



NEWS

AMERICAN CIVIL LIBERTIES UNION
OF ALASKA
1057 W. Fireweed Lane, Suite 207
Anchorage, AK 99503
(907) 258-0044
(907) 258-0288 (fax)
WWW.AKCLU.ORG

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FOR IMMEDIATE RELEASE

Contact: Jeffrey Mittman, ACLU, (907) 263-2002

Meg K. Allison Zaletel, Disability Law Center of Alaska, 907-565-1002.

**DLC and ACLU Challenge State’s Denial of Right to Parole Review
*68 Year Old Improperly Denied Hearing Based on “Guilty But Mentally Ill” Verdict***

ANCHORAGE, AK, June 28, 2010 — The Disability Law Center of Alaska (“DLC”) and the American Civil Liberties Union of Alaska Foundation (“ACLU”) have filed suit against the State of Alaska, Department of Corrections seeking to enforce the right of Alaska prisoners with mental illness to be considered for parole.

William “Ed” Duryea has suffered, and may always suffer, from a mental illness. Ed, who is now 68 years old, has responded well to treatment and has never committed any violent act in prison. Mr. Duryea, like many other persons with mental illness, requires medication and visits with mental health professionals. And, based on a special “guilty but mentally ill” verdict, the Department of Corrections (“DOC”) has been required to provide Mr. Duryea treatment while incarcerated.

In 1993, an Alaska court said DOC should consider creating procedures for persons like Ed to determine whether parole is appropriate. A fair parole system improves public safety by promoting good behavior, preventing overcrowding in our prisons, ensuring that prisoners do not become a needless, longstanding economic burden on the state. And, in Ed’s case he has a wife and adult children who are waiting for him to come home.

The Parole Board could determine that both the State of Alaska and Mr. Duryea would be better served with him outside prison walls. But Ed will not get the chance to make his case before the Board. Instead of sending his case to a Parole Board – the process used by all other prisoners - Ed was denied the right to even have his case reviewed. But for the ACLU and DLC’s challenge, Ed would be forced to stay in prison until he died, even if he would otherwise be eligible for parole.

Tom Stenson, ACLU Prison Rights Attorney, stated: “Under current DOC policy, there is nothing to prevent individuals like Ed from falling into a black hole without escape. ACLU and DLC believe the Parole Board – not an individual institutional probation officer – is best suited to determine whether Mr. Duryea is a good candidate for parole.”

The Complaint, *Duryea v. State of Alaska, Dept. of Corrections*, 3PA-10-01984CI, filed in Palmer Superior Court, can be read online at www.akclu.org.

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