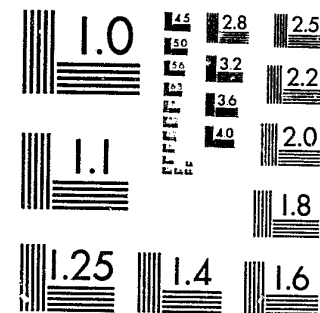


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National Institute of Justice  
United States Department of Justice  
Washington, D. C. 20531

8/8/84

SUMMARY

The Department of Health and Social Services, Division of Adult Corrections is responsible for implementing the objectives of the State's correctional system. The State Constitution establishes these objectives as both protecting the public and reforming prisoners.

This report shows that there is a need for more comprehensive planning to prepare for the impacts of changes in the State's criminal justice system. The report also shows that the Division of Adult Corrections needs to improve their efforts to reform prisoners and needs to better manage the prison system.

NEED FOR MORE COMPREHENSIVE PLANNING  
OF THE STATE'S CRIMINAL JUSTICE SYSTEM

The State prison system is overcrowded. Overcrowding exists because neither the Division of Adult Corrections nor any other State agency has adequately planned for the impacts of changes that occur in the State's criminal justice system. Although many agencies make studies of the various elements of the criminal justice system, no one agency is responsible for a comprehensive plan. The Division did develop a Master Plan in 1979 that projected an increased need for prison bed space, but the projected bed space needs were underestimated. The plan was not updated as required. Until long range planning occurs, realistic projection of bed space needs will be difficult.

NEED TO IMPROVE EFFORTS  
TO REFORM PRISONERS

Historically, rehabilitation has not been a high priority of the Division of Adult Corrections even though rehabilitation is one of their two primary objectives. Although some programs have been initiated recently, rehabilitation continues to be de-emphasized because of the overcrowding crisis.

ADMINISTRATIVE PROCEDURES NEED IMPROVEMENT

Past audit reports have pointed out weaknesses in the Division's administrative procedures. Little corrective action has been taken because of the emphasis on handling overcrowding and because employees are not adequately trained.

RECOMMENDATIONS

To assure that the State can provide safe, secure, and humane confinement for prisoners, we recommend the Commissioner of Health and Social Services design and implement a long range corrections planning system that considers the impacts of changes in the criminal justice system.

To meet the goal of prisoner reformation, we recommend the Commissioner of Health and Social Services increase the Department's emphasis on

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prisoner rehabilitation so that more rehabilitation programs will be available and prisoner participation will increase.

To strengthen the administration of the State's prison system, we recommend the Commissioner of Health and Social Services require the Division complete and issue their policy and procedures manual, and assure that administrative personnel are adequately trained.

DEPARTMENT COMMENTS

In responding to a draft of this report, the Commissioner agreed that better Statewide planning would improve the effectiveness of the State's correctional system. However, the Commissioner did not address the report's recommendations.

The Commissioner's response is attached as Appendix A and should be read giving consideration to the clarifications provided on pages 19 and 20.

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## INTRODUCTION

The Alaska Constitution requires the State correctional system be "... based on the principle of reformation and upon the need for protecting the public." Alaska Statute 33.30.010 makes the Commissioner of the Department of Health and Social Services responsible for the operation and management of this system. Within the Department, the Division of Adult Corrections is responsible for managing the correctional system in a manner that meets the objectives established in the State's Constitution.

### DIVISION OF ADULT CORRECTION RESPONSIBILITIES

The Division of Adult Corrections is responsible for providing safe, secure, and humane confinement for persons charged with or convicted of criminal code violations. The Division is also responsible for rehabilitation programs. In performing these functions, the Division operates ten correctional centers. The Division also has arrangements with local communities to accommodate prisoners serving short term sentences in rural areas, and with the Federal Bureau of Prisons to accommodate long term prisoners with special needs. The State's ten facilities are listed below.

#### Facilities in Alaska

<u>Name of Facility</u>	<u>Primary Function</u>
Eagle River	Program facility for male prisoners with less than 3 years remaining on sentence
Eagle River (Women's)	Intake and housing facility for female prisoners
6th Avenue	Pre-trial and intake facility
3rd Avenue	Classification and evaluation center
Ridgeview	Minimum to medium security facility
Fairbanks Correctional Center	Intake and housing facility
Juneau Correctional Center	Intake, program and housing facility for close to maximum custody prisoners
Ketchikan Correctional Center	Intake and short term housing facility
Palmer Correctional Center	Work program facility for minimum custody with 3 years or less remaining on sentence
Nome	Intake and short term housing facility

## FACTORS THAT AFFECT THE NUMBER OF PRISONERS

Changes in the number of prisoners housed by the Division of Adult Corrections are caused by events occurring in the other elements of the criminal justice system. For example, more arrests, higher conviction rates, and changes in laws and sentencing patterns all have some effect on the number of persons that will be sent to the Division for incarceration.

The State's criminal justice system consists of law enforcement agencies, the Department of Law, the Alaska Court System and the Division of Adult Corrections.

The various law enforcement agencies, such as local police forces and the State Troopers, are the intake elements in the system. Increases in the size of police forces, or improved efficiency, will have a bearing on the number of arrests and subsequently on the number of prisoners.

The Department of Law is the next element in the system and is responsible for prosecuting violators of State law. The Department of Law affects the number of prisoners by deciding if prosecution or a diversion program should be used.

The courts are the next element in the system. The courts act as the means through which laws are interpreted and justice is administered. Offenders reaching the courts and found guilty, are given sentences set by law and judicial practice.

Sentencing laws, a function of the Legislative and Executive branches, determine what constitutes a crime and what punishment is appropriate for an offense. Sentencing patterns represent the judicial system's interpretation of laws and public sentiment. Thus, laws and sentencing patterns affect crime rates and sentence lengths.

Local authorities also play an important role in the system because the Division fulfills local jail functions in the State's urban areas. For example, prisoners are booked at the Division intake facilities in Juneau, Ketchikan, Anchorage and Fairbanks.

### PURPOSE AND SCOPE OF REVIEW

This review was conducted in response to the Governor's concerns about the operation and management of the Division of Adult Corrections and recent problems of overcrowding in the prisons.

During this review, we reviewed applicable statutes and administrative procedures. We visited the Division's correctional facilities in Ketchikan, Juneau, Fairbanks, and the Anchorage area. We also visited the Division's probation and parole offices in these areas and in Bethel. In addition, we interviewed officials of the Departments of Health and Social Services, Law and Public Safety, the Alaska Judicial Council, New Start centers and halfway houses.

NEED FOR MORE COMPREHENSIVE PLANNING OF  
THE STATE'S CRIMINAL JUSTICE SYSTEM

The State prison system is overcrowded. Overcrowding exists because neither the Division of Adult Corrections nor any other State agency has adequately planned for the impacts of changes that occur in the State's criminal justice system. Although many agencies make studies of the various elements of the criminal justice system, no one agency is responsible for a comprehensive plan. The Division did develop a Master Plan in 1979 that projected an increased need for prison bed space, but the projected bed space needs were underestimated. The plan was not updated as required. As a result of overcrowding, the courts have intervened and ordered the reduction of prisoner population at one of the State's prisons.

OVERCROWDING

Currently, many of the State's prisons are overcrowded. For example, in October 1981, the state prisons averaged 108 more prisoners than the emergency prison capacity and 210 more prisoners than the prison rated capacity as shown below.

Facility	Overcrowding In October 1981				
	Rated Capacity	Emergency Capacity	Average Inmates in 10/81	Over Rated Capacity	Over Emergency Capacity
Third Avenue	70	80	88	18	8
Sixth Avenue	96	128	128	32	--
Ridgeview	45	51	43	--	--
Eagle River(Women's)	28	35	24	--	--
Eagle River	80	100	132	52	32
Palmer	99	123	122	23	--
Juneau	95	100	118	23	18
Nome	28	30	32	4	2
Ketchikan	28	30	30	2	--
Fairbanks	110	118	166	56	48
Totals	<u>679</u>	<u>795</u>	<u>883</u>	<u>210</u>	<u>108</u>

While visiting the facilities, we noted inmates housed in space that would normally be used only for special circumstances such as isolation, maximum security or recreation. In addition, we observed mats on the floor used to meet the housing crisis. Overcrowding becomes even more acute on the weekends when there are many additional prisoners serving sentences for driving while intoxicated.

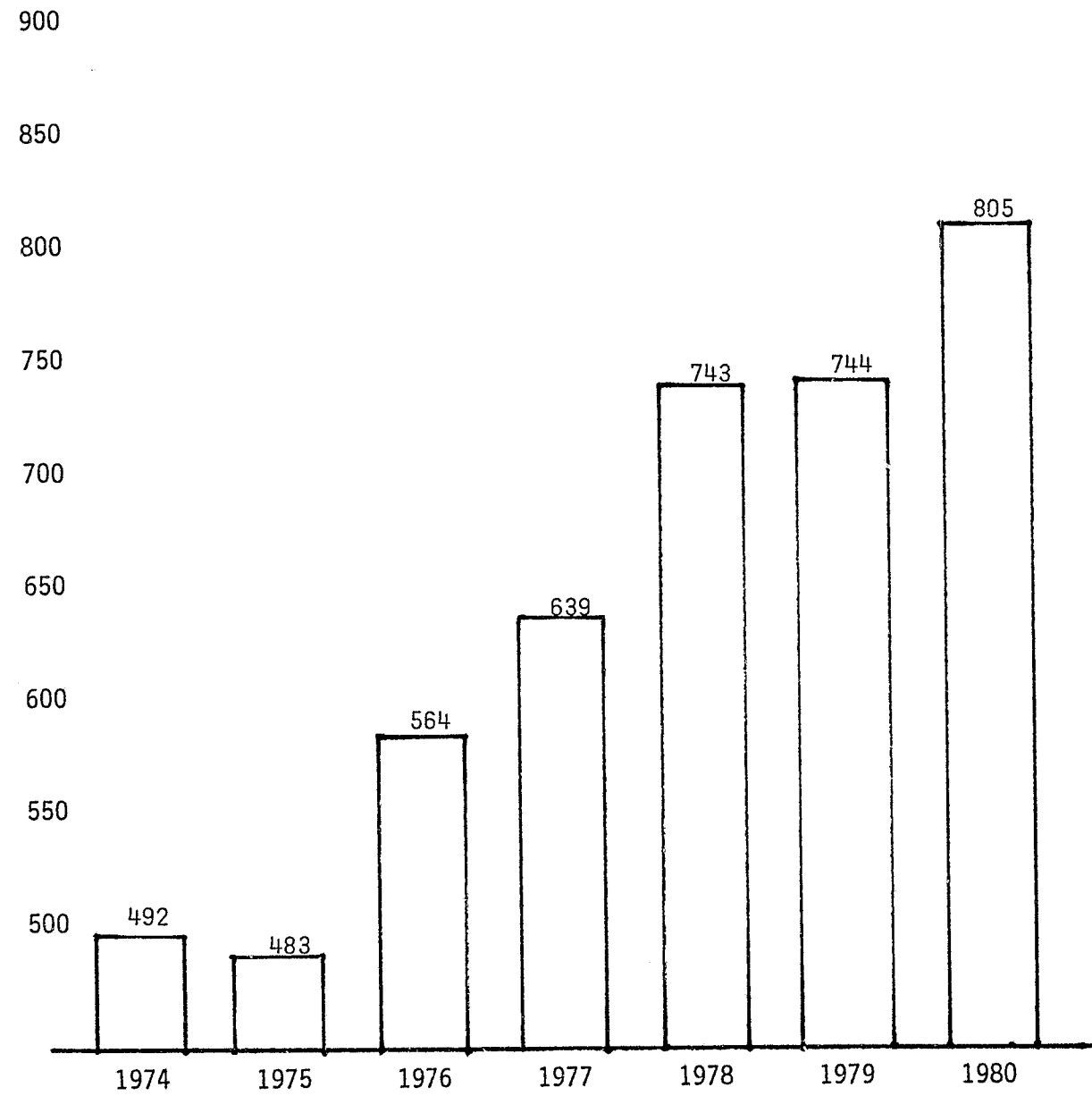
An additional 185 prisoners were kept at various Federal Bureau of Prisons facilities in other States because the Division lacks the facilities to house them in Alaska.

Various estimates indicate that the overcrowding situation will continue. For example, estimates by other agencies, such as the Department of Law, predict continued growth in the State's prison population if new legislation is enacted. In addition, an estimate prepared by the Division of Adult Corrections indicates that the average daily count of inmates will be about 1,600 by January 1985, but based on the Divisions current funded building effort, only 1,219 bed spaces will be available. These estimates do not consider all the impacts that changes in the law or sentencing patterns may have on the prison populations.

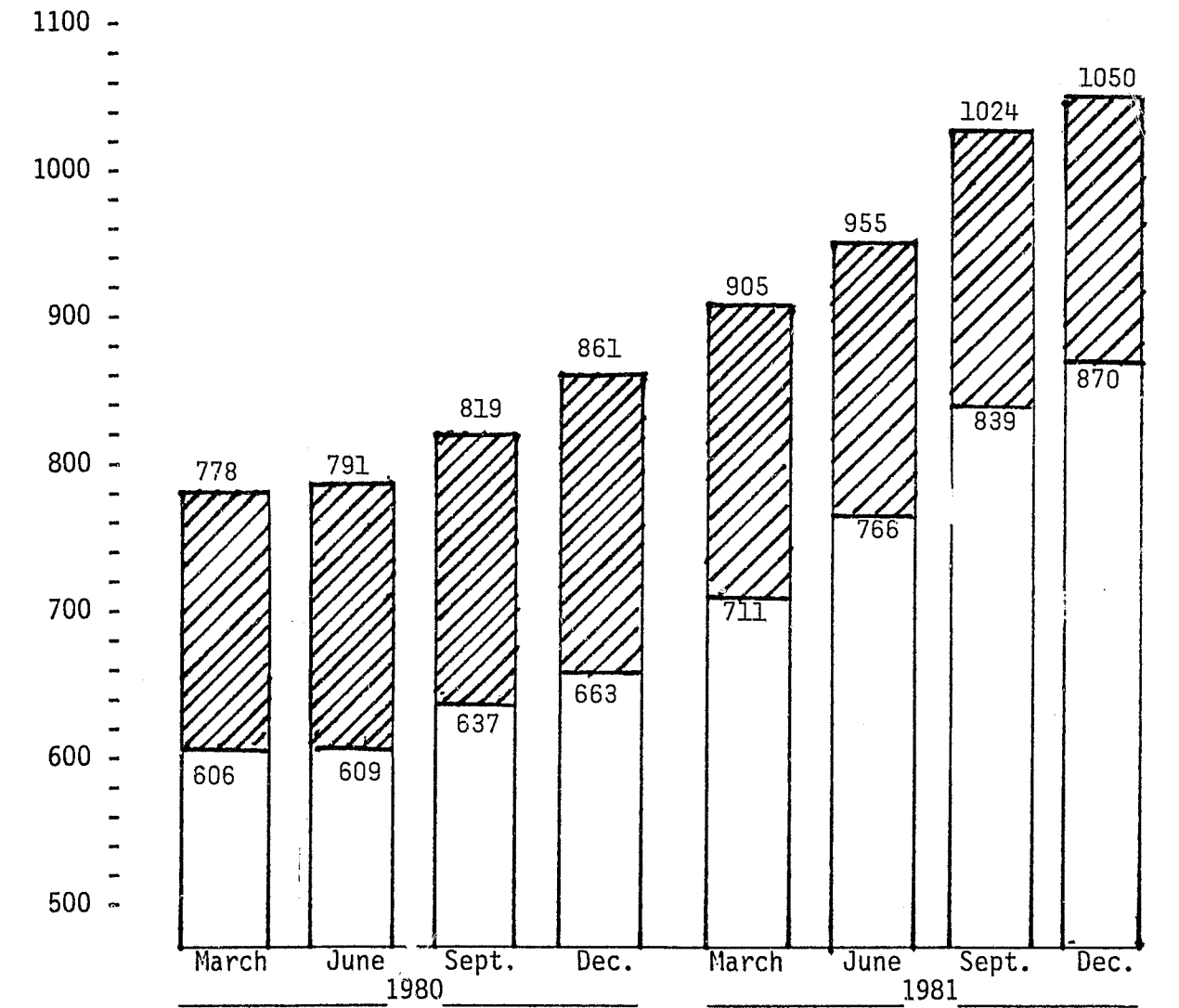
The overcrowding situation could be further aggravated should the Federal Bureau of Prisons stop accepting prisoners, or ask that those prisoners currently being held in Federal prisons be returned to Alaska.



The following tables provides prison population figures and trends.

Average  
Population in Prisons  
(Including Inmates in Federal Prisons)



Average Monthly  
Population in Prisons  
(Including Inmates in Federal Prisons)



 Inmates in Federal prisons  
 Inmates in Alaska prisons

LACK OF A COMPREHENSIVE CRIMINAL JUSTICE PLANNING SYSTEM

Overcrowding occurs because neither the Division nor any other agency has adequately planned for the impacts of changes in all elements of the criminal justice system. When the criminal code was revised in 1980 and sentencing laws changed, for example, no plan was made to accommodate the impacts of these changes on the State's prison population. We compared sentences actually imposed during the period 1974 through 1979 with sentences that would have been imposed had the 1980 code been in effect. The comparison shows that the 1980 code and sentencing patterns would have increased the number of months of incarceration by about 3925 since 1974 as shown below.

Comparison of Actual and Simulated Felony Sentences  
Based on Months and 1974-1980 Conviction Rates

	Years						TOTAL
	74-75	75-76	76-77	77-78	78-79	80-81	
Actual Sentence	1785	2094	4498	3805	2337	3346	17865
Simulated Sentence <sup>1/</sup>	<u>4278</u>	<u>3941</u>	<u>3661</u>	<u>3444</u>	<u>3120</u>	<u>3346</u>	<u>21790</u>
Difference	<u>2493</u>	<u>1847</u>	<u>-837</u>	<u>-361</u>	<u>783</u>	<u>0</u>	<u>3925</u>

<sup>1/</sup> Based on sentence imposed with earliest possible release date (in months).

In 1981 costs, the 3925 months of incarceration represents an additional \$7.7 million dollars. If additional cells were necessary, the cost would have increased further.

Department of Health and Social Services officials told us that they have attempted to plan for the impacts of changes in the criminal justice system. But, because of limited data and coordination problems with other agencies, the Division has not made accurate projections.

CURRENT PLANNING EFFORTS

Although no one agency is responsible for coordination of criminal justice planning, some planning is being done by organizations that are involved in criminal justice. For example, we identified nine organizations that are presently working on, or have recently completed a report, research project or study on some subject related to criminal justice as shown below.

<u>Organization</u>	<u>Study or Project</u>	<u>Completion Date</u>
Division of Policy Development and Planning	--Theory Behind Criminal Justice Plannings Alaskan Policy vs. the U.S.	3/82
Office of Alcoholism and Drug Abuse	--Association Between Alcohol and Violence	N/A
	--Alcohol Related Crimes	12/81
	--Annual Report	1/82
Criminal Justice Planning Agency	--Crime in Alaska	2/82
	--Annual Statistical Report	1/82
	--Description or Resources in Cities and Villages	10/81
Department of Transportation and Public Facilities	--Inventory and Condition Surveys for Correctional Centers	12/81
House Task Force on Violent Crime	--House Task Force on Violent Crime	6/81
Alaska Judicial Council	--A Preliminary Statistical Report of 1980 Felony Sentences	11/81
Committee on Corrections	--The Committee on Corrections Report to the Anchorage Crime Commission	11/81
Division of Adult Corrections	--Statewide Summary: Sentenced Prisoner Profile	8/81
	--Booking Records and Inmate Populations 1974-1981	12/81
	--Prison Population Characteristics Study	11/81
Department of Law	--House Bill-Impact on Prison Population	4/81

As shown, these studies address only those segments of the criminal justice system that relate to the agency doing the study. But, none of the agencies is coordinating the overall effort. As a result, no one is addressing the problem from a systems-wide standpoint, and the current studies are not well coordinated. For example, during our review of these studies we found that:

- One State agency was preparing a report on alcohol abuse but did not plan to share the results with other agencies involved in criminal justice; and

-- Another agency was planning to conduct an impact study of the revised criminal code until they learned through a newspaper article that another agency was studying the same issue.

CORRECTIONS MASTER PLAN

In 1979, the Division in cooperation with a consulting firm, developed the Alaska Corrections Master Plan. One of the purposes of this plan was to develop "a formal statement of policies and goals based on a comprehensive analysis of available information... for the future of corrections." The plan also outlined the needs and projections through the year 2000 and called for "constant refinement and reanalysis" so as to keep the plan updated. This plan estimated a total prison population of about 1,100 inmates by the year 2000 (including presentenced and federally housed prisoners). Because the current number of prisoners is already near the year 2000 estimate, the Division abandoned the plan as their basis for projecting future bed space. The Division has not developed an alternate planning system to replace the Master Plan.

COURT INTERVENTION

In 1978 a group of prisoners, incarcerated at the 6th Avenue jail in Anchorage, brought suit against the Division regarding prison conditions. The final judgement and order of February 16, 1979 established a limit on prison populations and thus put the Division on notice that overcrowding was not acceptable and would not be permitted in the future.

During the 3 years since the order, the Division failed to anticipate the growth in prison population and as a result the Division was again ordered to reduce the prison population, this time within sixty days.

In the latest ruling, the judge called the conditions at the 6th Avenue jail "nearly explosive" and found the State in contempt on the issue.

CURRENT BUILDING PLANS

The Division has received funds for expanding bed space to about 1,200 by January 1, 1985 as shown below.

Division Building Efforts

<u>Facility</u>	<u>Remarks</u>	<u>Bed Spaces</u>
	Total bed space as of 1-1-73	543
Expansion since 1973		
Eagle River (men)	New facility in 1973	81
Ridgeview	Expansion in 1976	27
Eagle River (women)	New facility in 1981	28
	Total bed space as of 1-1-82	679
Funded future expansion		
Ketchikan	Replace old facility in 1982	2
Juneau	Expansion in 1983	36
Fairbanks	Expansion in 1983	67
Nome	Expansion in 1984	20
3rd Avenue	Reduction in 1982	(20)
Anchorage Pre-trial	New facility in 1982	180
Ridgeview	Expansion in 1982	63
Palmer	Expansion in 1982	100
Eagle River (men)	Expansion in 1982	80
Bethel	Replace old facility	-0-
Johnson (Juneau)	New facility	5
Total		1212 <sup>1/</sup> <sub>2/</sub>

1/ Does not include 56 temporary bed spaces at the Fairbanks facility that will be used until the 1983 expansion is complete.

2/ Does not include some reductions that will occur when new construction is completed.



In addition, the Division has requested funds for expanding the halfway house program, for an additional 80 beds at Fairbanks and for a new 300 bed facility.

The 1,200 bed spaces may not be adequate because actual prison population already exceed estimates as shown below.

Building Plans and Estimated In-State  
Prison Populations 1980-1988

Year	<u>1/</u> Planned Bed Space	<u>2/</u> Estimated In-State Prison Population	<u>3/</u> Actual Average In-State Prison Population
1980	640	591	--
1981	644	697	663
1982	744	724	870
1983	1019	1015	--
1984	1019	1078	--
1985	1219	1198	--
1986	1219	1318	--
1987	1419	1382	--
1988	1419	1502	--

- 1/ Division of Adult Corrections plans for existing and new beds in institutions (in-state).  
2/ Division of Adult Corrections estimates for January of each year (in-state).  
3/ Division of Adult Corrections average in-state population in December of prior year (ie, 663= December 1980; 870= December 1981).

NEED TO IMPROVE EFFORTS  
TO REFORM PRISONERS

Historically, rehabilitation has not been a priority at the Division of Adult Corrections even though rehabilitation is one of their two primary objectives. Although some programs have been initiated in recent years, rehabilitation continues to be de-emphasized because of the overcrowding crisis.

LACK OF REHABILITATION PROGRAMS

The Division's policy manual encourages prison rehabilitation programs. The manual provides:

"During incarceration, prisoners should have the opportunity to explore, and to pursue, new behavior patterns and lifestyles. Evaluation should be available so that they can learn the parameters of their potential. Education and guidance should be available so that they can develop at least some of that potential."

The Division has some programs available, such as academic and vocational education, religious programs, drug and alcohol counseling, and halfway house programs. The Division initiated most of these programs since fiscal year 1980. But, the Division recognized in their 1983 budget request that reformation has not been adequately addressed by stating:

"...reformation of the offender has not in the past been adequately addressed with sufficient staff and program funds to carry out these responsibilities. With the exception of the University Within Walls program, all other short or long term educational policy or program, existing programs are sustained through CETA, LEAA and other grant funds...the majority of prisoners are limited to television, ping-pong, pool, card games, or reading...there are no constructive work programs aside from routine kitchen and laundry operations, the most common work experience is cooking, sweeping, mopping and cleaning the dining room and living areas; vocational training programs are limited and only offered at Palmer, Eagle River, and Juneau Correctional Centers..."

In addition, only a small percentage of prisoners are actually involved in the Division's current programs as shown in the following table.



The Number of Offenders Participating in Programs in the Correctional Centers (August 1981)

Program	Correctional Center <sup>2/</sup>						Program Totals	Percent
	Fairbanks	Eagle River	Third Avenue	Sixth Avenue Annex	Juneau	Palmer <sup>1/</sup>		
Academic Education	0	0	17	6	43	31	97	13
Vocational Education	14	0	0	0	7	100	121	16
Drug Counseling	6	30	18	16	0	25	95	13
Alcohol Counseling	7	8	0	16	17	30	78	11
General Counseling	0	45	26	48	10	140	269	36
Library, Outreach, 80 Sex Offender		0	0	0	15	0	95	13
<b>Total Prisoners</b>	<u>153</u>	<u>134</u>	<u>84</u>	<u>177</u>	<u>130</u>	<u>123</u>	<u>741</u>	

<sup>1/</sup> -July 1981 Monthly Report

<sup>2/</sup> -No data was available on the other State correctional facilities

The following are additional examples of the lack of effective rehabilitation efforts.

- Only 11 percent of the prison population was participating in alcohol counseling. Yet, during the period 1974 through 1979, almost one half of all violent crimes committed in Alaska, such as murder and kidnapping, were alcohol related.
- Division consultants reported in 1979 that "Furloughs of any kind were rare, and personnel were reluctant to recommend them... The same feeling extended to work release..."
- Alaska Statutes permit prisoners to work at community work activities, such as construction or repair of wilderness trails. Yet, the last use of these programs was prior to 1976 and the Division does not have plans to reestablish the

program because they do not have the personnel needed to operate the program.

One program being used by the Division is the halfway house program which places prisoners in halfway houses during the last six months of their sentences. This program now includes five halfway houses offering space for 84 persons, about ten percent of the in-state prison population. This program is also used for some offenders on probation.

EMPHASIS IS ON SECURITY

In most of the State's prison facilities, the emphasis is on security rather than rehabilitation because of the overcrowding situation. The Division Director told us that he encourages rehabilitation programs but has the responsibility of first protecting the public.

During our visits to the correctional facilities, we noted the emphasis on security. Prison officials told us that:

--Our primary task is to house prisoners. We try to provide rehabilitation but this is secondary in nature.

--Work programs would require more guards, and we do not have enough staff for that.

RECIDIVISM IS HIGH

There is confusion about the definition of recidivism, or returning to prison. Recidivism is, however, commonly used to measure the success of rehabilitation efforts. The American Correctional Association using statistics supplied by 31 States, ranked Alaska as having the second highest recidivism rate. In addition, a Division survey in August 1981 shows that two thirds of the inmate population were prior offenders.

ADMINISTRATIVE PROCEDURES NEED IMPROVEMENT

Past audit reports have pointed out weaknesses in the Division's administrative procedures. Little corrective action has been taken because of the emphasis on handling overcrowding and because employees are not adequately trained.

ADMINISTRATIVE WEAKNESSES

Examples of weaknesses include errors in inventory and accounting procedures and errors in calculations of prisoner release dates.

Errors in Inventory Accounting Procedures

Prior reports by the Division of Internal Audit and the Division of Legislative Audit pointed out weaknesses in inventory control and trust fund accounting. Little action has been taken to correct these weaknesses. Administrative controls over inventory and trust funds are weak. For example, seven of the eight correctional centers visited did not have accurate inventory records. Records at four centers could not be tested because the records were out of date. Inventory records at three centers were in error by 10 percent, 30 percent and about 80 percent. Division wide standards for inventory records have not been developed. Inmate commissary inventories at three centers were also inaccurate.

The inmate trust fund consists of funds deposited with the Division and held in safekeeping for the prisoners while incarcerated. When released, the balance in their account is given to the released prisoner. We compared the control ledger accounts with the individual prisoner accounts and found variances at 3 of the 6 centers visited. Variances were also noted between the control accounts and the bank and cash on hand totals.

Inventory control problems occur because responsible personnel are generally unaware of good inventory control procedures. For example:

- In the Eagle River Correctional Center, the officer in charge of the inventory was new to the position and had not been informed of the need for keeping inventory records although he had begun a system on his own.
- The assistant steward at the 6th Avenue jail did not consider inventory updating to be a part of his duties, and was waiting for the steward to do the updating. But, the steward position was vacant.
- At the Fairbanks Correctional Center the administrative officer said a perpetual food inventory was maintained, but the inmates responsible for posting inventory data were not maintaining a perpetual system.

- At the Eagle River Women's Correctional Center the inmate responsible for the commissary inventory did not know it was necessary to record returned items in the inventory records.

Inmate trust fund problems were also caused by improperly trained personnel. For example, in one case the officer in charge was new and did not know how to do bank reconciliations. One official told us that trust fund checking accounts have not been reconciled in several years.

Poor inventory control and accounting can lead to losses of inventory items, and errors in prisoner trust fund accounts will become a liability to the Division since any losses will become the responsibility of the Division.

Errors in Calculating Prisoner Release Dates

Alaska Statute 33.20.010 allows the reduction of prison sentence length for good conduct at the rate of one day earned for each three days served. This reduction is commonly called "good time." This rate was established with the revised criminal code effective January 1, 1980. Prior to January 1, 1980, other rates were used according to the existing code.

There is confusion among Division staff on how to calculate good time. For example, in 1980, the Division sent sample cases out to various correctional centers to test their ability to calculate good time. The test showed about a 40 percent error rate in calculating good time. In addition, we reviewed 54 randomly selected cases and found that 14 contained errors in the calculation of good time as shown below:

Results of Random Tests of Good Time Accounting

<u>Category</u>	<u>Number of Cases</u>	<u>Remarks</u>	<u>Percent</u>
No errors noted	36		67
Not awarded enough good time (released late)	4	One case 18 days three cases 1 day	7
Awarded too much good time (released early)	10	One case 53 days	19
Files were too incomplete to make a determination	4		7
Total	<u>54</u>		<u>100</u>

We found some files so difficult to interpret that substantial time was necessary to extract the needed information. For example, in one case two different people were given the same identification number.

Errors in good time calculations result in some prisoners being held longer than they should be, while others are released early. Holding prisoners longer than legally necessary is a violation of prisoner rights, further overcrowds the prison system, and burdening the Division's budget. The early release of prisoners denies the public the protection intended.

#### POOR TRAINING OF ADMINISTRATIVE PERSONNEL

In addition to the emphasis on handling the overcrowding problem, most of the problems result because the Division uses poorly trained administrative personnel. For example, the Division uses correctional officers in administrative positions. Only the Palmer facility had a full time accounting clerk and as a result did not have the administrative problems found at the other facilities.

Further complicating the problem is the lack of an updated policy and procedural manual. Division personnel told us they have been working on their new manual for over 13 months but other priorities have delayed its completion. One correctional center superintendent issued his own internal memo on how to calculate good time because the Division's policy was unclear.

## CONCLUSIONS AND RECOMMENDATIONS

### CONCLUSIONS

The Division of Adult Corrections has not adequately met their dual constitutional responsibilities of protecting the public and rehabilitating prisoners. The prison system is overcrowded and only a limited number of prisoners are involved in the rehabilitation efforts. In addition, administrative procedures for managing the prisons are weak.

Overcrowding exists because adequate planning has not occurred. Little effort is made to determine how much bed space will be needed to accommodate changes that occur in other elements of the criminal justice system. In addition, the Division's long range planning efforts have not been successful because of limited data and coordination problems with other agencies. Until such long range planning occurs, realistic projection of bed space needs will be difficult.

Rehabilitation efforts are limited because much of the Division's efforts are aimed at the overcrowding problem. Although a few programs have been added in recent years, they are not extensively used by prisoners.

Administrative procedures are weak because little time is available to properly train administrators and to develop good policy and procedures. The result is poor inventory control, trust fund account errors and errors in prisoner release dates.

### RECOMMENDATIONS

To assure that the State can provide safe, secure, and humane confinement for prisoners, we recommend the Commissioner of Health and Social Services design and implement a long range corrections planning system that considers the impacts of changes in the criminal justice system.

To meet the goal of prisoner reformation, we recommend the Commissioner of Health and Social Services increase the Department's emphasis on prisoner rehabilitation so that more rehabilitation programs will be available and prisoner participation will increase.

To strengthen the administration of the State's prison system, we recommend the Commissioner of Health and Social Services require the Division complete and issue their policy and procedures manual, and assure that administrative personnel are adequately trained.

#### DEPARTMENT COMMENTS

In responding to a draft of this report, the Commissioner agreed that better Statewide planning would improve the effectiveness of the State's correctional system. However, the Commissioner did not address the report's recommendations.

The Commissioner also responded with additional information and states that this new data is more complete and accurate than some of the data in our report. Since most of the information presented in the report was also obtained from the Department of Health and Social Services, and the conclusions and recommendations remain the same regardless of which Department data the reader chooses, no constructive purpose would be served by rebutting the Commissioner's response on a line-by-line basis. However, the reader should consider the following clarifications.

#### Purpose and Scope of Review

On pages 1, 9 and 10 of the response, the Commissioner makes numerous statements indicating that a comprehensive review of the correctional system should include some additional review subjects. We agree that a comprehensive review of corrections would include additional areas, but as shown on page 2 of the report, our purpose and scope are limited to certain management issues.

However, during our review we did find problems in some of the areas mentioned by the Commissioner. Since these matters were outside the scope of our review, we did not include them in our report but did discuss them with Department officials, and corrective actions were taken in some cases. For example, we found management and records problems at the Probation and Parole offices we visited, and informally reported these problems to Department officials.

#### Planning and Overcrowding

On pages 1-3 of the response, the Commissioner agrees that planning among criminal justice agencies has been deficient, and points out that the Department has repeatedly attempted to obtain funding for construction of new bed space. We found however, that because the current overcrowding situation is merely a symptom of the deficient planning system, constructing new bed space addresses only the symptom and not the real cause of the problem, which is poor planning. Until adequate planning is accomplished, realistic projections of bed space needs will be difficult. For example, as the Commissioner's response points out on page 3 item d(5); a recent Alaska Judicial Council report shows that one important factor affecting current overcrowding was that courts handed out very long sentences in the mid-seventies. But, the Judicial Council's report further concludes that the prison population fluctuations have largely stabilized and that continuation of the new criminal code will not result in continued prison populations increases. These factors, together with the Department's substantial expansion program and plan to increase the use of alternatives to incarceration, could mean the Department is overbuilding.

Planning problems are compounded by the lack of reliable data. During our review, we often found that only limited data was available from the Department or Department records. For example, determining the actual number of bed spaces available at correctional facilities is difficult. The Division's Research Analyst told us that he also has difficulty obtaining accurate bed space data as the data varies depending on the source within the Division.

On page 4 item (h) the Commissioner states that the Department of Health and Social Services assumes that the Criminal Justice Planning Agency has "the responsibility for overall planning in the Criminal Justice field." The agency's Executive Director agreed that his agency has theoretical responsibility, but said the agency has not had a planner for over a year and never did have the capability to do much more than compile data for the annual report on Crime in Alaska, without contracting for outside services. The Executive Director said his agency did in the past provide funds to the Division of Adult Corrections so they could meet their planning needs.

#### Efforts to Reform Prisoners

On page 6 of the Commissioner's response, the Commissioner provides updated figures for prisoner participation in rehabilitation programs at Fairbanks and Eagle River. Because Department officials could not provide us with documentation supporting these updated figures, we contacted Fairbanks prison officials. We were told that the updated figures were "ballpark figures" because complete records on these programs are not maintained. The information provided by the Commissioner on Eagle River is also an estimate.

In addition, on page 6 of the response, the Commissioner states that unclassified and unsentenced prisoners should not be included in determining prisoner participation in rehabilitation programs because these prisoners are not eligible for the programs. However, the updated data provided by the Commissioner for the Fairbanks Correctional Center includes unclassified and unsentenced prisoners.

# MEMORANDUM

# State of Alaska

- 2 -

TO: John O'Meara  
Director  
Division of Internal Audit  
Office of the Governor  
*A.D. Beirne*  
Helen D. Beirne  
FROM: Commissioner  
Department of Health & Social  
Services

DATE: April 14, 1982

FILE NO:

TELEPHONE NO: 465-3030

Draft Audit Report

SUBJECT: March 1982

This memorandum is in response to your draft report entitled: "Better State-wide Planning Would Improve the Effectiveness of the State's Correctional System."

The Department concurs with the central conclusion of the report which is reflected by its title. At the same time, however, we must point out that the report is factually inaccurate with respect to several important issues. Moreover, its conclusions with respect to prison overcrowding are simplistic and thus misleading; it deals with the matter of rehabilitation in such a manner as to reflect very little understanding of that concept; it lacks any significant comment on probation and community base corrections, phases of the correctional system which have responsibility for the largest number of offenders; it lacks any mention of the Division of Adult Corrections' and the State's most significant deficiency in planning, corrections for rural Alaska; and it makes no mention of the serious problem of Correction's lack of an adequate prisoner work program. Finally, the audit report inexplicably ignores several measurable considerations which are generally viewed as essential to any comprehensive evaluation of a correctional system.

- 1.(a) The section of the report entitled: "Need For More Comprehensive Planning of the State's Criminal Justice System" (page 3) begins by declaring "Overcrowding exists because neither the Division of Adult Corrections nor any other State agency has adequately planned for the impacts of changes that occur in the State's Criminal Justice system."

While it is clear that planning and coordination of planning among criminal justice agencies has been deficient, the statement made in the report as to the causes of prison overcrowding is simplistic and therefore misleading. In point of fact, had the recommendations and budget requests made by the Division of Adult Corrections over the past five years been accepted, there would be no prison bed space shortage in the State today. Requests made by the Division and DHSS for 330 additional beds in both FY'77 and FY'78

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(80 at Eagle River, 250 in Anchorage) were not funded. Copies of appropriate pages from the capital budget requests, the Division's research section projections and the Gruzen and Partners report issued in January 1978 - are attached. They show that the existing bed shortfall was anticipated. In 1979, the Division modified its request, deferring its recommendation for a maximum security prison, choosing instead to request major bed space expansion at three existing institutions. By way of this approach, together with expansion and greater utilization of the Palmer camp and by the significant increase in the number of half-way house placements, the Division anticipated an increase of about 235 beds. In addition, 180 new beds were anticipated with completion of the Pre-Trial facility in Anchorage, buying time for a decision on the need for a new 200-300 bed maximum security prison. Requests for the additional bed space were submitted to the Budget Review Committee in the fall of 1979. The requests were approved by the BRC, but general obligation bond proposals rather than appropriations. Anticipating the need for a significant increase in bed space as soon as possible, a memorandum was sent to the Governor's office on January 10, 1980, urging that the legislature be asked to fund the bed space expansion program through appropriations rather than bonds. The decision was to stay with the bond approach. The bond proposal passed. There were, to be sure, advantages to the G.O. bond approach, but the fact remains that it resulted in a five month delay in the current capital construction program.

It might be inferred from the auditors report that little has been done toward providing needed prison bed space. The Department worked very hard for passage of the prison construction bond proposals of 1978 and 1980. As a result of their passage, together with direct appropriations for the Palmer Addition and the new women's facility, 346 new beds for adult offenders will have been added to the system by the end of this year; 160 more by the end of 1983. This does not include the new Ketchikan jail, as it was built for immediate replacement of the old jail.

Meadow Creek Women's Facility*	Completed Sept. 1981	30 beds
Palmer Medium Custody Addition	Now completed	100 beds
Hiland Mountain expansion	July 1982	80 beds
Pre-Trial Facility Anch. (1st phase)	Dec. 1982	136 beds
Pre-Trial Facility Anch. (2nd phase)	May 1983	44 beds
Juneau Correctional Center Expansion	Dec. 1983	56 beds
Fairbanks Correctional Center Expansion	Dec. 1983	60 beds
		<u>506 beds</u>

\*Ridgeview will continue in use as a misdemeanor detention center until completion of the Anchorage Pre-Trial facility.

- (b) On page 4, paragraph 2, the report states that the Division's current estimate of population by January is 1600, but that building plans will provide only 1219 total beds. Not taken into account is the projection of 157 in half-way houses, 125 offenders suitable for out-of-state placements and 100 beds to be added if needed to the requested 300 bed long-term facility.
- (c) In their comments about overcrowding, the auditors made no reference to the fact that all but a handful of states in the United States are experiencing prisoner overcrowding. It should be obvious that phenomena common to all the states is having a part in causing overcrowding in Alaska's prisons.
- (d) With respect to overcrowding in Alaska we would suggest the following factors, only one of which was touched on by the audit report:
- (1) The State's tedious, time-consuming and bureaucratic procedure for construction of facilities.
  - (2) Repeated underestimates of costs resulting in the need to seek additional funding and thus delays in design and construction.
  - (3) Protracted difficulties in funding sites for correctional facilities.
  - (4) The passage of laws without adequate consideration of prison bed space impact.
  - (5) Inclination on the part of sentencing courts during the mid-seventies to hand out very long sentences. This is an important factor which was not recognized until completion of a recent computer model analytical study of sentencing patterns, done by the Judicial Council.
  - (6) The increasingly serious problem of alcohol abuse in Alaska.
- (e) Also on page 3, paragraph 1, the audit report makes incorrect statements regarding the Corrections Master Plan. It should be made clear that the basic assessment and planning document for the Master Plan was developed by Moyer & Associates of Chicago, not by the Division of Adult Corrections. The document enunciates philosophy and goals for Corrections in Alaska. The Division of Adult Corrections and DHSS fully concur with the philosophy and goals as spelled out on page 14 of Alaska Corrections Master Plan. The planning document, including the philosophy and goals were approved by a Master Plan Advisory Committee which consisted of the Attorney General, the Commissioners of Public Safety and Health and Social Services and the Chairman of the House and Senate Finance Committees. The Division of Corrections and the Director of Criminal Justice Planning were ex-officio members. The document was also approved by the Governor's Commission on the Administration of Justice. The Division of Adult Corrections has adhered to the philosophy and goals of the Master Plan. The Master Plan document lists approximately seventy recommended actions, with

implementation schedules ranging from immediate to twenty years. Many of the actions have been completed; others are on schedule; the great majority have been addressed. Appropriate modifications have been made. The audit report is mistaken in stating that the Master Plan has been abandoned.

- (f) With respect to population projections, the audit report is correct in stating that Master Plan projections were inaccurate. Furthermore, in up-dating the Master Plan in its Status Report On Master Planning, May 1980, the Division underprojected long-term bed space needs, but nonetheless moved ahead with the capital expansion program that is now in process. Alaska's experience with respect to prison overcrowding has been similar to that in criminal justice jurisdictions throughout the United States. It should be recognized that prison overcrowding is of near epidemic proportions throughout the United States.

It would have been accurate for the audit report to have stated that prison overcrowding in Alaska is a result of a number of factors, some of them not fully known. One of those factors was clearly the Division of Corrections' inaccurate projections, but of no less significance was the inadequate response to recommendations and requests of the Division of Adult Corrections together with an absence of planning and coordination for Criminal Justice as a whole within the State.

It would also have been accurate for the report to have stated that preoccupation with overcrowding prevented the Division from making better progress in implementation of the Master Plan.

- (g) On page 7, paragraph 3, the audit report states "...in 1981 costs the 3,925 months of incarceration represents an additional 7.7 million dollars..."
- It should be pointed out that the 3,925 months of incarceration covers a six year period. While it is true that presumptive sentencing does appear to be increasing the length of time that an inmate will stay in the Alaska system, this was not the case prior to January 1980, the presumptive sentencing provisions which went into effect January 1980, should not be expected to have impact until eighteen months after that date or about July 1981.
- (h) On page 7, paragraph 5, the audit report states "...although no one agency is responsible for coordination of Criminal Justice Planning, some planning is being done by organizations that are involved in Criminal Justice..."
- It has been the assumption of this Department that the Criminal Justice Planning Agency, until recently an agency of the Governor's office, had the responsibility for overall planning in the Criminal Justice field.
- (i) On page 9, paragraph 2, the audit report states "...because the current number of prisoners is already near the year 2000 estimate,



the Division abandoned the Master Plan as their basis for project-  
int future bed space. The Division has not developed an alternate  
planning system to replace the Master Plan..."

First of all we will continue to adhere to the philosophy and goals  
enunciated in the Moyer Plan and utilize the planning document  
prepared by Moyer & Associates as a primary reference. Further-  
more, we are committed to the principles set forth in Update on  
Master Planning prepared by the Division in May 1980 for presenta-  
tion to the Master Plan Advisory Committee. Obviously we have long  
since discontinued reliance on initial Master Plan prisoner popula-  
tion projections.

In August 1981 past Director Campbell placed Superintendent Bill  
Huston on special assignment in the Central Office and asked him to  
develop inmate profile information for capital planning purposes.  
With the assistance of staff, Mr. Huston developed a comprehensive  
profile. The initial data was collected in August 1981 and updated  
in March. In the fall the Division contracted with a computer  
model consultant to get the Master Plan data base updated. At  
present efforts are now going forward to merge the Master Plan data  
base and inmate profile information into OBSCIS (Offender Based  
Statewide Information System). The information developed beginning  
last fall, including revised prisoner population projections, were  
utilized in preparation of the Executive Budget in Book 2 - Capital  
Budget and Six Year Capital Program (see the attached pages 141 -  
150 under Administration of Justice). There is also a summary of  
the Six Year Capital Program pertaining to Corrections and reflect-  
ing projected prisoner populations and bed capacities on pages 250  
and 251 of the Governor's Policy Budget (copies attached).  
A system will soon be in place which should significantly  
strengthen the Division of Adult Corrections' planning capability  
so far as statistical information is concerned.

2.(a) The most seriously erroneous section of the auditor's report begins  
on page 12. It is entitled: "Need to Improve Efforts to Reform  
Prisoners." This section contains misleading comments as well as a  
seriously inaccurate table purporting to show the level of inmate  
participation in "rehabilitation programs."

The first paragraph of this section is also misleading and  
inaccurate.

"Historically rehabilitation has not been a priority with  
the Division of Adult Corrections...although some programs  
have been initiated in recent years, rehabilitation con-  
tinues to be de-emphasized because of the overcrowding  
crisis."

The facts with regard to this matter are: (1) That despite limited  
resources, helping programs at present and during past years have  
been given high priority; (2) Some of the Division's most imagina-  
tive programs were initiated more than six years ago, during  
Charlie Adams' tenure (New Start, Eagle River phase program, half-  
way houses); (3) There has been during the past two years, with the  
provision of additional funding in FY'81, a major increase in the

number of helping programs, both community based and institutional;  
(4) A Deputy Director's position was abolished and a position  
established for an Assistant Director for Correctional Programs,  
hardly a move which would have been made had the Division been  
"de-emphasizing" rehabilitation; (5) At three Master Plan Implemen-  
tation meetings conducted during 1979 and 1980, the stress was on  
the development and improvement of helping programs, a theme which  
was stressed by the immediate past Director of Adult Corrections  
throughout his tenure; (6) Development and improvement of helping  
programs is a major principle of the Corrections' Master Plan  
which, contrary to statements made in the audit report, has not  
been abandoned.

(b) The audit report states at the bottom of page 12, "...only a small  
percentage of prisoners are actually involved in the Division's  
current programs as shown in the following table." The table is on  
page 13 of the report.

It appears that the auditors made their count of prisoner parti-  
cipation in programs between semesters at two of the institutions  
last August. This would account in part, for the inaccuracy of the  
table. The fact is, that the level of inmate participation in  
helping programs in Alaska's prisons is exceptionally high.

The following factor apparently was not taken into consideration  
by the auditors. Taking into account prisoners housed out-of-  
state, prisoners in pre-classification status, prisoners in  
segregation or in the hospital and unsentenced prisoners, the  
number of classified prisoners available for participation in  
ongoing helping programs is about 500. An accurate count will  
reveal that almost that entire number are involved in one or more  
programs.

We will provide here, as a representative example of inmate  
program participation in Alaskan correctional centers the figures  
for SCC/Fairbanks during March 1982.

College Courses	30
Pre-College (not including GED) -	20
Vocational Training, -	14
Alcohol & Drug Education	22
Alcohol & Drug Counseling -	15
Hobby Craft -	25
Library Outreach -	80
GED -	22
Sex Offender Counseling	22

This participation is out of a sentenced population of about 90  
inmates. In the table, Fairbanks was reported to have no inmates  
in academic programs. Eagle River, remarkably enough, was also  
reported to have no inmates in academic programs. The accurate  
count there is about 50 in such programs.

Incidentally, the Division does not make a count of inmates  
involved in the various religious programs, but such participa-  
tion is an important aspect of the reform effort.



- (c) Although the Division has had to contend with a serious overcrowding problem, rehabilitative efforts have not been de-emphasized. Over the past two and a half years the following has occurred.
- (1) Sex Offender Counseling Programs have been established at Lemon Creek and recently expanded to Fairbanks.
  - (2) A Chaplaincy Coordinator has been engaged under contract resulting in an expansion of religious programs and greater number of volunteers.
  - (3) Alcoholism and Drug Abuse Counselor/Coordinators have been hired for Lemon Creek, Fairbanks and the in-town Anchorage institutions.
  - (4) A grant has been obtained providing for ongoing Alcohol and Drug Abuse counseling and education for the inmates at Hiland Mountain and Meadow Creek.
  - (5) The University Within Walls program was established which provides one of the most extensive academic programs for prisoners in the country.
  - (6) Vocational training in cooking and in computer programming has been established at Eagle River, Lemon Creek and Fairbanks.
  - (7) The New Start (storefront counseling centers) program has been expanded to Fairbanks and Juneau.
  - (8) In addition to the Glenwood Center in Anchorage which now houses about 45 offenders, a half-way house has been opened in Fairbanks and approximately twenty-five more half-way house beds have been contracted for elsewhere in the State.
  - (9) The staff training program has undergone a major overhaul with significantly greater emphasis being placed on counseling and human relations skills.
  - (10) An exemplary program for women offenders, based on the concept of shared resources, has been developed at the new Meadow Creek Correctional Center.

- (d) On page 13, the audit report offers "...additional examples of the lack of effective rehabilitation efforts." Of the four examples provided, two are thoroughly misleading; a fourth in no way reflects a "lack of rehabilitative effort."

The report states that only 11% of the prisoner population was participating in Alcoholism Counseling. This 11% (assuming that it is an accurate number) translates into about 25% of the number of in-state sentenced and classified prisoners and thus is an impressive level of participation. Furthermore, the auditors failed to

note the fact that the majority of offenders in half-way house placements are involved in an alcohol or drug abuse counseling.

As a further example of "...the lack of rehabilitative effort" the report states "Division Consultants reported in 1979 that 'furloughs' of any kind were rare and Personnel were reluctant to recommend them..the same feeling extended to work release..."

We do not believe that comments made in 1979, based on observations made by outside consultants in 1978, can be relied on to throw light on the situation in Alaska in 1981 and 1982. The fact is that over the past two and a half years the use of furloughs has been substantially increased. Work release placements have quadrupled.

- (e) On page 14, the report makes comments concerning recidivism which need to be clarified. The American Correctional Association did not, as reported by the auditors, make a "study" of recidivism. They conducted an informal survey of thirty-one recidivism studies conducted in various states over the past six or eight years. There was no consistency between the studies in definition of recidivism, time-frame or methodology. The Alaskan figures which were reported are more than five years old. In referring to the ACA data, the audit report fails to mention the ACA's highly significant disqualifier. "This information should not be considered authoritative and is provided as a first step to narrow the definition (of recidivism) in order to make useful comparisons in the future." It should be further pointed out that the proportion of an inmate population which consists of persons previously confined does not provide a reliable indicator as to recidivism, especially in a jurisdiction which deals with large numbers of misdemeanants and pre-trial detainees. The audit report's comments regarding recidivism are irrelevant to the question of the Division's present or recent rehabilitative efforts.

- 3.(a) With respect to the section on page 15, entitled: "Administrative Procedures Need Improvement", the observations made in the audit report are generally correct. The report, however, refers to the lack of an up-dated policy and procedural manual. It should be made clear that the reference is to an administrative policy and procedure manual. The Division of Adult Corrections has two fully up-to-date policy and procedures manuals, one for institutional operations and the other for probation and community based programs. But the Department concurs that every effort must be made in the Department and by the Division of Adult Corrections to get an administrative policy and procedures manual written.

- (b) Secondly, the report points out that a significant reason for administrative difficulties in the institutions is the use of correctional officers for administrative work. This is correct. The Division has repeatedly asked for Administrative Officer I positions for its major institutions in its budget request over recent years, but such requests have never been approved. We will give consideration to converting correctional officer

positions and establishing positions for qualified Administrative Officers, but it should be understood that correctional officer complement need to be strengthened if we are to continue to have a safe, humane and orderly correctional system.

- (c) The audit report also points out the Division's problem with respect to errors in the calculation of prisoner good time. The Division is in process of strengthening its classification staff in order that this problem can be more adequately addressed. Again, additional institutional Probation Officer positions have been requested but not approved. Institutional Probation Officers are responsible for sentence computation. The wide range of responsibilities which fall to them, and the volume of work which they must contend with, contributes to inaccuracies in good time computation.
4. The view of this Department is that the audit recently conducted by the Division of Internal Audit of the Office of the Governor, is seriously deficient. In addition to the inaccuracies, irrelevancies and misleading statements pointed out above, we would ask why the audit team failed to address several important considerations?
- (1) Virtually nothing was said about probation or community based programs. The great majority of the offenders for whom the Division of Adult Corrections has responsibility are handled by these programs.
  - (2) In its observations about planning, the auditors appear to have become preoccupied with the Division's deficiencies with respect to statistical projections, but failed to make observations about the broader aspects of planning. The lack of progress in planning for Corrections in rural Alaska, for example, is of major concern to this Department. Any report by the Governor's audit unit should contain information on this matter, inasmuch as coordination of the State's criminal justice agencies is needed.
  - (3) Although apparently having considerable concern about the Division of Adult Corrections' failure with respect to the constitutional requirement concerning "reformation of the offender", the auditors failed to note Corrections' most serious problem in this regard, the lack of an adequate work program. The auditors also gave no evidence of understanding that the overall atmosphere, a sense of order and purpose and good communications between staff and inmates in institutions, are factors which are more important than specific rehabilitation programs, nor that the maintenance of good programs contributes to, rather than detracts from, the security of a correctional institution.

- (4) A surprising omission in the report is the lack of incidents of escape, the incidents of assault within the institutions, the number of major and minor disciplinary reports, the number of grievances and appeals.

**END**