

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8581 HOUSE JUDICIARY

involuntary manslaughter had it been committed by an adult. He was sentenced to three years detention, the maximum penalty for involuntary manslaughter. On appeal, the Court of Appeals for the Eighth Circuit vacated the sentence, finding that had R.L.C. been an adult, the maximum sentence he could have received under the federal sentencing guidelines would have been 21 months. The Eighth Circuit said that in sentencing R.L.C. to a period of detention longer than that allowed under the guidelines, the trial court violated a federal statute providing that a juvenile may not be sentenced to a period of detention that exceeds "the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult." The U. S. Supreme Court affirmed.

Missing Children. The study of legal barriers to using schools, public service agencies and hospitals to locate missing children is one of several projects planned by the U. S. Department of Justice's Office of Juvenile and Delinquency Prevention (OJJDP) for its fiscal year 1992 programs to assist missing children and their families (*Federal Register*, March 18, 1992). The proposed priority programs include a variety of objectives, including using newspaper clippings to compile statistics on non-family child molestation cases; developing sentencing guidelines in parental abduction cases; and training public service workers and mental health professionals to work with families of missing children. The OJJDP will accept public comments on the priorities through May 18, 1992. The Missing and Exploited Children's Program was established by

the Congress in the 1984 Missing Children's Assistance Act as Title IV of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. The OJJDP is responsible for administering the Missing and Exploited Children's Program. Other proposed new programs include conducting follow-up interviews with families of missing children to determine the lasting psychological effects of family and non-family abductions; studying the justice system's processing of child maltreatment cases; developing training to help law enforcement and mental health professionals assist families being reunited with their missing children; developing interviewing techniques for adolescent victims of sexual exploitation; developing a guide to victims' services and compensation for missing and exploited children and their families; a symposium on international child abductions; the development of training, technical, and product resources on the legal obstacles of returning parentally abducted children; developing a training video for investigating missing and exploited child cases; and funding for states' missing children clearinghouses. For more information, contact the Director, Missing and Exploited Children's Program, OJJDP, 633 Indiana Ave., NW, Washington, DC 20531; tel: (202) 616-3631.

In California, A state assemblyman has introduced legislation that would make it a crime to recruit youths under the age of 18 for criminal street gangs by intimidation or coercion. The proposed bill is believed to be the first legislation in the nation to criminalize youth gang recruitment. Sacramento city officials have attributed the recent growth in the

number of gangs and gang members to successful recruitment. Sacramento Police Chief Jack Kearns, the prime sponsor of the bill, said forcing gang members to do their recruiting covertly would deter solicitation. Kearns estimated that the current number of gang members in Sacramento is 3,600, a significant increase over the 1,700 gang members in 1988. That year, a state task force on gangs and drugs found that children as young as nine-years-old were being recruited for street gangs, Kearns said. Bob Kilgore, director of the Sacramento County Probation Department, said the number of street gangs in the county has grown from approximately 35 in the 1980s to between 50 and 60 today.

California Gov. Pete Wilson on Feb. 28 signed legislation creating two military-style "boot camps" designed to deter nonviolent, youthful, first-time offenders from further criminal activity through strict discipline and hard work. The "Leadership, Esteem, Ability, and Discipline Program (LEAD)" camps would be alternatives to jails run by the California Youth Authority. The plan calls for establishing one camp in northern California and one in southern California that each will house no more than 60 youths over the age of 16. Wards at the experimental camps will be drilled in traditional military techniques, including marching, rigorous exercise, and strict room and dress inspections. Youths will be required to work 16 hours per day, six-and-one-half days per week, for four months. After release from the camps, wards will be enrolled in a six-month parole program that in-

cludes drug testing, electronic monitoring, and job placement. The program will end in mid-1997 unless it is extended by the California legislature.

In Rhode Island. Although violent juvenile crime has decreased in Rhode Island, overall juvenile criminal activity in the state has increased, according to a recent report of the Governor's Justice Commission. The report, entitled *Juveniles in Rhode Island: A Data Analysis and Statistical Study Concerning Key Information of Recent Years*, links increased levels of property crime among juveniles to increased numbers of juvenile drug abuse arrests, and attributes this relationship to juvenile substance abusers' need to steal or sell drugs to support their

drug addiction habits. In 1989, 9,261 juveniles were arrested, the second highest total of juvenile arrests since 1984, the report said. For that same year, violent juvenile crime arrests in the state decreased by 2.5 percent from 1988 totals and comprised 9.4 percent of all juvenile arrests, according to the report; property crimes made up the remaining 90.6 percent. Overall property crimes decreased 20-30 percent from 1987 to 1989. Despite a slight decrease in 1989, juvenile drug abuse arrests have remained at relatively constant levels in recent years. Juvenile arson arrests reached an all-time high of 101 in 1989, the report states, increasing nearly 100 percent over the annual average throughout the 1980s, the report said. Vandalism

and larceny arrests have remained at increased levels over recent years with larceny being the serious crime that Rhode Island juveniles commit most frequently. According to the report, juvenile recidivism rates progressively have increased since 1984, when 526 juveniles appeared twice before the court, compared to 611 in 1989. In 1984, 188 juveniles appeared three times before the court compared to 231 in 1989. The number of juveniles placed on probation has increased each year since 1984, reaching a high of 2,043 in fiscal year 1990. For more information or a copy of the report, contact the Governor's Justice Commission, Office of Substance Abuse, Statistical Analysis Center, 222 Quaker Lane, Warwick, RI 02886; tel: (401) 277-2620.



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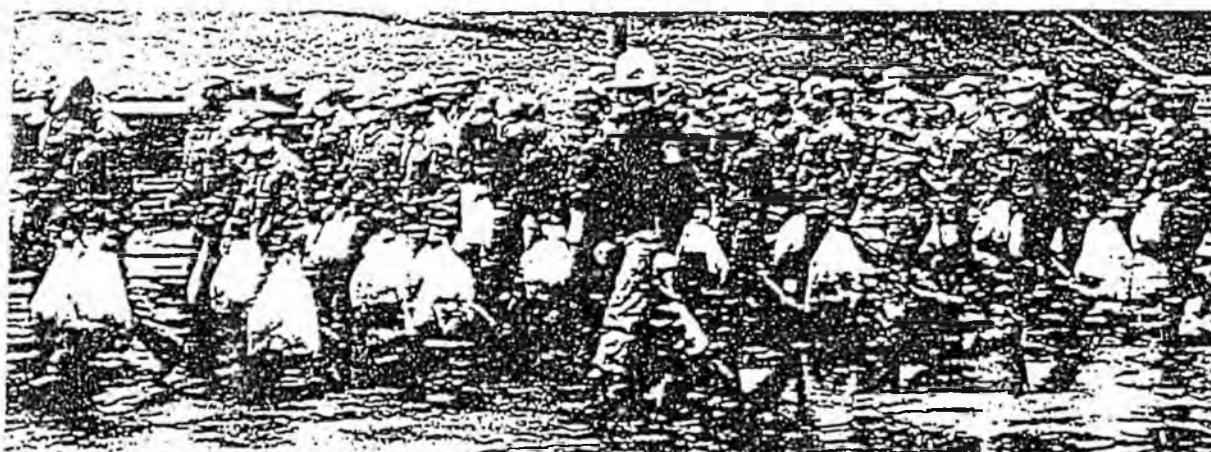
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Corrections COMPENDIUM

Volume XVI, No. 1

The National Journal for Corrections Professionals

January 1991



—Photo courtesy New York State, DOCS Today

Boot Camp Prisons Thrive

by Marjorie Marlette

THE LIFE IS RIGOROUS, the privileges few. But the rewards, for young non-violent first offenders, can be great: camp instead of prison; 90 to 180 days of concentrated effort instead of years in an in-

stitution; and a chance to detour from a future in crime.

Boot camp prisons in the United States are proliferating. Finding them acceptably

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Boot Camp Prisons Thrive

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ough and tax-dollar considerations, state legislatures and congress have established the military-like programs in 27 U. S. systems, a new survey by Corrections COMPENDIUM shows. Fourteen more are considering the option.

The programs come by many names: Special Alternative Incarceration Unit; Basic Training Program; IMPACT (Intensive Motivational Program of Alternative Correctional Treatment); RID (Regimented Inmate Discipline); Challenge Incarceration and others, as well as simply "Shock Incarceration" or "Boot Camp."

The regimen of boot camp, widely publicized by the media, is familiar: Days that start at 5— even 4—a.m. Drill and push-ups and obstacle courses. Insistent DIS (drill instructors, in constant persuasion. Harsh, summary discipline for minor infractions. Rigid dress code. Inspected living quarters that must be ship shape. Limited or no TV. Taps at 9 or 10 p.m.

But not all prison boot camps are alike. Though regimented and military inspired, they differ considerably in emphasis and the programs they offer. Almost all require some—and some many—hours of drug treatment, education and psychological counseling, others place the greatest emphasis on the heavy physical training and discipline.

One of the most crucial aspects of the programs—follow-up support in the community—also varies considerably from one system to another.

Since their start, close to 16,000 offenders have completed shock incarceration programs in the U.S.

with more than 12,000 graduating from boot camps, according to the COMPENDIUM survey.

Current programs can accommodate 4,782 inmates at a time, ranging from 20 in Wyoming to 1,500 in New York. Programs starting after Feb. 1, 1991, will add another 354 to 404 slots.

Shock camp programs are primarily designed for young, non-violent offenders, 17 to 26 years of age, who have never been incarcerated. Some allow older prisoners. And not all are limited to those committing non-violent offenses. Certain categories of prisoners,

Almost all require some—and some many—hours of drug treatment, education and psychological counseling; others place the greatest emphasis on the heavy physical training and discipline.

however—as child abusers, sex offenders, and murderers—are usually ineligible for the programs.

Drug offenders make up many of the training squads.

Eight states—Colorado, Kansas, Louisiana, Michigan, Mississippi, New Hampshire, New York and South Carolina—include women in their programs, the COMPENDIUM survey shows. Other states and the Federal Bureau of Prisons provide programs only for men.

Courts assign defendants to the camps in 12 systems, corrections departments in 11, and both may in five. If direct from the courts,

the penalty is generally instead of a sentence to prison, with a sentence pending if training is not complete. From prison, boot camp completion shortens prison terms.

Almost all are used for offenders convicted of felony offenses carrying a sentence of one year or longer in prison.

Whether boot camps are successes depends on the definition of success. For most, it is too soon to know their long-term effect on preventing recidivism—surely the ultimate goal—but early studies indicate that they do provide as much or more deterrence in a short time as a longer time in prison does for similar offenders.

Idaho, however, with a shock program since 1974 (and some of the components of a boot camp since 1988), has had the longest—and a very positive—experience with shock incarceration.

"Without the program, we estimate our prison population would be more than double," said Deputy Warden Dean Allen at the North Idaho Correctional Institution, where the shock operation is located. (See box on page 8)

One state, Alabama, where participation in the program is mandated, reports that after two years, their recidivism rate is an astonishing 3.65 percent!

Texas, where the boot camp started two years ago, has had a success rate of 89 percent versus approximately 55 percent among regular prison parolees.

As for success in the program itself, for those who started the boot camps, the survey found completion rates ranging from 47.6 percent in Florida to 97 percent in Georgia.

The boot camps have other immediate pluses:

- The emphasis is on change. Almost all offer more counseling and education than the offenders would get in the general prison population.



—Photo courtesy New York State, DOCS Today

Inmates march sharply at Summit, New York Shock Camp.

- For young first time incarcerateds, they are almost always safer than prison. There are no experienced cons to school them in crime or press them for sexual favors. There's more staff on hand, more activities, no idle time.

- The demanding exercise and regular meals improve health and stamina. The inmates learn what it's like to get up in the morning and be active all day.

- They also learn what it's like to be drug-free in an environment that demands a lot from them.

- And while the per diem cost is often the same or more than for time behind bars, the brevity of the program means less spent on the individual "recruit."

In a 25-month review of its program, the Florida Department of Corrections estimated a savings of 39,759 inmate days — conservatively estimated at a cost savings of \$1.15 million. "The cost of Boot Camp represents perhaps its most successful aspect...the program is effectively reducing prison time," the DOC report said.

Of the 27 systems authorizing

Marjorie Marlette is editor of Corrections COMPENDIUM.

boot camps, eight are starting operation in 1991—Connecticut, Virginia, Wisconsin and the Federal Bureau of Prisons in January; Kansas and Nevada in

"The cost of Boot Camp represents perhaps its most successful aspect...the program is effectively reducing prison time."

February; Colorado in March and Pennsylvania later in the year. Ohio also hopes to start a camp this year.

Idaho's is the oldest shock incarceration program. Georgia's, begun in 1983, and Oklahoma's, 1984, are the oldest boot camps.

Other states with boot camps are Alabama, Arizona, Arkansas, Florida, Illinois, Louisiana, Maryland, Michigan, Mississippi, New Hampshire, New York, North Carolina, South Carolina, Tennessee, Texas and Wyoming.

Iowa has a shock probation program in which the judge can remove certain inmates from prison within 90 days of confinement depending on how well they do in prison during that time. Ohio has a shock parole program.

Cost of the programs range from \$21 per diem in Alabama (compared to \$27 in regular prison), to \$67.79 in Connecticut (compared to \$56.91 in prison). Some departments gave the same costs for boot camp and prison, and many had no figures available.

Offenders participate in the camps voluntarily in 20 systems; are mandated in seven. In 15 systems, the programs are located in a separate camp or facility, while 10 systems house them in a prison. Three systems do both.

Reasons given for inmates not finishing the training include poor attitude and behavior adjustment, lack of self-discipline and motivation, and disciplinary problems. They may also be medically disqualified, or new detainees may make them ineligible.

Problems facing the individual programs include difficulties with inadequate or no funding, pressure to keep beds full that does not allow good group intake; not enough beds for the program, and lack of follow-up supervision.

One state reported a problem with corrections dislike of the program, and another said staff selection was difficult because of the need to assign only those individuals who had demonstrated leadership qualities and received favorable psychological testing.

For some, media access had to be limited for a time in order not to disrupt the program, but mostly, the interest of the press was considered a benefit.

New York, with the largest number of boot camp programs, has recently started an intensive "shock parole" program to continue support services for the graduates when they return to the streets. Two parole officers work as a team to supervise 30 parolees. In other systems, post-release supervision may be through regular or intensive probation or parole.

Much has been written about boot camps, in the scholarly as

Idaho's shock incarceration program impacts number in prison

Shock incarceration got an early start in Idaho. Authorized by the State Legislature in 1970 and implemented in 1974, the North Idaho Correctional Institution (NICI) started its short-term treatment program for offenders a decade before other states pioneered the boot camp form of shock imprisonment.

Idaho's program, modified to add boot camp drills two years ago, now has 16 years of operational experience and, says Deputy Warden Dean Allen, "we think we're having a major impact."

He estimates that the state's prison population "would be more than double" without the program.

NICI is located on an old military air force base in the rolling hills of northern Idaho. Judges send felony offenders there for evaluation and risk assessment, but retain jurisdiction for up to six months.

To be eligible, the offenders must be tried as an adult, but the age otherwise is open. The youngest has been 15, the oldest 82. Males

convicted of all felonies except Murder I are eligible, but those with previous prison time are not recommended. The length of sentence must be a minimum of 1 year.

The program lasts four months, with an additional 60 days optional.

Of those who participate, about 82 percent are then released on probation, with the other 18 percent retained in prison, Allen said.

Of those released, about 17 or 18 percent come back—11 percent on technical violations, 6 percent on new crimes.

If offenders complete both the NICI program and probation successfully, the original charges against them can be reduced to misdemeanors.

Traditionally, the courts have sent up to 50 or 51 percent of those sentenced to prison through the program. Now, 63.3 percent are coming through it, Allen said.

NICI costs less than other facilities—about \$15 to \$20 a day com-

pared to \$24 elsewhere—and "the cost savings are showing," he said.

The program ordinarily can handle 160 at one time, but has been averaging 230 the past year, Allen said. "For the short duration, people can put up with some inconveniences, can crowd a little," he noted.

By March of 1990 more than 5,000 inmates had gone through the program.

Participation is voluntary, and includes drug/alcohol treatment, literacy and GED classes, and personal counseling, with the overall emphasis on self-esteem issues.

Allen, who worked at the state's penitentiary before coming to the North Idaho institution, finds the shock approach exciting.

"Here," he said, "change not only is expected, it's demanded. It's a whole different emphasis and atmosphere than most prison settings."

□

well as the popular press. Not everyone is enthusiastic about the new sanction.

Among those who urge caution in developing the programs, the concern most often heard is that they will "widen the net" to confine people who would otherwise be placed on regular probation, not just those heading for prison. (Some criminal justice officials view this as a positive, however.)

In the NIJ Reports for November/December, 1990, Doris Layton MacKenzie also notes another question raised by research as "whether the boot camp atmosphere enhances the effect of

treatment or whether an intensive treatment program alone would have the same effect."

(Dr. MacKenzie, an associate professor at the University of Maryland, is a visiting senior research associate of the National Institute of Justice (NIJ).)

Other concerns have been raised elsewhere:

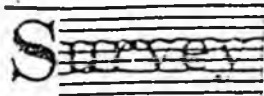
- Do boot camps have a potential for deterioration of standards and abuse of offenders?
- Do they discriminate if programs are not offered for the physically handicapped offender? In those states without programs for women?

- Could discipline without sufficient due process lead to liability questions?

The National Institute of Justice (NIJ), is planning to do a multi-site study of Shock Incarceration to be released late in 1991.

In earlier research, NIJ's intensive study of the Louisiana shock incarceration program found that shock incarceration programs by themselves may not significantly affect offender behavior or reduce recidivism. Treatment, education, and rehabilitation programs are also needed and may strengthen program impact, the study said.

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SHOCK INCARCERATION PART I - NUMBERS, COSTS

SYSTEM	HAS SHOCK OR BOOT CAMP PROGRAM	LENGTH OF PROGRAM	WHEN STARTED OR WILL START	FOR MALES, FEMALES, BOTH	HOW MANY CAN PROGRAM HANDLE?	NUMBER WHO HAVE COMPLETED PROGRAM	SUCCESS RATE	PER DIEM COST FOR EACH PARTICIPANT OF	
								SHOCK PROGRAM	PRISON, IF SENT THERE INSTEAD
ALABAMA	Yes	3 mos. with extensions up to 180 days	4/73	Males	129	547	83%	\$21.00	\$29.00
ALASKA	No program								
ARIZONA	Yes	4 mos.	10/88	Males	150	291	86%	Unknown	
ARKANSAS	Yes	105 days	4/90	Males	60	16		Unknown	\$25.00
CALIFORNIA	No program. Los Angeles County Jail System developed plans for covering a boot camp program.								
COLORADO	Yes	3 mos.	2/91	Both	100				\$42.84
CONNECTICUT	Yes	6 mos.	1/91	Males	100			\$67.79	\$22.91
DELAWARE	No program, but interested in starting one								
DISTRICT OF COLUMBIA	No program, but interested in starting one								
FLORIDA	Yes	3 mos.	10/87	Males	100	429	47.6%		
GEORGIA	Yes	3 mos.	11/83	Males	250	4,180	97%	\$39.52 (average daily costs for all prisons in FY 89)	
HAWAII	No program								
IDAHO	Yes	4 mos. with option of additional 60 days	1970, authorized 1974, started	Males	160	3,745	80%	\$25.51	
ILLINOIS	Yes	4 mos.	10/15/91	Both	200	9	77.7%	Unknown	Unknown
INDIANA	No program, but interested in starting one								
IOWA	Has shock probation where the judge can remove certain inmates from prison within 90 days of confinement, depending on how well the inmate does in prison								
KANSAS	Yes	6 mos.	2/91	Both	104			\$36.88 (approx.)	
KENTUCKY	No program, but interested in starting one								
LOUISIANA	Yes	90-180 days	2/87	Both	120	470	56.9%	A little less than prison	\$24.71
MAINE	No program								
MARYLAND	Yes	6 mos.	3/6/90	Males, female program to start within 2 yrs.	288	N/A	N/A	Unknown	\$45.21
MASSACHUSETTS	No program, but under consideration at the county level.								
MICHIGAN	Yes	3 mos.	3/88	Males	120	754	50%	\$55.00	\$55.00
MINNESOTA	No program								
MISSISSIPPI	Yes	90-120 days	4/85	Both	262	1,736	91%		
MISSOURI	No program, program has been authorized but not funded or initiated.								
MONTANA	No program, but may be interested in starting one								
NEBRASKA	No program, but interested in starting one								
NEVADA	Yes		2/91	Males					
NEW HAMPSHIRE	Yes	120 days	2/5/90	Both	96	13		\$48.77	\$48.77
NEW JERSEY	No program, in early discussion stages								
NEW MEXICO	No program, likely to start 12/91								
NEW YORK	Yes (5 facilities)	6 mos.	9/87	Both	1,350 males 150 females	1,158 (as of 11/89)	68%	\$41.56-\$77.29	
NORTH CAROLINA	Yes	90-120 days	10/20/89	Males	90	158	60%		
NORTH DAKOTA	No program								
OHIO	Yes	3 mos.	Shock parole, 1983; hope to start boot camp 1991	Males	100 (projected)				\$30.96



SHOCK INCARCERATION PART . NUMBERS, COSTS

SYSTEM	HAS SHOCK OR BOOT CAMP PROGRAM	LENGTH OF PROGRAM	WHEN STARTED OR WILL START	FOR MALES, FEMALES, BOTH	HOW MANY CAN PROGRAM HANDLE?	NUMBER WHO HAVE COMPLETED PROGRAM	SUCCESS RATE	PER DIEM COST FOR EACH PARTICIPANT OF	
								SHOCK PROGRAM	PRISON, IF SENT THERE INSTEAD
OKLAHOMA	Yes	3 mos.	1984	Males	150	Unknown	Unknown	\$64.29	\$48.78
OREGON	No program								
PENNSYLVANIA	Yes	6 mos.	1991	Males	150-200				
RHODE ISLAND	No program, but interested in starting one								
SOUTH CAROLINA	Yes	90 days	6/25/86, shock probation; 5/25/90, changed to shock incarceration; 1/81, 2nd unit started	Both	192 males, 24 females	984 males, 107 females	83% males, 83% females		
SOUTH DAKOTA	No program, currently being reviewed by legislature established Corrections Commission								
TENNESSEE	Yes	3 mos.	12/85	Males	120	75	74%		
TEXAS	Yes	Up to 3 mos.	1/89	Males	400	1,310	89.2%	\$43.40	\$42.15
UTAH	No program, but under consideration								
VERMONT	No program								
VIRGINIA	Yes (probation)	3 mos. (followed by supervised probation)	1/91	Males	100				
WASHINGTON	No program								
WEST VIRGINIA	No program, but under consideration								
WISCONSIN	Yes	6 mos.	1/1/91	Males	50	N/A	N/A	Unknown	
WYOMING	Yes	3 mos.	2/50	Males	20	26	96.4	\$41.00	\$41.00
FEDERAL BUREAU OF PRISONS	Yes	6 mos. (intensive) 1-5 mos. (community)	1/91	Males	192				
CANADIAN SYSTEMS - no shock incarceration programs reported									

Boot Camp Prisons Thrive

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The Corrections COMPENDIUM survey found that 26 of the boot camps include or will include drug/alcohol treatment programs, 24 offer counseling, and 23 education. All 27 also have work programs. Emphasis on the programs may vary, but once assigned, participation is mandatory.

In New York, while the recidivism rate is nearly the same for shock graduates and a comparable group released from prison, the reasons for return are different. Shock inmates come back more often for technical violations, less for crimes than those released from prison.

Also, the academic programs are

showing good results. With education classes mandatory, math and reading levels are being raised and many are passing GED (high school equivalency) exams, the New York DOC reported.

In interviews and letters to staff, some former trainees recall graduation as the high point of their lives.

They found pride and new friends in the program, they said. Though more counseling and vocational education would be a good idea, they considered boot camp a very positive experience.

Not many "graduates" would say that about their stint in traditional prison.



SHOCK INCARCERATION PART II - PROGRAM, REQUIREMENTS

SYSTEM	PARTICIPANT ASSIGNED TO PROGRAM BY		ASSIGNMENT MADE		PARTICIPATION VOLUNTARY?	PROGRAM LOCATED IN		PROGRAM INCLUDES				REQUIREMENTS FOR PARTICIPATION
	COURTS	DEPARTMENT	AS ALTERNATIVE TO PRISON	FROM PRISON		REGULAR PRISON	SEPARATE CAMP OR FACILITY	DRUG/ALCOHOL TREATMENT	EDUCATION	COUNSELING/THERAPY	WORK	
ALABAMA	X		X		No	X		X		X	X	16 to 20 yrs. of age, 1st degree crimes and owning a child for immoral purposes are exempted, sentence of 15 yrs. or less, class 1 physical condition, and ability to follow directions
ARIZONA	X		X		Yes	X		X	X	X	X	18-25 yrs. of age, Class 2-6 non-violent offenses, specific requirements for physical and mental conditions
ARKANSAS		X		X	Yes	X		X	X	X	X	16 to 20 yrs. requirements, non-violent crimes, sentence of 10 yrs. or less, 1st time offender, physical and mental health condition must be approved
COLORADO		X		X	Yes	X	X	X	X	X	X	18-25 yrs. of age, not serving and have not served time for a violent offense, free of physical and mental defects
CONNECTICUT	X	X (oversight responsibility)	X		Yes		X	X	X	X	X	16-21 yrs. of age, non-violent, no class "A" felonies, sentenced to 1-3 yrs. (approx), no prior sentenced or incarceration, physical and mental health must be approved
FLORIDA		X		X	Yes	X		X		X	X	24 yrs. and under in age, non-violent, no sex crimes, sentenced 10 yrs. or less, 1st offense, no serious medical or mental health problems
GEORGIA	X		X		Yes	X					X	17-25 yrs. of age, no misdemeanors, sentenced to at least 1 yr., good physical and mental condition
IDAHO	X		X		Yes		X	X	X	X	X	Must be tried as an adult, felonies except murder 1, sentenced to a min. of 1 yr., no prior prison time, satisfactory physical condition and not currently on chemo
ILLINOIS	X		X		Yes		X	X	X	X	X	17-20 yrs. of age, light weight offenses including drug, robbery, theft, burglary, sentenced to 6 yrs. or less, 1st offense, good physical and mental condition
IOWA	Has shock probation where the judge can remove certain inmates from prison within 90 days of confinement depending on how well the inmate does in prison											
KANSAS	X	X	X	X	Yes		X	X	X	X	X	18-25 yrs. of age, primarily property and drug offenses, generally no prior incarcerations, must be physically and mentally capable to participate
LOUISIANA	X (recommendation)	X (final determination)	X		Yes	X		Education and awareness	X	X	X	39 yrs. of age or younger, 1st and 2nd offenders sentenced to 7 yrs. or less, parole eligible, good physical and mental health
MARYLAND		X		X	Yes		X	X	X	X	X	Under 26 yrs. of age, non-violent crimes, sentenced to 6 yrs. or less, first adult incarceration, good physical and mental condition
MICHIGAN	X		X		Yes		X	X	X	X	X	17-25 yrs. of age, excluding rape, murder, sexual battery and arson crimes, no limit on number of offenses, capable of completing the program

SHOCK INCARCERATION PART II - PROGRAM, REQUIREMENTS

SYSTEM	PARTICIPANT ASSIGNED TO PROGRAM BY		ASSIGNMENT MADE		PARTICIPATION VOLUNTARY?	PROGRAM LOCATED IN		PROGRAM INCLUDES				REQUIREMENTS FOR PARTICIPATION
	COURTS	DEPARTMENT	AS ALTERNATIVE TO PRISON	FROM PRISON		REGULAR PRISON	SEPARATE CAMP OR FACILITY	DRUG/ALCOHOL TREATMENT	EDUCATION	COUNSELING/THERAPY	WORK	
MISSISSIPPI	X		X		No, sentence imposed by court, inmate must sign agreement to participate		X	X	X	X	X	No prior adult felony conviction, white collar, property, drug and crimes of aggression that do not involve a deadly weapon and result in a life sentence, 5.2 yrs. average length of sentence, 1 1/4 average per cumulative total offenses, cannot be retarded or have a severe mental disorder
NEVADA	X		X		No		X	X	X		X	Minimum of 18 yrs., non violent, no prior offenses
NEW HAMPSHIRE	X	X (final approval)	X	X	Yes	X		X		X	X	18-30 yrs. of age, not incarcerated for prior offenses, no crimes of violence and/or assault, must pass complete physical exam
NEW YORK		X		X	Yes		X	X	X	X	X	16-20 yrs. of age, non violent crimes, time to parole 36 mos. or less, 1st incarceration, good physical and mental health
NORTH CAROLINA		X		X	Yes		X	X	X	X	X	17-25 yrs. of age, sentenced up to 10 yrs., good physical and mental health
OHIO	X (to shock parole)	X (to boot camp)		X	Yes	X		X	X	X	X	18-25 yrs. of age, 3rd and 4th degree crimes, only 1 offense with prison time, good physical condition, normal mental condition
OKLAHOMA		X	X		No	X		X	X		X	18-24 yrs. of age, non violent crimes, no prior incarcerations, physically and mentally able
PENNSYLVANIA	X		X		No			X	X	X	X	18-35 yrs. of age, 1 time offense, non violent or substance abuse crimes
SOUTH CAROLINA	X	X	X	X	Yes	X		Education	X	X	X	Less than 26 yrs. of age, non violent offenses, sentenced not to exceed 8 yrs., must be physically able to participate
TENNESSEE		X		X	No		X	X	X	X	X	30 yrs. of age or less, non violent crimes, sentence of 6 yrs. (longer for most drug offenses), no prior incarcerations, no disabling disabilities, no major health problems, must understand/comprehend basic instructions, no serious mental problems
TEXAS	X		X		No		X	X	No skills	X	X	17-25 yrs. of age, sentence of less than 10 yrs., no prior offenses, no physical or mental conditions which would preclude strenuous exercise
VIRGINIA	X (referrals)				Yes		X	X	X	X	X	18-24 yrs. of age at time of the crime, non violent felonies, 1st adult offense, no pending charges of conflicting offenses
WISCONSIN		X		X	Yes		X	X	X	X	X	24 yrs. of age, physically and mentally fit
WYOMING		X		X	Yes		X	X	X	X	X	19-25 yrs. of age, 1st incarceration
FEDERAL BUREAU OF PRISONS	X (recommended)		X		Yes		X	X	X	X	X	Adults, willing to participate, qualify for min. status

CANADIAN SYSTEMS - no shock incarceration programs reported

100-40

1991 Shock Incarceration Survey

Doris L. MacKenzie and Claire Souryal

NJ Grant 87-LJ-CX-0020

TABLE 2. CHARACTERISTICS OF SHOCK INCARCERATION PROGRAMS, 1991

State	Hours/Day devoted to:					Drug Treatment or Drug Education (Hours/Week)	Release Supervision
	PT	Work	V.Ed.	Renab.	Ed.		
SDP	2	7	.5	2	1.5	Combination (4.5)	Phases
Alabama	--	--	--	--	--	Treatment (15-21)	Intensive
Arkansas	3	4	0	2.5	1.5	Combination (12.5)	Moderate
Arizona	4	5	0	1.3 ^a	1.3 ^a	Education (3.3)	Intensive
Florida	4	4	0	1.3	0	Combination (1.3)	Moderate
Georgia	2	8	0	0	3	Education (5)	Varies
Idaho	1	*	*	*	*	Combination (--)	Varies
Illinois	5.5	5.5	1	1	1	Combination (7.5) ^b	Varies
Kansas	2	6	0	1	1	Education (5)	Varies
Louisiana	3	3.5	0	2	1.5	Education (5) ^c	Intensive
Maryland	2	3	0	2	2	Combination (215) ^d	Intensive
Michigan	2	5	0	2	1	Education (3)	Intensive
Mississippi	**	**	**	**	**	Combination (15-25)	Varies
Nevada	1.5	6 - 8	0	***		Combination (--)	Varies
New Hampshire	2	7	2	2.5	2.5	Combination (4)	intensive
New York	3	6	0	5-6	11 ^e	Treatment (18.5) ^f	Intensive
North Carolina	1	10	0	3	3	Combination (7)	Varies
Oklahoma	1.5	4	4 ^g	2	4	Combination (76) ^d	Varies
South Carolina	1 ^h	7.5 ⁱ	0	****	4 ⁱ	Education (4) ^j	Varies
Tennessee	6	4.5	0	4	4 ^e	Combination (7)	Varies
Texas	1	7	0	2	1	Combination (8) ^b	Varies
Virginia	1-2	6	*****	****	3	Education (5)	Intensive
Wisconsin	2	7	0	2.5-3	2.5-3	Treatment (18.5-20) ^k	Intensive
Wyoming	4	3	0	3	0	Combination (21)	Varies

- a = number of hours/day three times per week
- b = may additionally include individual counseling on an "as needed" basis
- c = 3 hours of total of 5 are not "specifically related to substance abuse"
- d = total hours spent in drug treatment/education during the entire program
- e = total hours per week devoted to activity
- f = does not include 9-12 hours per week of therapeutic community activities
- g = 8 hours/day for total of 2 weeks
- h = 1 hour per day five days a week not including 2 hours/day on Saturday and Sunday
- i = number of hours/day five times per week
- j = 4 hours per week for total of 4 weeks/ individual psychotherapy or drug counseling offered on "as needed" basis
- k = varies according to phase of the program

PT = physical training
V.Ed. = Vocational Education
Renab. = Rehabilitation
Ed. = Education

Sources: Doris L. MacKenzie & Claire Souryal
1991 Shock Incarceration Survey
NIJ Grant 87-IJ-CX-0020

* = based on individual needs assessment
** = varies depending on individual needs and length of time in program
*** = rehabilitation and education combined for 2 hours/day
**** = offered on "as needed" basis
***** = vocational education marked "tentative"
-- = No response (this section)

Boot Camp Prisons: Components, Evaluations, and Empirical Issues*

BY DORIS LAYTON MACKENZIE

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Military-style boot camps, with their rigorous regimes and austere conditions, bring a sense of order and discipline to the lives of youthful, non-violent first-time offenders, and perhaps serve as a deterrent against future crimes. . . These are the sorts of alternative sanctions that the criminal justice system must explore if it is successfully going to deter and contain drug use.

*—National Drug Control Strategy
The White House, September 1989*

IN THE past few years "boot camp" prisons, otherwise called shock incarceration programs, have proliferated throughout the nation. At the end of 1989 there were at least 21 "boot camp" prisons in 14 state correctional systems. Another 13 states were in the process of or considering developing such programs. Thus, within the next few years, over 50 percent of the state correctional jurisdictions may have boot camp prisons for adult offenders. This does not take into account the additional programs that are being considered in city and county jurisdictions or those being developed for juveniles.

Not only does it look like the number of programs will be quickly growing, but also there is interest in enlarging the purposes of these programs. There have been hearings in the U.S. House and Senate on the topic of boot camp prisons, and in the National Drug Control Strategy the President recommended that the viability of boot camps as an alternative sanction for drug offenders be examined.

Why have these programs attracted this kind of attention? Some have said that their popularity is magnified because they are "media" attractive. Drill instructors yelling in the face of offenders makes for good TV. There are other reasons given for the popularity of these programs: The offenders are receiving their "just deserts." Such programs show the public that the politicians are being tough on crime. Offenders spend only a short time in prisons, thus the programs repre-

sent a cost savings. Furthermore, according to some, such treatment addresses the major problems of young offenders—a lack of discipline and no respect for authority. The programs are rehabilitative according to some, while others argue that the programs act as a deterrent. Obviously people expect different things from the programs.

There are enthusiastic advocates of the programs and, conversely, there are equally enthusiastic opponents (Morash & Rucker, 1990; Sechrest, 1989). Some say the programs have the potential for being rehabilitative (MacKenzie, et al., 1989) others reject this possibility (Morash & Rucker, 1990). We see two factors influencing opinions about the program: (1) knowledge and (2) philosophy. Advocates and opponents frequently have a lack of knowledge about the specific components of the programs and current evaluation efforts.

Second, some issues discussed are empirical while others are philosophical. Frequently the two are not separated in debates about the shock programs (see, for instance, Morash & Rucker, 1990). Would offenders rather spend time in a shock program or in a regular prison? Are shock programs cost effective? Do shock programs widen the net? Is there a sufficient number of appropriate candidates for shock who are now incarcerated? These are examples of questions that can and should be examined with empirical research. Other criticisms are philosophical, such as whether shock programs fulfill the "real" purpose of corrections. We can discuss the purpose of corrections, but it cannot be empirically examined. Such questions cannot be addressed through research.

This article is written to describe shock incarceration programs and current evaluation efforts. An attempt is made to identify the questions that can be studied empirically and to describe the results of some preliminary research examining shock programs.

Survey of States

To learn more about shock incarceration programs, we surveyed all 50 state departments of corrections. Programs were considered to be shock incarceration only if they:

- (1) were considered an alternative to a longer

*The investigation reported in this article was supported in part by Grant #88-DD-CX-0028 from the National Institute of Justice, U.S. Department of Justice, to the Louisiana State University. The author wishes to thank all of those who have worked on the multi-site study. Opinions expressed in this article are those of the author and not necessarily those of the U.S. Department of Justice. Requests for copies should be sent to the author at the National Institute of Justice, 633 Indiana Ave, N.W., Washington, DC 20531.

- term in prison;
- (2) had a boot camp atmosphere, with strict rules and discipline;
 - (3) required offenders to participate in military drills and physical training; and,
 - (4) separated offenders in the program from other prison inmates.

Thus they were distinguished from earlier shock probation, shock parole, and split-sentence programs that did not necessarily incorporate all four of these components.

In January 1990, 14 states had one or more shock incarceration programs: Alabama, Arizona, Florida, Georgia, Idaho, Louisiana, Michigan, Mississippi, New York, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. Arkansas, California, Connecticut, Indiana, Kansas, Maryland, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Pennsylvania, Wisconsin, and Wyoming were either considering initiating programs or were developing programs.

The second part of the survey was designed to elicit information about shock programs currently operating (MacKenzie & Ballow, 1989). Most of the 14 states reported that the programs were designed for young, nonviolent offenders. Most also said the majority of the participants in their programs were convicted of nonviolent crimes and were serving time on their first felony conviction. Only Michigan said participants in its program were not mostly nonviolent offenders, and Alabama, Idaho, Louisiana, and Michigan shock participants were not necessarily convicted of their first felony. As shown in table 1, the shock programs differ substantially in many other components. In particular they differ in who is responsible for placing offenders in the program, voluntary entry or dropout, location of the program, and release supervision. Ten programs were for males only, three programs included males and females (Louisiana, Mississippi, New York), and one state had separate male and female programs (South Carolina).

Programs also differ greatly in the number of hours devoted to physical training, work, education, or counseling. Programs were classified by us as high or low rehabilitation emphasis based on the proportion of each day that was spent in rehabilitation-type activities (including such activities as counseling, any type of treatment, education, and vocational training activities) versus time spent working. Here, we are distinguishing

rehabilitation activities from work and from physical training and drill.

In three state programs (Alabama, Arizona, and Mississippi) shock participants spend an amount of time in rehabilitation activities equal to or greater than the amount of time they spend working. For example, Louisiana offenders spend approximately 4.5 hours in rehabilitation activities, 4 hours working, and 4.5 hours in physical training or drill.

In the "low" rehabilitation programs the participants spend one-half to one-quarter less time in rehabilitation (e.g., in Michigan offenders spend approximately 6 hours per day working, 2.5 hours in rehabilitation activities, and 1.5 hours in physical training and drill). In comparison to offenders in other programs, Georgia participants, who receive less than ½ hour per day of rehabilitation, spend the least amount of time in rehabilitation activities. In Florida, also considered by us to be a low rehabilitation program, offenders spend 1½ hours a day in group counseling. Thus, with the possible exception of Georgia, offenders in all the shock programs spend a fairly large amount of time in rehabilitation-type activities, at least in comparison to offenders serving time in a regular prison.

Overall, the picture that arises in regard to these programs is a common core based on the military atmosphere, discipline, youthful offenders, and an alternative to long-term incarceration, but here the commonality ends. The differences that do exist in programs might be expected to contribute to differences in self-selection effects, net widening, costs, deterrence, or rehabilitation of the offenders.

Multi-Site Study

The shock incarceration programs differ dramatically. Therefore, results of an evaluation based on one shock incarceration program would not necessarily generalize to other programs. For this reason we initiated a multi-site study of shock incarceration programs. The major questions of this research are: (1) Is shock incarceration successful in fulfilling its goals, and (2) What particular components of shock programs lead to success or failure in fulfilling program goals? Evaluating programs in different states permits us to generalize findings from a program in one location to other locations which vary in numerous characteristics. Studying various programs will permit an answer to the second question by enabling the researchers to begin to identify the components of the shock programs which lead to

TABLE 1. CHARACTERISTICS OF BLOCK INCARCERATION PROGRAMS, JANUARY 1990

State	Year Program Began	Number of Programs	Number of Participants	Average Number of Days Served	Placement Authority	Voluntary Entry	Voluntary Dropout	Located in Larger Prison	Release Supervision
Alabama	1988	1	127	90	Judge	no	yes	yes	regular
Arizona	1988	1	160	120	Judge	yes	no	yes	varies
Florida	1987	1	100	90	Judge	no	no	yes	moderate
Georgia	1983	2	250	90	Judge	yes	no	yes	varies
Idaho	1989	1	164	120	Judge	no	yes	no	varies
Louisiana	1987	1	88	120	Corrections Dept./Judge	yes	yes	yes	intensive
Michigan	1988	1	120	120	Judge	yes	no	no	intensive
Mississippi	1985	2	240	110	Judge	no	yes	yes	regular
New York	1987	6	1002	180	Corrections Dept.	yes	yes	no	intensive
North Carolina	1989	1	54	93	Parole Commission	yes	yes	no	varies
Oklahoma	1984	1	160	90	Corrections Dept.	no	no	yes	varies
South Carolina	1987	2	111	90	Judge	yes	yes	yes	varies
Tennessee	1989	1	42	120	Corrections Dept.	yes	no	no	varies
Texas	1989	1	200 (capacity)	90	Corrections	no	no	no	varies

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September 1990

specific outcomes.

Site Selection.

Seven states were asked to participate in the multi-site study: Georgia (GA), New York (NY), Oklahoma (OK), Florida (FL), Texas (TX), Louisiana (LA), and South Carolina (SC).² The shock programs in all of these states were similar in the characteristics used to define programs as shock incarceration (see above). Programs selected to participate were similar in two other aspects: (1) the characteristics of offenders admitted to the program (most offenders were youthful, convicted of non-violent offenses, serving time on a first felony conviction), and (2) the length of the program (3 to 6 months). Since most shock programs were similar in boot camp atmosphere, offender characteristics, and program length, the selection of programs similar in these aspects was expected to maximize the generalizability of the results.

However, the shock programs participating in the multi-site evaluation varied in:

- Selection Decisions
- Community Supervision upon Release
- Program Characteristics
- Program Location

These characteristics were identified as factors that might have a major influence on the attainment of the goals of shock incarceration programs as identified by Parent (1989) in the recent National Institute of Justice Issues and Practices report. Sites were specifically selected to vary on these characteristics and they varied as shown in table 2.

Two of the states participating in the evaluation, Texas and New York, are developing programs specifically designed to target drug offenders. The Bureau of Justice Assistance, U.S. Department of Justice, is sponsoring these as innovative programs for drug offenders to begin examining whether such programs are effective methods of handling drug offenders.

For each of the four characteristics on which sites varied (see above) specific hypotheses were developed regarding program effects. Each of these is described below.

Selection Decisions. One might hypothesize that the placement authority might have a major impact on whether the program results in "net widening." Widening the net occurs, at times, when judges have a choice of placing offenders in

a program, such as shock incarceration, that is intermediate between probation and prison. If offenders who might normally be given a sentence of probation are sent to the program, more offenders serve time in prison, hence the "net" of prison is widened. In such a case the prison population will not be reduced because offenders sent to the program are drawn from the pool of probationers rather than from the prison bound offenders.

TABLE 2. CHARACTERISTICS OF SHOCK INCARCERATION PROGRAMS PARTICIPATING IN MULTI-SITE STUDY SHOWING DIFFERENCES AMONG PROGRAMS IN THE SEVEN STATES

• Entry Decisions	
Judge:	SC, GA
DOC:	OK, NY
Other:	LA, FL, TX
• Release Supervision	
Intensive:	LA, NY
Moderate or Mixed:	SC, OK, FL, GA, TX
• Rehabilitation Focus	
High:	LA, OK, NY
Low:	SC, FL, GA, TX
• Voluntary Entry	
Yes:	SC, LA, NY, GA
No:	OK, FL, TX
• Voluntary Drop Out	
Yes:	LA, SC, NY
No:	OK, FL, TX, GA
• Located in Larger Prison	
Yes:	LA, SC, OK, FL, GA, TX
No:	NY

If the department of corrections makes the placement decision rather than the judge, net widening would not be expected to be as apt to occur because in this case the participants would be chosen from the group of offenders who are already prison bound.

Whether net widening is a problem depends upon the goals of the program. If the shock incarceration program was developed to give judges a wider range of sentencing options, then net widening would not be considered a problem. The judge may want to sentence offenders to an option that is intermediate between probation and prison. On the other hand, if prison crowding is a problem and the program was developed to reduce the prison population, then net widening, by sending more offenders to prison, presents a problem.

Net widening is used here as an example to demonstrate how components of a program may

influence the effects of the program. Differences in the effect of the shock programs could be expected in other areas, based on the specific characteristics of a program (e.g., number of dropouts, drug treatment, education or work).

Program Characteristics. Shock programs vary in whether or not there is a strong emphasis on treatment such as education, counseling, or vocational training during the time the offenders are incarcerated. If one of the goals of the programs is to change offenders, interest focuses on the importance of treatment as a component of shock programs (MacKenzie, et al., 1989). Three sites participating in the multi-site study, New York, Louisiana, and Oklahoma, require offenders to spend a large portion of each day in treatment activities (see table 2). Offenders in the other four sites spend much less time in treatment-type activities.

A second factor which may be potentially rehabilitative or have a major influence on program success is the voluntary nature of participation. Programs vary in whether offenders must initially volunteer to participate and in whether offenders can drop out once they enter the program. As shown in table 2, in three programs offenders can drop out at any time during the program, while in the other four programs the offender cannot voluntarily drop out. It is hypothesized that the offenders' ability to choose to participate or to remain in the program may influence how they behave upon release. A high drop out rate may also indicate the rigor of the program. An offender who completes a tough program may have a real sense of accomplishment in comparison to an offender who completes a relatively easy program.

Release Supervision. It has been proposed that even if the shock programs change offenders in a positive manner this change may not persist after the period of incarceration. Offenders spend only a short period of time in the programs and then are returned to their home environments. The problems and difficulties of drugs, criminal companions, lack of support groups, unemployment, etc., remain the same.

Programs such as those in Louisiana and New York, that involve a period of intensive supervision after incarceration, may be more successful in helping offenders make the transition from shock incarceration to the community. The New York Division of Parole has identified aftercare as important for shock parolees and is incorporating an intensive 6-month period of supervision and programming for shock releasees. Employment with pay, substance abuse counseling, offender support

group meetings, and urine testing are some of the components of the aftercare program.

Program Location. Another concern with shock programs has been with the staff members—their attitudes toward the work and their treatment of offenders. It was hypothesized that the location of the program might have a major impact on these factors. If a program is located within a larger facility, staff members can be transferred into or out of the programs depending upon their interest and ability. Those that burn out can be fairly easily transferred to another area of the prison. This is not as easily done when the program is located in a separate facility. In such situations staff training and selection may become important factors influencing staff and offender interactions.

Design of the Study

The participants in the multi-site study have had two conferences to plan and coordinate their research activities. At the first conference representatives from each participating state described the shock program and their evaluation efforts to date. The research for the multi-site study was planned, and it was decided to examine the programs in three areas: (1) a qualitative and descriptive analysis; (2) offender change and comparisons and, (3) system changes (including costs and benefits). The final products of the work will be written reports for each state describing the results of the evaluation and a report comparing the results among the states.

During the first conference the qualitative and descriptive analysis was planned, and the state evaluators returned to their home state to complete this portion of the study. Intensive interviews were conducted with staff, offenders serving various sentences, and, where appropriate, judges. Statistical data were collected from department records to describe the shock programs and their participants. This information was used to identify the goals of each program and the important issues related to the program and its development.

Goals of Programs

Shown in table 3 are the goals of the seven shock incarceration programs as identified from interviews and department written material. The goals can be classified into four major areas:

- System Level
- Individual Level
- Public Relations

• Prison Control/Management

TABLE 3. GOALS OF THE SEVEN SHOCK INCARCERATION PROGRAMS PARTICIPATING IN THE MULTI-SITE STUDY

System Level Goals

- Reduce Crowding
- Alternative to Long-term Incarceration
- Less Cost
- Model for County Programs

Individual Level Goals

- Change Offenders: Less Negative Behavior
- Less Criminal Activity
- Change Offenders: More Positive Attitudes/Behavior
- Improve Confidence/Responsibility
- Discipline
- Motivation
- Positive Social Values
- Positive Social Behavior (e.g., Work Ethic)
- Reduce Drug Use
- Accountability
- Respect for Authority

Public Relations

- Improve Image of Corrections
- Politically Acceptable Alternative
- Public Safety

Prison Control/Management

- Clean, Healthy, Secure Environment
- Environment Promoting Rehabilitation
- Positive Offender/Staff Contact
- Offender Accountability

The most consistency in the goals across the seven states was in three system level changes: (1) a reduction in prison crowding; (2) an alternative to long-term incarceration; and (3) cost savings. Only Texas reported a system level goal of having a model program for the counties that were developing programs.

The majority of the states also reported individual level goals. For most, this meant a reduction in criminal activity and some type of positive change. Exactly what type of positive change was expected was hard to define and varied by state. In general, the changes related to increased responsibility, maturity, self control, communication/self disclosure, accountability, motivation, and improved attitudes toward authority. A reduction in drug use by the offenders was a goal of both states with shock programs for drug offenders.

Few states listed public relations as a goal. In these states there was a concern for improving the image of corrections and for public safety.

Only one state, Oklahoma, reported a goal of shock incarceration as a tool for prison control and management. The shock program was considered to be a clean, healthy, secure environment in prison, promoting counseling activities, positive

offender-staff contact, and offender accountability. Offenders in this program spend a high proportion of their time in rehabilitation activities. Thus, it was assumed that the focus on offender control was combined with the goal of developing an environment promoting positive changes in the offender rather than just managing the offenders while they are incarcerated.

Preliminary Evaluations

Five states have examined early data from the shock programs within their jurisdictions: Florida, Georgia, Louisiana, New York, and South Carolina. The number of offenders who entered the programs and how they left the program are shown in table 4. Note the differences in the programs in the proportion of offenders who graduate. In South Carolina and Georgia the proportion of those who leave the program without graduating (in comparison to all who have left the program) is low, 5.3 percent and 2.5 percent, respectively (South Carolina Department of Corrections, 1989; Georgia Department of Corrections, 1989). In contrast, in Louisiana, New York, and Florida a higher proportion of the offenders leave prior to graduation, 39.1 percent, 41.9 percent, and 40.7 percent, respectively (Aziz, 1988; Florida Department of Corrections, 1989; MacKenzie et al., 1989).

To our knowledge no state has completed an analysis examining whether the shock program(s) have had an impact on prison crowding. However, if the number graduating per year from a state program is compared to the total number of offenders in prison in the state it is obvious that the numbers graduating make up a very small proportion of the incarcerated population. Although New York with 904 graduates in 18 months may have a large enough number of graduates to have an impact on crowded prisons (table 4), this is not the case in most states.

Of course whether the programs will have an impact on prison crowding depends not only on the number of graduates but also on whether the offenders graduating from the program are drawn from the population of probationers or prisoners. Our assumption is that in states where placement is determined by the department of corrections the offenders in the program are those who would usually be incarcerated. Again this suggests that the New York program may have an impact on prison crowding.

Evaluators in both New York and Florida have completed preliminary cost analyses of their programs. In both the cost of the program was estimated to be slightly higher than the cost of reg-

TABLE 4. NUMBER OF ENTRANTS TO SHOCK INCARCERATION PROGRAMS IN FIVE STATES SHOWING HOW OFFENDERS LEFT THE PROGRAMS (GRADUATION, MEDICAL DISMISSAL OR OTHER)

	States (months of data)				
	South Carolina (13)	Georgia (64)	Florida (12)	Louisiana (24)	New York (18)
Total Entrants	923		319	507	2299
Active	106		56	49	595
Total Leaving Program	817	3201	263	468	1604
Graduates	675	3117	143	252	904
Medical out:	99		13	27	28
Left program	43	84	107	179	672

uiar prison but the shorter period of incarceration resulted in an overall cost savings (Aziz, 1988; Florida Department of Corrections, 1989). In Florida this cost savings was estimated to be \$1.1 million, and in New York the estimate was \$5.1 million for the first 321 inmates. Although this does not take into consideration the additional cost of the aftercare program in New York, it does appear to represent a relatively large cost savings.

There is also some research on individual level issues. Researchers in Louisiana found graduates of the shock programs had more positive social attitudes than those who dropped out and a comparison group in a regular prison (MacKenzie & Shaw, 1990). The offenders felt positive about their experience in the program and their future. Inmates completing the shock program in New York were found to have gained more or at least as much in educational scores as comparison groups who had been in prison longer (Aziz, 1988).

The most often requested statistics are the recidivism rates of graduates of these programs. Some states have reported data on recidivism for shock graduates and comparison groups. Few of the researchers have completed statistical tests, and they caution readers about drawing definitive conclusions before more data can be tabulated. Shown in table 5 are the estimated recidivism rates of the early releasees from four shock programs. The return to prison rates for the shock offenders were higher for the shock graduates in Georgia (no significance tests), while in Florida and New York the rates are lower or approximately the same. There are no significant differences between shock graduates and a parole comparison group on rearrests or failures in Louisiana, nor between shock graduates and proba-

tioners for rearrests (MacKenzie, 1989). However, the probationers failed (absconded, jailed, or revoked) less often than the shock graduates.

To our knowledge no empirical research has yet been completed on public attitudes toward these programs. Anecdotally, from new reports and interviews there is the appearance that the public is supportive, but whether this support is because of the punishment or therapeutic nature of the programs is uncertain. Intensive interviews with those who are associated in some way with the programs have, in general, indicated positive attitudes. Reportedly employers prefer to have these offenders because they have good work skills; parents and relatives appreciate the close support and contact with parole agents; corrections officers like the discipline and close interaction with the inmates; dropouts and returnees say they would recommend that program for other offenders. There is also little research on the aspect of prison management or control. However, there is little doubt after viewing these programs that the staff members have more control of offenders in the shock programs than they do of offenders in a regular prison.

Summary

In this article the components of shock incarceration programs were described. The survey of state jurisdictions indicated that approximately 54 percent of the state jurisdictions may have shock programs in the near future. Although the programs all emphasize strict rules and discipline and require physical training and drills, they differ in other ways. These differences are expected to result in differences in the success or failure of programs in reaching their goals.

Both the advocates and opponents of shock incarceration programs are frequently uninformed

TABLE 5. ESTIMATED RECIDIVISM RATES OF EARLY RELEASEES FROM SHOCK INCARCERATION

State	Release Period*	Percent Returned		
		Shock	Parole Comparison	Probation Comparison
Georgia	1 year	27.1	22.7	
	2 "	39.6	38.3	
	3 "	46.1	44.7	
Florida	1 "	9.1	17.3	
	2 "	18.3	21.4	
New York	1 "	23.0	29.0	
	1 "	19.8 (revoked any reason)	18.5	
Louisiana	9 months	21.1 (arrested/jailed/revoked)	24.7	12.9
	9 months	24.5 (arrested)	22.5	22.3
National (Young Parolees)	1 year (rearrests)		32.0	
	1 year (reincarcerated)		19.0	

*Return to prison rates unless otherwise noted.

Note: Information is taken from Georgia Department of Corrections, 1989; Florida Department of Corrections, 1989; NY Division of Parole, 1989; NY Department of Correctional Services, 1989; MacKenzie, 1989; Beck & Shipley, 1987.

about the components of these programs. Those who view the program as a get-tough punishment frequently do not realize that many shock programs incorporate rehabilitation activities. What is surprising about these programs is the support and excitement of the staff and inmates. Even those who violate parole and are returned to prison after graduating from a program report that the experience was valuable. To our knowledge it is very unusual for releasees from regular prison to feel their time in prison has been valuable (Goodstein & Wright, 1989).

At this point there is little empirical evidence to help us make decisions about how successful these programs are in reaching the identified goals. Opponents of these programs frequently cite problems that may occur such as staff abuse of inmates or net widening. We have tried to show how such issues are being (or could be) empirically studied. It is our perspective that any prison holds the potential for abuse of inmates. Whether abuse occurs can be studied and possibly prevented.

Furthermore, can the boot camp atmosphere (the punishment) be combined with rehabilitation activities so that the result is a constructive punishment? Once the offender has received his or

her punishment (time in boot camp) will the public be more willing to fund aftercare programs that help the offender during community supervision? Whether the punishment fulfills the public's desire for retribution can be asked as an empirical question.

These issues should be separated from philosophical concerns such as whether nonviolent offenders should ever be incarcerated. One philosophical issue that should be discussed regarding these programs is whether the boot camp atmosphere of these programs is a fair and just punishment. And, is this desire for retribution a legitimate request that should be fulfilled? Or should male-oriented programs such as boot camps be replaced with more benevolent programs emphasizing more "so-called 'female traits' (e.g., sensitivity) (Morash & Rucker, 1990)" (Harris, 1989).

Should these nonviolent offenders spend longer periods of time in a regular prison where there are few constructive activities available, or would it be better to punish them for a short period of time in a boot camp prison? Can this "punishment" be combined with rehabilitation activities to create a constructive punishment? These are philosophical questions that should be discussed.

Knowledge of the components of these programs and how they operate will make the philosophical debates more meaningful.

NOTES

¹From the number of inquiries we have received about shock incarceration we anticipate that these numbers are rapidly increasing in both state and county jurisdictions.

²Cost prohibited us from including all states with programs in the multi-site study.

REFERENCES

- Asis, D. (1988). *Shock incarceration evaluation: Preliminary data*. Albany, NY: Unpublished report to the New York Department of Correctional Services, Shock Incarceration Legislative Report.
- Beck, A.J. & Shipley, B.E. (1987). *Residivism of young parolees*. Washington, DC: Bureau of Justice Statistics Special Report, U.S. Department of Justice.
- Florida Department of Corrections. (1989). *Boot camp evaluation and boot camp recidivism rate*. Unpublished report by the Bureau of Planning, Research & Statistics.
- Georgia Department of Corrections. (1989). *Georgia's special alternative incarceration*. Unpublished report to the Shock Incarceration Conference, Washington, DC.
- Harris, K. (1989). Presentation to the American Probation and Parole Association 14th Annual Training Institute, Milwaukee, Wisconsin.
- MacKenzie, D.L. (1989). *The parole performance of offenders released from shock incarceration (boot camp prisons): A survival time analysis*. Paper presented at the American Probation and Parole Association 14th Annual Training Institute, Milwaukee, Wisconsin.
- MacKenzie, D.L. & Ballou, D.B. (1989). *Shock incarceration programs in state correctional jurisdictions—An update*. Washington, DC: NIJ Reports.
- MacKenzie, D.L., Gould, L.A., Riechers, L.M., & Shaw, J.W. (1989). *Shock incarceration: Rehabilitation or retribution?* *Journal of Offender Counseling, Services & Rehabilitation*, 14(2), 25-40.
- MacKenzie, D.L. & Shaw, J.W. (1990). *Inmate adjustment and change during shock incarceration: The impact of correctional boot camp programs*. *Justice Quarterly*, 7(1), 125-150.
- Morash, M., & Rucker, L. (1990). *A critical look at the idea of boot camp as a correctional reform*. *Crime and Delinquency*, 36(2), 204-222.
- New York State Department of Correctional Services. (1989). *Initial follow-up study of shock graduates*. Albany, NY: Unpublished report by the Division of Program Planning, Research and Evaluation.
- New York State Division of Parole. (1988). *Preliminary supervision assessment of the first six shock incarceration platoons*. Unpublished report, Shock Incarceration Legislative Report.
- New York State Division of Parole. (1989a). *Shock incarceration: One year out*. Unpublished report.
- New York State Division of Parole. (1989b). *Qualitative and descriptive analysis of shock supervision program*. Unpublished report.
- Parent, D.G. (1989). *Shock incarceration: An overview of existing programs*. Washington, DC: NIJ Issues and Practices Report, National Institute of Justice, NCJ 114902.
- Seabrest, D.K. (1989). *Prison "boot camps" do not measure up*. *Federal Probation*, 53.
- South Carolina Department of Corrections. (1989). *South Carolina shock probation unit evaluation: Qualitative and descriptive analysis*. Unpublished report to the Shock Incarceration Conference, Washington, DC.

BOOT CAMPS

Boot Camp Survey

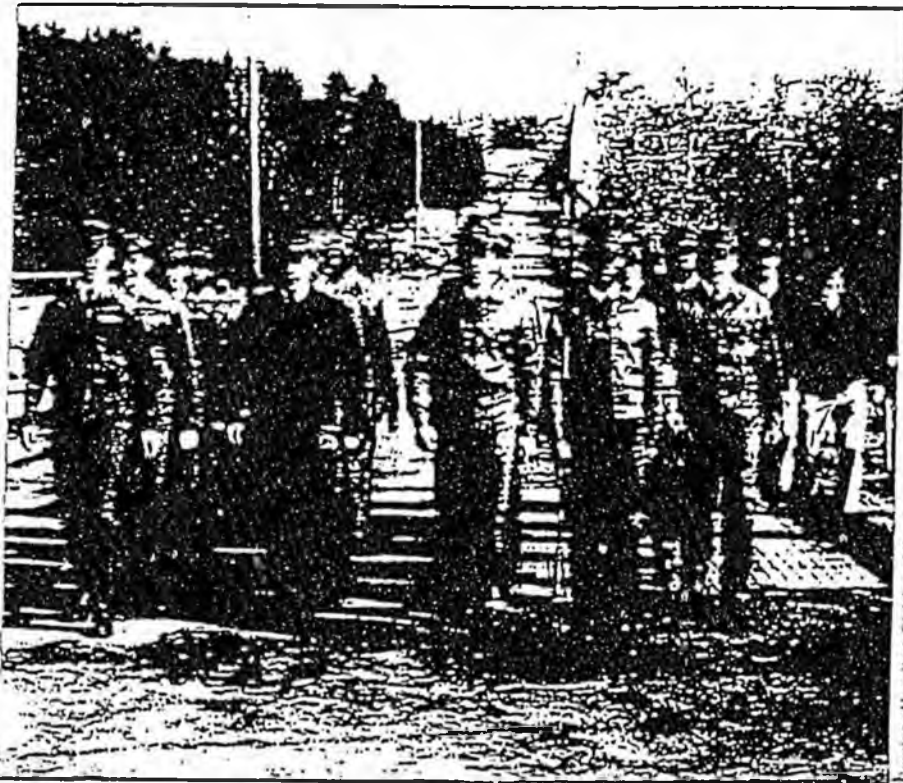
Rehabilitation, Recidivism Reduction Outrank Punishment As Main Goals

by Doris Layton MacKenzie, Ph.D.,
and Claire C. Souryal

Boot camp prisons continue to grow in number and size. Since their inception in 1983, 34 boot camp programs have been established in 23 states, incarcerating close to 4,000 adjudicated adults. These numbers do not include adult programs operated by cities or counties, or programs developed for juveniles.

The terminology used to identify adult boot camp prisons is often confusing. While the term "boot camp prison" is synonymous with "shock incarceration," some confuse shock incarceration with shock probation or shock parole. The common thread of all three programs is that offenders spend a reduced period of time in prison. In contrast to shock probation or shock parole, however, boot camp inmates are not mixed with regular population inmates. They live in separate housing and are required to participate in military drills, physical training, work and frequently treatment-oriented activities, while this is not necessarily true for offenders in shock probation or shock parole programs.

Beyond the common core—a military atmosphere involving drills, physical training and work—boot camp prisons vary tremendously. There are differences in daily activities, the average number of days served, program size, whether participation is voluntary, release supervision and eligibility criteria. These differences may stem from the distinct correctional goals each program strives to achieve.



A survey of boot camps in the United States found that administrators most often named rehabilitation, recidivism reduction and drug education as their programs' main goals. Above, boot camp participants march in formation.

Courtesy New York Division of Parole

Program Goals

In a survey earlier this year at the University of Maryland, we asked boot camp administrators how important 11 goals were to their programs. For each goal, officials listed whether it was very important, important, somewhat important, not important or not a goal.

The goals most often judged very important included rehabilitation, recidivism reduction and drug education. Reducing crowding, developing work skills and providing a safe prison environment were generally considered important

goals. Deemed somewhat important were deterrence, education and drug treatment. Goals most often believed not important or not a goal included punishment and vocational education.

Despite the strenuous and difficult nature of boot camp prisons, many states do not consider punishment an important program goal.

It is interesting to note that despite the strenuous and difficult nature of boot camp prisons, which is often emphasized by politicians and played up by the media, many states do not consider punishment an important program goal. In fact, four states said punishment is not a goal, three states reported it is a relatively unimportant goal and six states said it is a somewhat important goal. Eight states—Georgia, Kansas, Michigan, Mississippi, New Hampshire, North Carolina, South Carolina and Virginia—did name punishment as an important goal.

Treatment and Rehabilitation

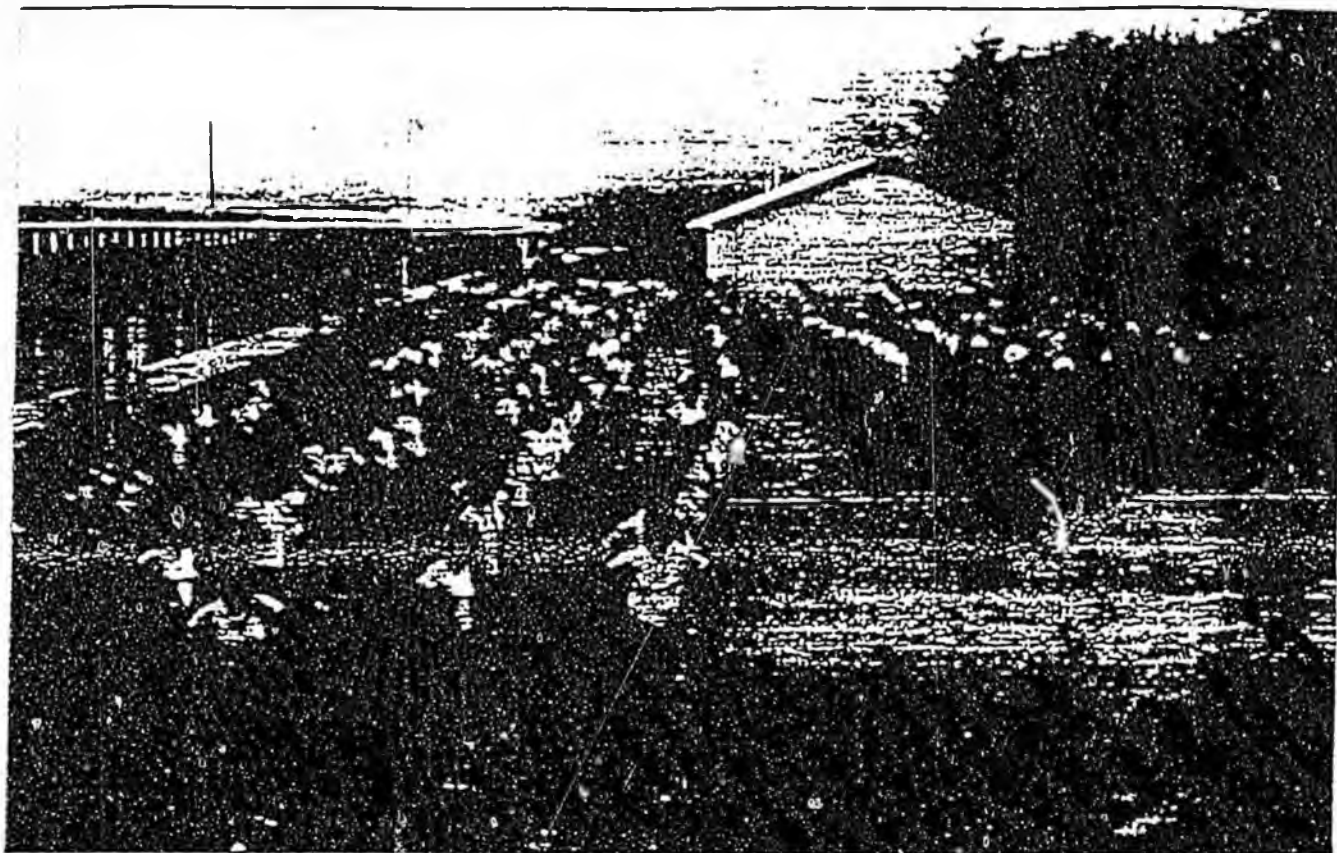
Each program's goals are clearly reflected in the daily schedule of activities. For example, education and drug education are high priority goals in South Carolina's programs. Inmates there spend four hours per day in educational programs and three hours per week in drug education. Drug treatment, in contrast, is not a high priority goal and, therefore, little time is spent in treatment.

Sixteen states consider academic education an important or very important program goal. Consequently, offenders in these programs spend one to four hours per day in academic programs. Vocational education, on the other hand, is rarely deemed an important goal. Only two states—Idaho and Illinois—consider vocational education an important goal, and neither devotes much time to it. Preliminary information from Louisiana and New York suggests shock programs positively influence offenders' attitudes and staff and inmate relationships and may influence educational achievement.

Reducing Recidivism

All but three states rate recidivism reduction as an important or very important goal. Differences in programs seem to reflect the way in which states intend to reduce recidivism. Programs that focus on rehabilitation may, for example, target educational deficits as a key problem in offenders' lives. By increasing offenders' educational levels, these programs may expect to reduce recidivism.

Continued next page



Courtesy New York Division of Parole

Women inmates at New York's Summit Shock Incarceration Facility do early-morning group exercises. New York has the largest boot camp program in the nation with about 1,500 inmates in five programs.

BOOT CAMP SURVEY

Continued

An alternate strategy is practiced by other programs, such as Georgia's. Offenders in boot camps there spend little time in educational or treatment-oriented activities. By requiring long hours of work and physical training, the state may hope to affect the recidivism rate through deterrence rather than rehabilitation. Consistent with this perspective, Georgia ranks punishment, reducing recidivism and deterrence as its most important program goals. In contrast, the goals of education, drug education and drug treatment are all deemed relatively unimportant.

At this point, no state has reported a statistically significant difference in recidivism when boot camp graduates' performance is compared to that of similar offenders serving different types of sentences. Interestingly, recent studies by the corrections departments in New York and Georgia—two states that are opposites in their emphasis on rehabilitation—conclude that boot camp releases do "no worse" than offenders who had served a longer period of time in prison. Although both states found slightly lower recidivism rates for boot camp participants, the differences were not statistically significant. In other words, there was little difference in recidivism, despite New York's strong emphasis on education, counseling and drug treatment and Georgia's strong emphasis on work. In both states, 20 to 30 percent of boot camp graduates and comparison groups re-

turned to prison within the first year of community supervision.

All boot camp prisons report having incorporated some sort of drug treatment and education into their program plan.

The recidivism results are preliminary and should not be considered conclusive at this point. New York has identified the transition to community life as a difficult period for these offenders and has improved aftercare services during community supervision. Georgia, on the other hand, has proposed increasing the rehabilitation or educational components of its boot camp programs.

Impact on Prison Crowding

For boot camps to successfully reduce prison crowding, two conditions must be met—there must be a sufficient number of eligible offenders entering and completing the programs and offenders must be drawn from a population of prison-bound offenders, not from those who would otherwise be sentenced to probation.

Continued on page 94

BOOT CAMP SURVEY

Continued from page 92

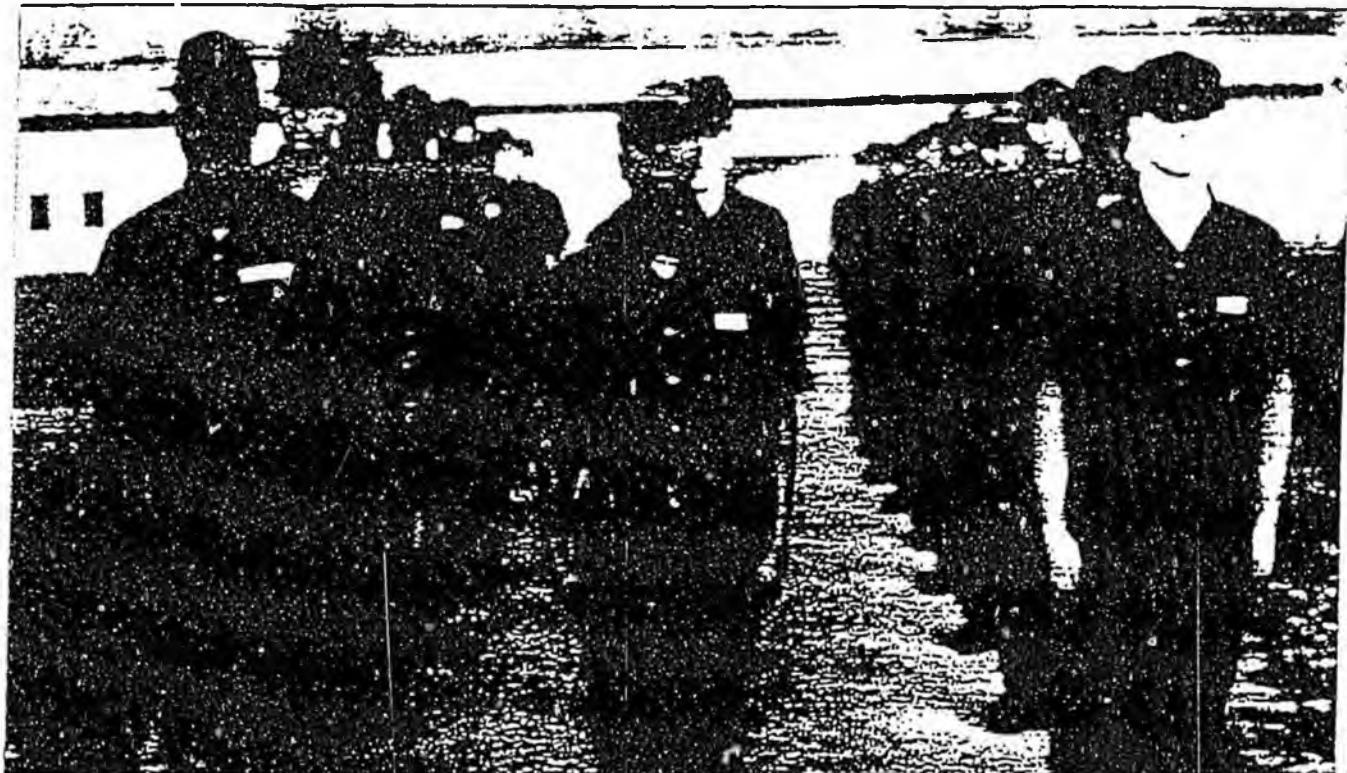
Most programs to date do not meet the first qualification—they simply are too small to affect crowding. Only two states—New York (1,500) and Texas (400)—have more than 300 beds for boot camp programs, which nonetheless represents a small proportion of the total prison beds.

Whether states meet the second qualification may depend on who decides which offenders are placed in boot camp programs.

national prison. In this scenario there is a higher probability that entrants are drawn from prison-bound offenders. However, the size of these programs, and therefore the impact on crowding, may be limited by restrictive eligibility requirements and high failure or dropout rates.

Types of Offenders

While the components of shock programs and the emphasis placed on treatment or rehabilitation vary substantially, the



Courtesy New York Department of Parole

Boot camps generally hold young, first-time, non-violent offenders ages 17 to 25. Rigid discipline and attention to detail are critical elements of most programs.

This differs from state to state. In Georgia and Arizona, for example, judges sentence offenders directly to boot camp programs, and if offenders are denied entry or are dismissed they

Most boot camp programs restrict participation to inmates convicted of non-violent offenses.

return to the court for resentencing. With this decision-making structure, it might be expected that a higher proportion of the boot camp entrants are selected from those who would otherwise receive probation.

In other states, such as New York, Maryland or Tennessee, offenders are sentenced to the Department of Corrections, which decides who is eligible and suitable for the program: those considered unsuitable are sent to a tradi-

types of offenders placed in the programs are very similar. Offenders sentenced to boot camp are generally young, first-time, non-violent felons. Most states, for example, restrict participation to offenders between the ages of 17 and 25, although a few have maximum age limits of between 25 and 30 years of age. Only three states allow offenders over 30 to enter boot camp prisons: Alabama has no age limit and Louisiana and Mississippi have age limits of 39 and 62, respectively.

More than half of the programs further restrict participation to offenders convicted of non-violent offenses. The remaining 10 states report that both those convicted of violent and non-violent offenses are eligible for participation. Preliminary data from the multi-site study reveals that despite violent offenders' potential eligibility, the majority of participants are convicted of non-violent offenses.

Restrictive eligibility criteria, particularly if offenders are drawn from those who are prison-bound, can severely limit the number of available entrants. In response to such problems, Louisiana made its criteria less restrictive to fill beds that initially had been empty.

Drug Offenders

The association between drugs and crime is a strong one, particularly when young offenders are involved. Not surprisingly, program evaluations reveal that many offenders in boot camps have drug problems. Officials in Mississippi, for example, have found that 90 to 95 percent of their participants are drug users. At least four states report that their programs were specifically designed for non-violent, drug-involved offenders.

For boot camps to reduce prison crowding, there must be a sufficient number of offenders completing the programs, and they must be drawn from a population of prison-bound offenders.

In response to offenders' needs, all boot camp prisons report having incorporated some sort of drug treatment and education into their program plan. In fact, in nine states drug treatment is a legal program requirement. As might be expected, the particular drug treatment/education strategy adopted by each program varies considerably.

Some programs focus solely on drug education, while others emphasize treatment. More specifically, seven programs teach only drug education, three programs emphasize treatment and 13 programs combine treatment and education in some fashion. In our survey, most respondents rated drug education as a more important goal than drug treatment.

An examination of the availability of and time spent in specific components of drug treatment and education underscores this difference in emphasis. For example, in virtually all programs inmates receive at least several hours of drug education per week. The availability of individual psychotherapy, group psychotherapy, drug counseling and relapse prevention training, however, was far more limited.

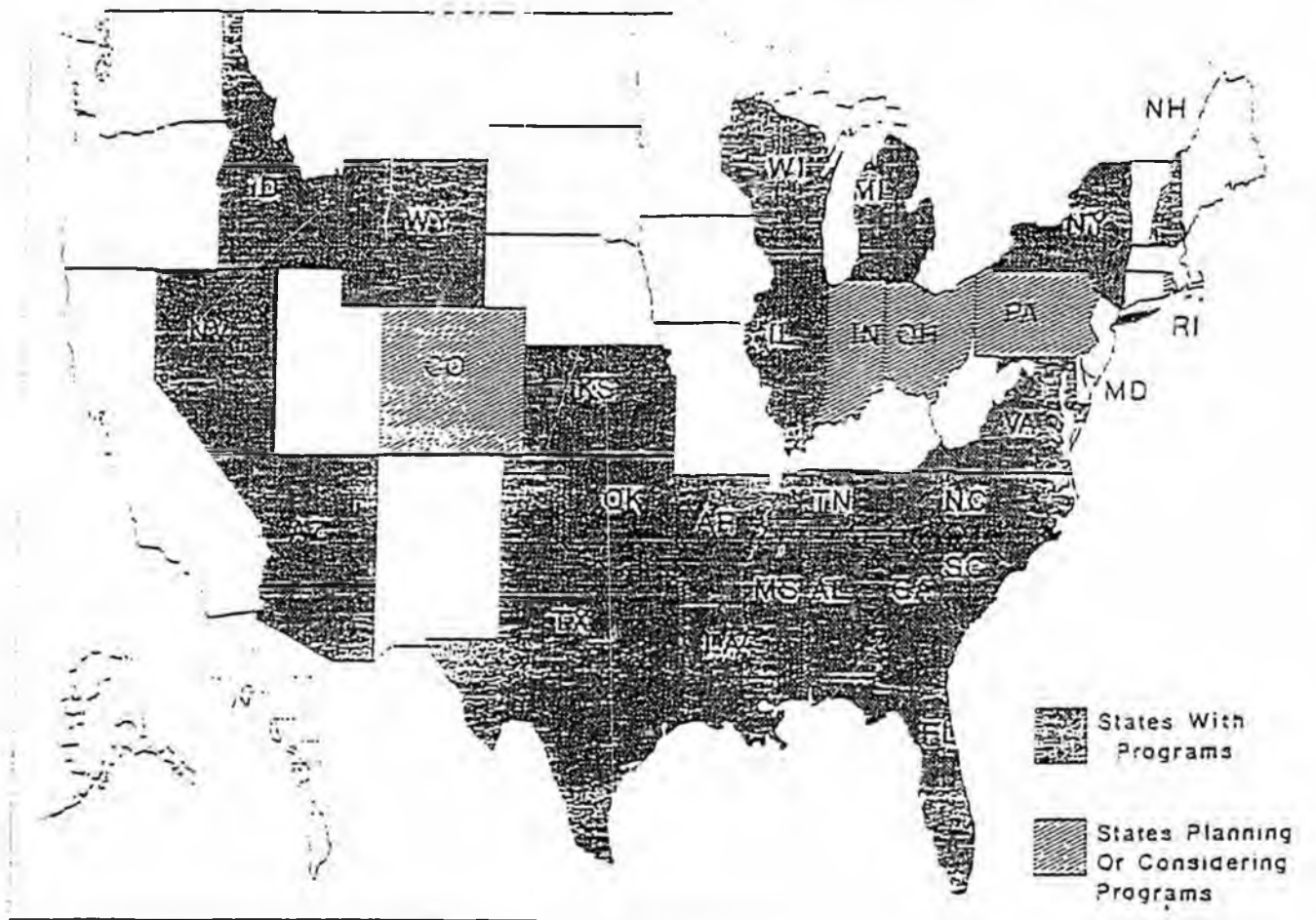
Other program differences include the number of days spent in drug treatment and education, which ranges from 12 to 180 days, whether the drug treatment and education program is administered by program staff or an outside agency and whether all inmates participate.

NIJ Study

The National Institute of Justice recently began a national boot camp study that focuses on two major questions: Are boot camps successfully fulfilling their goals, and what particular components of boot camp programs lead to success or failure? The evaluation will compare eight unique

Continued next page

Shock Incarceration Programs In U.S., March 1991



BOOT CAMP SURVEY

Continued

state programs for men in Florida, Georgia, Illinois, Louisiana, Oklahoma, New York, South Carolina and Texas, and one program for women in Oklahoma.

The participating programs were selected because they varied in several ways, including selection decisions, community supervision upon release, program characteristics and program location. Researchers hope to isolate the specific components of programs that lead to the fulfillment of program goals. Each participating program is evaluating its own program and coordinating this evaluation with the other states so the methodology, data collected and data analysis can be compared across states.

While it is clear that many offenders sentenced to boot camps need drug treatment and education, it is not clear whether these programs are the most effective way to provide it. The U.S. Department of Justice's Bureau of Justice Assistance is currently funding four innovative or enhanced boot camp programs for drug offenders in Texas, New York, Illinois and Oklahoma. The sites are participating in the NIJ's study. Results from these studies should be available in 1992.

REFERENCES

Flowers, G.T., T.S. Carr and R.B. Ruback. 1991. *Special alternative incarceration evaluation*. Department of Corrections, Atlanta, Ga.

New York Department of Correctional Services and Division of Parole. 1990. *Shock incarceration in New York state: The corrections experience. The Second Annual Report to the Legislature*. Albany, N.Y.

MacKenzie, D.L. and D. Parent. 1991. Shock incarceration and prison crowding in Louisiana. *Journal of Criminal Justice*, 19:225-237.

MacKenzie, D.L. and J.S. Shaw. 1990. Inmate adjustment and change during shock incarceration: The impact of correctional boot camp programs. *Justice Quarterly*, 7(1):125-50.

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Boot Camp Prisons in 1993

by Doris Layton MacKenzie, Ph.D.

Boot camp programs, frequently called shock incarceration, require offenders to serve a short term in a prison or jail in a quasi-military program similar to military boot camps or basic training. Currently 30 States, 10 local jurisdictions, and the Federal Bureau of Prisons have boot camp programs (see exhibit 1).¹ Another 8 programs have been designed solely for juveniles.² This report focuses on State boot camp programs for adults.

There are currently well over 7,000 beds devoted to boot camp programs. On average, offenders spend 107 days in the programs. Thus, more than 23,000 offenders could potentially complete programs in a 1-year period.

Offenders who successfully complete shock incarceration programs are released to community supervision. Forty-two percent of the States intensively supervise offenders who

are released from boot camp: 50 percent vary the supervision depending upon evaluated risk; and the remaining 8 percent require moderate or standard supervision. In some States a fairly large percentage of the inmates are dismissed from the program for one reason or another. These offenders must serve their sentences in traditional prisons or return to court for resentencing.

Most State programs target young adult offenders convicted of nonviolent crimes who are serving their first prison terms. Offenders accepted into the programs must serve between 90 and 180 days in the heavily regimented programs. Both the number of States with shock incarceration programs and the capacities of these programs have continued to increase during the 1990's. New York has the largest capacity with 1,500 beds, but programs in Georgia (800 beds), Oklahoma (400 beds), Michigan (600 beds), Texas (400 beds), and Maryland (440 beds) continue to grow in size (see exhibit 2).

Exhibit 1. Shock Incarceration Programs in the U.S., April 1993



Exhibit 2. Growth of Shock Incarceration Programs for Adults

Date Began	State	Number of Programs in 1992 and 1993	Number of Participants/Capacity in 1992 and 1993	Average length of stay ^a
1983	Georgia	5	800/800	90
	Oklahoma	4	415/438	90 ^b
1984				
1985	Mississippi	1	223/263	120
1986				
1987	Florida	1	93/100	90
	Louisiana	1	64/136	120
	New York	5	1500/1500	180
	South Carolina	2	198/216	90
1988	Alabama	1	140/180	90
	Arizona	1	92/150	120
	Michigan	3	160/600	90
1989	Idaho	1	236/250	120
	North Carolina	1	82/90	92
	Tennessee	1	103/150	91
	Texas	2	329/400	80
1990	Illinois	1	215/230	120
	Maryland	1	332/448	168
	New Hampshire	1	32/65	120
	Wyoming	1	23/24	95
1991	Arkansas	1	150/150	105
	BOP-male	1	192/192	190
	Colorado	1	114/100	90
	Kansas	1	66/104	180
	Nevada	1	60/60	150
	Ohio	1	76/94	90
	Virginia	1	79/100	90
	Wisconsin	1	40/40	180
1992	BOP-female	1	119/120	180
	Massachusetts	1	95/256	120
	Minnesota	1	12/36	180
	Pennsylvania	1	45/50	180
1993	California	1	48/176	180 ^c
Total		46	6133/7518	121

1993 Considering beginning programs: Indiana, Missouri, and Rhode Island.

^a Based upon graduates of the program

^b Four programs, two 30-day programs and two 45-day programs

^c The first phase is 120 days with a capacity of 176 and the second phase is 60 days with a capacity of 54.

A day in boot camp

Upon arrival at the boot camp prison, male inmates have their heads shaved (females may be permitted short haircuts) and are informed of the strict program rules. At all times they are required to address staff as "Sir" or "Ma'am," must request permission to speak, and must refer to themselves as "this inmate." Punishments for even minor rule violations are summary and certain, frequently involving physical exercise such as push-ups or running in place. A major rule violation can result in dismissal from the program.

In a typical boot camp program for adult offenders, the 10- to 16-hour day begins with pre-dawn reveille. Inmates dress quickly and march to an exercise yard where they participate in an hour or two of physical training and drill. Following this they march to breakfast in a dining hall where they must stand at attention while waiting in line and move in a military manner when the line advances. Inmates are required to stand behind their chairs until commanded to sit and must eat without conversation. After breakfast they march to work sites where they participate in hard physical labor that frequently involves community service such as picking up litter in State parks or along highways. When the 6- to 8-hour work day is over, offenders return to the compound where they participate in

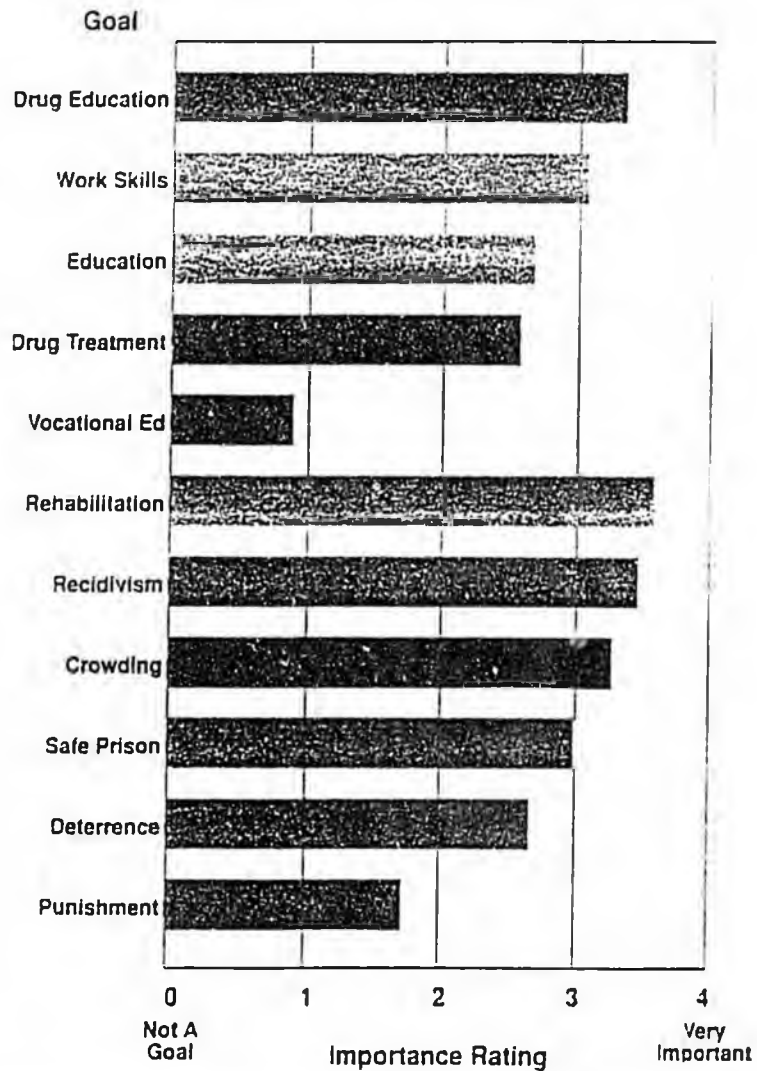
more exercise and drill. Dinner is followed by evening programs that include counseling, life skills training, academic education, or drug education and treatment.

As their performance and time in the program warrants, shock incarceration inmates gradually earn more privileges and responsibility. A special hat or uniform may be the outward display of their new status. Those who successfully finish the program usually attend an elaborate graduation ceremony with visitors and family invited to attend. Awards are often presented to acknowledge progress made during the program, and the inmates may perform the drill routines they have practiced throughout their time in the boot camp.

Goals

A survey of the 26 programs in operation in early 1992 indicated that program officials considered rehabilitation and reducing recidivism as the most important goals. However, reducing crowding and providing a safe prison environment were still considered important. These results are consistent with the goals of most other intermediate sanctions—providing judges options beyond probation or prison, reducing prison crowding, and changing offenders' behavior patterns. The importance given to one goal over the other probably depends upon the individual who is doing the rating.

Exhibit 3. Importance of Shock Incarceration Goals



Judges may be particularly interested in programs that have an impact on the individual offender and that provide more control than traditional probation. In contrast, corrections administrators, seeking new programs and facing serious prison crowding, may emphasize the importance of using intermediate sanctions such as boot camp.

When different types of rehabilitation efforts were rated, the officials judged drug education and work skills as the most important rehabilitation aspects. Since "work" in most programs means hard physical labor, the work skills referred to are probably related to good work habits rather than vocational skills that might result in increased employment opportunities. Academic

Shock Incarceration for Women

Thirteen states and the Federal Bureau of Prisons have shock incarceration programs for women. In 10 of the boot camps, males and females are combined in one program; inmates live in separate quarters but are integrated for most other activities. Other jurisdictions such as the Federal Bureau of Prisons, Mississippi, Oklahoma, and Texas have developed completely separate programs for female offenders.

In 1992 the National Institute of Justice brought together experts on female offenders, shock incarceration programs, and corrections in a focus group meeting at the University of Maryland. These experts identified issues considered in judging the boot camp programs for women. The issues fell into five major categories: physical and psychological; family responsibilities; selection

and classification; facility design and staffing; and program planning.

There was some debate by focus group members about whether the programs would address the particular needs of women, unfairly exclude women from participation in a useful program, exacerbate existing prison problems, or introduce new difficulties.

The focus group agreed that more information was needed regarding the development and implementation of the programs for women, and that research should be initiated to examine the effectiveness of shock incarceration in general and its applicability for women offenders. NII is currently sponsoring a descriptive study of the shock incarceration programs for women. This report is expected to be completed by December 1993.

education and drug treatment were also considered by many to be important aspects of their programs. Vocational education was rated as unimportant or not a goal by most respondents.

Drug treatment and education

All programs operating in 1992 reported incorporating drug education or a combination of drug education and treatment in the schedule of activities, most likely

because of the large number of drug-involved offenders entering the programs. However, the amount of time devoted to drug education or treatment varies greatly among programs. Some programs have as few as 15 days of treatment; in contrast, offenders in the New York program receive drug treatment every day of the 180-day program.

Programs also differ in the way drug treatment is incorporated into the schedule of activities. New York uses a therapeutic community model for its boot camp program, and all

offenders receive the same drug treatment while they are in the program. The platoons form a small "community" and meet daily to solve problems and discuss their progress in the program. Inmates also spend time in substance abuse education classes and in group counseling. The counseling program is based on the Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) model of abstinence and recovery. All inmates participate in the drug treatment programs regardless of their substance abuse history.

The Illinois program also targets substance abusers, but incorporates treatment in a very different manner from the New York model. In Illinois drug counselors evaluate offenders and match the education or treatment level to the severity of the offender's substance abuse problems. Inmates with no history of substance abuse receive only 2 weeks of drug education. Those who are identified as probable substance abusers receive 4 weeks of group counseling along with the drug education. Inmates who are classified as having drug addictions receive the drug education and 10 weeks of drug treatment.

In the Texas shock incarceration program, all participants receive approximately 5 weeks of drug education. Treatment is available after the education program ends, but offenders must volunteer for this treatment. They may also have

individual counseling if requested, and they can attend 12-step fellowship meetings.

Development and change

Boot camp programs continue to develop and change. The first programs that were developed in Oklahoma and Georgia in 1983 emphasized the military atmosphere, physical training, and hard labor. Although these still play a significant role in shock incarceration, many boot camp programs have begun to allot an increasing amount of time to rehabilitation and education.

Also, many programs are developing innovative methods to help offenders make the transition from shock incarceration back to the community. Maryland is developing transitional housing for boot camp graduates who do not have acceptable housing available in the community. While in the boot camp program, the Maryland inmates are helping with the renovations needed for the transitional housing.

New York has an intensive "after-shock" program that incorporates work programs, employment counseling, drug counseling, and a continuation of the daily therapeutic community meetings that were part of the boot camp program.

At Louisiana's Elayne Hunt Correctional Center, a participant stands at military attention, armed with a book and paper, weapons of rehabilitation.



Photo by Jeff Hooper

In Illinois, offenders who graduate from the program are electronically monitored for the first 3 months of community supervision.

California's new boot camp prison at San Quentin will train convicts for 120 days. Following this, offenders will be required to live at a nearby naval air station for 60 days.³ During this time, they may leave the base if they are employed or work on the base while they search for a job. Upon release from the base, they are intensively supervised in the community for an additional 4 months.

There has also been some interest in applying aspects of the boot camp model to other prison populations. At the Valdosta Correctional Institution, a close custody prison, the

Georgia Department of Corrections is using a modified version of the boot camp approach in two programs for inmates who present special management problems. The Intensive Therapeutic Program for disruptive inmates, and the Mental Health Program for disruptive inmates who have been diagnosed as mentally ill.

The program for disruptive inmates involves strict discipline, regimented drills, adherence to a code of ethics, maintenance of personal living quarters, and high standards of personal hygiene. The program was designed to teach disruptive inmates acceptable ways to deal with frustration, anger, and fear and provides inmates a means of earning their way back into the general prison population.



Photo by Jeff Hooper

Military discipline is an important part of most shock incarceration programs; the photo on the left was taken of Louisiana's program.

The Mental Health Program at Valdosta is similar to the program for disruptive inmates, but was designed in consultation with mental health professionals as a treatment modality for seriously mentally ill inmates who are also disruptive. All inmates in the program are assigned to a mental health caseload after being referred by one of the diagnostic and classification centers, staff at another penal institution, or the Valdosta staff.

The multisite study

Eight States are participating in the study of shock incarceration sponsored by the National Institute of Justice: Florida, Georgia, Illinois, Louisiana, New York, Oklahoma, South Carolina, and Texas. The programs represent very different models of the shock incarceration concept. The two most significant

differences are (1) whether the court or the department of corrections makes placement decisions; and (2) whether the program's focus is on treatment and education (New York, Illinois, Louisiana) or the military discipline, physical training, and work (Georgia, Texas).⁴

Intensive interviews with program staff and a thorough examination of written materials from the programs revealed that all were designed in part to address the problems of prison crowding. In some States this was expected to be accomplished because prison-bound offenders would serve less time in the boot camp than if they served a full prison sentence. In New York, Louisiana, and Illinois, the department of corrections selects candidates for the programs, and offenders can earn their way out of prison in less time than if they serve their original sentences.

In other States, offenders are sent to the boot camp by the court, which maintains full control over the offenders. Those who are dismissed prior to completion and those who successfully complete the program must return to the court for final disposition. Texas and the original programs in Georgia and South Carolina were designed this way. However, South Carolina now operates its program through the department of corrections, and Georgia operates some programs through the court and some through corrections.

There were large differences among the eight sites in the number of offenders completing the shock incarceration program in a one-year period, largely as a result of differences in the numbers of beds devoted to the program, the length of the program, and the dismissal rates. Depending upon the prison, between 3 and 50 percent of the inmates fail to complete the program. For example, in 1989 Georgia graduated more offenders (849 graduates) than New York (743 graduates), yet New York had a 1,500 bed capacity while Georgia had only 250 beds. The difference resulted from the fact that Georgia's program lasted an average of 89 days with only a 9 percent dismissal rate while New York's lasted 180 days and had a 31 percent dismissal rate. Overall, the States with the lowest dismissal rates were those in which the judge had decision-making authority.

An Evaluation of Shock Incarceration in Louisiana

One phase of the multisite study was designed to examine the effect shock incarceration programs had on the attitudes of the participating offenders. Some critics of shock incarceration have argued that the programs might have a negative impact on the offenders, that offenders would leave the boot camp more alienated and antisocial than before they entered.

The programs in the multisite study differed greatly in daily schedules, the emphasis placed on therapeutic activities, the types of offenders participating, and dropout rates—all differences that would be expected to have an influence on the attitudes of the participants. In some programs most of the day was devoted to physical training, drill, and work, while others devoted a substantial amount of time to counseling, education, and treatment.

The researchers were interested in determining whether the inmates' attitudes toward their boot camp experience or their general antisocial attitudes changed as a result of the programs. Inmates' attitudes were measured once soon after they arrived and again near the end of the program. Despite the differences among the programs the results were surprisingly consistent. Boot camp inmates became more positive about their experience in the program and they became less antisocial. This was true of the programs that had a therapeutic emphasis and those that emphasized work and physical training.

A recently released National Institute of Justice Research in Brief reports the result of an intensive evaluation of the Louisiana Department of Public Safety and Correction's boot camp prison.* The evaluation was designed to identify the goals as defined by the jurisdiction and to examine the success or failure of the program in meeting these goals. Program implementation, changes in inmate behavior and attitudes as a result of participation, and system-level changes were examined. The results indicate that some of the desired goals are being achieved while others are not. The study identifies the difficulties of designing programs to achieve desired goals and suggests potential benefits of shock incarceration programs. The Louisiana evaluation provided the model for a soon-to-be-completed multisite study of shock incarceration in eight states.

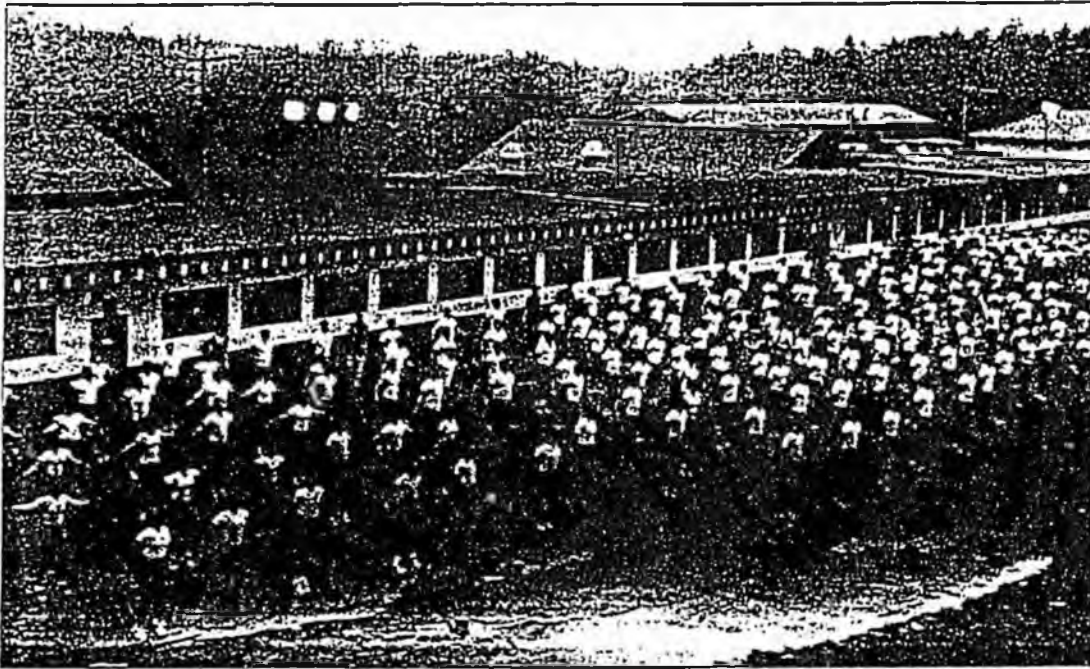
*MacKenzie, D.L., J.W. Shaw, and V.B. Gowdy, *An Evaluation of Shock Incarceration in Louisiana*. Research in Brief. National Institute of Justice, Washington, D.C.: U.S. Department of Justice, National Institute of Justice, March 1993.

The attitudes of the boot camp participants were also compared with the attitudes of similar prisoners in the general prison population and were found to be generally more positive. The general population inmates did not think their experience in prison had helped them to learn self-discipline, to learn about themselves, to change in a positive way, or to become more mature, while boot camp inmates were more apt to agree with these statements.

On the other hand, both the general population inmates and the boot camp inmates became less antisocial in their attitudes while incarcerated. They were more apt to accept responsibility for themselves and their actions instead of blaming the police or judges, they felt more positive about their relationships with others, and they held more socially acceptable opinions about behavior.

Thus, there was no evidence that shock incarceration had a negative impact on inmates' attitudes. Those nearing the end of their incarceration reported that the boot camp program had been a positive experience for them. Similar inmates in traditional prisons did not report that their experience was positive. However, both the boot camp inmates and prison comparison samples became less antisocial during their term in prison.

The researchers are now examining the performance of the offenders upon release from the shock incarceration programs in the eight sites. The positive activities and adjustment and the recidivism rates of the offenders released from boot camps will be compared to those of similar offenders who received different sentences.



The State of New York shock incarceration program is the largest in the country with a capacity of 1,500 beds.

These programs continue to evolve. The objective of this research is to inform program planners about the impact of the programs and to help them design programs to achieve the desired goals.

Notes

1. For information on county boot camps see Austin, J., M. Jones and M. Bolyard. *Assessing the Impact of a County Operated Boot Camp*, 1993.
2. For information on juvenile boot camps see Toby, J. and F.S. Pearson. "Juvenile Boot Camps, 1992" in *Boot Camps for Juvenile Offenders: Constructive Intervention and Early Support-Implementation Evaluation*, final report to NIJ, 1992.
3. Quinn, Michelle, correspondent. *San Francisco Chronicle*, Tuesday, January 19, 1993.
4. As has happened throughout the U.S. these boot camp programs continue to develop and change. The descriptions of these programs are based on conditions as they were at the time of the study.

Doris Layton MacKenzie is associate professor in the Institute of Criminal Justice and Criminology, University of Maryland.

From: Margaret Turk 101-00-01-00-01
Department of Health and Social Services

DIVISION OF YOUTH SERVICES'

Report to Joint Committee on Finance

Residential Boot Camp and
Wilderness Challenge Programs for
Juvenile Offenders
and
Plan for Wisconsin Juvenile Boot Camp

August 31, 1994

Silvia R. Jackson, Ph.D.
Administrator
Division of Youth Services
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community--unemployment, drug use and the lack of social support--regardless of the desire of the person to change. A key finding is that "success may be contingent on the emphasis on rehabilitation--giving offenders the training, treatment and education they need to support new behaviors during incarceration and on aftercare."¹⁷

Therefore, the length and quality of aftercare appears to be critical to success. Aftercare should ideally include a highly structured transition phase, followed by an aftercare program which includes enough contacts with parole agents to ensure public safety, as well as individualized services to meet the treatment needs of the youth and keep them focused on pro-social goals.^{18 19} For example, the aftercare program for graduates of a 90-day boot camp in Denver includes intensive education and vocational training for a year. They also receive mentoring in the community from other successful boot camp veterans.²⁰

Michael Lucci, a retired military officer who is currently the director of a juvenile boot camp in Alabama, also feels that the key to success is the ability of the boot camp to integrate the youth back into the positive elements of the community. He pointed out that a true military boot camp is only 8 weeks in duration followed by 4 years of "aftercare" consisting of specialized education, training, employment, medical care, and room and board provided by the armed forces.²¹ Therefore, if we expect the juvenile boot camp experience to have a lasting positive effect, we must be willing to also provide comparable support after graduation.

ADULT BOOT CAMPS

Because the goals are similar for juvenile and adult boot camps (to reduce prison crowding, be cost/effective, reduce recidivism, and rehabilitate), the evaluation literature on adult boot camps can be informative in designing juvenile boot camps. However, because juvenile boot camps place a strong emphasis on education and rehabilitation, it is not advisable to rely too heavily on their findings.

The following has been learned regarding adult correctional boot camp programs:

Prison Crowding Reduction. Boot camps can be effective in reducing prison overcrowding only if they are used for offenders who otherwise would be sent to or remain in prison. If net widening (using the program for offenders who otherwise would not be in prison) occurs, boot camps may increase prison populations as boot camp failures are transferred to secure facilities.²² This is not to say that boot camps cannot be an effective early intervention tool to prevent individuals from going to prison.

Cost Effectiveness. To the extent boot camps have been found to cost less and have the same results as prison, they can save money.²³ By using its boot camp program for offenders who otherwise would be sent to prison, New York estimates that it saved \$304 million over the past 6 years.²⁴ Louisiana estimates it saved \$7,338 per offender.²⁵

Reduce Recidivism. Graduates of adult boot camps have about the same recidivism rates as offenders who went to prison; however, the types of offenses differ.²⁶ ²⁷ Boot camp graduates, who are often under greater scrutiny upon release, tend to return to prison for technical violations, while non-boot camp offenders tend to return to prison because they are convicted of committing new crimes.²⁸

Key factors identified in making it through the first year after release from prison without an arrest were: 1) being employed during the first month of release; 2) scoring high on a positive adjustment index; and 3) the intensity of supervision.²⁹ Additionally, requiring boot camp graduates to participate in positive activities in the community has been found to reduce criminal activities during the community supervision phase.³⁰

Rehabilitation. MacKenzie believes that rehabilitation and treatment should be the primary focus of boot camps.³¹ According to MacKenzie, there is a movement for boot camp programs to include more effective formalized treatment programs.

JUVENILE BOOT CAMPS

Though the primary goals of boot camps are the same for juveniles as for adult boot camps (rehabilitation, reducing recidivism, reducing institution crowding, and cost-effectiveness); juvenile boot camps place a much stronger emphasis on education and rehabilitation.

Due to the newness of juvenile boot camps, there is little information about their effectiveness.³² Because of this, the U.S. Department of Justice funded a controlled evaluation of juvenile boot camps in Ohio and Alabama.³³ The results of this study will not be available until November 1995.

While some critics maintain that boot camps are not appropriate for juveniles, the American Correctional Association (ACA) sees merit in juvenile boot camps—provided they recognize that the needs of juveniles are different from those of young adults.³⁴ The ACA believes that a successful juvenile boot camp must have a strong academic and vocational education component; a substance abuse treatment program; and staff who care for the youth as individuals, while also disciplining and challenging them. Lloyd W. Mixdorf (former Juvenile Projects and Program Director, ACA) feels that boot camps can be effective provided they focus on education and treatment, have competent caring staff, and a comprehensive aftercare component.³⁵

Because they are so new there is even some confusion as to what constitutes a juvenile boot camp. Some programs classified as juvenile boot camps (in a document prepared by the National Institute of Justice and the ACA) don't even consider themselves boot camps because they do not have a military component.³⁶ Most of these are experiential (adventure education) programs such as the DYS SPRITE program. Adventure education programs are sometimes confused with juvenile boot camps because they have many of the same elements as boot camps, but lack a military component. Some of the juvenile agencies which combine boot camp philosophy with "experiential" or "adventure" programming have relabeled them

HOUSE COMMITTEE REPORT

3/24/95

Date Referred: January 16, 1995

FURTHER REFERRAL

Judiciary
Finance

Date of Committee Action: March 23, 1995

The STATE AFFAIRS Committee considered:

HB 2

HOUSE BILL NO. 2

BOOT CAMP FOR NONVIOLENT OFFENDERS

"An Act allowing courts to require certain offenders as a special condition of probation to complete a boot camp program provided by the Department of Corrections; making prisoners who complete the boot camp program eligible for discretionary parole; providing for incarceration of certain nonviolent offenders in boot camps operated by the Department of Corrections; allowing the Department of Corrections to contract with a person for an alternative boot camp program; creating the Boot Camp Advisory Board in the Department of Corrections; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 2 (STA) the same title a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) Corrections fiscal note(s) _____

4) zero fiscal note(s) Law zero fiscal note(s) _____

Admin, At Courts, Public Safety

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<u>Jeannette James</u>	<u>JAMES</u>			<input checked="" type="checkbox"/>	
<u>Boyan Porter</u>	<u>Porter</u>			<input checked="" type="checkbox"/>	
<u>Frank Green</u>	<u>Green</u>			<input checked="" type="checkbox"/>	
<u>Ivan Robinson</u>	<u>IVAN</u>			<input checked="" type="checkbox"/>	
<u>Caren Robinson</u>	<u>ROBINSON</u>	<input checked="" type="checkbox"/>			
<u>Ed Willis</u>	<u>Willis</u>	<input checked="" type="checkbox"/>			
<u>Scott Ogden</u>	<u>Ogden</u>			<input checked="" type="checkbox"/>	
		(2)		(5)	

CHAIR'S SIGNATURE

Jeannette James
James

HB

4

ALASKA DEPARTMENT OF REVENUE
PERMANENT FUND DIVIDEND DIVISION
HANDOUT FOR HB 4 TESTIMONY

As of January 23, 1995

Background

On December 16, 1993 in *Zeiler vs the State of Alaska (Case #3AN-92-1567 Civil)* Alaska Superior Court Judge Dana Fabe ruled that 15 AAC 23.163(c)(15) and its predecessor regulations have been invalid since January 1, 1992, the effective date of an amendment to the Permanent Fund Dividend statutes. That amendment was intended to ensure the nonresidency of an individual's spouse would not inappropriately impact the eligibility of an Alaskan living in state or an Alaskan on his or her own allowable absence. Unfortunately, as Judge Fabe concluded, the technical language of the statutory amendment, in combination with how residency is defined in the Permanent Fund Dividend statutes, had the inadvertent effect of no longer allowing the spouses of eligible Alaskans accompanying their spouse on an absence to "piggyback" their eligibility on their spouse's eligibility.

In January 1994 Representative Sean Parnell, with the Department's strong support, introduced House Bill (HB) 392. This legislation would have reinstated the eligibility of those historically eligible Alaskan spouses and would have made the technical changes necessary to correct the problem prospectively. This legislation passed the Alaska State House of Representatives 31-7. In the last hour of the legislative session the Alaska State Senate passed an amended version of HB 392 on a vote of 20-0. Unfortunately, in the final minutes before adjournment, the House did not consider the amended bill and the legislation died. Consequently, the invalidated "piggyback" absence was *not* reinstated and Alaskans who are "piggybacking" on their spouse's allowable absence are currently not eligible for a dividend.

Applicants Affected

The court decision impacted 1992, 1993 and 1994 applicants. By the time the court rendered a decision, virtually all 1992 and 1993 applications had been paid. After consultations with the Department of Law, the Department decided not to assess 1992 and 1993 "piggybacking" spouses who had already been paid. However, there were some 1992 and 1993 "piggybacking" spouses who had appealed denials issued for other reasons. In those cases, when the Department determined that an applicant was incorrectly denied for the other reason and overturned the denial, it still could not issue a dividend because the applicants' absence was no longer an allowable absence. Consequently, the Division has held off issuing those appeals decisions until such time as the legislature has had an opportunity to consider corrective legislation.

Since no 1994 dividends had been issued by the time the 1994 legislative session adjourned, the Department issued denials to 2,178 "piggybacking" spouses who had been absent more than 180 days during the qualifying year. Although the Department made

ALASKA DEPARTMENT OF REVENUE
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HANDOUT FOR HB 4 TESTIMONY

As of January 23, 1995

a concerted effort to identify all "piggybacking" spouses absent 180 days or less that qualified for the general discretionary allowable absence under 15 AAC 23.163(c)(16), relatively few meet the criteria. Consequently, the Department denied another 512 spouses who were absent from 91 to 180 days during the qualifying year. In all cases the Department explained the reason for the denial was based on the invalidation of the "piggyback" allowable absence and that the Department had sought and was intending to seek corrective legislation. In conjunction with these denials, the Department gave all denied "piggybacking" spouses who were sponsoring children the opportunity to have the sponsorship of their children switched to their spouse. While many took advantage of that opportunity, some did not. Consequently, some children sponsored by denied "piggybacking" spouses were denied when the Department denied all children without an eligible sponsor.

The Department strongly supports legislation to correct this problem. In anticipation of legislation to retroactively and prospectively reinstate the historically allowable "piggyback" absence for spouses of residents, the PFD Division's Dividend Appeals Unit has placed a hold on all pertinent timely file informal conference appeals until such time as the legislature has had an opportunity to consider corrective legislation. If the law is retroactively changed, the *only* reason an applicant was ineligible was because of the original invalidation of the regulation, and the applicant has an timely filed appeal pending, the Department will overturn the applicant's denial. If not, the Dividend Appeals Unit will be required to uphold the denial of those applications.

The Department of Law has advised the Department that there is some question as whether Section 1 of this legislation as drafted will actually reinstate the "piggyback" allowable absence. As was the case with the invalidated regulation, this section leaves allowable absences defined as a component of state residency. However, AS 43.23.015(a) does not allow the residency of an individual's spouse to be the principal factor in determining the residency of an applicant. Consequently, the same conflicting relationship that existed with the regulation would exist between two statutes.

Recommendation

This conflict can be eliminated by moving allowable absences from the definition of state resident and placing it in a new section that describes allowable absences as an eligibility criteria. Sections 1-3 of the attached Proposed CS for House Bill No. 4 (STA) would accomplish this.

Section 2 of HB 4 allows piggybacking spouses until September 1, 1995 to apply for 1994 and 1995 dividends for themselves or their sponsored children. While the Department denied 2,690 "piggybacking" spouses a 1994 dividend, the department had

ALASKA DEPARTMENT OF REVENUE
PERMANENT FUND DIVIDEND DIVISION
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As of January 23, 1995

only received 1,373 appeals as of December 31, 1994. This provision would allow up to 1,317 "piggybacking" spouses to reapply for a 1994 dividend. The fiscal note assumes that by June 30, 1995 the Division will mail each denied 1994 "piggybacking" spouse a letter advising them of the change in the law along with a request to reapply application.

Section 5 of the Proposed CS for House Bill No. 4 (STA) would allow 1994 applicants the opportunity to appeal their denial until September 1, 1995. Instead of mailing denied applicant another application, the Department would mail them an appeal form. This would avoid additional processing of duplicate applications.

For the 1995 Dividend, the Department advised "piggybacking" spouses of the invalidation of their allowable absence. However, as reflected on the attached copy of the back of the 1995 application as well as page 2 of the 1995 Household Application booklet, the instructions advised "piggybacking" spouses to apply if they were otherwise eligible.

Section 4 of the Proposed CS for House Bill No. 4 (STA) would effectively reinstate the "piggyback" allowable absence beginning January 1, 1992, the effective date of the invalidation of the regulation. This would allow the Department to pay those 1992 and 1993 pended appeals from "piggybacking" spouses who are otherwise eligible.

Attachments

PROPOSED CS FOR HOUSE BILL NO. 4 (STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:

Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to absences from the state for purposes of determining eligibility for
2 the permanent fund dividend program; and providing for an effective date."

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

4 * Section 1. AS 43.23.005(a) is amended to read:

5 (a) An individual is eligible to receive one permanent fund dividend each
6 year in an amount to be determined under AS 43.23.025 if the individual

7 (1) [THE INDIVIDUAL] applies to the department;

8 (2) [ON THE DATE OF APPLICATION THE INDIVIDUAL] is a
9 state resident on the date of application;

10 (3) [THE INDIVIDUAL] was a state resident for at least the
11 calendar year immediately preceding January 1 of the current dividend year;

12 (4) [THE INDIVIDUAL] has been physically present in the state
13 at some time during the prior two calendar years before the current dividend
14 year; [AND]

15 (5) [THE INDIVIDUAL] is

16 (A) a citizen of the United States;

1 (B) an alien lawfully admitted for permanent residence in
2 the United States;

3 (C) an alien with refugee status under federal law; or

4 (D) an alien that has been granted asylum under federal
5 law; and

6 (6) was, during the entire period described in (3) of this
7 subsection, present in the state or, if absent, was absent only as allowed
8 in AS 43.23.008.

9 * Sec. 2. AS 43.23 is amended by adding a new section to read:

10 Sec. 43.23.008. ALLOWABLE ABSENCES. An otherwise eligible
11 individual who is absent from the state during the calendar year immediately
12 preceding the current dividend year remains eligible for the dividend if the
13 individual was absent for

14 (1) vocational, professional, or other specific education for which
15 a comparable program was not reasonably available in the state;

16 (2) secondary or postsecondary education;

17 (3) military service;

18 (4) medical treatment;

19 (5) service in congress;

20 (6) service in the peace corps;

21 (7) other reasons which the commissioner may establish by
22 regulation; or

23 (8) accompanying another eligible resident who is absent for a
24 reason permitted under this section as the spouse, minor dependent, or
25 disabled dependent of the eligible resident.

26 * Sec. 3. AS 43.23.095 is amended to read:

27 Sec. 43.23.095. DEFINITIONS. In this chapter,

28 (1) "Alaska permanent fund" means the fund established by art.
29 IX, sec. 15 of the state constitution;

1 (2) [REPEALED

2 (3) REPEALED

3 (4)] "disabled" means physically or mentally unable to complete
4 and sign an application due to a serious emotional disturbance, visual,
5 orthopedic, or other health impairment, or developmental disability that is
6 attributable to mental retardation, cerebral palsy, epilepsy, autism or other
7 cause; "disabled" does not mean "incompetent";

8 (3) [(5)] "dividend fund" means the fund established by
9 AS 43.23.045;

10 (4) [(6)] "individual" means a natural person;

11 (5) [(7)] "permanent fund dividend" means a right to receive a
12 payment from the dividend fund;

13 (6) [(5)] "state resident" means an individual who is physically
14 present in the state with the intent to remain permanently in the state under the
15 requirements of AS 01.10.055 or, if the individual is not physically present in the
16 state, maintains and demonstrates at all times an intent [INTENDS] to return
17 to the state to [AND] remain permanently in the state under the requirements
18 of AS 01.10.055 [, AND IS ABSENT ONLY FOR ANY OF THE FOLLOWING
19 REASONS:

20 (A) VOCATIONAL, PROFESSIONAL, OR OTHER
21 SPECIFIC EDUCATION FOR WHICH A COMPARABLE PROGRAM
22 WAS NOT REASONABLY AVAILABLE IN THE STATE;

23 (B) SECONDARY OR POSTSECONDARY EDUCATION;

24 (C) MILITARY SERVICE;

25 (D) MEDICAL TREATMENT;

26 (E) SERVICE IN CONGRESS;

27 (F) OTHER REASONS WHICH THE COMMISSIONER
28 MAY ESTABLISH BY REGULATION; OR

29 (G) SERVICE IN THE PEACE CORPS;

1 (9) "YEAR" MEANS A CALENDAR YEAR].

2 * Sec. 4. PERMANENT FUND DIVIDENDS FOR CERTAIN SPOUSES AND
3 DEPENDENTS. Notwithstanding the provision in AS 43.23.015(a) that the residency
4 of an individual's spouse may not be the principal factor relied upon in determining the
5 residency of the individual, an otherwise eligible individual who applied for a 1992,
6 1993 or 1994 permanent fund dividend within the time prescribed by law is eligible for
7 the dividend even if the individual was absent from the state while accompanying as
8 the spouse, minor dependent, or disabled dependent another person who was absent
9 for a reason permitted under former AS 43.23.095(8) and was eligible for that dividend.

10 * Sec. 5. APPEAL PERIOD. Notwithstanding permanent fund dividend appeal
11 procedures or deadlines established by law or regulation, an individual or the parent,
12 guardian, or authorized representative of a minor who qualified for the 1994 dividend
13 because of AS 43.23.008(8) enacted in sec. 2 of this Act, may appeal a denial of a
14 1994 dividend by September 1, 1995. The Department of Revenue shall prepare a
15 form for appeal under this section.

16 * Sec. 6. This Act take effect immediately under AS 01.10.070(c).

17 * Sec. 7. Sections 1 - 3 of this Act are retroactive to January 1, 1995.

Follow the directions which precede each set of questions. Failure to follow directions will cause a delay in the processing of your application.

Answer questions 14-17C ONLY if you answered NO to question 5.

Please Print Clearly!

14. Your Name as it Appears on Your Birth Certificate (See page 4, #14)			15. State of Birth	16. Sex
First Name	M.I.	Last Name		<input type="checkbox"/> M <input type="checkbox"/> F
17A. If married, enter your spouse's name		17B. Spouse's Birth Date	17C. Spouse's Social Security Number	
First Name	M.I. Last Name	Month Day Year		

Answer question 18 ONLY if you answered NO to questions 5 or 6 or answered YES to 7A or 7B.

18. Where Do You Physically Live? (Street Address or Physical Location - do not list a Post Office Box number)

Answer questions 19-21B ONLY if you answered NO to question 5 or answered YES to question 7A or 7B.

19. List the dates and the number of days you were gone from Alaska in 1994. If you left prior to January 1, 1994, enter the date you actually departed. Circle the reason(s) you were absent for each absence. Attach additional sheets as needed for explanation.

Circle only one absence reason per line from list below	Left	Returned	# of Days	Explanation
A B C D E F G H J K L	___/___/___	___/___/___	_____	_____
A B C D E F G H J K L	___/___/___	___/___/___	_____	_____
A B C D E F G H J K L	___/___/___	___/___/___	_____	_____
A B C D E F G H J K L	___/___/___	___/___/___	_____	_____
	Month Day Year	Month Day Year		

() Total # of Days during 1994 you were absent.

Absence Reasons Codes

- A. Accompanying an eligible Alaska resident as the resident's spouse or disabled adult dependent. (See "FROM THE DIRECTOR" on Page 2 of the application booklet for an important notice.)
- | | |
|---------------------------------------|--|
| Name of Alaska Resident You Were With | |
| First Name | Last Name |
| Alaska Resident's Birth Date | |
| Month Day Year | Alaska Resident's Social Security Number |
| | |
- B. Enrolled as a full-time student.
 - C. On active duty as a member of the U.S. Armed Forces.
 - D. Continuous medical treatment under a doctor's care. (Attach doctor's statement)
 - E. Service as a member of Alaska's congressional delegation or staff.
 - F. Full time volunteer under the Peace Corp Act. (Attach Peace Corp statement)
 - G. Member of a U.S. National Athletic Team. (Attach confirmation)
 - H. As a requirement of employment by the State of Alaska.
 - J. Vacation.
 - K. Seeking employment or employed for a reason other than C, E, F or H. (Please explain)
 - L. Other reasons, including business. (Please explain)

20. A. Have you ever physically lived in Alaska as an adult resident for at least six consecutive months prior to the first absence listed in question 19? Yes No

B. If YES, please list the dates of the most recent six consecutive month period prior to the first absence listed in question 19.

From ___/___/___ through ___/___/___

Month Day Year Month Day Year

21A. Were you physically present in Alaska at some time during 1993 or 1994? Yes No

B. If YES, which year were you most recently in Alaska? 1993 1994

If you were absent for more than 180 days in 1994, attach copies of supporting documents that show you were physically present at some time during 1993 or 1994. Examples of supporting documents can be found on page 5, line 21A-B of the instructions.

You are **NOT ELIGIBLE** for a 1995 dividend, and should not file if you were not physically present in Alaska at some time during 1993 or 1994.

Answer questions 22-24 ONLY if you answered NO to question 8.

22. What is your Alien Registration Number?	A - _____	24. All non-U.S. citizens must submit a copy of the front and back of their Alien Registration Card with their application.
23. On December 31, 1993 what was your legal alien status?	Resident <input type="checkbox"/> Asylee <input type="checkbox"/> Refugee <input type="checkbox"/> Other (Attach explanation) <input type="checkbox"/>	

FROM THE DIRECTOR

IMPORTANT NOTICE TO SPOUSES ABSENT FROM ALASKA

In December 16, 1993 the Alaska Superior Court determined that the "piggyback" allowable absence was invalid. This means that unless the legislature enacts legislation to reinstate this historically allowable absence, otherwise eligible spouses accompanying Alaska residents who are on an allowable absence *will not qualify* for a dividend. As the Department did last year, the Department will again ask the legislature to correct this situation. Accordingly, if you are an otherwise eligible Alaskan resident accompanying your spouse who is an eligible Alaska resident on an allowable absence, you should go ahead and apply for the 1995 dividend by the application deadline.

REMINDER TO STUDENTS

Students who are attending school out of state should remember that registering to vote in the other state will make you ineligible for a dividend. To register to vote in Alaska, use the voter registration forms contained in this booklet. See page 12 for instructions.

APPLICATION DEADLINE

The application period for the 1995 dividend is Tuesday, January 3, 1995 through *Friday, March 31, 1995*. Please file early to ensure you do not miss this deadline! If by *March 15, 1995* you have not received a batch card receipt confirming your application is on file, please contact a Dividend Information Office.

DEADLINE FOR PROVIDING REQUESTED INFORMATION

Please remember that the deadline for providing requested information is June 30, 1995. To provide the most amount of time to respond to a request for information, please file early.

DIRECT DEPOSIT

In 1994, nearly 246,000 qualified Alaska residents had their 1994 dividend directly deposited to their participating Alaska bank or credit union account. The number of Alaska financial institutions participating in direct deposit has increased this year to 28. If you qualify for direct deposit, you can have your and your children's dividends deposited directly to your or your child's savings or checking account. *1995 direct deposit payments will be made on Wednesday, October 11, 1995*. Please see page 10 of this booklet for participation requirements and instructions.

General Information

Agency and Regulatory Authority. AS 43.23 and 15 AAC 23.

Application Receipt (Batch Card). You will be notified by mail when the applications from your household have been put on file. This is not a guarantee of eligibility for the 1995 dividend. When you receive this notice will depend on the number of applications received at the same time.

IMPORTANT! If you don't have this receipt by March 15, 1995, please contact a Dividend Information Office. Dividend Information Offices do not issue receipts.

Deadline to Provide Requested Information. You are required to answer all questions and provide all requested information and documentation. The information requested on the application, supplemental schedule and other requests is used by the department to verify the applicant, determine eligibility and determine how the dividend applicant wants to have their dividend paid.

IMPORTANT! If you do not provide the required information with your original application or if the division requests additional information, you will only have until the later of June 30, 1995 or 60 days from the date of the request to provide the information. If you do not provide all requested information by the deadline, your application will be denied.

Payments Will Be Made. The Department of Revenue will be making payments Wednesday October 11, 1995. All payments to eligible applicants will be made by December 31, 1995. Eligible applicants who qualify for direct deposit will have their dividends

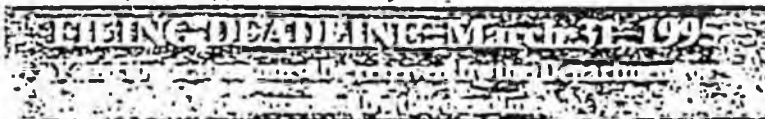
deposited as part of the first payment run. All other checks will be issued in the order in which the applications are approved for payment. Applications awaiting an eligibility determination will be paid on a weekly basis as they are approved for payment.

Name and Address Changes. If your name or mailing address changes after you have submitted your application but before you get your check, you must let the Permanent Fund Dividend Division know in writing. Use form 04-083 Name Change, Address Change or Social Security Number Addition in the back of this booklet. You must advise the department of any address change even if you requested your dividend to be directly deposited.

Lost Checks. If you lose your check, please contact the nearest Dividend Information Office. You will be asked to complete a Request for Stop Payment form. If the check has not been cashed, it will be reissued.

Applicants Who Die. If an eligible Alaskan dies after completing a timely filed application, their dividend check belongs to the estate and may be cashed by an heir. However, an heir may not apply for someone who died before signing their application. You may contact a Dividend Information Office for further information.

Note to Minors Regarding Extended Filing Deadline. If your parent or guardian did not claim a dividend on your behalf or did not file a completed application, or if you did not receive a dividend as



AMENDMENT

OFFERED IN HOUSE JUDICIARY
TO: HB 4

by Representative Finkelstein

Page 2, line 6-8

Delete all material

Insert new subsections to read:

"(H) service in the American Red Cross;

(I) To accompany as the spouse, minor dependent, or disabled dependent another resident who is absent for a reason permitted under this paragraph;"

AMENDMENT

OFFERED IN HOUSE JUDICIARY
TO: HB 4

by Representative Finkelstein

Page 2, line 6-8

Delete all material

Insert new subsections to read:

"(H) service in the International Executive Services Corps;

(I) To accompany as the spouse, minor dependent, or disabled dependent another resident who is absent for a reason permitted under this paragraph;"

9-LS0036C

Cook

1/27/95

CS FOR HOUSE BILL NO. 4()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVE KOTT

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to absences from the state for purposes of determining residency
2 under the permanent fund dividend program; and providing for an effective date."

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

4 * Section 1. AS 43.23.005(a) is amended to read:

5 (a) An individual is eligible to receive one permanent fund dividend each year
6 in an amount to be determined under AS 43.23.025 if the individual

7 (1) [THE INDIVIDUAL] applies to the department;

8 (2) [ON THE DATE OF APPLICATION THE INDIVIDUAL] is a state
9 resident on the date of application;

10 (3) [THE INDIVIDUAL] was a state resident for at least the calendar
11 year immediately preceding January 1 of the current dividend year;

12 (4) [THE INDIVIDUAL] has been physically present in the state at some
13 time during the prior two calendar years before the current dividend year; [AND]

14 (5) [THE INDIVIDUAL] is

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- (A) a citizen of the United States;
- (B) an alien lawfully admitted for permanent residence in the United States;
- (C) an alien with refugee status under federal law; or
- (D) an alien that has been granted asylum under federal law; and
(6) was, during the entire period described in (3) of this subsection,
present in the state or, if absent, was absent only as allowed in AS 43.23.008.

* Sec. 2. AS 43.23 is amended by adding a new section to read:

Sec. 43.23.008. ALLOWABLE ABSENCES. An otherwise eligible individual who is absent from the state during the calendar year immediately preceding the current dividend year remains eligible for the dividend if the individual was absent for

- (1) vocational, professional, or other specific education for which a comparable program was not reasonably available in the state:
 - (2) secondary or postsecondary education;
 - (3) military service;
 - (4) medical treatment;
 - (5) service in Congress;
 - (6) service in the peace corps;
 - (7) other reasons that the commissioner may establish by regulation; or
 - (8) accompanying another eligible resident who is absent for a reason permitted under this section as the spouse, minor dependent, or disabled dependent of the eligible resident.

* Sec. 3. AS 43.23.095(8) is amended to read:

(8) "state resident" means an individual who is physically present in the state with the intent to remain permanently in the state under the requirements of AS 01.10.055 or, if the individual is not physically present in the state, maintains and demonstrates at all times an intent [INTENDS] to return to the state to [AND] remain permanently in the state under the requirements of AS 01.10.055 [, AND IS ABSENT ONLY FOR ANY OF THE FOLLOWING REASONS:

- (A) VOCATIONAL, PROFESSIONAL, OR OTHER SPECIFIC EDUCATION FOR WHICH A COMPARABLE PROGRAM WAS NOT

- 1 REASONABLY AVAILABLE IN THE STATE;
2 (B) SECONDARY OR POSTSECONDARY EDUCATION;
3 (C) MILITARY SERVICE;
4 (D) MEDICAL TREATMENT;
5 (E) SERVICE IN CONGRESS;
6 (F) OTHER REASONS WHICH THE COMMISSIONER MAY
7 ESTABLISH BY REGULATION; OR
8 (G) SERVICE IN THE PEACE CORPS);

9 * Sec. 4. PERMANENT FUND DIVIDENDS FOR CERTAIN SPOUSES AND
10 DEPENDENTS. Notwithstanding the provision in AS 43.23.015(a) that the residency of an
11 individual's spouse may not be the principal factor relied upon in determining the residency of
12 the individual, an otherwise eligible individual who applied for a 1992, 1993, or 1994 permanent
13 fund dividend within the time prescribed by law is eligible for the dividend even if the individual
14 was absent from the state while accompanying, as the spouse, minor dependent, or disabled
15 dependent, another person who was absent for a reason permitted under AS 43.23.095(8) and was
16 eligible for that dividend.

17 * Sec. 5. APPEAL PERIOD. Notwithstanding permanent fund dividend appeal procedures
18 or deadlines established by law or regulation, an individual or the parent, guardian, or authorized
19 representative of a minor who qualified for the 1994 dividend because of AS 43.23.008(8),
20 enacted in sec. 2 of this Act, may appeal a denial of a 1994 dividend by September 1, 1995. The
21 Department of Revenue shall prepare a form for appeal under this section.

22 * Sec. 6. Sections 1 - 3 of this Act are retroactive to January 1, 1995.

23 * Sec. 7. This Act takes effect immediately under AS 01.10.070(c).

Alaska State Legislature
House of Representatives

COMMITTEES:
HEALTH, EDUCATION
& SOCIAL SERVICES
JUDICIARY
STATE AFFAIRS

SPECIAL COMMITTEES:
MILITARY & VETERANS AFFAIRS
OIL & GAS



HOME:
9843 CHICHAGOF LOOP
EAGLE RIVER, AK 99577
PHONE (907) 694-7943

DURING SESSION:
STATE CAPITOL
JUNEAU, AK 99811
PHONE (907) 465-3777

Representative Pete Kott

SPONSOR STATEMENT

HB 4 - An Act relating to absences from the state...

This legislation would remedy a problem as a result of a recent court ruling. That ruling declared spouses of a Permanent Fund Dividend (PFD) recipient from being considered eligible to receive a dividend if they were accompanying an eligible spouse out of state on an allowable absence.

This legislation would allow individuals who accompany an eligible spouse out of state on an allowable absence to retain their eligibility for a PFD if that was the only reason that they would have been disallowed.

This correction applies retroactively to January 1, 1994, the first time the Permanent Fund Dividend Division disallowed dividends for that reason. It makes provision for those individuals to receive the previously denied dividend.

I encourage you to support this legislation.



ALASKA DEPARTMENT OF REVENUE
PERMANENT FUND DIVIDEND DIVISION
SECTIONAL ANALYSIS OF PROPOSED CS FOR HB 4 (STA)

As of January 26, 1995

- Section 1.* a. Redefines allowable absences as eligibility criteria instead of elements of residency, elimination any potential conflict between the requirements of AS 43.23.015(a) and the allowable absence provisions; and
b. eliminates redundant language.
- Section 2.* a. Moves into a new section those allowable absences already authorized by statute under AS 43.23.095(8), the current definition of "State Resident"; and
b. makes the historical "piggyback" allowable absence previously in regulation a statutorily allowable absence.
- Section 3.* a. Deletes the reference to absences in the definition of "state resident" since absences are redefined as eligibility criteria in *Sections 1 & 2*; and
b. makes it clear that while absent an individual must maintain at all times an intent to return to remain permanently in order to retain residency.
- Section 4.* Retroactively reinstates the eligibility of all otherwise eligible individuals accompanying their eligible resident spouse for 1992, 1993 and 1994 dividends. This will allow the Department to pay "piggybacking" spouses who were originally denied a 1992 or 1993 dividend but whose denial was subsequently overturned on appeal.
- Section 5.* Gives up to 1,317 1994 "piggybacking" spouses who had not appealed by December 31, 1994 the ability to submit an appeal until September 1, 1995 if the only reason they were ineligible was due to the invalidation of the "piggyback" allowable absence.
- Section 6.* Makes sections 1 - 3 retroactive to January 1, 1995, making the "piggyback allowable absence effective for the 1995 dividend.
- Section 7.* Makes act effective immediately upon signature by the Governor.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 4

Revision Date: 1/25/95 Dept. Affected: Department of Revenue
 Title: Permanent Fund Dividend Eligibility BRU: Permanent Fund Dividend Division
 Component: Permanent Fund Dividend Division

Sponsor: Representative KOTT
 Requester: House State Affairs COMPONENT SERIAL NO. 981

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.6

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill attempts to reinstate the historically allowable "piggyback" absence, which the Superior Court determined was invalid effective January 1, 1992.

This fiscal note assumes that by June 30, 1995 the Division will mail each of the 1,317 denied 1994 "piggybacking" spouse a letter advising them of the change in the law along with a request to reapply application.

Prepared by: Thomas C. Williams, Director Phone: 465-2323
 Division: Permanent Fund Dividend Division Date: 1/25/95
 Approved by Commissioner: [Signature] Date: 1/25/95
 Agency: Department of Revenue

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HB

9

Alaska State Legislature

REPRESENTATIVE
GENE THERRIAULT

Mailing Address:
119 H Cushman, Suite 101
Fairbanks, Alaska 99701
(907) 488-0862
Fax (907) 488-4271



White in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
Fax (907) 465-3884

House District 23

House Of Representatives

HB 9: "An Act relating to recovery of damages from a minor's parent or legal guardian when property is destroyed by the minor."

Sponsor: Representative Gene Therriault

Sponsor Statement:

This victim's rights legislation, which updates a statute that has been on the books since 1957, is intended to encourage responsibility among parents and juveniles and to provide recourse for victims who have lost property. It is based on the principal that parents or legal guardians of juveniles who caused the damage are monetarily responsible for the loss. This legislation would increase the amount the victim may recover from \$2,000 to \$10,000, and bring Alaska more into line with the national average of \$10,000 to \$15,000.

The impetus for my interest in this bill is partly an incident that occurred last summer in which vandals caused approximately \$50,000 in damage to two schools in Fairbanks. Although the vandals were caught, the school district was able to recoup only a small fraction of its loss. This legislation would ensure that victims of property damage could recover a greater amount of their total loss.

*1/20/95 -
Called for updated
FN
Staffer in charge*

Sectional Analysis
House Bill 9

This bill amends AS 34.50.020 to provide that a person, municipal corporation, association, village, school district, or religious or charitable organization may recover damages in an amount not to exceed \$10,000, plus costs, interest and attorney fees. The damages are to be recovered from either parent or both parents or the legal guardian or person having legal custody of an unemancipated minor under the age of 18 years, who destroys real or personal property belonging to the above parties seeking recovery. Currently, the maximum amount that may be recovered is \$2,000.

Alaska State Legislature

REPRESENTATIVE
GENE THERRIAULT

Mailing Address:
119 N. Cushman, Suite 101
Fairbanks, Alaska 99701
(907) 488-0862
Fax: (907) 488-4271



House Of Representatives

White in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
Fax: (907) 465-3884

House District 33

Explanation of Proposed Amendment House Bill 9

This would amend the permanent fund dividend law that permits the taking of part or all of a dividend to satisfy a judgment. It would increase the amount that can be recovered from a minor's permanent fund dividend for injury or damage caused by the minor from the current \$2,000 to \$10,000 to maintain the parallel recovery provision with the change being proposed in House Bill 9. Without this amendment, a victim could, arguably, recover up to \$10,000 from a parent's or guardian's dividend under subparagraph (B) but recover only \$2,000 from the dividend of the minor who caused the damage and who, under the law, would be required to make full restitution.

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 25, 1995

SUBJECT: HB 9, relating to recovery of damages caused by minors -- sectional analysis (Work Order No. 9-LS0053\C)

TO: Representative Gene Therriault
ATTN: Wilda Whitaker

FROM: Jack Chenoweth
Legislative Council

The measure relates to the ability of the victim of an offense involving damage to property caused by a minor to recover for the damaged property.

Bill section 1, amending AS 34.50.020(a), would raise from \$2,000 to \$10,000 the amount of damages that the owner of real or personal property may recover in a civil action from the parent, parents, legal guardian, or person having the legal custody of an unemancipated minor when the minor has destroyed the property. Recovery is not contingent on a determination that the minor's destruction of the property was malicious or wilful.

Bill section 2, adding a new subsection, subsection (c), to AS 34.50.020, would preclude liability for the payment of property damage by the parent, parents, legal guardian, or person having the legal custody of the minor if the damage occurred while the minor was a runaway or was missing. The provision supplies a definition for the term "runaway minor."

JBC:lmb:pl
95-092.lmb

SECTIONAL ANALYSIS

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 9

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to recovery of damages from a BRU: Legal Services
minor's parents or legal guardian..." Component: Operations
 Sponsor: Representative Therriault
 Requester: Representative Therriault COMPONENT SERIAL NO. 0093

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 34.50 to provide that a person, municipal corporation, association, village, school district, or religious or charitable organization may recover damages in a civil action in an amount not to exceed \$10,000, plus court costs, from either parent or both parents or the legal guardian or person having legal custody of an unemancipated minor under the age of 18 years, who destroys real or personal property belonging to the above parties seeking recovery. Currently, the maximum amount that may be recovered is \$2,000. However, the bill also provides that a parent, legal guardian, or person having the legal custody of an unemancipated minor under the age of 18 years who is a runaway or missing minor would not be liable under the foregoing provision if the person having legal custody of the minor makes a report to a law enforcement agency, as authorized by AS 47.10.141 (a), that the minor has run away or is missing. This bill deals with the recovery of damages and, consequently, there will not be a fiscal impact for the Department of Law.

Prepared by: Richard I. Peques, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: 1/23/95
 Date: 1/23/95

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STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB9

Revision Date: _____
 Title: An Act Relating to Recovery From a Parent or Legal
 Guardian When Property Is Destroyed By The Minor
 Sponsor: Representative(s) Therriault, Porter
 Requestor: House (JUD)

Dept. Affected: Health and Social Services
 BRU: Purchased Services
 Component: Foster Care
 COMPONENT SERIAL NO. 252
 See also (SN#): 253

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There would be no program or fiscal impact for the Department if this bill were to become law.

Prepared by: Kathy Tibbles, Acting Director
 Division: Division of Family & Youth Services

Phone: 465-3191
 Date: 01/23/95

Approved by Commissioner (P) Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Date: 1-24-95

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STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB9

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act Relating to Recovery From a Parent or Legal BRU: Purchased Services
Guardian When Property Is Destroyed By The Minor Component: Residential Child Care
 Sponsor: Representative(s) Therriault, Porter COMPONENT SERIAL NO. 253
 Requestor: House (JUD) See also (SN#): 252

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES

CHANGES IN REVENUES ()

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There would be no program or fiscal impact for the Department if this bill were to become law.

Prepared by: Kathy Tibbles, Acting Director
 Division: Division of Family & Youth Services

Phone: 465-3191
 Date: 01/23/95

Approved by Commissioner: *Karen Perdue*
 Agency: Department of Health & Social Services

Date: 1-24-95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 9

Revision Date: _____
 Title: "An Act relating to recovery of damages from a minor's parent or legal guardian when property is destroyed..."
 Sponsor: Therriault, Porter
 Requestor: Therriault

Department Affected: Administration
 BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ none

POSITIONS:

FULL-TIME	0.0	0.0	0.0	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 has no fiscal impact on the Office of Public Advocacy.

Prepared by: Brant McGee, Director *Brant McGee*
 Division: Office of Public Advocacy

Phone: 274-1684
 Date: _____

Approved by Commissioner: Mark Bover *Mark Bover 1/25/95*
 Agency: Department of Administration

Date: _____

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 9

Revision Date: _____
 Title: "An Act relating to recovery of damages from a minor's parent or legal guardian when property is destroyed...."
 Sponsor: Therriault, Porter
 Requestor: Therriault

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ _____

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This legislative proposal will have no fiscal impact on the Alaska Public Defender Agency.

Prepared by: John Salemi, Director *[Signature]*
 Division: Public Defender Agency

Phone: 264-4412
 Date: _____

Approved by Commissioner: Mark Boyer *[Signature]*
 Agency: Department of Administration

Date: _____

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HOUSE BILL NO. 9

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES THERRIAULT, Porter

Introduced: 1/16/95

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to recovery of damages from a minor's parent or legal guardian
2 and to recovery from a minor's permanent fund dividend for
when property is destroyed by the minor." *regarding damage caused by the minor.*

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

4 * Section 1. AS 34.50.020(a) is amended to read:

*As amended
of the
act*

5 (a) A person, municipal corporation, association, village, school district, or
6 religious or charitable organization, incorporated or unincorporated, may recover
7 damages in a civil action in an amount not to exceed \$10,000 [\$2,000] and court costs [,]
8 from either parent or both parents or the legal guardian or person having the legal custody
9 of an unemancipated minor under the age of 18 years [,] who [MALICIOUSLY OR
10 WILFULLY] destroys real or personal property belonging to the person, municipal
11 corporation, association, village, school district, or religious or charitable organization.

12 * Sec. 2. AS 34.50.020 is amended by adding a new subsection to read:

13 (c) A parent, legal guardian, or person having the legal custody of an
14 unemancipated minor under the age of 18 years who is a runaway or missing minor is not

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HB 9
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liable under (a) of this section for the acts of the minor after the parent, legal guardian, or person having the legal custody of the minor makes a report to a law enforcement agency, as authorized by AS 47.10.141(a), that the minor has run away or is missing. In this subsection, "runaway or missing minor" means a minor whom the minor's parent, legal guardian, or legal custodian reasonably believes is absent from the minor's residence for the purpose of evading the minor's parent, legal guardian, or legal custodian, or who is otherwise missing from the minor's usual place of abode without the consent of the parent, legal guardian, or person having legal custody of the minor.

* Sec. 3. AS 43.23.065(6) is amended to read:

AMENDMENT

OFFERED IN THE HOUSE

TO: HB 9

1 Page 1, line 2, after "minor":

2 Insert ", and to recovery from a minor's permanent fund dividend for injury or
3 damage caused by the minor" ✓

4 Page 2, following line 10:

5 Insert a new section to read:

6 ** Sec. 3. AS 43.23.065(b) is amended to read:

7 (b) An exemption is not available under this section for permanent fund
8 dividends taken to satisfy

9 (1) child support obligations required by court order or decision of the
10 child support enforcement agency under AS 25.27.140 - 25.27.220;

11 (2) court ordered restitution under AS 12.55.045 - 12.55.051, 12.55.100,
12 or AS 47.10.080(b)(4);

13 (3) claims on defaulted scholarship loans under AS 43.23.067;

14 (4) court ordered fines;

15 (5) writs of execution under AS 09.35 of a judgment that is entered

16 (A) against a minor in a civil action to recover damages; recovery
17 under this subparagraph is limited to \$10,000 [\$2,000] and court costs, and may
18 be obtained only when the judgment is based upon

19 (i) an act of the minor that is defined as a crime against
20 a person under AS 33.30.901, that injured the plaintiff, and for which the
21 minor was adjudicated a delinquent or convicted as an adult; or

22 (ii) the minor's intentional or knowing injury of real or
23 personal property of the plaintiff; ✓

24 (B) under AS 34.50.020 against the parent, parents, legal

1 guardian, or person having the legal custody of an unemancipated minor;
2 (6) a debt owed by an eligible individual to an agency of the state, unless
3 the debt is contested and an appeal is pending, or the time limit for filing an appeal has
4 not expired."

① Alaska State Security
②

HOUSE BILL NO. 9

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES THERRIAULT, Porter

Introduced: 1/16/95

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to recovery of damages from a minor's parent or legal guardian**
2 **when property is destroyed by the minor."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 34.50.020(a) is amended to read:

5 (a) A person, municipal corporation, association, village, school district, or
6 religious or charitable organization, incorporated or unincorporated, may recover
7 damages in a civil action in an amount not to exceed \$10,000 [\$2,000] and court costs
8 [,] from either parent or both parents or the legal guardian or person having the legal
9 custody of an unemancipated minor under the age of 18 years [,] who
10 [**MALICIOUSLY OR WILFULLY**] destroys real or personal property belonging to the
11 person, municipal corporation, association, village, school district, or religious or
12 charitable organization.

13 *** Sec. 2.** AS 34.50.020 is amended by adding a new subsection to read:

14 (c) A parent, legal guardian, or person having the legal custody of an

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unemancipated minor under the age of 18 years who is a runaway or missing minor is not liable under (a) of this section for the acts of the minor after the parent, legal guardian, or person having the legal custody of the minor makes a report to a law enforcement agency, as authorized by AS 47.10.141(a), that the minor has run away or is missing. In this subsection, "runaway or missing minor" means a minor whom the minor's parent, legal guardian, or legal custodian reasonably believes is absent from the minor's residence for the purpose of evading the minor's parent, legal guardian, or legal custodian, or who is otherwise missing from the minor's usual place of abode without the consent of the parent, legal guardian, or person having legal custody of the minor.

Absent w/o consent.



Alaska State Legislature



REPRESENTATIVE
GENE THERRIAULT

Mailing Address:
119 N. Cushman, Suite 101
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(907) 488-0862
Fax (907) 488-4271

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House District 33

House Of Representatives

To: Representative Brian Porter
Judiciary Committee

From: Representative Gene Therriault

A handwritten signature in cursive script, appearing to read "G.T.", written over the printed name "Representative Gene Therriault".

Date: January 17, 1995

Subject: Request to Schedule HB 9

I would like to request that you schedule HB 9, "An act relating to recovery of damages from a minor's parent or legal guardian when property is destroyed by a minor."

Attached to this memorandum are:

- 1.) Sponsor statement
- 2.) Fiscal notes
- 3.) Sectional analysis

We are not requesting a teleconference at this time.

This legislation is intended to encourage responsibility among parents and juveniles and to provide recourse for victims who have lost property. I respectfully request that you schedule a hearing on HB 9 at the committee's earliest convenience. Thank you.

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(iii) overpaid contributions by employers to the unemployment compensation fund under AS 23.20.130;

(11) "last known address" means a description of the location of the apparent owner sufficient for the purpose of the delivery;

(12) "owner" means a depositor in the case of a deposit, a beneficiary in the case of a trust other than a deposit in trust, a creditor, claimant, or payee in the case of other intangible property, or a person having a legal or equitable interest in property subject to AS 34.45.110 — 34.45.780; the term includes a person's legal representative;

(13) "person" means an individual, business association, state, municipality or other government, including the United States government, subdivision or agency, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or other legal or commercial entity;

(14) "property" means personal property;

(15) "state" means a state, district, commonwealth, territory, insular possession, or other area subject to the legislative authority of the United States;

(16) "utility" means a person who owns or operates for public use a plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas. (§ 11 ch 133 SLA 1986; am § 1 ch 29 SLA 1988; am § 29 ch 100 SLA 1989)

Editor's notes. — This section is set out above to correct a typographical error in the main pamphlet.

Chapter 50. Actions for Injuries to Property Interests.

Section

20. Liability for destruction of property by minors

Sec. 34.50.020. Liability for destruction of property by minors. (a) A person, municipal corporation, association, village, school district, or religious or charitable organization, incorporated or unincorporated, may recover damages in a civil action in an amount not to exceed \$2,000 and court costs, from either parent or both parents or the legal guardian or person having the legal custody of an unemancipated minor under the age of 18 years, who maliciously or wilfully destroys real or personal property belonging to the person, municipal corporation, association, village, school district, or religious or charitable organization.

(b) A state agency or its agents, including a person working in or responsible for the operation of a foster, receiving, or detention home, or children's institution, is not liable for the acts of unemancipated minors in its charge or custody. A state agency or an agent of a state agency, including a nonprofit corporation that designates shelters for runaways under AS 47.10.392 — 47.10.399 and employees of or volunteers with that corporation, is not liable for the acts of a minor sheltered in a shelter for runaways, as defined in AS 47.10.399. (§ 1 ch 98 SLA 1957; am § 1 ch 107 SLA 1967; am § 10 ch 33 SLA 1994)

Effect of amendments. — The 1994 added the second sentence in subsection amendment, effective August 6, 1994, (b).

Chapter 55. Uniform Land Sales Practices Act.

Section

20. General powers and duties

Sec. 34.55.020. General powers and duties. (a) The department shall adopt regulations under the Administrative Procedure Act (AS 44.62). The regulations must include but not be limited to provisions for advertising standards to assure full and fair disclosure; provisions for escrow or trust agreements or other means reasonably to assure that all improvements referred to in the application for registration and advertising will be completed and that purchasers will receive the interest in land contracted for; provisions for operating procedures; and other provisions as are necessary and proper to accomplish the purpose of this chapter.

(b) The department, by regulation or by an order, after notice and hearing, may require the filing of advertising material relating to subdivided land before its distribution.

(c) If it appears that a person has engaged or is about to engage in an act or practice constituting a violation of this chapter, or a regulation or order under this chapter, the department, with or without prior administrative proceedings may bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter or a regulation or order under this chapter. Upon proper showing, injunctive relief or temporary restraining orders shall be granted, and a receiver or conservator may be appointed. The department is not required to post a bond in court proceedings.

(d) The department may intervene in a suit involving subdivided land. In a suit by or against a subdivider involving subdivided land, the subdivider promptly shall furnish the department notice of the suit and copies of all pleadings.

(e) The department may

(1) accept registrations filed in other states or with the federal government;

Vandals hit two schools

Luke, University Park damage may top \$50,000

By WENDY HOWER
Staff Writer

Vandals poisoned a tank of fish, smashed vending machines, broke into classrooms and wreaked more than \$50,000 in damages at two public schools last weekend, Alaska State Trooper said.

The rampages at University Park Elementary School and Howard Luke Alternative Junior/Senior High School, both off Geist Road, were likely related, said 1st Sgt. Michael Corkill.

The break-ins took place between Saturday afternoon and 7 a.m. Monday—five weeks before the start of school.

It was probably teenagers who squirted red Hawaiian Punch juice concentrate onto carpeting, furniture and walls at University Park,

troopers said. They poured deadly ammonia into a fish aquarium, killing the fish, then sprayed library walls with permanent ink and discharged a fire extinguisher in the commons area.

They littered the gym floor with playing balls and dribbled liquid automobile tire sealant into a computer keyboard, hard drive and printer.

Across the street at Howard Luke, vandals smashed windows, pulled supplies out of cupboards and poured black paint and rubber cement onto the art room floor. With a baseball bat or another blunt tool, they broke off doorknobs on most classrooms and rummaged through teachers' desks.

The vandals stole speakers and

See VANDALS, Page A-7

VANDALS: 2 schools hit

Continued from Page A-1

more than 40 compact discs, troopers and school staffers said. They bashed in a dozen or so windows. They cracked and ripped the framed photos of the school's namesake, Athabaskan elder Howard Luke.

"Bored little jerks with jerks for parents," said custodian Kathy Ferrell.

Troopers spotted bike tracks around both schools. They collected fingerprints and footprints at both schools but have no suspects yet, Corkill said. Two troopers are working on the case full time, he said.

"They were on a melee in there for quite some time," Corkill said. "We have some good physical evidence to work on."

At both schools, vandals overturned and smashed vending machines, stealing change and sodas inside. They spared the computer labs in both schools and also left TV sets, video cameras and stereos behind.

Fourth graders expressed shock and sadness as they wandered through the wreckage at Universi-

ty Park Monday afternoon.

"Everything's totally like bogus out there," said Christina Thompson, 9. "It's not the same school anymore."

Nine-year-old Andrew Page gasped when he heard about the poisoned fish.

"I wish they hadn't done this," he said.

School custodians had just finished cleaning the carpets at University Park on Friday. They began to sweep up glass and fire extinguisher chemicals on Monday.

"I get really disgusted. We work so hard and as custodians we take a lot of pride in cleaning our schools," said Dale Shelley, custodian. "To have something like this done, it's just, it's really a shock and angers us. Almost hard to put words to it."

Last week, vandals broke into West Valley High School and stole speakers, Corkill said. Troopers do not know whether the West Valley break-in was related.

Anyone with information about the vandalism should contact troopers at 452-2114.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 9

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: An Act relating to recovery of damages BRU: Trial Courts
 from a minor's parent of legal guardian
 Sponsor: Reps. Therrlault, Porter Components: _____
 Requestor: _____ COMPONENT SERIAL NO. 788

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 95) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)

* - See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 284-8228
 Agency: Alaska Court System Date: 01/27/95

Approved by: Arthur H. Snowden, II, Administrative Director *AS* *CSC* Date: 01/27/95
 Agency: Alaska Court System

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

**Alaska Court System
Fiscal Analysis
HB 9**

AS 34.50.020(a) provides that a person, municipal corporation, association, village, school district, or religious or charitable organization may recover damages in a civil action not to exceed \$2,000 from either parent or other person having legal custody of an unemancipated minor under the age of 18 year who maliciously or wilfully destroys real or personal property.

HB 9 makes two significant changes to this statute. First, the damage limit is raised from \$2,000 to \$10,000. Second, the requirement that a minor have acted maliciously or wilfully is eliminated, meaning that the parents or legal guardian are liable if the minor merely acted negligently.

These changes will result in an increase in case numbers and costs for several reasons. First, the bill makes parents liable not just for vandalism, but for any negligent act of their children. This will expand the field of potential cases. Second, the increase in the dollar amount which can be recovered will increase the field of potential cases. Third, the higher dollar amount means that many of these cases can now be brought in district court, rather than small claims court. This will increase court costs, because district court proceedings take more time, use more expensive district judges rather than magistrates, and give litigants the right to a jury.

Because of a lack of data, it is impossible to predict how this legislation will impact the court system. If case numbers and costs increase significantly, it will be necessary to return to the legislature at a later time for additional funding.