

CR-Sent
8-14-84

Adult Corrections in Alaska
Current Issues in Administration
and Management

House Research Agency
Alaska State Legislature
January 1983

House Research Agency Report 82-E

93943

The House Research Agency is the permanent, non-partisan research support arm of the Alaska State House of Representatives. The agency performs research at the request of legislators. A bipartisan governing committee composed of the House Speaker and Minority Leader and the ranking House member of the Legislative Council (i.e., either chair or vice-chair), oversees the agency's work. While the legislature is in session, most research is of a discrete scope. During the interims between legislative sessions, projects of larger scope are undertaken.

ADULT CORRECTIONS IN ALASKA:
CURRENT ISSUES IN ADMINISTRATION AND MANAGEMENT

Betty Barton
Jon Sherwood
House Research Agency
Alaska State Legislature
February 1983

House Research Agency Report 82-E

PREFACE

Following adjournment of the Twelfth Alaska Legislature, the House Research Agency was asked to undertake a special project concerning the State Division of Adult Corrections. Specifically, the Agency was asked to review the current issues confronting correctional services in Alaska and to explore whether an alternative management structure could help to alleviate problems that have arisen in the field of criminal justice. This report examines these and other issues relating to adult corrections in Alaska.

Authorized by the Agency's bipartisan governing committee, this report has been prepared for the entire membership of the Alaska House of Representatives. It was written in recognition that corrections is a topic of significant concern for many Alaskans and one which often elicits divergent opinions regarding its needs and solutions. The purpose of this report, then, is to provide a general framework for analyzing adult corrections issues in Alaska. It is not the intent of this report to advance a particular correctional philosophy, but rather to transmit information which can assist legislators in their development of appropriate State policies.

Since this project was initially presented to us, a number of changes have been proposed for the Division of Adult Corrections. Perhaps of greatest significance, Governor Sheffield has promulgated Executive Order No. 54 to establish a Department of Corrections. In the preparation of our report, we have attempted to keep abreast of this and other proposed modifications.

This report reflects only a portion of the House Research Agency's research concerning adult corrections and criminal justice. Members of the Alaska House of Representatives are welcome to contact the House Research Agency with additional research requests pertaining to this subject.

TABLE OF CONTENTS

SUMMARY OF FINDINGS	1
ADULT CORRECTIONAL SERVICES: AN OVERVIEW OF THE PROBLEM	
Crime Trends Affecting Adult Corrections.	7
The Rising Costs Of Correctional Programs	9
Prison Overcrowding	12
Population Trends in Alaska's Prisons.	12
Litigation Regarding State Prison Conditions	16
A Profile Of Prisoners In Alaska.	18
CORRECTIONS MANAGEMENT IN ALASKA	
The Role Of The Division Of Adult Corrections	21
Current Issues In Corrections Management.	24
Corrections Management	24
Offender Management.	25
Administrative Management.	27
Program Development.	31
Coordination and Planning of Criminal Justice Activities	32
Public Information and Involvement	33
LEGISLATIVE OPTIONS IN ADULT CORRECTIONAL SERVICES	
Increasing Correctional Bed Space	35
Legislative Remedies For Overcrowding	41
Options for Controlling Prison Entry	41
Options for Altering the Length of Prison Confinement. .	43
Options Concerning Prison System Capacity.	46
Strengthening Correctional Management Through Reorganization.	49
Create a Department of Corrections	50
Move the Division into a Different Department.	52
Relocate the Division into the Governor's Office	52
Keep the Division in its Current Location.	53
Establish a Board of Corrections	54
Improving Criminal Justice Communications and Decision Making	55
Policy Analysis, Planning, and Research.	55
Accurate Short and Long-Term Cost Information.	56
CONCLUSION.	59

SUMMARY OF FINDINGS

Corrections Trends

Prisoner Profile. Approximately one out of every 600 U.S. citizens is currently incarcerated. In Alaska, the incarceration rate is significantly higher; approximately one out of every 400 of the state's residents is imprisoned. Alaska's prison population has increased by 49 percent in the past four years. In September 1982, the total institutional population, including both sentenced and unsentenced felons and misdemeanants, was 1,269; by January 1987, the population is expected to exceed 2,000. This would require the State to double its existing correctional center capacity of 979 beds.

According to a 1982 report by the Division of Adult Corrections, about two-thirds of the inmates within State correctional facilities are 30 years old or younger. The majority of the in-state inmates were incarcerated for offenses against the person, including murder, sexual assault, robbery, and assault. Over 60 percent of the in-state prisoners had no prior institutional experience and 86 percent were held on felony charges.

A 1980 study of felony sentencing by the Alaska Judicial Council found that 57 percent of all urban felons and 63 percent of all rural felons had used alcohol at the time of their offense. The percentage was highest for individuals convicted of murder or kidnapping. Four times as many urban felons had histories of alcohol addiction as had histories of drug addiction. A rural felon was almost twenty times more likely to have a history of alcohol addiction as drug addiction.

State Responsibility for Corrections. The State of Alaska administers all correctional activities, either directly or through contract providers, including all services for pretrial detainees, misdemeanants, probationers, and parolees. Most other states are only responsible for the supervision of sentenced offenders; the responsibility for pretrial prisoners and short-term sentenced offenders rests with local governments.

The Division of Adult Corrections operates pretrial, short-term, and long-term facilities throughout the state. The State also contracts with sixteen local governments for the operation of local jails. However, these contracts are administered by the Department of Public Safety. The Division of Adult Corrections is also responsible for the supervision of parolees and probationers, the operation of several community corrections programs, and the welfare of almost two hundred Alaska felons who have been sent to institutions operated by the Federal Bureau of Prisons.

Mentally ill offenders are not in the custody of the Division of Adult Corrections. They are the responsibility of the Division of Mental Health. The Division of Family and Youth Services is responsible for juvenile corrections.

In Alaska, \$133,464,300 was authorized in FY 83 for operational expenditures in the administration of justice. This includes justice-related expenditures within the Departments of Public Safety, Law, Health and Social Services, and the Alaska Court System. Of this amount, approximately 30 percent is for adult correctional services.

Prisoner Litigation. As of 1981, 29 states have had court orders pertaining to prison overcrowding and inadequate living conditions for prisoners. In Alaska, issues relating to the quality of care and the general standard of living available for prisoners have resulted in several court suits.

Perhaps of greatest significance to Alaska's correctional policies is Cleary v. Beirne, a class action suit filed in 1981. Plaintiffs have charged that Alaskan prisoners residing within State facilities as well as those State inmates housed in federal prisons outside Alaska have been deprived of a number of constitutional and statutory rights. State representatives and the plaintiffs' attorneys have negotiated and signed a partial settlement. The second part of Cleary, which pertains to major issues such as prisoner education and medical treatment, has not been resolved, and is set for trial in the Third Judicial District of the Superior Court for the State of Alaska in June 1983.

In recent years, courts have consistently held that access to adequate programs is the right of all prisoners. Although the partial settlement agreement of the Cleary case settled some program issues, it is likely that the trial portion of the Cleary suit will further address program issues.

The problem of overcrowding is central to prisoner litigation. Research indicates that there is a relationship between prison overcrowding and increased death rates, increased suicide rates, increased inmate assaults and inmate killings, increases in self-mutilations, increases in stress-related illnesses and psychiatric commitments in correctional institutions.

Corrections Management

The growth in the correctional population over the last few years has placed an increasing burden on the management of the Division of Adult Corrections. Corrections management does not appear to have kept pace with the growth in the correctional system in Alaska, and the Division of Adult Corrections is considered to be in serious need of management attention.

In the area of prison management, classification of prisoners and facilities is considered a very important concern by many individuals. Both Charles Campbell and Robert Hatrak, former directors of the Division of Adult Corrections, stressed the importance of a good classification system for effective prison management. Unfortunately, during the last several years, overcrowding has resulted in inmates being assigned to institutions based on the availability of space rather than on the basis of a consistent classification policy.

As some institutions have exceeded their rated capacity, space for isolation and security holding has been reduced. Some of these cells are currently housing prisoners for whom no other cells are available. In addition, space for activities such as contact visitation, attorney conferences, and recreation may no longer be adequate for the number of prisoners now in an institution.

In the area of administrative management, the Division's ability to provide support for its general operation was a frequent concern. It was reported that the Division lacks adequate central office staffing levels. Several problems regarding the Division's personnel structure were identified. There have been frequent reclassifications of administrative positions, and administrative personnel have been transferred from post to post frequently.

Two problems in the area of staff development facing the Division are insufficient staff training and inadequate opportunities for career advancement.

Most of the individuals contacted for this study agreed that there is a need for the Division to coordinate its activities with other agencies within the Alaska criminal justice system. Some believed that a formal structure was needed both to promote better coordination between the various agencies within the Alaska criminal justice system and to initiate research of a broader interagency scope.

Several sources identified a need for the Division to improve its communication with the public and with other organizations, including the Legislature. Two suggestions for improving communication were appointing a public information officer and establishing advisory boards for corrections, either at the local or regional level.

Legislative Alternatives for Corrections

A number of alternatives are available in Alaska for improving the delivery of correctional services. The following areas would require legislative involvement:

- Increasing correctional bed space;
- Modifying State laws affecting who goes to prison, the length of stay in prison, or the capacity of the correctional system;
- Strengthening correctional management through reorganization;
- Improving communications and decision making in criminal justice agencies.

Increasing Corrections Capacity. Justice professionals in Alaska advocate different strategies for increasing the capacity of the correctional system. The major options are as follows:

- Develop a comprehensive capital expansion program that immediately provides for site acquisition and construction of new facilities and renovation of existing prisons.
- Establish a scaled-down capital improvements program that addresses the State's most critical spatial requirements; develop a long-term capital improvements plan following the completion of a comprehensive reassessment of the system's current capacity, a revision of prisoner classification methods, and an analysis of future population growth trends.
- Implement no plans for major capital improvements until a comprehensive analysis of the system's current capacity, prisoner classification methods, and prisoner population growth trends is completed.

Cost is one of the key issues in evaluating these three options. There is also some concern among criminal justice professionals that the construction of additional facilities may increase prison populations, and hence, raise expenditures. Some states have found that the construction of additional prison facilities has not eased problems of overcrowding.

The former Division of Policy Development and Planning under the Hammond administration recommended against long-term commitments for additional prison expansion until the following tasks are completed: refinement of interagency problem solving; consideration of alternatives to institutionalization; evaluation of other states' responses to their prison overcrowding problems; research into the cause of prison population growth; and reevaluation of prison capacity.

Some correctional authorities disagree that the resolution of these issues must be a prerequisite to capital planning. The State is currently diverting a significant number of offenders from correctional institutions, and substantial reductions in incarceration levels may

not be possible without jeopardizing public safety. Governor Sheffield's Task Force on Corrections concluded that additions to facilities, building renovations and new site acquisitions should be "completed expeditiously as the highest priority through channels of state government while minimizing both hindrances and costs."

Under the terms of the recent settlement of the out-of-state prisoner portion of the Cleary case, the State is committed to building a 300-bed maximum security facility.

Revising State Laws. Many states are attempting to rectify problems of prison overcrowding by modifying state laws affecting:

- the number of people who enter prisons;
- the length of time that people spend in prisons; and
- the capacity of the prison system.

A state legislature can take several steps to control the number of people who enter the prison system, including enacting laws that decriminalize or reclassify designated offenses, broadening the type of sanctions that may be rendered, and enacting a comprehensive community corrections act.

There are several alternatives available for legislative consideration which affect the length of incarceration, including: modifications of sentencing policies; expanded use of "good time" credits and work credits; and revision of parole policies.

A number of alternatives besides the construction or renovation of facilities have been established in other states as a means of altering the capacity of a prison system. Some states have established standards and capacity limits for facilities and have adopted emergency overcrowding measures. Others have increased the options that are available to correctional agencies in their placement of offenders.

Departmental Status for Corrections. Governor Sheffield recently issued Executive Order 54, which, if approved by the Legislature, would create a Department of Corrections. If the Legislature rejects Executive Order 54, the State still has a number of options for improving the organization and placement of correctional services. These include:

- Moving the Division into a different department. The Departments of Law, Public Safety, and Community and Regional Affairs have each been mentioned as potential recipients of the Division.
- Relocating the Division to the Governor's Office.

- Keeping the Division in the Department of Health and Social Services. A deputy commissioner position could be established with primary responsibilities for policy development and program oversight of corrections-related activities.
- Establishing a Board of Corrections.

Criminal Justice Decision Making. In some respects, the difficulties that the Division of Adult Corrections has experienced in recent years have been inherited from other aspects of decision making within Alaska's criminal justice system. It has been suggested by some that the State establish a process for interagency communication and policy development, including a cabinet level criminal justice planning committee for the purpose of resolving current policy issues and for long-range planning and policy development.

ADULT CORRECTIONAL SERVICES: AN OVERVIEW OF THE PROBLEM

Adult correctional services is only one component of the criminal justice system. Nonetheless, it is corrections--its prisons, programs, and its methods of probation and parole--that frequently draws more public scrutiny and concern than any other aspect of criminal justice. In part, this public interest is caused by the tremendous size of corrections; it is second only to police services in both scale and cost. In terms of program complexity, it is doubtless foreranking. Adult corrections is charged with the custody, supervision, and management of the nation's criminal offenders. In other words, adult corrections has responsibility for a range of services from custodial care of the pretrial detainee to the provision of vocational services to the paroled offender. Consequently, although it is the final link in the criminal justice process, the scope of corrections is enormous and is continuing to grow as the number of people who pass through the system increases.

CRIME TRENDS AFFECTING ADULT CORRECTIONS

To a degree, the growth in correctional programs has occurred in response to increasing crime rates. Between 1960 and 1972, the nation's crime rate increased 151 percent; between 1972 and 1981, the rate rose an additional 46.4 percent. Approximately 13.3 million criminal offenses occurred in 1981, which is roughly the same number of crimes that occurred in 1980.¹

Alaska's crime rate in 1980 was less than one percent lower than that of the United States. In that year, Alaska ranked fourteenth among the 50 states in total index crime; the state's rate for violent crime was 24 percent lower than the national index, and the rate for property crimes was 3 percent greater.² According to the Alaska Department of Law, the number of violent crimes reported--including murder, rape, robbery, and aggravated assault--increased 27 percent between 1980 and 1981. In Anchorage, for example, the number of sexual assaults increased by 48 percent; robberies increased 28 percent; and murders by 20 percent.

These figures may reflect only a portion of the number of crimes actually committed. The U.S. Bureau of Crime Statistics, which provides national estimates relating to the incidence of victimization, estimated that

¹ U.S. Department of Justice, Federal Bureau of Investigation, Uniform Crime Report 1974 and 1981.

² Office of Justice Assistance, Department of Law, Crime in Alaska, 1981, p. 6. The crime rate index provides a means for comparing existing and historical data regarding the incidence of crime to the total population. The rate is defined as the number of incidents per 100,000 inhabitants.

OVERVIEW OF THE PROBLEM

roughly one-third of the Part I offenses³ committed in the U.S. in 1978 were reported to the police. There is some indication that the percentage of violent crimes that are reported in Alaska may be somewhat lower.⁴

Reasons for the increase in crime are varied. One known factor is the current large national population of young adult males between the ages of 18 and 30. Research has found that a significantly high level of criminal activity occurs among this age group. Data compiled in 1978 indicated that 79.5 percent of all prisoners in state prisons were under 35 years of age.⁵ A significant portion of Alaska's population falls within this age group. Other social conditions, particularly the high per capita consumption of alcohol, have also been significant contributors to the incidence of crime in Alaska.

Another factor affecting the increase in crime--both nationally and within Alaska--is the poor economic climate in the U.S. In Alaska, which is still commonly perceived as a "land of opportunity," this has resulted in a growing number of transient individuals entering the state and has caused further increases in the state's unemployment rate. A high level of unemployment is commonly associated with increased criminal activity.

Regardless of its cause, the increase in crime appears to have prompted a reassessment of correctional policies and procedures within the nation. In many states, policymakers have responded by establishing harsher criminal justice laws that have provided for mandatory sentences, increased sentences, and reductions in parole. An example of changing philosophies is found in California. In 1976 the California legislature amended its sentencing code. Included within the preface of the new law was the observation that rehabilitation was no longer regarded to be a legitimate purpose of California prisons.⁶ Other states have revised laws and programs in response to new public attitudes toward crime.

To some extent, Alaskans have followed a similar course. In 1974, a policy providing for mandatory minimum sentencing was enacted. In 1975, then-Attorney General Avrum Gross implemented a policy that eliminated plea bargaining from the court process. A primary goal of this

³ Part I offenses--a classification established by the FBI--include murder, rape, robbery, burglary, larceny, and theft. Generally, a Part I offense is a felony.

⁴ Christine Johnson and Jonathan Sherwood, Alaska State Legislature, House Research Agency, "Crime Statistics: Number of Convictions," Research Request No. 81-184, December 10, 1981.

⁵ Kenneth Carlson, American Prisons and Jails: Population Trends and Projections, National Institute of Justice, pp. 21 and 28, (hereafter cited as American Prisons and Jails).

⁶ Ibid.

action was to dispense with the prosecutor's role in sentencing in order to "let the sentence be the product of an independent decision by the trial judge."⁷ Alaska was the first state to have enacted such a policy. In 1978, the Alaska State Legislature enacted a comprehensive revision of the criminal code which included the establishment of presumptive sentencing for all repeat felons and for a limited number of first-time Class A felons. Legislation was also enacted that provided for mandatory incarceration of DWI (driving while intoxicated) offenders. In 1982, the legislature revised State drug laws and further amended Alaska's criminal laws to enact uniform penalty provisions to "effectively combat illicit trafficking in controlled substances."

Although the results of changes in policies such as these are difficult to measure, it is apparent that one product of their implementation is an increased caseload for correctional agencies. This, in turn, results in higher costs of program operation.

THE RISING COSTS OF CORRECTIONAL PROGRAMS

In 1979, public crime control expenditures in the United States were found to be in excess of \$25 billion annually--roughly 55 percent of this was spent on police services, 23 percent for corrections, and 22 percent for courts, prosecution, and defense and other aspects of the justice system. Almost 86 percent of all criminal justice expenditures represent state and local outlays.⁸ It is clear that the administration of justice has become an expensive burden for all levels of government.

In Alaska, \$133,464,300 was authorized for operational expenditures in the administration of justice in FY 83. This includes justice-related expenditures within the Departments of Public Safety, Law, Health and Social Services, and the Alaska Court System. Of this amount, approximately 30 percent is for adult correctional services. Justice-related expenditures within the Department of Public Safety consume the largest portion of the authorization--32 percent. The following chart ranks the departments by size of authorization.

⁷ National Institute of Justice, Alaska Bans Plea Bargaining, July 1980.

⁸ Tim J. Flanagan, ed., Criminal Justice Research Center, Sourcebook of Criminal Justice Statistics--1981, U.S. Department of Justice, Bureau of Justice Statistics, Albany, 1982, p.7.

OVERVIEW OF THE PROBLEM

Table I
Administration of Justice
Operating Budget Summary: FY 83
(in thousands)

<u>Dept. of Public Safety</u>	\$43,412.3	32%
- Ak. State Troopers		
- Jail Contracts		
- Support & Services		
<hr/>		
<u>Dept. of Health and Social Services</u>	39,566.4	30%
- Adult Corrections (adult confinement, adult probation and community programs, and corrections administration)		
- Parole Board		
<hr/>		
<u>Alaska Court System</u>	34,522.6	26%
- Courts		
- Judicial Qualifications		
- Judicial Council		
<hr/>		
<u>Dept. of Law</u>	9,966.1	8%
- Prosecution		
- Criminal Appeals		
- Pretrial Diversion		
- Action & Discretionary Grants		
- Administration & Support		
<hr/>		
<u>Dept. of Administration</u>	4,156.6	3%
- Public Defender		
<hr/>		
<u>Office of the Governor</u>	1,840.3	1%
- Status of Women Commission		
- Human Rights Commission		
<hr/>		
TOTAL	\$133,464.3	100%

SOURCE: Fiscal Year 1983 Operating and Capital Budget
Summary of Appropriations

Within the Department of Health and Social Services, the Administration of Justice budget category includes the following components: adult confinement, adult probation and community programs, corrections administration and support, and parole boards. Excluding \$258,300 authorized for the parole board, this budget category is the operating budget for the Division of Adult Corrections.

Adult confinement includes all of the operational costs of the State's correctional centers, contracts for the care of Alaska prisoners incarcerated both in and outside Alaska, and the correctional industries program. This budget unit represents 83 percent of DHSS' Administration of Justice expenditures for FY 83.

The FY 83 Administration of Justice budget for DHSS reflects a 28 percent increase above the previous year's authorization. An examination of the separate budget request units (BRU's) indicates that 36.7 percent of this increase is due to an increase in the amount appropriated for adult confinement.

Table 2
Department of Health and Social Services
Administration of Justice
Operating Budget Summary: FY 83
(in thousands)

Budget Request Unit	Authorization	Amount of Change: prior year auth.	% of change: prior year
Adult Confinement	\$33,016.5 (83%)	+\$8,878.6	+ 36.7%
Adult Prob/Comm.Prgm.	4,646.5 (12%)	+ 55.3	+ 1.1%
Corr. Admin.& Support	1,645.1 (4%)	- 300.2	- 15.3%
Parole Board	258.3 (1%)	+ 31.8	+ 14.0%
Total	\$39,566.4 (100%)	+\$8,665.5	+ 28.0%

SOURCE: Fiscal Year 1983 Operating and Capital Budget
Department of Health and Social Services

For the Fiscal Year 1984 operating budget, the Division of Adult Corrections has requested \$47,133,800 compared to its FY 83 authorization of \$39,308,100. This reflects a 19.9 percent increase above the prior year's authorization.

In its review of the Department of Health and Social Services, Governor Sheffield's Transition Task Force on Human Services commented that adequate treatment of "the corrections issue" would require substantial budgetary increases--estimated to be between 35 and 50 percent. State agencies have been asked to make a 5 percent reduction in the FY 84 budget preparation. Consequently, the Task Force argued that budgetary increases within the Division of Adult Corrections might occur "at the expense of other departmental programs."⁹

⁹ State of Alaska, Office of the Governor, Transition Task Forces Report For Governor Sheffield, "A Report on the Department of Health and Social Services," Juneau, 1982, p.4.

OVERVIEW OF THE PROBLEM

Beyond cost considerations, there is some indication that substantive changes in criminal justice policies and procedures have impaired the overall effectiveness of the correctional system. The issues are best illustrated through an examination of prison overcrowding.

PRISON OVERCROWDING

Described in a recent report as the "four horsemen of corrections," the related problems of prison overcrowding, inadequate institutional living conditions, prison violence, and federal court takeover are confronting many correctional institutions throughout the nation.¹⁰ An examination of institutional growth trends in recent years indicates why these problems have occurred.

The 1970s was a decade of unprecedented increases in prison populations. Throughout the century, excluding a segment of time during World War II when the number of prisoners declined, the prison population maintained approximately the same growth rate as the civilian population.¹¹ Between 1965 and 1980, however, adult arrest rates increased by 75 percent, state and federal prison populations increased by roughly 78 percent and community probation and parole caseloads increased by 142 percent. Since 1970, prison populations have nearly doubled. The nation's current prison population, estimated to be about 500,000, is growing at a rate of roughly 170 per day. In other words, approximately one out of every 600 U.S. citizens is currently incarcerated. In Alaska, the incarceration rate is significantly higher; approximately one out of every 400 of the state's residents is imprisoned.

Population Trends in Alaska's Prisons

According to a report prepared by former Attorney General Wilson Condon, Alaska's prison population has increased by 49 percent in the past four years.¹² In Fiscal Year 1982, the State Division of Adult Corrections had an institutional population increase of 22 percent, a probation-

¹⁰ Robert Mathias and Diane Steelman, National Council on Crime and Delinquency, Controlling Prison Populations: An Assessment of Current Mechanisms, Draft, National Council on Crime and Delinquency, May 1982, submitted to the National Institute of Corrections in partial fulfillment of NIC Grant No. CQ-9, p. 27, (hereafter cited as Controlling Prison Populations).

¹¹ American Prisons & Jails, Vol. II, p. 13.

¹² Alaska Office of the Attorney General, Memorandum to the File from Wilson L. Condon, Attorney General, "Analysis of Corrections Population Projections," November 23, 1982.

parole increase of 21 percent, and a 75 percent increase in the numbers of persons in community placement.¹³ In September 1982, the total institutional population, including both sentenced and unsentenced felons and misdemeanants, was 1,269; by January 1987, the population is expected to exceed 2,000.¹⁴

These numbers would require the State to double its existing correctional center capacity of 979 beds, or 1,183 beds on an emergency basis. Eighty-three additional beds are available in State halfway houses. The remaining number of prisoners are housed in prisons outside Alaska. According to the Department, as of June 1982, 15.5 percent of the State's prisoners were held in federal prisons outside Alaska; in prior years, this percentage has been as high as 20 percent. As of January 1, 1983, 191 prisoners were housed in federal prisons and 74 prisoners were held in State halfway houses.¹⁵ Table III on the following page indicates the current capacities of Alaska's existing correctional centers.

¹³ Alaska Department of Health and Social Services, Division of Adult Corrections, Memo to Robert S. Hatrak, Director, from Kermit Humphries, Coordinator - Planning and Operations, October 11, 1982.

¹⁴ Alaska Department of Health and Social Services, Division of Adult Corrections, Office of the Director. The Division uses a simple regression line based on actual growth in prison population over the past three years.

¹⁵ In addition, the Department's Division of Mental Health and Developmental Disabilities houses individuals who were found not guilty by reason of insanity at the Alaska Psychiatric Institute in Anchorage.

OVERVIEW OF THE PROBLEM

Table 3
Alaska State Correctional Centers
Capacity and Populations

State Correctional Centers	Normal Capacity ^a	Emergency Capacity ^a	Prisoner Count 1/82 ^b	Prisoner Count 1/83 ^a
SCC - Anchorage				
• Sixth Avenue	100	100 ^b	100	94
• Third Avenue	65	65 ^b	83	64
SCC - Eagle River				
• Hiland Mountain	160	240	153	212
• -Special Treatment	10	14		
• Meadow Creek	28	28	26	28
SCC - Palmer				
• Minimum Custody	106	120	130	138
• Medium Custody	100	150	95	98
SCC - Fairbanks			164	181
• Temporary Unit	56	56		
• Expanded Unit	110	125		
SCC - Nome	30	31	33	40
SCC - Juneau				
• Lemon Creek	90	105	132	127
• Johnson Human Svcs.	4	4	1	2
SCC - Ketchikan	30	30	28	28
SCC - Ridgeview Careage House	90	115	134	94 13
Total	979	1,183	1,079 ^c	1,119 ^d

^a Department of Health and Social Services, Division of Adult Corrections.

^b Attorney General's Office, Memo to File No. J66-516-82 from Wilson L. Condon regarding Analysis of Corrections Population Projections, November 23, 1982.

^c This figure does not include the 61 prisoners that were confined in State halfway houses during this period or the 188 prisoners held in federal prisons outside of Alaska.

^d This figure does not include the 78 prisoners that were confined in State halfway houses during this period or the 191 prisoners held in federal prisons outside of Alaska.

The State's most immediate spatial needs are for short-term detention, medium, and maximum security facilities.¹⁶ As an immediate solution to its facility requirements, the Department has been using temporary facilities and modular units.

As a long-term solution, the Department has advocated the construction of additional facilities, a reassessment of its method of determining capacity limits of institutions, and a revision of its current method of classification of prisoners. The latter topic will be discussed in a subsequent section of this report.

As the numbers of individuals confined increases, so do the total costs of care. As of FY 81, the average cost of care for a prisoner in Alaska's institutions was approximately \$24,338 per year. Although the methods of computing costs of care vary from state to state, it appears that Alaska's per diem costs historically have been considerably higher than those in other states.

A second problem arising from overcrowding is the potential weakening of prison security. Between October 1980 and July 1982, 19 prisoners escaped from Alaska prisons.¹⁷ Although each individual was apprehended, the escapes have given cause for concern. Although some of these incidences were attributable to temporary conditions arising from construction, deficiencies in security measures were a factor in many of the escapes. Supervisory staff error, for example, was clearly a factor in five of the escapes.¹⁸

A related concern is the potential for violence in crowded prison settings. This and other byproducts of overcrowding can cause professional dissatisfaction among correctional employees which in turn can result in significant staff turnover. Correctional centers in the Fairbanks and Anchorage areas are particularly overcrowded.

A third problem--possibly of greatest concern to state governments--is the potential for litigation filed on behalf of prisoners claiming that inadequate living conditions violate their constitutional rights.

¹⁶ The state's short-term needs will be partially resolved following the completion of the new Cook Inlet Correctional Center. Scheduled to open in October 1983, this facility is currently intended to house pretrial detainees and unsentenced felons. Seventy-two of the facility's beds will be made available for occupancy in early February 1983.

¹⁷ Betty Barton, House Research Agency, "Prison Escapes," Research Request No. 82-169, (hereafter cited as "Prison Escapes").

¹⁸ Ibid.

OVERVIEW OF THE PROBLEM

Litigation Regarding State Prison Conditions

Beyond ethical questions regarding just and humane treatment of those institutionalized, prison overcrowding can present significant legal problems for state governments. Since 1981, 29 states have had court orders rendered pertaining to prison overcrowding and inadequate living conditions for prisoners. States are particularly concerned that the outcome of litigation will be federal preemption of the states' criminal justice authority.

In Alaska, issues regarding the quality of care and the general standard of living readily available for prisoners have resulted in several court suits. In Mosely v. Beirne, a class action suit that was filed in 1976, plaintiffs charged that conditions in the Anchorage Sixth Avenue Annex violated their constitutional rights.¹⁹ The final order of the Third Judicial District of the Alaska Superior Court pertaining to Mosely established a population limit for the Annex and specified changes to be implemented in prison operations, prisoners' communication and general well-being, which would be required in order to make the facility constitutionally acceptable. In response to this and a separate suit, Thomas v. Williamson, the Division of Adult Corrections made a number of improvements including increased staffing levels of correctional officers and decreased prison populations.²⁰

Perhaps of greatest significance to Alaska's correctional policies is Cleary v. Beirne, a class action suit filed in 1981.²¹ Plaintiffs have charged that Alaskan prisoners residing within State facilities as well as those state inmates housed in federal prisons outside Alaska have been deprived of a number of constitutional and statutory rights. The case has been set for trial in the Third Judicial District of the Superior Court for the State of Alaska in June 1983. State representatives and the plaintiffs' attorneys have negotiated and signed a partial settlement. The second part of Cleary, which pertains to major issues such as prisoner education and medical treatment, has not been resolved.

The problem of overcrowding is central to the charges brought on behalf of in-state prisoners and detainees. Attorneys for the plaintiffs note that research funded by the National Institute of Law Enforcement and Criminal Justice, the Law Enforcement Assistance Administration, and the U.S. Department of Justice have indicated a relationship between "increased death rates, increased suicide rates, increased inmate assaults and inmate killings, increases in self-mutilations, increases in stress-

¹⁹ Mosely v. Beirne, Case No. 76-1899.

²⁰ Thomas v. Williamson, Case No. 77-8670.

²¹ Cleary v. Beirne, Case No. 3AN-81-5274 Civil.

related illnesses and psychiatric commitments in correctional institutions to crowding too many prisoners into too small a space."²²

Under the partial settlement agreement reached in the Cleary case, the State will be required to submit a plan to the court that specifies corrective actions concerning prison overcrowding. The partial settlement establishes the following framework for the State in its reduction of overcrowding:

- Reduce overcrowding, particularly of the pretrial population through arraignment and bail procedure modifications;
- Reduce the pretrial offender's length of stay;
- Expand alternatives to arrest and confinement for appropriate cases through diversion, community service sentences, probation, community release, and furlough programs;
- Involve the judiciary in overseeing population levels;
- Improve correctional management techniques (i.e., classification, information systems, procedures);
- Continue to build or locate appropriate facilities to house prisoners;
- Continue placement for some inmates on a short-term basis within the Federal Bureau of Prisons;
- Modify good-time legislation;
- Seek gubernatorial action through executive clemency and/or emergency crowding legislation.²³

Overcrowding in Alaska's institutions is the result of a number of factors including changes in State laws. For example, the implementation of presumptive sentencing--where specific sentence terms are established by statute--has extended the average length of time that a prisoner is confined in prison. Similarly, an increase in court filings has resulted in a corresponding increase in the number of people held in custody. Other policies, such as a three-day mandatory jail sentence for individuals convicted of driving a motor vehicle while intoxicated have bolstered the state's incarceration rate.²⁴ Alaska currently

²² Cleary v. Beirne, Partial Settlement Agreement and Order as to Subclasses "A" and "B," Case No. 3AN-81-5274 Civil.

²³ Ibid.

²⁴ The incarceration rate is defined as the number of people confined per 100,000 civilians.

OVERVIEW OF THE PROBLEM

has the second highest rate of incarceration in the nation. Between 1971 and 1980, Alaska experienced a 143 percent increase in its incarceration rate.²⁵

Former Attorney General, Wilson Condon, maintains that much of the growth in prison populations is attributable to a "dramatic increase in the sentenced felon population," many of whom Mr. Condon defines as serious and violent felons.²⁶ In part, this is the result of a recent trend toward stricter sentencing. A report prepared by the Alaska Judicial Council found that the increase in Alaska's prison population during 1980 and 1981 was a result of significant increases in felony sentences that were issued between 1977 and 1978.²⁷

Whether or not Alaska's prison populations will continue to increase is largely contingent upon the endurance of these general trends. National forecasters have predicted that the tremendous growth rate in prison populations seen during the 1970s will begin to decline in many states in the coming years.²⁸ They base their predictions on a number of factors including anticipated changes in governmental policies and a gradual decline in the size of the nation's population that is between the ages of 18 and 30.

A PROFILE OF PRISONERS IN ALASKA

In March of 1982, the Division published the results of surveys conducted over the previous two and one-half years. From these surveys, the Division computed average prisoner population characteristics.

Two-thirds of all inmates within the state are 30 years old or younger; nine out of ten inmates are 40 years old or younger. About half the inmates are caucasian, 35 percent are Alaska Native, 8 percent are black, and 6 percent are classified as other. Eighty-four percent of the inmates had lived in the state at least three years before they were arrested; 8 percent had lived in Alaska for less than a year.²⁹

²⁵ Leah Brumer, Western Governors' Conference, Preliminary Report to the Western Governors' Conference, "The Stresses on State Correctional Systems: Major Issues and Potential Policy Directions," 1981, p. 41, (hereafter cited as Preliminary Report Western Governors' Conference).

²⁶ Alaska Office of the Attorney General, Memorandum to the File from Wilson L. Condon, Attorney General, "Analysis of Corrections Population Projections," November 23, 1982.

²⁷ Alaska Judicial Council, Alaska Felony Sentences: 1980, December 1982, (hereafter cited as Alaska Felony Sentences: 1980).

²⁸ American Prisons and Jails

²⁹ Alaska Department of Health and Social Services, Division of Adult Corrections. Analysis of Prison Population, March 1982.

The majority of the in-state inmates were incarcerated for offenses against the person, which include such classes of crime as murder, sexual assault, robbery, and assault. However, the single most common class of crime for which in-state inmates are incarcerated is property crime, accounting for about one-quarter of the State's prisoners. Over 60 percent of the in-state prisoners had no prior institutional experience and 86 percent were held or sentenced on felony charges.³⁰

The State's prisoners held in the Federal Bureau of Prisons have a slightly different profile. As a group, they are older; 47 percent are over 30. Caucasians are more predominant, accounting for 59 percent of the inmates in the FBP; 25 percent of the inmates are Native and 14 percent are black. Inmates are most frequently incarcerated for murder; this classification accounts for one-third of inmates. Although most of the prisoners in the FBP lived in Alaska at least three years before their arrest, 16 percent--twice the number of in-state prisoners--had been in Alaska for less than a year.³¹

A recent study by the Alaska Judicial Council of felony sentencing in Alaska in 1980 found that of urban felons sentenced in 1980, 57 percent had used alcohol at the time of the offense, 5 percent had used alcohol and drugs, and 2.5 percent had used drugs. Substance abuse was highest among those convicted of murder or kidnapping; 79 percent were under the influence of alcohol at the time of the crime and the rest were under the influence of alcohol and drugs. Four times as many urban felons had histories of alcohol addiction as had histories of drug addiction.³²

In rural courts, the proportion of felons who were under the influence of alcohol was 63 percent. All of the four felons in the study who were convicted of murder or kidnapping were under the influence of alcohol at the time of the offense. The proportion of those under the influence of both drugs and alcohol and those under the influence of drugs only were approximately the same as in urban courts. A rural felon was almost twenty times more likely to have a history of alcohol addiction as drug addiction, and twice as likely to have a history of alcohol addiction as to have no history of addiction.³³

³⁰ Ibid.

³¹ Ibid.

³² Alaska Felony Sentences: 1980. In addition, 40 percent of urban felons with a history of drug addiction were first offenders, and 28 percent had prior felony records. Among urban felons with a history of alcohol addiction, only 16 percent had no prior criminal record, and 48 percent had prior felony convictions.

³³ Ibid.

OVERVIEW OF THE PROBLEM

Alcohol use among Alaska felons appears to be somewhat higher than the national pattern. A 1979 survey published by the Bureau of Justice Statistics found that slightly less than half of all inmates nationally were under the influence of alcohol at the time of the offense.³⁴

The racial distribution in Alaska prisons is also substantially different from national patterns. Nationally, almost 48 percent of prisoners are black.³⁵ A comparison among western states in 1981 also found that Alaska had the highest proportion of Native American inmates. In the state with the next highest ratio, Montana, only 12 percent of the prisoners were Native Americans. Alaska had almost three times this percentage.³⁶

Another area in which Alaska inmates differ from the inmates nationally is in education. The Division of Adult Corrections found that in 1981, 58 percent of the inmates had at least a high school diploma or its equivalent. This figure was slightly higher for Alaska prisoners held in the FBP. Nationally, only 42 percent of inmates have a high school education.³⁷

³⁴ U.S. Department of Justice, Bureau of Justice Statistics, Prisons and Prisoners, January 1982.

³⁵ Ibid.

³⁶ Preliminary Report to the Western Conference

³⁷ Bureau of Justice Statistics.

CORRECTIONS MANAGEMENT IN ALASKA

Public concern for Alaska's correctional system has generally focused on the problem of prison overcrowding. However, overcrowding is both a symptom and a cause of other administrative problems within the Division of Adult Corrections (DAC). Furthermore, overcrowding may inhibit the Division's ability to provide for prisoner reformation, as required by the Constitution of Alaska (Art. 1 §12). This section examines several of the issues that are confronting the Division today as identified in interviews conducted with correctional authorities in Alaska. Before describing these issues, it will be useful to provide some background information on the Division of Adult Correction's role in the State correctional system.

THE ROLE OF THE DIVISION OF ADULT CORRECTIONS

The State of Alaska administers all correctional activities, either directly or through contract providers, including all services for pre-trial detainees, misdemeanants, probationers, and parolees. Most other states are only responsible for the supervision of sentenced offenders; the responsibility for pretrial prisoners and short-term sentenced offenders rests with local governments. In some states, probation and parole are also the responsibility of local correctional agencies. In Alaska, however, pretrial and misdemeanor offenders are the responsibility of State government. Under AS 33.30.040, it is the obligation of the State to provide for the incarceration of all individuals held on State charges. As a result, few offenders requiring incarceration are booked on municipal charges. Those offenders who are booked on municipal charges are housed in State facilities through a contractual agreement with the municipality. Therefore, the State is responsible for virtually all prisoners within the state.

The Division of Adult Corrections operates pretrial and short-term prisoner facilities in Anchorage, Fairbanks, Juneau, Ketchikan, Nome and Sitka. In fact, only the Palmer Correctional Center and the Johnson Human Services Center house no pretrial prisoners. The State also contracts with sixteen local governments for the operation of local jails. However, these contracts are administered by the Department of Public Safety. According to Terry Hansen, Special Assistant to the Commissioner of Public Safety, experience has shown that as a law enforcement agency, the Department is better suited to dealing with the local law enforcement agencies which operate the facilities. At one time, the Division of Corrections administered some jail contracts with local governments, but this responsibility was transferred to the Department of Public Safety in 1981.

In addition to facilities, DAC is responsible for the supervision of parolees and probationers. The administration of parole and probation is divided into three regions: the Northern region, with offices in

Fairbanks, Bethel, and Nome; the Southcentral region, with offices in Anchorage, Kenai, Kodiak, and Palmer; and the Southeastern region, with offices in Juneau, Ketchikan, and Sitka. It is important to note that while DAC supervises probationers and parolees, it does not select them. Probation is a judicial sentencing option and parole is granted by the Alaska Parole Board, an independent body. In both cases, DAC makes evaluations of candidates and submits recommendations.

Besides prisoners and probationers within the state, the Division is also legally responsible for the welfare of almost two hundred Alaska felons who have been sent to institutions operated by the Federal Bureau of Prisons (FBP). These inmates generally have been sent to the FBP because they have received extremely long sentences and, in some cases, because they require a high degree of security.

Several community corrections programs are also administered by the Division. DAC operates New Start Centers in Anchorage, Fairbanks, and Juneau. These centers are designed to provide ex-offenders, including parolees, probationers, and halfway house residents, with assistance in obtaining employment. The New Start Centers also provide some counseling and social service referral. In addition, the Division contracts with private providers for the operation of halfway houses in Anchorage, Fairbanks, Ketchikan, and Sitka.

The Division of Adult Corrections does not have custody of mentally ill offenders.³⁸ These individuals are the responsibility of the Division of Mental Health (DMH). Recently, the Division of Mental Health arranged to house offenders referred to DMH for evaluation and observation within the DAC facility at Hiland Mountain; however, the wing containing these inmates is to be staffed by DMH counselors and the inmates are still the responsibility of the Division of Mental Health.

The Division of Adult Corrections no longer has responsibility for the supervision of the state's juvenile offenders. All juvenile correctional programs were taken out of the old Division of Corrections in 1980, as was recommended by the Alaska Corrections Master Plan in 1978. The responsibility for youth offenders now rests with the Division of Family and Youth Services, which operates its own institutions and probation services.

For FY 83, DAC has an operating budget of \$39,308,100. This is an increase of 28 percent over the operating budget authorized for FY 82. In the same period, the number of full-time employee positions of the Division increased from 423 to 613, an increase of 45 percent. The Division

³⁸ This group is comprised of offenders judged not guilty by reason of insanity, offenders referred by the Court for psychiatric evaluation and observation, and offenders who are diagnosed as mentally ill while serving a sentence in a state correctional facility.

received no capital appropriation for FY 83. The Legislature passed a bond proposal which included \$46,711,500 for DAC facilities; however, the measure was vetoed by the governor.

CORRECTIONAL RESPONSIBILITIES WITHIN ALASKA

Division of Adult Corrections

State-operated adult correctional centers

State prisoners transferred to FBP

Adult probation

Adult parole

Division of Family and Youth Services

State-operated juvenile correctional centers

Juvenile probation

Division of Mental Health

Supervision of the criminally insane

Department of Public Safety

Transportation of State offenders

Administration of local jail contracts

In 1978, the State commissioned a comprehensive plan for the development of its correctional system; the result was the Alaska Corrections Master Plan, completed in the summer of 1979. A fundamental goal of the Master Plan was to develop a strategy for "the provision of the most adequate corrections system for Alaska at the least possible cost."³⁹ The plan attempted to identify the philosophy and goals of the Alaska correctional system, and made a number of specific recommendations concerning the Division's organization, management, staffing, delivery of services, facilities construction, program development, and health services. The Master Plan also discussed the need for coordination of criminal justice decision making.

The Plan emphasized that the document should be used as a framework for the future development of correctional services in Alaska; it states, "Planning is a continuous process of goal-setting, information-gathering, evaluation and monitoring and revision of action plans in light of new constraints, resources or goals."⁴⁰ Although the Divi-

³⁹ Moyers Associates, Alaska Corrections Master Plan: Executive Summary, Chicago, August 1979, p. 25, (hereafter cited as Alaska Corrections Master Plan: Executive Summary).

⁴⁰ Ibid., p. 5.

CORRECTIONS MANAGEMENT

sion still considers the Master Plan to be an integral part of its development strategy, it appears that the evaluation and monitoring recommended by the Master Plan has not been fully realized in recent years.

CURRENT ISSUES IN CORRECTIONS MANAGEMENT

We identified the following areas of concern in our interviews with correctional authorities in Alaska:

- corrections management, including both the areas of offender management and administrative management;
- prisoner program development, implementation, and evaluation;
- coordination and planning of criminal justice activities;
- public information and involvement.

Each of these issues is expanded upon below.

Corrections Management

In Alaska, the growth in the correctional population over the last few years has placed an increasing burden on the management of the Division of Adult Corrections. The increase in the prison population has affected many of the Division's operations, not simply the availability of bed space. Furthermore, because DAC has had to devote a tremendous amount of its resources to the task of coping with the growth of the correctional system, issues distinct from those surrounding the system's growth have not received adequate attention.

Like any other bureaucratic organization, sound management principles are essential to the effective operation of adult corrections. However, the need for solid management capabilities, for both offender and administrative management, is particularly important to corrections organizations because of the unique position they maintain in the criminal justice system. If the caseload of another criminal justice agency begins to increase, there are internal remedies to limit the volume. Even the judiciary, which must eventually hear all of the cases that prosecutors bring before it, can restrict the number of cases heard at any one time. However, corrections agencies cannot reject or postpone the entry of new offenders, they must accept whatever caseload they are given by the criminal justice system.

Corrections management was a major concern of most of the the correctional authorities with whom we spoke. The growth in the correctional system has created a substantial number of management problems and the Division is in serious need of management attention, according to Allen Korhonen, former Deputy Commissioner of DHSS. Robert Hatrak,

the Division's former director, stated that corrections management simply has not grown to meet the scale of growth in correctional facilities and the inmate population. Another observation made by Susan Humphrey-Barnett, Superintendent of Meadow Creek, was that DAC generally compares unfavorably with other divisions within State government in terms of its administration, organization, and staff development.

The Division's concern for its own management capabilities manifested itself in its Management Plan, prepared by independent consultants and released in December 1982. The Management Plan makes numerous recommendations on fourteen major coverage areas, including organization and management style, policies and procedures, planning, classification, fiscal management, community programs, population management, staff development, and accreditation. Former Deputy Commissioner Korhonen emphasized that the Management Plan was intended to be a continuation of the planning process initiated with the Alaska Corrections Master Plan. However, it should be noted that the Management Plan has not been adopted by the Sheffield administration. In fact, the Governor's Task Force on Corrections recommended that the Management Plan "should not be implemented until it has been reviewed by the new Department of Corrections."⁴¹

Offender Management

The rapid growth of Alaska's correctional system in the last few years has created many problems in the management of the offender population. Although it is not within the scope of this report to discuss every criticism of the Division's present offender management capabilities, we have tried to provide examples of problems which affect the quality of corrections not only for inmates, but also for the DAC personnel.

Classification. Classification is the process by which an offender is assigned to the institution or program that is appropriate to the inmate's needs and the safety of the public, the correctional staff, and other offenders. Classification occurs at two levels:

- 1) an institution can be classified according to its security levels, treatment programs, and target population;
- 2) an offender can be classified according to his or her security risk and program needs.

⁴¹ Alaska Office of the Governor, Task Force on Corrections, A Report on the Status of Corrections for Governor William Sheffield, December/January 1982-1983, (hereafter cited as Report on Status of Corrections). Although the Management Plan has not been adopted by the current administration, we have treated it as an additional source of information on the issues facing the Division of Corrections.

Ideally, classification enables offenders having similar needs to be housed within a facility tailored to their requirements.⁴² This enables them to move through the correctional system in a cost-effective manner that, hopefully, will aid the offenders in their transition back into society.

Both Charles Campbell and Robert Hatrak stressed the importance of a good classification system for effective prison management. Mr. Hatrak stated that without adequate classification of both the prison population and existing correctional facilities, it is very difficult to make an informed decision regarding future facility needs.

Unfortunately, during the last several years, overcrowding has resulted in inmates being assigned to institutions on the basis of which facilities have the capacity to hold an additional person.⁴³ Both Stanley Zaborac, Superintendent of the Palmer Correctional Centers, and Frank Sauser, Superintendent of Hiland Mountain, reported accepting prisoners who do not meet the eligibility requirements for their institutions. In the case of Hiland Mountain, some pretrial detainees are placed in units and programs designed for convicted felons. At Meadow Creek, Alaska's only long-term facility for women, inmates ranging from convicted murderers to three-day drunk-driving cases live under the same level of security, and mingle together in the same common spaces. Improper prisoner classification has also been a contributing factor to many of the prisoner escapes in the last two years.⁴⁴

In addition, as some institutions have exceeded their rated capacity, space for isolation and security holding has been reduced. Some of these cells are currently housing prisoners for whom no other cells are available.

Ancillary Space. As a result of the Division's efforts to house the ever growing number of offenders, space for activities such as contact visitation, attorney conferences, and recreation no longer may be adequate for the number of prisoners now in an institution. In Ridgeview, for example, the recreation area is now serving as a dormitory with 54 beds, and attorney visitation in the medium security unit is held in a room barely large enough to permit two adults to sit down. However, the proposed partial settlement of the Cleary suit severely

⁴² According to the Management Plan, only two facilities, Hiland Mountain and Palmer, are currently classified to facilitate population management.

⁴³ The partial settlement of the Cleary suit states, "as a general rule, any classification system begins to break down when an institution is at more than 80 percent capacity." Cleary et al v. Beirne et al., Partial Settlement Agreement, p.21, (hereafter cited as Partial Settlement Agreement).

⁴⁴ "Prison Escapes"

limits the Division's ability to restrict visitation, and requires that all prisoners, except for escape, smuggling, and security risks, be allowed at least one hour of recreation per day. Those inmates in punitive segregation for longer than three days must have access to a large muscle exercise equipment.⁴⁵

Other Problems. Another example of how overcrowding burdens the system is the reassignment of personnel to special duties. According to Suzanne Lassiter, Director of New Start in Anchorage, counselors from the New Start Center were temporarily reassigned to conduct surveillance on offenders in community release programs. This detracts from their credibility as counselors. Also, on occasion we found institutional counselors who had assumed administrative functions in addition to their regular duties.

Another area in which overcrowding effects operations is the maintenance of policies and procedures. The Management Plan cites deficiencies in the Division's policies and procedures, and emphasizes the importance of maintaining up-to-date policies and procedures in the face of frequent changes in the conditions of the correctional system.⁴⁶ Indeed, according to the results of the Division's investigation of the escape of Michael Andrejko and Joseph Contreras, inadequate post orders were a contributing factor in the inmates' escape.⁴⁷

Administrative Management

Effective corrections administration is perhaps more crucial today than at any time previously. Not only is corrections confronted with the task of coping with an ever growing number of offenders, but it must also respond to the emerging concept of prisoners' rights as defined by the courts. In the course of our interviews, a number of deficiencies in DAC's administrative management were identified.

Organizational Problems. The Division's ability to provide support for its general operation was cited by several sources as one area of management in need of improvement. The very first problem identified in the Management Plan is that "the Division is not structured to provide for sufficient levels of support for management of operations." Specific criticisms contained in the study include the lack of a single organi-

⁴⁵ Partial Settlement Agreement. P.5

⁴⁶ State of Alaska, Department of Health and Social Services, Division of Adult Corrections, Management Plan, September 1982, p. 23. Note: The Management Plan has not been approved for implementation by the current administration. The Governor's Task Force on Correction has recommended that approval of the plan should be left for the proposed Department of Correction's assessment, (hereafter cited as Adult Corrections, Management Plan).

⁴⁷ "Prison Escape"

zational chart, improper spans of control, unclear reporting relationships, and inadequate central office staffing levels.⁴⁸ Charles Campbell, former Director of DAC, commented that top level administrators in the Division traditionally have devoted too much time to overseeing the day-to-day functioning of the Division. According to former Director Hatrak, the Division's central administration needs to develop a strong support staff to assist the superintendents in handling the problems associated with overcrowding.

Personnel Problems. During our interviews, several problems regarding the Division's personnel structure were cited. There have been frequent reclassifications of administrative positions. A Deputy Director's position was replaced by an Assistant Director's position under former Director Charles Campbell's administration and was reinstated under Robert Hatrak. In addition, administrative personnel have been transferred from post to post frequently. The organizational charts and staff lists provided to us by the Division showed different titles or conflicting assignments for some staff, and contained hand written corrections to reflect recent changes in staff assignments. Allen Korhonen stated that at one point last year, a Division survey turned up over 100 employees who were not working in the position listed for them in administrative records.

From our interviews, there appear to be a number of reasons behind the frequent changes within the Division's administrative structure. Former Director Campbell stated that because of the shortage of administrative personnel, certain staff members were moved from post to post to deal with crises as they arose. Another reason given for the alterations of administrative structure is that when new directors take charge, they restructure the organization in order to move those individuals with whom they have the best working relationships into key positions. As the Division had four directors in the last six years, each with a distinct corrections philosophy or management style, this could possibly account for a substantial amount of the administrative changes.

The frequency with which administrative changes were made within the Division during the last several years may have damaged the morale of administrative staff, according to some authorities. It was suggested that as a result of the changes in administrative direction taken by each succeeding director, the administrative staff have not received positive reinforcement for their efforts under previous directors, and now may perceive little advantage in adapting to new policies and accommodating new administrative superiors, as neither tends to remain for any length of time.

⁴⁸ Adult Corrections Management Plan p. 7.

Staff Development. Two problems were cited in the field of staff development: 1) insufficient staff training; and 2) inadequate opportunities for career advancement.

Training. The effectiveness of a correctional system depends upon the caliber and dedication of its staff. Because of this, a correctional agency needs to attract highly qualified people and needs to establish mechanisms to assure their continued development. As the courts have increasingly expanded the rights of offenders, it is more important than ever that corrections personnel have a working knowledge of the judicial process, law enforcement, psychology, and counseling. Effective staff training and internal development programs are one means of attaining this objective. Several authorities indicated to us that the State's training and development opportunities are sorely lacking. Problems cited ranged from declining morale to high staff turnover--most of which was attributed in part to a lack of emphasis on staff development.

In FY 83, the Division of Adult Corrections had a training budget of \$237,700. Three full-time instructors (one of whom was temporarily reassigned to purchasing for the new Cook Inlet Correctional Center) with no support staff provide training for a division with 600 full-time equivalent positions.⁴⁹ In comparison, the Department of Public Safety, which operates the Public Safety academy in Sitka, had a training budget of \$1,412,600 in FY 83. The Public Safety Academy has 33 full-time equivalent staff positions, and is responsible for providing training for the Alaska State Troopers and the Division of Fish and Wildlife Protection, which have approximately 550 full-time equivalent positions. The Public Safety Academy also provides six-week training courses for about 110 village safety officers and municipal police officers each year.

According to Ron Epperson, Senior Training Officer, the ability of the training staff to keep pace with the needs of the Division has steadily eroded over the last few years. He stated that training tends to be seen as an expensive luxury to a correctional system trying to keep pace with continuing growth in the inmate population. Initial training courses have been cut from six weeks to three weeks. According to Epperson, the Division has not been able to offer self-defense training in over eighteen months. Epperson anticipates a greater burden on the training program in the next year, when the opening of

⁴⁹ The number of full-time equivalent positions is slightly lower than the number of full-time authorized positions. Some authorized positions, such as the new positions associated with the new Cook Inlet facility are not funded for the full year. In addition, the Division actually budgets for more than 12 staff months for Adult Confinement positions to allow for the overtime pay which correctional officers receive.

the Cook Inlet facility and expansion of existing facilities will result in an unusually larger number of new correctional officers in need of training.

Timothy Stearns, the attorney representing the in-state prisoners in the Cleary suit, emphasized the need for correctional staff to have adequate training. Crisis intervention and stress awareness were two areas of training that Stearns felt were particularly important to a training program. Adequate staff training is one of the issues involved in the Cleary suit. Annual training of staff has been proposed as one of the settlement items in the negotiations, yet Ron Epperson doubts that even training of new correctional officers could be accomplished at levels acceptable to the courts, given current budget levels.

Career Advancement. The Management Plan identifies inadequate career advancement opportunities as one of the primary staff development problems faced by DAC.⁵⁰ Charles Campbell cited this as a major reason why the Division has not been able to strengthen its management capabilities more fully. According to Campbell, personnel have had infrequent opportunities until recently to advance within the Division, as a result of the Division's relatively small size. Furthermore, corrections has always been characterized by a large ratio of line staff to management staff. In addition, the last two directors were brought in from outside the state, further reducing the opportunity for advancement within the Division.

The Division's pay structure also was cited as an impediment to attracting and developing good personnel. Allen Korhonen stated that he believed most of the positions within the Division were underclassified. The table below provides a comparison of positions within State government. As the table shows, entry level correctional officers currently receive about \$250 per month less than entry level legal and social service workers, and over \$750 less than State Trooper Trainees. It is particularly interesting to note that a Superintendent I, responsible for supervising the inmates and employees of a smaller institution, makes \$250 per month less than the base pay of a sergeant in the Troopers. However, according to Jenny Thomas of the Department of Public Safety, by the time most Troopers are promoted to sergeant, they have accumulated enough seniority to receive a salary about four steps

⁵⁰ Adult Corrections, Management Plan p. 105.

above base, or \$3,695 per month. This is roughly equivalent to the base salary of a Superintendent II, who is likely to supervise an institution with over fifty employees and as many as two hundred inmates. In addition to the underclassification problem, Charles Campbell pointed out that the pay structure in the Division is such that a correctional officer receiving a significant amount of overtime pay might take a pay cut if he or she was promoted to assistant superintendent.

Table 4
Comparison Of State Criminal Justice Salaries In Alaska

Position	Base Pay	Position	Base Pay
<u>Corrections</u>		<u>Law Enforcement</u>	
Correctional Officer I	\$1,782	Trooper Recruit	\$2,555
Correctional Officer II	2,010	Trooper	2,855
Probation Officer I	2,010	Sergeant	3,307
Probation Officer II	2,463		
Superintendent I	3,041	<u>Social Services</u>	
Superintendent II	3,475	Social Worker I	\$2,010
<u>Law</u>		Social Worker II	2,145
Paralegal Assistant I	\$2,010		
Paralegal Assistant II	2,463		

Program Development

In recent years, courts have consistently held that access to adequate programs is the right of all prisoners. In our interviews, the necessity of offering some programs for offenders was almost universally accepted. Substance abuse programs, sex offender counseling, and adult basic education were frequently cited as being essential to corrections. Timothy Stearns, an attorney representing the in-state prisoners in the Cleary case, identified program development for prisoners as the most important activity currently facing the Division.

The partial settlement of the in-state portion of the Cleary case requires that the Division provide drug and alcohol counseling, family counseling, programs in basic life skills, stress reduction and management, and employment skills.⁵¹ It is likely that the trial portion of the Cleary suit will further address program issues.

⁵¹ Partial Settlement Agreement and Order as to Subclasses "A" and "B," Case No. 3AN-81-5274 Civil, pp. 18-20.

However, among the authorities we interviewed, there was considerable disagreement over the extent to which the Division needs to develop additional programs and the kinds of programs which the Division should pursue. For instance, Dana Fabe, Alaska's Public Defender, stated that in some institutions the Division may need to place more emphasis on vocational programs. Others with whom we spoke were skeptical as to the effectiveness of many existing programs. Victor Krumm, District Attorney for the Third Judicial District, recognizes the need to maintain ancillary programs in the prison, but he questions the extent to which many of them are utilized. According to Mr. Krumm, in prison, as in any institutional setting where people are living in a place "where they don't want to be," people are disinclined to become involved in organized activities. According to Roger Endell,⁵² the programs that the Division has developed rarely receive any critical evaluation. He stressed the need to try a variety of programs and sort out the ones that work.

Several of the superintendents mentioned that because overcrowding is changing their prisoner profile and infringing on their auxiliary space, it is becoming more difficult to offer appropriate programs. According to Frank Sauser, Superintendent of Hiland Mountain, some pretrial prisoners have been placed in units with convicted offenders because of the lack of space, and as a result, participate in programs designed for convicted offenders.

Coordination and Planning of Criminal Justice Activities

Most of the individuals contacted agreed that there is a need for the Division of Adult Corrections to coordinate its activities with other agencies within the Alaska criminal justice system. We were frequently reminded that corrections is the only part of the criminal justice system that has no discretion regarding its caseload. Cooperation between agencies was seen as crucial to effective planning for the growing corrections population. Allen Korhonen stated that Ridgeview would have never been opened as a men's facility without the cooperation of the Alaska State Troopers, Anchorage Police, and the local fire marshals. According to Korhonen, "informal contacts [between criminal justice agencies] are necessary at all levels" to manage the problems stemming from overcrowding. The Management Plan identifies a need for the development of a planning process which involves all components of the criminal justice system.⁵³

⁵² Mr. Endell, recently appointed Director of Adult Corrections, was Associate Professor of Justice and Director of Academic Programs for the Justice Center of the University of Alaska, Anchorage at the time of our interview.

⁵³ Adult Corrections, Management Plan.

To improve coordination of activities most effectively, agencies need to understand how changes in other criminal justice activities are likely to affect their own operations. As Roger Endell observed, there is a considerable lack of information available in Alaska on the effect of crime on corrections, and the effect of corrections on crime.

Many individuals contacted agreed that a formal structure was needed both to promote better coordination between the various agencies within the Alaska criminal justice system and to initiate research of a broader interagency scope. Since the State's Criminal Justice Planning Agency (CJPA) was abolished at the end of FY 82, no agency exists to perform this latter function. Although some authorities stated that the CJPA had never successfully performed this function, the absence of this agency has clearly reduced the criminal justice research capabilities of the State. Several authorities suggested that a different kind of structure was required to effectively perform this coordination and planning function; many different options were suggested. These will be discussed at greater length in the following section of this report.

The Management Plan also identifies a need for improved planning within the Division, both financial and programmatic.⁵⁴ Robert Hatrak stated that the Division currently has inadequate data collection capacity, and that he would like to see a management information system developed. According to Hatrak, such a system would be particularly useful in responding to overcrowding, enabling the Division to better anticipate shortages in bed space.

Our discussions with correctional personnel offered some evidence that DAC may be deficient in its long-range planning capabilities. Many of the staff persons we spoke with were not aware of the long-term plans for the use of their particular facility or program.

Public Information and Involvement

The lack of a consensus on the purpose of the correctional system makes the formulation of a response to the overcrowding problem a difficult task. Many of the Division's options for expanding its capacity, particularly community corrections options, are not feasible without public support.

Several sources identified a need for the Division to improve its communication with the public and with other organizations, including the Legislature. The Management Plan states that "(t)he Division currently has a weak image with the public and other governmental agencies."⁵⁵ As interest in correctional issues has increased, it has

⁵⁴ Ibid. p. 27.

⁵⁵ Ibid. p. 116.

become apparent that some confusion exists in the minds of the public as to the functions of the Division of Adult Corrections. For instance, many individuals assume that the Division has responsibility for the criminally insane, even after the extensive publicity surrounding the Meach case.⁵⁶

It was suggested that the Division could improve its communication and image with the public if it appointed a public information officer. According to the Management Plan, a public information officer could respond to requests for information from the media, disseminate information on the Division, coordinate tours of correctional facilities, and provide Division personnel with a single source of information and policy advice regarding external communication.⁵⁷ Timothy Stearns mentioned that correctional agencies in several other states have public information officers.

Roger Endell stated that the Division would benefit if advisory boards were established at the regional level, with the possibility of each institution having a local advisory board as well. According to Endell, advisory boards would not only serve as a forum for obtaining public comment, but also would provide the Division with an opportunity to educate the public as to the Division's needs and plans. Allen Korhonen also concurred that local advisory boards would be of benefit to the institutions. Presently, Hiland Mountain is the only facility which has a local advisory board.

The Governor's Task Force on Corrections was also in favor of creating advisory boards. As part of its recommendation to reorganize the administration of the proposed new department into regional administrative units, the Task Force stated that "[e]ach regional director should be encouraged to establish local citizen advisory groups to advise him or her on correctional programs in the area. Communications between the state's citizens and correctional managers will be enhanced via this mechanism."⁵⁸

⁵⁶ Charles Meach found not guilty by reason of insanity for a 1973 murder, was convicted of killing four teenagers in Anchorage last spring while on work release from the Alaska Psychiatric Institute.

⁵⁷ Adult Corrections, Management Plan, p. 117.

⁵⁸ Report on Status of Corrections.

LEGISLATIVE OPTIONS IN ADULT CORRECTIONAL SERVICES

A number of alternatives are available in Alaska for improving the delivery of correctional services. Some of these options will require the development of new policies and programs by the legislature; others are administrative in nature and should be undertaken by the executive branch. We have identified the following areas as requiring legislative involvement:

- Increasing and diversifying correctional bed space;
- Modifying State laws affecting who goes to prison, the length of stay in prison, or the capacity of the correctional system;
- Strengthening correctional management through reorganization; and
- Improving communications and decision making in criminal justice agencies.

Of these, no one approach will rectify correctional problems. A productive strategy is one which employs a combined approach.

INCREASING CORRECTIONAL BED SPACE

By the end of 1983, following the addition of 389 beds, the anticipated capacity of Alaska's prison system will be 1,258. As we have discussed in earlier sections of this report, the preliminary budget request for FY 84 also includes plans for an additional 380 custodial beds, including a proposal for a 300-bed medium and maximum security facility.

Justice professionals in Alaska advocate different strategies for increasing the capacity of the correctional system.

The major options are as follows:

- Develop a comprehensive capital expansion program that immediately provides for site acquisition and construction of new facilities and renovation of existing prisons.
- Establish a scaled-down capital improvements program that addresses the State's most critical spatial requirements; develop a long-term capital improvements plan following the completion of a comprehensive reassessment of the system's current capacity, a revision of prisoner classification methods, and an analysis of future population growth trends.

LEGISLATIVE OPTIONS

- Implement no plans for major capital improvements until a comprehensive analysis of the system's current capacity, prisoner classification methods, and prisoner population growth trends is completed.

Cost is one of the key issues in evaluating these three options. In a recent draft policy report prepared by the Division of Policy Development and Planning, a fundamental concern regarding the implications of prison construction was expressed:

Prison construction projects in Alaska average approximately \$146,160 per bed (FY 84) or \$14 million for a 100 bed facility. The operating costs are estimated to be \$50 per day per bed (1981) or \$1.8 million per year for a 100 bed facility. Such major expenditures will reduce the availability of funds for other resources which respond to justice problems. Prisons are by far the most expensive corrections response, [emphasis added].⁵⁹

Naturally, the costs of prison construction vary depending upon the type of facility that is developed; e.g., generally a maximum security facility, having stringent design specifications, is more expensive to construct than a minimum security prison. Because of the high costs of facility construction, some individuals believe that permanent correctional facilities should be developed only after the State has ascertained the specific level of custody needed for future facilities.

Several of the State's justice authorities maintain that the State would not be experiencing space shortages if correctional procedures were in compliance with the stated goals and philosophies of the Alaska Corrections Master Plan:

Incarceration of both presentence and post sentence offenders should be used as a last resort, and then for as short a period as possible, only for offenders who represent a demonstrable risk to public safety and/or who are convicted of crimes for which society demands punishment through imprisonment.⁶⁰

Charles Campbell, a former director of the Division of Adult Corrections, believes that the State's current criminal justice policies have prevented this goal from being met. According to Mr. Campbell, too many of Alaska's nondangerous offenders are incarcerated for excessive periods of time.

⁵⁹ Janice Cole, Alaska Office of the Governor, Division of Policy Development and Planning, "Corrections Planning (Focusing on Prison Expansion and Related Criminal Justice Issues)" Draft, December 1982. (hereafter cited as "Corrections Planning").

⁶⁰ Alaska Corrections Master Plan: Executive Summary, p.6.

There is also some concern among criminal justice professionals that the construction of additional facilities may increase prison populations, and, hence, raise expenditures. Research has suggested that the availability of additional space has at times been responsible for increasing the number of persons confined "with no clear evidence of any deterrent or rehabilitative effect."⁶¹ In a study prepared in 1980 by the National Institute of Justice, the following comments were made regarding the potential implications of these research findings:

[If the capacity theories are accurate,] responding to crowding by increased capital expenditures for new institutional space can provide at best a temporary alleviation of the crowding problem, and will ultimately result in a new equilibrium of more prisons, more prisoners, and the same crowded conditions as before. Whether this new equilibrium is desirable is a value question beyond the scope of our research. We can say that there appears to be new evidence that decisions to build more prisons may carry with them hidden decisions to increase the number of persons under custodial supervision. Under these circumstances even a massive construction program might fail to keep pace with the potential demand for prisoner housing.⁶²

Regardless of the reason, some states have found that the construction of additional prison facilities has not eased problems of overcrowding. In light of these and other factors, the draft policy report prepared by the Division of Policy Development and Planning does not recommend "long term commitments for additional prison expansion" until the following tasks are completed:

- Interagency problem solving to address alternatives to institutionalization;
- Evaluation of other states' responses to their prison overcrowding problem;
- Research regarding the cause of prison population growth; and

⁶¹ Joan Mullen et al. American Prisons and Jails: Vol. I Summary of Findings and Policy Implications of a National Survey (U.S. Department of Justice, National Institute of Justice: Washington, 1980) p.120.

⁶² Ibid.

LEGISLATIVE OPTIONS

- Reevaluation of prison capacity.⁶³

Some correctional authorities disagree that the resolution of these issues must be a prerequisite to capital planning.

Victor Krumm, District Attorney for the Anchorage area and a former D.A. for several of the state's rural regions, believes that the State has a pressing need for additional bed space. According to Mr. Krumm, the State is currently diverting a significant number of offenders from correctional institutions.⁶⁴ By his interpretation, substantial reductions in incarceration levels may not be possible without jeopardizing the safety of the public.

Mr. Krumm would like to see Alaska respond to its most immediate needs through the acquisition of modular correctional units, which he views to be a cost-effective means of resolving the more critical overcrowding problems. As a long-term solution, Mr. Krumm believes that the State should initiate a strategic planning process for the construction of correctional facilities. Mr. Krumm believes that the construction of adequate correctional facilities should be one of the top priorities for the expenditure of State revenues and, if necessary, should bypass the bonding process.

Governor Sheffield's Task Force on Corrections presented a similar viewpoint in its review of the overcrowding problem. The Task Force concluded that additions to facilities, building renovations, and new site acquisitions should be "completed expeditiously as the highest priority through the channels of state government while minimizing both hindrances and costs."⁶⁵ The Task Force made a number of recommendations regarding existing and proposed correctional facilities, including the following:

⁶³ "Corrections Planning," Ms. Cole also noted that the Division has been reexamining the capacity levels of all correctional institutions. Instead of bed capacity, former Director Hatrak evaluated facilities in terms of their capacity for five different population groups: booking, holding, detention, sentenced misdemeanor, and sentenced felon. Because maximum space requirements have only been defined by the courts for the sentenced felon population, the new procedure could increase the amount of the State's existing prison capacity. Additional information regarding this is found in the DAC report on population capacity prepared by T. Don Hutto, December 1982.

⁶⁴ According to former Attorney General Wilson Condon, during 1981, 231 defendants charged with felony offenses and 749 defendants charged with misdemeanor offenses were referred to Alaska's pretrial diversion program.

⁶⁵ Report on Status of Corrections

- Maintain all facilities currently used for custodial purposes until adequate new space is prepared. An exception is Careage House, which the Task Force suggested be used for administrative purposes.
- Immediately evaluate and obtain additional available sites for expansion of correctional operations in the Kenai and Matanuska-Susitna Boroughs. (The Task Force maintains that with "rapid site acquisitions...overcrowding in the Division...could be addressed dramatically within nine months to one year".)⁶⁶
- Construct a maximum security prison in southcentral Alaska.
- Construct comprehensive regional correctional centers in Nome and Bethel.

A significant part of the Task Force's recommendations appears to be based on the opinion that all prison construction proposals need not be excessively costly. For example, the medium and minimum custody institutions at Palmer were constructed with a significant savings of both time and cost by using modular components and a combination of private and prisoner labor.

According to Roger Lange, Internal Management Administrator for the Division, per bed construction costs for the Palmer facility were approximately \$60,000 (FY 83 dollars). Mr. Lange noted that the new medium security facility was built faster and more efficiently than it would have been had standard contracting procedures been employed.⁶⁷ Mr. Lange stated that the design and construction of new prison facilities in Alaska routinely has taken between two and four years for completion. In contrast, the Palmer project was devised in February 1981; a bill was introduced and enacted by the legislature shortly thereafter; and the facility was designed, constructed, and opened in the following year. Stanley Zaborac, Superintendent of the Palmer facility, also noted that the employment of prisoners in the construction of the facility released them from otherwise idle time. The Governor's Task Force recommended that the Palmer plan be used as a model for construction proposals in other parts of the state.

Similarly, in its recommendations regarding site acquisitions, the Task Force has suggested that "sites which have the advantage of existing

⁶⁶ Ibid.

⁶⁷ The Alaska Department of Transportation and Public Facilities is responsible for the planning and supervision in the construction of State facilities. Authorities have long held that the current policies and procedures employed by DOT/PF create unnecessary delays in the construction of State institutions which, in the case of adult corrections, exacerbates overcrowding problems.

LEGISLATIVE OPTIONS

grounds, utilities and buildings, and which could have security modules added at a relatively low cost and high benefit, should be of priority concern."

As mentioned earlier, the Task Force also proposed altering the function of some existing facilities and has endorsed the Division's plan for the construction of a maximum security facility. In the course of our interviews, individuals had divergent views regarding the appropriate use of State facilities as well as the proposed maximum security facility. For example, Art Schmidt, who is the acting superintendent of the Anchorage Annex, is very supportive of a maximum security facility. Mr. Schmidt anticipates an increasing number of "serious offenders" entering the Alaska correctional system. Dana Fabe, Public Defender for the State, also spoke in favor of increasing maximum security space in the state; she noted that it would enable many of her clients, currently confined in federal prisons outside Alaska, to return and regain access to their family, friends, and legal counsel. Timothy Stearns, as an attorney representing prisoners in the Cleary suit, obviously is also a strong proponent of an in-state facility.

Others were less certain. In our initial interview with Roger Endell, he expressed skepticism about the utility of a large maximum security facility. He noted that the State has no experience in managing a facility as large as the proposed prison, which initially was designed for a 400-bed capacity. He also observed that other states have found that their larger facilities have a higher incidence of prison violence. Mr. Endell commented that, to a great extent, the relative absence of violence in Alaska's prisons is attributed to its small prison capacities. Dana Fabe shares this concern. One means of addressing this problem, according to Ms. Fabe, would be to establish several small maximum security facilities. Ms. Fabe believes that this approach would also strengthen the Division's ability to separate dissimilar groups of maximum security prisoners; e.g., sex offenders could be housed apart from other classes of prisoners.

Some individuals also expressed doubt about the Division's ability to administer such a facility until its other administrative problems are resolved. Several correctional staff, such as Leonard Whittaker and Peter Skeris, who both work in the neglected Third Avenue Center, would rather see the Division remedy the deficiencies in its existing institutions before assuming the responsibility for a large number of maximum security inmates.

The most critical need that was articulated in our interviews is space for Alaska's short-term offenders.⁶⁸ Art Schmidt predicts that Alaska

⁶⁸ Because of the burden that the State's long-term prisoners place on correctional facilities that were originally intended for short-term use, some officials believe that existing short-term space would be adequate if additional long-term space were available.

will always have a primary need for this type of space because the state has a large population of "lesser felons" who are in jail merely because they cannot make bail and would be unable to provide for themselves if they were released. Roger Endell also noted a fundamental need for facilities for short-term offenders, and the Task Force appears to have responded to some of these concerns.

The advantages and disadvantages of a maximum security facility will need to be weighed carefully. As Roger Endell noted in our interview, an intrinsic problem in the construction of any institutional space, and particularly those that have substantial security specifications, is that its construction generally commits the state to a fixed kind of space limited in function. Should Alaska's correctional needs change in the future, its ability to adapt will be shaped by the kind of space that has already been constructed.

LEGISLATIVE REMEDIES FOR OVERCROWDING

Many states are attempting to rectify problems of prison overcrowding by modifying state laws affecting:

- the number of people who enter prisons;
- the length of time that people spend in prisons; and
- the capacity of the prison system.

Options For Controlling Prison Entry

A state legislature can undertake several steps to control the number of people who enter the prison system. Some states have established laws that decriminalize or reclassify designated offenses. Others have enacted extensive revisions of their sentencing codes in order to broaden the types of sanctions that are rendered. Still others have developed comprehensive community corrections acts.

In Alaska, some of these alternatives may be more feasible than others given the state's unique correctional requirements. For example Wilson Condon, the State's former Attorney General, maintains that decriminalization of selected offenses would have little impact in Alaska because only a small proportion of the state's current prison population are charged with victimless, minor offenses.

Extended use of community corrections is one option that could be applied in Alaska. The Alaska Corrections Master Plan describes community corrections as "the brightest hope for the future of corrections."⁶⁹ Community corrections is an "all-encompassing" term for community-based

⁶⁹ Alaska Correction Master Plan: Executive Summary p.9.

LEGISLATIVE OPTIONS

alternatives to incarceration. Besides the long-established programs of probation and parole, community corrections refers to a range of programs including pretrial diversion; residential halfway houses and boarding programs; and work release and restitution. Programs may be established by either a state or local government and may provide either residential or nonresidential services. Alaska's corrections master plan advocates the major expansion of community corrections in two areas: (1) pretrial assessment and supervision; and (2) prerelease and halfway house programs.

Minnesota is noted for its comprehensive treatment of community corrections; other states, including Oregon and Kansas, have also established significant programs. Established in 1973, the Minnesota Community Corrections Act provides a financial incentive for county governments to establish local corrections programs as well as a disincentive for these governments to commit nonviolent adults or juveniles to state prisons. The law also establishes provisions for bolstering local correctional planning and modifies the state's role in planning, training, evaluation, and standard setting.

The Minnesota law was enacted for several purposes. Most notably, policymakers wanted to strengthen community-based programs, many of which were extremely fragmented. Although the program is generally regarded favorably, there is some indication that it is not fully functional. The program does not serve the state's rural areas. Moreover, an evaluation undertaken in 1981 questioned the effectiveness of the program in reducing the growth of the state prison population, improving public safety, or reducing state correctional expenditures.⁷⁰

In Colorado, policymakers recently enacted legislation pertaining to sentencing procedures for DWI offenders. Unlike other states, such as Alaska, that have established mandatory jail terms for both first-time and repeat offenders, Colorado law gives judges the option of sentencing a first-time offender to either a jail term or to a community work project. A second offense requires a mandatory jail sentence of between seven and ten days. According to Captain Walter R. Smith, Assistant Superintendent of the Denver County Jail, most of the sentences requiring community work involve manual labor; e.g. road crew work. Captain Smith commented that preliminary figures indicate that the Colorado law which was enacted in July 1982, has not increased Colorado county incarceration levels and is generally regarded favorably.

⁷⁰ John Blackmore, The Minnesota Community Corrections Act: A Policy Analysis, prepared for the National Institute of Corrections: Grant No. DF-6, March 31, 1982 p.2, (hereafter cited as Minnesota Community Corrections Act).

In Alaska, a number of people involved with correctional policy matters have expressed interest in the potential for increased community placement and the extended use of work release. The Governor's Task Force on Corrections recently submitted recommendations favoring the development of a comprehensive, cost-efficient halfway house program for those offenders about to be released and the implementation of a substantive work program for the State's eligible prisoner population. The Task Force emphasized the need for "a halt to planning and the commencement of activity," and suggested a program based on restitution, work incentives, and adequate counseling and rehabilitation services to assist offenders in making an effective transition back into society.⁷¹

Another potential option in Alaska is increased utilization of public and private agencies for community correctional services. According to Kay Harris, there are currently approximately 170 community-based prerelease facilities for adults throughout the nation that are operated by private organizations under contract with either the state or federal government. Peter Greenwood, a criminal justice authority with the Rand Corporation, is a strong advocate of the increased use of the private sector for the provision of correctional services. Under Alaska statutory law, the Commissioner of Health and Social Services is empowered to enter into contracts for correctional services with public and private agencies.

Options for Altering the Length of Prisoner Confinement

There are several alternatives available for legislative consideration which affect the length of incarceration, including: modifications of sentencing policies; expanded use of "good time" credits⁷² and work credits; and revision of parole policies.

Sentencing Policies. Several states have altered sentencing policies by reducing the length of sentences for certain nonviolent offenses or by modifying the types of sentences to be rendered. Sentencing commissions, which present prescriptive guidelines to the judiciary that define who should go to prison and for how long, have also been established in several states. In Minnesota, where this concept has been implemented, the sentencing commission established a sentencing matrix which provides both durational and dispositional guidance to judges. Also factored into the guidelines is current information regarding the correctional system's capacity and operations. Rather than establish sentences based on past practices, the Commission reviewed differ-

⁷¹ Report on Status of Corrections

⁷² "Good Time" refers to nonfinancial methods of remuneration, specifically reduction of sentence length, provided to prisoners for exemplary services, employment, or administrative purposes.

LEGISLATIVE OPTIONS

ent sentencing strategies and developed guidelines that were consistent with Minnesota's available correctional resources.⁷³

Under the Minnesota program, a judge maintains some discretion to depart from the sentencing guidelines on a case by case basis. However, to do so, a judge must submit a written justification of the circumstances that warranted the decision to the Minnesota Sentencing Commission. According to a report prepared by the National Council on Crime and Delinquency, there is considerable agreement that the guidelines established in Minnesota offer a promising approach to stabilizing the state's prison population problems.⁷⁴

In Alaska, sentencing policies may bear some review. According to an analysis conducted by former Attorney General Wilson Condon, Alaska's prison and jail system currently has approximately 32 sentenced felons entering the system each month for every 20 that are being released. This pattern is partially attributable to the length of sentences that are presently being rendered.

Good Time Credits. Many correctional authorities strongly support the concept of "good time" as a tool for controlling the size of prison populations. The rate at which good time accumulates and whether the credits are subtracted from the maximum or minimum sentence can each have a significant effect in reducing the amount of time served and, thus, the size of prison populations. Essentially, two types of good time are found in correctional systems: 1) "meritorious good time" which rewards offenders for good behavior or exemplary endeavors;⁷⁵ and 2) "administrative good time" which is established as a means of affecting early releases when prisons exceed their capacities.

In Illinois, the Department of Corrections established an administrative good time provision by administrative regulation to alleviate prison overcrowding. A study conducted by the Department indicated that 4,600 offenders were released through administrative good time in an 18-month period and that there was no higher recidivism rate among those released through this program than those released under normal procedures.⁷⁶ Although the program has not been without flaws, it

⁷³ Minnesota Community Corrections Act, p. 73. Part of the program's effectiveness is attributed to the composition of the sentencing commission, which is comprised of three judges, a public defender, a county attorney, the Commissioner of the Department of Corrections, the Chairman of the Minnesota Corrections Board, and two individuals who represent Minnesota citizens.

⁷⁴ Controlling Prison Populations, p. 27.

⁷⁵ In Alaska, meritorious good time was repealed with the enactment of Chapter 166, SLA 1978.

⁷⁶ Controlling Prison Population, p. 10.

currently appears to be regarded as an effective measure for reducing Illinois' prison populations without adversely affecting public safety.

Parole Modifications. Several legislative adjustments can be made to parole procedures to reduce the length of time that prisoners spend in prison. In New Jersey, the legislature enacted a parole law that enables an inmate to be released on parole as soon as (s)he is eligible unless the parole board can determine that there is a significant probability that the offender will commit a crime upon release. As a result of this legislation, the burden of proof is shifted from the prisoner to the parole board.

Another method that has been implemented in some states is the early release program which includes work or training programs, furlough, or early parole. Generally, most programs of this nature limit eligibility to prisoners nearing their release. Under Maryland's early parole program, for example, an offender is eligible for consideration if (s)he meets established criteria; e.g., (s)he has minimum security status; has had at least one parole hearing and is approaching the next regularly scheduled hearing; has been convicted of a nonviolent offense; and is serving a sentence of less than three years.⁷⁷

Recently, however, some states have broadened their eligibility requirements for their early release programs in an effort to further reduce prison overcrowding. South Carolina, for example, is reportedly engaging about 16 percent of its prison population in work release programs. Policymakers in South Carolina are currently considering recommendations of the governor to extend the work release program to every region of the state and to expand prisoner eligibility to some of the state's inmates who have been convicted for violent offenses.⁷⁸

The recent emphasis on work release programs is regarded by many justice authorities to be one of the more promising trends in correctional service today. Because approximately 90 percent of the nation's prison population return to live and work in the community, current thinking of many professionals favors comprehensive work programs that will reduce prison idleness at the same time that they are instilling work habits, providing needed community services, and possibly reducing costs. A recent report prepared by the U.S. General Accounting Office found prison work programs to be underutilized and in need of significant expansion in state and federal prisons.⁷⁹

⁷⁷ Ibid.

⁷⁸ M. Kay Harris, "Reducing Prison Crowding: An Overview of Options, "Draft, (National Council on Crime and Delinquency, July 1981) p.6, (hereafter cited as "Prison Crowding-An Overview of Options.")

⁷⁹ U.S. General Accounting Office, Report to the Attorney General, "Improved Prison Work Program will Benefit Correctional Institutions and Inmates", (Washington, June 29, 1982).

LEGISLATIVE OPTIONS

In Alaska, the newly established correctional industries program as well as other prisoner work programs may merit consideration for further development.

Options Concerning Prison System Capacity

A number of alternatives have been established in other states as a means of altering the capacity of a prison system. Besides the construction or renovation of facilities, some states have established standards and capacity limits for facilities and have adopted emergency overcrowding measures. Others have increased the options that are available to correctional agencies in their placement of offenders.

Standards and Capacity Limits for Facilities. In recent years, increased attention has been given in many states to the development of minimum standards and formal accreditation procedures for prison facilities. The courts, national correctional associations, criminal justice organizations, and the U.S. Department of Justice have each had a major role in defining acceptable conditions for correctional institutions. The courts have largely focused on the issue of overcrowding while other organizations have addressed this and broader aspects of institutional operations. Of these, the most comprehensive undertaking has been the standards developed by the Commission on Accreditation for Corrections which was established by the American Correctional Association in 1974.

The Commission has published ten volumes of standards addressing both juvenile and adult correctional agencies and their institutional and community-based operations. The goal of the Commission has been to promulgate a uniform set of standards for evaluating the safety and general well-being of both staff and inmates. The standards are used as the basis for the Commission's voluntary accreditation process. In order for a system to receive a three-year accreditation, it must be in compliance with 90 percent of the standards that the Commission has categorized as "essential," 80 percent of the "important" standards, and 70 percent of the "desirable" standards.

As of February 1982, 13 federal and 49 state adult correctional institutions have been accredited. Of these, only 12 institutions are maximum security prisons.⁸⁰ Alaska's institutions are not accredited. However, the Division of Adult Corrections is in the process of applying for accreditation for three of its facilities: Highland Mountain, Meadow Creek, and Palmer. The DAC Management Plan, which has been under consideration for implementation by the Division, states that "[a]ccreditation is the long term goal" for attainment of better correctional

⁸⁰ Stephen Gettinger, "Accreditation on Trial," Corrections Magazine, February 1982, p.8.

service through improved management techniques and systems. The Plan describes accreditation as "the ultimate measure of sound management in the corrections profession...[and] the yardstick against which correctional accomplishments can be measured."⁸¹

Although most would agree that the goals of accreditation are well intentioned, its usefulness is questioned by some criminal justice authorities. Critics at both ends of the spectrum of correctional philosophies believe that the standards are costly measures that are not always effective in establishing adequate safety and living conditions. A central issue of concern is the method by which the standards are applied, particularly the thoroughness of the inspection process.

Emergency Crowding Measures. Several states have established procedures known as "sentence rollbacks" which enable correctional or parole authorities to reduce prisoners' minimum sentences by 90-day increments during times of overcrowding. These mechanisms do not apply to a system's most serious offenders.

In 1980, the Michigan state legislature enacted the Prison Overcrowding Emergency Powers Act (Public Act 519).⁸² The act was established largely in response to a county circuit court ruling which found that the state correctional facilities had been overcrowded continuously for the past five years.

Rather than face the possibility of the courts setting Michigan's public policy, the governor and the legislature agreed upon an approach, which included the Emergency Powers Act, to retain control of their prison system. The Act was established as a last resort in resolving conditions of overcrowding to be triggered only when other managerial remedies in the Department of Corrections had been exhausted. The Act provides a four-step approach for the reduction of prison populations:

1. If the prison system's population exceeds approved levels for more than 30 consecutive days and if all available administrative measures had been exhausted; e.g., parole and community corrections programs, the state's correction commission notifies the governor;
2. The governor is required by statute to declare a state of emergency which results in all established minimum sentences being automatically reduced by 90 days in order to bring the capacity down to 95 percent. This reduction in sentences enables an additional group of parole-eligible prisoners to be established

⁸¹ Adult Corrections, Management Plan, p. 137.

⁸² The Alaska State Legislature is currently considering Senate Bill No. 106 which is similar in concept to the Michigan law.

LEGISLATIVE OPTIONS

for the Parole Board's consideration. The law excludes prisoners who have been given no minimum sentence as well as those offenders who have been retained beyond their minimum sentences by the parole board.

3. If the targeted population reduction does not occur within 90 days of the governor's declaration, sentences of eligible prisoners are again rolled back by 90 days.
4. When the corrections commission certifies that the population of the prisons has been brought down to 95 percent of their rated capacity, the governor is required to cancel the emergency declaration.⁸³

According to Susan Herman, an aide to Representative Padden, the governor has been required to implement the sentencing rollback procedures 4 times since the law's enactment. Ms. Herman stated that no security problems have occurred in Michigan as a result of prisoners being released early. In general, the law has been very favorably received and is regarded to be an effective method of addressing the state's prisons overcrowding.

Interest in overcrowding legislation, such as that enacted in Michigan, seems to be increasing in many states, possibly because it is a measure that interrupts the normal operations of correctional intake and release only during times of an emergency.

Prisoner Placement Options. By extending the authority of correctional administrators for the placement and supervision of offenders into non-institutional settings, some of the more costly dilemmas resulting from overcrowding may be resolved. A number of states are placing increased emphasis on both permanent and temporary community placement of offenders especially when combined with a comprehensive public work program.

Some states appear to be broadening eligibility requirements for these kinds of programs. In South Carolina, for example, the governor has recommended that the Department of Corrections "automatically screen all offenders committed to its agency for nonviolent offenses with sentences of five years or less for possible placement on work release or supervised furlough."⁸⁴

⁸³ Michigan House of Representatives, Memorandum to Members of House Corrections Committee from Jim Boyd and Ken Empey, "HB 6049--Prison Overcrowding Emergency Powers Act; Information Sheet on HB 6049," Nov. 24, 1980, (hereafter cited as "HB 6049--Prison Overcrowding").

⁸⁴ "Prison Crowding--An Overview of Options."

STRENGTHENING CORRECTIONAL MANAGEMENT THROUGH REORGANIZATION

Some of the problems recently encountered in adult correctional services in Alaska have been attributed to the current structure of the Division of Adult Corrections as well as to its location within the Department of Health and Social Services. During the past several months, authorities have contemplated the effectiveness of a divisional reorganization.

Generally a state changes the structure of its correctional agency in order to accomplish three major objectives: to strengthen the agency's political accountability; to make programmatic improvements; and to strengthen managerial control. In Alaska, policymakers have mentioned each of these three objectives in considering the reorganization of the Division of Adult Corrections.

The State of Alaska has a number of options regarding the organization and placement of correctional services; the following options have been suggested by justice professionals in recent months:

- Create a Department of Corrections.
- Move the Division into a different department.
- Relocate the Division to the Office of the Governor.
- Keep the Division in its current location and bolster its supervisory support--both internally and externally.
- Establish a Board of Corrections.

Before reviewing these specific options, it is important to consider some of the limitations of reorganization proposals for state correctional agencies. A study conducted in 1977 by the Council of State Governments offered this advice:

[A]lthough changing the administrative structure has important implications for correctional policy, the exact meaning is very problematical. Numerous intervening conditions are necessary for reorganization to have maximum impact...[R]eorganizing is a costly, time-consuming process which is more appropriate for dealing with broad-scale weaknesses in a state corrections program than rectifying specific problems...If its limitations as well as its strengths are recognized, it can be an effective means by which public officials can influence the future development of corrections programs.⁸⁵

⁸⁵ Jack D. Foster et al., Reorganization of State Corrections Agencies: A Decade of Experience, (hereafter cited as Reorganization State Correction Agencies.)

LEGISLATIVE OPTIONS

Create a Department of Corrections

The development of a Department of Corrections is an option that has been discussed by policymakers for several years. A final recommendation of the Hammond administration, for example, suggested that the Division of Adult Corrections be given departmental status. This recommendation was subsequent to several related legislative proposals, including Senate Bill No. 860 which was introduced by the State Affairs Committee of Alaska's Twelfth Legislature. In January 1983, Governor Sheffield, acting upon a recommendation of his Task Force on Corrections, offered Executive Order No. 54 for consideration by both houses of the legislature. In the executive order, the governor found that:

it would be in the best interests of efficient administration, protection of the public, and reformation of persons convicted of violations of the criminal laws of the state to reorganize penal corrections functions by creating a Department of Corrections as a principal department of the state. The new department is being created from the current division.

If approved, the order will take effect on April 1, 1983. The legislature has 60 days to respond.

There are several potential advantages to establishing a Department of Corrections in Alaska. Adult correctional services, which will always have substantial budgetary requirements, would no longer be in a perceived position of direct funding competition with other divisions within the Department of Health and Social Services. Moreover, as a member of the executive cabinet, the correctional administrator's access to the governor would improve. In addition, it would enable more coordination between the attorney general and other commissioners involved with criminal justice matters.

A new move of this order might also resolve some of the Division's existing personnel problems. As mentioned in the previous section, many of the staff positions within the Division appear in need of reclassification. Moreover, some authorities feel that the agency would benefit from additional staff positions that are partially exempt from State classified service. According to Robert Hatrak, the former director of DAC, Alaska is possibly the only state where the correctional administrator does not have the power to hire and fire his own staff. Mr. Hatrak commented that this can impair a director's ability to implement necessary program and administrative changes, particularly when staff are resistant of agency modifications. Presumably, a comprehensive review of staffing needs, including personnel reclassification, would occur as part of the transition process in forming a department. Some of the perceived inequities in pay scales could also be addressed through this process.

Former Director Charles Campbell believes that the development of a department would be extremely beneficial for Alaska's correctional programs. Mr. Campbell views this option to be a realistic means of assuring that the correctional administrator has routine contact with the governor.

Among those authorities who support departmental status for corrections, many are reluctant to see a department created prematurely. Robert Hatrak believes that establishing a department without sufficient time reserved for its design will not resolve Alaska's correctional problems and, may in fact, create added problems by improperly allocating human and budgetary resources.

One individual also commented that the transition process involved in establishing a department could renew personnel conflicts and produce management problems. By some assessments, many correctional staff already are demoralized by past management problems within the Division. The governor's recent appointment of a new director will signify the Division's fourth director in a period of six years. By some interpretations, several administrative issues should be resolved before an organizational step of this magnitude is undertaken.

Some criminal justice professionals are skeptical that the creation of a corrections department will ever be an appropriate option for Alaska. At issue are questions pertaining to management, program size, and cost. Some professionals do not believe that Alaska's correctional system is large enough to require departmentalization. As one former state official noted, a department could create more bureaucracy and more eventual expense than the benefits to be realized from such a move.

The trend in other states in recent years has been to relocate correctional agencies from human services departments in order to create a central department.⁸⁶ Daniel Skoler, a national authority on organizational options related to criminal justice, views the development of an independent, cabinet-level corrections department to be well worth consideration as an organizational option.⁸⁷

If Alaska policymakers conclude that the departmental option is not appropriate at this time, the following alternatives may be considered for the organization of correctional services.

⁸⁶ Ibid.

⁸⁷ Daniel L. Skoler, Organizing the Non-System: Governmental Structuring of Criminal Justice Systems, Lexington Books, Lexington, Massachusetts, 1977, p. 242, (hereafter cited as Organizing the Non-System).

LEGISLATIVE OPTIONS

Move the Division into a Different Department

The Departments of Law, Public Safety, and Community and Regional Affairs have each been mentioned in the past several months as potential recipients of the Division of Adult Corrections. By some interpretations, the relocation of DAC from the Department of Health and Social Services would offer some distinct advantages: it could release valuable administrative resources for other divisions and programs within DHSS; it could provide a "fresh perspective" for the Division from a management standpoint; and it could enable the Division to alter its program emphasis from one of human services to another, such as public safety, which is regarded by some as a positive transition.

However, of the individuals we interviewed, most did not support the relocation of DAC into another department at this time. These views generally were based on a common perception that although DHSS may not be an ideal location, there is no department which could offer an improved setting. Victor Krumm, for example, is not in favor of a divisional move to the Department of Public Safety. He fears that the addition of correctional responsibilities would result in DPS' resources becoming "too diluted," thus making it difficult to fulfill its responsibilities in law enforcement. Similarly, he questions the placement of DAC into the Department of Law. Mr. Krumm made the following observation:

The problem with [the Division of Adult] Corrections is that it will automatically become the 'step-child' in whatever department it is placed. Because it is a large program that drains other division's resources, it doesn't really fit anywhere particularly well.

By Mr. Krumm's assessment, the Division "fits" most appropriately within an agency that has a social services emphasis and consequently, he believes it should remain where it is.

Dana Fabe, the State's Public Defender, would also like to see the Division stay within DHSS. Ms. Fabe noted that the Department is charged with responsibilities for human services treatment and welfare; she is apprehensive that relocation could attenuate the "treatment" function of adult correctional services.

Relocate the Division into the Governor's Office

The Governors' Office was one of two possible locations for correctional services that was suggested by Governor Sheffield's Transition Task Force on Human Services. While this type of placement would strengthen the agency's political accountability on certain levels, it could impair it on others. Clearly, it would improve the correctional administrator's access to the governor. Improved access could assist in expanding the governor's expertise and familiarity with this complex

topic. A potential disadvantage of placing a program as large and as sensitive as adult corrections in the Governor's Office is that it may place too great an administrative burden on the governor and his staff.

Keep The Division In Its Current Location

In its ten-year study of reorganizational efforts of state correctional agencies, the Council of State Governments found that reorganization can be costly and that objectives for program reform are not always realized. Additionally, the Council found that the effectiveness of reorganization is very dependent upon the clarity and uniformity of the goals that have been established for the state's criminal justice system.

In light of these factors, it may be that State dollars would be better spent by working to reduce the existing Division's imperfections and to improve upon other elements of Alaska's criminal justice system. One former official within the Department of Health and Social Services observed that relocation of the Division may not be very timely, because the Department--partially as a result of its recent problems with the Division--has now developed the skills and understanding necessary to effectively address a correctional agency's needs. If the Division is placed elsewhere, it may lose this necessary foundation.

Dana Fabe, the State Public Defender, feels that many of the agency's current problems could be resolved without relocation. In response to criticisms regarding the managerial capabilities of the Division of Adult Corrections, Ms. Fabe commented that some of these problems could be rectified by improving the Division's administrative support within the Department. This approach, in turn, may be more cost-effective than other available options. For example, by extending intradivisional administrative support and by establishing a deputy commissioner position within DHSS with primary responsibilities for policy development and program oversight of corrections-related activities, several of the Division's more fundamental problems could be remedied. Similarly, consideration could be given to establishing a special assistant within the Office of the Governor having sole responsibility for criminal justice areas.

By many interpretations, addressing the Division's needs through this approach would be less expensive and potentially more efficient than other options under consideration. Some have suggested the following alternative as a method of further strengthening the existing division.

LEGISLATIVE OPTIONS

Establish a Board of Corrections

Correctional agencies in some states function through a board or commission. Operations vary from state to state, but most commonly a board is responsible for establishing and overseeing correctional policies. In turn, boards frequently have authority for the hiring and firing of the agency director. Correctional agencies in ten states currently operate through this type of board.⁸⁸ In addition to policy development, specific functions of the boards include the administration of probation and parole, standard-setting, and, in some cases, juvenile corrections.

Several other states have boards with distinctly different responsibilities than those described above. In Wyoming, for example, the board has authority for numerous state institutions; e.g., correctional centers, mental health centers, and facilities for the elderly.

According to research conducted in 1980 on behalf of the State of Washington, a distinct benefit derived from a board or commission is that it reduces the political accountability of correctional services to the governor and increases accountability to the public.⁸⁹ Based upon their research, accountability to the legislature remained unchanged. Additionally, boards can assist an agency in its external communications and relations.

Robert Hatrak noted that the primary significance of a board is the stabilizing effect it appears to have on program administration. According to Mr. Hatrak, the Florida Department of Corrections has retained the same administrator, Louie Wainwright, for 20 years. According to Mr. Hatrak, the duration of Mr. Wainwright's position is largely attributable both to an effective professional relationship between the administrator and his board and to the role that the board serves in acting as a buffer between Mr. Wainwright and various political factions.

Others have noted that policy boards if improperly administered may become guided by political motivations rather than by appropriate strategies. Some states, such as Minnesota, have dispensed with their policy boards in favor of other administrative mechanisms.

Of the individuals we interviewed regarding this concept, most stressed the importance of establishing a board principally comprised of professional membership. If a board is devised with lay citizens, its abilities to address complex issues of criminal justice policies may become diffused.

⁸⁸ The ten states are Arkansas, Georgia, Idaho, Indiana, Michigan, Mississippi, New Hampshire, South Carolina, Texas and Washington.

⁸⁹ Bert H. Hoff et al., Battelle Law and Justice Study Center, A Corrections Commission for the State of Washington, April 1980.

The State of Washington did an extensive analysis of the board/commission option. If it is decided that this option is worth further consideration for Alaska's agency, it would be advisable to contact correctional staff in Washington for their insights.

IMPROVING CRIMINAL JUSTICE COMMUNICATIONS AND DECISION MAKING

Paramount to any discussion of options in adult correctional services is the agency's programmatic and administrative relationship with others involved with the criminal justice system. In many respects, the difficulties that the Division of Adult Corrections has experienced in recent years are partly the result of actions taken in other parts of Alaska's criminal justice system. The Alaska Corrections Master Plan discusses three major criminal justice decisions that essentially determine the size of the Division of Adult Correction's caseload; these are:

- the decision to release or detain those awaiting trial;
- the sentencing decision; and
- the parole release decision.

The ultimate responsibility for these decisions is placed within the courts, the parole board, and the legislature. In light of this, many justice authorities have expressed a need for improved communication among these entities. Others have added that there needs to be effective interagency communication and planning among agencies. As Janice Cole observed in a recent draft policy report:

The criminal justice system includes the Departments of Law, Health and Social Services, Public Defender (Department of Administration), and Public Safety, local law enforcement entities, and the Judicial System. Major policy changes within one entity are likely to affect all related agencies.⁹⁰

Policy Analysis, Planning, and Research

Ms. Cole recommended that the State establish a process for interagency communication and policy development. According to Ms. Cole, this process should include the establishment of a cabinet-level criminal justice planning committee for the purposes of resolving current policy issues and long-range planning and policy development. Ms. Cole further suggested that a system be established for short-term problem solving, which would provide more effective management of the pretrial and sentenced populations. This, in turn, could serve as a vehicle for providing the judiciary with current information regarding available

⁹⁰ "Corrections Planning"

LEGISLATIVE OPTIONS

sentencing options and for providing the legislature with information regarding the status of justice programs and concerns.

This function was formerly accomplished by the Criminal Justice Planning Agency which was originally located within the Office of the Governor. Following budgetary reductions and the elimination of the federal Law Enforcement Assistance Administration, the Criminal Justice Planning Agency was closed down in July 1982. As a result of this, the State lost much of its research and planning capabilities in the field of criminal justice.

The significance of this loss is apparent in examining the State's needs in crime prevention programs. As Roger Endell has noted, the State does not currently have access to basic demographic data regarding crimes in Alaska which would be useful information in forecasting law enforcement needs in given locales.

Moreover, many authorities have identified information system deficiencies within the Division of Adult Corrections particularly in the areas of population management and long-range forecasting; and in its general capabilities for research and policy analysis. To date, the primary data that is available for analysis is generated from the booking process. According to Wilson Condon, the former attorney general, this has limited the State's capabilities for detailed research of prison populations.⁹¹ In many other states, computer programs are used that examine the pattern and flow of prisoners from the time of their arrest until their release. This would provide a base which would enable more substantive analysis to occur in Alaska.

Accurate Short and Long-Term Cost Information

Throughout the course of our interviews, individuals stressed the need for improvements in forecasting the financial costs of criminal justice policies. The most frequently cited illustration of this need is Alaska's revised criminal code, amended by the legislature in 1978 and implemented in 1980, which provided presumptive sentencing for felony convictions. Many authorities believe that cost analyses regarding this legislation were insufficient. In other states, presumptive sentencing trends have resulted in prison population increases. If accurate analysis of the implications of these kinds of policies is done, correctional administrators and policymakers can plan more effectively for capital, staffing and program needs.

Further, it can provide insights as to whether a proposed policy is cost-effective and should be established at this time. In Pennsylvania, for example, an analysis of a bill providing mandatory minimum sentencing

⁹¹ Memorandum from Wilson L. Condon

estimated that a 50 percent increase in prison populations and a 40 percent increase in state prison expenditures would result from its implementation. Similarly, individuals have mentioned a need for the effective presentation of cost data related to the construction or renovation of correctional facilities. According to Kay Harris, of 31 prisons where construction began between 1976 and 1980, costs in 26 facilities exceeded the original appropriation. There is also a need for accurate forecasting of maintenance and operation costs.

CONCLUSION

Chief Justice Warren Burger recently called for the development of a national correctional policy. Commenting on the scale of the problem, Justice Burger made the following recommendation:

Correctional policy, particularly during times of rapidly increasing prisoner populations and prison overcrowding, can no longer remain confined to one segment of society...State, local and federal authorities must focus on these problems [and] develop a national correctional policy to deal with them.

Justice Burger's remarks serve as a reminder that the effective delivery of correctional services is a dilemma that is confronting the nation as a whole. Although policymakers in Alaska are grappling with some difficult corrections issues, a review of correctional systems in other states reveals problems of much greater magnitude than those currently found in Alaska.

In reviewing the draft version of this report, Charles Campbell, former Director of the Division of Adult Corrections, commented that Alaska has one of the better correctional systems in the nation. Several of the State's facilities and programs have served as models for other parts of the United States. Mr. Campbell cited other examples of the overall effectiveness of the State's system: the incidence of violence in Alaska's prisons is probably lower than in any other state; drug use and trafficking within institutions is very low; and prison escapes were not a problem in Alaska until 1982. Moreover, in a field noted for its high attrition, the Division of Adult Corrections reportedly has one of the lowest turnover rates of any State agency in Alaska. In summary, Mr. Campbell stated that:

[D]uring a period of precipitous population growth and serious overcrowding, [Alaska's prison] superintendents managed their facilities skillfully enough to avoid anything like the problems which beset other jurisdictions.

Although it is apparent that the administrative and managerial capabilities of the Division of Adult Corrections may require strengthening through budgetary, organizational, and legislative reform, it is less clear how much may be gained by this strategy or, in turn, how much risk will be assumed by rejecting this approach.

It is evident that correctional expenditures are increasing both in Alaska and in the nation as a whole. Between 1971 and 1979, correctional expenditures almost tripled in the United States, having in-

CONCLUSION

creased from \$2.3 billion annually to \$6 billion per year. Moreover, the rate of increase in prison populations--at least in the immediate future--is expected to continue to grow. In light of this, it is becoming increasingly important that government become more efficient in its management of offender populations and its use of existing facilities.

MF-1

1982 SPECIAL REPORTS
HOUSE RESEARCH AGENCY

- 82-A State Loan Programs: A Review of Administration, Funding
 and Activity
 December 1982
- 82-B State Budget Policy Under Uncertain Revenue Forecasts:
 Options for Legislative Action
 January 1983
- 82-C Power Project Development and Financing in Alaska
 January 1983
- 82-D Election District Breakdown of State Operating and Capital
 Budgets: Fiscal Years 1981 - 1983
- 82-E Adult Corrections in Alaska: Current Issues in Administration
 and Management
 January 1983