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## The Correctional Master Plan: Some Legislative Options

Roger V. Endell

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### **Summary**

This testimony before the House Judiciary Committee of the Alaska State Legislature lays out potential future scenarios for corrections in Alaska. The author urges legislators to pay attention to the results of over half a million dollars worth of research on correctional problems in Alaska over the past three years in its decisionmaking on how to implement recommendations of the Alaska Corrections Master Plan.

### **Additional information**

The April 1978 study referenced in this testimony is *The Alaska Division of Corrections: An Institutional Population and Space Utilization Study* by Roger Endell.

The final *Alaska Corrections Master Plan* (1979) and *Alaska Corrections Master Plan: Executive Summary* (Moyer Associates, Inc., August 1979) are available through the National Criminal Justice Reference Service (NCJRS), U.S. Department of Justice.

THE CORRECTIONAL MASTER PLAN:

SOME LEGISLATIVE OPTIONS

Testimony before the Committee on Judiciary,  
Alaska House of Representatives

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University of Alaska, Anchorage

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NOTES--HOUSE JUDICIARY COMMITTEE TESTIMONY

November 30, 1979, Anchorage

Roger Endell, Justice Center, UAA

In April of 1978 I completed a study for the Legislature for the Alaska Division of Corrections. In the preface to that study I indicated that large sums of money had been directed toward researching correctional problems. These projects included: \$33,000 for an Anchorage pre-trial detention study; \$50,000 for development of Phase I of the master plan; \$143,000 for the Justice Facilities Planning Study; \$111,000 for development of Alaska Criminal Justice Facility Standards; and \$183,000 for the Corrections/Master Plan for the State of Alaska. This list does not include the routine correctional budget, supplemental appropriations, capital improvement projects approved by the voters of approximately \$30 million, nor smaller grants or expenditures for lesser projects.

The one-half million plus dollars I have listed for research and planning purposes to guide the future of correctional policy has now been spent. We now have the results of those work efforts. It is now time for the legislative and executive branches of government to make rational decisions based on the results of these several projects so that the taxpayers receive a fair return for their investment. It is not the time for emotional discussions which ignore the fruits of these projects.

In December of 1978 the Justice Center sponsored the Legislative Conference on Corrections. We had as speaker at that conference members of the state legislatures of Hawaii, Oregon and

Florida as well as Mr. Richard Pettigrew of the White House staff. As far as I know we were the first state in the nation to sponsor such an interstate legislative exchange of problems and potential solutions concerning corrections. The Center has also conducted two annual statewide criminal justice conferences to discuss justice issues, the last having been completed just last month. At the earlier conference Mr. Pettigrew, fresh from the White House, warned that to bring reform to our correctional system would require boldness, and a determination from our legislators that correctional changes must be made. He stated clearly that these changes would require legislative courage at a time when the public wants relief from being further victimized by criminal and deviant behavior. To continue to provide for more of the same, that is, more prisons, more cells, more restrictive punishments through harsher sentences would not only be ineffective in reducing the crime rate, it would add a further very expensive burden to the taxpayers.

It is my opinion that taxpayers are being twice victimized by our present system. We have no difficulty identifying the actual victim of a criminal act, but the community of taxpaying citizens is also being victimized by having to pay for the extremely high cost of incarceration. An example might be found in the present \$30 million bond issue for new institutions in this state each of which, on the adult side, is a replacement facility--not providing new prison space or beds, and is the present \$25 million D.O.C. budget.

I suggest that it is now time to make critical correctional decisions and your opinion, those of you on this committee, will play a crucial part in this decision making process. As the sentencing provisions of the new criminal code will reflect, there is a cry to

get tough on crime and criminals. But at what cost? How much are you, or the taxpayers willing to pay in order to be tough? Will getting tough reduce the crime rate? The evidence available to us from national level research is that building more prisons has absolutely no effect on the crime rate.

This is no longer a liberal vs. conservative argument. We must make decisions on facts--what we know as opposed to what we think or feel may be right. I like to think that I am neither a flaming liberal nor an arch conservative. The business that you are about calls for the same logic but further requires that you both represent and lead your individual constituencies. On emotion laden issues your job may not be an easy one as Mr. Pettigrew warned.

The two master plan summaries I have prepared for your use make it emphatically clear that the traditional answer to solving correctional problems, that is in building more prisons, will cost Alaskans multi-millions of dollars. That may be okay if the taxpayers are willing to take on this additional burden.

On the other hand, we have indications at hand which demonstrate that our present correctional system, that is the institutional side of corrections, is right now at full capacity and in fact is overflowing into the Federal Bureau of Prisons system. At the same time the new criminal code will cause an additional and probably severe demand for additional institutions. Estimates of the impact of the new code range as high as a 50% increase in our institutional space requirements, i.e., a doubling of our present capacity due primarily to the elimination of parole, more punitive statutory good time provisions, the elimination of meritorious and extra-meritorious good time, and the limiting of judicial discretion for repeat offenders. For example, Charles Campbell, Director of

Corrections, tells me that under the new code, 40% of the offenders now on probation will not be eligible for that sentencing alternative under provisions of the new code. This is in spite of the fact that probationers in Alaska have only a 12% failure rate, half of which are due to technical, not criminal, violations. These figures would tell any rational man or woman that we can afford to affectively supervise more people on probation not fewer, and that this can be done without increased risk to the public and the tremendously high cost of incarceration. Again, logic and economics have provided a clear message for us.

I am not proposing, nor does the master plan, that we let more people go, that we soften our approach to crime, or that we further frustrate the hard working law enforcement officers in this state. I am suggesting, as does the correctional master plan, that we redirect our efforts, our money, our personnel toward effective and close supervision of our low risk offender population in other than additional prisons. In 1974 Alaska had approximately 400 prisoners locked behind bars in-state and out. In 1979 we have approximately 800. In a short 5 years our prison population has doubled. There is no evidence that this rate of excallation willdecrease. There is a substantial probability that it will in part increase. Since our system is now full, where will you put these people?

We should make every effort to prevent crime and we do have reasonable means available to help to do this. How much money and effort are you willing to put into crime prevention efforts?

We should make every effort to catch and convict more criminals and delinquents. How much money and effort are you prepared to direct toward increased law enforcement effectiveness?

We should correct the behavior of those caught and convicted. Here also more money is required, for although we may prevent some crime and catch and convict more criminals and delinquents we must by the laws that you the legislature have passed, supervise and provide custody for these people. The question here is not how much money and effort you are willing to spend but how you will direct that it be used, for it must be provided if you are to avoid a future which I might otherwise predict will be one of both inmate writs and possibly riots due to inadequate and unconstitutional care.

The State of Alaska is at a crossroads. I could more fully outline two potential future scenarios, had I more time, depending on the decisions you make with regard to the future of corrections.

One scenario involves the building of several new prisons in Alaska costing multi-millions of dollars for the purpose of locking up, in a traditional sense, the offenders that our new criminal code will provide.

The second scenario reflects the realities of economics which might better be directed toward merely remodeling our present institutions to provide for approximately 200 new prison beds, but more importantly adding up to 222 new correctional staff at a cost of roughly \$6.4 million and directing them develop strong alternatives to the prison. This scenario should include a strong restitution and community service concept to literally allow offenders the opportunity to earn their way to freedom in economic terms. By putting our 800 and more incarcerated offenders to work doing public works projects, perhaps including the construction of new jails and other public facilities particularly in rural Alaska, the taxpayers can receive a measure of relief from the tax bite and offenders can benefit from learning to complete honest work. We should pay them

a reasonable wage, and they in turn should reimburse the victim and the state, keep their families off of welfare, put aside savings toward release and in fact be released when they have earned their way out of jail.

The cost of even 222 new correctional personnel at \$6 million is not half the probable cost of even one new medium security institution. Where do you want to put your money?

A third possible scenario might be that we do nothing. That would mean that we do what has traditionally been done in the field of corrections, i.e., become reactive to events, traumas, as they occur.

We have not before us the opportunity to be proactive by paying close attention to our past three years and one-half million dollars worth of expenditures on research. As I see it we have the three choices I have just cited, any one of which you can as a legislative body select. But you have no choice in whether or not to make a decision. Your decision this session will have long lasting repercussions for our state. I hope you will carefully weigh the alternatives and I think that you will find that the talented and capable justice professionals that we have in Alaska will be most anxious to provide you with information necessary to making that decision.

I compliment you on holding these forums so that you might receive information critical to your work.

Thank you for inviting me to speak.

I would be happy to address your questions.