staff supervision needed to monitor and control each prisoner's behavior; as defined and applied in 735.01, Designation Process for Long-Term Sentenced Prisoners.

E. Exception Case:

A prisoner whose offense or subsequent conduct involves: a notorious crime, (i.e., one which has attracted substantial attention in the new media, which is particularly violent, or which is a serious sex offense); threats against government officials; or an escape risk, (i.e., attempted escape in the last five years or actual escape in the last ten years).

F. Initial Classification:

The first classification hearing the prisoner receives at the designated institution.

G. Security Designation Form:

The form that provides the basic criteria for initial institutional placement; form 20-735.01A or 20-735.02.

H. Security Level:

The degree of security assigned to an institution based upon its constraint features; as defined and applied in 703.01, Institution Security Classification, and 735.01, Designation Process for Long-Term Sentenced Prisoners.

V. POLICY:

- A. Subsequent to designation, each prisoner's custody status and program needs will be reviewed and assessed on a scheduled basis.
- B. Prisoners will be placed in the least restrictive levels of security and custody consistent with good correctional management.
- C. The Classification Committee will complete a Classification Form for Sentenced Prisoners (form 20-735.03A and Instructions) for decision making and which will serve as official documentation for the classification hearing.

VI. PROCEDURES:

A. Time Frame for Classification Hearing:

Within 30 days of the sentenced prisoner's arrival at the designated institution or within 60 days after sentencing; whichever occurs

Subject: INITIAL CLASSIFICATION

first, the prisoner must be given a hearing before a Classification Committee to determine the prisoner's security and custody status and program needs.

B. Composition of the Classification Committee:

The Superintendent will appoint a committee of three voting members, with one member to serve as a Chairperson. Where possible, the committee should include the Institutional Probation Officer. An individual may not serve on a Classification Committee if the individual:

1. Requested or recommended the classification action;
2. Served on a disciplinary committee which was convened due to any conduct of the prisoner which is related to the subject of the classification hearing; or
3. Would have been disqualified from serving on a disciplinary committee which may have been convened due to any conduct of the prisoner which is related to the subject of the classification hearing.

C. Documentation:

1. In order to complete a classification action, the Classification Committee will have (as a minimum) previous Security Designation Forms (form 20-735.01A or 20-735.02) and any institutional progress reports which include; program involvement, disciplinary reports, family/community assessment, and prisoner attitude and responsibility assessments. Other available documents will be used, (e.g., Health Care Record Extract (form 20-807.14B) relevant psychiatric/psychological reports, and completed Needs Assessment Survey (form 20-735.03C)).
2. Proceedings will be tape recorded if the purpose of the hearing is consideration of assignment to administrative segregation, termination of a furlough, or transfer to an institution outside of Alaska. All taped documentation will be kept in a transcribable form for: a. 12 months, if the classification action is appealed; b. 30 days, if the classification action is not appealed; and c. 3 years if the classification action is appealed to the Superior Court or the classification action resulted in a transfer to an institution outside of Alaska.

D. Process:

1. Advance Notice of Hearing:

The prisoner is entitled to at least 48 hours advance written Notice of Appearance (form 20-735.03B) before a classification hearing, which must inform the prisoner of each of the following points:

Subject: INITIAL CLASSIFICATION

- a. Time and place of hearing;
- b. Purpose of the hearing;
- c. That if the action of the Classification Committee may result in the assignment of the prisoner to administrative segregation, under 22 AAC 05.485 - .495, or the termination of a furlough under 22 AAC 05.335, the prisoner is entitled to choose a staff advocate from an advocate pool, who will meet with the prisoner at least 36 hours prior to the hearing to actively assist the prisoner and help coordinate the prisoner's presentation at the hearing;
- d. That in all cases, except those in section c. above, a staff member assigned by the Superintendent shall meet with the prisoner prior to the hearing to explain the classification process, discuss possible classification action and gather information to complete a Needs Assessment Survey (form 20-735.03C);
- e. That if the purpose of the hearing is consideration of assignment to administrative segregation or termination of a furlough, the hearing will be tape recorded and kept in transcribable form for 12 months if the classification action is appealed; or, 30 days if the classification action is not appealed;
- f. If the purpose of the hearing is consideration for transfer outside the state or the classification action is appealed to the Superior Court, the hearing will be tape recorded and kept in transcribable form for three years;
- g. The agenda of the hearing and the procedural opportunities are available on the Notice of Appearance (form 20-735.03B);
- h. That prior to the hearing, the prisoner may prepare testimony, solicit statements, or compile other evidence when such action would not create a substantial risk of reprisal or undermine the security of the institution;
- i. The prisoner may waive the opportunity to have a hearing;
- j. The Classification Committee will make written factual findings and indicate the evidence relied upon in its decision; and
- k. That the decision of the Classification Committee may be appealed per 760.01, Appeal Procedures.

2. Classification Factors:

The Classification Committee must complete the Classification Form for Sentenced Prisoners (form 20-735.03A) and issue its decision within three working days. The decision regarding the custody and security status must be based on the following factors as listed on the form:

- a. Outstanding detainers;
- b. Severity of the current offense;
- c. Time remaining to a firm release date;
- d. Prior convictions;
- e. History of escape or attempted escapes;
- f. History of violent behavior;
- g. Involvement with drugs or alcohol;

Subject: INITIAL CLASSIFICATION

- h. Mental stability;
- i. History of disciplinary infractions, according to severity scale;
- j. Responsibility demonstrated by the prisoner;
- k. Location and status of the prisoner's family and community ties; and
- l. Administrative/Program Considerations.

3. Committee Decisions Which Must be Referred to Superintendent:

- a. Decisions of the Classification Committee which recommend a transfer, a change in security or custody status, grant or deny a furlough, assignment to segregation, or which relate to an exception case must be referred to the Superintendent. The Superintendent has five working days to approve, disapprove or modify the decision of the Classification Committee. When the decision is disapproved or modified, the Superintendent must state the reasons;
- b. If the Superintendent approves a recommendation for transfer, the recommendation and the prisoner's classification packet must be referred to the Chief Classification Officer. If the transfer is approved, the Chief Classification Officer or designee will select the receiving institution, determine the security and custody levels at which the prisoner will be transferred, and coordinate arrangements for the transfer;
- c. The Chief Classification Officer will inform the sending and receiving institutions of the decision using Classification Notice of Transfer (form 20-735.03D); and
- d. A copy of the Chief Classification Officer's decision must be furnished to the prisoner within one working day of its completion and must include a description of the appeal process and forms to facilitate an appeal.

E. Appeal Procedures:

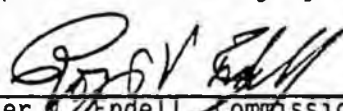
All classification actions are subject to appeal (see 760.01, Appeal Procedures).

VII. IMPLEMENTATION:

This policy and procedure is effective as of the date signed by the Commissioner. Each Manager shall incorporate the contents of this document into local policy and procedure within 14 days. All local policies and procedures must conform to the contents of this document and any deviation from the contents of this document must be approved in writing by the Commissioner or designee.

DATE

April 22, 1985


 Roger Endell, Commissioner
 Department of Corrections

Forms Applicable to this Policy.

INDEX # 735.03A, B, C, & D

- FORM/A - Classification Form for Sentenced Prisoners and Instructions
 B - Notice of Appearance, Agenda and Procedural Opportunities Afforded a Prisoner at a Classification Hearing and Instructions
 C - Needs Assessment Survey Form
 D - Classification Notice of Transfer and Instructions

Classification Form for Sentenced Prisoners

(1) _____
Institution

(2) _____
Prisoner Name

(3) _____
Date

(4) _____
Date of Birth

(5) _____
Type of Case: Regular or Exception

(6) _____
OBSCIS Number

SECTION A SECURITY SCORING

1. Type of Detainer:

0 = None 3 = Class C Felony 7 = Unclassified or
1 = Misdemeanor 5 = Class B Felony Class A Felony

	1
--	---

2. Severity of Current Offense:

1 = Misdemeanor 3 = Class C Felony 7 = Unclassified or
5 = Class B Felony Class A Felony

	2
--	---

3. Time to Firm Release Date:

0 = 0-12 months 3 = 60-83 months
1 = 13-59 months 5 = 84 + months Firm Release Date

	3
--	---

4. Type of Prior Convictions:

0 = None 1 = Misdemeanor 3 = Felony

	4
--	---

5. History of Escapes or Attempted Escapes:

	<u>Non</u>	<u>+15 Years</u>	<u>10-15 Years</u>	<u>5-10 Years</u>	<u>-5 Years</u>	
Minor	0	1	1	2	3	
Serious	0	4	5	6	7	

	5
--	---

6. History of Violent Behavior:

	<u>None</u>	<u>+15 Years</u>	<u>10-15 Years</u>	<u>5-10 Years</u>	<u>-5 Years</u>	
Minor	0	1	1	2	3	
Serious	0	4	5	6	7	

	6
--	---

7. SECURITY TOTAL

	7
--	---

8. Security Level:

Minimum = 0-6 points Medium = 7-13 points Maximum = 14-36 points

Classification Form for Sentenced Prisoners (Cont.)

SECTION F

CUSTODY SCORING

1. Percent of Time Served:

3 = 0 thru 25% 5 = 76 thru 90 %
 4 = 26 thru 75% 6 = 91 plus %

1

2. Involvement with Drugs and/or Alcohol:

2 = Current 3 = Past 4 = Never

2

3. Mental/Psychological Stability:

2 = Unfavorable 4 = No referral or Favorable

3

4. Type Most Serious Disciplinary Report:

1 = Major 3 = Low Moderate 5 = None
 2 = High Moderate 4 = Minor

4

5. Frequency of Disciplinary Reports:

0 = 5+ Reports 2 = 1 Report
 1 = 2 - 4 Reports 3 = None

5

6. Responsibility Prisoner has Demonstrated:

0 = Poor 2 = Average 4 = Good

6

7. Family/Community:

3 = None or Minimal 4 = Average or Good

7

8. CUSTODY TOTAL:

9. Custody Change Scale:

Prisoner's Present Security Level	Consider Custody Increase if Points	Continue Present Custody if Points	Consider Custody Decrease if Points
Minimum	11 - 19 Points	20 - 22 Points	23 - 30 Points
Medium	11 - 19 Points	20 - 24 Points	25 - 30 Points
Maximum	11 - 19 Points	20 - 27 Points	28 - 30 Points

10.

PRESENT CUSTODY

RECOMMENDED CUSTODY

Classification Form for Sentenced Prisoners (Cont.)

11. Administrative/Program Considerations:

- | | | |
|------------------|-------------------------------------|----------------------------|
| 1. Release Plans | 4. Education | 7. Overcrowding |
| 2. Medical | 5. Special Treatment | 8. Judicial Recommendation |
| 3. Psychiatric | 6. Ethnic/Cultural
Consideration | 9. Residence |

12. Explanation:

SECTION C INSTITUTION ACTION

1. Recommendation/Justification: _____

2. Recommendation based on: _____ Points Total _____ Management Override
3. Community Custody Provisions (if applicable): _____

4. Date of Next Review: _____
5. Chair Person: _____
Member: _____
Member: _____
6. Superintendent's Action (if applicable): _____ Approve _____ Disapprove
- Comments: _____

COPY RECEIVED

PRISONER SIGNATURE _____ DATE _____

(Staff initial and date if prisoner unable or unwilling to sign receipt.)

Classification Form for Sentenced Prisoners InstructionsForm InstructionsA. Data Identification:

1. Institution: Enter name of institution.
2. Prisoner Name: Enter last, first, middle initial. Name is entered exactly the same as when committed, e.g., Doe, John D.
3. Date: Enter the current month, day and year numerically, e.g., 03/11/82.
4. Date of Birth: Self Explanatory.
5. Type of Case: Enter regular or exception.
6. OBSCIS Number: Enter prisoner's OBSCIS number.

B. Section A: Security Scoring:

Only ONE number can be assigned for these items; points cannot be added. For every item, enter the appropriate number of points in the box on the right hand side of the form. (Refer to Severity Scale, form 20-735.01S).

i. Type of Detainer:

Assign points based upon the detainer which reflects the most serious criminal charge.

- a. If the detainer is based upon a pending charge, score only the detainer category. Do not enter a score in any other category.
- b. If there is an adjudicated sentence from another jurisdiction and that sentence is not absorbed within the sentence for which the prisoner is currently incarcerated, that sentence should be considered a detainer.

<u>Points</u>	<u>Severity of Detainer</u>
1	Misdemeanor and Violations
3	Class C Felony or Immigration Detainer
5	Class B Felony
7	Unclassified and Class A Felony

Example:

A prisoner is convicted of Sexual Assault I (an unclassified felony) and Assault II (a class B felony). Assign points for Severity of Current Offense on the basis of the Sexual Assault I. The Assault II is scored in the History of Violent Behavior Section.

Classification Form for Sentenced Prisoners Instructions (Cont.)

2. Severity of Current Offense:

Enter the appropriate number of points in the box in the right hand column to reflect the severity of the documented offense(s). If multiple sentences are imposed, the most serious is scored in Severity of Current Offense and the other is scored in the appropriate history section, if applicable.

<u>Points</u>	<u>Severity of Detainer</u>
1	Misdemeanor and Violations
3	Class C Felony
5	Class B Felony
7	Unclassified and Class A Felony

Example: A prisoner is convicted of Sexual Assault I (an unclassified felony) and Assault II (a Class B Felony). Assign points for Severity of Current Offense on the basis of the Sexual Assault I. The Assault II is scored in the History of Violent Behavior Section.

3. Time to Firm Release Date:

Enter the appropriate number of points reflecting the prisoner's time to a firm release date, giving consideration to both prior service and good time, in the box in the right hand column.

<u>Points</u>	<u>Sentence Length (Excluding any suspended portion.)</u>
0	0 - 12 months
1	13 - 59 months
3	60 - 83 months
5	84 plus months

Enter the actual firm release date in the indicated space.

4. Type of Prior Convictions:

In the box in the right hand column, enter the appropriate number of points reflecting the most severe offense for which the prisoner was previously convicted. Juvenile adjudications are included.

<u>Points</u>	<u>Type</u>
0	None
1	Misdemeanors and Violations
3	Felonies and Unclassified

Example:

The prisoner has a previous incarceration for Bribery (Class B Felony). Enter "3" in the box in the right hand column.

Classification Form for Sentenced Prisoners Instructions (Cont.)

5. History of Escapes or Attempted Escapes:

Enter in the box in the right hand column the highest number that is obtained from the matrix by reviewing the prisoner's entire background of escapes and attempted escapes. If the most serious present offense is an escape or attempted escape, it is scored in accordance with the instructions of Section 2. above; it is not scored in the escape history section. Disciplinary reports relating to escape or attempted escape, and for which there was a finding of guilt, are to be considered.

a. Escape-oriented behavior that is well documented is to be scored even if there was no formal conviction or disciplinary finding of guilt. Some common examples are:

- (1) Absconding felony probation or parole supervision.
- (2) Flight to avoid prosecution on felony charges.
- (3) A pattern of runaways from home or foster homes.

b. Some examples of behavior that should not be scored are:

- (1) Failure to appear on traffic or misdemeanor charges.
- (2) Military Absent Without Leave (AWOL).
- (3) Fleeing a police officer (if there was no prosecution for the flight).

NOTE: The rating of behavior as "Minor" or "Serious" is discretionary when scoring escape-oriented behavior for which there was no conviction or disciplinary finding of guilt. A major disciplinary finding of guilt is to be scored as "Serious"; all others will be scored as "Minor".

<u>Points</u>	<u>History</u>	<u>Definition</u>
0	None	No escapes or attempted escapes.
1	+15 = Minor	An escape or attempted escape more than 15 years ago from an open institution or program, not involving any actual or threat of violence. Also, includes flight to avoid pending charges, if documented.
1	10-15 = Minor	An escape or attempted escape more than 10, but less than 15 years ago, from an open institution or program not involving any actual or threat of violence. Also, includes flight to avoid pending charges if documented.
2	5-10 = Minor	An escape or attempted escape more than five, but less than 10 years ago from an open institution or program not involving any actual or threat of violence. Also includes flight to avoid pending charges, if documented.

Classification Form for Sentenced Prisoners Instructions (Cont.)

<u>Points</u>	<u>History</u>	<u>Definition</u>
3	-5 = Minor	An escape or attempted escape within the last five years from an open institution or program not involving any actual or threat of violence. Also, includes flight to avoid pending charges, if documented.
4	+15 = Serious	An escape or attempted escape more than 15 years ago from closed confinement (medium or maximum), with or without threat of violence. Also, includes escape or attempted escapes from open facilities or programs with actual or threat of violence.
5	10-15 = Serious	An escape or attempted escape more than 10 years, but less than 15 years ago from closed confinement or an open facility or program if actual or threat of violence is involved.
6	5-10 = Serious	An escape or attempted escape more than five but less than 10 years ago from closed confinement or an open facility or program if actual or threat of violence is involved.
7	-5 = Serious	An escape or attempted escape within the last five years from closed confinement or an open facility or program if actual or threat of violence is involved.

Example: The prisoner stopped reporting to his probation officer six years ago, and an "Abscond" warrant was issued. He was arrested on the warrant four months later; however, it was subsequently determined that he had never left the jurisdiction, he had only stopped reporting (a discretionary scoring of "Minor"). Later he was convicted of a new offense and sentenced to incarceration. Three years ago he escaped from closed confinement (a mandatory scoring of "Serious"). The abscond behavior gives a score of "2"; the escape behavior gives a score of "7". Only the most serious behavior is scored by entering a "7" in the box in the right hand column.

6. History of Violent Behavior:

Enter the appropriate number of points in the box in the right hand column which reflect the prisoner's entire background of violence and threatened violence, excluding the most serious current offense. If the prisoner has multiple sentences, at least one of which is for a violent offense, the most serious is scored in the Severity of Current Offense section and the other is scored in the History of Violent Behavior Section, if applicable. If there is more than one incident of violent behavior, use the most severe. Include institution disciplinary committee findings of guilt if the prisoner committed a prohibited act (disciplinary report) of a violent nature, regardless of the prosecution or conviction status of the case. The length of time begins with the date of conviction.

Classification Form for Sentenced Prisoners Instructions (Cont.)

NOTE: Utilize the following list of violent crimes from the Alaska Criminal Code, or the equivalent or similar from prior Alaska codes or codes from other jurisdictions in determining the severity of violence. Attempt or solicitation to commit is scored as the offense.

Felony

Assault I, II, & III
 Arson I
 Kidnapping
 Murder I, & II
 Robbery I, & II
 Sexual Assault I, II, & III
 Manslaughter
 Homicide, Criminal Negligent
 Incest, involving injury or threat of injury
 Riot
 Sexual Abuse of a Minor I, II, & III
 Involving injury or threat of injury.
 Terroristic Threatening
 Burglary I, if prisoner had a firearm
 or threatened physical injury
 Extortion or Coercion involving
 threat of violence
 Interference with Constitutional
 Rights involving injury or threat of
 violence.

Misdemeanor

Assault IV
 Disorderly Conduct Involving Fight-
 ing or Challenge to a Fight.
 Sexual Abuse of a Minor IV
 Involving injury or threat of
 injury.

<u>Points</u>	<u>History</u>	<u>Definition</u>
0	None	No history of violence.
1	+15 = Minor	Acts occurring more than 15 years ago involving individuals or property that resulted in misdemeanor convictions.
1	10-15 = Minor	Acts occurring more than 10, but less than 15 years ago that resulted in misdemeanor convictions.
2	5-10 = Minor	Acts occurring more than five, but less than 10 years ago that resulted in misdemeanor convictions.
3	-5 = Minor	Acts occurring within the last five years that resulted in misdemeanor convictions.
4	+15 = Serious	Acts occurring more than 15 years ago involving individuals or property that resulted in a felony conviction.
5	10-15 = Serious	Acts occurring more than 10 but less than 15 years ago that resulted in a felony conviction.

Classification Form for Sentenced Prisoners Instructions (Cont.)

6 5-10 = Serious Acts occurring more than five but less than 10 years ago that resulted in a felony conviction.

7 -5 = Serious Acts occurring within the last five years that resulted in a felony conviction.

7. Security Total:

Add the points entered for Items 1. through 6., and enter the total in the right hand column.

8. Security Level:

The security total, Item #7, is used to determine the prisoner's appropriate security level institution, according to the following table:

<u>Points</u>	<u>Prisoner's Security Level</u>
0 - 6	Minimum
7 - 13	Medium
14 - 36	Maximum

NOTE: Based on these points ranges, circle the appropriate security level on the form.

C. Section B: Custody Scoring:

1. Percent of Time Served:

Enter in the box in the right hand column the number of points that reflect the percentage of the sentence the prisoner has already served (at the time of this review). To determine the percentage, divide the number of months the prisoner has already served by the number of months that will have been served as of the firm release date.

<u>Points</u>	<u>Percent of Time Served</u>
3	0 thru 25%
4	26 thru 75%
5	76 thru 90%
6	91 plus %

2. Involvement with Drugs and/or Alcohol:

Enter in the box in the right hand column the appropriate number of points reflecting the prisoner's drug and/or alcohol abuse. This includes any documented abuse, including trafficking. "Current" refers to any documented use within the last five years, including this period of incarceration. "Past" means any documented history more than five years ago.

<u>Points</u>	<u>Involvement</u>
2	Current or within the last five years
3	Past, more than five years ago
4	Never

Classification Form for Sentenced Prisoners Instructions (Cont.)

Example: Prisoner was found guilty by the institution disciplinary committee of "being intoxicated" two years ago. Enter "2" reflecting "current use".

3. Mental/Psychological Stability:

In the box in the right hand column, enter the appropriate number of points reflecting the prisoner's status in this category. Determination is based on the most recent available psychological/psychiatric report. The conclusion should be stated clearly in the report, and is to be interpreted in light of whether this prisoner can handle lower custody/security status.

<u>Points</u>	<u>Stability</u>
2	Unfavorable
4	No referral or favorable

Prior to a reclassification hearing, a prisoner should, if deemed necessary, be referred for an up-dated psychological/psychiatric report if the most current report is unfavorable and over one year old. If the report is over five years old, the prisoner should be referred for an updated evaluation.

4. Type Most Serious Disciplinary Report:

Enter the number of points that reflect the most serious disciplinary report. This is determined by using the Severity Scale of Prohibited Acts, (form 20-735.015). Points are assigned on the basis of the single most severe disciplinary report for which the prisoner was found guilty by an institutional disciplinary committee during the past 12 months:

NOTE: When the prisoner is found guilty by the institutional disciplinary committee, that information becomes part of the prisoner's history and may be used when scoring "history" items, #5 and #6.

<u>Points</u>	<u>Type of Disciplinary Report</u>
1	Major
2	High Moderate
3	Low Moderate
4	Minor
5	None

Example: In addition to being found guilty of Being in an Unauthorized (Low Moderate), the prisoner was also found guilty of Extortion (Moderate). Use the High Moderate as the one most serious disciplinary report, and record "2" in the right hand column box.

5. Frequency of Disciplinary Reports:

Enter in the right hand column the appropriate number of points that the frequency of disciplinary reports. This is determined by assigning based on the number of disciplinary reports for which the prisoner found guilty by an institutional disciplinary committee during the months.

Classification Form for Sentenced Prisoners Instructions (Cont.)

<u>Points</u>	<u>Frequency within the last 12 months</u>
0	5 plus
1	2 thru 4
2	1
3	None

6. Responsibility Prisoner has Demonstrated:

Enter the appropriate number of points reflecting the level of responsibility the prisoner has shown during the past 12 months. This is based upon the prisoner's general demeanor as reflected in peer group associates, attitude, degree of program involvement, level of dependability, and nature of interactions with staff and other prisoners. Ratings of Poor, Average and Good reflect the Classification Committee's judgement.

<u>Points</u>	<u>Responsibility Within the Last 12 Months</u>
0	Poor
2	Average
4	Good

7. Family/Community Ties:

Enter in the right hand column the number of points that reflects the prisoner's level of family and/or community ties. This is determined by assigning points based on established and continuing family and/or community ties, which include a consideration of: current marital status or nature of common-law relationships; nature of family support; regularity of visits/mail; degree of family stability in the community; stable community relationship with non-family individuals.

<u>Points</u>	<u>Type of Ties</u>
3	None or Minimal
4	Average or Good

8. Custody Total:

Add the points assigned for Items 1. through 7. and enter the sum in the right hand column box.

9. Custody Change Scale:

To determine eligibility for a custody change, the following scale is used along side the guidelines contained in 818.05, Graduated Release Through a Systematic Decrease in Supervision:

<u>Prisoner's Present Security Level</u>	<u>Consider Custody Increase if Points</u>	<u>Continue Present Custody if Points</u>	<u>Consider Custody Decrease if Points</u>
Minimum	11 - 19 Points	20 - 22 Points	23 - 30 Points
Medium	11 - 19 Points	20 - 24 Points	25 - 30 Points
Maximum	11 - 19 Points	20 - 27 Points	28 - 30 Points

NOTE: To be eligible for community custody, a prisoner must be within one year of a firm release date.

Example #1: A prisoner with a Security Total of 18 points qualifies for a Maximum level institution and would require a Custody Change Total of at least 28 points to qualify for a possible custody DECREASE. Likewise, a Medium security prisoner would require a Custody Change Total of at least 25 points to qualify for a possible custody DECREASE.

Example #2: A Custody Change Total of 19 points or less indicates that the prisoner should be considered for INCREASE. For example; a Minimum security prisoner with a Custody Change Total of 18 should be considered for the next higher custody level.

Example #3: A Custody Change Total between 20 and 22 points indicates that custody should be CONTINUED at the current level for Minimum security prisoners. For Medium security prisoners a Custody Change Total between 20 and 24 points indicates no change or CONTINUE at present custody.

NOTE: Based on the prisoner's present security level, circle the point range reflecting the prisoner's Custody Change Total.

10. Present/Recommended Custody:

Enter present custody level, custody at time of hearing; and recommended custody level on the basis of custody change scale scoring and guidelines per 818.05, Graduated Release Through a Systematic Decrease in Supervision.

11. Administrative/Program Consideration:

Utilizing the completed Needs Assessment Survey, circle the appropriate factor(s) considered at this hearing. Any factor or combination of factors may be the basis for the hearing, and may result in a transfer to another institution or may simply be the basis for program changes within the holding institution.

12. Explanation:

Utilizing the completed Needs Assessment Survey, enter recommended program plan and explanation thereof. (Enter prisoner's placement preference and reasons, if any.)

D. Section C: Institution Action:

1. Recommendations/Justifications:

The Chairperson will indicate the recommendations of the committee and the facts supporting the decision. Reasons for management override decision must be documented here.

2. Recommendation based on:

Indicate if the recommendations are consistent with the points total or are a result of a management override decision.

Classification Form for Sentenced Prisoners Instructions (Cont.)

3. Community Custody Provisions: The Chairperson will indicate the stipulations and parameters for community custody such as "furlough" eligible within six months of release with specific conditions and/or other limits, eligibilities or time parameters for community custody classification. If not applicable, enter "N/A"
4. Date of Next Review: Enter date of next review.
5. Chairperson/Member: Signature of the Committee's Chairperson and members.
6. Superintendent's Action: Superintendent will indicate approval or disapproval and enter comments supporting the reasons for any modification or override decision. If the matter is not referred to the Superintendent the Chairperson will enter N/A or not applicable.

Notice of Appearance

Agenda and Procedural Opportunities Afforded a Prisoner
at a Classification Hearing

- 1. Prisoner's Name: _____
- 2. _____ Sentenced 3. _____ Unsentenced 4. _____ Classification
- 5. _____ Reclassification
- 6. You are scheduled to appear before the Classification Committee at
_____ , on _____ , _____ , _____ .M.
(Institution) (Date) (Time)

The purpose of the hearing is:

- a. _____ Initial Classification (determination of custody and security levels and program involvement).
- b. _____ Possible transfer to an institution outside Alaska.
- c. _____ Possible assignment to administrative segregation.
- d. _____ Possible termination of furlough.
- e. _____ Program.
- f. _____ Scheduled review.
- g. _____ Other: _____

Procedural Opportunities are afforded you as follows:

- 1. You will receive at least 48 hours advance written notice of the hearing.
- 2. If the purpose of the hearing is c. or d. above, you are entitled to request the assistance of a staff advocate as provided from the institution's pool. You may select one of the following individuals:

- 3. If the purpose of the hearing is a., b., e., f., or g. above, a staff member assigned by the Superintendent will meet with you prior to the hearing to explain the classification process and discuss possible classification action.
- 4. Prior to the hearing, you may prepare testimony, solicit statements or compile evidence if your actions do not create a substantial risk of reprisal or undermine the security of the institution.
- 5. Prior to the hearing or at the hearing, you may request additional time to gather information, testimony or evidence relating to proposed actions. The Chairperson may grant additional time and postpone the hearing.
- 6. You will have a reasonable opportunity to challenge the factual basis or rationale advanced in support of the proposed classification.

Notice of Appearance

Agenda and Procedural Opportunities Afforded a Prisoner
at a Classification Hearing (Cont.)

7. You may confront and cross-examine witnesses, and present evidence in your own behalf subject to limitations based on considerations of repetition, relevancy, risk of reprisal, and security of the institution.
8. You may be required by the Chairperson to direct your questions through your staff advocate, probation officer, or the Chairperson.
9. If the purpose of the hearing is c., or d., the hearing will be tape recorded and kept in transcribable form for 12 months if the classification action is appealed; or, 30 days if the action is not appealed. If the purpose of the hearing is by consideration for transfer outside the State, or the classification action is appealed to the Superior Court, the hearing will be tape recorded and kept in transcribable form for three years.
10. You will be advised in writing of the factual findings of the committee and the evidence relied upon in its decision. A copy of a final decision by the committee will be provided to you within four working days of the hearing. A copy of a decision referred to the Superintendent will be provided you within 10 working days of the hearing.
11. You may appeal any action taken as a result of a hearing.
12. I select as my staff advocate: _____
13. I waive this opportunity for a hearing: YES NO
14. I have read and understand the contents in this notice.

Prisoner's Signature (Note if the prisoner refuses to sign.)

15. DATE: _____ TIME: _____, _____ M.

16. _____
Officer's Signature

Instructions

The classification staff will complete the top portion of the front page of the Notice of Appeal form through Item 2. under Procedural Opportunities. The completed form will be presented to the prisoner at least 48 hours prior to the hearing.

The prisoner will complete items 12., 13., and 14. of Procedural Opportunities. A Correctional Officer will enter item 15. upon receipt of the form back from the prisoner with items 12., 13., and 14. completed.

Select best description and enter number at right:

A. HEALTH:

- 1. Sound physical health, seldom ill.
- 2. Handicap or illness which interferes with functioning on a recurring basis.
- 3. Serious handicap or chronic illness, needs frequent medical care.

B. INTELLECTUAL ABILITY:

- 1. Normal intellectual ability, able to function independently.
- 2. Mild retardation, some need for assistance.
- 3. Moderate retardation, independent functioning severely limited.

C. BEHAVIORAL/EMOTIONAL PROBLEMS:

- 1. Exhibits appropriate emotional responses.
- 2. Symptoms limit adequate functioning, requires counseling, may require medication.
- 3. Symptoms prohibit adequate functioning, requires significant intervention may require medication or separate housing.

NOTE: If number 2. or 3. is most appropriate for this prisoner for A., B. or C. above, obtain a Health Care Record Extract (form 20-807.14R) as supplement to this form.

D. ALCOHOL ABUSE:

- 1. No alcohol problem.
- 2. Occasional abuse, some disruption of functioning.
- 3. Frequent abuse, serious disruption, needs treatment.

E. DRUG ABUSE:

- 1. No drug problem.
- 2. Occasional abuse, some disruption of functioning.
- 3. Frequent abuse, serious disruption, needs treatment.

F. EDUCATIONAL STATUS:

- 1. Has high school diploma or GED
- 2. Some deficits, but potential for high school diploma or GED
- 3. Major deficits in math and/or reading, needs remedial programs.

G. VOCATIONAL STATUS:

- 1. Has sufficient skills to obtain and hold satisfactory employment.
- 2. Minimal skill level, needs enhancement.
- 3. Virtually unemployable needs training.

List Skills:

List Skills:

List possible skills to acquire:

NEEDS ASSESSMENT SURVEY (Cont.)

PROGRAM RECOMMENDATION

- 1. Housing: _____

- 2. Work assignment: _____

- 3. Program assignments: _____

- 4. Other: _____

Classification
Notice of Transfer

- 1. TO: _____ Institution: _____
(Superintendent)
- 2. FROM: _____, Chief Classification Officer
- 3. PRISONER NAME: _____
- 4. TRANSFER TO: _____
- 5. SECURITY: _____
- 6. CUSTODY: _____

As classification action that results in a prisoner's being transferred to another institution may be appealed only to the Deputy Commissioner for Operations. The appeal must be submitted through the institutional probation officer within five working days after the prisoner receives written notice of the decision. Upon a showing of good cause by the prisoner, this time limit may be extended by an institutional Superintendent. With the exception of a transfer to an institution outside Alaska, any classification action may be commenced pending an appeal.

I hereby acknowledge receipt of written notification of the above transfer action, as well as notification of my appeal rights.

- 7. _____ 8. _____ 9. _____ .M
Prisoner Signature Date Time

(Staff initials if prisoner unable or unwilling to sign)

DISTRIBUTION: Holding Superintendent
Receiving Superintendent
Classification File
Prisoner File
Prisoner

Classification Notice of Transfer Instructions

Item 1. thru 6. are completed by the Chief Classification Officer or designee.

1. TO: Superintendent of holding institution.
2. FROM: Chief Classification Officer or designee.
3. Prisoner Name: Self explanatory.
4. Transfer to: Enter name of receiving institution to which prisoner is being transferred.
5. Security: Enter prisoner's security level.
6. Custody: Enter prisoner's custody level.
7. Prisoner's Signature: Confirmation signature of prisoner receiving this notice of transfer. Staff initial if prisoner is unable or unwilling to sign.
8. Date: Enter date that prisoner received this notice of designation.
9. Time: Enter time of day that prisoner received this notice of designation.

MEMORANDUM

State of Alaska

DEPARTMENT OF CORRECTIONS

to: Art Schmidt
Deputy Commissioner for Operations

DATE: March 11, 1986

FILE NO:

PHONE NO: 561-4426 ext. 132/165

SUBJECT: Prisoner Transfers
Between Institutions

FROM: Robert P. Spinde
Chief Classification Officer

MAR 12 1986

From: Sergeant George
Transportation Unit

DEPARTMENT OF CORRECTIONS
CENTRAL OFFICE-JUNEAU

This is in response to your request for information regarding the movement of prisoners between institutions within the Alaska Corrections system. I understand that there has been legislative inquiry that focuses upon the question of whether there may be more movement of prisoners than is necessary or appropriate.

To prepare a statistical compilation of move records would be rather time consuming, and I believe that such a compilation would be considerably less informative for present purposes than would a rhetorical explanation of the reasons for prisoner movement. That is, if there is an understanding of the various reasons that prisoners are moved, reasons that perhaps did not occur to those who have posed the question, I believe that concern over the number of moves that are made will be greatly diminished.

Probably the single most important point that can be made relative to prisoner movement is that modern day Corrections is exceedingly complex. A defendant does not just go to prison to serve a prescribed sentence and then be released. There is an intertwining matrix of legal requirements, reformatory expectations, prisoner rights, administrative efficacy and humanitarian concerns, all of which either singly or in combination cause movement of prisoners. This is particularly so in a system that is geographically far flung as is Alaska Corrections, and in which a full range of services cannot possibly be provided at each of our relatively small facilities. A synopsis of the most common situations that can result in movement of a prisoner from one institution to another follows:

Designation

This is the process by which it is determined where a prisoner will begin serving the sentence. Designation is normally done at an intake facility such as Cook Inlet Pre-trial Facility in Anchorage, or a multi-purpose institution such as Juneau or Fairbanks, and transfer to another facility is a normal expectation that inheres in this initial effort to place a prisoner in a facility that is most appropriate to the prisoner's program and custody needs.

Classification

This refers to the periodic review process by which a prisoner's institutional placement is considered for the purpose of adjusting it to meet changing program and/or custody requirements. For example, a prisoner who is initially designated to Juneau because close custody is necessary, may later be classified to Wildwood when he has reached eligibility for medium custody. Still later he may be moved to Goose Bay when he achieves minimum custody, and perhaps ultimately placed at a restitution center at community custody. One of the most common moves that is made for program purposes is to Hiland Mountain for sex offender treatment. Because of space limitations there a prisoner is normally placed elsewhere until within approximately two years of release. Designation and classification combine to comprise what could be termed the infrastructure of prisoner placement and transfer.

Administrative Moves

Subsumed within this category are the great variety of transfers that are made for a short-term purpose or perhaps to deal with an exigent situation that does not allow sufficient time for the due process that is associated with classification procedures. The list of reasons for administrative moves can be almost endless, however, some of the common ones are:

1. Medical treatment
2. Parole hearings, if it is more economical to take the prisoner to the Parole Board rather than vice versa.
3. To alleviate serious conflict situations that can develop between inmates.
4. Security considerations if a prisoner has new criminal charges or is suspected of serious infraction of institutional rules.
5. Population adjustment. This accounts for a great many prisoner transfers, and is usually manifested in one of two ways. One of these is the mass movement of a number of prisoners out of an institution where they actually belong, but where the population has outstripped bedspace availability. A second type of population adjustment is the so-called interim transfer. A common example is the transfer from CIPT to Hiland Mountain to await bedspace at Palmer or to await bedspace at Kenai Pre-trial to await bedspace at Wildwood CC. The end result is that what would normally be a single transfer develops into a series of interim bedspace juggling moves.

Art Schmidt
March 11, 1986
Page 3

6. Family emergencies. When a prisoner has an appropriate custody level and when otherwise reasonably possible, a temporary transfer may be made to effect visits or family contact in the event of terminal illness or death in the family.

Court Ordered Moves

A very large number of transfers are made by Court Order for the purpose of effecting some sort of legal action in a given case. The Department of Corrections may become involved in expediting such moves, but has no decision-making role regarding whether they are to be carried out.

Attached are the chronological move records of two inmates, showing the dates and reasons that they were transferred. One record was chosen as an example of a prisoner who has moved a great many times; the other shows only a very few moves. There are literally hundreds of move records that would reflect numbers falling between these two extremes.

Also attached are copies of pages taken from a hand-written log book that is maintained in the Classification Office regarding administrative moves. The period covered is 7-1-85 through 10-31-85, and the brief notes in the "Reason" column will show the variety of reasons for short-term or expedited prisoner movement.

It is hoped that the information provided here is adequate for your purposes. Please advise if we may be of further assistance.

TRANSFER RECORD OF ARTHUR TRUDEAU

9-23-83	Remanded Ketchikan	
9-26-83	Ketchikan to Sitka	Court Order
11-25-83	Sitka to Juneau	Court Order
12-09-83	Juneau to Sitka	Court Order
12-15-83	Sitka to Ketchikan	Court Order
12-16-83	Ketchikan to Sitka	Court Order
12-20-83	Sitka to Juneau	Return from Court
12-30-83	Juneau to Sitka	Court Order
1-09-84	Sitka to Juneau	Court Order
1-11-84	Juneau to Sitka	Court Order
1-26-84	Sitka to CIPT	Court Order (Psych)
4-02-84	CIPT to Juneau	Return from (Psych)
4-10-84	Juneau to Sitka	Court Order
4-23-84	Sitka to Ketchikan	Court Order
5-03-84	Ketchikan to Sitka	Court Order
5-11-84	Sitka to Juneau	Court Order
7-21-84	Juneau to Ketchikan	Court Order
8-11-84	Ketchikan to Sitka	Court Order
8-19-84	Sitka to Juneau	Return from Court
10-03-84	Juneau to Ketchikan	Court Order
10-05-84	Ketchikan to Juneau	Return from Court
11-20-84	Juneau to Wildwood	Designation to Wildwood
11-29-84	Wildwood to Nome	Redesignation to Nome for protective custody
12-16-84	Nome to CIPT	Pending transport to Bethel
12-20-84	CIPT to Bethel	Classification to Bethel for protective custody
11-28-85	Bethel to CIPT	Overnight (Court ordered move to Ketchikan)
11-29-85	CIPT to Ketchikan	

Total transfers 26

Corrections initiated transfers 4

Court related transfers 22

TRANSFER RECORD OF WADE PARKER

4-08-85	Remanded CIPT	
10-17-85	CIPT to Kenai P.T.	Designation to Wildwood (awaiting bedspace)
1-28-85	Kenai P.T. to CIPT	Parole hearing
1-28-85	CIPT to Kenai P.T.	Return from hearing

Total transfers 3

Corrections initiated transfers 3

Court related transfers 0

Community Corrections Beds

	<u>Location</u>	<u>Treatment Speciality</u>	<u>Capacity CRC Restit.</u>	<u>Cost/ Requested FY87</u>
Cordova Center	Anch.	Ed & Work Furlough	75	729.3
Clitheroe	Anch.	Substance Abuse	15	251.5
Akeela	Anch.	Substance Abuse	25	488.7
Glennwood	Anch.	Work Furlough	75	1,074.7
Kila	Fbks.	Ed & Work Furlough	75	810.0
Glacier Manor	Juneau	Ed & Work Furlough	15	will be a few 405.3
Tundra*	Bethel	Ed & Work Furlough	20	489.8*
Mariilaq Soc. Rehab. Camp*	Kotzebue	Cultural Rehabil.	15	500.4

Anchorage Restitution	Anch.	Work Furlough	65/100	849.8*
Kenai Community Resid. Center	Kenai	Ed & Work Furlough	35/50	669.4*

*Requested by Budget Amend for FY 87

(SHR 3/14/86)

Payment to community residential center (CRC) and restitution center contractors is based on a sliding fee scale. When bidding on the contract, the offeror submits a budget based on the total number of beds required. For example, if Department of Corrections (DOC) is requesting 75 CRC beds in Anchorage, the bidders base their budget on the full 75 beds. If the costs are reasonable, the budget then becomes the basis for the sliding fee scale. This system assumes that a certain number of staff are necessary regardless of whether 35 or 75 inmates are in residence. Other costs such as the lease, utilities and equipment are also fairly stable whether or not the CRC or restitution center is full. Only food and supply costs vary significantly based upon the number of inmates. This being the case, the amount needed per month to run the center at capacity become the basis for the sliding fee scale. For example, if Cordova Center needs approximately \$63,500.00 monthly to run the center, the sliding fee scale varies from \$28.24 per inmate per day for a monthly average of 75 residents to \$70.59 per inmate per day if the monthly average of inmates in residence is 30.

It is up to DOC to make the most cost effective use of the community beds by keeping the beds full. We do not feel it is in the best interest of the State to allow the contractors to make additional money based on the number of inmates in residence. This can lead to inmates remaining in the community who should have been returned to prison if the contractor ignores infractions in order to keep the beds filled.

For each community program the lowest and highest per inmate per day cost is as follows:

Akeela House	25 residents	\$ 51.05 per day
	15 residents	\$ 86.41 per day
Clitheroe Center	15 residents	\$ 46.58 per day
	6 residents	\$116.44 per day
Cordova Center	75 residents	\$ 28.24 per day
	30 residents	\$ 70.59 per day
Glacier Manor	15 residents	\$ 75.05 per day
	6 residents	\$187.64 per day
KILA	75 residents	\$ 36.00 per day
	30 residents	\$ 90.00 per day
Tundra Center	20 residents	\$ 59.55 per day
	10 residents	\$119.09 per day
Glennwood Center	75 residents	\$ 29.11 per day
	15 residents	\$145.53 per day

The greater the number of beds, the greater the economy of scale realized.

Received: 3/17/86 3:35 p.m.

DEPARTMENT OF CORRECTIONS

INST. CAP.	MISDEMEANANTS					TOTAL	FELONS					TOTAL	GRAND TOTAL	
	Male Sent.	Female Sent.	Male Unsent.	Female Unsent.	Total Furlough		Male Sent.	Female Sent.	Male Unsent.	Female Unsent.	Total Furlough			
CIPT 397	1					1	110		284			394	395	
IANK 116	9		39	6		54	19		5	11		35	89	
HMHC 216	6	2	1			9	198	46	1	4		249	258	
IPME 100	2					2	95					95	97	
IPMI 130	6					6	123					123	129	
GBAY 108	47				1	48	59				1	60	108	
WILD 300	17	4	14	1		36	242	1	15			258	294	
IFAI 232	11	3	14	1		29	163	1	68	2		234	263	
INOM 88	5		10	1		16	41		27			68	84	
IDET 72	7		19	1		27	24		23			47	74	
IJUN 162	13	1	6	4		24	123	5	23	3		154	178	
IKET 63	9		1	1		11	30		11			41	52	
INST. TOTAL 1984	133	10	104	15	1	263	1227	53	457	20	1	1758	2021	
CORD 75	38	4				42	25	2				27	69	
AKEE 25	1					1	19	5				24	25	
KILA 75	26	3				29	11					11	40	
GMNR 15	4	2				6	8	2				10	16	
CROE 15	5					5	12	3				15	20	
GNWD 75	61	5	1	2		69	4					4	73	
TUND 20	4					4	15					15	19	
MANI 15	1					1	2					2	3	
HALFWAY TOTAL 315	140	14	1	2	0	157	96	12	0	0	0	108	265	
JUVENILE TOTAL 1												FEDERAL BUREAU OF PRISONS TOTAL	191	
GRAND TOTAL POPULATION (Does not include Juvenile Total)												Total Daily Count for: 86/03/17		2477

DEPARTMENT OF CORRECTIONS

INST. CAP.	MISDEMEANANTS					TOTAL	FELONS					TOTAL	GRAND TOTAL
	Male Sent.	Female Sent.	Male Unsent.	Female Unsent.	Total Furlough		Male Sent.	Female Sent.	Male Unsent.	Female Unsent.	Total Furlough		
CIPT 397	2		1			3	111		281			392	395
IANX 116	11		41	6		58	18	1	4	12		35	93
HMMC 216	6	2	1			9	199	46	1	4		250	259
IPME 100	2					2	95					95	97
IPMI 130	6					6	123					123	129
GBAY 108	45				1	46	63				1	64	110
WILD 300	21	4	13	1		39	241	1	16			258	297
IFAI 232	13	1	15	4		33	161	1	69	2		233	266
INOM 88	7		7	2		16	42		27	1		70	86
IBET 72	6		17	2		25	24		23			47	72
IJUN 162	15	1	8	4		28	126	5	23	3		157	185
IKET 63	11		3	1		15	28		12			40	55
INST. TOTAL 1984	145	8	106	20	1	280	1231	54	456	22	1	1764	2044
CORD 75	37	8				45	26	2				28	73
AKEE 25	1					1	19	5				24	25
KILA 75	29	4				33	11					11	44
GMNR 15	4	2	1			7	8	2				10	17
CROE 15	5					5	12	3				15	20
GNWD 75	61	7				68	4					4	72
TUND 20	4					4	16					16	20
MAN1 15	1					1	2					2	3
HALFWAY TOTAL 315	142	21	1	0	0	164	98	12	0	0	0	110	274
JUVENILE TOTAL 1	FEDERAL BUREAU OF PRISONS TOTAL											192	
GRAND TOTAL POPULATION (Does not include Juvenile Total)												Total Daily Count for: 86/03/15	2510

DEPARTMENT OF CORRECTIONS

INST. CAP.	MISDEMEANANTS					TOTAL	FELONS					TOTAL	GRAND TOTAL	
	Male Sent.	Female Sent.	Male Unsent.	Female Unsent.	Total Furlough		Male Sent.	Female Sent.	Male Unsent.	Female Unsent.	Total Furlough			
CIPT 397	1		1			2	130		257			387	389	
IANX 116	6	3	55	6		70	8	2	5	15		30	100	
IMMC 216	7	5	4			16	193	39	6	9		247	263	
IPME 100	1					1	100					100	101	
IPMI 130	6					6	120					120	126	
GBAY 108	51					51	54					54	105	
WILD 300	20	4	11			35	239		15			254	289	
IFAI 232	18		14	3		35	158	2	60	3		223	258	
INOM 88	8	2	4			14	42		27	3		72	86	
IBET 72	8		20			28	25		25	1		51	79	
IJUN 162	15		6	2		23	125	4	20	2		151	174	
IKET 63	11		1			12	32		13			45	57	
INST. TOTAL 1984	152	14	116	7	0	293	1226	47	428	33	0	1734	2027	
CORD 75	30	3				33	40	1				41	74	
AKEE 25	1					1	21	5				26	27	
KILA 75	25	1				26	24					24	50	
GMNR 15	5					5	8	2				10	15	
CROE 15	5					5	12	3				15	20	
GNWD 75	60	11	4			75	6					6	81	
TUND 20	1		1			2	17					17	19	
MANI 15	1					1	3					3	4	
HALFWAY TOTAL 315	128	15	5	0	0	148	131	11	0	0	0	142	290	
JUVENILE TOTAL 1												FEDERAL BUREAU OF PRISONS TOTAL	191	
GRAND TOTAL POPULATION (Does not include Juvenile Total)												Total Daily Count for: 86/02/23		2508

DEPARTMENT OF CORRECTIONS

INST. CAP.	MISDEMEANANTS					TOTAL	FELONS					TOTAL	GRAND TOTAL
	Male Sent.	Female Sent.	Male Unsent.	Female Unsent.	Total Furlough		Male Sent.	Female Sent.	Male Unsent.	Female Unsent.	Total Furlough		
CIPT 397			1			1	140		260			400	401
IANK 100	7		50	6		63	3	1	6	16		26	89
IIMC 216	31	5	11			47	189	37	6	8		240	287
IPME 100						0	100					100	100
IPMI 130	4					4	124				1	125	129
CBAY 108	45					45	63					63	108
WILD 300	27	5	5	1		38	239		14			253	291
IFAI 232	9		14	2		25	158	2	67	2		229	254
INOM 88	11		3			14	46		21	1		68	82
IBET 72	8		17			25	25		24			49	74
IJUN 162	16	3	3	2		24	126	5	20	2		153	177
IKET 63	18		2			20	31		17			48	68
INST. TOTAL 1968	176	13	106	11	0	306	1244	45	435	29	1	1754	2060
CORD 75	27	2				29	37	2	2			41	70
AKEE 25	2					2	20	5				25	27
KILA 55	32	1				33	21					21	54
GMNR 15	4	2	1			7	8	2				10	17
CROE 15	5					5	10	3				13	18
GNWD 75	63	6	2			71	6					6	77
TUND 20	2	1				3	15	1				16	19
MANI 15	1					1	2					2	3
HALFWAY TOTAL 295	136	12	3	0	0	151	119	13	2	0	0	134	285
JUVENILE TOTAL 1												FEDERAL BUREAU OF PRISONS TOTAL	190
GRAND TOTAL POPULATION (Does not include Juvenile Total)											Total Daily Count for: 86/02/09		2535

DEPARTMENT OF CORRECTIONS

INST. CAP.	MISDEMEANANTS					TOTAL	FELONS					TOTAL	GRAND TOTAL	
	Male Sent.	Female Sent.	Male Unsent.	Female Unsent.	Total Furlough		Male Sent.	Female Sent.	Male Unsent.	Female Unsent.	Total Furlough			
CIPT 397						0	132		267			399	399	
IANX 100	12	2	48	4		66	4	1	5	15		25	91	
IMHC 216	14	8	7			29	199	36	6	7	1	249	278	
IPHE 100	1					1	98					98	99	
IPMI 130	4					4	122					122	126	
GBAY 108	41					41	64					64	105	
WILD 300	25	4	10			39	228		18	1		247	286	
IFAI 232	21		13	2		36	152	1	59	2		214	250	
INOM 88	9		3			12	47		19			66	78	
IBET 72	4		12			16	22		29	1		52	68	
IJUN 162	9	1	10	2		22	117	5	21	2		145	167	
IKET 63	18		3	1		22	30		14			44	66	
INST. TOTAL 1968	158	15	106	9	0	288	1215	43	438	28	1	1725	2013	
CORD 75	28	3				31	39	2	2			43	74	
AKEE 25	1					1	17	5				22	23	
KILA 55	26	4				30	17					17	47	
GMNR 15	5	1				6	9	2				11	17	
CROE 15	5					5	7	3				10	15	
GNWD 75	58	9	1			68	5					5	73	
TUND 20	4	2				6	13					13	19	
MANI 15	1					1	3					3	4	
HALFWAY TOTAL 295	128	19	1	0	0	148	110	12	2	0	0	124	272	
JUVENILE TOTAL 1												FEDERAL BUREAU OF PRISONS TOTAL	188	
GRAND TOTAL POPULATION (Does not include Juvenile Total)												Total Daily Count for: 86/01/27		2473

FAIRBANKS CORRECTIONAL CENTER
POPULATION BREAKDOWN

March 17, 1986

Unsentenced	90
Sentenced Felons	163
Sentenced Misdemeanants	<u>8</u>
Total Population	261

Sentenced Felons	
Maximum Custody	2
Close Custody	67
Medium Custody	57
Minimum Custody	28
Community Custody	9

Sentenced Misdemeanants	
Medium Custody	1
Minimum Custody	2
Community Custody	4
Not Classified	1

Since only sentenced minimum or community custody inmates are eligible for placement in a community residential center or restitution center, 217 inmates of those incarcerated at Fairbanks are not eligible for placement.

Following is a breakdown of the remaining 44 inmates:

Felons - Sentenced
Community Custody

- 3 currently in sex offender treatment program
- 1 Kila returnee
- 1 failed CCR - arrested due to intoxication
- 1 waiting residential alcohol program
- 1 health-post hospitalization for heart problems
- 1 refused Kila program
- 1 sexual assault history will be considered in July,
- work release date is Jan. 87

Felons - Sentenced

Minimum Custody*

- 22 violent felons
- 2 more than 120 days to serve
- 1 Kila returnee
- 1 refused Kila program
- 1 Kila denied due to prior history of violence
- 1 recent override from medium custody, high custody due to
___ prior record, will observe at minimum prior to Kila

28

Misdemeanants - Sentenced

Not Classified

- 1 verifying prior history

Community Custody

- 1 refused Kila program
- 2 in process, will enter Kila on 3/18/86
- 1 returned, said he had job, staff learned he did not - he
was going out and not working

Minimum Custody

- 1 high moderate infraction 2-7 pruno
- 1 seizures (gran mal), Kila would not accept

7

*Those inmates do not yet have community custody for furlough but may be considered for restitution center if they are non-violent, non sex-offenders.



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

April 19, 1985

MEMORANDUM

TU: Representative M. Mike Miller
ATTN: Hayden Kaden
FROM: Katherine Hazard *KH*
Legislative Analyst
RE: Phone Access for Pretrial Detainees
Research Request 85-316

You asked for information about the policies in other states for providing phone access to pretrial detainees. We were asked specifically: whether calls are monitored; if so, what provisions are made for calls to the detainee's attorney; and whether there are differences among inmates in privileges to phone access.

I called six states for information: California, Massachusetts, New York, Oregon, Texas and Washington. Except in rare cases, pretrial detainees are kept in municipal or county jails and are not detained in state penitentiaries. Because you inquired about differences in phone access privileges among inmates of varying security classes, I have included some information about phone privileges in state penitentiaries.

Summary

In the six states called, pretrial detainees have access to phones during the day. Their calls are not monitored. In addition, the county jail that I called in Oregon has a special line to the public defenders and to several attorneys that take indigent cases. In all of the states, higher security inmates had less access to phones than permitted pretrial detainees and lower security inmates.

With the exception of the New York City Department of Corrections, all agencies I spoke with had a phone system for prisoner use, whereby no incoming calls are received and all calls, local and long distance, are collect. When the inmate picks up the receiver an operator is on the line and will place only collect calls.

Representative Miller
April 19, 1985
Page 2

California

Sacramento County Correctional Facilities:

- After booking, pretrial detainees have unrestricted access to phones during the day;
- Calls are generally not monitored. Calls are only monitored if wardens are suspicious of an inmate;
- There is one phone for approximately 12 inmates; and
- There is no separate system for calling attorneys.¹

California State Penitentiaries:

- Inmates are allowed 1 - 4 calls per week. Phone privileges are granted according to which group the inmate is in. Inmates are grouped according to behavior, security risk and participation in work incentive programs.² Inmates in "administrative segregation", as a disciplinary measure, are permitted to call only in the case of an emergency.
- A supervisor will notify the security officer when an inmate is going to call his/her counsel, so that the tower officer will not monitor the call.
- Calls are limited to 15 minutes.

¹Lt. Cheris, Chief Deputy of the Sacramento County Correctional Facilities, said that if in monitoring a call the warden overhears a conversation between an inmate and counsel, they will cease monitoring and "disregard what they heard."

²Two institutions have phones on the yard. The officer on duty in the yard determines whether or not an inmate can use the phone. Sheila Mahonie of the Department of Corrections, said that several years ago the Department of Corrections lost a court case; they had monitored a phone call without first informing the inmate. The federal court said that this was wire tapping. Since then, phone calls have not been monitored and are not logged. Mail and visits are logged.

Representative Miller
April 19, 1985
Page 3

Massachusetts

Cambridge Facilities: (This institution houses pretrial detainees and convicted inmates.)

- Every cell block has a phone;
- Inmates can use the phone whenever they are out on recreation;
- Phone calls are never monitored or logged; and
- There is approximately one phone per 15 inmates.

Terry McCarthy, of the Cambridge Facilities, said this system is the same everywhere in the state. Inmates have called in bomb scares and phoned the fire department, but he said the new system (with the collect only phones) has worked very well and they haven't had any problems.

Massachusetts State Penitentiaries:

- The general population of inmates have access to phones during the day. There is no limit to the number of calls they can make.
- Inmates in isolation or disciplinary status are in their cells most of the time; their access to phones is restricted.

New York

New York City Department of Corrections (this institution houses pre-trial detainees and convicted inmates serving less than a year time.)

Pretrial Detainees

- Pretrial detainees have access to phones during all lockout periods (approximately 14 hours per day);
- Each detainee is permitted one free completed local call per day; they must pay for other calls;
- If there is an emergency, the Department of Corrections will pay for the call;
- The department pays for calls to the court or the detainee's attorney; and
- Calls are not monitored. The department does check phone bills to keep records of how many calls are made.

Sentenced prisoners

- Sentenced prisoners are allowed two completed local calls per week;
- They might have access to the phone during other times, but they work most of the day; and
- Calls are not monitored, except that a record is kept of how many calls are made.

New York State Penitentiaries:

- Medium security inmates have access to a phone in the day room and may use it as they wish;
- Maximum security inmates have access to a phone once every two weeks;
- Notice is posted by the phones that the calls may be monitored;³
- Generally, phone calls are not monitored; there would need to be a specific reason to monitor a phone call; and
- No record is kept of where calls are made to.⁴

³Chester Clark, Director of Classification and Movement at the Department of Correctional Services, said he did not know whether inmates are told when their calls are being monitored. He said staff would be prohibited from listening to inmates' calls to counsel, but he said that calls to counsel would be very rare. He added that visits are not monitored.

⁴Chester Clark said that with the collect only phones it is possible to get a record of calls from the phone company, but it is very expensive.

Oregon

Multnomah County Jail:

- Pretrial detainees have access to phones from 7:00 a.m. to 11:30 p.m. during the week, except during meals. On weekends, there is access to phones until about 1:30 a.m.;
- Phone calls are not monitored;
- No records are kept of where inmates call;
- High security prisoners are only in the day room about 4 hours per day, so their access to the phones is limited in this manner;
- Most inmates have access to phones during the day;
- There are approximately ten people per phone;
- In addition to these phones, the jail has a special line for calls to public defenders and several law offices that handle indigent defense. On this phone line, the incarcerated person can dial to the public defender or law office. There is no need to place a collect call. Thus inmates who have an attorney who would not accept a collect call can still contact an attorney.

Booking Area

In the booking facility, there are phones in the one-person cells and in the holding area (capacity of ten inmates). In the booking facility area, the ratio of people to phones is about 2 to 1.

Oregon State Penitentiaries:

- An inmate may use the phone every third night.

Representative Miller
April 19, 1985
Page 6

Texas

Jail Division of the Houston Police Department:

- Pretrial detainees are guaranteed one phone call;
- There are phones in the "tanks" that may be used any time during the day. At night, they could be used a couple of times, but this is more restricted because the guard needs to allow the person access to the phone;
- Calls are not monitored; and
- Calls can be terminated by the guard from a switch;⁵

Texas State Penitentiaries:

- Inmates do not have access to a phone. They may use a phone only in an emergency, such as a death in the family, and even then, the call is placed by the chaplain and the prison staff may or may not permit the inmate to talk on the phone; and
- Inmates cannot call counsel.

Washington

Pierce County Jail:

- Pretrial detainees and other inmates have access to phones from 7 a.m. to 11 p.m.;
- Calls are limited to 30 minutes;
- Phones are not monitored;
- No record is kept of where the call is placed;

⁵These rules of access to phones apply to convicted as well as pretrial inmates. Pretrial detainees are transferred to the county jails within 24 hours. I was not able to reach a Texas county jail. However, Captain Burnett, Commander of the Jail Division of the Houston Police said that there is access to phones most of the time in the municipal and county jails. Phones are in the day area.

Representative Miller
April 19, 1985
Page 7

- There is one phone to approximately ten inmates; and
- High security inmates have access to phones at least one or two times a day.

Washington State Penitentiaries:

- Phone calls are not monitored;
- No record is kept of phone calls;
- Maximum security inmates have access to a phone during the one hour per day when they are out of the cell for exercise.

Please call if you have further questions.

KH

CSHB 114(Jud)

Amendment No. 1 by Pettyjohn:

Page 11, line 4:

Delete "two" insert "four"

Representative Pettyjohn moved and asked unanimous consent that amendment No. 1 be adopted.

Representative M.M. Miller objected.

The question being: "Shall Amendment No. 1 be adopted?"
The roll was taken with the following result:

CSHB 114(JUD) AM1

Yeas:	21	Boucher, Collins, Cotten, Frank, Furnace, Hanley, Jenkins, Marrou, Martin, Miller, M.W., Navarre, Pearce, Pettyjohn, Phillips, Pignalberi, Rieger, Shultz, Szymanski, Taylor, Thompson, Uehling
Nays:	18	Adams, Binkley, Cato, Clocksin, Davis, Duncan, Fuller, Goll, Gruenberg, Grussendorf, Herrmann, Hurley, Koponen, Larson, Miller, M.M., Pourchot, Ringstad, Wallis
Excused:	1	Sund
Absent:	0	

And so, Amendment No. 1 was adopted.

CSHB 114(Jud)am

Representative Clocksin moved and asked unanimous consent that CSHB 114(Jud)am be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 114(Jud)am was read the third time.

CSHB 114(Jud)am

The question being: "Shall CSHB 114(Jud)am pass the House?" The roll was taken with the following result:

CSHB 114(JUD)AM

Yeas:	36	Adams, Binkley, Boucher, Cato, Clocksin, Cotten, Davis, Duncan, Frank, Fuller, Furnace, Goll, Gruenberg, Grussendorf, Hanley, Herrmann, Hurley, Jenkins, Koponen, Larson, Marrou, Miller, M.M., Miller, M.W., Navarre, Pearce, Pettyjohn, Phillips, Pourchot, Rieger, Ringstad, Shultz, Szymanski, Taylor, Thompson, Uehling, Wallis
Nays:	3	Collins, Martin, Pignalberi
Excused:	1	Sund
Absent:	0	

And so, CSHB 114(Jud)am passed the House and was referred to the Chief Clerk for engrossment.

HB 319

HOUSE BILL NO. 319 (physical agents) was read the second time with the Labor & Commerce Committee report (page 923), the Health, Education & Social Services Committee report (page 1135) and the Finance Committee report (page 1351).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 319 (Labor & Commerce) (same title) be adopted in lieu of the original bill. There being no objection, it was so ordered.

CSHB 319(L&C)

Representative Clocksin moved and asked unanimous consent that CSHB 319(L&C) be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 319(L&C) was read the third time.

file HB114

AS 33.32.010(3) DEPARTMENT OF CORRECTIONS MAY NOT
AS 33.32.015(b) CONTRACT WITH PRIVATE ENTITY TO
AS 33.32.020(b) MANAGE/OPERATE MANUFACTURING PROCESS IN
AS 33.32.030 STATE CORRECTIONAL CENTER USING INMATE
LABOR; PRODUCTS/SERVICES OF CORRECTIONAL
INDUSTRIES MUST BE PURCHASED BY STATE.

In response to an inquiry from the commissioner of corrections, the Attorney General stated that existing correctional industries statutes do not permit the commissioner to delegate to a private entity the statutory responsibility to control the operation, marketing and fiscal aspects of correctional industries. The commissioner may contract with a private entity to provide training and technical or managerial services for correctional industries, the Attorney General said. In response to a second question, the Attorney General stated that any products or services resulting from the activities of correctional industries must be purchased by the state because of the requirements of AS 33.32.030(c). While this appears to be a correct reading of that statute, it ignores an apparent conflict with AS 33.32.015(b)(2), which states that correctional industries may provide services or products needed not only by state agencies, but also by boroughs, municipalities, the federal government, other state governments or their political subdivisions, or nonprofit organizations. Op. Atty. Gen. (Alaska, November 9, 1984)

Legislative review of the apparent conflict between

1985

STATE OF ALASKA



thurs 1:30 - Rm 717 Ct Bldg

NRN

DEC 12 1985

DEPARTMENT OF LAW

CRIMINAL DIVISION

December 10, 1985

BILL SHEFFIELD, GOVERNOR

REPLY TO:

- CRIMINAL DIVISION CENTRAL OFFICE
POUCH KC
JUNEAU, ALASKA 99811
PHONE: (907) 465-3428
- OFFICE OF SPECIAL PROSECUTIONS
AND APPEALS
1031 WEST 4TH AVENUE, SUITE 318
ANCHORAGE, ALASKA 99501-5993
PHONE: (907) 279-7424

Honorable Bettye Fahrenkamp
Chairperson
Senate Health, Education and
Social Services Committee
515 7th Avenue, Room 130
Fairbanks, Alaska 99701

Re: CS for HB 114 (Judiciary)
(Corrections Omnibus Bill)

Dear Senator Fahrenkamp:

I am writing you on behalf of Attorney General Harold Brown and Commissioner of Corrections Roger Endell regarding CS for HB 114 (Judiciary). As you know, this bill proposes a rewrite of most of Alaska's laws pertaining to corrections (AS 33.30).

This bill passed the House last session and has been referred to the HESS, Judiciary and Finance committees in the Senate. Thus, this bill must first undergo review in your committee before it may work its way to the floor of the Senate.

Attached for your consideration, as well as the other members of your committee, are two sets of proposed amendments to the bill. Each proposed amendment sets out the desired change(s) followed by an explanation of why the amendment is desirable. The first set of amendments (I(a) -- I(f)) includes both substantive changes and housekeeping amendments to the bill. The second set of amendments (II(a) -- II(g)) contains changes which are necessary as a result of the passage last session of SB 4 (Correctional Restitution Centers) (1985 SLA ch. 72), and will not result in any substantive change to the bill or existing law.

The Administration views this bill as extremely important to the effective operation of Alaska's correctional system; and because of the three committee referrals, feels there is some urgency in having the bill addressed early in the session. Accordingly, we look forward to working with you on CS for HB 114 (Judiciary) at your earliest convenience.

If you or your staff have any questions regarding the proposed amendments, please don't hesitate to contact me.

Very truly yours,

HAROLD M. BROWN
ATTORNEY GENERAL

By: Michael J. Stark
Michael J. Stark
Assistant Attorney General

Attachment

cc: Roger Endell (w/attachment)
Commissioner
Department of Corrections

Honorable Arliss Sturgulewski (w/attachment)
Honorable Jalmar Kerttula (w/attachment)
Honorable Richard Fliason (w/attachment)
Honorable Paul Fischer (w/attachment)
Honorable Rick Halford (w/attachment)
Honorable Joe Josephson (w/attachment)

ALASKA DEPARTMENT OF CORRECTIONS

Discussion Paper No. 2
Bed Space Impact FY87 and FY88

	<u>FY87</u>	<u>Beds</u>	<u>Operator</u>	<u>Operating Cost</u>
1. Mat Su Pretrial restitution center		62	State	1,613.0 (total 2,580.7)
2. Anch. contract halfway house		65	Private	849.8
3. Kenai contract		35	Private	669.4
4. Minn. contract		200	Minnesota	4,818.0 (does not include transportation) estimate \$150,000
in Senate Rules 5. HB 104 good time bill				
6. Ten Probation Officers				701.0
4 Fbx, 1 Bethel, 5 Anchorage		362		8,651.2

	<u>FY88</u>	<u>Beds</u>	<u>Operator</u>	<u>Capital Costs</u>
1. Spring Creek Phase II Seward		320	State/ Lease	22,700.0

Notes

1. Mat Su pretrial should open July '86 rather than delayed opening in FY87.
2. Minnesota can offer 200 high security beds at \$66 per man day for up to a two year period. This figure does not include prisoner transportation costs. Utilizing Minnesota space would permit Alaska time to complete construction of new prison beds.
3. HB 104, the statutory good time bill, would create a gain of 22 beds per month or 264 beds per year, at a projected savings of approximately \$8,190.0 in operating costs as the impact of the bill is fully realized.
4. If HB 104 passes in 1986 then the Spring Creek phase II request could be delayed one year to FY88. If HB 104 does not pass in 1986, phase II of Spring Creek must be approved immediately.
5. Ten probation officers would provide intensive supervision for 250 offenders who might otherwise be incarcerated at an average cost of \$85 per day.

Alaska beds
\$85/day

projected savings
\$8M

-pretrial
-cost \$15/day

STATE OF ALASKA 1988 LEGISLATIVE SESSION
FISCAL NOTE

Superseded

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 114 (HESS)
 Title: "An Act relating to
 correctional facilities..."
 Sponsor: Rules Committee
 Requestor: House Judiciary
 Date of Request: 03/29/85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Alaska State Troopers and
 DPS Administration

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		[99.4]				
200 TRAVEL		[37.1]				
300 CONTRACTUAL		[3,099.1]	210.0	220.5	231.5	243.1
400 SUPPLIES		[7.0]				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		3,242.6	210.0	220.5	231.5	243.1

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		[3,242.6]	210.0	220.5	231.5	243.1
FEDERAL FUNDS						
OTHER						
TOTAL		3,242.6	210.0	220.5	231.5	243.1

POSITIONS:

FULL-TIME		[2.0]				
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

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Phone: 465-4349

Division: Administrative Services

Date: 03/29/85

Approved by Commissioner: Robert J. Sundberg

Date: _____

Agency: Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

COST ANALYSIS

CSHB 114 (HESS)

I. Alaska State Troopers BRU

The Alaska State Troopers will be affected by the proposed Section 33.30.071(c). The law enforcement agency taking custody will be, by statute, responsible for all injuries or medical problems the subject may have incurred prior to our taking custody. This will have even greater impact on municipal police agencies than on this Department. Costs shown are for medical services. A 5% annual inflation factor is applied to FY 87 and beyond.

Increased costs to Public Safety:

	<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>	<u>FY 90</u>
Contractual Services	200.0	210.0	220.5	231.5	243.1

II. DPS Administration BRU

Under the proposed Section 33.30.031, the Department of Public Safety would no longer be responsible for local contract jail facilities in seventeen communities, and funding for these contracts would be transferred to the Department of Corrections. The Special Assistant to the Commissioner of Public Safety and a Clerk-Typist III would also be transferred to Corrections with corresponding associated costs.

The Special Assistant has expertise in the area of administration of small jail facilities and is responsible for contract negotiation and monitoring, including on-site inspections. The Special Assistant's other functions will be reassigned to other staff personnel within the Department of Public Safety. The Cleary decision (facility and program standards) could affect the Department of Corrections ability to contract with small rural jails. Present short-term confinement service must be maintained.

Funding transferred from Public Safety to Corrections:

Personal Services *	[99.4]
Travel	[37.1]
Contractual Services	[3,299.1]
Commodities	[7.0]
TOTAL	[3,442.6]

* 2 positions, Special Assistant to the Commissioner (PCN 12-0085) and Clerk-Typist III (PCN 12-4205)

Offered: 4/25/85
Referred: Finance

Original sponsor: Rules/Governor

Superseded Sandra

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 114 (Judiciary) am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to correctional facilities, and the
7 imprisonment and rehabilitation of offenders."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 09.20.020 is amended to read:

10 Sec. 09.20.020. DISQUALIFICATION OF JURORS. A person is dis-
11 qualified from serving [TO ACT] as a juror if the person

12 (1) has served as a juror in the state within one year of
13 the time of examination for service; or

14 (2) has been convicted of a felony for which the person has
15 not been unconditionally discharged. Unconditional discharge has the
16 meaning given in AS 12.55.185 [FELONY AND THE CIVIL RIGHTS OF THE
17 PERSON HAVE NOT BEEN RESTORED].

18 * Sec. 2. AS 11.56.340 is repealed and reenacted to read:

19 Sec. 11.56.340. UNLAWFUL EVASION IN THE FIRST DEGREE. (a) A
20 person commits the crime of unlawful evasion in the first degree if,
21 while charged with or convicted of a felony,

22 (1) the person fails to return to official detention within
23 the time authorized following temporary leave granted for a specific
24 purpose or limited period; or

25 (2) while on furlough under AS 33.30.101 - 33.30.131 the
26 person fails to return to the place of confinement or residence within
27 the time authorized by those having direct supervision.

28 (b) Unlawful evasion in the first degree is a class A misdemean-
29 or.

1 * Sec. 3. AS 11.56.350 is repealed and reenacted to read:

2 Sec. 11.56.350. UNLAWFUL EVASION IN THE SECOND DEGREE. (a) A
3 person commits the crime of unlawful evasion in the second degree if,
4 while charged with or convicted of a misdemeanor,

5 (1) the person fails to return to official detention within
6 the time authorized following temporary leave granted for a specific
7 purpose or limited period; or

8 (2) while on furlough under AS 33.30.101 - 33.30.131 the
9 person fails to return to the place of confinement or residence within
10 the time authorized by those having direct supervision.

11 (b) Unlawful evasion in the second degree is a class B misde-
12 meanor.

13 * Sec. 4. AS 12.47.050(d) is repealed and reenacted to read:

14 (d) Notwithstanding a contrary provision of law, a defendant
15 receiving treatment under (b) of this section may not be released

16 (1) on furlough under AS 33.30.101 - 33.30.131, except for
17 treatment in a secure setting; or

18 (2) on parole.

19 * Sec. 5. AS 33.30 is amended by adding new sections to read:

20 ARTICLE 1. ESTABLISHMENT, CONTROL, AND MANAGEMENT.

21 Sec. 33.30.011. DUTIES OF COMMISSIONER. The commissioner shall

22 (1) establish, maintain, operate, and control correctional
23 facilities suitable for the custody, care, and discipline of persons
24 charged or convicted of offenses against the state or held under
25 authority of state law;

26 (2) classify prisoners;

27 (3) for persons committed to the custody of the commis-
28 sioner, establish programs, including furlough programs that are
29 reasonably calculated to

1 (A) protect the public;
2 (B) maintain health;
3 (C) create or improve occupational skills;
4 (D) enhance educational qualifications;
5 (E) support court-ordered restitution; and
6 (F) otherwise provide for the rehabilitation and
7 reformation of prisoners, facilitating their reintegration into
8 society;

9 (4) provide necessary medical services for prisoners in
10 correctional facilities or who are committed by a court to the custody
11 of the commissioner, including examinations for communicable and
12 infectious diseases; and

13 (5) provide necessary psychological or psychiatric treat-
14 ment if a physician or other health care provider, exercising ordinary
15 skill and care at the time of observation, concludes that

16 (A) a prisoner exhibits symptoms of a serious disease
17 or injury that is curable or may be substantially alleviated; and

18 (B) the potential for harm to the prisoner by reason
19 of delay or denial of care is substantial.

20 Sec. 33.30.021. REGULATIONS. The commissioner shall adopt
21 regulations to implement this chapter.

22 Sec. 33.30.031. CONTRACT FOR CONFINEMENT AND CARE OF PRISONERS.

23 (a) The commissioner shall determine the availability of state cor-
24 rectional facilities suitable for the detention and confinement of
25 persons held under authority of state law. If the commissioner deter-
26 mines that suitable state correctional facilities are not available,
27 the commissioner may enter into an agreement with a public or private
28 agency to provide necessary facilities. Correctional facilities
29 provided through agreement may be in this state or in another state.

per SB 21, misdemeanants only.
Issue: Do we want to contract out the service?

1 The commissioner may not enter into an agreement with an agency unable
2 to provide a degree of custody, care, and discipline similar to that
3 required by the laws and regulations of this state.

4 (b) Unless the purpose is to involve prisoners in a program
5 established under AS 33.30.091 - 33.30.131 or to confine prisoners
6 convicted of a misdemeanor, the commissioner may not enter into an
7 agreement with a privately operated correctional facility under (a) of
8 this section.

9 (c) An agreement with a private agency to provide necessary
10 facilities under (a) of this section is subject to the provisions of
11 the Fiscal Procedures Act (AS 37.05).

12 (d) A person employed outside the facility while confined in a
13 privately operated correctional facility established under (a) of this
14 section is subject to the provisions of AS 33.30.131.

15 (e) The commissioner may enter into an agreement with the United
16 States, another state, a municipality of this state, or another state
17 agency, to provide a correctional facility for the custody, care, and
18 discipline of a person held under authority of the law of that juris-
19 diction.

20 Sec. 33.30.041. LEASE OF CORRECTIONAL FACILITY TO MUNICIPALITY.

21 (a) If the commissioner determines that it would be in the best
22 interest of the state, the commissioner may enter into an agreement
23 with a municipality of the state for the lease of a state correctional
24 facility or for the use and operation of a state correctional facility
25 for the joint benefit of the municipality and the state.

26 (b) An agreement executed by the commissioner under (a) of this
27 section must provide that

28 (1) the state has the right to detain or confine a prisoner
29 held under authority of law in the correctional facility;

1 (2) the administrator of the correctional facility agrees
2 to implement an order, concerning a prisoner, issued by a court of the
3 state;

4 (3) the administrator of the correctional facility shall
5 comply with the law, and regulations adopted by the commissioner,
6 relating to the custody, care, and discipline of a prisoner detained
7 or confined in the correctional facility; and

8 (4) the commissioner may inspect the correctional facility
9 at any time to determine the conditions under which a prisoner is
10 detained or confined.

11 (c) The agreement executed by the commissioner under (a) of this
12 section may require the administrator of the correctional facility to
13 comply with requirements that the commissioner considers necessary for
14 the protection of the public or for the quality of care and programs
15 for prisoners required by this chapter and regulations adopted by the
16 commissioner.

17 ARTICLE 2. COMMITMENTS, PROGRAMS, AND FURLOUGHS.

18 Sec. 33.30.051. COMMITMENT TO COMMISSIONER. A person convicted
19 of an offense against the state shall be committed to the custody of
20 the commissioner for the term of imprisonment that the court directs.

21 Sec. 33.30.061. COMMISSIONER TO DESIGNATE FACILITY. (a) The
22 commissioner shall designate the correctional facility to which a
23 prisoner is to be committed to serve a term of imprisonment or period
24 of temporary commitment. The commissioner may designate a facility
25 without regard to whether it is maintained by the state, is located
26 within the judicial district in which the prisoner was convicted, or
27 is located in the state.

28 (b) The commissioner may designate an out-of-state facility
29 under this section only if the commissioner determines that

i.e. federal facility

*Send out: our beds are full outside now. 5-
Must have 10 yr sentence, 7 1/2 yrs. to serve.
Special medical needs.
Do not send out most notorious, try not to send out Natives.*

*I arrested on state charge, started obligated.
to pay custody & care even if housed in local jail.
One under contract by Public Safety thru agreement w/ Corrections.*

1 rehabilitation or treatment of the prisoner will not be substantially
2 impaired.

3 Sec. 33.30.071. RESPONSIBILITY FOR PRISONERS PENDING COMMITMENT.

4 (a) Notwithstanding AS 33.30.011(1), the commissioner of public
5 safety shall provide for the custody, care, and discipline of prison-
6 ers pending arraignment, commitment by a court to the custody of the
7 commissioner of corrections, or admission to a state correctional
8 facility. Except as provided in (c) of this section, the responsibil-
9 ity for providing necessary medical services for prisoners remains
10 with the commissioner of corrections under AS 33.30.011(4). The
11 commissioner of corrections and the commissioner of public safety are
12 not responsible for providing custody, care, and discipline for a
13 person detained under AS 47.30.705 or AS 47.37.170, unless the person
14 is admitted into a state correctional facility.

15 (b) The responsibility of the commissioner of public safety
16 under (a) of this section does not begin until a prisoner is accepted
17 into the custody of the commissioner of public safety, or admitted
18 into a correctional facility or other facility designed for holding
19 prisoners, and the commissioner of public safety is notified of the
20 acceptance or admission.

*In prior, local jails were just sending bill
w/o. after the fact! couldn't plan...*

21 (c) Medical services for a prisoner who is unconscious or in
22 *often result of arrest - like shot, unconscious* immediate need of medical attention before admission to a correctional
23 facility or commitment by a court to the custody of the commissioner
24 of corrections shall be provided by the law enforcement agency having
25 custody of the prisoner. The law enforcement agency may require the
26 prisoner to compensate the agency for the cost of medical services
27 provided for a preexisting medical condition not arising out of the
28 prisoner's arrest. *few heart condition, etc.*

29 Sec. 33.30.081. TRANSPORTATION OF PRISONERS. (a) The

Public Safety currently legally responsible for transporting
prisoners (cause had been problems & escapes).
Corrections transports 70% - minimum & medium custody
(interagency agreement). Not to & from et, but to
dr. appt, etc.

Corrections employees earn less, but don't have training
to deal w/ high risk prisoners. Resources go to Pub. Safety.

1 commissioner of public safety is responsible for transporting a pris-
2 oner to and from the court having jurisdiction over the prisoner and
3 for delivering a prisoner to a correctional facility upon temporary or
4 final commitment by a court or upon transfer of a prisoner from one
5 correctional facility to another either inside or outside the state.

6 (b) The commissioner of corrections shall make available return
7 transportation to the place of arrest for a prisoner who is released
8 from custody in a state correctional facility.

9 (c) The commissioner of public safety shall make available
10 return transportation to the place of arrest for a prisoner who is
11 released from custody before admission to a state correctional facili-
12 ty.

13 (d) The commissioner of corrections shall adopt regulations
14 governing the furnishing of transportation, discharge payments, and
15 clothing to prisoners upon release from a state correctional facility
16 at any stage of a criminal proceeding.

17 Sec. 33.30.091. DESIGNATION OF PROGRAMS. Except as provided in
18 AS 33.30.111, the commissioner may assign a prisoner committed to the
19 commissioner's custody to a program established under AS 33.30.011(3)
20 considering

- 21 (1) safeguards to the public;
22 (2) the prospects for the prisoner's rehabilitation;
23 (3) the availability of program and facility space;
24 (4) the prospect of future judicial proceedings requiring
25 the presence of the prisoner;
26 (5) the nature and circumstances of the offense for which
27 the prisoner was sentenced;
28 (6) the needs of the prisoner as determined by a classi-
29 fication committee and any recommendations made by the sentencing

*present law
has no criteria*

*furloughs -
little attention in
existing law. work furloughs
d rehab furloughs
differently etc.*

1 court;

2 (7) the record of convictions of the prisoner with particu-
3 lar emphasis on crimes specified in AS 11.41;

4 (8) the use of drugs or alcohol by the prisoner;

5 (9) the length of the prisoner's sentence; and

6 (10) other criteria considered appropriate by the commis-
7 sioner, including experimental evaluation of correctional programs
8 that are consistent with protection of the public and reformation of
9 the prisoner.

10 Sec. 33.30.101. FURLOUGHS. (a) The commissioner shall adopt
11 regulations governing the granting of prerelease and short-duration
12 furloughs to prisoners to

13 (1) obtain counseling and treatment for alcohol or drug
14 abuse;

15 (2) secure or attend vocational training;

16 (3) obtain medical or psychiatric treatment;

17 (4) secure or engage in employment;

18 (5) attend educational institutions;

19 (6) secure a residence or make other preparation for re-
20 lease;

21 (7) appear before a group whose purpose is a better under-
22 standing of crime or corrections; or

23 (8) for any other rehabilitative purpose the commissioner
24 determines to be in the interests of the prisoner and the public.

25 (b) If the commissioner determines with reasonable probability
26 that a prisoner can live under reduced supervision without violating
27 the law or the conditions established for the conduct of the prisoner,
28 the commissioner may grant a furlough after considering

29 (1) the factors in AS 33.30.091;

*work
rehabilitation
family visitation*

*early release to
integrate back into society (community setting)
funerals, etc.*