

Department of Corrections Administrative Review

presented to

Joint Hearing of the House & Senate Judiciary Committees

December 8, 2015

DOC Review

- Introduction:
 - Special Assistant Dean Williams
 - (former) FBI Agent Joe Hanlon
- The DOC Administrative review began in 8/10/15, lasted 12 weeks, with report released 11/13/15.
- Though limited in time & scope we are still revealing issues

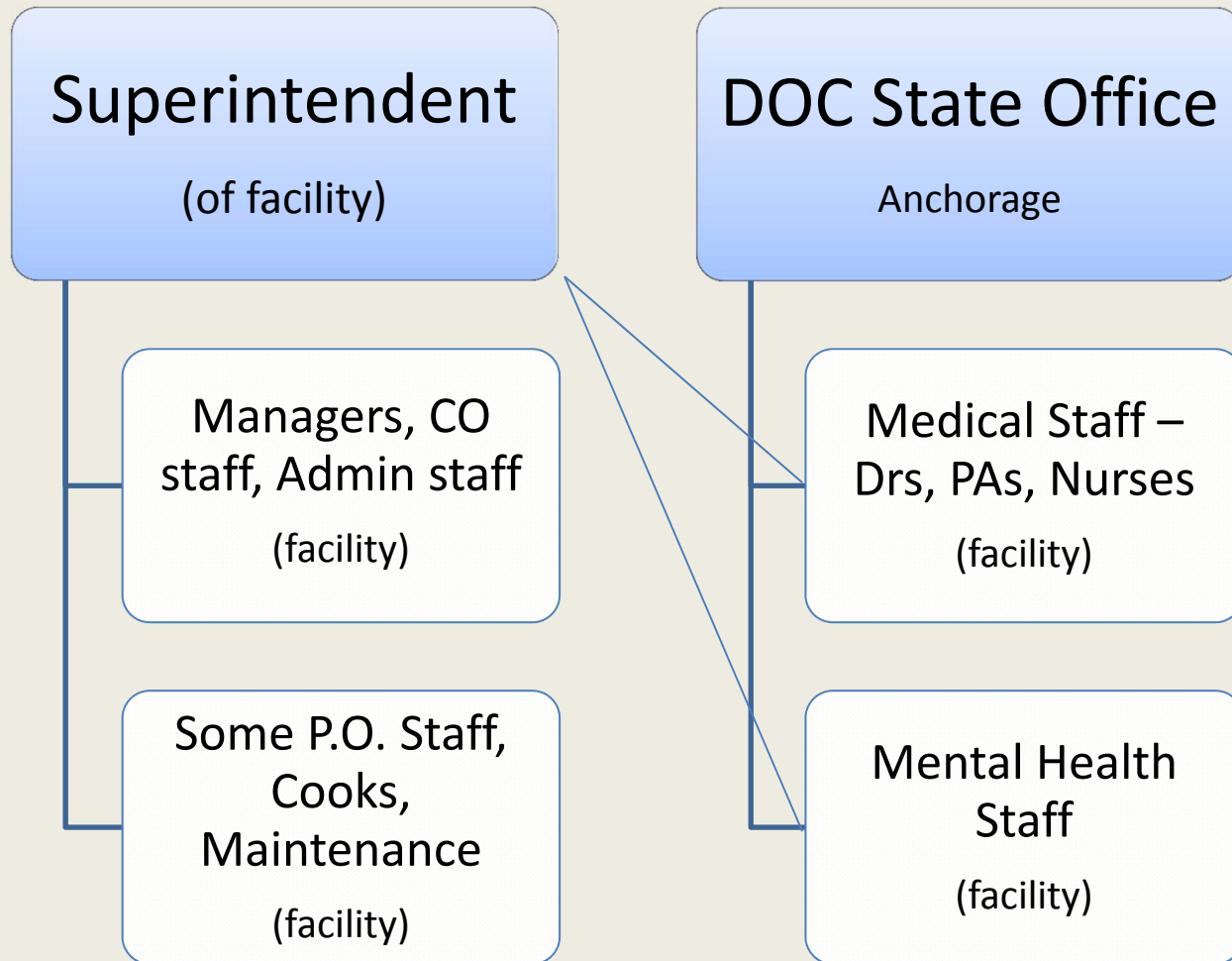
DOC Review

- all Correctional Centers were visited along with 4 halfway houses & 1 community jail
- all superintendents were interviewed
- many other brief interviews were had with DOC staff, including POs, & former staff
- inmates contacted us mostly by mail
- inmate families via phone
- consulted with agencies (Ombudsman, US Atty Office, FBI, OPA, Public Defenders, ACOA)

Policy Issues

- 200 regular policies, 1/3 not updated since 2002, policies from 80's & 90's
- 23 restricted/security policies, 18 not updated since 2002, 6 of the 18 from the 80's
- Suicide prevention policy 20 years old
- Death investigation only in policy since 7/14
- DOC & DOL policy development dynamic

Facility Structure



Problems with Divided Command

- Difficulty of ownership of all issues of facility
- Difficulty resolving competing demands
- Problems adjusting personnel to meet facility needs
- Informal/artificial classifying of inmates
- Personnel evaluation & action issues
- Formation of a Team
- Negative results accumulate with blurred lines of responsibility (inmate death)

Solitary Confinement

- Viewed as highly acceptable form of punishment for low-level offenses (i.e. lying, violating sanitation rules, malingering, suicide attempt)
- Policy does not direct restraint (good superintendents try to exercise it, though)
- Four juveniles held in solitary for 11 months (only ones interviewed)
- Psychologically damaging to “normal” people, let alone individuals with mental health issues

Internal Investigation Issues

- No formal death investigation policy until 7/14
- Untrained/inexperienced fact-finders
- Difficulty prioritizing issues
- In one case, most important piece of evidence excluded until Review Team involvement
- Same case, AST problems on fact-finding
- Inconsistent personnel investigation actions
- Overall mistrust of the process by the public

Title 47 Protective Custody

- Original intent vs. current practice
- No criminal charge for individual
- Medically “clearing” an inmate to be sent to jail is highly subjective
- .508 individual “cleared” for jail (Bethel)
- .3 individual intoxicated (and poisoned) on hand sanitizer “cleared” for jail (Fairbanks)
- Confusion over what Title 47 says
- High-risk, low-care set up
- Statute was changed for juveniles many years ago

2014 Data – Title 47

Individuals	Total	Average returning	Facility
374	486 (801 – 2010)	1.2	ACC
109	204	1.8	Anvil Mountain
510	1743	3.4 (1 person – 73 times)	FCC
10 (?)	11	1.1	Ketchikan
82	120	1.4	LCC
52	63	1.2	Mat-Su
65	95	1.4	Wildwood
252	382 (1,515 – 2010)	1.5	Yukon-Kuskokwim
1,454	3,104	1.6	Totals

Other Issues of Concern

- Suicide prevention efforts mixed (20-year-old suicide policy, CO on duty with no training in one case)
- Perceived breaking point of CO reductions
- Due process violations (Ombudsman)
- High fear of both staff and inmates to complain
- Searching of staff inconsistencies, logic issues
- Cost of phone calling system (reported disturbance in one wing of facility)
- COs months on the job before academy

Inmate Deaths – Detailed in Report

Questions we Asked Ourselves:

- What happened?
- Were the facts forthcoming?
- Was the investigation(s) credible?
- Was a personnel investigation done?
- Could it have been prevented?
- Were the right people held accountable if applicable?
- Were lessons learned and remedies taken?
- Were families of the inmate appropriately handled?

Devon Mosley



Mr. Mosley upon remand

3/16/14



Mr. Mosley taken to segregation 3-20-14

He did not want to lock down and challenged a CO to fight. He was voluntarily handcuffed and escorted without incident.



Start of segregation 3/20/14 2320hrs



3/21/14



3/22/14 1455

OC sprayed this day for tearing clothes & trying to break camera. 1st use of OC that day.



3/22/14 2121

Upon returning to cell, fell down on floor with one cuff on. Sprayed with large blast of OC. (2nd use of OC)



3/23/14 1122



3/25/14



3/26/14



3/26/14

Tearing up mattress.

3/27/14
cell & hallway outside cell





3/28/14

3-28-14

(paper on right screen being “fished” between cells, not Mr. Mosley’s cell)



3-28-14





3/29/14

Cleaning cell with plastic wrap. Lunch & dinner was a sandwich in plastic that he did not appear to eat.



3/30/14



3/31/14



4/1/14 - 1616

Sandwich being thrown into his cell on left side wall.



4/2/14

4/3/14

left picture – 0555 right picture - 0719



4/4/14

left picture – 1118 (Mr. Mosley appears to die) right picture – 1310
staff enter cell at 1316



Larry Kobuk

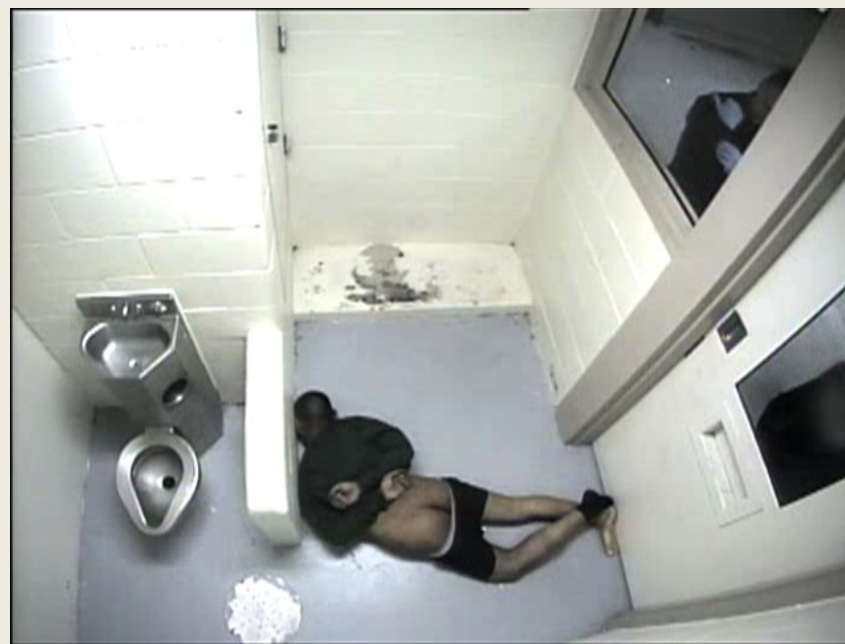
Mr. Kobuk 1/28/15 admission to ACC
left picture – 2246



left picture 2336 right picture 2337



Left picture 2343 right picture 2345

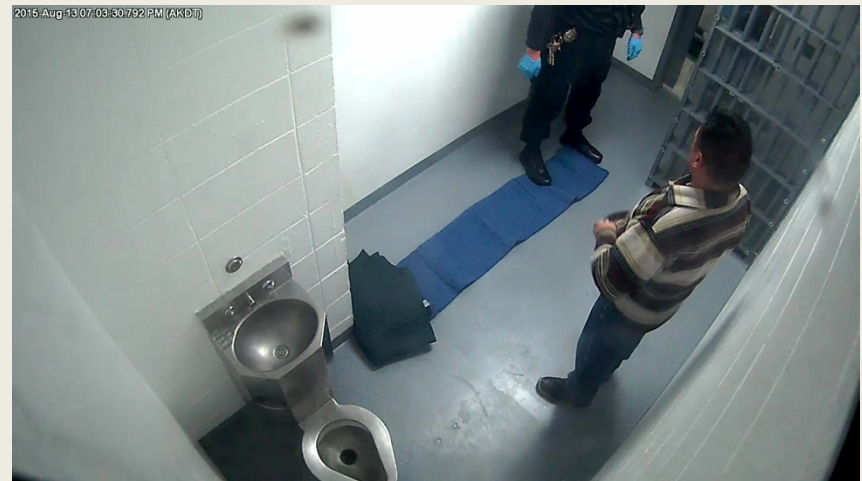
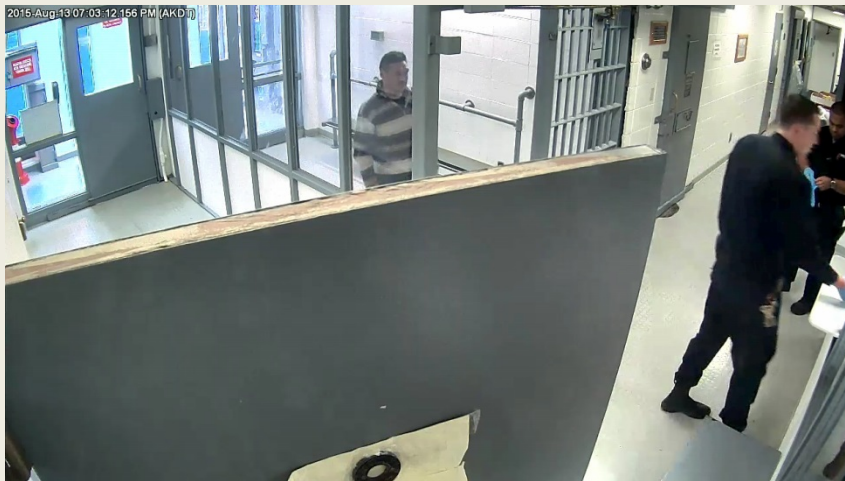


pictures at 2348



Joseph Murphy

Mr. Murphy remanded at LCCC 8/13/15
left picture 1903 right picture 1905



0552 – talking to staff 1
chest pains



0556 – staff 2, chest pains



0602 – staff 3 says in their report “His banging agitated me and I told him to knock it off, suck it up, and that he was getting out soon.”
staff 4 overhears staff 3 say “I don’t care, you could die right now & I don’t care”



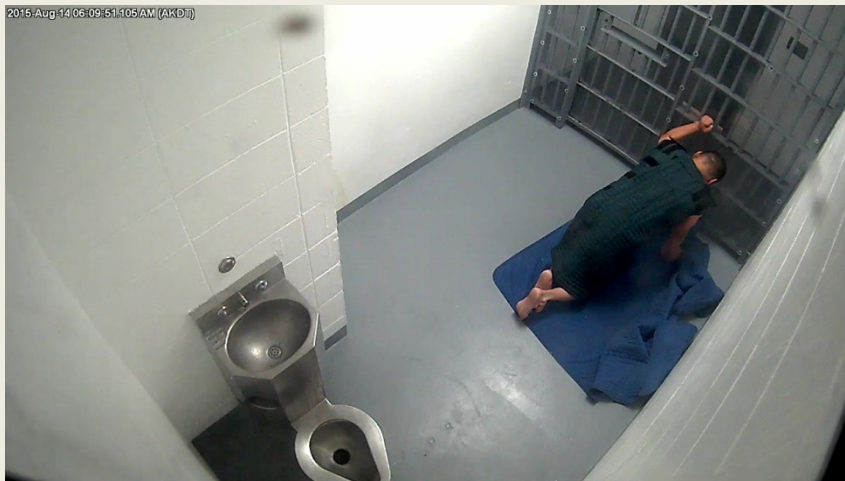
0605



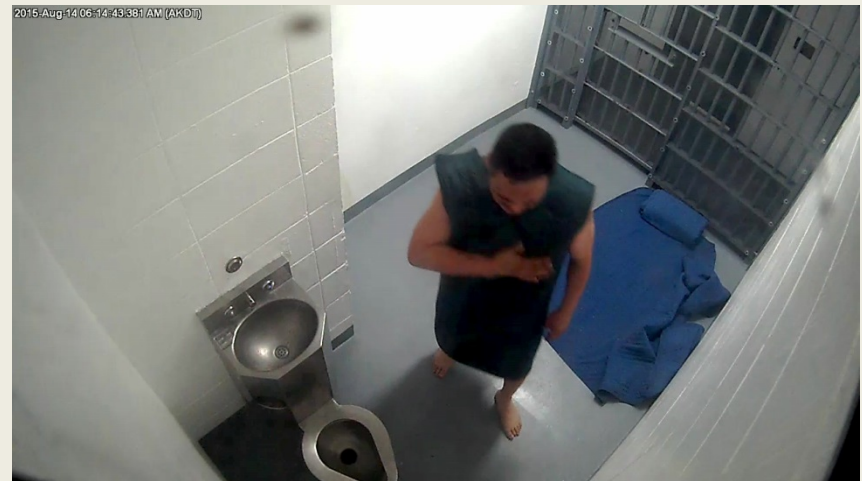
0606 banging on cell door



0609 – banging on door



0614 – patting chest



0619



0632



0634



0637

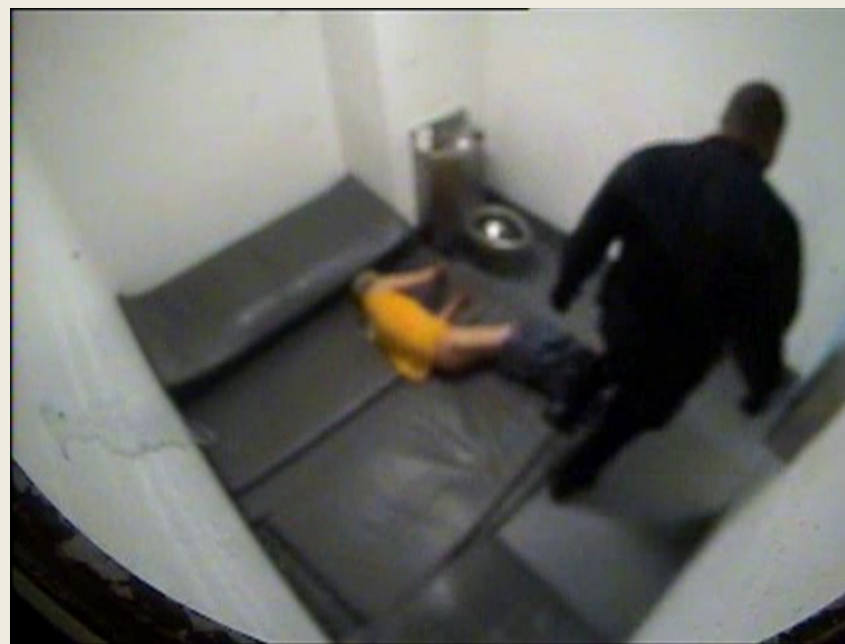


0638



Gilbert Joseph

remand 8/26/15 Title 47- protective custody
2336 2339



0020 Joseph hit by cell mate

0022 punches Joseph head

This was the only camera video originally copied



0023

0032 – cell mate punches Joseph

After visit to FCC, new camera video turned over, clearer images of assaults and shows the cell door



0039



0045 cell mate covers Joseph
nose & mouth for 2 seconds



0049 Cell mate rolls Joseph
over



0118



0130 hand appears under
Joseph's face



0132 Joseph appears to start
agonal respiration



0133 – Joseph hit 4 times on
the back



0134 – last noted agonal breath



0201 security check



0227 security check



0304



0305



0313 EMS arrival



Final Thoughts

- Deep sympathy for loved ones of these 4 men
- Remember Micah 6:8
- Fact finding essential for public trust – short term & long term plan
- Going forward – strategic, careful action required
- See recommendations in report (i.e. title 47)
- Accountability must be fair and applied at all ranks
- Organizational/culture change requires steadfast attention from all levels

Questions?