



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Corrections

OFFICE OF THE COMMISSIONER
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February 19, 2020

The Honorable Joshua Revak
Chair, Senate State Affairs Committee
Alaska State Legislature
State Capitol Room 125
Juneau, AK 99801-1182

Dear Senator Revak:

This letter is in follow up to the request for additional information from the Department of Corrections' (DOC) presentation of SB 167 Aggravating Factor: Corrections Officer, during the Senate State Affairs committee meeting on February 11, 2020.

Specifically, the committee wanted to know how often charges of promoting contraband in the first degree were sought, how many resulted in convictions, and what type of contraband was involved.

According to data obtained from the Department of Public Safety, from calendar year 2015 through calendar year 2019 there were 320 individuals with a cumulative total of 388 charges for promoting contraband in the first degree under AS 11.56.375. Of the 388 charges:

- ✓ 327 (84.3%) were for controlled substances under AS 11.57.375(a)(3)
- ✓ 6 (1.5%) were for deadly weapons under AS 11.57.375(a)(1)
- ✓ 55 (14.2%) were unspecified

Disposition of Charges:

- ✓ 232 (59.8%) were dismissed
- ✓ 127 (32.7%) resulted in a guilty verdict
- ✓ 21 were not prosecuted

A detailed breakdown of the disposition of charges by calendar year is attached to this letter. Note that the number of dismissed charges does not necessarily mean that no sanctions were imposed.

DOC does not have data on the number of incidents involving DOC contractors and/or volunteers who brought contraband into a correctional facility. However, we do have data on DOC employees obtained through our Human Resources section and from the Alaska Police Standards Council.

Since 2012 twelve DOC employees have been administratively separated (non-retention, resignation, dismissed/terminated) for bringing contraband into a correctional facility, the most recent being in August 2019.

- ✓ One employee was criminally charged in state court (2014) and found guilty of one count of promoting contraband in the first degree.
- ✓ One employee was criminally charged in federal court and plead guilty to one count of drug conspiracy and one count of possession of controlled substance with the intent to distribute. A copy of the U.S. Attorney's Office press release is attached to this letter.

Since 2014, the Alaska Police Standards Council (APSC) has decertified at least five (5) correctional officers for incidents involving bringing contraband into correctional facilities; two surrendered their certification and three had their certification revoked.

Though the numbers above are not significant in terms of the overall number of charges and convictions for promoting contraband, the reality is that we know we aren't catching everyone who is bringing contraband in as evidenced by the occurrence of offenders who fail to pass random urinalysis testing.

The majority of DOC's employees, contractors, and volunteers provide exemplary service to our population and firmly adhere to the standards and expectations with which they are entrusted. It is our hope that the aggravator proposed under SB 167 will act as a further deterrent to those who might be tempted to misuse their authority to bring contraband into our jails and prisons, thereby preempting dangerous weapons and controlled substances from entering the facilities. It is further our hope to provide the Courts another tool in determining a sentence of a defendant who misused their authority and were convicted of Promoting Contraband in the First Degree.

Thank you for your careful and thoughtful consideration of SB 167. We look forward to the next earliest hearing of the bill in the Senate State Affairs committee.

Sincerely,



Jennifer Winkelman
Acting Deputy Commissioner

Cc: Kaci Schroeder
Assistant Attorney General
Department of Law