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THE ALASKA CORRECTIONAL SYSTEM

A REPORT TO THE ALASKA STATE LEGISLATURE

By

THE MURTON FOUNDATION FOR CRIMINAL JUSTICE, INC.

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~~THE ALASKA CORRECTIONAL SYSTEM~~
A Preliminary Evaluation

Prepared at the request of the Finance Committee
of the Alaska State Legislature

by

The Murton Foundation for Criminal Justice, Inc.
Minneapolis, Minnesota

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Introduction

At the request of Mr. David Webb of Anchorage, on behalf of the House Finance Committee, I was asked to make an assessment of the direction of corrections in Alaska at this time.

Pursuant to that agreement, I made two trips to Anchorage; one in December of 1973 and the other in January of 1974. In the course of my inquiry, I talked to present and past administrators in corrections, probation and parole officers, former inmates, legislators and others who have an interest in Alaska corrections.

In addition to these interviews, I have referred to such resource documents as my own master's thesis, my doctoral dissertation, all of the reports of consultants since Alaskan statehood; the "Free Conference Committee Report, Fiscal Year 1974, Operating and Capital Budget;" the "Alaska Criminal Justice Master Plan 1973," prepared by the Governor's Commission on the Administration of Justice; the "Eagle River Correctional Center Division of Corrections Manual 1972," prepared by the Alaska Division of Corrections; the proposed Corrections Division budget for the 1974-1975 year and other pertinent, miscellaneous documents, reports and articles.

The purpose of this report is to attempt to synthesize the relevant material from the various sources and endeavor to make some sense out of the Alaska correctional plan.

The Division of Corrections

A cursory and preliminary evaluation of official documents reveals some rather startling trends in the evolution of corrections in Alaska. Relevant data is included immediately below in tabular

form for ease of contrast.

<u>Category</u>	<u>1965 F.Y.</u>	<u>1973 F.Y.</u>
Prisoners in Confinement	580	580
Employees	134	361
Offenders on Probation or Parole	1401	1433
Total Corrections Budget	\$2,806,900	\$8,833,100

It becomes readily apparent that with the zero percentage increase in the number of inmates and only a 2.3% increase in probationers and parolees, nonetheless, there was a 169% increase in staff and a budget increase of 214%.

Since there is absolutely no justification whatsoever for these increases in terms of quantifying services made available to clients, the question then arises as to what was the basis for these increases.

Director of Corrections, Mr. Charles Adams, suggests that these increases reflect a higher quality of service provided to the courts, the clients and the criminal justice system in general. I found no evidence to support that contention and suspect that it would be disputed, particularly by the judiciary.

Institutions

The most significant change in the direction of corrections in Alaska is exemplified in the Eagle River Facility. In order for the reader to understand the significance of this facility an historical review of corrections in Alaska is provided at this point.

Alaska has survived both as a territory and a state without a prison for 106 years. But that "deficiency" at long last is being

corrected. As a result of concerted efforts by the "professionals" Alaska will open its very own prison in May of this year.

At a time when the national consensus is that correctional treatment should move in the direction of small facilities in the community, the trend is being reversed in the Alaska correctional system.

To understand the dynamics of the current situation, one must first look at the historical antecedents. The political structure of Alaska has been unique among the 50 states.

Alaska (then known as "Russian America") was purchased from Russia in 1867. However, Congress did not provide a form of government for it.

As in interim measure, the U.S. Army was ordered to Alaska to provide a token form of government until a civil government could be established. However, when the Army was withdrawn ten years later, Congress still had not acted and during the subsequent two years, Alaska was under nominal control of a solitary customs agent who neither possessed the authority nor the capability of policing the country.

During this vacuum of government, it was necessary at one point for Alaskans to call upon a foreign power to provide law and order. For five weeks in 1879, the British Royal Navy maintained the peace in Alaska.

Embarrassed over the incident, Washington officials dispatched the U.S. Navy to Alaskan waters. What was to have been a temporary measure, extended into five years of rule of Alaska by the Navy.

It was not until May 17, 1884 that Congress provided a civil government for Alaska--seventeen years after acquisition.

But the form of government was unique in American political history. Alaska was created as a "Civil-Judicial District" with no

legislative assembly or delegate to Congress. Alaska was to be ruled by a Governor, federal judge and U.S. Marshall.

The management of the Territory of Alaska remained essentially unchanged for 28 years until it became an "Organized Territory" in 1912. At that time, Alaska was authorized a delegate to Congress and a Territorial Legislature. However, Alaska continued to be ruled by the "absentee landlords" in Washington, D.C. until statehood was granted in January of 1959.

Throughout this entire period of time, no provisions were ever made for the creation of prison facilities within Alaska. The Army had constructed stockades for Indians and attempted to use federal facilities in Washington and Oregon for civilians.

The Customs agent did little but plead for assistance.

The Navy temporarily detained some prisoners aboard ship. With the establishment of civil government, the U.S. Marshall built jails for detention but used federal prisons on the continent for long-term sentenced prisoners.

In 1953, the federal jails and the honor camp in Alaska became the responsibility of the U.S. Bureau of Prisons. At the time of statehood, these federal facilities were leased to the State of Alaska pending provisions for correctional facilities by the Alaska Legislature.

Regional facilities had developed in Alaska as a function of the vastness of the territory, the localization of population centers, the difficulty of travel and the organization of the government. Jails were constructed adjacent to the federal courts which were located in the urban centers.

After statehood, Alaska authorities continued to contract with

the federal Bureau of Prisons for care and custody of long term offenders. The decision was simply one of economics -- it was cheaper to send prisoners "outside" than to build and staff a prison in Alaska considering the cost of construction and the small number of prisoners.

A Division of Corrections has evolved to provide services for all juveniles and adults on probation, parole or in institutions. Since Alaska has no county subdivisions, one level of bureaucracy has been eliminated. Consequently, there are no county probation, parole or institutional services.

In fact, the municipalities in Alaska have determined it unfeasible to maintain separate jail facilities and have contracted with the state for care of city prisoners. The sole exception is the City of Anchorage where the only jail not under the direct supervision of the state corrections division exists.

Over the past 15 years, the state has built a temporary summer camp for adult prisoners, a minimum custody camp for adult males, a minimum custody camp for boys, a coed juvenile reception and diagnostic center and two regional correctional facilities.

Due to political interference, the summer camp has been abandoned, the boys' camp has been transferred to another division and the juvenile center has been ineffective since its inception.

Nonetheless, the two regional correctional facilities (at Fairbanks and Juneau) can house up to 90 inmates each and have incorporated the customary educational and vocational training programs as well as work and school release.

There has been one major problem in the evolution of state facilities. The Anchorage State Jail was built in the mid-1950's with a design capacity of only 64. Since 40% of the Alaska general

population resides within the Greater Anchorage area and this jail serves a district of 2,000 miles across, it has proven inadequate as the population has increased over the past two decades.

It had been planned by previous correctional officials that additional minimum custody camps would be created to provide bed space for sentenced prisoners. Charles Pfeiffer, the first director of corrections in Alaska was adamantly opposed to the building of a prison. However, the course of corrections in Alaska has not run smoothly.

Pfeiffer was fired in 1967 because of his "liberal" philosophy and was followed by Raymond May. May had retired from the federal prison service and endeavored to make the Alaska system a "little Bureau of Prisons." That notion was successfully resisted during his brief tenure.

May was followed by Charles Adams who had worked in the Vermont prison system for 27 years. Predictably, efforts have been made to model the Alaska correctional system after Vermont.

Alaska has been analyzed, evaluated, examined, studied and investigated by most of the professional agencies in corrections. The Alaska officials who had the vision to avoid the evolutionary process suffered by other jurisdictions, succeeded in repelling the efforts by the professional to create a traditional prison system in Alaska. Successful, that is, until recently.

The historical antecedents, population dispersal, and existing facilities all lent themselves to a model correctional system. But, the power and tenacity of the traditionalists was underestimated. Alaska has now been saved from its vices by the patron saints from the outside who have sent forth missionaries to this heathen land to rescue it from the 21st century.

Or, pragmatically, was it because it was embarrassing to have a state with no prison while other jurisdictions are struggling with the issue of how to reform one?

Alaska will soon have its first prison.

At the invitation of Director Adams, consultants were brought to Alaska to provide their wisdom and guidance. While the number is legion, a representative few will suffice to demonstrate the quality.

Professor LaMar T. Empey of the University of Southern California was a consultant for several years to various institutions. However, his major impact was the conceptualization of the Alaska prison which is to be euphemistically known as the South Central Regional Correctional Institution.

Fervently adhering to the medical treatment model of rehabilitation, Empey argued, successfully, that Alaska needs a captive situation where officials can intensively do more things to more inmates. His original magic number for transformation of inmates was 13. But, this figure was later changed to 10 and became the basic determinant of the structure of the new prison.

In arguing for creation of the facility, proponents pointed out that the average daily count in adult institutions in 1969 was 330. (However, they "overlooked" the fact that the total capacity of existing adult institutions at that time was 427 -- one third more than the demand for space.)

Convinced that Alaska needed a prison to bring its correctional system up to date, Alaska voters approved a \$5.2 million bond issue for construction of this facility. The complex is located on some 207 acres in an isolated rural area 13 miles from Anchorage.

The first phase of construction provides facilities for a prison population of 100 inmates with a possible expansion in phase two to

a total of 180.

The philosophy of the institution is treatment in group settings. Daily group therapy is programmed. Education and vocational training facilities space has been provided.

There are some questions which come to mind regarding this facility. There are three adult institutions in the U.S. which are coed. The Alaska facility is for males only.

While the movement in America is for treatment in the community, the Alaska prison is created as a self-contained community in rural isolation.

The availability of higher education and vocational training in the Anchorage area has been ignored. (There are two universities and a community college in Anchorage providing both academic and vocational training.)

It has been necessary to provide facilities within the institution for those training programs. (Alaska officials told "The Freeworld Times" in December that it has not yet been determined what vocational programs will be housed in the 6,000 square foot area provided.)

Medical, dental and other health services are provided for in the facility because it is located too far from the two hospitals, various clinics and state health services in Anchorage.

Although it is not considered a "prison" the sponsors point out that existing half-way houses in Anchorage (or those to be built) will ease the transition from the new institution to the community upon release. It is also proposed that work release and educational release take place from these half-way houses instead of the prison because of its remoteness.

It may be a "correctional facility" but it is surrounded by a security fence, it contains 10 maximum custody cells and 10 cells described by corrections personnel as "Special Treatment Units" and by the inmates as "the hole."

The original, architectural, "innovative" design plans included a visiting room with bullet-proof glass and telephone communication, operation of the institution from a bullet-proof center, electrically controlled steel gates separating the units and an arsenal for housing such items as "small arms, ammunition and riot equipment."

Fortunately Superintendent Stanley Zaborac has recognized the ridiculousness of some of these provisions and consequently has provided other visiting facilities and has eliminated the arsenal.

As an indication of the concern for inmates, the new prison will provide 20,145 square feet of floor space directly related to administrative services; 24,000 square feet for inmate services such as education, training and therapy; and the remaining 8,400 square feet for inmate living and recreational space. To put it another way, less than 6.3 percent of the space in this facility "for the inmates" is allocated to their direct utilization.

The outside of the facility is covered with cedar siding which was used to "avoid the institutional appearance which would result with other materials."

According to Austin MacCormick who served as a consultant on the project, "The design is excellent, I'd say. There's a feeling here of a small community instead of a big institution. Alaska was lucky. You could have been stuck with upgrading an old penitentiary. Instead, you started from scratch."

Some would argue that Alaska could have continued to have no

prison and thus have been luckier yet.

There apparently was no difficulty in locating the institution in the wilderness site because it was seen by local homesteaders as a source of employment. According to Assemblyman Ed Willis, "People here have now accepted the fact that there will be a prison in their back yards. The community has even gone a step further. They're thinking of the economic advantages -- available jobs, for instance."

The Alaska Adult Conservation Camp was built to house 120 inmates. It was designed and built by the inmates. The total cost of the facility was \$79,000 -- less than the \$80,000 planning grant awarded by the Law Enforcement Assistance Administration for the design alone of the present prison.

The construction cost of the camp per inmate was \$658.00.

The cost of the prison per inmate was \$28,888.

The prison was sold to the voters because of a lack of space inside Alaska and the desirability of terminating the procedure of sending prisoners away from their homes to prisons outside Alaska.

But, Alaska officials have advised "The Freeworld Times" that contracts with the Bureau of Prisons will continue and inmates will be sent outside in the future.

The Division of Corrections finalized negotiations for state management of the Anchorage City Jail in January of 1973.

The design capacity of the State Jail is 64 and has had a recent average daily count of 120.

The Anchorage City Jail, a modern facility built in the mid-1960's, has a design capacity of 120 and an average daily count of 35.

One needs to be neither a mathematician nor a penologist to

observe that over-crowding of the Alaska State Jail at Anchorage will be adequately alleviated long before the prison is opened in May.

Since the prison will not be needed to reduce the overcrowding in the State Jail; since prisoners will continue to be sent outside; since the existing institutions exceed space requirements for the present jail population, what purpose does the prison serve?

The new prison may offer employment to local hunters; it may give a boost to the construction industry; it may provide Professor Empey with a laboratory to test his notions; but it will do nothing to provide new, needed services to inmates -- and that is theoretically what it is all about.

Through neglect or insight, depending upon one's perspective, Alaska has avoided building a prison for the 106 years of its existence under the American rule. One would have thought that a century is sufficient time to demonstrate the efficacy of an idea. Not so.

Prison reform has had no meaning in Alaska because there has been no prison. That deficiency has now been solved. Previously, the consultant could not improve the Alaska prison because it did not exist.

The Alaska inmate, who is always the loser in reform efforts, will begin migrating from the community correctional centers to the remote prison in May. And nobody cares.

Commentary

By any standard of measurement, there was absolutely no justification ever for erection of the Eagle River Facility. The national trend in corrections has been towards community-based correctional

12.

services. Not so in Alaska. Inmates now will be removed from regional jails and facilities within the community to the relatively isolated facility at Eagle River.

The ramifications of this isolation are that it will make it difficult to hire competent staff because of the limited availability of living quarters in the area and the necessity of driving through the Ft. Richardson traffic twice a day.

The isolation also makes it necessary to provide indigenous medical services because of the extreme distance from local hospitals and the psychiatric clinic.

Also, the institution is isolated from the education and training programs available within Anchorage. In similar fashion, inmates who will be on work release will have to be transported at odd hours from Eagle River to Anchorage in order to obtain employment. This could be better served through the existing half-way house or a series of half-way houses in the Anchorage area.

What in actuality has been created is a suburban, residential facility with a commuting population to the Greater Anchorage area where goods and services will be provided.

The manpower allocation, vehicle requirements, loss of transporting officers' time and similar direct and indirect costs will make the operation of this facility extraordinarily high.

The foregoing are defects of the institution from a cost-benefit point of view. However, the greatest tragedy, perhaps, is in the program itself.

The notion that crime can be cured through vocational and academic training was first suggested in 1870 at the reformatory at Elmira, N.Y. In over a century since that idea first flourished, there has been no

evidence whatsoever to indicate that either education or vocational training in any way reduces recidivism.

Another facet of the program, the assumption that change comes about through group therapy discussions, is equally invalid. A four-year study conducted by Dr. Robert Martinson of CCNY has revealed that of some 230 so-called treatment programs within all adult institutions in the United States since 1949, there is no evidence whatsoever to indicate that a single program has anything whatsoever to do with reducing recidivism.

Consequently, the Eagle River facility is a monument to one idea which began in 1870 and a second one which commenced after World War I, neither of which, it has been demonstrated, has anything positive to do with reducing criminality.

Therefore it is my contention that the Eagle River Facility is not, as its proponents argue, to be an innovative new direction in corrections; I would suggest that it is regressive in that it is returning to philosophies which are fallacious.

There is some historical evidence to indicate that the most successful programs in reducing institutional violence and/or recidivism rates, fall under the general category of participatory management, that is, involving the inmate in determining what kind of programs he wishes to become involved with. Unfortunately, the program at Eagle River is built into the concrete and steel and as the superintendent has agreed, when an inmate hits the front gate he has no choice whatsoever in the program in which he will be involved.

To put it another way, any inmate who agrees to be transferred to Eagle River will have no option as to the kind of treatment program

available. He will be forced to participate in group therapy throughout his incarceration at that institution.

One of the original purposes of the facility was ostensibly to return adult felons from contractual institutions under the Bureau of Prisons from the continental United States. There appear to be conflicting views of this within the administration of the Division of Corrections. Some argue that this will take place; others state that there is no plan to bring inmates back from the federal Bureau of Prisons. Director Adams has explained that there has been a gradual reduction in the number of inmates incarcerated outside since his appointment and that he will continue to reduce the outside population.

Nonetheless, in looking at the 1974 budget, there was an average daily count of 57 adult prisoners in confinement with the Bureau of Prisons outside of Alaska. In referring to the current budget proposal for fiscal year 1975 that figure has only been reduced by two, that is, it is still assumed by the Division of Corrections that 55 inmates will be placed with the Bureau of Prisons outside. The budgeted request for this expense is \$341,300.

In response to a question to Mr. Adams by members of the legislature meeting in Anchorage in December, he stated that he did not believe that there was a single person in custody with the Bureau of Prisons who could not safely be detained in existing facilities in Alaska. The question which remains of course, is why is the Division of Corrections continuing to budget for outside care when one of the functions of the Eagle River Facility was to care for Alaska prisoners within the state?

A related question in the juvenile area might be posed here.

The McLaughlin Youth Center proposed budget for fiscal year 1975 (combining both confinement and rehabilitation budgets) totals \$2,077,300. Assuming the accuracy of my interpretation of the budget and figures provided by the Division of Corrections that the average daily count at the MYC facility is less than 85, then the per capita cost of keeping juveniles at McLaughlin is slightly less than \$25,000 per year.

While these figures are inordinately high for the services performed, I would suggest that the evaluation of youth services is a subject more proper for additional study. What is of concern at this time is the fact that for fiscal year 1975, the Corrections Division is budgeting \$130,000 for care of an estimated 22 juveniles outside throughout the course of the year.

Since the average daily count at McLaughlin plus the average daily anticipated count on the outside still would be less than the design capacity of McLaughlin (especially in view of the fact that there are capital expansion plans before the Legislature.) the logical solution would seem to be to eliminate the outside care of juveniles. It is obvious by combining the budgeted care of adults and juveniles outside that the State Legislature is being asked to fund slightly less than a half-million dollars for these services. However, these figures do not represent the total cost.

One must also include the travel and per diem costs for parole board members to visit outside institutions where these inmates are incarcerated. It is also necessary to include travel and per diem for the classification committee in the Alaska Division of Corrections which periodically visits these inmates in the institutions. In addition to that, it is also necessary to include the cost of transport-

ation under the Alaska State Police budget since that agency has the responsibility for transporting prisoners outside.

It is suggested that the legislature require a breakdown of travel expenditures which is not done in the present budget in order that the true cost of maintaining prisoners outside would be available for your consideration.

The budget requests for the Eagle River Facility which exceed \$1.5 million for fiscal year 1975 without a doubt make it the most costly per capita adult institution in the United States.

There are other ramifications of institutional policies of the Alaska Division of Corrections. With a need to quickly raise the count at the Eagle River Facility in order to reduce the per diem cost, there may well be a severe drain on the population of the Adult Conservation Camp. Although accurate figures are difficult to obtain, it was estimated by Division of Corrections personnel that the average count at the adult camp was 44 for fiscal year 1974, although there is a design capacity of 117. That count will no doubt be reduced as inmates normally scheduled for the adult camp will now be scheduled for the Eagle River Facility. A serious question to be considered by the legislature is whether it will continue to be economically feasible to operate that facility.

A question worthy of further consideration is the fact that the Alaska Legislature did not authorize the manning of the Anchorage City Jail by state staff. The Division of Corrections has circumvented legislative intent by employing 34 officers to man that institution and has charged them against the Eagle River Facility. This has resulted in the ludicrous situation where the average daily cost of operating the Eagle River facility at the present time is \$8,500

yet the facility has yet to receive its first inmate.

Corrections officials also reported that there was a delay in opening the Eagle River Facility, primarily because the Division of Supply failed to even open a requisition for furnishings of the Eagle River Facility for a period of three months in spring of 1973. This institution was to have been opened in July of last year. Based upon past experience with the Division of Supply, the only thing this demonstrates is that there has been little change in the administration of state government in Alaska over the last 10 years.

Training

Two things have been done recently to provide adequate training for those who will be operating the new facility at Eagle River. The Division of Corrections has updated and modified an earlier manual which is designed to train people, not only for the Eagle River Facility but to provide some basic training for other facilities in Alaska as well.

As stated in the introduction to the manual, the philosophy of the Division of Correction is that "all persons are worth while and their behavior is understandable and it can be changed." This kind of philosophy is based upon the "principal of reformation and upon the need for protecting the public." The stated goal of the project is to "develop and provide programs designed to change the offender."

A content analysis of this 207 page document reveals how closely the rhetoric of reform is planned to be carried out. Below is listed a summary of the contents.

<u>Training</u>	<u>Number of Pages</u>
Administration	57
Custody and Control	68
Processing	58
Care	13
Training	6
Treatment	5

It is obvious from a quick evaluation of this table that only five pages of 207 deal directly with treatment programs for the offender. This constitutes less than 2.5% of the substantive content of this manual.

A second effort to implement the philosophy of rehabilitation at the Eagle River Facility was manifested in the form of a reunion of the planners of that facility at Eagle River in January of this year. In attendance at this meeting were Rep. Thomas A. Fink, Commissioner of Health and Welfare Fred McGinnis, Director of Corrections Charles Adams, several institutional superintendents, middle-management personnel, ex-convicts and consultants. At that time I endeavored to share with those present some of the results of studies conducted outside which challenge the central concepts of this facility at Eagle River. I think it is safe to say that my reservations concerning this program which have been enunciated earlier in this report were not accepted by either Dr. Edith Flynn or by Dr. LaMar Empey.

However, there was a general recognition that inmates need to be more informed and involved in the program. On the second day of the conference, it was urged that there be an on-going research project to evaluate the effectiveness of Eagle River which I wholeheartedly endorse. Inmates should be involved in the evaluation of

staff, establishing personnel standards, staff training and the developing of programs. Apparently inmates will also serve on classification committees in other institutions throughout the state.

Director Adams expressed the intention of recalling the planners from time to time to assure that the original concepts are implemented in this facility. If Mr. Adams is successful in his efforts, then rehabilitation of inmates at Eagle River is probably doomed.

If the evolution of this institution follows the usual pattern, there will be a forced large increase in the number of inmates assigned there in order to reduce the cost which will result in some institutional problems. It is just a question of time before someone escapes or gets drunk and/or attacks some woman in the Eagle River area. At that time, the Eagle River legislative representative will voice his indignation and there is little doubt that within two years from now, guard towers will be erected around the Eagle River Facility and it will become, in fact, just another prison.

Since the Eagle River Facility exists and that cannot be changed, a more productive effort might be made toward more effective utilization of space and personnel. Such a discussion is beyond the scope of this report at this time. However, one might argue that the most useful function for this facility would be to classify it as a medium custody institution and detain therein those who are a threat to society and forget any notion of providing training.

One of the philosophical errors of the present administration of the Corrections Division in Alaska is the assumption that all criminal offenders can be rehabilitated. This is not unlike the philosophy throughout the country, but it is grossly in error. One could safely argue that Jimmy Hoffa, Billy Sol Estes and Charles Manson are not particularly in need of training or education. They are

placed in prison as punishment and to protect the public. If the Division of Corrections would simply admit that they cannot rehabilitate everyone, then perhaps this philosophy could be dichotomized and a more effective utilization of facilities in Alaska would be realized.

Ketchikan Facility

Although I do not have before me the capital expenditures budget for fiscal year 1975, I have been reliably informed that the governor's request is for \$6,600,000 to create a jail facility in the town of Ketchikan. This is the only facility within the Alaska correctional system which still belongs to the federal government. There is no question that some alternative arrangements must be made rather shortly so that this space may be returned to federal control.

However, the expenditure of \$6.6 million to house a reputed average daily count of about 15 inmates brings the capital construction cost to about \$444,000 per inmate. Somehow it seems somewhat exorbitant to disburse almost half a million dollars per inmate to build a facility.

Certainly unless a feasibility study has been conducted, this bonding issue should not be passed by the Legislature.

Probation and Parole

The fiscal year 1975 budget for the parole board is somewhat less than definitive. There is no breakdown of the \$25,000 set aside for travel. This should be discriminated between inside of Alaska travel and outside Alaska travel.

As noted earlier, the Division of Corrections has budgeted for 55 prisoners to be incarcerated outside of Alaska. Yet the parole board anticipates applications for parole from 75. Since the average

length of stay for prisoners outside of Alaska exceeds one year, the explanation cannot be that there is a more rapid turn-over on an annual basis than is reflected by the average daily count.

This discrepancy should be reconciled.

It has been suggested publicly that state probation services be removed from the control of the Division of Corrections and become an arm of the court system. Some legislators privately report that they are being urged by the judiciary to introduce legislation during the current session of the Legislature to effect this change. It would seem that major changes in organizational structure of the state government should be analyzed to determine the reasons behind such suggestions and the implications of the proposed new system.

The use of probation -- placing the criminal offender under supervision of an officer in the community instead of sending him to prison -- is neither a new nor innovative aspect of a rehabilitation program. John Augustus first used probation in Massachusetts in 1840.

The merit of keeping the offender in the community as a wage earner, making it unnecessary for his dependents to receive welfare assistance and reducing the cost of supervision has found wide support. By the mid-thirties, all states and the federal system had adopted some sort of probation service.

The function of the probation officer is to prepare pre-sentence investigative reports after the offender has been convicted which, hopefully, will provide information useful to the court in sentencing the prisoner. Other functions are to provide supervision of the probationer to assure that he does not engage in further criminal activity, that he will become a useful citizen in the community and that restitution or other special orders of the court are fulfilled.

Traditionally, probation in the United States has been a function of the county courts, parole has been a state responsibility and supervision of the institutions has been delegated to a variety of jurisdictions and agencies. The conflicts within the correctional services when juxtaposed upon conflicting jurisdictions relating to law enforcement, prosecution and adjudication assure a lack of consistency, inter-agency conflicts and a lack of a common correctional philosophy.

As a territory, Alaska had one federal probation officer who served only the District Courts. His responsibilities were primarily limited to federal adult offenders. Subsequent to statehood, the Youth and Adult Authority was created to provide a unified agency responsible for care and custody of juveniles and adults in institutions or on probation and parole. The Alaska correctional system of coordinated services is considered a model and is unique in the United States.

The Alaska Criminal Justice System in the context of unified police, prosecution and court systems provided Alaska with an unusual opportunity to avoid the mistakes of other political systems and to make great strides in corrections. Yet, after fourteen years of operation it is generally conceded that the quality of probation services does not materially surpass that provided prior to statehood when (with the exception of federal offenders) there were no such services. Why this state of affairs continues is a perennially unanswered question.

By any standard of measurement, the last effective Chief Probation Officer in the Anchorage area was Joseph Palmier. He took the unusual position that the primary function of the probation office was to serve the court and thereby also serve both the clients and the community.

Pre-sentence investigations were conducted in the field and not

by telephone.

Reports were prepared and submitted to the courts for all offenders within the specified two to three week time limit.

The officer was expected to be qualified to appear in court to support his findings and recommendations.

Those placed on probation were supervised and the conditions of probation were enforced. After working a full day at the office, in the field or in the court, Mr. Palmier frequently rode patrol with the police agencies to check on probationers.

No longer. Probation reports are cursorily prepared (if at all), are frequently submitted late (if at all) and the supervision of the probationer is to a large extent pure fiction.

One offender dutifully reported monthly to the probation office for the past 18 months.

During this year and one-half, he never saw a probation officer but simply signed a form before a secretary.

While it is probable that the probationer has been out of difficulty with the law for a sustained period of time, it cannot be successfully argued that this is a result of the quality of "interpersonal relations between the probation officer and his client."

When one studies the history of corrections in Alaska over the past decade, he is immediately impressed with the patience of the judiciary and the good fortune of the correctional administrators in thus-far not having been cited for contempt of court. Since the present system has not worked (in recent years), it is understandable why the suggestion has been made to place probation services directly under the court system. There is little question that such a move would expedite matters in view of the fact that the court would have

direct control over the officer.

On the other hand, jurists are trained in law and not the humanities. While the court could assure that whatever the probation officer is supposed to do, he will do more quickly, it is unlikely that the court will be able to infuse the officer with a correctional philosophy.

Studies have shown that in those systems (like the federal one) wherein the probation officer is paid by the judge, not unexpectedly he tends to make recommendations which coincide with the judge's orders 94% of the time. It has also been demonstrated that the quality of probation services varies with the different court one is evaluating.

A fragmented system such as is being suggested will result in a conflict of interest between the client and the court because the probation officer cannot render independent recommendations when one of the parties involved pays his salary.

In order for a correctional service to function effectively, it must have autonomy from other agencies of criminal justice. While being thus apart does not necessarily assure effective probation services, the alternative system assures its ineffectiveness.

The difficulties within the Division of Corrections are both legion and well-documented. They do not consist of lack of funds, low salaries, insufficient officers nor long working hours. The deficiencies are directly related to the quality of leadership which has existed.

Some of us can still recall that just prior to the meeting of the Legislature each year we were instructed by the director not to discharge probationers who needed no further supervision. The reasoning was that

the only way to obtain additional officers was to convince the Legislature that we had extremely high case loads.

Incompetent administrators of the probation service with tunnel vision focusing upon their continued tenure rather than the quality of service to the courts have doomed it to the present farce. Token efforts at reform have served only to confirm the belief of some critics that "coddling" of prisoners is ineffective in reducing crime.

Other scandals in corrections in the past have brought forth "solutions" to close the adult camp, place the youth camp under the court system, put the jails under the state police and to combine mental patients, welfare wards, dependent children, adult criminals and mentally retarded persons in one building at Whittier.

The correctional administrator annually pleads with the Legislature to provide more money to hire more officers to do more of something to more criminal offenders. More often than not one observes that as the staff increases, there is a corresponding decrease in services.

A few years ago, the lack of adequate probation services became so acute that correctional administrators were called to a Sitka conference of the judiciary to explain the derelictions. At that time, the chief of probation services recommended that the number of officers be raised from the then fifteen to 220!

Subsequently, a more modest request was made to the Legislature and a significant number of new positions was authorized. Yet, there has been no noticeable improvement in the quality of probation services.

A five-year study in a federal court in California demonstrated that those offenders randomly placed on daily supervision were more likely to commit another crime than those with no supervision. Also,

it became apparent that about one-third of them failed, and one-third succeeded, in spite of the quality of supervision provided by the probation officer.

The implications are not that probation services should be curtailed but that it might be more profitable to classify the case load more effectively. If two-thirds of the standard case load either fail or succeed irrespective of the officer, then effective classification could result in an immediate reduction of supervision required by those two-thirds and the officer could then concentrate on the remaining one-third -- without any increase in funds.

In fiscal year 1973 there were 45 probation officers working directly with clients. This does not include any administrative or supervisory staff. Accepting the validity of the 1433 probationers, then the state-wide ratio is one officer for every 232 offenders. For discussion purposes, attention will be focused on the South Central Region with the headquarters office being based in Anchorage.

For the calendar year 1972, correctional officials state that there were 660 cases under "active supervision." At that time there were 23 probation officers working directly with clients. Then the ratio in 1972 was one officer for every 29 probationers in the South Central District.

In spite of the fact that the case load average was far below the fictional, recommended national average of 50, for reasons not apparent to this writer the Legislature provided 33% increase in personnel in the South Central Regional Office over the subsequent two fiscal years without any corresponding increase in the number of probation cases.

The net result of this increase was a further reduction of the

case-load to one officer to each 21 probationers. However, additional analysis reduces this figure even further.

According to officials in the Anchorage probation office, there are at least 200 probationers placed in what they call "a probation bank." Those individuals placed in this category include Alaska probationers who are residing outside; courtesy supervision within the third division for probationers originating outside of Alaska; those probationers who are accidental offenders who require no supervision whatsoever; those probationers who live in remote areas not supervised by probation staff but who mail in monthly reports or occasionally see a state trooper; and any other reason that makes supervision superfluous for the protection of society, restitution to the court or prevention of further criminal activity.

This is the kind of classification which, if done state-wide, would provide a more realistic focus of attention on more important cases. An officer at the Anchorage probation office stated that no services whatsoever are provided to these 200. It was further indicated that probably another 50 could be placed in this category.

Using the figure of 200 probationers in the probation bank, it is obvious that this reduces the case load to approximately 460. Dividing this figure by the 31 probation officers in the district, the average case load per officer in the third district becomes one to 15.

In spite of this very low case load, the budget request for fiscal year 1975 of the third judicial district was increased by \$75,000. A personnel budget increase statewide is three, so it must be assumed from the lack of further evidence that the three additional positions will be in the third judicial district. While it is obvious that there has been a continuing decrease in case loads without a

corresponding increase in pre-sentence court reports or other services to the criminal justice system, a cautionary note should be made: a district-wide average case load is unrealistic to the extent that many probationers in the bush are located in isolated areas and thus a probation officer's caseload may be very low which in turn will increase the case load for those in the Anchorage office. Nonetheless, Alaska has earned the distinction of having the lowest case load and yet has not demonstrated any increase in services to the court.

Each year correctional budgets request additional probation officers on the basis of reducing the case load to the magical number of 50 probationers per officer. The National Council on Crime and Delinquency has made similar recommendations for nearly forty years. The assumption has always been that if we can provide more intensive counseling, crime will be reduced.

Dr. Robert Carter of the University of Southern California conducted a research project to determine the scientific basis for this figure of 50 as an ideal case load. He concluded that the figure was suggested for the first time as an optimum case load by a middle-management correctional worker in an off-hand remark at a cocktail party.

There never has been any empirical evidence to show that there is any positive correlation between size of caseloads and effectiveness in reducing recidivism. Thus, a speculation has been accepted as an article of faith and has become a basic, but erroneous, tenet of corrections.

Speaking of the quality of services provided by probation, one officer in Anchorage bemoaned the fact that 95% of the violations in probation at the present time in the third district are a result of new violations and consequently only 5% are a result of technical

violations. He stated that if there were adequate supervision in probation and parole services, that would be reversed, in other words, the ideal to which he is working is that 95% of the people have become re-incarcerated because of a technical violation such as changing jobs without the probation officer's permission. Somehow that seems like a less than progressive philosophy of corrections.

A 24-month study is being conducted at the present time concerning intensive case load supervision with juveniles in Alaska. The result of the first 18 months of that study indicates that there is no significant difference in reducing recidivism among juveniles but that the clients "liked it better that way."

As a result of the Gideon vs. Wainwright decision of 1963 concerning the right to counsel by indigent felons, 1252 Florida inmates were discharged outright with no supervision. The Department of Corrections in Florida conducted a follow-up study of a comparable group consisting of the same number who were released under parole supervision under the normal classification and treatment programs. Of those who were discharged by order of the court, 13.6% again returned to prison. Of those who were discharged under the treatment programs of the prison and continued under parole supervision and case work counseling, 25% returned to prison. In other words, those who received treatment under the Florida correctional program were twice as likely to again return to prison.

It would seem that the best way to solve problems is to solve problems. Somehow it seems unprofitable to sink the ship to drown the rats. If one does not like the direction of the ship of state, it might be more profitable to hire a new captain rather than scuttle the vessel. The present system of probation fails not because it is located within the Division of Corrections but rather because timid

and incompetent administrators have failed to provide needed leadership in implementing correctional knowledge available to all who would hear.

The supervision of probation for both juveniles and adults has become a mockery of justice in that it does not rehabilitate the client, evades court orders, does not provide restitution where demanded, causes embarrassment to the law enforcement officer, frustrates the prosecutor, and defrauds the citizen who pays for the ignomy of it all; and, ironically, under the guise of treatment of criminal offenders.

It might be appropriate if those in power direct their efforts to make the present system work or employ those who can. Substitution of one system of probation for another with no change in personnel is no more productive than painting a sinking ship.

Summary

It is obvious to this writer the \$5.2 million of the Alaska taxpayer's money was wasted on construction of the Eagle River Facility. There is absolutely no valid, rational, logical basis for creation of this institution.

Even if all of the outside prisoners were returned to Alaska there would still be at least a 25% excess bed capacity for the actual needs of Alaska prisoners. Director Adams stated that he saw no need for an increase in the number of institutionalized offenders as a result of the pipeline impact.

The two programs which will probably be in greatest jeopardy as a result of this lack of utilization will be the Adult Conservation Camp and the Anchorage half-way house.

The Alaska Division of Corrections has been negatively affected by an incredible lack of leadership over the last 14 years. This has resulted in criticism by the judiciary and police agencies within

Alaska.

While Alaska's organizational system is unique in America, the full potential of this has never been realized by the Division of Corrections.

There has been a noted lack of goals and objectives based upon long range, well-thought-out plans in either the institutional or the probational programs.

Some of the reasons for the lack of fruition of the original conceptualization have been internal politics within state government, stifling and inhibiting personnel, supply and construction obstacles, the influence of outside consultants and the appointment of outside administrators.

Far from being embarked upon innovative corrections systems which would be copied throughout the United States as you have been led to believe by certain consultants, it is more likely that Alaska will become a laughing stock of corrections unless some remedial steps are taken immediately to thwart present plans.

In addition to antagonizing elements of the criminal justice system, and failing to provide services to the criminal justice system as well as the clients, the executive branch has consistently continued to waste money. Prior to this year, the Alaska State Legislature has relied quite heavily upon recommendations of the corrections officials who presumably are expert in their field. Because legislators are not trained in criminology they cannot be faulted for failing to ask the correct questions or challenge the expertise of the so-called professionals.

Analysis of the Alaska correctional system has been made more difficult by the obtuseness of budget preparations under the new system which eliminates line-item appropriations because it is

difficult to tell where the money is supposed to be going. Consequently, it has not always been possible to make adequate determinations of expenditures.

While I reported above that the average daily count at the adult camp has been 44 in calendar year 1973, I have also been reliably informed that that figure includes inmates who do not reside at the institution but who are on work furlough at some distance from the camp. I have been further advised that some inmates who appear in the count of the Anchorage State Jail are actually now living at API and are being counted also at that institution.

While it probably was not the intent of the budget personnel to construct a budget document which obscures the executive intent, nonetheless, this is one of the results.

Recommendations

I. Outside contracts for care of juveniles and adults should be stricken from the budget, thus forcing the executive branch to return to Alaska the offenders now in custody of the U.S. Bureau of Prisons. This will result in the saving, at the minimum, of at least a half million dollars in the fiscal year 1975. An adequate budgetary analysis of the cost of transportation of the parole board, the classification committee and the state police in relation to transportation of prisoners would provide a more exact figure for the actual savings.

II. Elimination of all increase in personnel for the Division of Corrections, particularly in the area of probation and parole services. In view of the officer-client ratio in the field of probation, it is recommended that a moratorium on filling new vacancies

be imposed by the legislature to reduce the number of probation officers by at least 10% over the next fiscal year. This will force the executive branch to re-classify case loads in a more realistic manner and provide better services for the court.

III. The executive branch should prepare a budget for the Anchorage City Jail facility as part of the Anchorage State Jail operation. It should be not continued as part of the Eagle River budget after July 1st.

IV. The Legislature should reject the bonding proposal of \$6.6 million for creation of the Ketchikan facility. In lieu of this it should suggest to the executive branch that a feasibility study be conducted by state agencies or consultants prior to any capital improvement.

V. Once having determined the exact amount, that portion of parole board travel for outside services should be eliminated. There would be no reason for the parole board to travel outside once the Alaska prisoners are brought home.

VI. The Legislature should require of the Division of Corrections an honest, accurate count of inmates residing overnight and being fed in each institution state-wide. This is the only way to determine the actual count. At this point in time, these figures are not available through the normal reporting system.

VII. Since the training manual for the Eagle River Facility does not in any way implement the legislative intent of rehabilitative philosophy, the Division of Corrections should be encouraged to provide more relevant materials for subsequent training.

VIII. The Legislature should give serious consideration to Rep. Milo Fritiz's bill, or any similar proposal, for removing the

Corrections Division from the Department of Health and Social Services and granting it cabinet status. It is quite apparent that the problem which was existing 14 years ago still plagues the Corrections Division. In this author's opinion, it is primarily the result of a lack of power by the correctional officials. That is, they must compete with other divisions of a major department for funding. Granting cabinet status could provide closer access to the chief executive of the state and provide indigenous power to accomplish the goals and objectives of the department.

In my opinion, this is the most fruitful thing the legislature could do in bringing about long-range change in corrections in Alaska.

IX. It is recommended that the Legislature give serious thought to other forms of providing goods and services to wards of the state. For example, the care and custody of adults can just as well be accomplished through contractual services with private agencies at less cost than is now being done by state agencies.

One New England state has contracted for private parole services. There is some discussion now about contracting for confinement of adult offenders. For a considerable number of years, juveniles have been cared for on a contractual basis in institutions or in group homes.

Over ten years ago a private industrial firm contracted for care and custody of thousands of juvenile delinquents. There are other precedents for this method.

The result would be a more realistic performance since reduction of recidivism could be required as an end product of private industry which would be tied to a basis for renewal of the contract, for example, at the end of the five-year contract. It is inconceivable the private

industry could not provide care and custody of juvenile offenders at considerably less cost than the \$25,000 per year now costing the state for operation of the McLaughlin Youth Center.

X. There should be a moratorium on all construction until plans for adequate facilities and programs are completed.

XI. Finally, it is recommended that the legislature continue in a watch dog role of the Division of Corrections while encouraging the conceptualization of some viable, long range plans. The most serious deficiency in the Division of Corrections at this time is no different than it has been for the past 10 years; namely, that there really is no master plan which is based upon anything other than mythology.

XII. It might also be suggested that the function of surveillance in the probation and parole system be assigned to police agencies and that there be some compensation afforded to the local jurisdictions to accomplish that function.

This would alleviate the conflict between surveillance and treatment supposedly provided by the same probation officer.

Similarly, it should be considered feasible to eliminate the two officers assigned to the Anchorage Court to conduct pre-sentence investigations and allow a private agency to contract for these services. In this case if the pre-sentence court reports were not provided on time to the pleasure of the judiciary, then the contract could be terminated.

The whole notion of utilization of private industry has merit because industry must provide a product. At the present time, the state bureaucracy needs only to survive in order to get an increased budget. Once a cost-benefit analysis is made, and the profit motive

is integrated with the treatment program, then there is adequate motivation for individuals to perform.

The fore-going report is respectfully submitted for your consideration.

Sincerely yours,

Thomas O. Murton
Thomas O. Murton

END