

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

January 13, 2005

8:11 a.m.

MEMBERS PRESENT

Representative Paul Seaton, Chair
Representative Jim Elkins
Representative Carl Gatto
Representative Bob Lynn
Representative Jay Ramras
Representative Berta Gardner
Representative Max Gruenberg

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

OVERVIEW(S): DEPARTMENT OF CORRECTIONS; DEPARTMENT OF PUBLIC SAFETY

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

WILLIAM TANDESKE, Commissioner
Office of the Commissioner
Department of Public Safety (DPS)
Juneau, Alaska

POSITION STATEMENT: Presented an overview of the department.

MARC ANTRIM, Commissioner
Office of the Commissioner - Juneau
Department of Corrections (DOC)
Juneau, Alaska

POSITION STATEMENT: Offered an overview of the department.

ACTION NARRATIVE

CHAIR PAUL SEATON called the House State Affairs Standing Committee meeting to order at [8:11:03 AM](#). Present at the call to order were Representatives Elkins, Gatto, Lynn, Ramras, Gardner, Gruenberg, and Seaton.

OVERVIEW(S):

DEPARTMENT OF PUBLIC SAFETY

CHAIR SEATON announced that the first order of business was the overview from the Department of Public Safety.

[8:13:44 AM](#)

WILLIAM TANDESKE, Commissioner, Office of the Commissioner, Department of Public Safety (DPS), presented an overview of the department. He emphasized that the three goals of DPS are to: plan for the future, focus on results, and do things well. He turned to a handout [included in the committee packet], which he followed as a guideline to his overview.

[8:15:21 AM](#)

COMMISSIONER TANDESKE said DPS is comprised of three boards and commissions: the Alcoholic Beverage Control Board (ABC), the Council on Domestic Violence & Sexual Assault, and the Alaska Police Standards Council. He expressed pride in the state crime lab. Other areas covered by the department include: statewide information services, records and identification, sex offender registration, concealed carry permits, and security guard and process server licensing. Residing in DPS is the State Fire Marshal and the Alaska State Troopers, as well as the following bureaus: Alaska Bureau of Wildlife Enforcement (ABWE), Alaska Bureau of Alcohol and Drug Enforcement (ABADE), and Alaska Bureau of Investigation (ABI). Commissioner Tandeske expressed pride in the Fire Marshal's office and its attention to prevention. He offered examples.

[8:22:54 AM](#)

COMMISSIONER TANDESKE, in response to a request from Representative Gatto to explain the difference between boards, councils, and bureaus, outlined that "the bureaus in question" are incorporated in the divisions of the department. He added, "And these are all Alaska State Troopers' core functions of the department." He explained that the councils and boards are attached, as are many, to other departments. He offered the

example that, by statute, the ABC Board is in his department for administrative purposes only and operates as a quasi-judicial entity, separate from the department. He said where he interacts with the board is in regard to its budget and administrative policies - not the policies of the board and what its priorities are.

[8:25:44 AM](#)

COMMISSIONER TANDESKE, in response to a question from Representative Gatto, offered his understanding that fingerprints are run both at the state and federal level. He said efforts are being made to speed the process by moving away from the paper card system and into the automated fingerprint system.

[8:29:23 AM](#)

COMMISSIONER TANDESKE, in response to a question from Representative Gruenberg, offered his understanding that it is a crime not to give one's true identity when voting. He said a person doesn't get out of jail until his/her identity is known. He offered an example.

[8:30:32 AM](#)

REPRESENTATIVE GRUENBERG spoke of a bill that he and Representative Gatto introduced last year to "add arson." He asked about the interaction of the fire marshal and police regarding arson. He asked, "Have you been called in to deal with any gang-related arson?"

[8:31:52 AM](#)

COMMISSIONER TANDESKE indicated no.

[8:32:24 AM](#)

REPRESENTATIVE GRUENBERG mentioned the devises that can be used to stop traffic lights. He asked if the state has jurisdiction to make it a crime to sell those devices. He added that it's more difficult to "cut them off at the buyer than to cut them off at the seller." He asked if there is enough funding in the state to have emergency vehicles in the state equipped with such devices.

[8:33:12 AM](#)

COMMISSIONER TANDESKE suggested that that question could be asked of the Department of Law.

The committee took an at-ease from [8:35:02 AM](#) to [8:39:04 AM](#), due to technical difficulties.

[8:39:56 AM](#)

REPRESENTATIVE GRUENBERG revisited the subject of devices that can change traffic lights and asked Commissioner Tandeske to get back to him on the subject. He emphasized that the devices can save lives [when used by emergency personnel].

[8:40:17 AM](#)

REPRESENTATIVE ELKINS stated his understanding that the Alcoholic Beverage Control Board ("ABC Board") director is appointed by the governor and works at the pleasure of the board.

[8:40:44 AM](#)

COMMISSIONER TANDESKE answered that's correct. He clarified, "They are members of the Department of Public Safety for employment purposes." He explained that the actual day-to-day operations of the ABC Board and its staff are autonomous. He offered examples.

[8:42:14 AM](#)

CHAIR SEATON mentioned residential fire sprinkler systems. He noted that he had read that 80-90 percent of all fires in homes occupied by nonsmokers start in kitchens or in mechanical rooms in houses. He asked if it would be helpful if credit on insurance or some kind of insurance break could be given if a house had smoke detectors in those particular high-risk rooms.

[8:43:18 AM](#)

COMMISSIONER TANDESKE opined that anything reasonable and cost-effective that can be installed in homes is a positive thing. He emphasized the importance of education in preventing fires. He mentioned a Federal Emergency Management Agency (FEMA) fire prevention grant, as well as a code red project. He noted that the number of deaths a year has dropped from between 25-40 to

between 7-9. He offered to work with the legislature on this issue.

[8:46:02 AM](#)

COMMISSIONER TANDESKE expressed pride in the crime lab. He recollected that the lab made 45 DNA "hits," 22 of which linked known suspects to known crimes, and 23 of which connected unsolved crimes to each other. He offered examples.

[8:47:40 AM](#)

COMMISSIONER TANDESKE told the committee that federal funds are available to reduce the current DNA [testing] backlog. He said the backlog will be caught up by July 1. He spoke of the benefit of DNA testing to law enforcement and offered examples.

[8:51:26 AM](#)

COMMISSIONER TANDESKE, in response to a question from Chair Seaton, said he thinks all the states are using DNA testing, at least at some level, and the crime lab in Alaska measures up quite well nationally. He noted that criminals are transient, thus it's important that [tracking of criminals] is done on a national level and information is transferable. He offered examples.

[8:52:47 AM](#)

REPRESENTATIVE RAMRAS referred to sex offender registration. He offered an example of a person who came to work for him who was a registered sex offender who had not indicated that on his application. When his employment ended, the former employee continued to list that place as his source of employment. He asked how active DPS is in keeping track.

[8:54:31 AM](#)

COMMISSIONER TANDESKE said there have been some organized efforts around the state in checking a list of sex offenders "for compliance." He gave details of further efforts. He concluded, "We will try more and more for compliance, but it is labor intensive in a big way."

[8:57:00 AM](#)

COMMISSIONER TANDESKE, in response to a question from Representative Gatto, said, to his knowledge, no organization has challenged the unsolicited collection of a DNA sample. He estimated that the cost of typical DNA testing done by the crime lab in Alaska is \$100.

[8:57:23 AM](#)

REPRESENTATIVE GARDNER offered her understanding that every DNA sample taken in Alaska has to be sent to a national depository, and she asked how long it takes to get a response.

[8:57:42 AM](#)

COMMISSIONER TANDESKE noted that there is a database in Alaska called Combined DNA Index System (CODIS), so [DNA samples] can be run in Alaska's crime lab. He noted that other states can use that data, as well. In response to a question from Representative Gardner, he said the ability exists to share data among states. He said he is not qualified to say whether there is a national collection, but he offered to find out.

[8:58:27 AM](#)

REPRESENTATIVE LYNN asked how long a sex offender must register as such.

[8:58:47 AM](#)

COMMISSIONER TANDESKE said it depends on the offense, but can be from 15 years to life. He spoke of the administrative end of keeping track of the sex offenders.

[9:01:18 AM](#)

COMMISSIONER TANDESKE said he thinks it's important to know that DNA is also used to exclude suspects. He gave an example.

[9:02:22 AM](#)

COMMISSIONER TANDESKE said the department will be asking for federal dollars in order to expand the crime lab.

[9:02:43 AM](#)

CHAIR SEATON asked if there are good internal checks on Alaska's crime lab and if legislators can do anything further to help.

9:03:36 AM

COMMISSIONER TANDESKE said that, aside from expanding the lab, there is a need to remain competitive in order to recruit and retain the best people. He offered an example of losing good employees. In response to a question from Chair Seaton, he said he is comfortable in terms of quality control, but emphasized the need for long-term stability and the ability to serve all agencies in Alaska.

9:05:34 AM

COMMISSIONER TANDESKE turned to the issue of the Alaska State Troopers. He pointed to the handout in the committee packet, which outlines the six core missions of the Alaska State Troopers: statewide drug and alcohol enforcement, statewide major crimes investigations, wildlife enforcement, statewide training, highway traffic enforcement, and rural law enforcement. He noted that the budget request asks for 8 new trooper positions, of which 5 would be funded from the general fund to bolster the road system and 3 would be funded from the federal fund.

9:07:13 AM

COMMISSIONER TANDESKE talked about drugs. He said there are more methamphetamine "meth" labs now. He stated that he wants to focus on what will give the best return to constituents. He noted that 19 out of 20 homicides have been solved, some of which were drug related. Neighborhood crimes can end up drug related. Commissioner Tandeske also mentioned the abuse of prescription drugs, accidental deaths, and suicides.

9:10:15 AM

COMMISSIONER TANDESKE said the department has done well solving its cold case files. He offered anecdotes and stressed the importance of communication.

9:11:42 AM

REPRESENTATIVE RAMRAS opined that meth abuse is the single worst abuse. He gave examples. He asked what direction Commissioner Tandeske could recommend to him and the legislature to introduce a bill to fight the use of crystal meth.

[9:16:36 AM](#)

COMMISSIONER TANDESKE noted that the governor's crime package deals with this issue. It also deals with children being on the premises of meth labs. He said there is a major offender unit that focuses on the higher-volume drug traffickers, and an attorney from the Department of Law is assigned to it.

[9:17:49 AM](#)

REPRESENTATIVE LYNN asked if there is any cooperative interaction between state troopers and federal immigration authorities when, for example, illegal aliens are found at a traffic stop.

[9:18:19 AM](#)

COMMISSIONER TANDESKE said contact is made with [the Department of Homeland Security, under which the Bureau of Citizenship and Immigration Services and the Bureau of Immigration and Customs Enforcement are located]. He offered examples. He described police officers as "the eyes and ears out in the field."

[9:19:42 AM](#)

COMMISSIONER TANDESKE, in response to a question from Representative Gardner, explained that regarding cold cases, "solved" means, "This is the individual that committed that crime," whereas "resolved" means, "That wasn't a homicide at all; it was a suicide"

[9:20:51 AM](#)

CHAIR SEATON, in response to a question from Representative Gardner, noted that last year a law was passed so that there is a way to know if a building previously used as a meth lab is clean or not.

[9:21:19 AM](#)

CHAIR SEATON noted that some communities are shutting down because of a lack of funds. He asked what the impact to the department would be.

[9:21:38 AM](#)

COMMISSIONER TANDESKE said it has tremendous impact. He mentioned some communities that have disbanded.

The committee took an at-ease from [9:23:49 AM](#) to [9:28:57 AM](#) to prepare for the next overview.

^DEPARTMENT OF CORRECTIONS

CHAIR SEATON announced that the next order of business was the overview for the Department of Corrections.

[9:29:10 AM](#)

MARC ANTRIM, Commissioner, Office of the Commissioner - Juneau, Department of Corrections (DOC), offered an overview of the department. He read the department's mission, as written in the handout [included in the committee packet]: "To Protect the Public by Incarcerating and Supervising Offenders."

[9:30:39 AM](#)

COMMISSIONER ANTRIM said resources are available for those inmates who want to make changes in their lives. He spoke of referrals that are made to jobs.

[9:31:36 AM](#)

COMMISSIONER ANTRIM said Alaska has a unified system, which means better control than some other states. This covers discretionary and mandatory parole and informal and formal probation. In response to a request by Representative Gruenberg, he offered to provide the committee with a sheet defining the types of probations and paroles.

[9:38:04 AM](#)

COMMISSIONER ANTRIM turned to a chart in the handout titled, "Instate Inmate Count - Alaska Department of Corrections - January 2005." He explained that the shaded columns show which facilities are over capacity on any given day. He pointed to a page titled, "Inmate Population Statistics," also in the handout, which shows the increase of the inmate population in the last 20 years. In response to a question from Representative Gruenberg, he said the increase in prisoners is due to many reasons, one of which is any new legislation introducing criminal law.

9:43:05 AM

REPRESENTATIVE GRUENBERG said he would like to devote a hearing to addressing the inmate population statistics and the reason for them.

9:43:56 AM

COMMISSIONER ANTRIM listed the places in state and out of state in which Alaska houses its inmates.

9:46:00 AM

COMMISSIONER ANTRIM said the Division of Administration [in DOC] oversees the community jails program, which currently has 14 facilities operated under contract by police chiefs in smaller communities around the state. He said the governor is proposing, in the Fiscal Year 2006 (FY 06) budget, to increase "this increment" by 10 percent. Commissioner Antrim revealed that the last increase was over ten years ago and was only a 4 percent increase; therefore, he urged the committee to consider the governor's proposal.

9:47:01 AM

COMMISSIONER ANTRIM said the other major operational division the department has is the Division of Probation and Parole, which currently supervises 4,907 offenders in the community. He said there are approximately another 850 people who have run away. He noted that there has been a 3.9 percent increase in the parole caseload. The rate of sex offenders on those caseloads has increased by 7.5 percent. The Division of Probation and Parole works for three entities: the department, to supervise offenders; the court system, to develop pre-sentence reports (PS); and the parole board. The number of pre-sentencing reports has increased, and Commissioner Antrim said this is a problem that the department needs to address.

9:51:28 AM

COMMISSIONER ANTRIM turned to the subject of sex offenders. He said he used to believe that sex offenders could be treated and cured. He stated that they can't be fixed, but there is a containment model whereby their behavior can be controlled. He said this program can give the people supervising the offenders an idea of how these people are behaving out in the community. He mentioned the use of polygraph testing to see whether or not

offenders are seeing their counselors. In response to questions from Chair Seaton and Representative Gruenberg, he gave examples of the use of the polygraph. He said it has the benefit of imposing self-control and is used not as a truth finder but as a "finder of elusiveness about truth."

9:54:56 AM

COMMISSIONER ANTRIM said DOC wants to put together a presentation in March regarding sex offenders.

9:57:00 AM

COMMISSIONER ANTRIM mentioned offender programs that are available. He talked about prisoner medical coverage and health services, noting that one catastrophic medical issue can throw costs out of control and put the department out of budget. Notwithstanding that, he saluted the legislature for having passed a parole bill that gave the department the capability to deal with that problem. Commissioner Antrim said DOC is the largest provider of mental health service in the state, with 30 to 35 percent of its inmates diagnosed with mental disorders. He offered details. He mentioned jail alternative services that aim to get people with mental disorders into the right programs.

10:00:56 AM

COMMISSIONER ANTRIM, in response to a question from Representative Gardner said he doesn't recall how many of the inmates in psychiatric care continue with those programs once they are released, but he said he could find out. He said the department has relationships with agencies that can help, and he listed some of them.

10:02:15 AM

COMMISSIONER ANTRIM emphasized the department's commitment to address substance abuse. He mentioned some residential substance abuse treatment places with 24-hour reinforcement. He said the programs usually last 18 months. He predicted a higher level of success from the men and women released from those programs.

10:03:09 AM

COMMISSIONER ANTRIM noted that the department has always had education programs, including adult basic education, life

skills, post-secondary education, vocational programs, domestic violence programs, and the youth offender program. He expressed pride in the faith-based program funded by private donations and a grant.

[10:05:12 AM](#)

COMMISSIONER ANTRIM talked about a large re-entry grant, which operates in two areas. He said the re-entry initiative is a federal program designed to assist violent offenders in re-entering the community after long periods of incarceration. He noted that the grant in Alaska is focused in Juneau and Bethel - the latter being more problematic, because Bethel is a tough market in which to hire.

[10:06:19 AM](#)

COMMISSIONER ANTRIM concluded the overview by addressing the subject of recruitment and retention. He spoke of turnover, attrition, and the large number of vacancies across the state. He said the department will be conducting a formal recruitment campaign for the first time. He said the screening process has been simplified in an attempt to get people working within 30 to 60 days of recruitment. Regarding probation hiring, he said some changes have been made to good effect.

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [10:09:59 AM](#).