Report Highlights

Why DLA Performed This Audit

The purpose of this audit was to determine if there is a demonstrated public need for the Board of Parole's (board) continued existence and whether its termination date should be extended. The board is scheduled to terminate on June 30, 2016, and will have one year from that date to conclude its administrative operations.

What DLA Recommends

1. The board's executive director should improve procedures to ensure required documentation for parole hearings is accurate and consistently included in parole files.

2. The board's executive director in coordination with Department of Corrections (DOC) management should implement documentation standards to ensure all offender and victim notifications are made in accordance with statutory requirements.

3. The board should ensure proposed regulations address all statutory requirements related to its duties.

4. DOC's Administrative Services Division director should take steps to ensure the Alaska Corrections Offender Management System complies with state information technology security standards and national best practices.

A Sunset Review of the Department of Corrections, Board of Parole

April 30, 2015

Audit Control Number 20-20092-15

REPORT CONCLUSIONS

Overall, the audit concluded that the board is serving the public's interest by acting as the parole authority for the State. As such, the board fulfills the constitutional requirement that the State establish a parole system. Additionally, the audit concluded that the board conducts its business in a professional and efficient manner. Although there are several operational improvements needed, the audit found a demonstrated public need for the board's continuing operation. We recommend the board's termination date be extended six years to June 30, 2022.

ANALYSIS OF PUBLIC NEED

The board operated in the public's interest by making parole decisions including granting and denying discretionary parole, authorizing parole revocations or rescissions, and establishing conditions of parole. These decisions were made in the context of both maintaining public safety as well as promoting cost-effective incarceration.

The board actively worked towards achieving the following key objectives:

- Serving as the parole authority for the State by considering applications for discretionary and special medical parole as needed;
- Imposing parole conditions for offenders scheduled to be released from prison custody and providing for supervision of those offenders;
- Taking action against parolees who violate conditions of their release; and
- Suggesting changes to regulatory requirements administered by the board.

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ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit

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June 18, 2015

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 and Title 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Board of Parole, and the attached report is submitted for your review.

DEPARTMENT OF CORRECTIONS
BOARD OF PAROLE

April 30, 2015

Audit Control Number
20-20092-15

The audit was conducted as required by AS 44.66.050 and under the authority of AS 24.20.271(1). Per AS 44.66.010(a)(2), the Board of Parole is scheduled to terminate June 30, 2016. We recommend the legislature extend the termination date to June 30, 2022.

The audit was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Fieldwork procedures utilized in the course of developing the findings and recommendations presented in this report are discussed in the Objectives, Scope, and Methodology.

Kris Curtis, CPA, CISA
Legislative Auditor

ABBREVIATIONS

AAC	Alaska Administrative Code
ACN	Audit Control Number
ACOMS	Alaska Corrections Offender Management System
ADN	Alaska Dispatch News
AS	Alaska Statute
board	Board of Parole
CAC	Clemency Advisory Committee
CISA	Certified Information Systems Auditor
COBIT	Control Objectives for Information and Related Technology
CPA	Certified Public Accountant
DLA	Division of Legislative Audit
DOC	Department of Corrections
FY	Fiscal Year
LSI-R	Level of Service Inventory-Revised
NIST	National Institute of Standards and Technology
Parole Board	Alaska Board of Parole
PO	Institutional Probation/Parole Officer
SB	Senate Bill
SLA	Session Laws of Alaska

CONTENTS

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ORGANIZATION AND FUNCTION

Board of Parole

The Board of Parole (board) is the designated parole-setting authority for the State of Alaska. Per AS 33.16, the board consists of five members who serve staggered five year terms and are appointed by the governor and confirmed by a majority of the legislature. The board chair is appointed by the governor from the existing confirmed members. Appointments to the board must be made with regard for ethnic, racial, sexual, and cultural populations of the state. Representation must also be comprised of at least one member from the First Judicial District, Third Judicial District, and Second or Fourth Judicial District. Members serve staggered terms of five years and until their successors are appointed. See Exhibit 1 for a list of board members.

Exhibit 1

Board of Parole Members as of May 2015

Lonzo Henderson, *Chair*
3rd Judicial District Member

Michael Stark, *Vice Chair*
1st Judicial District Member

R. Ole Larson
At-large Member

Sarah Possenti
4th Judicial District Member

Daniel Morris
At-large Member

Alaska Statute 33.16 defines the board's duties. The board's primary responsibility is the determination of an offender's suitability for discretionary or special medical parole. The board is also responsible for conducting hearings which address parole rescissions, establishing parole conditions for offenders, and investigating clemency applications when requested by the governor.

The board is organized within the Department of Corrections (DOC) and is authorized to hire an executive director who, in turn, is authorized to hire additional staff. As of May 2015, there were four active staff members in addition to the executive director and one vacant position. Exhibit 2 displays the board's authorized positions.

Exhibit 2

Board of Parole Authorized Positions and Status as of May 2015

Executive Director, Filled

Parole Administrator, Filled

Parole Board Officer, Filled

Parole Board Officer, Vacant

Criminal Justice Technician, Filled

Office Assistant, Filled

The board is funded by the general fund. Expenditures are primarily for personal services, travel, and office rental costs. Budgeted expenditures for FY 15 were $896,700.

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BACKGROUND INFORMATION

Discretionary parole may be granted after consideration of several factors

The State of Alaska has three forms of parole: discretionary, mandatory, and special medical. After an individual meets the statutory requirement for parole eligibility (after serving a mandatory minimum sentence prescribed in law) he or she may apply to the Board of Parole (board) for discretionary parole. If an offender is sentenced to two or more years and is not released on discretionary parole, they are statutorily required to be released on mandatory parole when they have served their sentence less any good time credit earned towards their sentence(s).[1]

Upon application for discretionary parole, an offender is called to appear before the board. Consideration of each application typically involves an interview with the applicant and review of pertinent case documentation. Additionally, crime victims are invited to provide written or oral statements for the board to consider as part of its deliberations.

In evaluating whether to grant or deny an offender discretionary parole, the board utilizes guidelines established in regulations.[2] These guidelines outline scoring criteria for assessing the risk posed to the public by an individual offender under consideration for parole (risk matrix). Additionally, the board uses a time served matrix. The time served matrix is designed to assist in determining whether an offender has served a sufficient amount of time on his or her sentence to warrant discretionary parole. The decision to grant or deny parole is based on these two tools in conjunction with an alternate risk assessment tool, the Level of Service Inventory-Revised (LSI-R), implemented during calendar year 2014.

The risk matrix outlined in regulations utilizes static data to arrive at the offender risk score while the LSI-R utilizes both static and non-static factors in arriving at the offender risk score.[3] Static data includes historical data such as the offender's age at first offense

[1]Alaska Statute 33.20.010 establishes the amount of good time credit to be earned by an offender and the conditions under which it is awarded. With some exceptions specified in state law, prisoners are eligible for a good time credit of one-third of their sentence as long as they follow *"the rules of the correctional facility in which [they are] confined."* Prisoners not receiving discretionary parole, either because they (1) were not eligible, (2) did not apply, or (3) applied and were denied by the board, must be released on mandatory parole.

[2]See 22 AAC 20.142.

[3]The risk measured by the risk matrix and LSI-R is the offender's risk for recidivism, or the risk that an offender will reoffend upon release.

and the number of prior convictions. The non-static data takes into account factors such as familial support, the living situation that the offender might be released into, and the different programs that the offender has completed. Each risk assessment tool assigns points to different risk categories to arrive at a risk group. For the risk matrix, the groups are arranged by letter between *A* and *D*, with *A* being the lowest risk group and *D* the highest. The LSI-R uses groups arranged between *Minimum*, *Medium*, and *Maximum*. Exhibit 3 identifies risk factors which raise or lower an offender's risk score.

Exhibit 3

Factors That Increase Parole Risk	Factors That Decrease Parole Risk
• First offense at a young age	• First offense committed after age 25
• High number of convictions	• No prior convictions
• Prior parole revocations	• No prior parole revocations
• Sporadic employment history	• Consistent employment history
• Substance abuse issues	• No substance abuse issues
• Disciplinary actions while incarcerated	• Good prison record
• Convicted sexual offender	• Current age older than 35

After considering case documentation, time served matrix, the risk matrix, LSI-R, victim testimony, and the offender's parole interview, the board makes one of three decisions:

1. Continuing the hearing at a future date;
2. Granting parole with conditions established by the board; or
3. Denying the parole application.

Other forms of parole may be granted

Alaska Statute 33.16.085 authorizes the board to grant special medical parole to an offender who is suffering from a severe medical or cognitive disability. To be eligible, the offender must also meet certain other criteria established in statute to provide consideration to public safety. Any offender released on special medical parole is subject to the same evaluation process and supervision as those granted discretionary parole.

In contrast to discretionary and special medical parole, mandatory

parole is not a voluntary process and release is not conditioned upon the board's approval. However, the board does establish parole conditions for offenders receiving mandatory parole.

Parole may be revoked

The board is also responsible for holding parole revocation hearings for mandatory and discretionary parolees. Revocation hearings are held when a parole officer alleges that a parolee (either discretionary or mandatory) has violated the law or a parole condition. The board has five options when considering revocation:

1. Continuing the hearing at a later date;
2. Revoking parole and returning the parolee to incarceration;
3. Revoking parole and reparole without time credited against the sentence for prior time on parole (which could also include adding conditions of parole);
4. Reprimanding and warning the offender; or
5. Finding there is no just cause that a condition of parole was violated and take no action.

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REPORT CONCLUSIONS

In developing our conclusion regarding whether the Board of Parole's (board) termination date should be extended, board operations were evaluated using the 11 factors set out in AS 44.66.050. Under the State's "sunset" law, these factors are to be used in assessing whether an agency has demonstrated a public policy need for continuing operations.

Under AS 33.16, the board serves as the parole authority for the State. As such, the board fulfills the constitutional requirement that the State establish a parole system.

The audit found that the board conducts its business in a professional and efficient manner. Although there are several operational improvements needed, we conclude there is a demonstrated public need for the board's continuing operation.

In accordance with AS 44.66.010(a)(2), the board is scheduled to terminate June 30, 2016. We recommend the board's termination date be extended six years to June 30, 2022.

The audit makes four recommendations to improve board operations. These recommendations address the accuracy and consistency of information contained in parole files, documentation of victim and offender notifications, deficiencies in proposed regulations changes, and the security of the Department of Corrections' information system. (See Recommendations 1 through 4.)

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FINDINGS AND RECOMMENDATIONS

The prior sunset audit, *Department of Corrections Board of Parole, Sunset Audit, August 28, 2007* (Audit Control No. 20-20053-07), made one recommendation to the Board of Parole (board) to increase public accessibility to, and accountability for, its administrative actions and operations. The board has materially implemented the recommendation by holding a public meeting each year and publishing parole statistics on its website.

This audit makes four new recommendations as discussed below.

Recommendation 1: The executive director should improve procedures to ensure required documentation for parole hearings is accurate and consistently included in parole files.

The board's parole files did not consistently contain all required information. Furthermore, the file documentation was not always accurate. Between January 2013 and February 2015 there were 321 discretionary parole hearings conducted by the board. The audit reviewed 38 discretionary parole files to evaluate the adequacy of supporting documentation including the risk assessment form. The review noted the following issues:

- Seven of 38 files did not have the required risk assessment form.
- Two of 38 files had risk assessment forms which were not tabulated accurately; however, these errors did not affect the risk group assigned to the offender.
- Four of 38 files had risk assessment forms that incorrectly assigned risk scores; however, these errors did not affect the risk group assigned to the offender.
- One of 38 files did not include a copy of the discretionary parole application completed by the offender.

Alaska Statute 33.16.110 requires the board to consider victim statements, risk assessments, and parole applications, among other items as part of considering offenders for parole. The errors noted above were the result of oversight on the part of board and Department of Corrections (DOC) staff. Not providing the board with all required documentation or providing inaccurate information increases the risk the board may reach misinformed decisions regarding the suitability of an offender for parole.

We recommend that the executive director improve procedures to ensure required documentation for parole hearings is accurate and consistently included in parole files.

Recommendation 2: The executive director in coordination with DOC management should implement documentation standards to ensure all offender and victim notifications are made in accordance with statutory requirements.

Notifications required to be provided to offenders and victims are not consistently documented. As part of the audit, two of eight special medical parole files for hearings conducted between January 2011 and February 2015 and 38 of 321 discretionary parole files for hearings conducted between January 2013 and February 2015 were reviewed for required victim and offender notifications. The following deficiencies related to documenting offender and victim notification were identified.

- Thirty-eight discretionary parole files and two special medical parole files did not include support indicating that the offender was notified of the board's action. Additionally, notification was not documented within the Alaska Corrections Offender Management System (ACOMS).

- Thirteen of 38 discretionary parole files contained board decisions denying parole or continuing the hearing, but did not contain support that the offender was notified of the reason(s) parole was not granted. Additionally, notification was not documented within ACOMS.

- Four of 38 discretionary parole files and one of two special medical parole files lacked documentation supporting victim notification of the parole hearing. Additionally, notification was not documented within ACOMS.

- Five of 23 discretionary parole files for offenders granted parole lacked support showing victim notification when an offender was released on parole. Additionally, notification was not documented within ACOMS.

- Five of 38 discretionary parole files contained documentation indicating victims were notified less than 30 days in advance of the parole hearing.

The board is required by law[4] to provide notification of board actions to offenders and victims within specified time frames. While regulations[5] have effectively transferred offender and victim notification responsibilities to DOC, the board lacks a review or confirmation process to ensure DOC performs notifications timely. Without this process, which would require adequate documentation, the board has no assurance that board decisions and the basis for those decisions is communicated to offenders and victims. Not monitoring compliance with notification requirements could lead to non-compliance with statutory requirements and may pose a safety risk to victims.

We recommend the executive director, in coordination with DOC management, implement documentation standards to ensure all offender and victim notifications are made in accordance with statutory requirements.

Recommendation 3: The board should ensure proposed regulations address all statutory requirements related to its duties.

Proposed changes to board regulations do not address statutory requirements regarding the evaluation of an offender's suitability for parole. The board's proposed regulations do not include the methodology used to determine parole suitability.

Alaska Statute 33.16.060(b)(1) states:

> *The board shall adopt regulations under the Administrative Procedure Act (AS 44.62) establishing standards under which the suitability of a prisoner for special medical or discretionary parole shall be determined.*

The board's regulations in place at the time of the audit outlined the use of a risk matrix to satisfy the statutory requirement. Because board members considered the risk matrix too static, a new risk matrix tool, the Level of Service Inventory-Revised (LSI-R), was implemented by DOC and the board during 2014. Proposed regulations delete reference to the risk matrix and do not include

[4]Alaska Statute 33.16.087, AS 33.16.120, and AS 33.16.130(c); 22 AAC 20.165(e).
[5]See 22 AAC 20.160.

reference to the new LSI-R tool. This change was made to allow future switching of assessment tools without having to change regulations.

Statutes specifically require that regulations define how suitability for discretionary parole will be determined. Not documenting or referencing a methodology in regulations fails to comply with statutes and may raise concerns regarding the transparency of the board's decision making process.

We recommend that the board ensure proposed regulations address all statutory requirements related to its duties. This includes the identification of a methodology to measure an offender's suitability for discretionary parole.

Recommendation 4: DOC's Administrative Services Division director should take steps to ensure ACOMS complies with state information technology security standards and national best practices.[6]

The audit identified several ACOMS deficiencies that could affect the security and consistency of data contained in the system.

National best practices indicate that information system developers should define and implement procedures to ensure the integrity and consistency of all data stored in electronic form.[7] ACOMS was internally developed by DOC for use in multiple divisions of the department. System controls necessary to address the concerns noted in the audit were not prioritized by DOC staff during development.

We recommend that DOC's Administrative Services Division director take steps to ensure ACOMS complies with state information technology security standards and national best practices.

[6]National best practices are defined by Control Objectives for Information and Related Technology (COBIT) published by ISACA and recommended system controls published by the National Institute of Standards and Technology (NIST). COBIT represents a consensus of experts and provides good practices and activities relevant to information technology. NIST issues national best practices in various areas including information technology. NIST Special Publication 800-53, revision 4, Security and Privacy Controls for Federal Information Systems and Organizations, provides comprehensive guidance on security controls. These guidelines were utilized in identifying areas of ACOMS concerns.

[7]COBIT 4.1 PO2.4 Integrity Management.

Auditor's Note

The details of this control weakness are being withheld from this report to prevent the weakness from being exploited. Pertinent sensitive details have been communicated to agency management in a separate, confidential document.

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ANALYSIS OF PUBLIC NEED

The following analysis of Board of Parole (board) activities relates to the public need factors defined in the "sunset" law, Alaska Statute 44.66.050. This analysis was not intended to be comprehensive, but addresses those areas we were able to cover within the scope of our review.

Sunset Criteria No. 1

Determine the extent to which the board or commission has operated in the public interest.

The board operated in the public's interest by making parole decisions including granting and denying discretionary parole, authorizing parole revocations or rescissions, and establishing conditions of parole. These decisions were made in the context of both maintaining public safety as well as promoting cost-effective incarceration.

Between January 2013 and February 2015, the board conducted 321 discretionary parole hearings, 764 parole revocation hearings, and seven special medical parole hearings. The board conducted these hearings on average once per month over an average four day time period, processing an average of just over eight hearings each day.

The audit reviewed 38 of 321 files for discretionary parole hearings held between January 2013 and February 2015. The 38 files were randomly selected and reviewed for statutory and regulatory requirements. As stated in Recommendations 1 and 2, the audit identified deficiencies; however, board decisions appeared reasonable based on available information in the files.

The audit also reviewed two of eight files related to special medical parole hearings held between January 2011 and February 2015. The two files were reviewed to determine whether the offender had a condition which qualified for special medical parole and whether victim and offender notifications were made as required. The audit concluded that the two offenders qualified for special medical parole. However, required notifications were not documented. (See Recommendation 2.)

In addition to considering offenders for discretionary and special medical parole, the board conducts parole revocation hearings for offenders who violate terms of release. Revocation hearings cover discretionary, mandatory, and special medical parole. Between January 2011 and February 2015, there were 1,325 parole revocation hearings held by the board. The audit analyzed the hearings to determine whether decisions made by the board were consistent with historical averages.

As shown in Exhibit 4, board decisions during 2011 through 2014 favor reparole at a higher rate than decisions made during 2004 through 2007.

Exhibit 4

Revocation Decisions by the Board
2004 through 2007 versus 2011 through 2014
(Unaudited)

	Continue	Revoke and Reparole	Revoke and Deny	Reprimand and Warn
2004	13%	48%	31%	8%
2005	11%	54%	31%	4%
2006	10%	58%	28%	4%
2007	8%	60%	27%	5%
2011	6%	74%	19%	1%
2012	10%	66%	23%	1%
2013	8%	78%	14%	0%
2014	5%	77%	17%	1%

The board stated that past decisions (2004 through 2007) were heavily influenced by the elimination of various treatment programs during difficult budget years. Those treatment programs have been reintroduced and are available as an alternative to re-incarceration for offenders who violate minor parole conditions.

Sunset Criteria No. 2

Determine the extent to which the operation of the board or commission has been impeded or enhanced by existing statutes, procedures, and practices that it has adopted, and any other matter, including budgetary, resource, and personnel matters.

Board members noted that operations have been impeded by budgetary matters. Budgetary constraints impeded the board's ability to effectively execute their statutory duties in rural locations as the board is unable to consistently travel to rural locations for hearings. Although the board is able to administer hearings in rural locations through the use of technology, members indicated the hearings tend to be less effective due to audio and visual limitations in those rural areas.

Board operations have been enhanced by the introduction of the Level of Service Inventory-Revised (LSI-R) as an additional assessment tool to aid in the evaluation of an offender's suitability for discretionary and special medical parole. The LSI-R is a nationally recognized assessment tool. Numerous articles and research papers have been written on the general effectiveness of the LSI-R. At least 10 other states use the LSI-R as a component of their correctional system.

Operations were enhanced by consistent attendance of qualified board members at hearings. No excessive absences or issues in establishing a quorum for hearings or meetings were identified during the audit. Additionally, board members met statutory requirements to serve on the board.

Sunset Criteria No. 3

Determine the extent to which the board or commission has recommended statutory changes that are generally of benefit to the public interest.

The board has not been active in promoting or suggesting statutory changes to the legislature during the audit period. However, the board voiced support for SB 64 (Chapter 83 SLA14) during the July 2014 annual public meeting. This bill created requirements for

the Department of Corrections' (DOC) commissioner to implement a drug-testing program for parolees with parole conditions prohibiting the use of controlled substances or alcoholic beverages. The bill also requires that probation officers make requests for sanctions within one business day of an offender violating a parole condition related to drug or alcohol use.

Sunset Criteria No. 4

Determine the extent to which the board or commission has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service that it has provided.

The nature of the board's primary operations (parole and revocation hearings) is not open to the public; however, the board holds annual public meetings to report on its activities and accept public comments. During the audit period, each annual meeting was public noticed on the State's public notice website as required by statute. Additionally, the board provided public notices in the Alaska Dispatch News (ADN). During each meeting, the board provided general background and statistical information, and public comments were provided by community members. The board could expand its efforts to increase public accessibility by publishing meeting minutes as well as its goals and objectives.

Sunset Criteria No. 5

Determine the extent to which the board or commission has encouraged public participation in the making of its regulations and decisions.

The board annually holds public meetings to allow for public participation. Additionally, comments were solicited from victims when an offender applied for discretionary or special medical parole. This provided victims an opportunity to voice support or opposition to the parole application.

The board also solicited written comments for proposed regulation changes. Regulation changes were appropriately public noticed on the board's website, the State's public notice website, and in the ADN. Public notices were performed within statutory timelines.

Sunset Criteria No. 6

Determine the efficiency with which public inquiries or complaints regarding the activities of the board or commission filed with it, with the department to which a board or commission is administratively assigned, or with the office of victims' rights or the office of the ombudsman have been processed and resolved.

Inquiries were sent to the Governor's Office of Boards and Commissions, DOC Commissioner's Office, the Office of the Ombudsman, and the Office of Victims' Rights regarding board related complaints filed between July 2010 and January 2015. During this time frame, 30 complaints were processed by the Office of the Ombudsman and one complaint was processed by the DOC Commissioner's Office. No other complaints were received by the other entities.

As of February 2015, all complaints processed by the Office of the Ombudsman were closed. The one complaint received by the Commissioner's Office was forwarded to the board and was being adjudicated in Superior Court.

Inquires were made with the executive director regarding any complaints received directly by the board during the audit period. Typically, direct complaints to the board relate to individual parole matters such as the reason an individual was denied parole. Board staff research and respond to the complaints and maintain the correspondence in the applicable parole file. Nothing came to our attention during the audit indicating that complaints were not reasonably addressed by the board.

Sunset Criteria No. 7

Determine the extent to which a board or commission that regulates entry into an occupation or profession has presented qualified applicants to serve the public.

The board does not regulate entry into an occupation or profession within the State of Alaska. As such, this criterion is not applicable to the audit.

Sunset Criteria No. 8

Determine the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board or commission in its own activities and the area of activity or interest.

Inquiries were made with the Alaska Commission on Human Rights, United States Equal Employment Opportunity Commission, and the Department of Administration's Division of Personnel and Labor Relations regarding board-related complaints filed between July 2010 and January 2015. No complaints were received during this timeframe.

Sunset Criteria No. 9

Determine the extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

The audit disclosed four areas where improvements are needed to better serve the public interest. Areas of improvement include:

- All documentation should be prepared accurately and consistently included in parole files. (See Recommendation 1.)
- Offender and victim notifications should be adequately documented. (See Recommendation 2.)

- Proposed regulations should address all statutory requirements related to the board's duties. (See Recommendation 3.)

- The Alaska Corrections Offender Management System should comply with state information technology security standards and national best practices. (See Recommendation 4.)

Sunset Criteria No. 10

Determine the extent to which the board or commission has effectively attained its objectives and purposes and the efficiency with which the board or commission has operated.

The board has actively worked towards achieving the following key objectives:

- Serving as the parole authority for the State by considering applications for discretionary and special medical parole as needed;

- Imposing parole conditions for offenders scheduled to be released from prison custody and providing for supervision of those offenders;

- Taking action against parolees who violate conditions of their release; and

- Suggesting changes to regulatory requirements administered by the board.

The board is working towards updating their regulations to increase victim access to the board. The board has a list of self-established goals addressing areas of improvement in the parole process. These include revising the discretionary parole application to make it easier to understand and expanding training opportunities for board members.

According to board members, revising the clemency process has been a long standing goal. The board has proposed changes to the process and is awaiting feedback regarding the changes from the Governor's Office. Board records show that between 2007 and

May 2015, approximately 215 clemency applications have been received. No work has been conducted on these applications pending approval of changes to the clemency process by the Governor's Office.

Sunset Criteria No. 11

Determine the extent to which the board or commission duplicates the activities of another governmental agency or the private sector.

The board works in collaboration with other entities in order to meet its objectives. In reviewing the activities performed by other entities, no duplication of effort was identified except for the activities performed by the Clemency Advisory Committee (CAC).

The CAC has existed, in varying forms, since territorial days to review applications for executive clemency and make recommendations to the governor. However, the CAC has not performed any reviews or provided any recommendations since at least 2007.

Alaska Statute 33.16.060(a)(8) assigns similar duties to the board. Specifically, statute requires the board to perform clemency investigations when requested by the governor and provide recommendations for clemency to the governor for consideration. Should the CAC become active in reviewing applications for executive clemency and providing recommendations, it would duplicate the statutory requirement for the board to perform this function.

OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Titles 24 and 44 of the Alaska Statutes, we have reviewed the Board of Parole's (board) activities to determine if there is a demonstrated public need for its continued existence and if it has been operating in an efficient and effective manner.

As required by AS 44.66.050(a), this report shall be considered by the committee of reference during the legislative oversight process in determining whether the board should be reestablished. Currently, under AS 44.66.010(a)(2), the board will terminate on June 30, 2016, and have one year from that date to conclude its administrative operations.

Objectives

The three central objectives of our report were:

1. Determine whether the board's termination date should be extended;
2. Determine whether the board is operating in the public's interest; and
3. Provide a current status of recommendations made in the prior sunset audit.

Scope and Methodology

The assessment of board operations and performance was based on criteria established in AS 44.66.050(c). Criteria set out in this statute relate to the determination of a demonstrated public need for the board.

Unless otherwise noted, the audit reviewed the board's operations and activities between FY 11 and February 28, 2015.

During the course of the audit, the following were reviewed and evaluated:

- Applicable statutes and regulations to identify board functions and responsibilities. Changes made to regulations during the audit period were reviewed to determine whether the changes enhanced or impeded board activities and to ascertain if the board operated in the public's interest.

- Board meeting audio files to understand board proceedings and activities as well as the nature and extent of public input.

- Public notice documentation to determine whether public notices for meetings and regulatory changes were published as required by Alaska Statutes.

- Discretionary parole application files considered by the board between January 2013 and February 2015 to determine the board's compliance with statutes and regulations.

- Special medical parole application files considered by the board between January 2011 and February 2015 to determine the board's compliance with statutes and regulations.

- Board member application files maintained by the Governor's Office of Boards and Commissions to verify members met statutory requirements.

- Board budget information from the State Office of Management and Budget and expenditure activity from the Alaska State Accounting System to gain an understanding of the board's funding and operations.

- The Alaska Corrections Offender Management System to gain an understanding of the system and to assess its security and the integrity of parole-related data contained within the system.

- The prior sunset audit report (Audit Control No. 20-20053-07) to identify issues and prior recommendations affecting the board.

Two discretionary and four parole revocation hearings were attended to observe and gain an understanding of board operations.

The following organizations were contacted to determine if any complaints were filed against the board or its members between FY 11 and January 2015, and whether complaints were efficiently resolved:

- Alaska State Commission for Human Rights;

- Department of Administration's Division of Personnel and Labor Relations;
- United States Equal Employment Opportunity Commission;
- Department of Corrections Commissioner's Office;
- Office of the Ombudsman;
- Office of Victims' Rights; and
- Governor's Office of Boards and Commissions.

During the course of the audit, the following individuals were interviewed:

- All board members and staff to gain an understanding of the board's activities and level of public input.
- The data processing manager in the information technology section of the Department of Corrections' Administrative Services Division to assess the level of support provided for board activities.
- The Governor's Office of Boards and Commissions director to gain an understanding of the board member recruitment process and the Executive Clemency Advisory Council.

A random sample of 38 discretionary parole files was selected from 321 discretionary parole files for hearings conducted between January 2013 and February 2015 and assessed for statutory and regulatory compliance. In determining sample size, a confidence level of 90 percent, a tolerable deviation of 10 percent, and expected deviation of 0.25 percent were used. The testing results were not projected to the population since errors in the sample were sufficient to identify needed improvements.

A total of eight special medical parole hearings were held between January 2011 and February 2015. Two hearings in which special medical paroles were granted were reviewed for statutory and regulatory compliance. The testing results were not projected to

the population.

A random sample of 38 revocation hearings was selected from 1,325 revocation hearings conducted between January 2011 and February 2015 and matched to the board files to determine the reasonableness of revocation hearing statistics compiled by the board. In determining sample size, a confidence level of 90 percent, a tolerable deviation of 10 percent, and expected deviation of 0.25 percent were used. The testing results were projected to the population.

A haphazard sample of 38 board files was selected from physical board files with hearings during our scope to determine completeness of summary hearing information provided by the board. In determining sample size, a confidence level of 90 percent, a tolerable deviation of 10 percent, and expected deviation of 0.25 percent were used. The testing results were not projected to the population.

Agency Response from the Department of Corrections

THE STATE of ALASKA
GOVERNOR BILL WALKER

Department of Corrections
Office of the Commissioner

PO Box 112000
Juneau, Alaska 99811
Main: 907.465.4645

July 15, 2015

RECEIVED
JUL 15 2015
LEGISLATIVE AUDIT

Jonathan Kuhn, CPA
Senior Auditor II
Division of Legislative Audit
PO Box 113300
Juneau, AK 99811-3300

Dear Mr. Kuhn:

Thank you for the opportunity to respond to the Legislative Audit Report of the Board of Parole Sunset Review dated April 30, 2015. The department has reviewed the four (4) recommendations, three (3) of which are addressed directly by the Board of Parole with concurrence by the department and one (1) which is addressed below by the department.

Recommendation No. 1

The board's executive director should improve procedures to ensure that required documentation for the parole hearings is accurate and consistently included in parole files.

The department concurs with the response provided by the Chair of the Board of Parole.

Recommendation No. 2

The board's executive director in coordination with DOC management should implement documentation standards to ensure that all offender and victim notifications are made in accordance with statutory requirements.

The department concurs with the response provided by the Chair of the Board of Parole.

Recommendation No. 3

The board should ensure proposed regulations address all statutory requirements related to its duties.

The department concurs with the response provided by the Chair of the Board of Parole.

Recommendation No. 4

DOC's Administrative Services Division director should take steps to ensure its Alaska Corrections Offender Management System (ACOMS) complies with state information technology security standards and national best practices.

The department agrees that ACOMS contains security deficiencies that need addressed. The department currently has a listing of items, including these security issues that are awaiting in-house action. An on-going listing of ACOMS action items has been developed for managements review and prioritization which includes some security items identified in your recommendations. The DOC staff continues to work through the on-going list of action items which, upon completion, will meet the states information technology security standards and national best practices ensuring the data integrity of this electronic system.

Also noted under this recommendation was the lack of any report functionality within the software. We disagree with this item as ACOMS does have reporting functionality with several reports currently existing within the parole module itself. Additionally, the support staff has the ability to create Ad-hoc reports as requested/needed. Continuing report functionality and needs are also included in the listing of ACOMS action items that are under review by management to ensure efficiencies and appropriate data sets needed are in place.

Thank you again for the opportunity to respond to your letter. Should you need additional information or have questions, please do not hesitate to contact our office.

Sincerely,

Ronald F. Taylor
Commissioner

Attachments:
Board of Parole Sunset Audit Response

Cc: Jeffery Edwards, Executive Director, Parole Board
Ronald F. Taylor, Commission, Corrections
L. Diane Casto, Deputy Commissioner, Corrections
April A. Wilkerson, Administrative Services Director, Corrections

Agency Response from the Board of Parole

THE STATE of ALASKA
GOVERNOR BILL WALKER

Department of Corrections
Board of Parole

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Lonzo Henderson, Chair
Sarah Possenti, Vice Chair
Dan Morris, Member
R. Ole Larson, Member

RECEIVED
JUL 15 2015
LEGISLATIVE AUDIT

July 15, 2015

Legislative Audit Team
P.O. Box 113300
Juneau, AK
99811

RE: Response to Confidential Management Letter No.1, Department of Correction (DOC) Board of Parole (Sunset Review)

Dear Mr. Kuhn:

The Alaska Board of Parole (Parole Board) has received the findings of the extensive legislative audit of the paroling authority in Alaska. The Board has reviewed your findings and would like to offer our corrective measures and clarifying statements regarding your four (4) recommendations; one (1) of which was directed to the Division of Administrative Services.

Recommendation #1: The executive director should improve procedures to ensure that required documentation for parole hearings is accurate and consistently included in parole files.

PAROLE BOARD RESPONSE

Agree: The Parole Board staff has implemented corrective measures that will address the concerns of the audit team. During the audit, the executive director assigned staff to put into effect a statewide training program to address certain expectations of the parole process. Attached to this report, you will find our statewide Department of Corrections (DOC) instructional training program that was given to the Institutional Probation/Parole Officers (PO) statewide. The training program provides clear instruction of the parole process, as well as the required documents for parole hearings. All documents sent to the Parole Board for discretionary applicants are printed and placed into the parole board file.

There is a specific section in our training that instruct both Field and Instructional Probation/Parole Officers to include the current Level of Services –Revised (LSI-R) risk assessment, as part of the packet for inclusion in individual files. The LSI-R is completed in ACOMS (Alaska Corrections Offender Management System), which is DOC's case management system. Each Parole Board member has dedicated access to the ACOMS system. During our parole hearing process, they can review/print the LSI-R at any time to facilitate a discussion of the risk and need factors identified.

Recommendation #2: The executive director in coordination with the DOC Management should implement documentation standards to ensure all offenders and victim notifications are made in accordance with statutory requirements.

PAROLE BOARD RESPONSE

Agree: The Parole Board staff has coordinated with the Divisions of Institution and Probation/Parole to implemented procedures for documenting victim notifications. Within ACOMS there is a specific screen that allows POs to document all victim communication and/or notification. Additionally, the recently developed training program informs all POs to ensure that there is documentation of any victim/family correspondence or contact under the "Case Update" of the ACOMS system.

The Parole Board will continue to improve procedures for inclusion of victims and their family members in all phases – discretionary, special medical, mandatory and the violation process. Once the regulations project has been formally adopted, we will have considerably expanded participation of victims and their family members.

Recommendation #3: The board should ensure proposed regulations address all statutory requirements related to its duties.

PAROLE BOARD RESPONSE

Agree: The Parole Board does not oppose the recommendation, and has notified the Department of Law of the Audit Team's concerns. The Department of Law has advised us that any proposed language changes must be submitted, after the current regulation project has been completed. The Parole Board will work with the Department of Law to review and submit the proposed recommendations of the audit team.

The current regulation project includes deleting AAC 20.142, which outlines a guideline format for the Parole Board to assist in the decision process. This will be replaced with the Parole Board utilizing a validated risk assessment tool offered by the DOC.

The audit process has been informative, and has provided the Parole Board with an external review of our operations. We appreciate your audit team's work, and have provided responses to the identified recommendations as presented in this document.

Sincerely,

Lonzo Henderson

Lonzo Henderson
Chair Alaska Board of Parole

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