

ALASKA LEGISLATURE COMMITTEES, 1988-1990 8672
6668 SENATE STATE AFFAIRS 10759

For FY90 the Governor's Office of Management and Budget (OMB) estimated that \$1,500,000 would be withheld from ineligible felons. It was the assessment of OMB that the crime victim compensation fund could only use \$736,600. OMB and the Department of Corrections proposed to use the remaining balance of \$763,400 to fund special programs within Corrections. Two programs within Corrections received funding from the dividend fund; "gate money" and "sex offender". The gate money program (\$135,000) provides a minimum amount of money to offenders being released from institutions. The sex offender program (\$628,400) provides psychological counseling for sex offenders while they are in the institution. Funds were not appropriated from the withheld felons' dividends prior to FY90.

At the time the Legislature was holding budget deliberations concerning the funding of programs in Corrections and Public Safety, a superior court judge issued a decision on a lawsuit that challenged the constitutionality of Chapter 54, SLA 88. The judge determined that felons should be included in the pool of eligible applicants for dividends. The decision was based upon the assumption the statute does not treat all convicted felons the same way. There would be instances where convicted felons would never be ineligible because of the timing of their incarceration. The attorney general does not agree with the superior court decision and has appealed the ruling to the supreme court. As of this date it is not known when the supreme court will hear this case.

It is important to note that when the Department of Revenue was calculating the number of eligible applicants, the Department was aware of the superior court decision and included the estimated number of felons in the pool of eligible applicants. Money for their dividends (\$1,500,000) is being held in a trust account pending the outcome of the appeal to the supreme court. To fund the programs in Corrections and Public Safety the Department of Revenue withdrew another \$1,500,000 from the dividend account. The dividend account

Senator Rick Uehling
October 25, 1989

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has been charged twice, once for the dividends deposited in the trust account and, again for the previously described programs.

I hope that this answers your questions concerning these programs. If you require any further information, please let me know.

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX 5
JUNEAU, ALASKA 99811-0400
PHONE: (907) 465-2300
TELEFAX: (907) 465-2389

November 1, 1989

Randy S. Welker, CPA
Legislative Auditor
Division of Legislative Audit
P.O. Box W
Juneau, AK 99811

RECEIVED

NOV 1 1989

LEGISLATIVE
AUDIT

Dear Mr. Welker:

I appreciated the opportunity to discuss with you the accounting for the deductions as shown on the 1989 dividend check. This letter responds to your request for a written description of the issues and decisions involved in that process.

As you know, under Alaska statute, the Commissioner of Revenue is charged with giving public notice by October 1 of the amount of the permanent fund dividend for the year.

Basically, the amount of the dividend is figured by dividing the amount of permanent fund earnings available for dividends by the number of eligible Alaskans who apply. 1/

However, there are some twists in figuring the number of "eligible" Alaskans. The law directs that people who have been in jail under a felony conviction be counted into the total of "eligible" people. The law requires these people to be included in the division of the available money even though these felons are not eligible to receive dividends. In fact, they are added in even if they do not apply. The effect of including these felons in the calculation is to divide the total amount available for dividends among more people, thus making the amount of the dividend smaller.

In addition, the law requires the commissioner to disclose the amount by which the dividend has been reduced to pay the costs of administering the permanent fund dividend program and the amount of the hold harmless provisions of AS 43 23.075 (eligibility for public assistance).

The law also states that the commissioner shall include the statement on the check attached to each individual dividend check.

The amount of dividend money appropriated to the Department of Revenue for running the dividend program this year was \$3,537,400.

Dividing this amount by the estimated number of payable applicants for 1989, which is 517,693 Alaskans, gives a reduction per dividend check of \$6.83.

Randy S. Welker
November 1, 1989
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The legislature appropriated \$11,763,500 to the Department of Health and Social Services for the hold harmless program. This program is designed to try to make sure that Alaskans who lose federal benefits (such as AFDC or Old Age Assistance) due to receiving the permanent fund dividend do not suffer a drop in income from the loss in benefits. This works out to a reduction of \$22.72 per dividend.

This year the legislature also appropriated funds from the permanent fund dividend account for additional programs.

One of these appropriations from the permanent fund dividend account was for \$763,400 to the Department of Corrections for sex offender treatment and "gate money" (a payment to prisoners on release). This amounts to a reduction of \$1.47 in each check.

The other appropriation from the permanent fund dividend account was for \$736,600 to the Department of Public Safety for the operation of the violent crimes compensation board. This accounts for the remaining deduction of \$1.42 in the dividend.

I note that the law does not require the commissioner to show the deductions per check for programs other than administrative cost and hold harmless programs. However, showing the additional appropriations from the permanent fund dividend account as reductions is a consistent way to treat the expenses.

I also believe that the intent of the law is to let people know how much of the permanent fund dividend money is being spent on things other than dividends and what those things are. This helps to provide public accountability. Deductions shown on check stubs are a fairly effective way to communicate.

As set out above, the legislature appropriated an additional \$1,500,000 from the permanent fund dividend account to fund the newly listed programs this year (sex offender treatment, "gate money", and violent crimes compensation), essentially using these funds to replace the traditional general fund money for these purposes.

I understand that there have been expressions by concerned legislators and others that the appropriation of the additional \$1,500,000 should not be shown on the check stub. If I understand the reasoning for not showing the amount of these deductions, it is that the legislators did not intend to reduce the dividends going to other Alaskans, because the amount taken from the dividend fund was expected to offset the amount of money that would not be paid to Alaskans who were in jail for a felony conviction sometime during the past year, since the legislature passed a law that was intended to make these people ineligible to receive dividends.

The law denying the incarcerated felons dividends was held invalid by the Alaska superior court. It turned out that the way the law was written that two people in jail for the same length of time on the same felony conviction would be treated differently. One could get the dividend, and the other could not. The superior court decision is being appealed.

In the meantime, the state has been ordered by the court to set aside enough money in an interest-bearing trust account to pay the dividends for these people if they win their appeal. This set-aside comes out of the total that is available for dividends, and has the effect of reducing the dividends for 1989.

\$1,500,000 of permanent fund dividend account money was appropriated by the legislature for funding the sex offender treatment, "gate" money, and violent crimes compensation programs.

You have asked me what consideration was given to using general fund money or other funds different from the permanent fund dividend account money appropriated by the legislature for these programs once the court issued the order requiring that the trust account be set up .

As far as I know, there was no serious consideration given to using other funds for these programs. As far as I know there were no other funds appropriated, just the money from the permanent fund dividend account.

I know there have been suggestions that the executive branch could have advised the legislative budget and audit committee of the potential reduction in the dividends, and sought agreement on replacement funding in the next regular session. I think that suggestion is a valuable one and should be followed in the future if a problem arises with the dividends.

As for now, I believe that you have received a copy of Budget Director Alison Elgee's letter to Senator Duncan advising him that it is the administration's intent to request a special appropriation to replace the lost dividend money if the state loses the appeal in the felons' lawsuit.

You asked that I list my recommendations on the matter.

I recommend:

1) That all uses of permanent fund dividend money, other than the amounts used to pay dividends, be shown on the check stub as a deduction per check.

I recommend this because amounts appropriated from the permanent fund dividend account for other purposes do in fact reduce the dividends. If they were not being used for something else, clearly the dividend check amount would be larger .

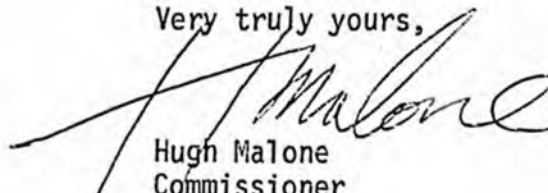
I recommend that showing these deductions be made a requirement of the law so that the people would know what was happening to their money. This would end the arguments over what should be shown to the people on the stub and what should not be shown. The people of Alaska have a high level of interest in the dividend program. This requirement would make sure that folks at least knew enough to ask questions.

Randy S. Welker
November 1, 1989
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2) I recommend that the law denying a dividend to a felon be changed so that the felon does not get the dividend, but instead the individual dividend would be put in a special account to pay any costs that are owed to the state or to private individuals by the felon. This could include the cost to the state of keeping the person in jail .

I hope this letter answers your questions. I would be glad to discuss these recommendations with you or other interested people. I will be sending to you a separate letter addressing some of the other, more technical, accounting issues in the permanent fund dividend program that are not directly connected to this question.

Very truly yours,



Hugh Malone
Commissioner

HM:m11
89-225

Enclosure: Copy of check stub.

1/ The calculation also includes other steps, such adding in the amount of money carried forward and subtracting the amounts due for prior years dividends.

This warrant is to be cashed and must be redeemed within two years after the date of issue per AS 37.05.140.

STATE OF ALASKA
TREASURY WARRANT

No. 5254076

33-52-1253

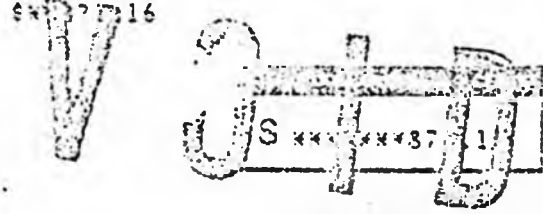
ALASKA PERMANENT FUND DIVIDEND

DATE OF ISSUE:

52540763

6437716

PAY TO THE ORDER OF:



W. W. W.
GOVERNOR

52540763# 1: 252005230

NON NEGOTIABLE

No. 5254076

PAYER'S NAME STATE OF ALASKA 1989 PERMANENT FUND DIVIDEND \$ 873.16
FEDERAL ID NO. 92-6001185

DATE VOUCHER BATCH DLN WARRANT AMOUNT \$ 873.15
APPLICANT'S SSN
APPLICANT'S NAME AND ADDRESS

REDUCTIONS PER DIVIDEND CHECK:
COSTS OF ADMINISTERING DIVIDEND PROGRAM.....\$ 6.83 (DEPT. OF REVENUE)
"HOLD HARMLESS" OF PERSONS WHOSE FEDERAL
BENEFITS ARE CUT WHEN THEY RECEIVE DIVIDENDS..\$22.72 (DEPT. OF HISS)
SEX OFFENDER TREATMENT AND GATE MONEY FOR
RELEASED PRISONERS.....\$ 1.47 (DEPT. OF CORRECTIONS)
VIOLENT CRIMES COMPENSATION BOARD.....\$ 1.42 (DEPT. OF PUBLIC SAFETY)
TOTAL.....\$32.44

IMPORTANT - This stub contains important tax and other information (see back).

Alaska State Legislature

Sen. Pat Pourchot, Chairman

Sen. Jan Faiks, Vice Chairman
Sen. Al Adams
Sen. Tim Kelly
Sen. Rick Uehling



P.O. Box V
State Capitol
Juneau, Alaska 99811

907-465-3712

Senate State Affairs Committee

MEMORANDUM

TO: Senate State Affairs Committee Members
FROM: Senator Pat Pourchot
RE: Wednesday, April 4 Committee Hearing
DATE: April 3, 1990

On Wednesday, April 4 at 1:30 p.m. in the Beltz Room the Senate State Affairs Committee will hear the following bills:

TELECONFERENCE; Anchorage, Mat-Su, Petersburg, Fairbanks, Delta Junction

SB 537. Longevity Bonus Program, efd. SB 537 would phase out the Longevity Bonus Program over a 10-year period. Contrary to previous "stair-stepping" proposals, this bill would "grandfather" a recipient into the program at the amount of the bonus payment for the year in which he/she qualifies. Persons currently receiving \$250 per month would continue to do so for as long as they remain in Alaska.

SCR 52. relating to the leasing of space by the state. Sponsored by Senator Rodey, the resolution encourages state agencies to avoid leasing practices that would cause the construction of substandard commercial structures, practices that are referred to as the "capital lease process" and/or the "design, build, lease back process". In the capital lease process, leases are awarded to the lowest bidder, with no mechanism in place to ensure that facilities are economical to operate and maintain or are responsive to the needs of the agency or the communities. The Committee Substitute passed by House Finance is included in your packet. Senator Rodey requests that the committee consider revising SCR 52 to be identical to CS HCR 52. The CS would establish a State Lease Task Force to study the problems with the Capital Lease process and to submit its findings and recommendations to the governor and legislature by 1/21/91.

SB 399. An Act approving leases of office space by the Department of Administration; and providing for an effective date. This bill would approve the leases of office space, each of which may which may exceed \$1 million in rent, for the following buildings: Juneau: Goldbelt Building, Anchorage: Labor Offices at 33rd Street/Eagle Street and the Law Offices in the Peterson Towers (near the Court Building.)

SB 346. An Act relating to public notice regarding the value of permanent fund dividends; and providing for an effective date. In your packet is the proposed CS, which contains the original language of SB 346, requiring the

Commissioner of Revenue to disclose on Permanent Fund Dividend check stubs the amount of dividends as the result of constitutionally mandated deposits and the amount attributable to legislative appropriations and additional language that requires all deductions from the Dividend Fund be listed on the check stub. A letter of intent would accompany this bill clarifying that all deductions from earnings, i.e. administration costs, oil litigation fees and inflation-proofing amounts be included in the Permanent Fund brochure that is mailed with the PFD checks.

SB 346.txt

Pat:

The Permanent Fund Disclosure and Value Bill:

1. Chart show you which "pot" monies come out of, please let me know if this is not what you wanted.
2. In response to your question of where Dinkum Sands money came from in FY 90, (and is listed the same for FY 91), it's Sec. 25 of the Budget Bill, see attached.
3. The two other Coghill Permanent Fund bills that we heard on PF Day, were SB 395, which would fund the costs of the hold harmless provisions through appropriations rather than from the dividend fund and SB 312, which deletes "income averaging" from the determination of distributable income, requires transfer of up to 25% of the income of the PF to the principal at the end of the year to offset inflation, with 75% of the net income being transferred to the dividend fund. I have made the assumption that you do not want to pursue either concept at this time. Again, please let me know if that is not true.
4. House State Affairs has dealt with the issue of disclosure of all uses of the earnings of the fund. The Commission made a recommendation (see attached) that all uses of the earnings of the Fund should be shown on the dividend check stub by listing the total amount of each use. Boucher introduced HB 563 in response to that recommendation. House State Affairs combined components of HB 381, Phillips bill on disclosure. Current law is that only the disclosure of administrative costs and the hold harmless costs are legally required. They spent quite a bit of time debating the same issues we did, WHAT WILL LOGICALLY FIT ON A CHECK STUB? Result, the CS for HB 563 provides for all appropriations from the dividend fund be listed on the check stub and that all additional deductions including 1. PF operating budget, inflation-proofing, legal fees and and other deductions from the Earning Reserve Account, the Dividend Fund of earnings of the PF be disclosed on an informational flyer. D J
5. I received an OK from Duncan's staff to incorporate the components in CS HB 563 into his bill, SB 346.
6. I have requested a blank CS combining the two bills,. After your review, I will request a CS for the Wednesday hearing. The important part of Boucher's bill is the "letter of intent" which will hopefully direct the PF to do the disclosure. They currently do not include their \$5.6 mil operating costs in the brochure that goes out with the checks.
7. The thing we want to avoid at the hearing is the size of type to use on the check stub to try to fit in all the disclosures. . .we will probably want to consider a letter of intent as well.

~~Pat, please return materials to Susie.~~

Alaska State Legislature



SENATOR JIM DUNCAN

P. O. BOX V JUNEAU, ALASKA 99811-3100

(907) 465-4766

COMMITTEES:
FINANCE
VICE CHAIR -
HEALTH EDUCATION
& SOCIAL SERVICES
BUDGET & AUDIT
BANKING &
ECONOMIC
DEVELOPMENT

TO: SENATOR PAT POURCHOT
CHAIR
STATE AFFAIRS COMMITTEE

FROM: SENATOR JIM DUNCAN

REGARDS: REQUEST FOR HEARING ON SB 346

DATE: JANUARY 9, 1990

I WOULD APPRECIATE THE EARLIEST POSSIBLE HEARING DATE FOR SB 346.

SB 346 AMENDS ALASKA STATUTE 43.23. REQUIRING THE COMMISSIONER OF THE DEPARTMENT OF REVENUE TO DISCLOSE ON PERMANENT FUND DIVIDEND STUBS THE AMOUNT OF THE DIVIDENDS AS THE RESULT OF CONSTITUTIONALLY MANDATED DEPOSITS AND THE AMOUNT ATTRIBUTABLE TO LEGISLATIVE APPROPRIATIONS.

I FEEL ITS IMPORTANT FOR ALASKANS TO KNOW THAT A SIGNIFICANT MAJORITY OF THE DIVIDEND CHECK IS THE RESULT OF ADDITIONAL APPROPRIATIONS TO THE PERMANENT FUND BY THE LEGISLATURE. SINCE ITS INCEPTION, THE LEGISLATURE HAS APPROPRIATED OVER \$5.6 BILLION OR 61% OF THE PERMANENT FUND'S PRINCIPAL. THIS INCLUDES SPECIAL APPROPRIATIONS AND MONIES ADDED FOR INFLATION PROOFING. CONSTITUTIONALLY MANDATED FUNDS ACCOUNT FOR JUST OVER \$3.5 BILLION OF THE FUND, OR 39%.

I WAS SPURRED TO INTRODUCE THIS BILL FOLLOWING THE DISCLOSURE OF UNAUTHORIZED DEDUCTIONS FROM THE 1989 DIVIDEND BY THE ADMINISTRATION. A LEGISLATIVE AUDIT I REQUESTED CONCLUDED, "...THE DECISION TO MAKE DEDUCTIONS FROM THE GENERAL PUBLIC'S DIVIDEND CHECKS FOR THE PUBLIC SAFETY AND CORRECTIONS PROGRAMS WAS CLEARLY CONTRARY TO THE LEGISLATURE'S INTENT."

AS YOU KNOW, THE INTENT INVOLVED USING FELON'S DIVIDENDS FOR THESE PROGRAMS. WHEN A COURT RULING FORECLOSED THIS USE, THE ADMINISTRATION REDUCED THE DIVIDENDS OF ALL ALASKANS. THE ADMINISTRATION SHOULD HAVE REQUESTED A SUPPLEMENTAL APPROPRIATION INSTEAD. THE ADMINISTRATION HAS INDICATED IT WILL MAKE SUCH A REQUEST IF ULTIMATE COURT RULINGS FORBID THE USE OF FELON'S DIVIDENDS AND ROLL THE UNAUTHORIZED REDUCTIONS INTO THE 1990 DIVIDEND. LEGISLATORS, INCLUDING MY OFFICE, FIELDERD MANY CONSTITUENT INQUIRIES ON THIS MATTER. MANY CONSTITUENTS WERE CONFUSED AND HELD THE LEGISLATURE TO BLAME. AS A RESULT, I FEEL ALASKANS NEED TO KNOW THE LEVEL OF SUPPORT THE LEGISLATURE HAS GIVEN TO THE PERMANENT FUND. A DISCLOSURE ON THE DIVIDEND STUB WILL REVEAL THIS LEVEL OF SUPPORT.

YOUR CONSIDERATION OF THIS REQUEST IS MOST APPRECIATED.

MEMORANDUM

TO: Senate State Affairs Committee Members
FROM: Senator Pat Pourchot
RE: Friday, March 2 Committee Hearing
DATE: Friday March 2, 1990

On Friday, March 2 at 1:30 p.m. in the Beltz Room the Senate State Affairs Committee will hear the following bills:

SB 395. An Act relating to the hold harmless provisions of the permanent fund dividend program; and providing for an effective date. Senator Coghill's bill would fund the costs of the hold harmless provisions through appropriations rather than from the dividend fund.

SB 312. An Act relating to the income of the permanent fund; and providing for an effective date. Introduced by Senator Coghill, this bill deletes "income averaging" from the determination of distributable income, requires transfer of no more than 25% of the income of the PF to the principal at the end of each fiscal year to offset inflation, with 75% of the net income being transferred to the dividend fund.

SCR 43. An Act relating to the permanent fund educational program for elementary students. Senator Coghill's resolution is a statement of support for the educational program funded by the Alaska Permanent Fund Corporation.

SB 346. An Act relating to public notice regarding the value of the permanent fund dividends; and providing for an effective date. Introduced by Senator Duncan, this bill requires the Commissioner of Revenue to disclose on the PFD stubs the amount of the dividends as the result of constitutionally mandated deposits (approximately 39% since inception) and the amount attributable to legislative appropriations (approximately 61% since inception).

Pat, what I would like to present to the committee is this:

How lack of clear Permanent Fund statutory priorities and lack of clear statutes is driving major fiscal policy-making by default and often without legislative awareness:

Examples, all of which need to be explained:

1. Inflation-proofing - Corp. staff maximizes deposits
2. Automatic inflation-proofing transfer under AS 37.13.145, probably unconstitutional
3. Lack of "net income" definition - yet "net income" drives amount of money available for pfds and inflation-proofing
4. Potential General Fund monies sitting in ERA now
5. Royalty interest earnings disposition:
\$72 million in 1988 Dinkum Sands
About \$425 million at stake in future royalty interest earnings
6. 50% statutory dedication issue:
\$80 million at issue in 1988 Dinkum Sands
More at issue in future
7. General operational inconsistencies

Other key points:

Asset allocation will have major impacts on legislature in future
Entire purchasing power of Permanent Fund now tied up in dividends

Future performance measures & need for strong legislative oversight

MARY HALLORAN

Alaska State Legislature

Legislative Research Agency




P.O. Box Y
Juneau, AK 99811-3100
Phone: (907) 165-3991
Fax: (907) 163-3351

February 15, 1990

MEMORANDUM

TO: Senator Pat Pourchot

ATTN: Susan Barnett

FROM: Gordon S. Harrison 
Director

RE: Permanent Fund Issues

You asked for suggestions about issues involving the permanent fund that could be addressed in committee oversight hearings on the fund and its management.

Profound and philosophical questions, such as, "Is the dividend program the *raison d'être* of the Alaska permanent fund?", are probably not productive to debate at the present time. Therefore, my proposal for an issue to add to the committee agenda deals with a more prosaic topic: the prospect of deteriorating financial performance of the fund in the 1990s. The possibility that financial markets may not be as generous in the future as they have been in the past seems to underlie several of the issues now before the permanent fund corporation and the legislature.

Successes of the 1980s

During the 1980s, permanent fund managers achieved unusually high real rates of return on fixed-income investments that involved very little risk. This impressive performance was due largely to the uncharacteristic spread in the capital markets between interest rates and inflation rates, and to the substantial annual contributions to the principal (which mitigated the adverse effects on income of rising interest rates). It was possible for the fund managers to be conservative and successful.

Because the fund was heavily invested in fixed-income, interest-bearing instruments, it generated a lot of cash. It generated enough cash to pay dividends, fully inflation proof the principal, and build up the earnings reserve account. Everyone was happy, and the fund's management has been widely praised. Indeed, it seems very likely that the public now regards this as the natural order of things, and that it will continue indefinitely. The fund managers are worried that the historical earning patterns of interest-bearing investments (low real returns) will reassert themselves. If that were to happen, especially in an inflationary period, the earnings reserve account

Senator Pourchot
February 15, 1990
Page 2

would be drawn down quickly and inflation-proofing goals could not be met. How will the public respond? How will the legislature respond? What can be and what should be done now to prepare for the day when the bloom is gone from the fund's annual reports?

Issues for Discussion

An understanding of the fund's past and projected earnings is important for informed debate about management of the fund's investments and disposition of income generated by the fund. The prospect of reduced real earnings has prompted discussion about giving inflation proofing the first call on income, and authorizing cumulative inflation proofing. The merits of the payout proposal in HB 564 depends in large measure on the assessment of the future earning capability of the fund. Also, concern about reduced real returns from fixed-income investments is behind pressure to invest a higher percentage of the fund's principal in stocks (i.e., change the asset allocation of the fund in favor of equities).

The prospect of lackluster (or poor) performance of the fund gives rise to a general issue that is never very far from the minds of the permanent fund board members, and should be pondered at times by the legislature as well; namely, the degree of tolerance of the public (and legislature) for poor returns. My own suspicion is that the public will prove to be intolerant of a poor showing, and very intolerant of losses. The "time horizon" of elected officials tends to be short, and I fear it is even shorter for the public as a whole.

I recall that in the summer of 1987, when the Dow Jones Industrial Index continued to ascend after the fund managers had sold a substantial holding of stocks in the spring, the Anchorage Daily News ran a front page story about the \$400 million the fund had lost (failed to make) by selling. When the crash came that fall, nothing was said (by the News at any rate) about the wisdom of the move. The point is that the performance of the fund is big news, and that those responsible for it will not have the luxury of waiting out a down market. It may be that anything other than a very short-term investment horizon is impractical for the fund, and that the consequences of that reality should be acknowledged by the legislature and the public (for example, that the fund will inevitably forego dramatic returns of a bull market).

S B

348

SENATE STATE AFFAIRS COMMITTEE

BILL NUMBER SB 348

SPONSOR Duncan

BILL TITLE Probation officers as Peace officers

DATE REFERRED 2.13.90

HEARING SCHEDULED 3.7.90

FISCAL NOTE PREPARED ✓

SPONSOR CONTACTED ✓

INTERESTED PARTIES CONTACTED ✓

Rich Collum - 3384 - AK Parole Board
Bill Parker - 3376 - DOC

OTHER

Pat — O/K Pat

Roxanne came by to
answer your question
on SB 348 Probation
Officers

Sec. 2 : will be in
Temporary Law as
eventually all Prob. Officers
will be in the
20 year program.

SUSIE

SENATE COMMITTEE REPORT

DATE: 2/13/90

FURTHER: Finance

DATE TURNED INTO OFFICE: 3-7-90

State Affairs

Committee considered

SB 348

"An Act granting probation officers status as peace officers under the public employees' retirement system; and providing for an effective date."

and recommended:

[] replace with _____ CS _____
[] or adopt _____ CS _____

[] same title
[] new title
[] technical title change (HB only)

[] attached amendment(s)
[] _____ letter of intent adopted

[X] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Dept/Date:

[] fiscal note(s) _____

[] zero fiscal note(s) _____

[] appropriation-no fiscal note

APPROVES PREVIOUS:

Dept/Date:

[X] fiscal note(s) Admid. 2-12-90

[] zero fiscal note(s) _____

[] Governor's bill w/fiscal note

SIGNING DO PASS:

Rich Healy
Al Adams
Jan Fritts

OTHER RECOMMENDATIONS:

Chair: Signature and Recommendation

Chair: Signature and Recommendation

Alaska State Legislature

Sen. Pat Pourchot, Chairman

Sen. Jan Faiks, Vice Chairman
Sen. Al Adams
Sen. Tim Kelly
Sen. Rick Uehling



P.O. Box V
State Capitol
Juneau, Alaska 99811

907-465-3712

Senate State Affairs Committee

MEMORANDUM

TO: Senate State Affairs Committee Members
FROM: Senator Pat Pourchot
RE: Wednesday, March 7 Committee Hearing
DATE: March 6, 1990

On Wednesday, March 7 at 1:30 p.m. in the Beltz Room the Senate State Affairs Committee will hear the following bills:

SS SB 263, An Act establishing the Alaska Gaming Commission and authorizing the commission to regulate video gaming.

SB 263 was heard by the State Affairs Committee last session. The Sponsor Substitute, which is modeled after Montana's video gaming law, clarifies many of the bill's provisions. In brief, SSSB 263 would establish a 5-member Gaming Commission in the Department of Commerce to license and regulate video gaming.

Under the bill, a municipality could prohibit by ordinance the installation of video gaming devices within its boundaries. The devices could be installed only in bars, and would be tested and approved by the commission before installation; the number of devices per bar would be limited. Device distributors and bar operators would be licensed by the commission, allowable bets and payouts would be minimal and substantial penalties would apply to violators.

License fees, device taxes and 15% of each device's net income would accrue to the state's general fund; 1/3 of the device tax and net income would to municipalities in which are located.

SB 348, An Act granting probation officers status as peace officers under the public employees' retirement system; and providing for an effective date.

This bill would amend the definition of "peace officer" in Title 39 to include probation officers and would permit adult and juvenile probation officers to retire after 20 years service, whereas most state employees retire after 30 years service. Prior years as probation officer would be credited service. Currently when a correctional officer is promoted to a probation officer, they lose the peace officer status and move into the regular PERS.

CS SB 254, An Act relating to Group Health Insurance; and providing for an effective date. Scheduled for final action, the CS reflects a majority of the changes discussed at the last hearing. Changes are highlighted.

Shirley Warner

A.K. Peace Officers Association

786-8500

A.K. Police Chiefs

Mike Dougherty

235-8113 -

SB 348, An Act granting probation officers status as peace officers under the public employees retirement system and providing for an effective date.

TELECONFERENCE: 3 minute limit per individual, 5 minute per group.
Anchorage, Fairbanks, Kodiak, Ketchikan

TO TESTIFY;

Senator Duncan (he may be detained as he has a bill in Finance at 1:30)
Bob Stalnaker: wishes to testify in opposition
DFYS: Russ Webb or Dick Illias will testify in opposition
Public Testimony: you can expect lots in support! Probation officers are well-mobilized on this one.

NOTES:

IMPORTANT; review HSS position paper, valid points re: this bill creates more inequities, they are strongly opposed.

Bill Parker: can't testify because Governor's office doesn't support this bill.

FISCAL NOTE

REQUEST:

Revision Date: 2/12/90 Agency Affected: Administration
Title: An Act granting probation BRU: Retirement and Benefits
officers status of peace officers under PERS
Sponsor: Duncan Components: Retirement and Benefits
Requestor: Senate HESS

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

THIS BILL IS ESTIMATED TO COST THE STATE OF ALASKA \$166.9 IN INCREASED PERSONAL SERVICES FOR FY 91 AND EACH YEAR THEREAFTER.

The attached sheet discusses the fiscal implications of this bill to the Public Employees' Retirement System.

Prepared by: Sally Smith *Sally Smith* Phone: 665-4470
Division: Retirement and Benefits Date: 2/12/90
Approved by Commissioner: Frank S. Baxter *Frank Baxter* Date: 2/12/90
Agency: Department of Administration

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Senate Bill 348
Analysis of Fiscal Implications to the Retirement Funds
Prepared by Division of Retirement & Benefits
Department of Administration
January 12, 1989

Analysis: This bill is intended to include Public Employees' Retirement System (PERS) members who serve as Probation Officers under "Peace Officer/Firefighter" coverage. They are currently covered under the "All Other" category. We have assumed that this bill will increase the "Peace Officer/Fireman" participation and decrease the "All Other" participation in PERS by 175 members.

This bill, if amended to clarify the covered group, will increase the state FY91 PERS contribution rate by .03%. The state payroll is estimated to be \$492,656,834 in FY90 and remain stable each year thereafter. The University of Alaska (U of A) PERS payroll is estimated to be \$63,654,027 in FY91 and remain stable each year thereafter.

The state cost of \$166.9 is calculated as follows:

State FY91 payroll	\$ 492,656,834
Increase in PERS rate	X <u>.03%</u>
Total FY91 state cost	\$147,797
U of A FY91 payroll	\$ 63,654,027
Increase in PERS rate	X <u>.03%</u>
Total FY91 U of A cost	<u>19,096</u>
TOTAL FY 91 STATE COST.....	<u>\$166,893</u>

This bill will not materially affect the accrued liabilities or the funding ratio of the PERS fund.

Subject: USE OF FIREARMS, RESTRAINTS AND OTHER FORCE**J. Probationer:**

An adult who has been convicted of a felony crime and ordered to a term of probation; may occasionally include misdemeanants from the District Court.

K. Restraint:

Security device designed for and applied to prevent the commission of violent or destructive acts including metal shackles such as handcuffs, leg irons, belly chains, and the like.

L. Risk:

A significant possibility as contrasted with a remote possibility that a certain result may occur or that certain circumstances may exist.

M. Serious Physical Injury: As defined as AS 11.81.900(b)(49):

1. "Physical injury caused by an act performed under circumstances that create a substantial risk of death; or"
2. "Physical injury that causes serious and protracted disfigurement, protracted impairment of health, protracted loss or impairment of the function of a body member or organ, or that unlawfully terminates a pregnancy."

N. Show of Force:

A demonstration of the present ability to apply force such as a shouted warning by an armed officer, display of a firearm, or the firing of a warning shot.

O. Substantial Risk:

Condition wherein it is substantially certain that a given result may occur or that given circumstances may exist.

V. POLICY:

- A. A Probation Officer employed by this Department may, pursuant to the procedures contained herein, carry a firearm and use non-deadly and deadly force, when justified, in the discharge of official duties.
- B. The identity of an employee involved in a shooting incident in the performance of duty will not be provided to the public. The Department will cooperate fully with any official investigation. It has been demonstrated that once the staff members identity becomes public knowledge, the potential for harrassment and possible retaliation substantially increases. If the employee's name has been made known through public records or through disclosure at public proceedings, the Regional Director or designee may verify the individual's identity in response to inquiries by news media representatives or other officials.

Subject: USE OF FIREARMS, RESTRAINTS AND OTHER FORCE

VI. PROCEDURES:

- A. Probation Officers may be authorized to carry a firearm on duty under the following circumstances:
1. Upon approval of the Regional Administrator, a Probation Officer may carry a firearm only when he or she is a certified officer and his or her immediate supervisor believes the use of deadly force may be necessary to prevent the officers death or serious physical injury. When the Regional Administrator is not readily available, the District Supervisor may authorize the carrying of a firearm;
 2. The carrying of firearms on duty for purposes other than training and/or qualification is prohibited except in accordance with this policy;
 3. The authorization to carry a firearm will be specific as to time and circumstance and will terminate upon reasonable belief that death or serious physical injury is no longer imminent;
 4. When a first line supervisor is not readily available, a Probation Officer may make the decision to carry independently if:
 - a. he or she believes that under the guidelines of this policy he or she would be permitted to carry;
 - b. if the need to conduct a necessary contact or supervision step is urgent and cannot reasonably await a supervisor's authorization; and
 - c. the action is immediately reported through a supervisor to the Regional Administrator, as circumstances allow; and
 5. This Policy does not require a Probation Officer to carry a firearm in the discharge of official duties.
- B. Documentation is required each and every time a Probation Officer is armed in accordance with this policy, as follows:
1. A Report of Carrying a Firearm (form 20-902. A) will be completed by the requesting Probation Officer prior to each authorized carrying of a firearm other than for practice or qualification. Each officer shall file the report with his or her immediate supervisor;
 2. A line entry must be made in the Weapons and Ammunition Log (form 20-902.16B) each time a firearm and/or ammunition is issued;
 3. Regional Administrator shall periodically review the records maintained by the District Supervisors in accordance with 1. and 2. above;

Subject: USE OF FIREARMS, RESTRAINTS AND OTHER FORCE

4. The officer who draws or discharges a firearm for any reason in the line of duty, other than during practice or qualification, shall immediately submit a written Report of Firearm Discharge in memorandum format describing the circumstances of the discharge or show of force; and shall prepare the Special Incident Report (form 20-104.01) in accordance with 104.01, Special Incident Reporting. The Reports must be routed through the officer's immediate supervisor to the Regional Administrator;
5. In the event of firearm display or discharge per 4. above, the Regional Director in coordination with the Regional Administrator shall appoint a three member panel to review the circumstances of the incident. This panel will include the Regional Administrator acting as chairperson; and
6. The officer who discharges a firearm under the circumstances described under 4. above may be granted administrative leave as is appropriate to the circumstances at the discretion of the Regional Administrator.

C. Use of Firearms:

1. Issued firearms will be carried under the officer's control and out of sight at all times, except when in use;
2. Firearms carried by officers will be loaded at all times. All customary firearms safety precautions will be continuously practiced;
3. A Probation Officer is not authorized to carry a firearm while traceable quantities of any behavior altering substance is in the bloodstream;
4. The use of firearms is justified only when the Probation Officer reasonably believes the use or show of deadly force is necessary for defense of self or others against death or serious physical injury during the lawful discharge of official duties;
5. Warning shots are only justified under the deadly force circumstances outlined under D. below. Warning shots pose a hazard to innocent parties and when and where they are applied as a show of force should be aimed to minimize the threat to persons;
6. Firing at a fleeing person is not permissible except as outlined under D.1. below; and
7. The authority to carry firearms carries with it an obligation and responsibility to exercise discipline, restraint and good judgment in their use.

Subject: USE OF FIREARMS, RESTRAINTS AND OTHER FORCE

D. Use of Force and/or Restraints:

1. Deadly force may be used as a last resort to prevent the loss of life and may be applied only upon a reasonable belief that death or serious physical injury is imminent. Deadly force may be used as a last resort to apprehend a fleeing felon only if the Probation Officer has a reasonable belief, based upon circumstances at the time, that the felon's escape will endanger life or inflict serious physical injury unless arrested without delay;
2. Non-deadly force may be applied under circumstances of self defense, arrest and to prevent injury to the Probation Officer or others and to stop a fleeing felon and may include the application of restraints;
3. Excessive force is never justified in the application of force by Probation Officers; and
4. Restraint Application:
 - a. Restraint equipment will be applied under all circumstances of arrest;
 - b. Restraints may be used as a precautionary measure against escape of an offender under escort for any purpose;
 - c. Restraints may be used to prevent self-mutilation, injury to others or property damage when other reasonable methods of control have been tried and have failed; and
 - d. Restraints may be used to immediately gain control of a violent or dangerous situation.

E. Firearms, Equipment and Ammunition:

1. The Department will provide authorized firearms, ammunition and equipment for all officers authorized to use them in accordance with this policy as outlined under A. above;
2. Firearms holsters and ammunition carriers will be provided by the Department. Officers may not provide nor utilize personal firearms, holsters or other weapons in the conduct of official business; and
3. Only authorized ammunition will be used in Department firearms.

F. Firearms Security:

1. Firearms and ammunition which are not in the possession of a qualified officer are to be secured in either a safe or file cabinet with a secure lock. A desk with a lock is not sufficient security;

Subj.ct: USE OF FIREARMS, RESTRAINTS AND OTHER FORCE

2. The District Supervisor in each office having firearms assigned shall maintain the arms not in use in a secure container with controlled access; and
3. The Regional Administrator may authorize suitable firearms and ammunition storage for District Offices requiring such to be in conformance with this policy.

G. Inventory:

An inventory of firearms and ammunition will be conducted annually by the District Supervisor in accordance with 302.06, Inventory Control.

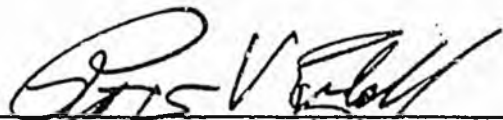
H. Training and Certification:

Training and certification in the use of firearms, restraints and other force will be accomplished in accordance with 401.04, Training For Specialized Groups of Employees, and 401.08, Firearms and Arrest Training For Probation Officers.

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 with 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

August 15, 1986

Roger V. Endell, Commissioner
Department of Corrections

Forms applicable to this Policy.

INDEX #: 902.16A & B and 104.01

FORMS/A - Report of Carrying Firearm

B - Weapons and Ammunition Log

.01 - Special Incident Report

February 1, 1990

Senator Pat Pouchot
Chairman, State Affairs

Pouch V

Juneau, AK 99811

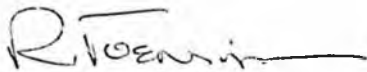
Dear Sir,

I have been advised that you and other members of your Committee are reviewing a Bill sponsored by Senator Jim Duncan and others which would place Probation Officers under the Peace Officer Retirement System. I am a Probation Officer at Hiland Mountain Correctional Center and would ask you for your support on this effort.

Correctional Officers have been members of the Peace Officers Retirement program since 1975. I work on a daily basis side by side with those officers. I come face to face on a daily basis with more felons than any Law Enforcement Officer sees in a month (they are on the retirement program, as well!!!).

I would appreciate your supporting this Bill and remembering us when it comes up for a vote on the floor. Thank you for your consideration of this letter and this matter.

Sincerely,



Rick Toenies, POII
Hiland Mtn. Corr. Ctr.
PO Box 600
Eagle Rv., AK 99577

re: SB 348

2.7.90 - HES

February 28, 1990

Richard E. Collum
P.O. Box 32761
Juneau, Alaska 99803

Hon. Pat Pourchot
Alaska State Senate
P.O. Box V
Juneau, Alaska 99811

Dear Sen. Pourchot:

Thank you for scheduling SB 348 for a hearing in State Affairs on March 7, 1990. This is an extremely important piece of legislation that has the support of the Alaska Peace Officers Association, Alaska Probation Parole Association and the Alaska Board of Parole.

Probation officers are currently the only group of employees subject to the Police Standards (AS 18.65.242) that are not included in the definition of "peace officer" according to AS 39.35.680(28). This legislation will rectify that inequity. Probation/Parole Officers face the same standards, the same dangers and the same stresses as a correctional officer and supervise the same clientele.

Within the last few years Probation Officer Jim Korenicki was firebombed, in his home, in Kenai by a probationer. Jim was burned severely and hospitalized for a good period of time. Not so long ago Probation Officer James Whittington had the window shot out of his car while driving to work. Probation Officer Bob Collins had a probationer shoot at his office windows. Many other probation officers have frightening experiences to tell. All of us have had to deal with threats upon ourselves and our families. A recent audit report indicates the average probation officer lasts less than four years.

I would appreciate your support. I will attend the March 7, 1990 hearing and would be glad to answer any questions or help to find the answers to any questions you may have in this matter. Thank you again for your efforts in our regard.

THANKS
Richard E. Collum

Senator Pourchot
Chairman
Senate State Affairs
Box V
Juneau, Ak. 99811

March 8, 1990

Dear Sir:

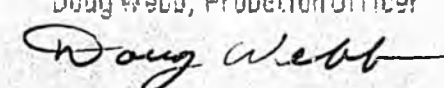
We at Cook Inlet Pretrial Correctional Facility would like to thank you and other members of your committee for your prompt and favorable consideration of S.B. 348, moving probation officers into the Peace Officer Retirement System. This legislation is of vital importance to us in our continued effort towards building a profession which will not only enhance the welfare of the people of Alaska but insure that those individuals entering our industry are of high moral character and capable of providing effective service in a highly stressful work environment.

Respectfully Yours,

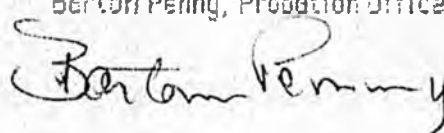
Ed Hogg, Probation Office Supervisor


Mike Conlan, Probation Officer

Doug Webb, Probation Officer



Berton Penny, Probation Officer



February 28, 1990

Senator Pat Pourchot
Chairman - State Affairs Committee
P.O. Box V
Juneau, Alaska 99811

RE: SB 348

Dear Senator Pourchot:

We understand you will soon be having a Committee Hearing on SB 348 and those of us in the Probation/Parole field want to thank you for your attention to this particular bill.

I have enclosed a copy of the Alaska Probation/Parole Officer's Association Position Paper on the Bill. Perhaps you would have time to review it prior to the hearing. If not, I am certain that testimony will bring out most of the factors in the Position Paper. Our basic point is that Probation Officers continually function as Peace Officers. The job is very stressful, very hazardous and because of this, 20 Year Retirement for these folks is a very needed thing.

We certainly hope you and your Committee will think favorably about this Legislation, listen to our testimony and vote a due pass on SB 348. Again, thank you very much for scheduling the hearing. This bill, as you may know, has already passed through the House and is waiting for a floor vote there. It has the support of the Senate HESS Committee as well. We are very hopeful that your Committee will treat the Bill equally favorably.

Sincerely,



Keith Stell
Chief Probation Officer
Southeast Probation/Parole
Southeast Representative Alaska Probation/Parole Association

CC: Senator Jim Duncan

ALASKA PROBATION/PAROLE ASSOCIATION POSITION PAPER

The Alaska Probation/Parole Association supports the passage of Senator Duncan's proposed legislation. This bill would make probation officers members of the Peace Officers Retirement System. Current employees would have the option of buying into the Peace Officers Retirement System. New employees hired after the effective date of the bill would automatically be members of the Peace Officers Retirement System. Requiring current employees to "buy in" will maintain the integrity of the retirement fund.

It is the position of the Association that, in order to attract and retain qualified probation officers, encourage career advancement, and fairly compensate probation officers for the physical and mental stress of their job duties, probation officers should be placed in the Peace Officers Retirement System. The Association offers the following commentary in support of this position.

Alaska Statute 01.10.060(6) defines "peace officer" as follows:
"Peace officer" means any officer of the State Troopers, members of the police force of any incorporated city or borough, United States marshals, and their deputies, and other officers whose duty it is to enforce and preserve the public peace;." Alaska Statute 11.81.900(38) defines peace officer as "... a public servant vested by law with a duty to maintain public order or to make arrests whether

the duty extends to all offenses or is limited to a specific class of offenses or offenders." In addition to the counseling and rehabilitative aspects of probation and parole work the State of Alaska class specifications for probation officer provide: "Probation Officers investigate cases of parole or probation violators, compile evidence required to effect the suspension of parolee or probationer, and apprehend violators for return to custody." Furthermore, the class specifications require that the probation officer "Cooperate with local and state police, institutional and judicial officials in the supervision of parolees and probationers," and "maintains personal contacts at office and periodically visits with parolees and probationers to assist them with problems of social readjustment." In simpler language, probation officers arrest suspected probation and parole violators, take them to the jail and book them into jail in exactly the same manner as any other peace officer. Likewise, probation officers are required to meet probationers and parolees in the field, often at the probationer's or parolee's residence under tense and hostile situations. Probation officers are required to search probationers and parolees and their residences and automobiles for the presence of drugs, stolen property, weapons, etc. Sometimes arrests and searches are accomplished with the assistance of other peace officers.

When the safety of the probation officer and society require it, probation officers are authorized to carry weapons when making arrests, home visits, and searches. In addition to the traditional law enforcement aspects of the probation officer job the nature of their service in overseeing the rehabilitation and

readjustment to society of felony offenders certainly constitutes the maintenance of public order. Probation officers are also authorized to execute judge-issued arrest warrants per A.S.33.05.070 and A.S.22.15.210. Probation officers are designated officers of the Court under A.S.33.05.030.

Probation officers also work in institutions counseling prisoners, classifying prisoners for custody and treatment, and otherwise supervising prisoners. They work directly beside correction officers and are exposed to exactly the same risk of physical harm and the same mental stress as correction officers. 7AAC60.195(e) includes institutional probation officers in the definition of "professional correctional personnel" along with correctional officers, assistant superintendent, etc. and requires that they complete similar training and meet the same rigorous physical standards. At the present time, correction officers are already members of the Peace Officers Retirement System as described in A.S.39.35.680(27)(C). It seems particularly unfair that probation officers who work in the institutional setting should be denied the same coverage in the retirement system as the other employees who work in exactly the same area and encounter the same risk and stress.

Field probation officers can transfer into institutional probation officer jobs, institutional probation officers can transfer into field probation jobs and institutional correctional officers have the opportunity to seek promotion to the position of probation officer. It would

greatly facilitate effective personnel management in the probation/parole field if institutional staff and field staff could make lateral transfers and seek promotions without having to fear loss of retirement status. In short, a correctional officer has it, a probation officer does not.

Federal probation officers in Alaska are members of the Federal Peace Officers Retirement System. A number of other state and local probation offices throughout the United States provide that their probation and parole officers be members of the Peace Officers Retirement System or have the option to join the Peace Officers Retirement System. A recent study conducted by the Anchorage Probation Office revealed that twenty-six other states define their probation officers as "peace officers" and that thirty-six states require probation officers to make their own arrests.

There is no question that probation officers render service to the state that of necessity places them in hazardous situations. Physical confrontation is to be expected. The fact that people lose their physical vigor and strength with age is a self-evident proposition. The state should encourage the retirement of person with jobs that have these demands before they pass the age where they may become a more likely target for assault by an offender. Likewise, the stress occasioned by the ever-present possibility for violence to the probation officer and threats to his family are quite similar to those experienced by police officers and should be treated in the same way

Finally, Adult Probation Officers are under the Police Standards Council by virtue of recent legislation. They are the only employee class of peace officers under the council who do not receive peace officer retirement. This legislation is consistent with the goals and objectives of the Department of Corrections, and hopefully the Governor. So long as probation officers are expected to discharge peace officer functions, their retirement benefits should reflect that fact.


Probation Officers are vitally concerned - as are other Peace Officers - about the rampant drug use taking place in the communities of Alaska. In the war on drugs, however, the Probation Officer is often forgotten. When it comes to funding the PO is often overlooked. More and more cases etc., etc. But beyond that, it should be noted that an ever increasing number of the Probation Officer's cases are drug related. These cases can be very hazardous. There is often a great deal of money involved and in many cases - guns.

The photographs of the confiscated guns from the Northern District Probation Office are representative of firearms seized through drug related crimes. Many of the threats made on the lives of Probation Officers are drug related as a result of the Probation Officer simply doing his/her job in arresting or rearresting some dope dealer. The job is hazardous and stressful. Recognition of Peace Officer status for retirement purpose is a very positive step the Legislature can take to recognize the need to compensate these officers for the years of work protecting society.

ALASKA PROBATION and PAROLE ASSOCIATION
FACT SHEET

1. PROBATION OFFICERS are PEACE OFFICERS as defined by AS 11.81.900 (38).
2. Probation Officers have the authority to transport felons in custody, conduct searches and make arrests without warrants.
3. Probation Officers duties require that they deal exclusively with felons in community placement.
4. Probation Officers are the only employee class of Peace Officer under the Police Standards Council who are not included in Peace Officer retirement.
5. Probation Officers are routinely subjected to the same stress and danger that other Peace Officers are .
6. Probation Officers are tasked to enforce court orders, Alaska statutes for a special class of offenders- Felons.
7. In a sense of fairness and recognition of contributions to public safety Probation Officers should be included in Peace Officer Retirement.

STEVE COWPER, GOVERNOR



DEPARTMENT OF CORRECTIONS

SOUTHCENTRAL REGION OFFICE

2200 EAST 42ND AVENUE
ANCHORAGE, ALASKA 99508-5202
PHONE: (907) 561-4426

RECEIVED DEC 14 1989

December 11, 1989

The Honorable Jim Duncan
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811-3100

Dear Senator Duncan:

Thank you for your letters regarding Probation Officers in the Peace Officers' Retirement Program.

Our Probation Officers often ask about the logic that includes Correctional Officers in the twenty-year retirement, but not Probation Officers. I have to admit that I do not see the logic. Probation Officers supervise offenders alongside Correctional Officers in the institutions and in every imaginable circumstance outside the institutions. When a Probation Officer finds an offender in violation of the conditions of their probation or parole, they make arrests and return the offender to the institution. It is stressful, hazardous, dangerous duty.

Having Correctional Officers in Peace Officers' Retirement but not Probation Officers puts a chill on our efforts to promote Correctional Officers to Probation Officers because they are slow to leave their twenty-year retirement.

I discussed all of this in the Governor's Office during my first year as Commissioner. Because Governor Cowper is intent on holding down the State operating budget, we decided not to introduce the legislation. The Division of Retirement and Benefits estimates that including Probation Officers would cost ~~\$560,000~~ per year.

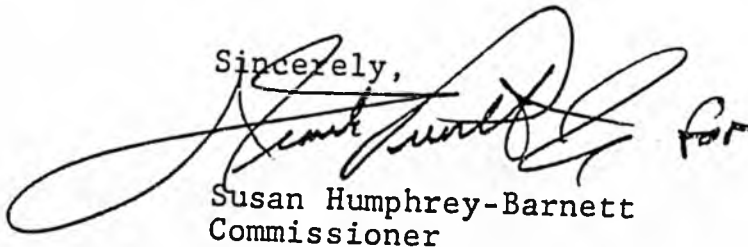
160,893 per Retirement & Benefits Fiscal Note dated 1/16/90

Because of this budget consideration and because Probation Officers are the next logical series to include, I would think Probation Officers would come before other personnel who have direct contact with inmates.

The Honorable Jim Duncan
December 11, 1989
Page Two

I continue to appreciate your interest in the Department of Corrections and thank you for the opportunity to comment on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Humphrey-Barnett", with a large, stylized flourish extending to the left. To the right of the signature, the letters "for" are written in a smaller, simpler hand.

Susan Humphrey-Barnett
Commissioner

SHB:dlh

ALASKA PEACE OFFICERS ASSOCIATION, INC.



Shirley A. Warner
PRESIDENT

Transcript RM 308

4501 S. Bragaw St.
Anchorage, Alaska 99507-1599

Telephone
(907) 786-8851

Boyanne
file

PEACE OFFICERS ASSOCIATION

P.O. Box 240106 • Anchorage, AK 99524-0106 • (907) 376-5481



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M James Messick

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- Palmer
Joe Pendergrass
- Seward
Mike Chapman
- Valdez
John Nealson
- Ketchikan
LeRoy Mestas
- Petersburg
Scott Eddy

February 16, 1990

The Honorable Senator Jim Duncan
P. O. Box V
Juneau, Alaska 99811

Dear Senator Duncan,

The Alaska Peace Officers Association, Inc. supports Senate Bill 348 which grants probation officers status as peace officers under the public employees' retirement system.

We believe that Probation Officers are a dedicated and professional group who encounter the same type of dangers as do peace officers. Probation Officers work hand in hand with law enforcement to maintain order and enforce the law when probationers do not abide. For these reasons Probation Officers should be entitled to the same retirement system. We appreciate your insight and your representation in sponsoring this bill on behalf of our fellow officers.

Sincerely,

Shirley A. Warner

Shirley A. Warner
President

STATE OF ALASKA

DEPARTMENT OF CORRECTIONS

BOARD OF PAROLE

STEVE COWPER, GOVERNOR

ALASKA BOARD OF PAROLE
P.O. BOX T
JUNEAU, ALASKA 99811-2000
PHONE: (907) 465-3384

February 27, 1990

Honorable Jim Duncan
Alaska State Senate
Room 119 Capitol Building
P.O. Box V
Juneau, Alaska 99811

RE: Senate Bill 348

Dear Senator Duncan:

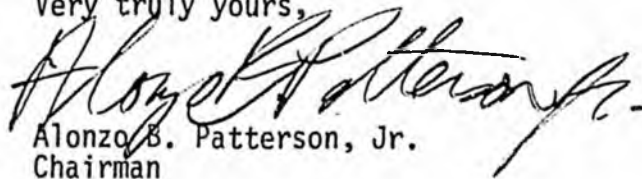
The members of the Alaska Parole Board would like to take this opportunity to commend you for the introduction & the support of Senate Bill 348. We strongly support this legislation.

As you know, the members & staff of the Parole Board work daily with the probation/parole officers around Alaska. We are aware of the physical danger, emotional stress, threats and intimidation they are subject to on a regular basis. I understand ample testimony has been provided to legislative committees so the members understand the hazards probation/parole officers are faced with. Probation/parole officers are peace officers & have the authority to arrest without a warrant. They interact daily with the same felons arrested by police officers & supervised by correctional officers in our correctional facilities.

The probation/parole officer's role has become more community protection oriented in recent years, making the job more hazardous and stressful. We believe the minimal funding necessary to put probation/parole officers under the 20 year retirement is fully justified and long past due.

We greatly appreciate your support in strengthening the criminal justice system in Alaska.

Very truly yours,


Alonzo B. Patterson, Jr.
Chairman

ABP/rs

cc: Co-Sponsors

Alaska State Legislature

HOUSE OF REPRESENTATIVES



RECEIVED NOV 14 1989
E RECT

1989
Alan

REPRESENTATIVE FRAN ULMER

November 13, 1989

Senator Jim Duncan
P.O. Box V
Juneau, AK 99811

Dear Senator Duncan:

I would like to let you know of my support for your proposed legislation which would include probation officers under the status of peace officers for retirement in the Public Employees Retirement System. I would be very interested in receiving more information pertaining to this proposed legislation, including information relating to the cost of adding these employees to PERS.

Please let me know if there is anything I can do to help with this proposal on the House side.

Sincerely,

Fran
Fran Ulmer

District 4B — Juneau

P.O. Box V • Juneau, Alaska 99811-3100 • (907) 465-4947

Alaska State Legislature

COMMITTEES:
MEMBER
RULES
COMMITTEE ON COMMITTEES
WESTERN STATES LEGISLATIVE
FORESTRY TASK FORCE
FINANCE SUBCOMMITTEE
DEC



PO. BOX 1441
WRANGELL, ALASKA 99929
(907) 874-2316

While in Juneau
PO. BOX V
JUNEAU, ALASKA 99811
(907) 465-4905

House of Representatives

ROBIN L. TAYLOR
MINORITY LEADER

November 2, 1989

Keith Stell, Southeast Representative
Alaska Probation/Parole Association
17025 Glacier Hwy.
Juneau, Alaska 99801

Dear Keith,

Thank you for writing to me regarding the Peace Officer Retirement status. I agree with you 100%, we are long overdue for a bill granting Peace Officer Retirement status to probation officers. I will be more than happy to support this legislation in the House of Representatives. If there is anything else that I may do to assist you, please do not hesitate to let me know.

Sincerely,

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

Robin L. Taylor

RLT/sjw

Mike Miller
Box 21494, Juneau, AK 99802
586-3067

February 6, 1990

Hon. Jim Duncan
Alaska State Senate
Capitol Building
Juneau, AK 99811

Dear Senator ~~Duncan~~: *JIM*:

I would like to take this opportunity to commend you for introducing SB 348.

You will no doubt recall that during my time in the legislature I was, like you, a strong advocate for the original Alaska Peace Officers retirement provisions in PERS and -- again, like you -- an equally strong advocate for the later inclusion of certain Department of Corrections employees in the plan.

I certainly agree with you that Probation/Parole officers should also be included in the Peace Officers provisions and that their inclusion is long overdue.

As you are aware, since my retirement from the House I've been a member of the Alaska Parole Board and from my position on that board I have come to have a deep and abiding respect for the Probation and Parole Officers of this state. Dealing now first-hand with the probationers and parolees these public servants are required to supervise, I have become more convinced than ever of the appropriateness of their inclusion in the Peace Officers plan.

Literal physical danger, heavy caseloads, and burnout are only a few of the reasons Probation Officers should be included. (Concerning danger: Just last week the Parole Board had before it a revoked parolee who obtained a gun and shot through the windows of what he thought was the local probation/parole office. He was upset because the parole officer was doing his job of supervising. Fortunately in this instance, no one was injured. But this example (which, incidentally, is not isolated) gives you some idea of the type of personality that probation/parole officers deal with on a daily basis. Heavy caseloads and burnout, though perhaps not as dramatic, are likewise standard conditions of this type of work. I would be glad to give you personal observations in these areas as well, if you wish.

Again, I commend you and your co-sponsors for initiating this legislation. If you feel it would be useful, feel free to share this letter with any of your colleagues.

Best personal regards.

Sincerely,


Mike Miller

Alaska State Legislature



SENATOR JIM DUNCAN

P. O. Box V JUNEAU, ALASKA 99811-3100
(907) 465-4766

COMMITTEES:
FINANCE
VICE CHAIR —
HEALTH EDUCATION
& SOCIAL SERVICES
BUDGET & AUDIT
BANKING &
ECONOMIC
DEVELOPMENT

MEMORANDUM

DATE: February 14, 1990

TO: Senator Pat Pourchot, Chair
Senate State Affairs Committee

FROM: Senator Jim Duncan

SUBJECT: Senate Bill 348, granting probation officers peace officer status.

I request that you schedule Senate Bill 348, which will grant probation officers peace officer status in the Public Employees' Retirement System. I believe the nature of the duties and responsibilities of probation officers are such that they should be included in the 20 year and out system.

Field probation officers deal directly with felons in an uncontrolled environment while institutional probation officers perform evaluation and counseling in prison settings. Correctional officers who work side-by-side with institutional probation officers are classified as peace officers. When a correctional officer is promoted to a probation officer position, they must move from peace officer classification into the regular Public Employees' Retirement System. I feel in the interest of equity, we should act promptly to place probation officers in the 20 and out system.

There has been a considerable amount of support from Probation Officers throughout the State for passage of this legislation. I would appreciate the opportunity for a limited teleconference on the bill when it is scheduled.

Your favorable consideration of this request will be appreciated.

Attachments

Alaska State Legislature



SENATOR JIM DUNCAN

P. O. Box V JUNEAU, ALASKA 99811-3100

(907) 465-4766

COMMITTEES:
FINANCE
VICE CHAIR —
HEALTH EDUCATION
& SOCIAL SERVICES
BUDGET & AUDIT
BANKING &
ECONOMIC
DEVELOPMENT

MEMORANDUM

DATE: January 11, 1990

TO: Senator Paul Fischer, Chair
Senate Health, Education & Social Services Committee

FROM: Senator Jim Duncan

SUBJECT: Senate Bill 348, granting probation officers peace officer status.

I request that you schedule Senate Bill 348, which will grant probation officers peace officer status in the Public Employees' Retirement System. I believe the nature of the duties and responsibilities of probation officers are such that they should be included in the 20 year and out system.

Field probation officers deal directly with felons in an uncontrolled environment while institutional probation officers perform evaluation and counseling in prison settings. Correctional officers who work side-by-side with institutional probation officers are classified as peace officers. When a correctional officer is promoted to a probation officer position, they must move from peace officer classification into the regular Public Employees' Retirement System. I feel in the interest of equity, we should act promptly to place probation officers in the 20 and out system.

Your favorable consideration of this request will be appreciated.

Attachments

RECEIVED OCT 27 1989

File

October 23, 1989

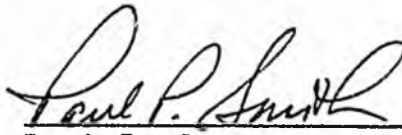
Senator Jim Duncan
P.O. Box V
Juneau, Alaska 99811-3100

Dear Senator Duncan:

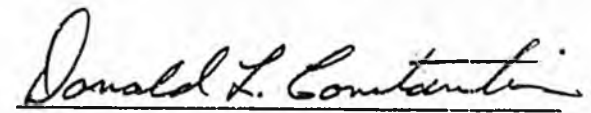
Great news has been forwarded to us of the job well performed in your recent introduction of a bill recognizing Probation Officers be implemented in the Peace Officers retirement. Your work, support and action on our behalf is greatly appreciated. Contact has been made to our State Senator and House Representative in Juneau, Alaska, requesting they support or co-sponsor your bill.

Again, Senator, great thanks for your recent work and support of the bill.

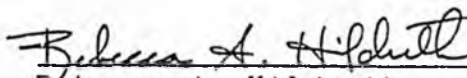
Sincerely,



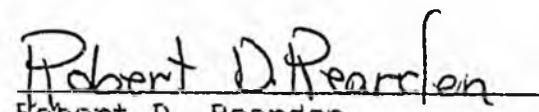
Paul P. Smith
Probation Officer III



Donald L. Constantine
Probation Officer II



Rebecca A. Hildreth
Probation Officer II



Robert D. Rearden
Probation Officer I

*P.O. Box 1114
Bethel, Alaska 99559-1114*

Ketchikan '5

November 8, 1989

Senator Jim Duncan
ATTN: Roxanne
PO Box V
Juneau, Alaska 99811

Dear Roxanne:

Lew Reece indicated to me the other day that Senator Duncan would be interested in some of the day to day activities of probation officers in terms of the Peace Officers Retirement. Let me give you some examples of things that have happened recently. In my own case, just a few days ago I assisted Bob Collins in arresting a murderer we have on parole. It was a fairly routine arrest except for the fact that the guy was a dangerous person who gets real dangerous when he has been drinking and that is basically why we arrested him. It is always a touchy situation when you go to arrest one of these fellows who has violently taken someone's life in the past (he stabbed his wife to death with a letter opener during one of his drinking bouts). At any rate, you don't know when you go to arrest one of these guys if they are armed or not. In this case he went along with us without any problems and we were relieved that that was the situation.

I just got a call from Sue Ford in our Sitka Probation Office. She notifies me that the probation office car has had the tires slashed. She doesn't know who did it but it could be any one of a number of people that she has supervised. Sue, by the way, has had several threats to her over the past years she has worked in Sitka and will be forwarding a copy to Senator Duncan detailing those threats.

Enclosed with this letter is a threatening letter to Patty Barnes, our probation officer in Ketchikan. The letter is postmarked from Seattle on 23 October 1989. The contents of the letter you can read for yourself and interpret for yourself what it might mean. Again, we don't know who sent the letter but assume it is someone she has been supervising, either on probation or parole.

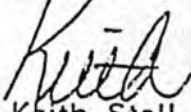
Finally, attached is a sheet of photographs of guns recovered from the Fairbanks Probation District in the past year. This does not include all of the guns that have been recovered but for graphic purposes does include many automatic weapons which are not, of course, used for hunting purposes.

Senator Jim Duncan
November 8, 1989
Page Two

I have encouraged the probation officers to contact your office with information concerning their daily activities with reference to the stress level and the hazardous duty that we really are engaged in. This is peace officer work, no two ways about it and the probation officers should be accorded the benefit of Peace Officer Retirement.

Again, Roxanne, thanks to you and Senator Duncan for your help with this.

Sincerely,



Keith Stell
17025 Glacier Highway
Juneau, Alaska 99801

KS:am

cc Representative Fran Ulmer
Representative Bill Hudson
Representative Swackhammer

RECEIVED OCT 24 1989

Royanne

October 23, 1989

Senator Jim Duncan
P. O. Box "V"
Juneau, AK 99811-3800

Dear Senator Duncan,

I am writing this letter to express my appreciation concerning the bill you have submitted which would grant probation officers law enforcement retirement.

As you are aware, probation officers believe that peace officer retirement is long overdue. We will do whatever we can to generate support for the bill and trust that you will work vigorously to see that it passes.

If there is anything that myself or other probation officers can do to assist you in the passage of this bill, please let us know. Once again, a sincere thanks for sponsoring the bill and for considering the interests of state employees. There are many of us who will not forget your efforts past and present.

Sincerely,

Curt Geoffrion

Curt Geoffrion
District Supervisor
Adult Probation
Kenai

U

RECEIVED JAN 13 1990

Deblin
Where is the
Return Address
D. J. Jansen

January 11, 1990

Senator Jim Duncan
Alaska Legislature
Pouch "V"
Juneau, Alaska 99811

Re: Peace Officer Retirement
for Probation Officers

Dear Senator Duncan:

I am writing regarding the probation officers inclusion in the peace officers retirement program. I have worked as a probation officer in Ketchikan, Sitka, Anchorage, and Kenai for 14 of the past 16 years. I have worked in both field offices and institutions. I am currently employed as the assistant superintendent at Lemon Creek Correctional Center.

I have worked with numerous people through the years, 95% of whom have been convicted felons. It was suggested that I provide you with some specifics of dangerous situations I've been involved in as a probation officer. I should note that many of these events did not seem unusually dangerous at the time but in retrospect I'm amazed that I and some of my colleagues survived.

In Ketchikan a client convicted of assault told his psychiatrist that he'd given serious thought to getting a machine gun and returning to my office to "blow everyone away". The psychiatrist called to warn me to be careful with this fellow. Shortly thereafter, the client's wife found a note in his packet that she felt I should know about as it was very odd and appeared to threaten his probation officers life. I have attached a copy for your review.

In Anchorage, I had a client very angry because a condition of his probation said he would have to see a psychiatrist for treatment. Over several months he objected, I insisted and finally, he calmly indicated that his last probation officer had not required him to see a psychiatrist so if I insisted he could simply get rid of me and then he wouldn't have to see a psychiatrist. I did try to insure that he understood it didn't work that way, but this is the same fellow who didn't think he was a criminal just because he'd been convicted of murder. He felt criminals were folks who had stolen, or robbed banks, etc. To put this incident in perspective, this fellow became angry with the victim in his murder case following a verbal altercation. He left the bar, took a taxi to his residence, had the taxi wait, while he entered the house picked up his gun and then returned to the bar. He called his victim outside and shot him 5 times at close range.

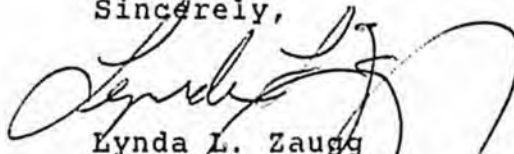
During my tenure in Sitka , my office was responsible for numerous smaller communities in the outlying area. On one of many trips to Angoon I was doing follow up on a complaint regarding a probationer. It was one of those situations where the community leaders wanted something done about a problem individual and other members of the community did not want anything done except for me to leave town. It was an overnight trip, unarmed, without back up. That evening as I walked down the road with the public health nurse a car attempted to run over me. If it had not been for the nurse flipping me into the ditch I would have been hit. The driver was the problem individual I had talked with earlier in the day. He had been drinking.

In Kenai I worked in an institution and faced the same hazards as any of the correctional officers working in the facility. I can provide examples but I think the attached copy of an incident report more clearly identifies the hazard all staff face working in an institution. I was also in Kenai when a friend and fellow probation officer was fire bombed in his home at 3:00 a.m.. He spent about 3 weeks in the burn unit at Providence Hospital. He has scars both physical and mental that will stay with him for the rest of his life. He stayed in probation about a year after the bombing, long enough to say he wasn't run off. He has since quit and moved out of state. He was a five or six year employee when he left. The police have identified one of his clients as his assailant however they have not been able to charge.

There are other instances of clients threatening my well-being and/or that of my family but ever other probation officer in the state can provide similar examples. I would hope that my examples have been able to point out that probation officers work with the same clients as other law enforcement personel. They have the same problems and experience similar risks. I strongly support probation officers inclusion in the peace officer's retirement program.

If there is any other information I can provide that would help as you consider the appropriateness of probation officers in the peace officer retirement system, please feel free to contact me. I would appreciate your support.

Sincerely,



Lynda L. Zaugg

Juneau, Alaska

*P.O. BOX 020805
Juneau, AK 99802*

cc: Senator Adam
Senator Eliason
Senator Fisher, P
Senator Sturgulewski
Rep. Swackhammer

Probation will only hurt your self!!

Time Clock

Date 19 Driver Cab No.

SPEEDOMETER	TOTAL MILES	PAID MILES	UNITS	TRIPS	EXTRAS	TRIPS	UNITS	EXTRAS	OUT OF TOWN	TOTAL TURNED IN
FINISH	She will die trying									
START	She is not helping ANYONE									
Mrs. Worked	DIP. But going to hurt her self.									

DICTATORSHIP IS NOW!

TRIP	No. Poss.	TIME OUT	TIME IN	FROM	TO	OUT OF TOWN	CITY
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							

I will not cooperate

I will not cooperate

I will not follow

I will not follow

DICTATORSHIP IS BETTER

GASOLINE 1 2 3 4 5 6 7 8 9 10 OIL 1 2 3 4 5

TRIP	No. Post.	TIME OUT	IN	FROM GOOD	TO BAD	OUT OF TOWN	CITY
23					They have not DEVIED me, but		
24					only destroyed them selves		
25					You have come to your END.		
26	Highm Gupte Tadm			People beat a chances highm Gupte Tadm	You that have come to hurt		
27					me ARE starting at self destruction		
28					Right in the face. For the Fox will		
29					Starting at my nerves		
30					Accusing me of things that I did not do		
31					Make my desecration of Tenth.		
32					Only here.		
33					MAKE ME HAPPY		
34					and I have		
35					THE BIRD OF DEATH		
36					THE BIRD OF DEATH		
37					THE BIRD OF DEATH		
38					THE BIRD OF DEATH		
39					THE BIRD OF DEATH		
40					THE BIRD OF DEATH		
41					THE BIRD OF DEATH		
42					THE BIRD OF DEATH		
43					THE BIRD OF DEATH		
44					THE BIRD OF DEATH		
45					Never survive. OR AN OTHER ALTERNATIVE		
46					Self destruction will be on my part		
47					suffered. Two failures me nothing.		
48					the third is the one that counts.		
49					You will suffer which ever direction		
50					You will step.		

INCIDENT REPORT

NAME: INFORMATION	D.O.B.	INSTITUTION: WILDWOOD CORRECTIONAL CENTER	DATE: 06/27/85
----------------------	--------	--	-------------------

INCIDENT
 DISCIPLINARY
 ACCIDENT
 INJURY
 DESCRIBE INCIDENT: _____
 RULE INFRACTION _____

At approximately 1500 hours, above noted date, while conducting a search of the basement area this Officer discovered the following items of contraband/weapons.

1. One piece of metal approximately two and one half inches wide and approximately two and one half feet long fashioned and sharpened into a sword type knife. This item was located in the air vent in the janitorial closet in the basement. NOTE: It was necessary for me to acquire a screwdriver to gain access to this suspected weapon.
2. One soda pop can containing an unknown oily substance with a cloth running from the inside of the can to the outside. This item is suspected to be a firebomb. The item was located in a vent in the old weight room in the basement. This item was located and set up in a way that would cause the liquid to spill onto the front of the person who found it unless, of course, the person knew exactly where it was located.
3. One wooden stick approximately three feet long with razor blades attached to the end. This item is suspected to have been constructed for use as a weapon.

Item #1 and #3 are currently secured in evidence locker #1. Item #2 was destroyed due to the dangerous nature of the liquid inside.

COPY OF INCIDENT TO OFFENDER _____ DATE _____ TIME _____

OFFICER'S SIGNATURE: _____

DISPOSITION: These items were not found due to a random search. The search was conducted after I recieved a telephone call from Officer _____ from her home informing me that she had found a note in her jacket from an unidentified inmate with the areas that these items could be located. There is reason to believe that at least one additional firebomb is in the building.	CHAIRMAN:
	MEMBER:
	MEMBER:

EVIDENCE UPON WHICH DECISION WAS MADE:

*Cop to all proper staff
12/27/85*

YOU HAVE A RIGHT TO APPEAL THIS DECISION WITHIN 72 HOURS, IN WRITING TO THE SUPERINTENDENT. DATE AND TIME SUBMITTED _____ TO WHOM _____

REVIEWED BY SUPERINTENDENT _____

FINAL COPY TO OFFENDER _____ DATE _____ TIME _____ OFFICERS INITIALS _____

RECEIVED DEC 26 1989

Robert B. ... + F.O.

December 21, 1989
P.O. Box 917
Douglas, AK 99824

The Honorable James Duncan
Alaska State Senate
Pouch "V"
Juneau, Alaska 99811

RE: PEACE OFFICER RETIREMENT FOR PROBATION OFFICERS

Dear Senator Duncan:

It is my understanding that you will be attempting to pass a bill during this legislative session which will give Alaskan Probation/Parole Officers 20 year retirement.

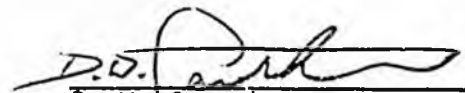
I wish to express my support of this bill and any actions you feel appropriate to have it passed into law.

I am presently the Superintendent of the Lemon Creek Correctional Center and have worked for the Alaskan Corrections system for approximately 14 years. I have had the privilege of being an institutional probation/parole officer at Lemon Creek for several years and a field probation/parole officer in Bethel Alaska for several years. It is a dangerous job and in my opinion, deserving of the 20 year retirement. I personally have been in numerous situations where I was stranded, due to weather, in small, isolated western Alaskan villages for days and had to deal with intoxicated felonious probationers shooting firearms or assaulting family members.

Additionally, institutional probation/parole officers deal one hundred percent of their time with some of Alaska's most dangerous prisoners. If a list were developed outlining several of the prisoners presently incarcerated and their offenses, I believe it would underscore the difficult and dangerous job these professional officers have.

Again, I appreciate your efforts in obtaining 20 years retirement for probation/parole officers and recognizing the important role they play in our Criminal Justice System. Thank you.

Sincerely,


D. W. Carothers

DWC/jmg
cc: Representative Swackhammer

January 29, 1990

Senator Jim Duncan
PO Box V
Juneau, Alaska 99801

Dear Senator Duncan:

Senate Bill 348, which places probation officers in the Peace Officers and Fireman's Retirement System will soon have a hearing in the Senate Health, Education and Social Services Committee. I urge you to pass this bill out of committee with a "due pass". I hope the information which appears below will help you in deliberations.

Probation officers are defined as Peace Officers in Alaska Statute 11.81.900(38). Likewise, probation officers are covered under the Alaska Police Standards Council Act (AS 18.65.130). Probation officers can and do arrest probationers (AS 33.05.070) and parolees (AS 33.15.240). Probation officers encounter the same hazards and stresses as those experienced by other peace officers. For instance, probation officers sometimes carry guns in the execution of their work (Department of Corrections Policy and Procedure 902.16). Probation officers search the persons and residences of people on probation and parole. Probation officers often find themselves in dangerous situations where they may be physically assaulted or shot during an arrest or search.

Examples from my own experience as a probation officer include an instance where an offender hired a private investigator to investigate not only myself but my family so that he could find information in my background with which to embarrass or impeach me in Court. Another probationer did a "drive-by" shooting at the probation office. Earlier in the evening he had shot out the windows in an apartment building owned by the Chief Probation Officer. Interestingly, he shot out the Law Library windows one floor above the probation office by mistake as he thought the probation office was on the fourth floor rather than the third floor of the Court building. In any case, at a hearing, he was found guilty of deliberately shooting at us.

While arresting an offender and booking him into Lemon Creek Correctional Center, he became enraged when I would not agree to release him. He assaulted me in the booking room of the prison. Last year, it was necessary to obtain the assistance of the Juneau Police Department and the Alaska State Troopers to serve an arrest

January 29, 1990
Page Two

warrant on a probation violator. Since he would not come out, we had to kick down the door of his trailer and enter with guns drawn. This probationer was found extremely intoxicated. A rifle was within easy reach.

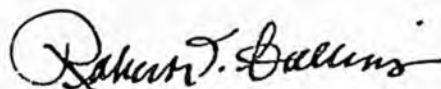
Several years ago, I searched the residence of a probationer and found substantial quantities of cocaine and two machine guns. Probationers and parolees often make threats of violence against probation officers and while I do not take each and every one of them seriously, cummulatively they cause a lot of stress.

Probation officers are required to enter correctional centers two to three times per week in order to do intake interviews, participate in parole hearings, and a host of other activities which usually include direct face-to-face contact with inmates who are angry and hostile. Some probation officers do all of their work in correctional centers and are in close proximity to inmates all day, every day. They work right next to correction officers who have had Peace Officer and Fireman Retirement for years. The dangers encountered by these probation officers are exactly the same as those encountered by their correction officer associates. The only difference is that correction officer have Peace Officer Retirement and probation officers do not.

All of our probationers and parolees are felons. We do not supervise misdemeanants. Since we face the same stresses and dangers as those experienced by police officers, correction officers, and Alaska State Troopers, it seems just that we be included in the Peace Officer Retirement System.

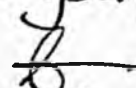
Thank you for giving me the opportunity to air my views. The above information is my own position and may not reflect the position of the Department of Corrections. If you have any questions, please do not hesitate to contact me.

Very Truly Yours,



Robert K. Collins
District Probation Supervisor
9340 View Drive
Juneau, Alaska 99801
Phone: 789-2074 (h)
465-3180 (w)

RKC/cm
cc Keith Stell, Chief Probation Officer, Juneau

PS: Jim, thanks so much for all your work.
It wouldn't be happening except for you,


RECEIVED

Carline

November 2, 1989

Senator Jim Duncan
Alaska Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Duncan:

I thought that a few examples of danger and stress faced by probation officers might help you justify your Bill putting probation officers under the Peace Officers Retirement System.

Some examples from my own experience include threats made on my life by dangerous psychopaths like Wallace Creer in 1984. My life was threatened by Gary Nolt in 1986 and 1987. My family has been threatened by probationer Randy Rodrigues in 1987. These are only a few examples. In actuality, my life has been threatened many times by probationers and parolees but, unfortunately, I do not always make notes and so when relying on my memory, I can't always remember names and dates from long ago.

I was assaulted at Lemon Creek Correctional Center when I was booking probationer Laberne Ebona in 1988. I was assaulted by probationer Gary Nolt in 1982. Probationer Ken Lancaster drove by the probation office and shot at our windows with a 12 gauge shotgun in 1986 or 1987. He hit the windows of the law library one floor above us; however, at an adjudication hearing the Court found that Mr. Lancaster was attempting to hit the windows in the probation office.

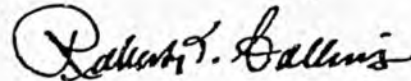
We routinely arrest probationers and parolees and are empowered to do so by statute (AS 33.05.070 and 33.16.240). In July, 1987 I accompanied several Juneau police officers and Alaska State Troopers to the residence of Daniel Trapp, a probation absconder. Mr. Trapp refused to answer our instructions to come out and surrender. The door was kicked down and we entered with guns drawn. Mr. Trapp was inside, extremely intoxicated, with a rifle not far away. In 1986 I searched the residence of probationer Scott McGonegal where I found substantial quantities of cocaine and a 9 mm sub-machine gun. I could cite a number of other examples.

Senator Jim Duncan
November 2, 1989
Page Two

I am enclosing a copy of Department of Corrections Policy and Procedure 902.16 which describes the Department's gun policy. It is currently being revised to allow probation officers more independent discretion.

Jim, I have called a number of other probation officers around the State and have asked them to give you a few examples from their own personal experience, hopefully the equivalent of the information I have provided above. If I can be of further assistance, please do not hesitate to call on me.

Very Truly Yours,



Robert K. Collins
Probation Officer III
Juneau

RKC/cm
Enclosure

Kayama

STATE OF ALASKA
DEPARTMENT OF CORRECTIONS

STEVE COWPER, GOVERNOR

RECEIVED October 12, 1989

REPLY TO:

- JUNEAU PROBATION OFFICE
P.O. BOX 021224
JUNEAU, ALASKA 99802-1224
PHONE: (907) 465-3180
- KETCHIKAN PROBATION OFFICE
ROOM 202, 415 MAIN STREET
KETCHIKAN, ALASKA 99901-6398
PHONE: (907) 225-3179
- SITKA PROBATION OFFICE
304 LAKE STREET, ROOM 210
SITKA, ALASKA 99835-7599
PHONE: (907) 747-6641

Senator Jim Duncan
P.O. Box V
Juneau, Alaska 99811

Dear Jim:

Chief Probation Officer Keith Stell tells me that you are filing a bill which would place probation officers under the peace officers retirement system. Thank you very much for supporting these efforts. We have been trying, without much success, to get under the peace officers retirement system for years.

Probation officers deal only with felons (no misdemeanants). The felons we deal with every day are often violent, emotionally disturbed people. We are required to go out into the community, sometimes at night, and arrest these people when they violate probation or parole. Likewise, our very heavy workloads, danger, and deadlines imposed by the Court, cause a high level of stress in this job.

Although I am no actuary, there are so few probation officers I cannot believe that the cost of including us in the peace officers retirement system is going to be more than a "drop in the bucket." Furthermore, it is my understanding that probation officers (myself included) are certainly willing to shoulder a share of any financial burden that our entry into the peace officers retirement system might occasion.

Once again, I wish to thank you very much for all the help you have given us and other public employees over the years.

Best regards,

Robert K. Collins

Robert K. Collins
District Probation Supervisor
Juneau

RKC/cm

RECEIVED JAN 22 1990

*Raymond
File*

Jan. 11, 1990

Senator Jim Duncan
Alaska Legislature
Pouch M
Juneau, AK 99801

Dear Senator Duncan:

Like my fellow Probation Officers, I should like to take this opportunity to pass along helpful information regarding your bill putting probation officers under the Peace Officer Retirement System.

Have worked as a probation officer in Alaska since 1969 in Ketchikan and Anchorage. My degree is in psychology and I first began working with criminals at Montana State Prison in 1967. Most Criminal Justice Managers that I know from across the nation have adopted Peace Officer Retirement Programs or are moving in that direction. Factors of employee stress, risk and burnout are paramount to this issue.

In Alaska there are, in adult corrections, two basic types of probation officers. Those in the "field" who work with offenders who are on probation or parole and "institutional" probation officers who are assigned to correctional facilities such as Highland Mountain, Cook Inlet Pretrial Facility and Spring Creek located in Seward.

An issue long overlooked is that correctional officers have been in the Peace Officer Retirement System since 1975. Institutional Probation Officers share the same work place and the same proximity to prisoners as correctional officers do every day. Risk and stress factors are the same.

Community Probation Officers are those agents who daily are placed in the position of directing offenders into or away from certain behavior, placing restrictions upon them or becoming the authority responsible for the offenders loss of freedom when a condition of release has been violated. Occasionally, for their effort, threats are made against the officer and while most are hollow at best, the officers fear for his welfare and associated stress is no less greater. Here are some examples of threats

made against me.

1972: Father of a person I placed in custody threatens to kill me. He is stopped at a local air charter service in Ketchikan. He is intoxicated and has a rifle in his possession.

1973: I'm called at my office by a house parent at the local childrens home and asked to help with a problem involving two male residents. Upon my arrival at the childrens home I learned that the two male residents had attempted to set up an ambush. It was planned that as I walked in the door I would be struck with metal tubs removed from bunk beds.

1974: I travel by charter plane to Metlakatla, on Annette Island near Ketchikan to arrest a client. I locate him at his parents home and advise that I'm placing him under arrest and taking him back to Ketchikan. He wants to know if he can pack some clothing in the next room. Permission is granted and a few moments later he is heard loading a high powered rifle. After a few minutes of despirate pleading by his mother and this writer he puts the weapon down.

1976: An adult female person is shot by a high powered rifle in Ketchikan. The shooter called me at home soon afterwards and advised that he wanted to see me. He admits to shooting the woman but says he no longer has the weapon. I know from experience that this person does not like me so after advising him that I will meet him at a local hotel where he has a room I contact the local police department. The police subsequently go to the hotel and make an arrest. The person in question still has the rifle in his possession and advised police that he was going to shoot me.

1979: Disgruntled client threatens to kill me and members of my family when he is released from prison.

There have been other threats made against me throughout the years but this should give you some idea of what I have had to occasionally put up with. No threat has ever been carried out but the fear and stress of same to me and my wife has been real none the less.

No one can last in this business for thirty years and remain productive. Alaska is unable to attract competent employees because there are few incentives for them. And when they are hired they don't tend to stay very long. An example of this is the Anchorage Probation office. In the last twenty-four months there has been a 90% turnover in line officers. It takes two years to train a probation officer. Frequently employees will quit before training is complete.

I am hoping this information proves to be of benefit to you. We look forward to passage of this bill.

Thanking You in Advance

Barton Penny
4561 Sandy Beach Dr.
Anchorage, Ak. 99502
243-7686

P.O. Box 33938
Juneau, AK 99803
January 11, 1990

RECEIVED JAN 16 1990

*James
Farmer
Zed
Thurs
reg*

The Honorable Jim Duncan
Alaska Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Duncan,

I was employed as a Probation Officer II by the Dept. of Corrections from February, 1978 through June, 1980 and by the Division of Family and Youth Services from July, 1980 through June, 1984. After years of receiving threatening phone calls and physical confrontations while with my family, and two serious attempts on my life, I quit probation. I am currently employed at Lemon Creek Correctional Center as a Correctional Officer III, monitoring Compliance with the "Cleary" court order.

From 1978 through 1980, I was the lead Probation Officer at Lemon Creek. Arnold Bradley, an inmate on my case load, was released from custody the summer of 1978. Prior to release, he vowed to beat me to a "bloody pulp" if he saw me on the streets. This was based on an earlier recommendation I had made to the Parole Board in which I described Bradley as being an extremely poor candidate for parole. While stopping at a local store with my wife, I encountered Bradley in the parking lot. He was intoxicated and extremely abusive, making a number of threats to me and my wife. While I was verbally fencing with him, my wife went to our car, removed a .357 I had received permission to carry, and pointed it at Bradley.

In February, 1980, Inmate Donny Hendrix, a very emotionally disturbed inmate with a long history of arsons committed against authority figures in his life, threatened to burn down my house. He cited my residence address, my wife's name, employer and work hours and the names of my children and their day care provider. About one month after his release, I saw Hendrix lurking about the neighborhood and contacted the Troopers. Hendrix admitted that he was "spying" on me, but denied any wrong doing. Shortly after he was arrested for, among other things, terroristic threats against Chief Prosecutor Dan Hickey. Hendrix had been talking about bombing the Attorney General's office because of some alleged wrong doing committed by Mr. Hickey.

In 1980, I switched to Juvenile Probation Field Services in Juneau, a move akin to going from the frying pan to the fire. Over the next four years, I was wounded when a female probationer threw a Chinese Flying Star at me while I was attempting to arrest her; I was assaulted at the Juneau Receiving Home by a drunken probationer; assaulted in my office by an irate 16 year old who outweighed me by 30 pounds; hit with numchucks twice; and almost thrown over the second floor railing of the Court Building while trying to stop a distraught parent from jumping over the railing to the foyer below.

September, 1982, I disarmed a 17 year old probationer after the Juneau Police Department had conducted a day long search for him. The probationer, R.R., had been given a suspended conditional order earlier in the year. After several months, his behavior deteriorated and the boy's foster parent told him that I would be arrested for his wrong behavior, which would mostly likely lead to a stay at McLaughlin Youth Center. R.R. decided that if he killed his probation officer, in this case me, he wouldn't have to go to McLaughlin. He proceeded to ransack his foster home, stealing a .44 magnum pistol with 40 rounds of ammo, then left a note saying that after he killed me, he would return to kill the foster parent. I literally ran into R.R. at Foodland, bumping into him as I left the store. He had the pistol in his pants and was attempting to draw it when I collided with him.

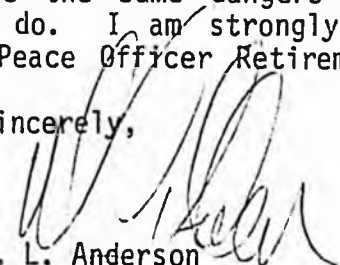
I "retired" in June, 1984, a victim of burnout. At that time I was effectively working seven days a week, sixteen hours a day. I was constantly receiving crisis calls from probationers, their parents, the Receiving Home or from JPD/AST to assist in juvenile arrests. The "retirement" was brief. I continued to receive calls and have threats made against me. In October, I was informed that R.R. had been released from McLaughlin and returned to Juneau. Shortly after his return, he attempted to purchase a firearm, telling several peers that he was going to finish the job he had started with me.

In January, 1985, I sustained a broken jaw, broken nose, broken ribs and lost 2 teeth when assaulted downtown by a group of four or five former clients. The basis for this assault was nothing more than revenge for acts I had committed in an official capacity while working as a Probation Officer.

I actually feel safer and more secure as a Correctional Officer than I ever did as a Probation Officer. Prisoners, as a rule, are less hostile and more accepting of supervision than probationers. Probationers tend to focus their anger at the P.O. rather than the nebulous "system" that prisoners express their anger towards. Also, a probation officer deals with the same people that a correctional officer does, but the P.O. is usually one on one, whereas in a correctional setting, there are always a number of staff on hand to diffuse any disturbance or disagreement.

I have long argued that Probation Officers face the same dangers and stresses that police and correctional officers do. I am strongly in support of including probation officers in the Peace Officer Retirement Program.

Sincerely,


N. L. Anderson

NLA/jmg

STATE OF ALASKA

DEPARTMENT OF CORRECTIONS

STEVE COWPER, GOVERNOR

REPLY TO:

- JUNEAU PROBATION OFFICE
P.O. BOX 021224
JUNEAU, ALASKA 99802-1224
PHONE: (907) 465-3180
- KETCHIKAN PROBATION OFFICE
ROOM 202, 415 MAIN STREET
KETCHIKAN, ALASKA 99901-6398
PHONE: (907) 225-3179
- SITKA PROBATION OFFICE
304 LAKE STREET, ROOM 210
SITKA, ALASKA 99835-7599
PHONE: (907) 747-6641

RECEIVED October 17, 1989

Senator Jim Duncan
P.O. Box V
Juneau, Alaska 99811

Dear Jim:

Chief Probation Officer Keith Stell tells me that you are filing a bill which would place probation officers under the peace officers retirement system. Thank you very much for supporting these efforts. We have been trying, without much success, to get under the peace officers retirement system for years.

Probation officers deal only with felons (no misdemeanants). The felons we deal with every day are often violent, emotionally disturbed people. We are required to go out into the community, sometimes at night, and arrest these people when they violate probation or parole. Likewise, our very heavy workloads, danger, and deadlines imposed by the Court, cause a high level of stress in this job.

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Once again, I wish to thank you very much for all the help you have given us and other public employees over the years.

Best regards,



Robert K. Collins
District Probation Supervisor
Juneau

RKC/cm

RECEIVED

Carline

November 2, 1989

Senator Jim Duncan
Alaska Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Duncan:

I thought that a few examples of danger and stress faced by probation officers might help you justify your Bill putting probation officers under the Peace Officers Retirement System.

Some examples from my own experience include threats made on my life by dangerous psychopaths like Wallace Creer in 1984. My life was threatened by Gary Nolt in 1986 and 1987. My family has been threatened by probationer Randy Rodrigues in 1987. These are only a few examples. In actuality, my life has been threatened many times by probationers and parolees but, unfortunately, I do not always make notes and so when relying on my memory, I can't always remember names and dates from long ago.

I was assaulted at Lemon Creek Correctional Center when I was booking probationer Laberne Ebona in 1988. I was assaulted by probationer Gary Nolt in 1982. Probationer Ken Lancaster drove by the probation office and shot at our windows with a 12 gauge shotgun in 1986 or 1987. He hit the windows of the law library one floor above us; however, at an adjudication hearing the Court found that Mr. Lancaster was attempting to hit the windows in the probation office.

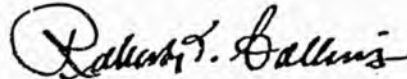
We routinely arrest probationers and parolees and are empowered to do so by statute (AS 33.05.070 and 33.16.240). In July, 1987 I accompanied several Juneau police officers and Alaska State Troopers to the residence of Daniel Trapp, a probation absconder. Mr. Trapp refused to answer our instructions to come out and surrender. The door was kicked down and we entered with guns drawn. Mr. Trapp was inside, extremely intoxicated, with a rifle not far away. In 1986 I searched the residence of probationer Scott McGonegal where I found substantial quantities of cocaine and a 9 mm sub-machine gun. I could cite a number of other examples.

Senator Jim Duncan
November 2, 1989
Page Two

I am enclosing a copy of Department of Corrections Policy and Procedure 902.16 which describes the Department's gun policy. It is currently being revised to allow probation officers more independent discretion.

Jim, I have called a number of other probation officers around the State and have asked them to give you a few examples from their own personal experience, hopefully the equivalent of the information I have provided above. If I can be of further assistance, please do not hesitate to call on me.

Very Truly Yours,



Robert K. Collins
Probation Officer III
Juneau

RKC/cm
Enclosure

Susan G. Ford
P.O. Box 2748
Sitka, AK 99835

Senator Jim Duncan
P.O. Box 1
Juneau, AK 99811-3100

November 21, 1989

Dear Senator Duncan:

I thought it would be helpful to share with you some "real life" experiences I have had in my role as a probation officer over the past 8 years. I believe you will agree that a probation officer is most definitely a peace officer and subject to the same stresses and hazards as law enforcement officers etc.

Approximately three years ago I was supervising a man with a history of misdemeanor assaultive conduct as well as felony level property crimes. This individual had a serious alcohol problem which further increased his potential for violence. While residing in Sitka this man violated his probation by committing a new, misdemeanor offense, consuming alcohol and failing to report to his probation officer. He was arrested and a bail review hearing was held. The judge released this man back to the community under the condition he not consume alcohol at frequent establishments that serve alcohol. Less than 6 hours later, while having dinner at a local

restaurant, I observed this man staggering through the restaurant. Consequently I enlisted the assistance of our local police department and contacted this man on his fishing vessel. He was extremely intoxicated. I arrested him for violating probation and his conditions of release. This man proceeded to threaten me over the course of the booking process and for several days thereafter. He threatened to shoot me, sink my boat when my family was on it, blow me up, and harm my family. Following his court arraignment he whispered to me that I would be sorry if he got out of jail. Fortunately this man did not follow through on his threats but he did cause a good deal of anxiety and concern for my family and myself.

Approximately 4 years ago I was involved in the search of one of my probationers houses. This individual had 2 prior felonies and an assaultive background. The search turned up several handguns and ammunition stolen in a burglary several weeks previously. Fortunately I was able to arrest this man without incident but the potential for

Charm is always there. The very nature of our jobs places probation officers in a touchy position; we enforce the orders of the Court which often means violating a persons probation and threatening their freedom.

On one occasion following a sentencing hearing 2 1/2 years ago in which I recommended a stiff sentence for a child abuser, the defendant's wife became extremely angry. Not only did she verbally assault me in the courtroom but she attempted to physically confront me. The defendant (her husband) was able to grab her and hold her down while I left the Court room.

Finally I wanted to share with you an incident that involved a fellow probation officer in the Anchorage / Kenai area. This man had his home fire bombed and was seriously burned as a result. Although the police investigation was never able to determine who was responsible, this man was very certain one of his probationers was to blame based on past supervision problems.

In conclusion, there is always the potential

you violence with this position. There is certainly ongoing stress and the underlying knowledge that many of our day to day duties place us in dangerous situations.

Thank you once again Senator Duncan for your sponsorship of the bill relating to placing probation officers under Peace Officer Retirement.

Sincerely,

Susan J. Ford

P.O. Box 2748

SITKA, ALASKA 99835

CC Representative Ben BRUSSENDORF
Senator Richard ELIASON

November 21, 1989

Sen. Jim Duncan
P.O. Box V
Juneau, Alaska 99811-3100

RECEIVED NOV 27 1989

*Raymond
Reply*

Dear Jim,

I am writing this letter to add my support to the bill you will be submitting this legislative session that would place Probation Officers under the 20 years retirement plan.

I have been with the Department of Corrections for approximately 21 years now. Four of those years has been as a Probation Officer assigned to the Lemon Creek Correctional Center. During my time at this facility as a Probation Officer I was exposed to the same dangers that Correctional Officers faced. As an institutional Probation Officer I have prepared many many reports that have resulted in inmates not getting out on parole. I have been required to qualify with weapons. I have had to pick up inmates on work furlough that had violated rules.

It should be noted that Probation Officers do have some power of arrest. It should be understood that Probation Officers face physical injury or death when attempting to arrest Parole/Probation violators that do not want to return to jail. Passage of this bill will of course make me eligible to retire. It will, I believe, save the State money down the road. There are many employees that would take advantage of the retirement that have lots of years in and are well up on the pay scale. The State of Alaska could hire replacements for those people for I would think one third the cost.

Thank you for your support in this matter

Yours Truly,

Brice H. Pearson

Senator Pourchot
Chairman, State Affairs
Pouch U
Juneau, Ak. 99811

Dear Sir:

I am advised that you and other members of the Senate State Affairs Committee are presently reviewing a Bill sponsored by Senator Jim Duncan and others which would place Probation Officers under the Peace Officer Retirement System. I should like to offer my support of this Bill. As a Correctional Officer, I work with various probation officers on a daily basis and I am thoroughly familiar with their duties and responsibilities regarding the control and management of criminal offenders both in correctional facilities as well as in the community. Institutional Probation Officers share the same work environment as I do and are required to assume the same proximity to the inmate population during the course of their daily business.

Correctional Officers have been members of the Peace Officers Retirement program since 1975. Probation Officers work hand in hand with correctional officers, I therefore support passage of this Bill.

Thanking you in advance



Correctional Officer

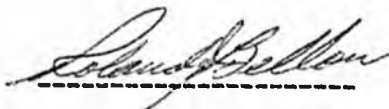
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Thanking you in advance

Cindy Betts

Correctional Officer

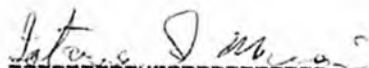
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A handwritten signature in cursive script, appearing to read "Elliott G. Williams". The signature is written in dark ink and is positioned above a horizontal line.

Correctional Officer

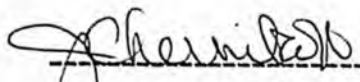
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Correctional Officer COTT

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Charles J. Shyer Assistant 1/30/90

Correctional Officer