

Alaska provides compassionate release to eligible incarcerated individuals with serious medical conditions through **Special Medical Parole**<sup>1</sup> and to those who are age 60 and older through **Geriatric Parole/Discretionary Parole Based on Age**.<sup>2</sup>

## **SPECIAL MEDICAL PAROLE**

### **I. ELIGIBILITY**

**Medical Condition** – An incarcerated person may be considered for Special Medical Parole when a licensed physician has certified in writing that the individual has a severe medical or cognitive disability.<sup>3</sup> The disability must:

- Not have been present at the time the individual committed the offense or, if present then, it has now progressed to the point where it is unlikely the individual could commit the same or a similar offense;<sup>4</sup>
- Be likely to last the entire period of Medical Parole or cause death and is not expected to noticeably improve;<sup>5</sup>
- Cause incapacitation to the extent that incarceration does not impose significant additional restrictions;<sup>6</sup> and
- Require care and supervision that can be provided in a more medically appropriate or cost-effective manner outside of the prison.<sup>7</sup>

**Additional Eligibility Factors** – In addition to meeting the medical eligibility criteria, there must be a reasonable probability that (1) the incarcerated person will not violate any laws or release conditions; (2) because of the condition, the individual poses no threat of harm to the public if released; and (3) release would not diminish the seriousness of the crime.<sup>8</sup>

**Exclusions** – An individual serving a sentence for sexual assault or sexual abuse is not eligible for Special Medical Parole.<sup>9</sup>

### **II. APPLICATION/REFERRAL**

**Application** – Incarcerated individuals can apply for Special Medical Parole, or an attorney or the Department of Corrections (Department) Commissioner can apply on their behalf.<sup>10</sup>

### **III. DOCUMENTATION AND ASSESSMENT**

Along with the application, the Department must provide the Alaska Board of Parole (Board) with the following documents at least one week<sup>11</sup> before the week of a

Special Medical Parole hearing:

- A report of the individual’s recent institutional status;<sup>12</sup>
- Documentation of the medical condition, including all medical records;<sup>13</sup>
- A plan that addresses medical treatment and care coordination, housing, and eligibility for public benefits after release;<sup>14</sup>
- A copy of the court judgment and order of commitment for the current offense for which the individual is incarcerated;<sup>15</sup>
- The presentence investigation report;<sup>16</sup>
- The “time accounting” record;<sup>17</sup> and
- At the Board’s request, any additional information that the Board considers relevant to determining the individual’s eligibility for Special Medical Parole.<sup>18</sup>

The Board can also ask the Department to prepare a “parole progress report.”<sup>19</sup> Note that the administrative code says that the burden of providing information in support of a Special Medical Parole application rests solely with the applicant.<sup>20</sup> It is unclear from the regulations whether there is an assigned Department employee who will help an individual apply if the person has difficulty completing the paperwork due to a serious medical condition or terminal illness.

The Department must (1) give a copy of all required documents to the incarcerated individual and, if appropriate, a representative and (2) provide access to other records that the Board considers in making its decision “except those made confidential by law.”<sup>21</sup>

#### **IV. DECISION-MAKING PROCESS**

**Decision-Maker** – The Alaska Board of Parole makes the final decision to grant Special Medical Parole.<sup>22</sup>

**Hearings** – The Board conducts Special Medical Parole hearings at the facility where the individual is incarcerated on the date of its next regularly scheduled hearing or on another date it sets.<sup>23</sup> Note that upon written request from the incarcerated person or the Commissioner, the Board can conduct an emergency Special Medical Parole hearing at any time it chooses.<sup>24</sup>

- **Victim Notification** – If the victim of a crime committed by the incarcerated individual requests notice of a scheduled Special Medical Parole hearing, the Board must notify the victim at least 30 days before

the hearing<sup>25</sup> and include the following information: (1) the Board’s “Victim Letter-Right to Appear”; (2) the incarcerated person’s expected date of release and the expected geographic area of release; (3) information related to the individual’s incarceration, such as disciplinary actions, programming, and work assignments; and (4) a copy of the individual’s parole plan.<sup>26</sup>

- If the Board grants a request to conduct an emergency Special Medical Parole hearing, the Department must attempt by phone to immediately notify the victim of the impending hearing.<sup>27</sup>
- Interview – At the hearing, the Board may interview the incarcerated individual in person, by telephone, by videoconferencing or teleconferencing, or by any combination of those formats.<sup>28</sup> An individual may also submit written comments to the Board.<sup>29</sup>
- Representation – When the medical condition makes it impossible for the incarcerated person to participate in the scheduled hearing, a Board-approved attorney or representative may participate in the hearing.<sup>30</sup> However, the individual is responsible for obtaining the attorney or representative; the Board, Department, or correctional facility staff are not responsible for arranging or paying for representation.<sup>31</sup>
- Victim Input – The victim has a right to attend public meetings in which the Board officially considers the incarcerated individual’s status and to comment, in writing or in person, on the impact of the crime, the individual’s suitability for Special Medical Parole, and the proposed Special Medical Parole conditions. Copies of the victim’s comments must be provided to the incarcerated individual and the attorney or representative if there is one,<sup>32</sup> and the Board must consider the comments in making its release decisions.<sup>33</sup>
- Confidentiality – The Board’s deliberations of whether to grant or deny Special Medical Parole requests are confidential, and only the Board members and staff may be present. In addition, individual members’ votes and the hearing decision “vote sheets” are confidential and not disclosed.<sup>34</sup>

**Release Criteria** – To grant Special Medical Parole, the Board must find that an incarcerated individual has a certified qualifying medical condition, is not excluded because of the nature of the offense, and that *all* of the following are true:

- There is a “reasonable probability” that the individual will not violate any laws or Board conditions,<sup>35</sup>
- Because of the medical condition, the individual poses no threat of harm to

the public upon release;<sup>36</sup>

- The individual's release does not diminish the seriousness of the crime;<sup>37</sup>
- The qualifying medical condition was not present at the time of the offense, or if it was present, it has progressed such that the individual is unlikely to commit the same or a similar crime;<sup>38</sup>
- The care and supervision required can be provided in a more medically appropriate or cost-effective manner than by the Department;<sup>39</sup>
- The individual is incapacitated to an extent that incarceration does not impose significant additional restrictions;<sup>40</sup>
- The individual is likely to remain subject to the severe medical or cognitive disability throughout the entire period of parole or to die, and there is no reasonable expectation that the condition will noticeably improve;<sup>41</sup> and
- An appropriate discharge plan has been formulated.<sup>42</sup>

**Decision** – The Board will decide to do one of the following: (1) release the incarcerated person on Special Medical Parole; (2) continue the individual's case for review at a later Board hearing; (3) deny the application for Special Medical Parole and require the individual to serve the remainder of the sentence without further review; or (4) defer action on the application to allow the Board or Department to obtain additional information or to give the individual more time to gather and present additional information.<sup>43</sup>

The Board's decision to grant or deny Special Medical Parole must be in writing, and it must provide the reasons for the decision.<sup>44</sup> The incarcerated person will receive a copy of the decision.<sup>45</sup> Note that individuals who are granted Special Medical Parole will not be released if they refuse to sign "the order of parole." However, for those who are unable to sign due to medical incapacity, the Board can provide written authorization for the release.<sup>46</sup>

- **Victim Notification of Decision** – State law says that when a victim has asked for notification, the Board must provide "as soon as practicable" the decision to grant or deny Special Medical Parole.<sup>47</sup>
  - Note that Department policy provides a more specific time frame, stating that the Board must notify a victim of its decision by certified mail, electronic mail, or telephone no later than five working days after the hearing.<sup>48</sup>
  - The Board's notification must include the incarcerated person's expected date of release, the geographic area of the proposed

residence, and other pertinent information concerning the Special Medical Parole conditions that could affect the victim.<sup>49</sup> If the Board held an emergency Special Medical Parole hearing, state law says the Department must notify the victim of the Board's decision no more than 10 working days after the hearing.<sup>50</sup>

### Conditions and Prerelease Planning

- Discharge Plan – As referenced above, the incarcerated person must have an approved discharge/release plan prior to the hearing.
- General Parole Conditions – There is a long list of statutory conditions for all individuals released on parole, including Special Medical Parole.<sup>51</sup>
  - The general conditions include only one specifically related to Special Medical Parole, saying that individuals diagnosed with communicable diseases must comply with conditions the Board sets that are designed to prevent disease transmission.<sup>52</sup>
  - Note that many of the general conditions do not seem to be applicable to someone with a serious or terminal medical condition, such as the one requiring individuals to make “diligent efforts” to maintain steady employment.<sup>53</sup>

## V. POST-DECISION

### Denials and Appeal Rights

- Reconsiderations – An incarcerated individual may ask the Board to reconsider its decision within 30 days of the date of the notice denying Special Medical Parole.<sup>54</sup> The Board will reconsider decisions for one or more of the following reasons:
  - The decision was not supported by reasons or facts, and “clarification or correction” would, in the Board's opinion, likely result in a different decision;
  - The Board based the decision on incorrect information and the correction would, in the Board's opinion, likely lead to a different decision;
  - The Board did not follow its prescribed procedures in making the decision and following those would, in the Board's opinion, likely lead to a different decision; or
  - Through no fault of the incarcerated person, “significant

information” was unavailable at the time of the hearing that would, in the Board’s opinion, likely lead to a different decision.<sup>55</sup>

A Board quorum, defined as at least three members of the Board,<sup>56</sup> considers reconsideration requests. Individuals are not interviewed, and the Board quorum makes its reconsideration decisions on the available case file materials. The Board must rule within 60 days after receiving a reconsideration request, and, when granted, it will conduct a new hearing.<sup>57</sup>

- Special Reviews – Incarcerated individuals can apply for special review of a Board decision through an institutional parole officer (IPO) or the designated Department official.<sup>58</sup> The Board can grant such a review if it continued the case or denied Special Medical Parole for one or more of the following reasons:
  - “Vital information or substantial mitigating circumstances” arose after the original decision;
  - Information was unavailable at the time of the original hearing and awareness of that information would, in the Board’s opinion, likely lead to a different decision; or
  - A significant change in the individual’s medical condition occurred since the Board considered the original application for Special Medical Parole.<sup>59</sup>

**Rescission of the Board’s Decision** – At any time after granting an individual’s Special Medical Parole request, the Board may hold a hearing and rescind its decision if there has been a change in circumstances or new information has been discovered.<sup>60</sup> If the Board rescinds or revises a release date, it must provide the decision in writing with the reasons for doing so.<sup>61</sup>

**Revocation/Termination** – The standard parole revocation guidelines apply to Special Medical Parole violations and revocation proceedings.<sup>62</sup>

## **VI. REPORTING/STATISTICS**

The Department is directed to report the number of individuals released on Special Medical Parole, Discretionary Parole, and Administrative Parole on the first month of each quarter to the Alaska Criminal Justice Commission’s Justice Reinvestment Working Group.<sup>63</sup> These reports are not publicly available.

- In response to a request for information from FAMM, the Department stated that there were no hearings for Special Medical Parole in 2019 or 2020.<sup>64</sup>

# GERIATRIC PAROLE/DISCRETIONARY PAROLE BASED ON AGE

## I. ELIGIBILITY

**Age** – The Alaska Board of Parole (Board) can grant Geriatric Parole, also referred to as Discretionary Parole Based on Age, for incarcerated individuals who (1) are age 60 or older and (2) have served at least 10 years of their sentence.<sup>65</sup>

**Exclusions** – Individuals serving sentences for “unclassified” felonies or sexual felonies are not eligible for Geriatric Parole.<sup>66</sup>

## II. APPLICATION/REFERRAL

There are currently no separate Geriatric Parole rules, and the general rules applicable to all forms of Discretionary Parole appear to apply.<sup>67</sup> Under those provisions, if an incarcerated individual asks for a parole application, the Department of Corrections (Department) must provide one.<sup>68</sup> The individual must fill out the application and turn it in to the appropriate parole officer at least seven weeks before the week of the scheduled Board hearing.<sup>69</sup>

- The Geriatric/Discretionary Parole statute does not require the Department to proactively identify incarcerated individuals who are age 60 and older who may be eligible.

## III. DOCUMENTATION AND ASSESSMENT

**Parole Progress Report: Department** – Under the general Discretionary Parole rules, the Department must complete parole progress reports for the Board to review along with any applications.<sup>70</sup> The Department must submit those reports to the Board at least two weeks before the week of scheduled parole hearings<sup>71</sup> and include comments from the incarcerated individuals, the sentencing courts, the victims (if they have requested notification), and the appropriate prosecutors and defense attorneys.<sup>72</sup>

- Upon written request, the Department will provide copies of parole progress reports to the incarcerated individuals’ attorneys, prosecuting attorneys, sentencing judges, and Board attorneys.<sup>73</sup>

**Parole Plan: Incarcerated Individual** – Each incarcerated person must provide Department staff with written documentation of a parole or “re-entry” plan, including verification of a treatment plan, housing, and letters of reference related to

the plan.<sup>74</sup> Note that state regulations specifically state that individuals who are paroled are responsible for all housing, transportation, treatment, medical expenses, and other costs.<sup>75</sup>

- The Institutional Probation Officers are directed to help individuals who apply for Discretionary Parole by contacting state agencies and other organizations that can help meet their post-release needs and develop parole plans.<sup>76</sup> The Department also provides some assistance with reentry planning.<sup>77</sup>

#### **IV. DECISION-MAKING PROCESS**

**Decision-Maker** – The Alaska Board of Parole makes the final decision to grant Geriatric Parole/Discretionary Parole Based on Age.

**Hearing** – All Geriatric Parole hearings are non-adversarial hearings<sup>78</sup> and are closed to the public. The general parole hearing rules apply, including those concerning witness guidelines and victim input.<sup>79</sup>

- **Victim Notification** – Because the law does not state otherwise, it is assumed that the general Discretionary Parole victim notification requirements apply to Geriatric Parole.<sup>80</sup>
- **Materials Considered** – The incarcerated person must submit a proposed parole plan.<sup>81</sup> In addition, any other “person, group, or agency” may submit written information to the Board for consideration.<sup>82</sup>
- **Interview** – A Board quorum will interview the incarcerated individual<sup>83</sup> in person or by telephone, videoconference, or teleconference.<sup>84</sup>

**Release Criteria** – The Board may only grant release to incarcerated individuals who are age 60 and older if – after considering the likelihood of recidivism given their ages, criminal histories, behavior in prison, participation in treatment, and plans for reentering the community – a “reasonable probability” exists that:

- They will not violate any laws or conditions the Board imposes;
- Parole will further their rehabilitation and reintegration into society;
- They will not pose a threat of harm to the public if released; and
- Release will not diminish the seriousness of the crime.<sup>85</sup>

**Decision** – After conducting the hearing and considering all the relevant materials, the Board will decide to do one of the following: (1) parole the individual to an approved parole plan;<sup>86</sup> (2) continue the case for review at a subsequent Board

hearing;<sup>87</sup> (3) deny the application and require the individual to serve the remainder of the sentence without further review;<sup>88</sup> or (4) defer action.<sup>89</sup> The Board must put in writing its decision to grant or deny Geriatric Parole and provide reasons for the decision.<sup>90</sup>

**Conditions and Pre-Release Planning** – All Discretionary Parole releases, including those for Geriatric Parole, are granted subject to the approved parole plans.<sup>91</sup> Note that except for those people released on Special Medical Parole or other “unusual circumstances,” parole is only granted if individuals are being released to full-time employment, vocational or on-the-job training, an education or residential treatment program, or a verified detainer.<sup>92</sup> There is no publicly available information on whether the Board makes exceptions to those requirements for individuals released on Geriatric Parole.

- The Board will issue an “order for parole” that sets out the conditions and the date parole custody ends, providing this to the individuals who are granted release.<sup>93</sup> Note that there is a long list of additional conditions for all individuals released on Discretionary Parole; given that there are no exceptions listed for those released on Geriatric Parole, those conditions appear to apply.<sup>94</sup>

**Victim Notification of Release** – For individuals released under the Geriatric Parole provisions, the statute simply says that for those victims who request notification, the Board shall make “every reasonable effort” to notify them before an incarcerated individual’s expected release date.<sup>95</sup> The written notice must include the expected date of release, the geographic area in which the individual will reside, and other “pertinent information” concerning any conditions of parole that may affect victims.<sup>96</sup>

## **V. POST-DECISION**

### **Denials and Appeals**

- **Reconsideration** – An individual may ask the Board for reconsideration of a decision to deny Geriatric Parole or to continue the case to a later date. The criteria and process for reconsiderations are identical to those discussed above under Special Medical Parole.<sup>97</sup>
- **Special Review** – An individual may request a special review if the Board denies a Geriatric Parole application or continues the case to a later date. The criteria and process for special reviews are identical to those discussed above under Special Medical Parole.<sup>98</sup>

**Revocation** – Any behavior constituting a parole violation that occurs after an individual has been granted Geriatric Parole may be used as the basis for parole

revocation.<sup>99</sup> Within 15 working days after the arrest and incarceration of a person who violates a parole condition, the Board will hold a preliminary hearing.<sup>100</sup>

## **VI. REPORTING/STATISTICS**

The Department is directed to report the number of individuals released on Geriatric Parole/Discretionary Parole Based on Age on the first month of each quarter to the Alaska Criminal Justice Commission's Justice Reinvestment Working Group.<sup>101</sup> Despite this statutory reporting requirement, there are no publicly available statistics on how many individuals the Board has released on Geriatric Parole.

- In response to a request for information from FMM, the Department stated that in 2019 there were no hearings for Geriatric Parole/Discretionary Parole Based on Age and in 2020, the Board held one hearing but denied the individual's request.<sup>102</sup>

**ALASKA COMPASSIONATE RELEASE**  
**PRIMARY LEGAL SOURCES**

**SPECIAL MEDICAL PAROLE**

**Statute**

Alaska Statutes, § 33.16.085 (2019), available through the Alaska State Legislature, <http://www.legis.state.ak.us/basis/statutes.asp#33.16.085>.

**Regulations**

Alaska Administrative Code, Title 22, §§ 20.600 through 20.660 (2021), available at <http://www.legis.state.ak.us/basis/aac.asp#22.20>.

**Agency Policy**

Alaska Department of Corrections Policies and Procedures, Policy 1000.01 (2018), § III (J), <https://doc.alaska.gov/pnp/pdf/1000.01.pdf>.

**GERIATRIC PAROLE/DISCRETIONARY PAROLE BASED ON AGE**

**Statute**

Alaska Statutes, § 33.16.090 (a) (2) (2019), available through the Alaska State Legislature, <http://www.legis.state.ak.us/basis/statutes.asp#33.15>.

**Agency Policy**

Alaska Department of Corrections Policies and Procedures, Policy 1000.01 (2018), § III (J), <https://doc.alaska.gov/pnp/pdf/1000.01.pdf>.

Alaska Department of Corrections Policies and Procedures, Policy DOC Policy 818.09 (2011), § VII, <https://doc.alaska.gov/pnp/pdf/818.09updt.pdf>.

## NOTES

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\* *Id. means see prior note.*

<sup>1</sup> Alaska Stat. § 33.16.085; Alaska Admin. Code tit. 22, §§ 20.600 through 20.660.

<sup>2</sup> Alaska Stat. § 33.16.090 (a) (2).

<sup>3</sup> Alaska Stat. § 33.16.085 (a) (1).

<sup>4</sup> *Id.* at (a) (3).

<sup>5</sup> *Id.* at (a) (6).

<sup>6</sup> *Id.* at (a) (5).

<sup>7</sup> *Id.* at (a) (4).

<sup>8</sup> *Id.* at (a) (2).

<sup>9</sup> *Id.* at (a) (1), referencing Alaska Stat. §§ 11.41.410 through 11.41.425, and §§ 11.41.434 through 11.41.438.

<sup>10</sup> Alaska Admin. Code tit. 22, § 20.600 (a). The Special Medical Parole application form is not available on the Department or Board websites.

<sup>11</sup> Alaska Admin. Code tit. 22, § 20.605 (b). For emergency Special Medical Parole hearings, the Board will give the Department an expedited time frame for submitting documents. *Id.*

<sup>12</sup> *Id.* at (a) (1).

<sup>13</sup> *Id.* at (a) (2) and (c).

<sup>14</sup> Alaska Stat. § 33.16.085 (a) (7); Alaska Admin. Code tit. 22, § 20.605 (a) (3). Note that release plans are also referred to in some Department documents as “discharge,” “re-entry,” or “parole” plans.

<sup>15</sup> Alaska Admin. Code tit. 22, § 20.605 (a) (4).

<sup>16</sup> *Id.* at (a) (5).

<sup>17</sup> *Id.* at (a) (6).

<sup>18</sup> *Id.* at (a) (7).

<sup>19</sup> *Id.* at (b).

<sup>20</sup> Alaska Admin. Code tit. 22, § 20.610 (g).

<sup>21</sup> Alaska Admin. Code tit. 22, § 20.605 (d).

<sup>22</sup> Alaska Stat. § 33.16.085 (a).

<sup>23</sup> Alaska Admin. Code tit. 22, § 20.610 (e). Note that the hearings are nonadversarial. *Id.* at (a).

<sup>24</sup> Id. at (e).

<sup>25</sup> Alaska Stat. § 33.16.087 (a). Victims who request notice under this section must maintain current mailing addresses on file with the Board. Victims' addresses may not be disclosed to incarcerated individuals or their attorneys. Id. at (b). Note that Department rules state that the Institutional Parole Officer (IPO) must send notification to victims by "45 days (but not less than 30 days) prior to a scheduled hearing." Alaska Department of Corrections Policies and Procedures (DOC Policy) 1000.01, § III (J).

<sup>26</sup> DOC Policy 1000.01, § III (J) (1). Note that the incarcerated individual's proposed address is *not* provided to the victim.

<sup>27</sup> Alaska Admin. Code tit. 22, § 20.615 (a).

<sup>28</sup> Alaska Admin. Code tit. 22, § 20.610 (a).

<sup>29</sup> Id. at (b).

<sup>30</sup> Id. Although this section appears to indicate that people who are not attorneys can represent incarcerated individuals at hearings, another section in the same statute says that only individuals licensed to practice law or who practice "consistent with the limitations in Alaska Stat. §§ 08.08.210 (d) and 18.85.060" may represent individuals at hearings. Id. at (c).

<sup>31</sup> Id. at (c).

<sup>32</sup> Alaska Stat. §§ 33.16.087 (c) and (d); see also Alaska Admin. Code tit. 22, §§ 20.615 (c) through (g) and DOC Policy 1000.01, § III (J).

<sup>33</sup> Alaska Stat. § 33.16.087 (d).

<sup>34</sup> Alaska Admin. Code tit. 22, § 20.610 (f).

<sup>35</sup> Alaska Stat. § 33.16.085 (a) (2) (A).

<sup>36</sup> Id. at (a) (2) (B).

<sup>37</sup> Id. at (a) (2) (C).

<sup>38</sup> Id. at (a) (3) (A) and (a) (3) (B).

<sup>39</sup> Id. at (a) (4).

<sup>40</sup> Id. at (a) (5).

<sup>41</sup> Id. at (a) (6).

<sup>42</sup> Id. at (a) (7).

<sup>43</sup> Alaska Admin. Code tit. 22, §§ 20.625 (a) through (e).

<sup>44</sup> Alaska Stat. § 33.16.085 (c).

<sup>45</sup> Id.

- <sup>46</sup> Alaska Admin. Code tit. 22, §20.620 (d).
- <sup>47</sup> Alaska Stat. § 33.16.087 (e).
- <sup>48</sup> DOC Policy 1000.01, § III (J) (9).
- <sup>49</sup> Alaska Stat. § 33.16.087 (e).
- <sup>50</sup> Alaska Admin. Code tit. 22, § 20.615 (a).
- <sup>51</sup> Alaska Stat. § 33.16.150; Alaska Admin. Code tit. 22, §§ 20.195 through 20.230.
- <sup>52</sup> Alaska Stat. § 33.16.150 (b) (11).
- <sup>53</sup> Id. at (a) (2).
- <sup>54</sup> Alaska Admin. Code tit. 22, § 20.630 (b).
- <sup>55</sup> Id. at (a).
- <sup>56</sup> Alaska Admin. Code tit. 22, § 20.990 (10).
- <sup>57</sup> Alaska Admin. Code tit. 22, § 20.635.
- <sup>58</sup> Alaska Admin. Code tit. 22, § 20.640 (b).
- <sup>59</sup> Id. at (a).
- <sup>60</sup> Alaska Stat. § 33.16.085 (b); Alaska Admin. Code tit. 22, § 20.650.
- <sup>61</sup> Alaska Stat. § 33.16.085 (c).
- <sup>62</sup> Alaska Admin. Code tit. 22, §§ 20.655 through 20.660, referencing Alaska Admin. Code tit.22, §§ 20.350 through 20.515.
- <sup>63</sup> Alaska Stat. § 44.19.645 (g) (5). Note that the Alaska Criminal Justice Commission website states that the Commission had a limited term and was scheduled to end on July 1, 2021. See <https://ajc.alaska.gov/acjc/index.html>.
- <sup>64</sup> Email from Kelcey Wallender, Alaska Department of Corrections, to FAMM (March 16, 2021) (on file with FAMM, Office of the General Counsel).
- <sup>65</sup> Alaska Sta. § 33.16.090 (a) (2). Note that the Discretionary Parole statute does not use the term “Geriatric Parole.” However, because the majority of references in Alaska’s state government documents are to “Geriatric Parole” rather than “Discretionary Parole Based on Age,” this memo primarily uses “Geriatric Parole.”
- <sup>66</sup> Id. “Unclassified” felonies are the most serious crimes, including murder and sexual assault. See Alaska Stat. § 11-41. Sexual felonies are defined an Alaska Stat. § 12.55.185 and include sexual assault in the first degree, sex trafficking in the first degree, and possession of child pornography.
- <sup>67</sup> See Alaska Stat. §§ 33.16.090 through 33.16.100 for general Discretionary Parole provisions.

<sup>68</sup> The relevant Department of Corrections policy references a specific parole application form (Form 818.09D), but the form does not appear to be available online. See DOC Policy 818.09, § VII (D) (1).

<sup>69</sup> Alaska Admin. Code tit. 22, § 20.150 (b).

<sup>70</sup> Alaska Admin. Code tit. 22, §§ 20.110 and 20.115. Note the statute calls these reports “pre-parole reports.” They appear to be the same thing. See Alaska Stat. § 33.16.110.

<sup>71</sup> Alaska Admin. Code tit. 22, § 20.115.

<sup>72</sup> Alaska Admin. Code tit. 22, § 20.120. When requesting comments from the sentencing court, the Department must provide the court with a summary of the incarcerated individual’s institutional conduct and of any significant mental or physical examinations since the sentencing. Id.

<sup>73</sup> Alaska Admin. Code tit. 22, § 20.125 (b).

<sup>74</sup> Alaska Admin. Code tit. 22, § 20.150 (c). See also Alaska Stat. §§ 33.16.110 (10) and 33.30.011 (9). For more information on the information that needs to be submitted to the Board of Parole, see DOC Policy 818.09, §§ VII (A) through (G).

<sup>75</sup> Alaska Admin. Code tit. 22, § 20.150 (g).

<sup>76</sup> DOC Policy 818.09, § VII (C).

<sup>77</sup> Alaska Stat. § 33.30.11 (g); see also the Alaska Department of Corrections reentry resources at <https://doc.alaska.gov/rehabilitation-reentry>.

<sup>78</sup> Alaska Admin. Code tit. 22, § 20.150 (h).

<sup>79</sup> Alaska Stat. § 33.16.130; Alaska Admin. Code tit. 22, §§ 20.095 through 20.107.

<sup>80</sup> See Alaska Stat. § 33.16.120 (a); Alaska Admin. Code tit. 22, § 20.155. See also Alaska Stat. § 33.16.120 (g) for additional notice requirements for victims of crimes involving domestic violence or sexual assault.

<sup>81</sup> Alaska Admin. Code tit. 22, § 20.150 (i).

<sup>82</sup> Alaska Admin. Code tit. 22, §§ 20.095 (a) and 20.150 (h). See also the list of factors the Board will look at when considering an application for Discretionary Parole in Alaska Admin. Code tit. 22, § 20.165 (c).

<sup>83</sup> A “quorum” is defined as at least three Board members who are present at the hearing. Alaska Admin. Code tit. 22, § 20.990 (10).

<sup>84</sup> Alaska Admin. Code tit. 22, § 20.150 (j).

<sup>85</sup> Alaska Stat. §§ 33.16.100 (a) (1) through (a) (4), (g) (1) through (g) (4).

<sup>86</sup> Alaska Admin. Code tit. 22, § 20.145.

<sup>87</sup> Id. See also Alaska Admin. Code tit. 22, § 20.170 (f).

<sup>88</sup> Alaska Admin. Code tit. 22, § 20.145; see also Alaska Stat. § 33.16.130 (c).

<sup>89</sup> Alaska Admin. Code tit. 22, § 20.145; see also Alaska Admin. Code tit. 22, §§ 20.170 (b) through (c).

<sup>90</sup> Alaska Stat. § 33.16.085 (c).

<sup>91</sup> Alaska Admin. Code tit. 22, § 20.235 (a).

<sup>92</sup> *Id.* at (b).

<sup>93</sup> Alaska Stat. § 33.16.140.

<sup>94</sup> Alaska Stat. §§ 33.16.150 (a) through (i); Alaska Admin. Code tit. 22, §§ 20.195 through 20.230.

<sup>95</sup> Alaska Stat. § 33.16.120 (f). Because there is no additional information in the law, it is assumed that the existing Discretionary Parole notice requirements apply. See Alaska Admin. Code tit. 22, § 20.155.

<sup>96</sup> Alaska Stat. § 33.16.120 (f).

<sup>97</sup> See Alaska Admin. Code tit. 22, §§ 20.175 and 20.180.

<sup>98</sup> See Alaska Admin. Code tit. 22, §§ 20.185 through 20.190.

<sup>99</sup> Alaska Stat. § 33.16.220; Alaska Admin. Code tit. 22, § 20.360. See also §§ 20.350 through 20.515 regarding parole violations.

<sup>100</sup> Alaska Stat. § 33.16.220 (b). For additional information on revocation hearings, see § 33.16.220 (c) through (j).

<sup>101</sup> Alaska Stat. § 44.19.645 (g) (5).

<sup>102</sup> Email from Kelcey Wallender, Alaska Department of Corrections, to FAMM (March 16, 2021) (on file with FAMM, Office of the General Counsel).