

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672  
6789 HOUSE HEALTH EDUCATION & SOCIAL SERVICES



# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

*Jim Butler*

\_\_\_\_\_  
Signature of Camera Operator

*7/28/95*

\_\_\_\_\_  
Date

1991-1992

HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

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CONFIRMATION: DEPARTMENT OF CORRECTIONS  
L. HAMES

CONFIRMATION: DEPARTMENT OF HEALTH &  
SOCIAL SERVICES, T. MALA

CONFIRMATION: PROFESSIONAL TEACHING  
PRACTICES COMMISSION

CONFIRMATION: U OF A BOARD OF REGENTS

CONFIRMATION: U OF A, T. LAMKIN

OVERVIEW: DEPARTMENT OF CORRECTIONS,  
1/31/92

OVERVIEW: DEPARTMENT OF EDUCATION,  
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OVERVIEW: DEPARTMENT OF HEALTH &  
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Confirmation  
Board of  
Education

Patricia Norheim  
P.O. Box 642  
Petersburg, Alaska 99833  
(907) 772-4837

Residence: Lifelong resident of Petersburg 52 years

Education: Petersburg High School 1947

Occupation: Present owner/operator of the  
"Patti-Wagon" Tour Co. 4 years  
Present owner/manager retail and  
apartment rental complex 6 years  
Past owner of junior department store 16 years

Awards: Recipient of Governor Walter J. Hickel's  
award for Outstanding Public Service 1968  
Recipient of Governor Walter J. Hickel's  
award for Noteworthy Contribution to the  
Citizens of Alaska 1968  
Recipient of Alaska Association of School  
Administrators McKinnan Educational  
Excellence and Human Recognition Award 1988  
Recipient of Petersburg School Board and  
the Association of Alaska School Boards  
Award for Exemplary Service to Education 1990

Community Service:

Petersburg School District, Board of  
Education, 21 years continuous years 1969-  
President 4 years, Vice President 4 years, Present  
Clerk 6 years  
Member, Petersburg Chamber of Commerce 25 years  
Board of Directors, Chamber of Commerce 1 year  
Secretary, Petersburg Charter Commission 1 year  
Board of Directors, Clausen Memorial  
Museum 1 year  
Member, City of Petersburg Planning and  
Zoning Commission 1 year  
Member, "Lefse Marching Band" (Petersburg  
unofficial welcoming committee) 10 years  
Charter Member, City of Petersburg Civic  
Improvement Council 3 years  
Charter Member, "Drug Free Schools" 3 years  
Member, Pioneers of Alaska 20 years  
Officer, and Member, Sons of Norway  
Fraternal Lodge 15 years  
Member, Petersburg Economic Development  
Council, appointed by Mayor of Petersburg 1990  
Volunteer, KFSK Public Radio, co-host radio  
show and fund raising for station 1989-1990

John E. Hotzfield  
5390 Liberty Ct.  
Wasilla, AK 99687-9345  
(907) 376-6948 or (907) 745-4851  
Page 1 of 2

**Professional Objective:**

To further my career in Education

**Education:**

1985        Abbott Loop Bible School, graduate  
  
1980        Winona State University, graduate  
            Winona, Minnesota  
            B.A. Mass Communications  
  
1975        Edina West High School, graduate  
            Edina, Minnesota

**Experience:**

Principal- Teacher	1990-Present	Farm Loop Christian School (7th-8th grades, all subjects)
Principal	1987-1990	Peters Creek Christian School
Teacher	1985-1987	Peters Creek Christian School (7th-8th grades, all subjects)
Counselor	1985	Chugiak-Eagle River Community School Summer program
Counselor	1985	Abbott Loop Christian Center Summer Youth Camp

**Work History:**

1990-91    Farm Loop Christian School - Principal/Teacher  
1985-90    Peters Creek Christian School - Principal/Teacher  
1986-90    Comset Fisheries - Commercial Fisherman  
1984-85    Hotzfield Photography - Self-employed  
1982-83    Senator Rick Halford - Legislative Aid  
1980-82    Chugiak-Eagle River Star - Reporter/Photographer

John E. Hotzfield  
5890 Liberty Ct.  
Wasilla, AK 99687-9345  
(907) 376-6948 or (907) 745-4851  
Page 2 of 2

**Personal:**

Date of Birth - April 29, 1957  
Married - Thelma  
Six Children - Chuck 12, Christopher 9, Matthew 7, Jonathan 5,  
Marcela 3, Marc 3 months

**References:**

Pastor Dave Erny, Farm Loop Christian Center, Palmer, AK 99645  
(907) 745-4851

Pastor Bob Byron, Mid-Valley Christian Center, Wasilla, AK 99687  
(907) 376-6445

Pastor Frank Maus, Peters Creek Chapel, Chugiak, AK 99567  
(907) 688-2242

Lee Jordan, Chugiak-Eagle River Star, Eagle River, AK 99567  
(907) 694-2727

Senator Rick Halford, Alaska State Legislature, P.O. Box 670190,  
Chugiak, AK 99567; (907) 688-9500 Chugiak, (907) 455-4958  
Juneau

Confirmation

Dept. of

Corrections

L. Hames

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HHES 2/11/91 8:30 am

QUESTIONS FOR HEALTH & SOCIAL SERVICES  
OVERVIEW FOR DEPARTMENT OF CORRECTIONS

1. How many new correctional institutions will be needed by the year 2000?
2. What's your position on privatization of Correctional Institutions?
3. What's your philosophy regarding the Mental Health Unit? What progress has been made for the halfway house for mentally ill offenders?
4. What's your position on juvenile offenders?
5. Postsecondary Education Classes- How does it work? How is going?
6. Do you believe that the medical care for inmates is better than the average person on the street has? If yes - Why?
7. What did the study on Parity for Women in the correction institution reveal? What plans do you have to change it?
8. Do you plan to keep the Sentencing Commission? If no - why?
9. What progress has been made in examining alternative to incarceration?



Alaska State Legislature  
House of Representatives  
COMMITTEE ON HEALTH, EDUCATION  
AND SOCIAL SERVICES

OFFICIAL BUSINESS

POUCH V  
JUNEAU, AK 99811  
465-3759

M E M O R A N D U M

TO: REP. GEORGIANNA LINCOLN, CO-CHAIR  
REP. PATRICK CARNEY, CO-CHAIR  
REP. BETTYE DAVIS, VICE-CHAIR  
REP. CHERI DAVIS  
REP. JOHN GONZALES  
REP. MARK HANLEY  
REP. MARY MILLER  
PAT JACKSON  
CAROLINE LOMBARD  
~~HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE~~

FR: PATTI, HESS COMMITTEE SECRETARY, EXT. 4923 *Patti*

DT: APRIL 8, 1991

RE: CONFIRMATION HEARING--~~COMMISSIONER LLOYD HAMES--4/9/91~~

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ATTACHED ARE DOCUMENTS FOR YOUR CONSIDERATION BEFORE THE CONFIRMATION HEARING FOR LLOYD HAMES, COMMISSIONER DESIGNATE, OF THE DEPARTMENT OF CORRECTIONS, SCHEDULED ON TUESDAY, APRIL 9TH, AT 8:00 A.M.

INCLUDES:           1.    CURRENT RESUME  
                      2.    D.O.C. ORGANIZATIONAL INFORMATION  
                      3.    MINUTES OF OVERVIEW DATED 2/11/91

SEE YOU ON TUESDAY MORNING!

*file copy*



# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

Official Business

April 9, 1991

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

The Honorable Ben Grussendorf  
Speaker of the House  
Alaska State Legislature  
P. O. Box V  
Juneau, Alaska 99811

Dear Representative Grussendorf:

In accordance with AS 39.05.080, the House Health Education and Social Services Committee reviewed the qualification of Lloyd F. Hames to be confirmed as the Commissioner of the Department of Corrections.

Members have signed below indicating their individual recommendations to the House concerning the individual's confirmation:

DO RECOMMEND

DO NOT RECOMMEND

NO RECOMMENDATION

Georgianna Lincoln

Cheri Davis

John C. Gonzales

Mark Runkle

Mary Miller

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Pat Kay

Georgianna Lincoln  
Representative Georgianna Lincoln, Co-Chair

## RESUME

Lloyd F. Hames  
329 Harbor Drive  
P.O. Box 397  
Sitka, Alaska 99835

Res. Phone 907-747-8486  
Bus. Phone 907-747-6320

### PERSONAL DATA:

Date of Birth: June 26, 1927  
Married 41 years to Barbara - January 7, 1950  
Three grown children: Randal, Rhonda & Roger  
The 3rd generation is taking over the business interests of Lloyd and Barbara Hames.

### GENERAL EDUCATION:

Rosalita High School  
Rosalita, Washington  
Graduated: 1946  
Washington State College 1948-49  
W.S.U. summer school 1951

### MILITARY SERVICE:

U.S. Army 1946-1948  
Honorable Discharge  
Rank T-5 rating

### BUSINESS:

Started with C.R. Rands Co. in 1949 with wife Barbara. 1969 purchased the Rands interest and formed the Hames Corporation. 1975 purchased the P.J. Wingren Corporation in Ketchikan and formed Port West Corporation. Doing business as Sea Mart Super. 1982 Port West, Inc., purchased adjoining property consisting of a grocery store and strip mall, changed the name to Market Place. 1985 the Hames Group was formed. The principles are the five members of the Hames family, built the 130,000 square foot Plaza Port West Mall adjoining the Sea Mart grocery store.

My title changed from President to Chairman of the Board of both corporations in 1983. Son Roger assumed the position of President and C.E.O. Son Randal, Executive Vice-President and daughter Rhonda is the Administrative Secretary. All three children hold active responsibilities within all three corporations.

The two corporations presently have four grocery stores along with five retail outlets located within the Plaza Port West mall. The three corporations employ approximately 300.

SOCIAL ACTIVITIES:

Past Master of Mt. Verstovia Lodge 291 in Sitka, Alaska.  
Past Patron, Order of Eastern Star 15, Sitka, Alaska  
Past President, Sitka Chamber of Commerce, 1966  
Sitka Chamber Board - 14 years.  
Past President of Sitka Rotary Club Sitka, Alaska.  
Past President of Sitka Shrine Club 1960-1961  
Elder of the Presbyterian Church 15 years.  
Chairman of Presbyterian Stewardship Committee 9 years.

BOARDS:

Sitka Community Hospital 8 years.  
Chairman for 2 years.  
Presently serving on Sheldon Jackson College Board of Trustees since 1959, Chairman since 1974.  
Presently serving Associated Grocers Inc., Seattle Board of Directors since 1982.  
Served on Alaska Pacific University on "Center for Entrepreneurship and Pacific Development Council" 1984.  
Member of Ketchikan Economic Development Committee, 1985.  
Washington State Food Dealers Board 1981-84.

POLITICAL ACTIVITIES:

A delegate to the State Republican Convention in 1976-80-84 and also a delegate to the Republican National Convention the same years.  
Served as State Finance Chairman Republican Party of Alaska for 4 years 1982-1986.  
Member of Republican Central Committee for Alaska 1976-1988.  
President Reagan's Representative to the White House Conference on Small Business, 1975.  
Appointed as one of the 3 Electoral College votes for Alaska 1980.

AWARDS:

Honorary Doctorate degree in Public Service from the Alaska Pacific University in 1976.  
Grocer of the Year Award for Washington and Alaska in 1976 by the Washington Food Dealers Association.

Cossack Cap Award from the Sitka Chamber  
of Commerce in 1978.

University of Alaska Board of Regents  
Meritorious Service Award.

"Lloyd Hames has provided Business  
Leadership and significant contribution to  
the economy and employment stability of  
Southeast Alaska over the course of 4  
decades through Hames Corporation  
activities in Sitka and Ketchikan; for his  
contribution and community service; and  
for his fundamental support of education  
in Alaska and support of the CONSORTIUM  
AGREEMENT between Sheldon Jackson College  
and the Sitka Campus of the University of  
Alaska Southeast."

Presented this 17th day of May, 1990  
by the University of Alaska  
Southeast.

# STATE OF ALASKA

## DEPARTMENT OF CORRECTIONS

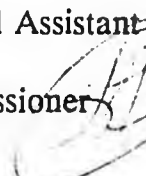
WALTER J. HICKEL, GOVERNOR

REPLY TO:

P.O. BOX T  
JUNEAU, ALASKA 99811-2000  
PHONE (907) 465-3376

### MEMORANDUM

TO: Carl F. Nickel, Special Assistant

FROM: Lloyd Hames, Commissioner 

DATE: April 9, 1991

TOPIC: Native Hire

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During the confirmation hearing on Tuesday, April 9, 1991, Rep. Lincoln came up with a good idea. You know my position has been to encourage Native Alaskan Hire. What Rep. Lincoln did, was to make me aware that, although it is my interest, I had not specifically developed a plan to increase Native hire.

By copy of this memorandum, I am instructing you to develop a specific action plan to increase Native hire in Corrections. I suggest you work with the "Bush Caucus" and possibly the Native Corporations to see if a viable plan can be put in place.

cc: Legislature



# Alaska State Legislature

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*John C. Douglas*

*Mark ...*

*Mary Miller*

*Pat ...*

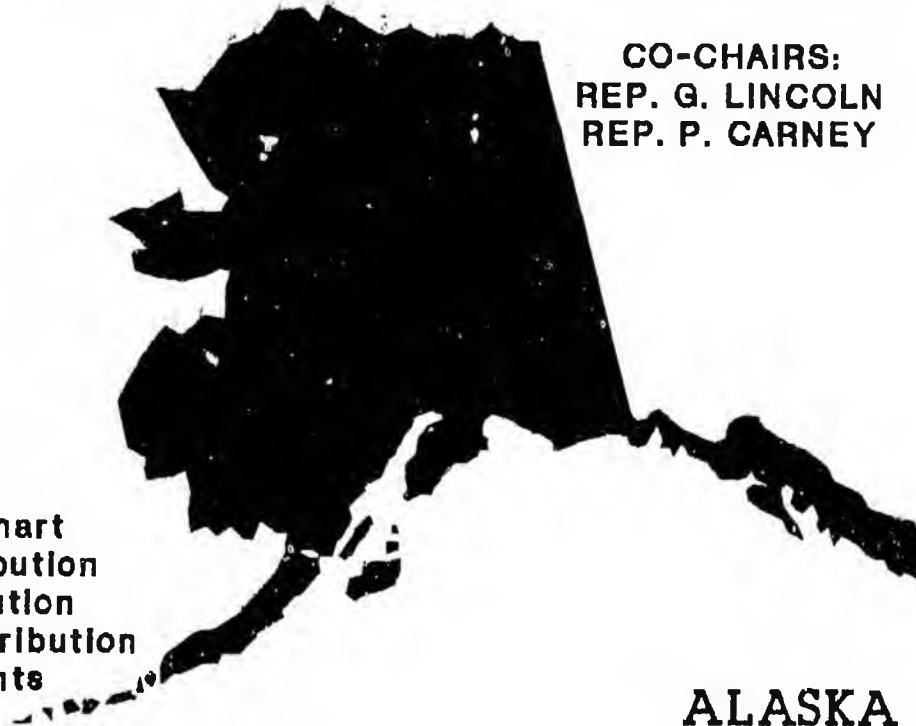
*Georgianna Lincoln*  
Representative Georgianna Lincoln, Co-Chair

**STATE OF ALASKA**  
**DEPARTMENT OF CORRECTIONS**  
**OVERVIEW**  
**HOUSE "HESS" COMMITTEE**

**CO-CHAIRS:**  
**REP. G. LINCOLN**  
**REP. P. CARNEY**

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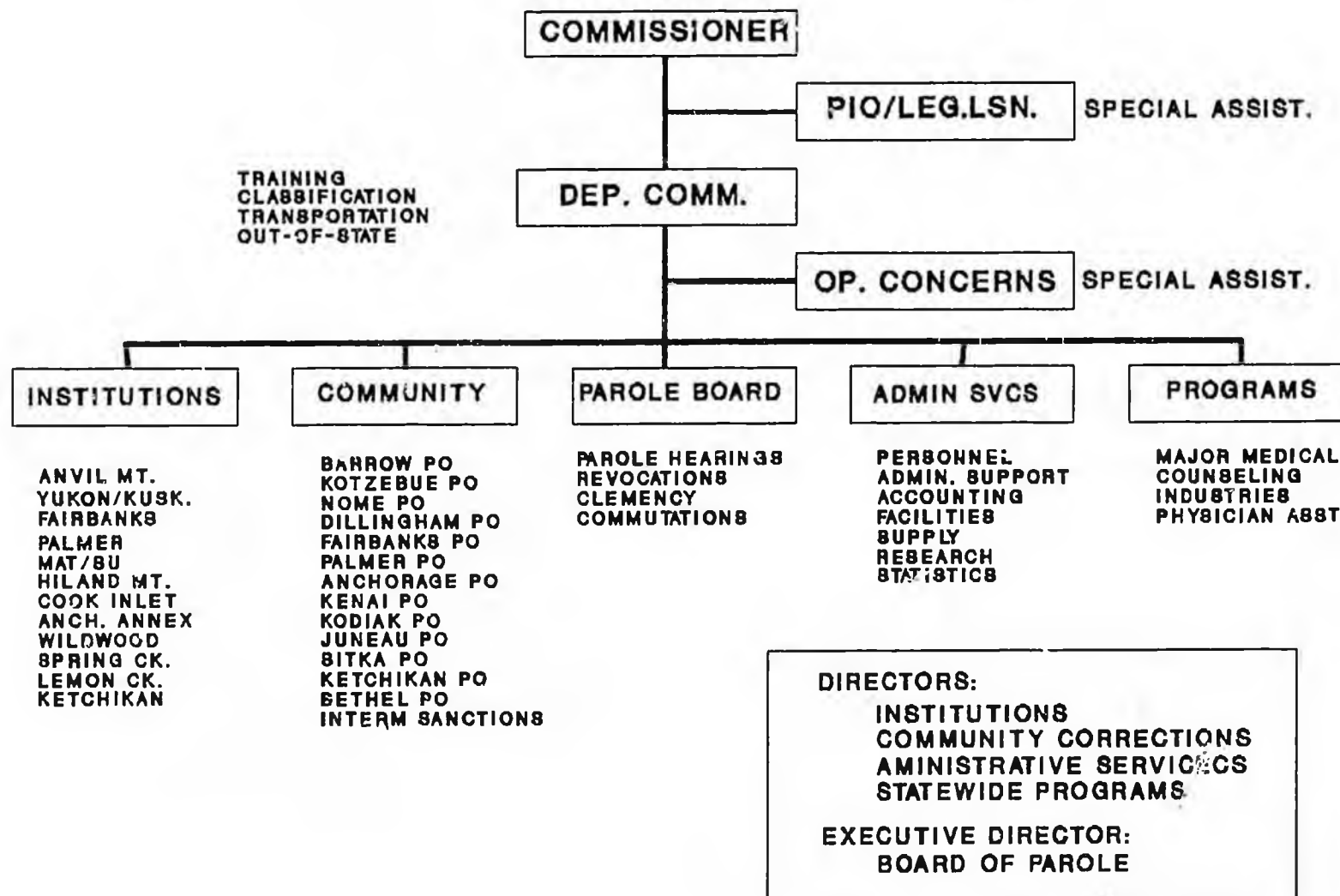


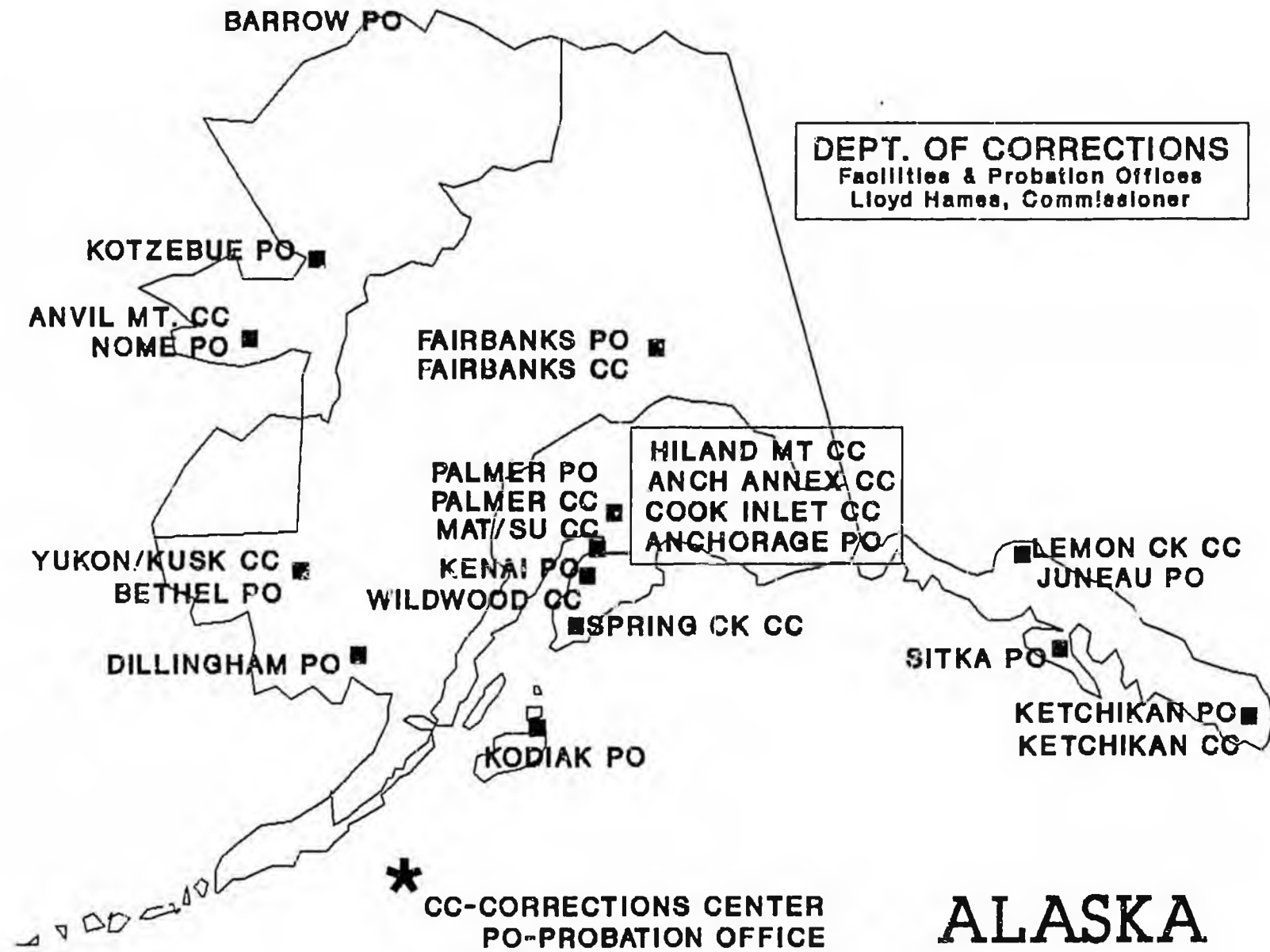
**ALASKA**

**Lloyd Hames, Commissioner**

# DEPARTMENT OF CORRECTIONS

## Functional Organization Chart

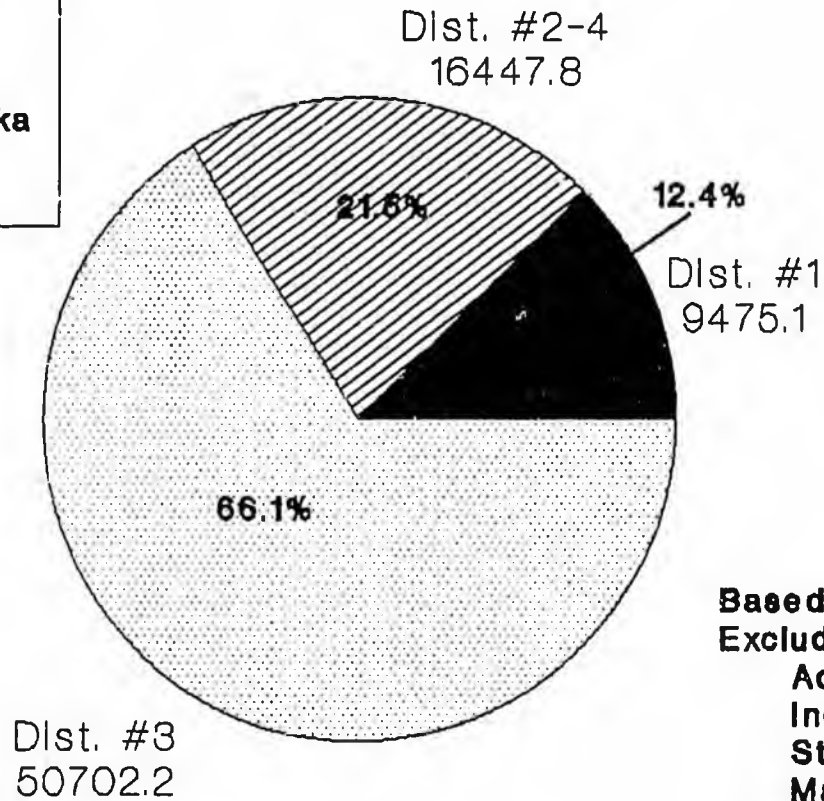




# BUDGET DISTRIBUTION

## Judicial Districts

Dist. #1  
Southeast Alaska  
Dist. #2-4  
Interior & Western Alaska  
Dist. #3  
South Central Alaska



Based on FY91 Authorized  
Excludes:

- Admin. Support
- Industries
- Statewide Programs
- Major Medical
- Classification
- Transportation
- Training
- Out-of-State

in thousands

NUMBER OF ACTIVE INMATES BY RESIDENCE 12/31/90

Akhiok	0
Akiachak	2
Akiak	2
Akutan	1
Alakanuk	14
Aleknagik	1
Ambler	3
Anaktuvuk Pass	2
Anchorage	997
Anderson	2
Angoon	3
Aniak	5
Anvik	2
Arctic Village	0
Atkasook	2
Atmautlauk	1
Barrow	69
Beaver	1
Belkofski	0
Bethel	47
Big Lake	6
Brevig Mission	3
Buckland	1
Cantwell	1
Chevak	2
Chignik	1
Chignik Lake	1
Chitina	1
Chuathbaluk	1
Chugiak	12
Circle Hot Springs	1
Clarks Point	1
Clear	1
Cooper Landing	1
Copper Center	4
Cordova	7
Craig	7
Crooked Creek	2
Deering	0
Delta Junction	9
Dillingham	9
Diomedea	1

NUMBER OF ACTIVE INMATES BY RESIDENCE 12/31/90

Dot Lake	1
Douglas	0
Eagle	0
Eagle River	21
Eek	2
Eklutna	1
Ekwok	2
Elim	2
Emmonak	5
English Bay	3
Fairbanks	268
False Pass	1
Fort Yukon	4
Galena	3
Gambell	4
Girdwood	2
Glennallen	1
Golovin	2
Goodnews Bay	2
Grayling	1
Gulkana	0
Haines	0
Healy	2
Holy Cross	7
Homer	24
Hoonah	5
Hooper Bay	8
Houston	1
Huslia	3
Hydaburg	4
Iliamna	2
Juneau	105
Kake	4
Kaktovik	1
Kaltag	3
Karluk	1
Kasigluk	1
Kasilof	7
Kenai	35
Ketchikan	70
Kiana	3
King Cove	2

NUMBER OF ACTIVE INMATES BY RESIDENCE 12/31/90

Kipnuk	2
Kivalina	1
Klawock	2
Kobuk	2
Kodiak	41
Koliganek	2
Kongiganak	2
Kotlik	0
Kotzebue	20
Koyuk	4
Kwethluk	5
Kwigillingok	0
Larsen Bay	1
Levelock	0
Livengood	1
Lower Kalskag	2
Manokotak	0
Marshall	3
McCarthy	1
McGrath	2
Mekoryuk	4
Metlakatla	6
Minto	2
Mountain Village	4
Naknek	4
Napaskiak	1
Nenana	4
New Stuyahok	6
Nigeria	0
Nightmute	2
Nikishki	5
Nikolai	2
Nikolski	0
Ninilchik	0
Noatak	2
Nome	27
Nondalton	3
Noorvik	4
North Pole	38
Northway	3
Nuiqsut	6
Nulato	2

NUMBER OF ACTIVE INMATES BY RESIDENCE 12/31/90

Nunapitchuk	2
Old Harbor	0
Oscarville	1
Palmer	29
Paxson	1
Pelican	1
Perryville	2
Petersburg	7
Pilot Point	1
Pilot Station	2
Platinum	1
Point Hope	7
Point Lay	0
Port Lions	0
Quinhagak	1
Rampart	0
Ruby	0
Russian Mission	0
Saint George	1
Saint Marys	3
Saint Michael	3
Saint Paul	7
Sandpoint	1
Savoonga	2
Saxman	1
Scammon Bay	2
Selawik	1
Seldovia	0
Seward	8
Shageluk	1
Sheldon Point	4
Shishmaref	3
Shungnak	2
Sitka	30
Sleetmute	4
Soldotna	34
Stebbins	4
Sterling	6
Stevens Village	1
Stony River	3
Sutton	3
Takotna	0

NUMBER OF ACTIVE INMATES BY RESIDENCE 12/31/90

Talkeetna	2
Tanacross	0
Tanana	1
Teller	0
Tetlin	3
Thorne Bay	2
Togiak	5
Tok	1
Toksook Bay	1
Tuluksak	2
Tuntutuliak	3
Tununak	0
Twin Hills	1
Tyonek	1
Unalakleet	2
Unalaska/Dutch Harbor	13
Upper Kalskaq	1
Valdez	5
Venetie	1
Wainwright	5
Wasilla	57
White Mountain	1
Whittier	1
Willow	8
Wiseman	0
Wrangell	5
Yakutat	2
Alabama	0
Arizona	3
Arkansas	2
California	24
Colorado	1
Florida	0
Georgia	0
Hawaii	0
Idaho	0
Kansas	1
Maine	0
Michigan	1
Minnesota	2
Mississippi	1

NUMBER OF ACTIVE INMATES BY RESIDENCE 12/31/90

Montana	0
Nevada	0
New Jersey	1
New York	3
North Carolina	2
Ohio	0
Oregon	6
Tennessee	1
Texas	0
Utah	1
Virginia	2
Washington	19

# FY92 BUDGET DECREMENTS

## DEPARTMENT OF CORRECTIONS

### MANIILAQ

434.3

Manillaq is a contractual facility in Kotzebue, providing up to 12 beds for, generally, Alaskan Natives in North-western Alaska. The past 15 months, the average use has been approximately 5 beds. Before this, it was even lower. This translates into \$238/manday. It is a good program, but under utilized.

### LEMON CREEK CC SEX OFFENDER TREATMENT

142.3

Two other sex offender treatment programs exist in the state. Review of this program indicated there were only 8 offenders in the program, seven of whom were of a custody level to be treated in a less secure setting. Eight participants translated to \$48.70/manday. This is beyond the cost of custody which is an additional \$86/manday. The Hilland Mt. Program, where these offenders will go costs approximately \$480,000 for 80, or \$10.43/manday. Space is available to meet the sex offender treatment needs.

### NEW START CENTERS

480.1

These programs are located in Anchorage, Fairbanks and Juneau. They provide support services to recently released offenders. The services provided are also available through other state services (Labor & H&SS), as well as Non-profit Corporations and community programs.

### TRAVEL-CONTRACTUAL-VACANCIES

1500.0 (APPROX.)

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**TOTAL DECREMENTS 2600.0 (APPROX.)**

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# STATE OF ALASKA

## DEPARTMENT OF CORRECTIONS

WALTER J. HICKEL, GOVERNOR

REPLY TO:

P.O. BOX T  
JUNEAU, ALASKA 99811-2000  
PHONE (907) 465-3376

*HESS COMMITTEE*

*Room*

**RECEIVED**  
MAR 11 A.M.

March 7, 1991

The Honorable G. Lincoln  
Representative, State of Alaska  
Co-Chair, House HESS Committee  
Juneau, AK 99811

Dear Rep. Lincoln:

The membership of the House HESS Committee presented written questions for our response. The Department has been filtering information to the committee as it was accumulated.

Attached are additional responses to the following questions:

- \* Privatization of Correctional Institutions
- \* Position on Juvenile Offenders
- \* How does Post-Secondary Education work?
- \* Examination of Alternatives to Incarceration
- \* Position of Sentencing Commission
- \* Parity for Women Offenders
- \* Construction needs to the year 2000

Please note, there are additional responses to the alternatives to incarceration than the brief paragraph response, see Furlough Analysis and Electronic Monitoring.

Sincerely,

  
Lloyd James,  
Commissioner

# MEMORANDUM

State of Alaska

## DEPARTMENT OF CORRECTIONS


TO: Mike Stark  
Assistant Attorney General

DATE: February 25, 1991

FILE NO: Stark.M

THROUGH:

TELEPHONE NO: 561-4426

FROM: Marianne McNabb   
Criminal Justice Planner  
Statewide Programs

SUBJECT: Post Secondary Up-date

# COPY

At this time, we are mid-way through the second semester of the post secondary program with the University of Alaska. Although I've copied you on most of the correspondence regarding the program, I thought it might be helpful to provide an assessment of the program to date.

Inmate interest in the post secondary program has been high - during the first semester, 87 inmates enrolled and completed classes, this semester, approximately 63 are enrolled. Four courses were offered during the first semester, which included three from the core curriculum and one elective within the degree program. This semester, seven courses were offered. We found that many of our inmate students were having difficulty in the math and english classes and we asked that a developmental class be offered in each. Unfortunately, they were only able to offer a developmental class in math and a classroom survival skills class. Next semester, a developmental english class will be available.

We are planning on offering several classes during the summer. As the summer term is significantly shorter than regular semesters, we plan to offer only classes that have already been offered in the previous semesters.

As with any new project, there have been some implementation problems. It has been difficult at times to understand how the University bureaucracy operates and how to get things done efficiently. The most significant problems have involved prompt processing of financial aid applications and book purchase and distribution. I think we have a solution to the book purchase and distribution problem (we'll issue the bookstore an open purchase order, to guarantee book payment if Pell Grants don't materialize), but the processing of financial aid applications still remains a problem. Applications for Pell Grants must be made far in advance of the semester, and apparently federal regulations prohibit the University from releasing any funds to the inmate for book purchase or tuition costs before the actual date the semester begins. This may work out well for ordinary campus students, but really puts our inmates behind in the semester. At the end of the semester, several inmates appealed and were granted grade appeals through the University, based on this delay.

Dennis Clark, the University liaison, and I held a meeting in October for all instructors, University bureaucrats and correctional education staff to discuss issues, concerns and problems. We have scheduled a similar meeting for next week and will include institutional

superintendents to discuss their specific concerns relative to inmate computer use and satellite installation.

There are two significant problems that I would like you to be aware of. The first concerns transfers of inmates in the post secondary program. I would estimate that there have been approximately 10-20 transfers of inmates involved in the post secondary degree program to institutions that do not offer the program. In many cases, these transfers were for medical reasons and could perhaps not been avoided. In other cases, it appears that the transfer was made to relieve institutional crowding. I routinely send student rosters to central classification and all institutions involved, letting them know who is participating in the program and alerting them to the date the semester ends. Needless to say, this disrupts the inmates academic schedule and standing with the University, and jeopardizes Pell grant eligibility. Once inmates lose eligibility, they must pay back the amount borrowed before they can resume classes.

I understand the Department need to maintain maximum flexibility with regards to moving inmates. I'm not sure how this balances with the need to maintain the integrity of the post secondary program. Any suggestions or solutions would be appreciated.

The second problem that you should be aware of is an apparent change of heart at the University with regards to the agreement to expand the post secondary program to the northern and southeast regions in the fall of 1991. The former administration had been assured that there would be no problem seeking and receiving approval for this expansion through the School of Community and Continuing Education.

I wrote Chancellor Behrend asking for formal University approval for this expansion, and Rich Bentson has also been trying to reach him to pursue this matter. Although it may seem that there is a lot of time to resolve this, there are many activities that must be completed before we can offer the programs outside Anchorage. Interested inmates must participate in placement testing and must apply for Pell Grants as soon as possible. I had also hoped to be able to use funds available through the RSA to purchase and install satellite dishes at Lemon Creek and Fairbanks. Until we know what the scope of services will be, we are unable to begin work on the Memorandum of Agreement and the RSA.

I hadn't intended to be so long winded, Mike and I apologize for providing more information than you probably want or need. I think the post secondary program is going well and anticipate that it will become smoother over time. It is important, however, to address the problems I've identified above. Let me know what avenues you think we should pursue.

CC: J. Frank Prewitt, Jr.  
Deputy Commissioner

Rich Bentson  
Director, Statewide Programs

MMN:plv\stark.m

HESS STANDING COMMITTEE QUESTION  
PRIVATIZATION OF CORRECTIONAL INSTITUTIONS

The Department of Corrections supports the concept of privatizing short term "soft" beds such as Community Resource Centers (CRC's). In regards to what is interpreted as "hard" beds or facilities designed to house and provide treatment and program to long term offenders, there are two considerations. Initially, there is no supporting evidence that privatization will reflect any major fiscal savings, and secondly, there is the question of interpretation of the law which places this responsibility upon the State. For these reasons, the Department does not support privatizing long term, "hard" bed services.

DEPARTMENTS POSITION ON JUVENILE OFFENDERS

The Department of Corrections totally supports the complete separation of juveniles and adults, in both sight and sound. This is in keeping with Federal Laws.

HOW DOES POST-SECONDARY EDUCATION WORK

The Department provides funds to the University of Alaska to make post-secondary educational services available to offenders. The tuition and ancillary costs of taking classes is borne by the offenders through grants-in-aid, scholarships or personal funds.

PROGRESS OF EXAMINING ALTERNATIVES TO INCARCERATION

The Department of Corrections is currently developing a profile of inmates suited for electronic monitoring. This profile should be finalized by early March, 1991. The Department is also assessing its existing furlough program to hopefully expand its usage in the near future. The Department already has an intensive probation supervision program which allows releasing certain offenders earlier because of a team work effort of probation officers maintaining close supervision of offenders.

DOES CORRECTIONS PLAN TO KEEP THE SENTENCING COMMISSION

The Sentencing Commission was enacted into law in the 16th Legislature. The Department has no control over whether or not it continues to exist. Corrections supports the commission and considers it an integral part of the total effort to curb unnecessary growth of prison populations.

## PARITY FOR WOMEN OFFENDERS

The Department has not conducted an extensive and specific parity study on services for female offenders. There was a one day statewide workshop on Female Offenders conducted in December, 1991 by the American Correctional Assoc. Emphasis was placed on the importance of parity to assist in daily interaction and planning.

Corrections has recently hired a Director of Institutions who is well experienced and interested in parity for female offenders. Likewise, the plan to construct a women's facility in the Anchorage Bowl area will enable planning, designing and constructing a facility which specifically addresses parity. The consolidation of women's service within the area of the majority of female offender's residences and available programs will greatly enhance the parity effort.

# MEMORANDUM

ALASKA DEPARTMENT OF CORRECTIONS

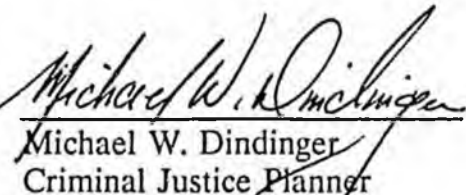
*Office of Policy and Planning*

To: Carl Nickel  
Special Assistant

Date: March 4, 1991

Telephone: 561-4426

Thru:

From:   
Michael W. Dindinger  
Criminal Justice Planner

Subject: Bed Requirements Until the  
Year 2000

As a followup to Friday's telephone conversation between you, Kathy Christy and myself, I am sending the attached chart for your review.

Kathy and I thought that a different approach to bed needs was required when you, Tom Sutton, Steve Schwartz, Kathy Christy and I were on the phone earlier in the day. Your clarification was appreciated and timely. The attached chart provides the basic numbers that you felt were needed at this point in time.

Please let Kathy or I know if you feel that there needs to be any adjustments, further clarification, etc. to the chart provided. Steve and Tom may also want to propose something.

attachment

cc: J. Frank Prewitt, Jr.  
Tom Sutton  
Kathy Christy  
Steve Schartz

**Ten Year Prisoner Population Projection**  
Alaska Department of Corrections

Year	1991	1992	1994	1996	2000
Projected Prisoner Population [using a simple linear model]	2816	2939	3145	3351	3763

Instate Institutional Beds [includes new construction beds]	2477	2523 <sup>1</sup>	2739 <sup>2</sup>	2739	2739
Contract Beds [FBP/CRCs]	359	347	347	347	347
<b>TOTAL AVAILABLE BEDS</b>	<b>2836</b>	<b>2870</b>	<b>3086</b>	<b>3086</b>	<b>3086</b>

Shortfall/Overage in Beds	20	-69	-59	-265	-677
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<sup>1</sup> 46 new beds to be online for the Palmer Correctional Center in the fall of 1991.

<sup>2</sup> 96 new beds planned for the Palmer Correctional Center in 1994; 120 new beds with completion of new womens institution in the fall of 1994.

<sup>3</sup> The chart above is based on an assumption of no increase in funding for community beds.

Projection figures provided by DOC Research Analyst IV 1/25/91 based on best available data; figures for new beds to be on line provided by Facility Planner II.

C:\WP51\STATS\Beds2

# MEMORANDUM

## State of Alaska

TO: Lloyd Hames  
Commissioner

DATE: March 1, 1991

FILE NO:

TELEPHONE NO:

THRU: J. Frank Prewitt, Jr.  
Deputy Commissioner

SUBJECT: Furlough Analysis

FROM: Diane Schenker  
Special Assistant

At the request of the Deputy Commissioner, I have prepared an analysis of the Department's use of pre-release furloughs. The analysis responds to two questions that were recently raised before the House Subcommittee on Finance:

1. Is there a direct relation between length of furlough and failure to comply with laws and conditions?
2. Even if furloughees can be safely placed in CRC's for longer periods than is currently the practice, is the pool of eligible community custody offenders large enough to impact overcrowding?

DS:bk  
Enclosure

## FURLOUGH PROGRAMS/CRC UTILIZATION

### Preface:

Community residential center (CRC) beds are currently underutilized. Out of 289 CRC beds contracted for by the Department of Corrections, 219 are filled with 126 misdemeanants and 93 felons. This is approximately 76% utilization. These figures include probationers placed in CRC's. Out of 90 available beds at Cordova Center, for instance, 74 are filled and only 25 of those are furlougees. A trend toward fewer institutional furlough placements at Cordova Center is reflected as follows: Total number of furlough placements in FY87 = 262, FY 88 = 151, and FY89 = 98.

Noting the decrease in furlough placements, as well as a 52% reversal of furlough denials on appeal to the Deputy Commissioner in the Southcentral Region, in December 1989 the Deputy Commissioner requested a review of furlough screening procedures. The Deputy Commissioner emphasized that length of time to release date is only one factor that must be balanced with the other statutory considerations outlined in Title 33.

AS 33.30.101 lists very specific factors which must be considered in granting a furlough, all of which must be balanced to answer one fundamental question: Is there a reasonable probability that the prisoner can live under reduced supervision without violating the law or furlough conditions? The factors to be weighed include:

1. safeguards to the public;
2. prospects for rehabilitation
3. availability of programs and facility space;
4. future judicial proceedings requiring the presence of the prisoner;
5. the nature and circumstances of the prisoner's offense;
6. the prisoner's needs as determined by the classification committee and any recommendations made by the sentencing court;
7. the prisoner's record of convictions, especially with regard to "offenses against the person";
8. the use of drugs and alcohol by the prisoner;
9. the length of the prisoner's sentence;
10. any violations of previous furloughs;
11. any history of institutional misconduct; and
12. the best interests of the prisoner and the public.

AS 33.30.111 provides that a prisoner sentenced to imprisonment for over one year must serve at least one-third of the sentence and if sentenced to more than five years must be within three years of a release date or have served one-third of the sentence, whichever is later.

Departmental regulations (22 AAC 05.200) further require that a prisoner must be classified community custody and have not been found guilty of a serious infraction within the past 120 days to be eligible for furlough.

Within these confines, it is the Department's policy (818.05) to provide for "graduated release through a systematic decrease in supervision. All prisoners shall be provided a program of release preparation designed to enhance the prospect for successful reintegration into the community. Prisoners will be placed in the least restrictive levels of security and custody consistent with good correctional management." This policy further provides that community custody indicates the prisoner is eligible for the least restrictive housing, programs, and supervision available within the Department, including furlough to a community residential center.

Notwithstanding the latitude provided by statute, regulations, and Department policy, a custom and practice has evolved which limits the length of the average furlough placement to significantly less than three years prior to release. There appears to be an unofficial "policy" that the optimum length for most furloughs is approximately six months or less. This practice seems to be based on anecdotal reports that most felons don't do well in a halfway house for longer periods of time.

Prison overcrowding and the relative costs of imprisonment versus CRC placement call into question this practice.

This paper attempts to answer the questions:

1. Is there a direct relation between length of furlough and failure to comply with laws and conditions?
2. Even if furloughees can be safely placed in CRC's for longer periods than is currently the practice, is the pool of eligible community custody offenders large enough to impact overcrowding?

#### Review of Data on Furlough Success/Failure:

In response to the 1989 inquiry from the Deputy Commissioner concerning screening of furloughees, the Southcentral Office cited a study of furlough placements from January to April 1986. The Southcentral Office claimed that walkaways and furlough removals increased markedly during this four-month period due to the placement of high-risk prisoners (felons) in the community for "longer periods of time." This was attributed to a thrust to maximize CRC beds to offset institutional overcrowding. The study did not include any figures on walkaway/removal rates or lengths of furloughs prior to the study period for comparison.

Data included in the 1986 study showed a total of 1,231 CRC placements in the Southcentral Region from institutions, from January to April 1986. A breakdown of failure rates for each CRC follows:

<u>CRC</u>	<u>INST. PLCMTS</u>	<u>WALKAWAYS</u>	<u>OTHER REMOVAL</u>	<u>TOTAL "FAILURES"</u>	
Clitheroe	21	0	5	5	(24%)
Akeela	8	0	3	3	(38%)
Glennwood	964	1	23	24	(2.5%)
Cordova	238	12	24	36	(15%)
	1,231	13	55	68	(5.55%)

The study did not break down placements by felon or misdemeanor. Assuming, however, that almost all the Glennwood placements were misdemeanants, the figures substantiate that misdemeanor failure rates (2.5%) are much lower than overall felon failure rates if placements at Cordova, Clitheroe, and Akeela are assumed to be mostly felons (44 failures per 267 placements = 16% failure rate). Probation placements at CRC's during this period resulted in a walkaway rate of 20% and a removal rate of 15.5%, for a total failure rate of 35%.

Out of the 13 total institutional placement walkaways, none had been placed on furlough over 7 months prior to release. Over half of the walkaways had been placed on furlough for 3 months or less.

There were no figures on length of furloughs for the 1,231 total institutional placements. Since the total proportion of furlougees placed 3 months or less from release to those placed over 3 months from release is unknown, it is impossible to conclude that those with longer furloughs walked away at a higher or lower rate than those with shorter furloughs. Unlike walkaways, data on removals did not include length of time remaining to release date at the time of furlough placement, so no conclusion can be drawn as to length of furlough correlating to removal rate.

At first glance, the failure rates for residential substance abuse treatment CRC's appear extremely high. However, it is notable that out of the 8 total removals from Clitheroe and Akeela, all but one were removed at the offender's request to return to the institution. Coupled with the complete absence of walkaways from these programs, this means there was only one incident of misbehavior resulting in furlough failure. This was at Clitheroe and the type of disciplinary incident was not

disclosed. Although requesting to return to the institution may create extra work, it does not necessarily imply that an offender posed a risk to the public by being furloughed. If those who requested return to the institution were subtracted from the "failure" rate, Clitheroe and Akeela's failure rates would then be 4.7% and 0% respectively. It should also be noted that since Akeela House was an approximately 18-month program, furlough placements there were relatively long term.

Removals based on the offender's request to return to the institution or for medical reasons comprised only .9% at Glennwood and .8% at Cordova. Thus, the "failure" rates at those CRC's can be considered quite accurate as shown in the table above with respect to actual misbehavior.

The fact that the total failure rate at Glennwood is significantly lower than the total failure rate at Cordova does suggest that felons fail at a higher rate than misdemeanants, which is not at all surprising. However, this does not answer any questions about the relative length of furlough placement for felons in regard to success or failure on furlough prior to or during the 1986 study.

The single most common reason for removal from either Glennwood or Cordova was substance abuse: 39% of the removals from Glennwood and 71% of the removals from Cordova were due to dirty UA's/BA's or drug contraband.

Currently the CRC's keep statistics on total admissions, violations, walkaways, and administrative removals. These are broken down by furlough/probation/parole/misdemeanant categories with regard to violations but not walkaways. There is no data on the length of furlough placement with regard to success/failure.

However, from January 1988 to January 1991, Cordova Center, the CRC with the largest capacity for accepting furloughees, reported 252 furlough completions. These were not broken down by institutional versus probation placement, nor by felon versus misdemeanant. Out of 252 placements, 215 offenders were placed at Cordova with less than six months to release (85%) and 37 were placed with 6 to 24 months to release (15%). Out of 13 total walkaways, 11 had been placed with 6 months or less to release and 2 had been placed with over 6 months to release. Thus, the first category had a walkaway rate of  $11 \div 215 = 5.1\%$ , and the second group had a walkaway rate of  $2 \div 37 = 5.4\%$ . (These figures were provided by phone conversation from Cordova Center without any substantiating paperwork on the figures).

Little data was available on removal rates except that 5 of the 37 offenders in the over-six-months category were transferred or returned to institutions for unknown reasons (14%) and 5 were

returned to institutions for substance abuse (14%). Removal rates for offenders placed under 6 months were not available for comparison.

A request for further data regarding length of furlough and correlation to success or failure was requested from the National Institute of Corrections. No such data is available.

#### Current Community Custody Figures:

Out of approximately 2,402 total prisoners incarcerated in correctional centers, there are currently 110 who are community custody. Of the 110 community custody prisoners, 80 are incarcerated in the Southcentral Region, 19 in the Northern, and 11 in the Southeast.

With less than 5% of the total incarcerated population being community custody, Alaska still exceeds the national average, which is 3.7% community custody.

#### Conclusions:

1. The available data does not substantiate the supposition that longer furloughs (over six months) are directly related to higher failure rates.
2. One factor that does correlate highly with furlough failure is substance abuse. Substance abuse was the reason for 26 out of 47 removals from Glennwood and Cordova Center (55% of all removals). Residential substance abuse programs, at the same time, had the lowest failure rates and no walkaways during the January to April 1986 study. Interestingly, the Clitheroe Center is the only CRC under contract with the Department of Corrections that provides residential substance abuse treatment. The Clitheroe and Glennwood programs are also the only CRC's currently utilizing 100% of contracted beds.
3. Even if the Department increases the average length of furlough placement, the small percentage of community custody offenders currently incarcerated suggests that the overall impact on overcrowding would be minimal.

#### Recommendations:

1. While it appears that there is no correlation between length of furlough and success or failure in furlough programs, additional data would be needed before any conclusion can be

drawn. Whether or not data can be found based on national studies or studies in other jurisdictions, it is imperative that such data be collected locally. In the interim, CRC contracts should be amended to include reporting requirements with regard to successful and unsuccessful furlough completions each year. This should be broken down by type of crime, length of time remaining to release at the time of furlough placement, institutional versus probation placement, and any other factors considered likely to impact success or failure. Reported removals should include reasons for removal.

2. Institutional probation officers, superintendents, and the Director of Institutions should be informed, in writing, that there is neither an official nor an unofficial Department policy restricting prisoners from consideration for furlough other than as defined in Department Policy 818.02. While time remaining to serve is not to be discounted, employees should be informed that it is not the critical determinant, but should be viewed in context with many other considerations. Each furlough application needs to be reviewed on its individual merits, not under the supposition that there is any distinct class of applicants which should be arbitrarily limited to a three-, six-, or twelve-month ceiling.
3. Given the current underutilization of CRC beds, it is recommended that each institution be asked to review its community custody offenders and provide a very brief explanation as to what prevents each offender from being placed in a CRC bed. If there are few community custody offenders who can reasonably and safely be furloughed, a reduction in CRC contract beds should be considered. Community custody prisoners who are not reasonable risks for furlough placement should have their custody statuses reviewed, given that eligibility for furlough placement is part of the Department's definition of community custody.
3. Even if CRC beds need to be reduced due to lack of utilization, it is recommended that residential substance abuse program beds be considered for increase, due to current utilization rates, as well as the lower failure rates according to the 1986 study. (This may require substantiation by the data recommended for collection from CRC's above). It is further recommended that long term substance abuse treatment beds, such as Akeela House, be sought for contracting, as well as any similar residential program beds in other geographical areas of the state.
4. In considering an offender for furlough placement, very careful consideration should be given to the offender's

substance abuse history and how he/she has addressed it during incarceration. Placement in a residential substance abuse treatment program prior to regular CRC placement should be a primary consideration for any offender whose criminal history is drug/alcohol related.

5. Nothing in this paper should be construed to suggest that felons should be furloughed without careful screening as to risk factors simply to fill contracted beds. It is recognized that the success of any furlough program rests upon the perception that furloughees are carefully screened to prevent undue risks to public safety. The correctional and contract facility staff who have been responsible for furlough screening should be commended on the very low failure and walkaway rates which have been reported in the past. Diligent screening has fortunately spared the Department of Corrections the disastrous effects experienced in many other jurisdictions when a furloughee commits a heinous crime resulting in severe violation of the public trust. This invariably results in public demands for severely narrowing furlough eligibility requirements, ultimately worsening the overcrowding problem that more liberal furlough policies seek to alleviate.

# MEMORANDUM

# State of Alaska

TO: Lloyd Hames  
Commissioner  
Department of Corrections

DATE: March 5, 1991

FILE NO:

TELEPHONE NO:

THRU: J. Frank Prewitt, Jr.  
Deputy Commissioner

SUBJECT: Electronic Monitoring/  
Home Arrest

FROM: Diane Schenker  
Special Assistant

At the request of the Deputy Commissioner, I have prepared a response to some inquiries from legislators regarding the potential use of electronic monitoring as an alternative to incarceration.

This analysis attempts to address the following questions:

1. Would an electronic monitoring program enable the Department of Corrections to better accomplish its mission of public protection and reformation of offenders?
2. What is the cost effectiveness of such a program?
3. What types of offenders, under what conditions, would be most suitable for electronic monitoring?

DS:bk  
Enclosure

## ELECTRONIC MONITORING/HOME ARREST

### Preface:

The Department of Corrections has received several inquiries from legislators, judges, and others interested in the use of electronic monitoring/home arrest (EMHA) as a sentencing/incarceration alternative.

The following discussion responds to specific questions raised by Senator Steve Frank and Representative Loren Leman. The issues raised and conclusions drawn in this discussion are not intended to be a definitive work on the subject, nor does the discussion necessarily represent the Department's final word on the subject.

Electronic monitoring is a relatively new advancement in the field of corrections, and the following represents preliminary thoughts on the matter.

A review of literature from the National Institute of Corrections and reports from other jurisdictions using EMHA is underway. A pilot project to familiarize selected Department of Corrections staff with the equipment and monitoring procedures is scheduled for March 1991. The equipment has been made available to the Department of Corrections for 30 days by one of the electronic equipment vendors, at no cost to the Department of Corrections.

Questions to be addressed are:

1. Would an EMHA program enable the Department of Corrections to better accomplish its mission of public protection and reformation of offenders?
2. Would EMHA be more cost effective than other sentencing alternatives in accomplishing this mission?
3. What types of offenders, under what conditions, would be the best candidates for such a program?

### How the Equipment Works:

There are two basic types of equipment available. The first is a continuously signaling system which constantly monitors the offender. A transmitter is strapped to the offender which broadcasts an encoded signal to a receiver in the offender's home. The receiver is connected by telephone to the central office computer or basic unit. A signal is received indicating the offender's presence or absence or, with most systems, any tampering with the equipment, such as an offender's attempt to remove the transmitter from his/her person. The main computer

generates a violation report anytime the offender leaves home at an unauthorized time or arrives home late from an approved absence, or attempts to tamper with the equipment. The second type of equipment involves computer generated phone calls to the offender's residence, at either random or specific intervals. The offender is required to verify his/her presence by inserting an encoder device into a box attached to the phone, or to answer a series of questions to verify his/her identity. The need for the offender to wake up and verify his/her presence during normal sleeping hours is a significant drawback to this second type of device.

Equipment can be leased or purchased from various vendors.

A number of technological problems have been alleviated during the past five years. There remains some potential for transmission problems relating to weather, phone and power failures, and blockage of signals due to some iron and steel structures.

#### How Electronic Monitoring is Used:

Most jurisdictions currently using electronic monitoring do so in an effort to alleviate jail or prison overcrowding. EMHA programs have been used to monitor pre-trial detainees, offenders on work release, and intensive supervision parolees/probationers whose violations might otherwise require incarceration. EMHA is usually used as a sentencing alternative to enable certain offenders to avoid incarceration, rather than to enhance the supervision of offenders who would otherwise be placed on regular probation, due to the costs involved.

Most programs involve a sheriff's office, correctional agency, or private contractor to orient the offender and to install the equipment. A schedule is written indicating when, and for what reason, the offender is allowed to leave his/her home. This schedule is usually reviewed by the supervising agency on a weekly basis, at the same time equipment is checked.

Violation reports and responses vary. In the past, there have been numerous false alarms for violations of curfew (due to equipment problems) which involved excessive staff response time. This problem is continually being lessened with technological development of better systems.

Depending upon the nature of the offender, and the staff available to respond to such alarms, response times vary greatly from program to program. Some curfew violations generate a written report from the main computer, with no staff response until the beginning of the next regular working day. Other

programs use 24-hour contract staff to make immediate initial investigation short of going to the offender's home, such as attempts to clarify the circumstances of the violation report by phone contact with the offender. The contract staff then decide which situations require a response from law enforcement or correctional staff and contact an "on-call" agent for further response.

There is a potential for liability problems if response to a violation is not timely. The receipt of information that an offender may be violating EMHA conditions creates an obligation to act on that knowledge. Failure to do so could result in litigation from a victim of an offender whose violation of curfew has been reported but ignored, or unreasonably delayed.

Offenders can be placed on an EMHA program by the sentencing judge, parole board, and/or sheriff's office/correctional agency depending upon the statutes in a given jurisdiction.

Consequences of curfew violations vary among jurisdictions and in specific cases, from verbal warning to more restrictive curfews, to placement in a halfway house or correctional facility.

Limitations on the length of time an offender can be electronically monitored vary from several months to one year, with most programs limiting the period to approximately six months or less. Successful completions of EMHA programs appear to be generally similar to success rates for completion of other forms of community release. Recidivism has been lowest in programs which respond promptly and definitively to any violations. Thus, EMHA, if properly administered, enables the monitoring agency to accomplish what has long been regarded as one of the most effective deterrents of criminal behavior: knowledge by the offender that a violation will be almost certainly detected and that the response will be swift and sure.

Caveats offered by jurisdictions which have reported on their initial pilot programs include:

- \* plan procedures carefully
- \* begin slowly
- \* expand program as experience is gained
- \* don't include violent or sex offenders
- \* field test equipment before program implementation
- \* develop tight performance contract with vendor
- \* beware of community reaction if using EMHA for violent offenders
- \* use with offenders needing little supervision
- \* probably not effective with high risk offenders
- \* use it on offenders who have served some jail time
- \* don't use it on offenders "you don't know"

EMHA and Sentencing Goals:

AS 12.55.005 declares that in imposing a sentence, the court shall consider six separate criteria, often referred to as the "Chaney criteria":

1. The seriousness of the defendant's present offense in relation to other offenses:

Not surprisingly, virtually all jurisdictions using EMHA restrict the program to offenders considered to have committed the least serious types of offenses. Violent felons are normally included in an EMHA program only after establishing a good institutional record during a period of incarceration. EMHA is used only as a pre-release measure in such cases. Successful completions of EMHA programs have been higher among less serious or lower risk offenders.

When EMHA is available as a sentencing option, some judges use it for "low risk" offenders who would otherwise have qualified for regular probation. This "net-widening" approach increases correctional budgets. In addition to the higher daily cost of EMHA, improved monitoring usually results in higher rates of apprehension of violations. This in turn drives up the numbers of incarcerated offenders. Although EMHA can enhance the probation officer's supervision of an offender, it is overly restrictive and overly expensive for most probationers. EMHA use for probationers is generally recommended only where a probationer would otherwise be incarcerated due to failing to comply with his/her conditions.

2. Prior criminal history and likelihood for rehabilitation:

Most EMHA programs exclude offenders who have prior escape records, including unlawful evasion or failure to appear. Electronic monitoring is effective in detecting that an offender has absconded, but unlike incarceration, offers no means of preventing an escape.

Further, an EMHA offender who absconds takes with him/her some costly equipment.

Offenders whose criminal histories indicate a high risk of substance abuse-related crime are poor risks for EMHA. Alcohol and other drugs which remain in the system a relatively short period of time would not be as effectively detected by urinalysis testing alone as by testing combined with daily staff observation in a community residential center (CRC) or prison. The EMHA program monitors an offender's presence in the home, not his/her

activities, physical condition, or association with unauthorized people. This form of monitoring is more effectively performed in a supervised residential setting.

EMHA programs can be of significant help in accomplishing rehabilitation aims. EMHA allows the offender to continue or resume employment, as well as participate in various other rehabilitative programs available in the community which are not available within the prison system. Offenders have greater access to a positive support system of family and friends on EMHA than during incarceration. EMHA may prevent "hardening" of first-time offenders which may occur as a result of being housed with more serious, dangerous, or long-term criminals.

EMHA would not offer as high a degree of structure as community residential center (CRC) placement and would, therefore, be of less rehabilitative value to those offenders who have little or no support system established with the community. Offenders who need personal attention and frequent interaction with staff in order to comply with laws and release conditions would be better served by CRC than EMHA placement as an alternative to incarceration. Some offenders would benefit from initial CRC placement and could graduate to EMHA after establishing employment and other support systems in the community.

3. The need to confine the defendant to prevent further harm to the public:

Offenders with low impulse control, a tendency toward violence, an indication of substance abuse problems, or a history of failure to comply with previous release conditions most likely require confinement by incarceration to best ensure prevention of further harm to the public.

Offenders whose crimes are typically committed in the home should also be considered poor candidates for confinement at home (e.g., sex offenders whose victims are family members or acquaintances, domestic violence perpetrators, some drug or stolen property traffickers, etc.).

On the other hand, offenders whose crimes typically require leaving home, such as some types of theft, burglary, DWI, etc., may be effectively deterred by strict enforcement of EMHA curfews; however, many of the crimes which fall into this category are eliminated from consideration due to variables mentioned above and below, such as seriousness of the crime, public condemnation, or substance abuse problems on the part of the offender.

An offender's curfew schedule can be mildly confining, allowing absences for employment, treatment programs, or personal errands, or an offender can be placed on stricter confinement

with exceptions only for emergencies and religious service participation. EMHA participants, however, are allowed out of the home and into the community at least briefly, so an offender who presents such serious risk of harm to the public that total confinement is required cannot be well served by use of EMHA.

4. Circumstances of the offense and the extent to which the offense harmed the victim or endangered public safety or order:

Strict victim notification procedures need to be part of an EMHA program, as currently provided for in Department of Corrections policy regarding an offender's placement in a CRC following incarceration. A victim's remarks at sentencing must also be weighed in determining the need for incarceration versus some type of community release.

Offenses involving a danger to public safety are obviously less likely to involve EMHA sentences than those which pose a threat to public order.

5. The effect of the sentence to be imposed in deterring the defendant or other members of society from future criminal conduct:

The degree to which being sentenced to EMHA can be considered a deterrent relates directly to the offender's and the public's perception of how lenient or punitive an EMHA program is. Many of the factors heightening EMHA's usefulness in rehabilitation detract from its value as a deterrent. Loss of employment, separation from family and friends, and the stigma of imprisonment are deterrents that are unavailable to the EMHA program.

Most EMHA programs restrict the offender from activities that would be prohibited in jail/prison even if they do not directly relate to the crime. For example, abstaining from drugs or alcohol is often an EMHA requirement regardless of substance abuse history because this conduct is universally prohibited during incarceration.

Again, the degree of restriction can be structured at sentencing to increase deterrent value. Restrictions on types and hours of employment and little or no allowance for personal errands or social events give an EMHA program more credibility in terms of deterrence value. Some programs require offenders to live with carefully screened "hosts" to eliminate the need for an offender to leave home to buy groceries or run other errands. In most instances, deterrence can be enhanced by combining EMHA with other sanctions, such as a minimal period of incarceration, community service, or fines. When the cost of EMHA is borne by

the offender, there is a greater possibility of deterrent effect. In fact, some offenders have refused the EMHA option because it required them to pay for their own medical and living expenses, as well as the cost of equipment, none of which is borne by offenders when incarcerated.

6. The effect of the sentence to be imposed as a community condemnation of the criminal act and a reaffirmation of societal norms:

Regardless of potential cost savings to the public and in spite of careful screening to eliminate offenders who pose significant risk to the public safety, EMHA may be inappropriate for certain high profile offenses or classes of offenses. EMHA is unquestionably less restrictive than a prison sentence and can therefore be viewed as a lesser condemnation of an offense when used as an alternative sentence.

Some jurisdictions count one day of incarceration as the equivalent to three (or more) days of EMHA for purposes of weighing deterrence and community condemnation in sentence determination.

Costs:

Approximate costs of current forms of correctional supervision in Alaska are:

Incarceration	\$80.00/day
CRC	44.00/day
Intensive Supervision	10.00/day
Probation	4.81/day

Costs vary according to geographical locations. These figures do not include the costs of rehabilitative programs offered in each setting.

Equipment costs vary from approximately \$2.50 to \$10.00 per day depending upon the sophistication of equipment and utilization levels of equipment that has been purchased or leased. The cost of equipment per offender does not depend upon the number of units leased, and there is no minimum number of units required to lease from some vendors. The importance of an accurate estimate of usage is underscored by a program in South Carolina which contracted for twenty EMHA units. At full utilization, the cost would have been \$7.78 per day per offender, but the average actual cost was \$49.70 per day per offender due to underutilization of equipment. In this case, the cost exceeded that of incarceration.

Administrative costs can be prohibitive if there are not enough EMHA's to maximize staff training and availability. Staff costs include monitoring transmissions, hooking up and checking equipment, transportation in response to curfew violation and tampering alarms, record keeping, setting up curfew and employment schedules, collecting offender fees (if applicable), and in some cases, urinalysis testing. Most of the staff duties can be accomplished by contract personnel at lower cost than state correctional staff; however, responding to violation/tamper alarms by home visits and processing violation paperwork and arrests require correctional staff.

Several programs report full recovery of EMHA costs by collecting fees from the offenders. A program in Washington even reported surplus funds as a result of EMHA. Other programs report that hidden administrative costs make EMHA more expensive if offender fees are based solely on the costs of leasing and maintaining the equipment. Almost all programs emphasize the importance of collecting offender fees on an ability-to-pay sliding scale rather than a flat fee. This circumvents otherwise inevitable civil rights litigation.

Offenders monitored by EMHA must have a telephone. It is unclear at this point whether or not offenders can legally be eliminated from consideration for EMHA if they cannot afford a phone. If the Department of Corrections has to pay for a phone, as well as other program expenses, the cost effectiveness is again decreased.

#### Conclusion:

Some states allow judges to place pre-trial detainees on EMHA. Because such decisions rest with the courts, the impact on Corrections is more difficult to judge, but it would ease pre-trial populations. The caveats from other jurisdictions to "know the offender" and to use EMHA on those who have already done some jail or prison time suggest caution in using EMHA as a "front end" diversion method.

EMHA most resembles the level of restriction and supervision that is currently offered by placement in a community residential center: the offender is able to move about in the community on a limited basis to go to work or other approved appointments, and is otherwise subject to a daily curfew at the residence. The offender is subject to paying for at least some of the cost of the EMHA program, as are most CRC residents.

It is, therefore, recommended that candidates for EMHA be required to fit the criteria currently established for placement in a restitution center, misdemeanor contract facility, or pre-

release halfway house (AS 33.30.091-33.30.121; 22 AAC 05.316-05.326). This would be a minimal level of screening to ensure that EMHA would not present an increased risk to the public safety, since EMHA allows at least as much access to the community as most CRC placements.

EMHA candidates would also need to be screened to determine the level of family and community support systems that would be substituted for the daily contact with CRC staff. Those requiring a higher degree of structure and interpersonal guidance would probably be better supervised in the CRC, as would some of those at high risk for substance abuse or those with a history of escape.

The best use of EMHA is probably in cases where the goal at sentencing is deterrence and condemnation rather than protecting the public from immediate risk of harm. The restriction afforded by EMHA can be sufficiently punitive for some offenders, while enabling continuation of employment, family support, and some community rehabilitation programs. In these cases the offender bears a number of costs that would otherwise be paid for by the Department of Corrections in a prison or CRC setting.

At present there are approximately 219 offenders in CRC beds in Alaska, of which 126 are misdemeanants and 93 are felons. The CRC beds are not being fully utilized at present, so diverting offenders from CRC's to EMHA would be unlikely to result in an actual decrease in prison populations at this point.

Before implementing an EMHA program, careful consideration of the CRC offender profiles is needed. This should include a review of the amount of money currently collected from offenders who are charged a third of their income to cover halfway house placement. This would help predict the proportion of offenders who could be charged for EMHA costs.

Once an estimate can be made concerning the number of viable EMHA candidates currently occupying CRC beds, the Department of Corrections will be able to estimate the comparative cost savings based on EMHA expenses for equipment from various vendors. If there aren't enough offenders in the system who could be safely supervised on EMHA, it is doubtful the program would be a cost effective alternative to the current use of CRC placement. The most inappropriate reason to begin an EMHA program is to have "equipment in search of a program." Low numbers of acceptable candidates will result in high monetary costs and/or costs to public safety when inappropriate offenders are placed on EMHA in order to push the numbers up to recover financial outlay.

If a small number of offenders can be placed on EMHA without excessive staff costs, a program may be worthwhile even if it

operates at a fairly high daily cost initially. Familiarization with equipment and program design during a small pilot program would enable the Department of Corrections to safely plan for a larger and more cost effective program involving more offenders at a later time. This would be particularly useful in the event that prison overcrowding necessitates the emergency release measure outlined in the Cleary v Smith Final Settlement Agreement. In this case a significant number of offenders could be released into the community under alternative forms of supervision.

THE PRECEDING PAGES WERE TREATED AS  
A UNIT IN THE ORIGINAL FILE.

STATE OF ALASKA

DEPARTMENT OF CORRECTIONS

WALTER J. HICKEL, GOVERNOR

REPLY TO:

P.O. BOX T  
JUNEAU, ALASKA 99811-2000  
PHONE (907) 465-3376

RECEIVED  
MAR 15 PM.

March 11, 1991

The Honorable Rep. Lincoln  
Co-Chair House HESS Committee  
PO Box V, Juneau, AK 99811

Dear Rep. Lincoln:

Attached are responses to two additional questions posed by the House HESS Committee.

If you have additional concerns, please do not hesitate to contact this office.

Sincerely,

LH by 

Lloyd Hames,  
Commissioner

cc: HESS Committee Membership

# MEMORANDUM

State of Alaska

## DEPARTMENT OF CORRECTIONS

TO: Carl Nickel  
Special Assistant

DATE: March 8, 1991

THROUGH:

FILE NO: CarlNick.mem

FROM: Rich Bentson   
Director of Statewide Programs

TELEPHONE NO: 561-4426

SUBJECT: HESS Commission  
Questions

### PROGRESS ON MENTALLY ILL HALF WAY HOUSE

During the current week the Department of Corrections received approval for sole source authority to negotiate a contract for the CRC Mentally Ill half way house with Allvest, Inc. This authority was obtained as a result of having requested proposals for the mentally ill half way house on two different occasions and on both occasions the proposals were almost double the amount of funds available for this project. We are hopeful of being able to negotiate a contract with Allvest within the requested budget limits of \$800,000 per year. Negotiations with Allvest, Inc. will begin in approximately one week.

### DO YOU BELIEVE THAT HEALTH CARE FOR INMATES IS BETTER FOR THEM THAN IT IS FOR THE AVERAGE MAN ON THE STREET?

I honestly do not know and honestly do not have an opinion.

RAB:pl\carlnick.mem

REPORT TO THE  
SEVENTEENTH ALASKA STATE LEGISLATURE

ALASKA DEPARTMENT OF CORRECTIONS

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PATTERNS OF GROWTH AND STAFF ANALYSIS

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Lloyd F. Hames  
Commissioner

J. Frank Prewitt, Jr.  
Deputy Commissioner

Walter J. Hickel, Governor

Article I, Section 12 of the Alaska Constitution provides for a correctional system that is based on principles of public protection and the need for offender reformation. In simple terms, the mission of corrections has traditionally been achieved through isolating prisoners, supervising probationers and parolees and providing the resources for behavioral reform.

This mission is accomplished primarily through personal services and capital expenditures. But the number of employees and extent of facilities required to accomplish our mission is largely controlled by external forces. For corrections, the adequacy of a prison environment and its rehabilitation programs are largely defined by case law and legislation. Likewise, the degree of security necessary to afford reasonable public protection is controlled by national correctional standards and appellate court decisions.

The primary distinction between the Department of Corrections and other departments of State government is the difference between "necessary" and "beneficial" services. Much of the liberal/conservative debate revolves around the size and intrusion of government on private life through the provision and, at times, imposition of "benevolent" services. But corrections does not provide a mere beneficial service to the people of Alaska. The business of public protection is a vital and necessary State service that demands efficient management and adequate funding.

J. Frank Prewitt, Jr.  
Deputy Commissioner

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*Penal administration shall be based on the principle of reformation and upon the need for protecting the public.<sup>1</sup>*

## **Introduction**

Under Alaska's constitution, the principles of reformation and the necessity of protecting the public constitute the touchstones of penal administration. The operation of the state penal system is dependent upon a properly staffed and functioning department which has, in addition to probation and parole functions, the responsibility for treatment, rehabilitation, and custody of incarcerated offenders.<sup>2</sup> The goals anticipated by these broad constitutional standards include

- rehabilitation of the offender into a noncriminal member of society
- isolation of the offender from society to prevent criminal conduct during the period of confinement
- deterrence of the offender after release from confinement or other treatment

The State Constitution and appellate court decisions do not imply that Penal administration of justice would be inexpensive. In fact, Alaska ranked second in the country, behind Washington, D.C., in the amount of state and local revenue consumed on justice systems.<sup>3</sup> There are, however, many factors which drive the cost of criminal justice. For corrections, serious consideration must be given to the consequences of understaffing, inadequate training and idle time for prisoners.

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<sup>1</sup> Constitution of Alaska, Art. I, § 12

<sup>2</sup> State v. Chaney, Sup. Ct. Op. No. 653, 477 P.2d 441 (1970)

<sup>3</sup> Alaska Sentencing Commission, 1990 Annual Report to the Governor and the Alaska Legislature, December 1990, pg. 27.

## Camp Hill

On October 25 and 26, 1989, the Pennsylvania Department of Corrections experienced an all-too-frequent occurrence in corrections: massive inmate riots at the State Correctional Institution at Camp Hill, Pennsylvania. Pennsylvania Department of Corrections lost complete control of its facilities. The takeover resulted in staff being held hostage, buildings burned, and millions of dollars in damage to real and personal property.<sup>4</sup> This was a riot that could have been foreseen. Some of the foreseeable conditions related to management style and limitations of the physical plant. Others turned on agency policy and the discretionary decisions of people only peripherally related to the management of the institution. Still others were a result of budgeting and resource issues. But taken together, the following factors placed Camp Hill at risk in October, 1989:

- ★ Overcrowded facilities
- ★ Idle prisoners
- ★ Inadequate security
- ★ Lack of programs
- ★ Understaffing
- ★ Poor staff training
- ★ Substandard facilities

Since the Camp Hill incident, the Pennsylvania State Legislature has considered the construction of a new super-max facility that will have a prisoner to staff ratio of one-to-one. The new facility is expected to cost \$100,000 per bed to construct. One of the purposes of the new facility is to remove dangerous, assaultive prisoners from the general population and lock them down.



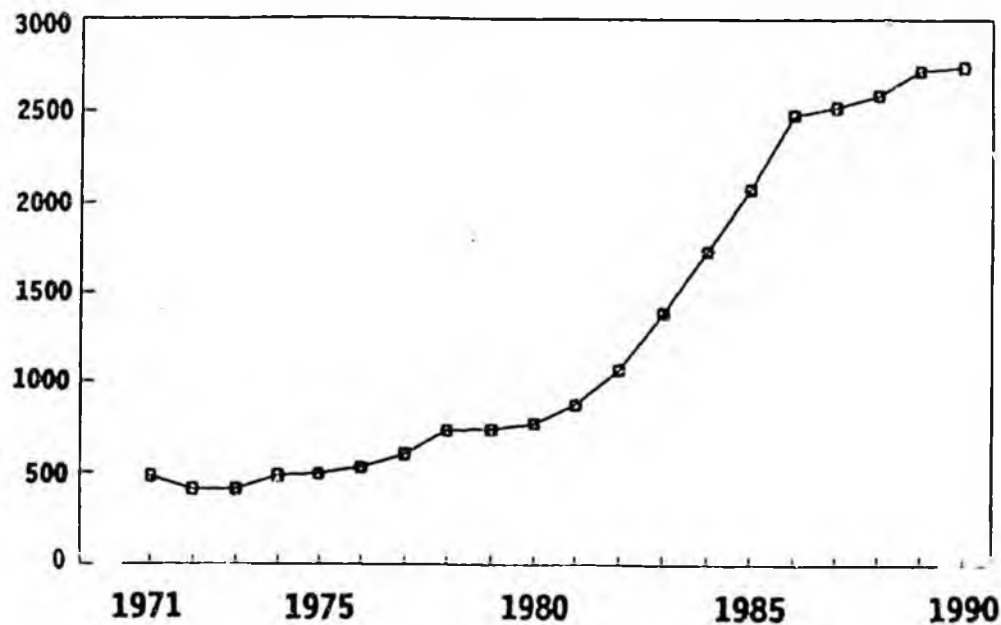
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<sup>4</sup> After Camp Hill: The Keys to Ending Crisis, Report by the Senate Judiciary Committee of Pennsylvania

## Prison Population and its Relation to Population Growth

Alaska's adult prison population has more than tripled since 1980. For the years 1980-1988, Alaska had the largest per capita increase in prison population in the country (230% for prisoners with one year or more to serve).

### GROWTH OF THE ALASKA PRISON POPULATION

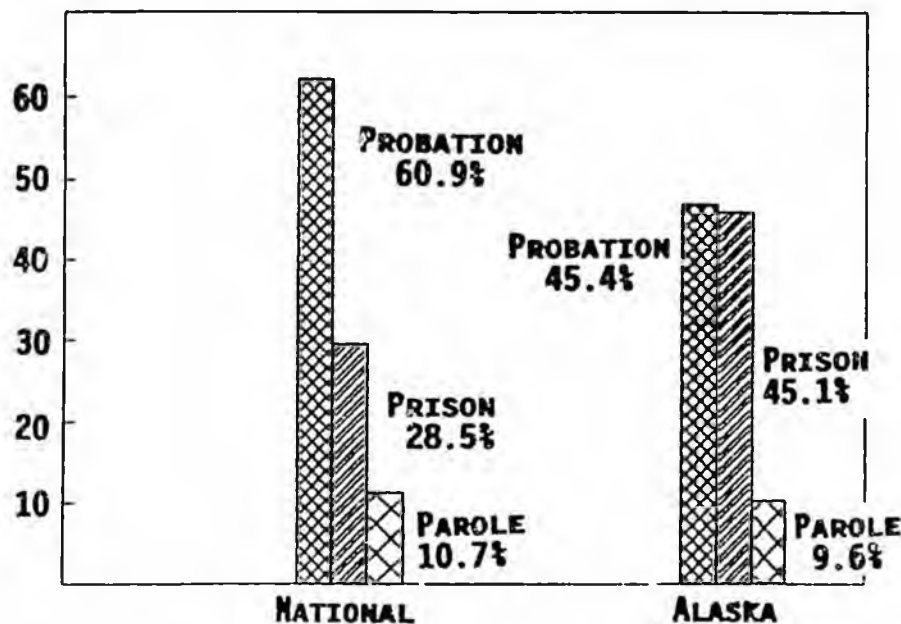


This simply means that over the last ten years Alaska has incarcerated more of its citizens, for longer periods of time, than any other state in the union.

<p>Currently Alaska is ranked 4th in the nation in the level of incarceration per 100,000 population.<sup>5</sup> Over the last ten years, since the revision of the criminal code in 1980, Alaska has incarcerated more of its citizens per capita than any other state in the United States based upon our "get tough on crime" philosophy. Other factors affecting prison population growth include demographic changes in the state and the economy. In addition, changes in sentencing patterns increase the length of time served by each prisoner and reduce the availability of mechanisms for early release, such as good time credit and discretionary parole. Before 1980, most felons were eligible for discretionary parole. Prisoners serving presumptive sentences are not eligible for parole, thereby directly impacting the increased need for bedspace.</p> <p><i>Note: Washington and Oregon were added only as sister states and not as comparable systems.</i></p>	States	Rate
	ALASKA	354
	Delaware	374
	Hawaii	139
	Minnesota	68
	Nebraska	136
	New Mexico	179
	Oregon	228
	Rhode Island	138
	Washington	134
	National Average	260

Our "get tough on crime" philosophy has resulted in sentencing people to prison as often as probation. Based on national figures, we use incarceration almost 17% more than the national average.<sup>6</sup>

**PERCENTAGES OF INDIVIDUALS ON PROBATION, IN PRISONS AND ON PAROLE (1/1/90)**



<sup>5</sup> National figures are taken from the National Institute for Justice Construction Bulletin, August 1990.

<sup>6</sup> The Corrections Yearbook, Probation and Parole - 1990, Criminal Justice Institute, South Salem, New York.

Alaska has the highest percentage of prisoners and the lowest percentage of probationers among comparative systems.<sup>7</sup>

States	Probationers	Prisoners	Parolees
ALASKA	45.4	45.1	9.6
Delaware	69.7	22.7	7.6
Hawaii	53.6	30.8	15.0
Idaho	60.1	35.3	4.6
Minnesota	57.3	38.5	4.2
Nebraska	84.6	12.6	2.8
New Mexico	50.7	36.2	13.0
Oregon	68.4	20.3	11.3
Rhode Island	80.0	16.5	3.5
Washington	74.1	19.8	6.1
Wyoming	58.9	33.2	8.0

Oregon and Washington were added only as sister states and not as comparable systems.

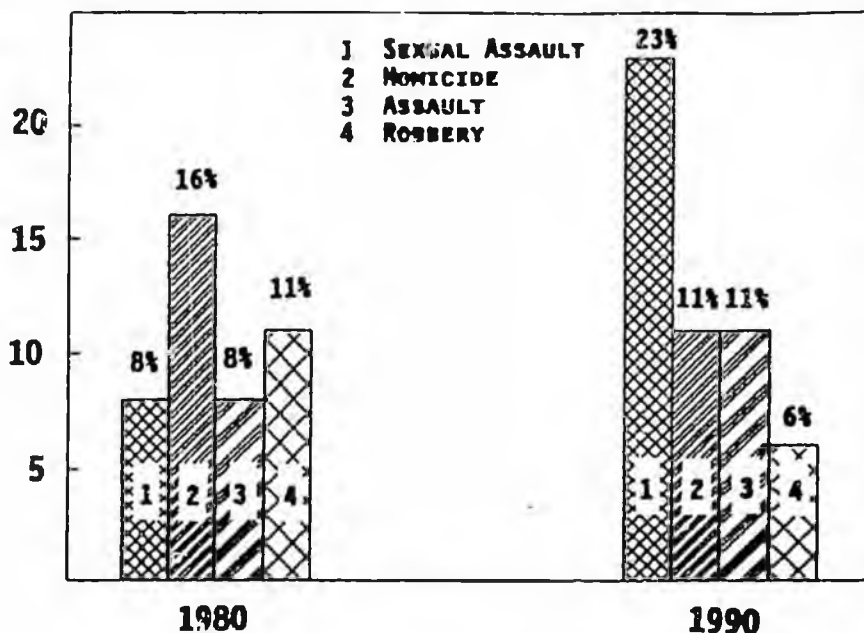
Simply put, Alaska courts utilize probation as a sentencing alternative 20.3 percent less than elsewhere in the nation. Conversely, the court places individuals in prison an average of 19.3 percent more than other comparable systems. This uniquely Alaskan phenomenon, combined with our demographic diversity, has driven the proportionate cost of "doing corrections" to one of the highest in the nation.

<sup>7</sup>

The Corrections™ Yearbook, Probation and Parole - 1990, Criminal Justice Institute, South Salem, New York

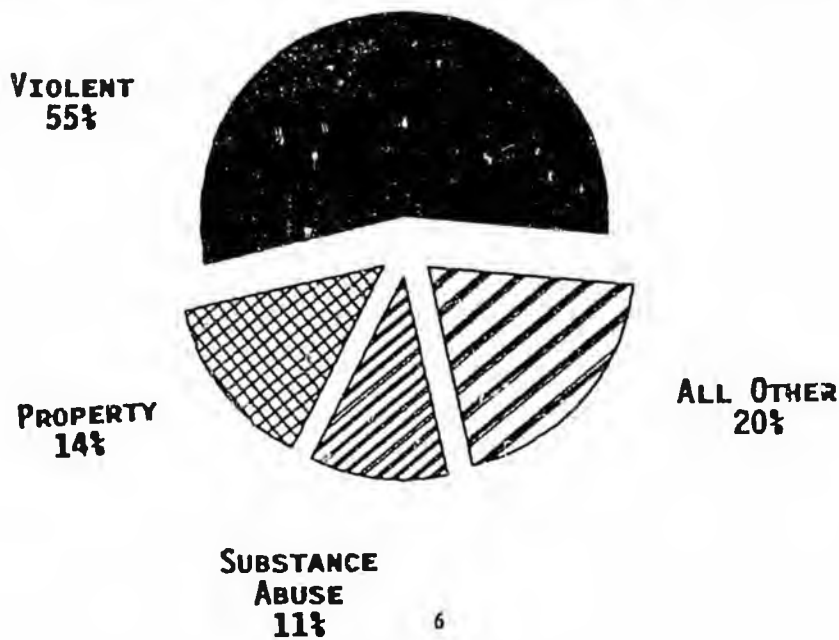
### Types of Crimes

Part of the reason for our high level of incarceration is the type of crimes committed in Alaska. At the end of 1990, the Alaska Department of Corrections housed more than 2,700 prisoners, mostly felons. Approximately 23% of these prisoners were being held for sexual assault, 13% for probation or parole violations, 11% for murder or manslaughter, 11% for assault, 8% for burglary, and 6% for robbery.



PERCENTAGE OF PRISONERS FOR VIOLENT TYPE CRIMES

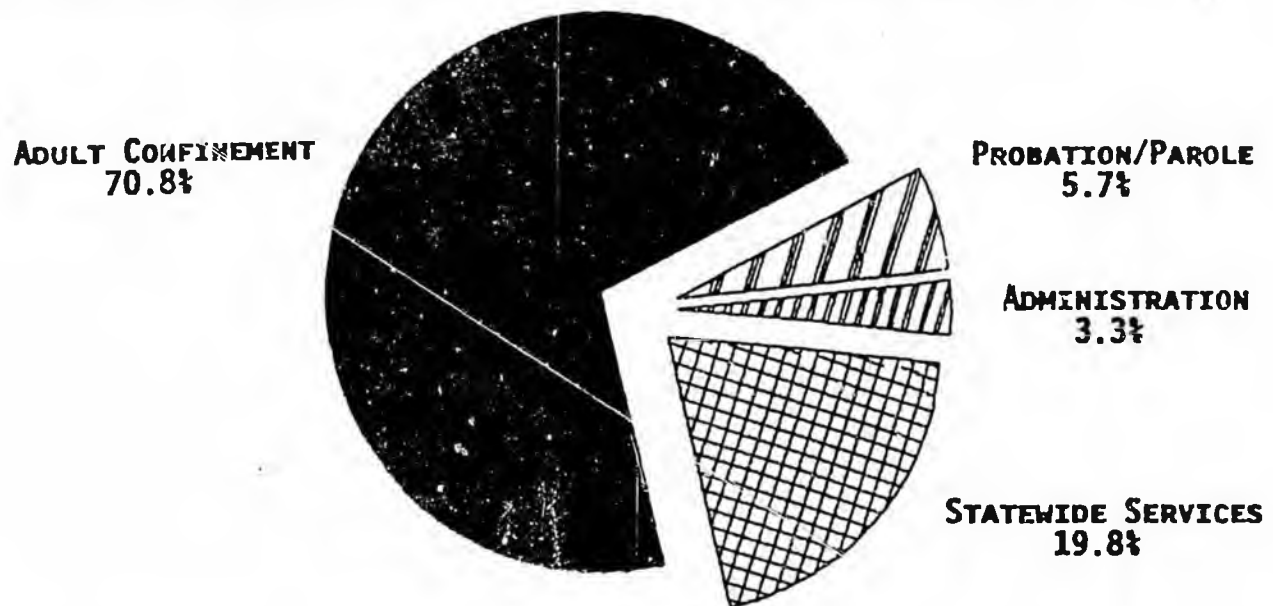
Violent prisoners accounted for 55% of the population. Theoretically, a revision in the State's sentencing practices could provide less costly alternatives for the 45% of non-violent prisoners who now occupy expensive institutional beds. These offenders represent an opportunity for private sector innovation and direct compensation to victims and the public.



## Growth of the Corrections Budget

Logically, the Department of Corrections' operating budget has tracked the growth trends of its prison population. The Bureau of Justice Statistics confirms that spending for civil and criminal justice by federal, state and local governments has increased across the country -- particularly spending for corrections. Alaska is no exception.<sup>8</sup>

As noted in the graph below, the department's FY 90 budget of 98.7 is divided into four primary components and adult confinement consumes 71% of the whole.



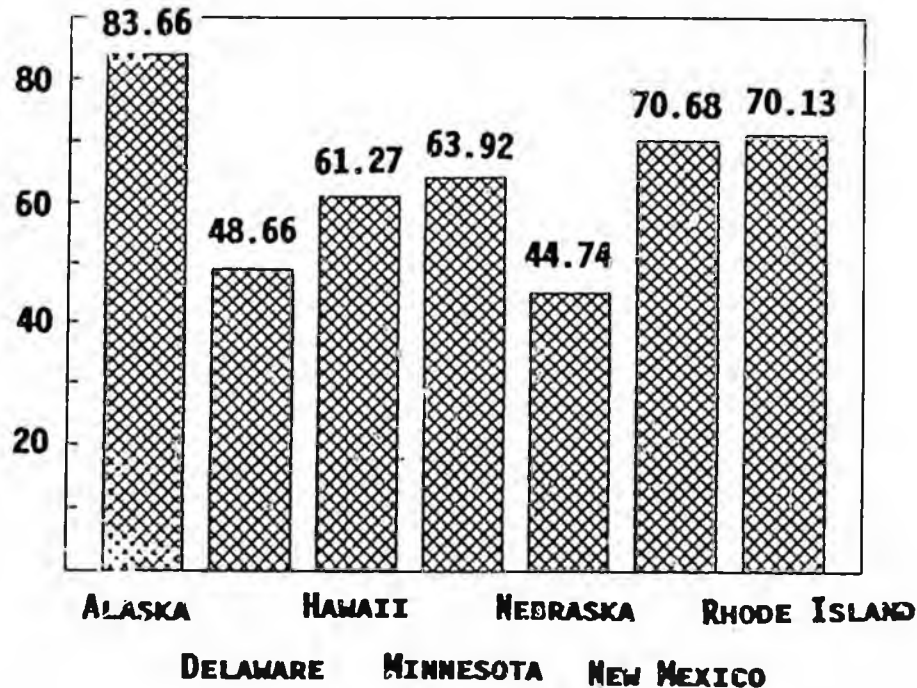
These beds cost the State roughly \$96.00 a day.<sup>9</sup> Halfway houses cost half that amount, and probation/parole supervision merely \$4.26 per day.

<sup>8</sup> Alaska Justice Forum, Volume 7 No. 2, pg. 3-4 (summer 1990)

<sup>9</sup> This cost includes the cost of statewide services for major medical care, contract education and supplies, mental health and psychiatric care, chaplaincy and special rehabilitative program, all of which cost an average of \$10.31 per day per prisoner. Among the services offered by the Department of Corrections are substance abuse treatment, mental health services, sex offender treatment, various educational programs ranging from life skills to post-secondary courses, health care services and the opportunity to work in prison industries.

### Comparable Systems - Manday Costs

So how does Alaska compare with similar state systems? Six states have similar inmate demographics. The chart below reflects the manday cost for institutional placements.<sup>10</sup>



One of the factors that drives the cost of "doing corrections" in Alaska to near triple digit per manday figures is the geographic location of its facilities and offices. In the Interior food costs are much higher than in the Anchorage metropolitan area (Anchorage food costs run approximately \$4.00 - 4.50 per manday).

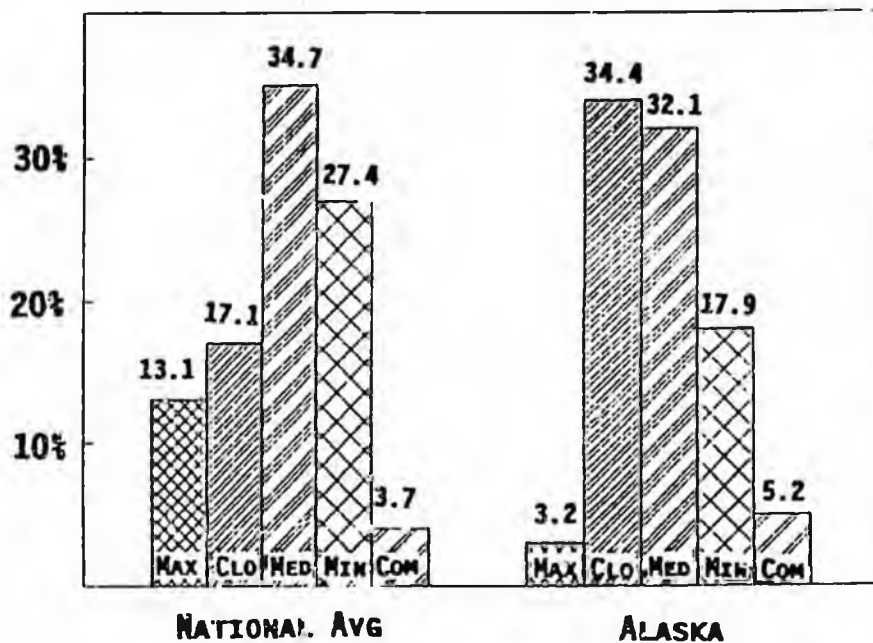
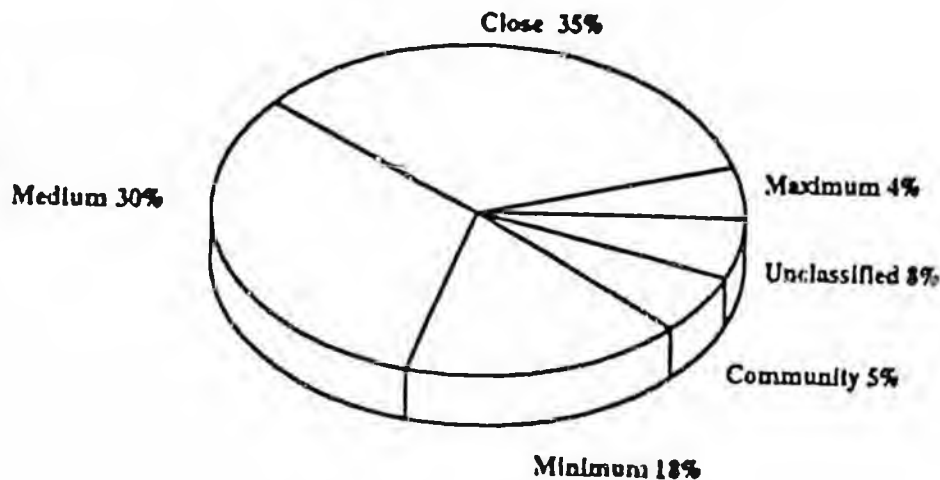
But the factor that plays the most significant role in Alaska's manday cost is the custody level of its prisoners.

<sup>10</sup> The Corrections Yearbook, Adult Prisons and Jails - 1990, Criminal Justice Institute, South Salem, New York

### Custody Classification

Unlike other states, Alaska facilities must detain and supervise all types of prisoners. This requires each facility to separate prisoners into a large number of groupings, as well as house custody categories from minimum to maximum.

The pie graph to the right reflects the custody levels of prisoners in Alaska's system.

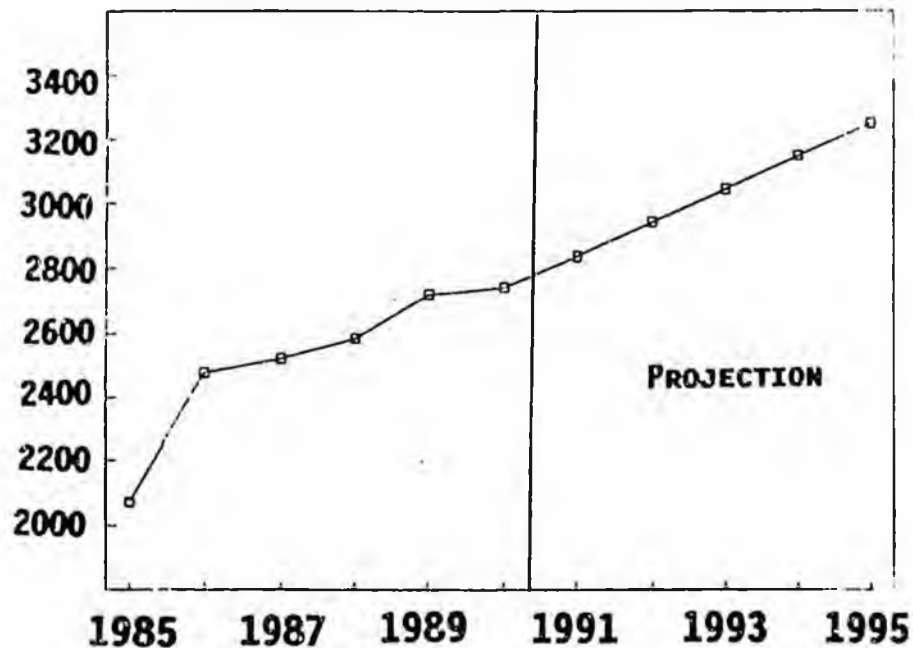


Almost 70% of Alaska's prisoners are designated at medium custody or higher. This figure is higher than the national average.<sup>11</sup> As one would expect, the detention of high custody prisoners requires increased supervision which in turn creates a more labor intensive system.

<sup>11</sup> The Corrections Yearbook, Adult Prisons and Jails - 1990, Criminal Justice Institute, South Salem, New York

## Projections

The Alaska Department of Corrections has grown 230% over the past ten years and houses a disproportionate number of high custody inmates in very costly bedspace. But what of the future? The following graph reflects a simple linear projection of the anticipated growth rate during the next five years.<sup>12</sup>



During the mid-1980's, Alaska's prison population grew at a net increase of 300 inmates per year, causing a rapid expansion of the department. In 1986 the growth decreased to 150 inmates per year. In 1987 and 1988, the rate was halved again to a net increase of 75 inmates per year. This short lived trend was due to the corresponding decrease in Alaska's general population during those years. By 1989, the trend had decisively reversed, doubling to 138 inmates per year. While the 1990 trend slowed slightly, the prison population continues to grow at a brisk pace.

A conservative projection anticipates an annual increase of 103 inmates per year. This growth rate will require construction and staffing of a correctional center with a capacity of 200 every two years.

<sup>12</sup> DOC Research Unit projected the growth rate based on an average increase of 103 inmates per year. The five year projection does not factor potential impact of House Bill 356 or the peaking effect that the department experiences during a year.