

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

January 17, 2008

8:36 a.m.

MEMBERS PRESENT

Senator Hollis French, Chair
Senator Charlie Huggins, Vice Chair
Senator Lesil McGuire
Senator Gene Therriault
Senator Bill Wielechowski

OTHER LEGISLATORS PRESENT

Senator Johnny Ellis
Representative Jay Ramras

COMMITTEE CALENDAR

Crime Summit

PREVIOUS COMMITTEE ACTION

See Senate Judiciary minutes from January 16, 2008

WITNESS REGISTER

DOUG WOOLIVER, Administrative Attorney
Alaska Court System
Anchorage, AK

POSITION STATEMENT: Discussed the dramatic increase in felony filings in Alaska over the last several years.

LARRY COHN, Executive Director
Alaska Judicial Council (AJC)
Alaska Court System
Anchorage, AK

POSITION STATEMENT: Commented on studies the Alaska Judicial Council has done and those it has had occasion to review.

STEVE McCOMB, Director
Division of Juvenile Justice
Department of Health &
Social Services
Anchorage, AK

POSITION STATEMENT: Stated that DJJ has the opportunity to be the best juvenile justice system in the nation, but it has to bring the 32 percent recidivism rate down to the 20 percent level.

BARB HENJUM, Superintendent
McLaughlin Youth Center
Division of Juvenile Justice
Department of Health &
Social Services
Juneau, AK

POSITION STATEMENT: Delivered a PowerPoint presentation on juvenile justice trends in Anchorage.

ROB WOOD, Chief Probation Officer
Division of Juvenile Justice (DJJ)
Anchorage, AK

POSITION STATEMENT: Delivered a PowerPoint presentation on juvenile justice trends in Anchorage.

JOE SCHMIDT, Commissioner
Department of Corrections
Anchorage, AK

POSITION STATEMENT: Responded to questions related to the criminal justice system.

SAM EDWARDS, Deputy Commissioner
Population Management
Department of Corrections
Anchorage, AK

POSITION STATEMENT: Responded to questions related to population statistics in the criminal justice system.

JOHN CYR, Executive Director
Public Safety Employees Association Alaska (PSEA)
Anchorage, AK

POSITION STATEMENT: Said PSEA has a list of suggestions to potentially change the way the criminal justice system works in Alaska.

ROB COX, Alaska State Trooper
Department of Public Safety
Anchorage, AK

POSITION STATEMENT: Provided boots on the ground perspective applying policies and available resources to real life incidents.

DIANNE SCHENKER, Integrated Justice Project Manager
and Chair of MAJIC
Alaska Court System
Anchorage, AK

POSITION STATEMENT: Provided information about the Multi-Agency Justice Integration Consortium (MAJIC) and what it is doing to improve electronic data sharing.

DIANE INGLE, Health Director
Department of Health and Human Services
Municipality of Anchorage

POSITION STATEMENT: Discussed the relationship between substance abuse and crime.

JOSH FINK, Director
Office of Public Advocacy
Department of Administration
Anchorage, AK

POSITION STATEMENT: Supplemented the record on conviction/report ratio for sexual assaults.

ADRIENNE BACHMAN, District Attorney
Criminal Division
Department of Law (DOL)
Anchorage, AK

POSITION STATEMENT: Supplemented the record on conviction/report ratio for sexual assaults.

DAN HOFFMAN, Chief
Fairbanks Police Department
Fairbanks, AK

POSITION STATEMENT: Emphasized the need and value of electronic reporting for pawn shops and secondhand stores and raised the issue of tort reform.

ROB HEUN, Chief
Anchorage Police Department (APD)
Anchorage, AK

POSITION STATEMENT: Asked for assurance that local voices would be heard because they are integral players in the criminal justice system.

JANET MCCABE, Chair
Partners for Progress
Anchorage, AK

POSITION STATEMENT: Suggested the committee ask the Criminal Justice Working Group to investigate a reentry program.

JEFF JESSE, Chief Executive Officer
Alaska Mental Health Trust Authority
Anchorage, AK

POSITION STATEMENT: Offered support and partnership to form community programs using evidence-based practices to work with target populations in corrections to reduce recidivism.

ACTION NARRATIVE

CHAIR HOLLIS FRENCH called the Senate Judiciary Standing Committee meeting to order at [8:36:51 AM](#). Present at the call to order were Senators Huggins, Therriault, and Chair French. Senators Wielechowski and McGuire arrived during the course of the meeting.

CRIME SUMMIT

[8:36:56 AM](#)

CHAIR FRENCH opened the second day of the Crime Summit. Yesterday the committee heard from law enforcement and state prosecutors. Today the committee will hear from other entities that deal with criminal justice beginning with the Court System.

[8:37:35 AM](#)

DOUG WOOLIVER, Administrative Attorney for the Alaska Court System and LARRY COHN, Executive Director of the Alaska Judicial Council introduced themselves.

MR. WOOLIVER said that when the court system looked through its case statistics one trend that jumped out is that felony filings in Alaska have been rising steadily for a number of years. "Over the course of those years they're up dramatically." In FY02 about 3,700 felony cases were filed and by FY07 there were 6,200 filings, which is a 68 percent increase. Most of that increase has been in Anchorage where the filings increased from 1,200 to 2,900 for a 140 percent increase.

CHAIR FRENCH asked if there is really that much more felony activity in Anchorage or if it's that the municipality is doing a better job of fighting crime.

MR. WOOLIVER said Mr. AOS made the observation that more police on the street leads to less crime and it leads to more arrests and more charges. That's interesting because although property crime filings in Alaska have gone way up the instances of property crimes are not dramatically higher. It could be the situation that efficiency has been improved by capturing more

people who commit crimes resulting in more prosecutions and less crime on the street. So filings are rising while presumably crime is not rising as much or perhaps not at all. In Alaska all categories of felonies have gone up, but property crimes are the single largest part of the felony caseload. Statewide in FY02 there were 700 property crime filings or 20 percent of the felony caseload. In FY07 there were 1,900 cases, which is an increase of nearly 170 percent. What the statistics don't show is why the number is up. It could be due to increased law enforcement or it could be that the property crime rate is rising. The statewide statistics don't suggest that, however. It could be due to more police or to renewed effort by prosecutors. He understands that property crime prosecution sections are being fully staffed now and that hasn't been the case in the past.

8:42:06 AM

MR. WOOLIVER said one reason for the increase relates to inflation and the theft statutes themselves. In general a crime becomes a felony once the value of the property reaches \$500. The Legislature established that figure in 1978. When he looks at property crime statistics he can tell how many theft in the second degree filings there were last year, but he doesn't know if somebody stole a pair of skis or stole a car. He doesn't know if the effect of inflation is that an increasing number of crimes that used to be misdemeanors are now felonies or if it's a small portion. The statistics don't provide that information but it seems likely that 30 years of inflation plays a part. He noted that both the Alaska Judicial Council and the Criminal Justice Working Group have looked at the issue. That information could be helpful. The Legislature could look at the information and decide that inflation or not they are properly filed as felony crimes. We're just trying to understand and explain the increase in felony filings, he said. If they are properly charged as felonies they belong in superior court. If that's the case, the system just needs the resources to deal with the crimes as felonies.

MR. WOOLIVER said regardless of the reason, felony filings are up and the entire criminal justice system is faced with the challenge of dealing with that increase. Two years ago the Legislature helped the court by adding 6 new superior court judges to the bench. Now Anchorage now has 5 judges to handle criminal cases in superior court. That has helped a lot, but adding more judges isn't the only way to improve the system. One thing the court has done that it's very proud of is to address recidivism issues. A number of studies have shown that

therapeutic courts reduce recidivism for people who commit crimes because of addiction. All chronic recidivists aren't necessarily addicted to drugs and alcohol. Jail may be the only option for some people and that may be the best use of resources for that population. But we do know that a significant percentage of chronic recidivism is due to drug and alcohol addiction, he said. As Mr. Aos said yesterday, therapeutic courts are a critical part of the portfolio that Alaska needs in addressing the entire criminal justice system.

[8:46:29 AM](#)

MR. WOOLIVER said another wise use of resources is the use of video links between the jails and courts. The court system works closely with the commissioners of public safety and corrections as well as the superintendent of the McLaughlin Youth Center to establish and expand video conferencing and links. This saves time and resources for everyone involved in releasing and readmitting and transporting prisoners and residents to and from court. Also, the new computer system that the Legislature funded increased the overall efficiency of both the civil and criminal justice system. A web-based system allows the court to track far more information and save time. For example, the court previously sent multi-page daily calendars by FAX to numerous locations, which was problematic. Now the calendar is on the Internet, which saves an enormous amount of time and labor.

MR. WOOLIVER said another example that reflects the benefit of the system and cooperation with other entities is electronic ticket filing. Now information from the Anchorage Police Department (APD) automatically goes into the court system database so when the ticket number is entered, the disposition code is displayed. This reduces work significantly. Eventually more criminal justice information will be entered and dispersed this way.

CHAIR FRENCH expressed support for the effort. He said he's used the CourtView program and found it easy to use. Citing bail conditions as a pet issue, he said those conditions change rapidly and officers could do a better job if they had instant access. He asked what the court system could do to make bail conditions available to APD and Alaska State Troopers (AST).

[8:52:02 AM](#)

MR. WOOLIVER explained that the court system has grant funding for a pilot program to develop more uniform conditions of release for bail and probation and to make changes to the computer system. Ideally bail conditions or conditions of

release will be entered in the courtroom and directly populate APSIN (Alaska Public Safety Information Network) so that officers in the field have direct access. Because APSIN can't always keep up, the next best option is for the officer to have the ability to check CourtView to see the bail conditions.

CHAIR FRENCH pointed out that it will still be a two step process. APSIN can't accept the information so the officer or dispatcher has to run the defendant through CourtView for bail conditions.

MR. WOOLIVER said he's not familiar with what APSIN can or can't do. The idea is to make the information available, but right now clerks are busy doing other things.

CHAIR FRENCH suggested that the moment to capture the data is in the courtroom as the judge is announcing the conditions. When the clerk enters the data it ought to automatically populate CourtView.

MR. WOOLIVER said he agrees but it doesn't translate that way now. Ultimately, conditions of release and judgments will be entered in the courtroom and the information will be available when the proceeding is finished. More staff is needed and that's part of the budget request. Currently the information is captured by clerks inputting "a ton of data," which is the downside of the computer system.

CHAIR FRENCH again urged him to capture the data just once in the courtroom.

MR. WOOLIVER replied they're headed in that direction.

[8:56:38 AM](#)

SENATOR McGUIRE joined the meeting.

MR. WOOLIVER agreed with Commissioner Monegan's statement yesterday that everything depends on communication. He said that after a lapse of five or six years the Criminal Justice Working Group has been reconstituted so the upper levels of the criminal justice agencies are again talking together as a group. Also, the electronic exchange of information has allowed for things such as electronic tickets and electronic discovery. The MAJIC group has been instrumental in helping agencies in this area, he said.

[8:58:25 AM](#)

LARRY COHN, Executive Director, Alaska Judicial Council (AJC), reminded members that AJC and the court system are separate state agencies that enjoy a good working relationship. AJC was created by the constitution to do three things: 1) screen applicants for judgeships, 2) evaluate the performance of judges, and 3) to conduct studies to improve the administration of justice.

MR. COHN relayed that his professional background includes more than 20 years with the criminal justice system and six years in his current position. He said his remarks would focus on the studies AJC has done and those it has had occasion to review. A year ago AJC published the first general study of recidivism in Alaska. From that study a statistic that has been frequently cited is that in 1999 two thirds of the people charged with felonies and convicted of some offense were re incarcerated within 3 years of release from jail. Also, 59 percent of the people were rearrested for a new offense. In that study AJC looked at the factors associated with higher rates of recidivism. They learned that certain populations recidivate more frequently including: younger offenders, indigent offenders, offenders with substance abuse - particularly alcohol, and offenders with mental health problems. In fact, 68 percent of defendants had alcohol problems, 48 percent had drug problems, and 29 percent had mental health problems. The categories are not mutually exclusive. People with alcohol problems were remanded to custody within 3 years of their release 70 percent of the time as opposed to 57 percent if they did not have alcohol problems.

[9:01:47 AM](#)

CHAIR FRENCH asked about the measuring process for categorizing a defendant as someone with an alcohol problem.

MR. COHN explained that any indication of an alcohol problem is noted. That includes the nature of the offense, a condition of release or bail, or a Department of Corrections record. The same standard is used for mental health problems. If anything the incidence of these problems are underestimated because some defendants have problems that aren't manifested in a way that can be recorded. Responding to a question, he clarified that this information is from records and not from prisoner interviews.

MR. COHN added that people with mental health problems recidivate within 3 years 78 percent of the time compared to people without mental health problems who recidivate 62 percent

of the time. Consistent with Mr. Wooliver's testimony, people who commit property offenses are rearrested 67 percent of the time within 3 years of release compared to 32 percent of drug offenders and 39 percent of sex offenders. Recidivism typically occurs within the first year and most frequently within 6 months of release. The study looked at the type of offense that was committed when a person recidivated and whether it was more serious than the initial crime. It found that people with substance abuse problems and people who committed violent offenses were more likely to commit more serious offenses when they recidivated than those who committed other types of offenses.

9:04:02 AM

SENATOR WIELECHOWSKI joined the committee.

CHAIR FRENCH recapped some of the findings for Senator Wielechowski and asked Mr. Cohn to articulate a reason why so many folks reoffend in the first 6-12 months of release.

MR. COHN said the working group will explore reasons for that, but it's young indigent people with substance abuse problems who are committing these property offenses. They have no realistic likelihood of reintegrating into the community because there's no established reentry system to offer help. "They are pretty much doomed." The bottom line is that the more often someone has contact with the criminal justice system, the more likely they are to reoffend.

CHAIR FRENCH said Mr. Aos showed yesterday that you have to decide where to allocate scant resources. If most of the problems are in the first six months it sounds like that would be a good place to focus the effort. Even a small reduction would produce huge savings for society and the public purse.

9:06:00 AM

MR. COHN said the AJC studies suggest that would be a good thing to try.

SENATOR WIELECHOWSKI asked how mental health issues are defined.

MR. COHN explained that the Department of Corrections (DOC) screens defendants for mental health problems. Someone who works with DOC reviewed the defendants and told AJC who had a mental health issue.

CHAIR FRENCH observed that the DOC review process was more formal than the drug or alcohol analysis.

MR. COHN said, "Yes, we relied on their expertise for that."

9:07:02 AM

SENATOR McGUIRE suggested that it would be helpful if the intake process included an interview and questionnaire about drug and alcohol use. "A lot of times folks that have mental disorders are not always cognizant of what they are."

MR. COHN agreed that more data is always useful. Socioeconomic data was lacking when AJC studied the criminal justice system and having that information would make the analysis more useful.

MR. COHN explained that AJC used recidivism data as baseline data when it evaluated and reported on therapeutic courts. AJC has looked at outcomes for felony drug court in Anchorage, the felony DUI court in Anchorage, and the Bethel Therapeutic Court. They are also concluding a four year study of the Anchorage Wellness Court in partnership with the Urban League and the Justice Center at the University of Alaska. AJC uses the recidivism rates in the recidivism study to compare with recidivism rates of people in those therapeutic courts. What enabled AJC to do the recidivism study is a prior study that was published about four years ago. It is referred to as "The Felony Study." He delivered a presentation to the joint judiciary committees at that time. An excerpt of that PowerPoint is in the packet as an example of what the report included. To do that study AJC took a representative two-thirds sample of all the felony cases in Alaska that were filed in 1999. Data was collected from DOC and DPS and from court system case files. The purpose of the study was to identify reasons for the preponderance of ethnic and racial minorities in the justice system. As a byproduct a lot of information was collected on the criminal justice system. A lot of the good questions that have been asked in the last two days are in the recidivism report and the felony study, he said. Information collected in the felony study included data on ethnicity, age, and gender. Data on prior records was broken down by type of offense, the number of prior offenses, length of sentence, location of the case, bail conditions, length of incarceration prior to trial, and allocation of cases. They reported that 63 percent of criminal case defendants were represented by public defenders, 5 percent by Office of Public Advocacy (OPA) staff, 12 percent by OPA contractor, and the rest by private attorneys. Alaska data was compared to national data; Alaska convictions were reported as a

percentage of the number of reported crimes; and the number of arrests in Alaska was compared to national data.

9:12:14 AM

MR. COHN referred to the discussion with Mr. Wooliver and relayed that the percentage of crime that's reported in Alaska that results in a felony conviction is very low. This is not unique to Alaska. "By the time that we get to the end of the process, there are many fewer convictions than arrests," he said.

CHAIR FRENCH asked if he had any data on felony arrests and felony resolutions.

MR. COHN directed attention to page 14 of the "Alaska Felony Process: 1999" PowerPoint presentation. In Alaska every 100 rape reports result in 7 felony convictions. Nationwide there are 12 felony convictions for every 100 reports of rape. The numbers are better once an arrest is made, but they're still substantially less than half, he said.

9:13:50 AM

MR. COHN explained that the AJC study compared Alaska data with data gathered 15 years earlier when the judicial council last did a study. Over that period felony case filings increased 86 percent, but criminal justice resources increased by only 21 percent. That budget trend plays out in a number of ways. There were considerable more charge reductions in the 1999 cases. The percentage of defendants convicted of the most serious offense with which they were charged was much lower than 15 years earlier. There was a large increase in the number of defendants charged with felonies who were convicted of misdemeanors. Disparities were observed for offenders represented by public attorneys who lacked the resources to address their cases. Also, there was an increase in case disposition times.

MR. COHN said the AJC hopes that its data and recidivism study will provide needed information to make decisions in how to allocate resources to best protect public safety. He suggested that the answer is not exclusively to increase sentences. Alaska is ranked sixth in the percentage of people who are under the supervision of the Department of Corrections and are actually incarcerated. Probation and parole are less frequent in Alaska than in most states.

CHAIR FRENCH asked him to clarify that statistic.

MR. COHN explained that in Alaska when defendants go to jail they spend more time actually serving their sentence than defendants in other jurisdictions.

9:16:29 AM

CHAIR FRENCH referred to the one-third sentence reduction he spoke to Ms. Bachman about yesterday, and asked if he's saying that that's higher than average. Most states give a half or three-quarter reduction.

MR. COHN said yes. He doesn't know if good time is the factor that explains it, but most jurisdictions put people on probation more often and they get out of jail earlier. Alaska has presumptive sentencing so people aren't eligible for parole until they've served two thirds of their sentence.

CHAIR FRENCH reviewed a criminal justice publication that gives the incarceration rate per 1,000 and the crime rate per 100,000 and noted that Alaska falls in the middle.

SENATOR HUGGINS asked how Alaska compares to other states if 56 percent of the corrections population is either on probation or parole.

MR. COHN agreed to supply the information. He summarized that AJC asked the Legislature to fund the working group last year and the stars aligned. He is encouraged by the collaborative approach. Everyone has a good appreciation of the need to work together and cooperate to solve problems that agencies working alone have difficulty solving. Finally, he reminded the committee that AJC has a lot of data and it welcomes requests for information. "We have no agenda; we don't offer our data in support of a budget. Our agenda is our constitutional mandate to conduct studies to improve the administration of justice," he stated.

9:19:18 AM

CHAIR FRENCH said he's been looking for a candidate to do research in Alaska like Mr. Aos does in Washington. Until this morning he was thinking about approaching ISER (Institute of Social Economic Research) to do that analysis, but he'd like Mr. Cohn to give it consideration. What they're doing in Washington is worth trying here.

SENATOR THERRIAULT said he's trying to figure out what the data on page 14 means. If other jurisdictions in the U.S. are getting more convictions per cases reported, perhaps they're pleading

down fewer charges. "They get higher convictions, but they let people out of jail more quickly." He said he's surprised that in Alaska every 100 cases of reported rape results in just 7 felony convictions. He assumes that a lot are pled down to a lesser charge.

MR. COHN said that's correct. The AJC report contains very specific data on case disposition, he added.

CHAIR FRENCH said the cover of the book provides a good illustration of why there are so many more reported crimes than there are convicted individuals. The bottom of the chart shows that Alaska is in line with the national average for burglaries. For every 100 reported burglaries, there are 3 convictions in Alaska and 4 convictions nationwide. "It's a tough crime to catch, to prosecute, and to wind up with a felony conviction."

MR. COHN observed that the other end of the spectrum is drug offenses. It's much easier to catch people on drug offenses because the police often can observe some bad conduct as opposed to a burglary that's difficult to track.

[9:22:03 AM](#)

SENATOR THERRIAULT opined that legislative finance and legislative research might be able to do the work that Mr. Aos is doing. "If that's what we want to have done, we've got divisions that could do that," he said.

[9:23:23 AM](#)

STEVE McCOMB, Director, Division of Juvenile Justice (DJJ), Department of Health & Social Services, said that while he listened to Mr. Aos yesterday he was reminded of a quote that says, "Allowing one youth to leave high school for a life of crime and drug abuse costs society about \$1.7-\$2.3 million." Clearly prevention for youths is a cost effective measure, he said.

MR. McCOMB stated that DJJ has the opportunity to be the best juvenile justice system in the nation, but it has to bring the 32 percent recidivism rate down to the 20 percent level.

CHAIR FRENCH asked what the timeline is for measuring recidivism for juveniles.

MR. McCOMB replied the standard measure is within a year of release.

SENATOR HUGGINS referred to the chart titled "Recidivism Rates on Institutionalized Youth at MYC FY01-FY05" and asked why there was a peak in FY02.

9:27:20 AM

BARB HENJUM, Superintendent, McLaughlin Youth Center (MYC), Department of Health & Social Services, explained that a lot of new programs were instituted in FY03 and FY04. Before that recidivism rates ranged from 40 percent to 60 percent. About 80 kids are released from long-term programs each year so the numbers make more sense over time.

MR. McCOMB said another measure of excellence looks at the number of publishings and how many times other states ask to borrow procedures. This morning he learned that the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP), asked to borrow the Alaska compliance monitoring report to share with other states. The Legislature has been very helpful, which also figures into our being a leader in the field, he said. When MYC was overcrowded about ten years ago, the Legislature provided support to build facilities in Ketchikan, Kenai, and MatSu.

MR. McCOMB relayed that 69 percent of the youths in the facility have some sort of a DMS IV mental health diagnosis (Diagnostic and Statistical Manual of Mental Disorders). In recognition of that the Alaska Mental Health Trust Authority has provided MYC with funding for two mental health clinicians for two years.

CHAIR FRENCH said that's an interesting disparity because they were told that the incidence of mental health problems in the adult prison population was around 29 percent. "And you're telling me that in the juvenile population it's almost three times that - 69 percent."

MR. McCOMB said he can't speak for the adult population, but 69 percent is consistent nationwide for juveniles.

CHAIR FRENCH asked if the same measures are used for evaluation.

MR. McCOMB said he believes that both use the DMS-IV diagnosis tools.

SENATOR McGUIRE opined that 29 percent is not accurate; the figure is closer to 80 percent.

SENATOR WIELECHOWSKI pointed out that Mr. Aos said that in Washington about 72 percent of the adult correction population had been in the juvenile system. He asked if he sees similar statistics in Alaska.

[9:32:22 AM](#)

MR. McCOMB said it could be things like a kid who was picked up in Nenana for shoplifting. If that kid later on got involved in the adult system, then it's possible. Continuing, he said the following are things that make the Alaska juvenile justice system as good if not better than other jurisdictions: nationally recognized experts; the Juvenile Justice Working Group in Anchorage; youth courts; Reclaiming Futures; the transitional service unit; the McLaughlin sex offender treatment program; and the Bethel Youth Facility Detention Program. "We have things in place to make us one of the best juvenile justice systems in the nation," he said.

[9:37:26 AM](#)

MR. McCOMB said the juvenile crime rate has been flat, which is different than the adult system. In 2004 there were 6,237 referrals statewide and in 2007 there were 5,709. In 2003 aggression replacement training, performance-based standards and a strength-based model were integrated into the system. The learning curve was steep, but it's been successful.

MR. McCOMB mentioned the judges who have been helpful and willing to think "outside the box."

[9:42:09 AM](#)

MR. McCOMB touched on aggression replacement training in the Fairbanks and Anchorage schools. The goal is to work with kids who demonstrate aggressive and bullying behavior to keep them from committing crimes in the future. Responding to a question from Senator Huggins, he said the program will start in September 2008 if the funding comes through.

MR. McCOMB summarized the following needs: continuation of full funding for staff in the institutions, juvenile probation office caseload study, the capital project for McLaughlin, community resources for mental health and substance abuse facilities to be at full capacity, and additional staff for quality assurance. Citing an example of restorative justice, he said he likes to come to work because the staff is willing to take extra time and help the citizens of Alaska.

SENATOR McGUIRE said as a general practice supporting the juvenile justice system has a very high return. She questioned the wisdom of splitting personnel time between the juvenile and adult systems.

[9:51:17 AM](#)

MS. HENJUM told the committee that she and Mr. Wood would deliver a PowerPoint presentation on the trends in Anchorage.

ROB WOOD, Chief Probation Officer, Division of Juvenile Justice (DJJ), Department of Health & Social Services, reviewed a chart of juvenile referrals to Anchorage DJJ between FY02 and FY07. DJJ statistics show that Anchorage received about 40 percent of the delinquency referrals to the division in FY07; 2,200 juveniles were arrested and charged with 3,532 offenses. The number of offenses per juvenile has increased and the overall number of delinquency referrals has increased slightly over the last several years.

MR. WOOD referred to a chart showing charges by type of crime and noted that crimes against persons, crimes against property, and drug and alcohol offenses are up. Weapons offenses are down but that may mean the charges are categorized as assaults rather than weapons offenses.

[9:54:11 AM](#)

CHAIR FRENCH commented that the number of drug and alcohol referrals indicated is astonishingly low.

MR. WOOD explained that often the DJJ statistics are based on the most serious offense in a packet of offenses in a referral. For example, alcohol or marijuana use tends to result in a misdemeanor arrest and that isn't necessarily going to be the most serious offense.

CHAIR FRENCH observed that the chart doesn't reflect the prevalence of drug use by Anchorage juveniles.

MR. WOOD said it's significant that DJJ doesn't see a higher number. That indicates that these offenses are tied to others, he said. "We believe our ... involvement with drug and alcohol in relation to other offenses is probably somewhat consistent with that 78 percent we heard from earlier presenters," he said.

MS. HENJUM said the next chart shows the number of detention admissions at McLaughlin over the last five years. The opening of the Kenai Peninsula Youth Facility in FY03 accounts partially

for the drop from 1,237 to 978 between FY03 and FY04. Admissions in FY05 and FY06 were level at 906 and 903 respectively, but FY07 shows an increase to 970.

MR. WOOD explained that MYC is now using a detention assessment instrument in its desire to be more evidence based and data driven. Basically it's a colorblind tool to help address the disproportionate minority contact. That may have had some impact on the numbers as well.

[9:57:32 AM](#)

CHAIR FRENCH asked for an explanation of the difference between a detention admission and a program admission.

MS. HENJUM characterized MYC as two institutions with the same name. As a detention facility it serves kids who are awaiting a court decision. Basically that's anyone who walks in the door and meets the detention admissions instrument criteria. The length of stay could be as short as a couple of hours or it could be a couple of months. Program admissions are the kids who are institutionalized by court order. Those kids are in a long-term treatment program. The average length of stay is over a year. Court orders for institutionalization usually call for up to two years or until age 19.

CHAIR FRENCH asked if all the youth facilities statewide do program admissions.

MS. HENJUM said no. The facilities that have program admissions include Bethel, Fairbanks, Johnson Center in Juneau, and McLaughlin.

CHAIR FRENCH asked if the kids are held until the age of majority.

MS. HENJUM said generally they stay until their 19th birthday, but some agree to stay until age 20.

MR. WOOD added that that is by stipulation in a serious case or if the person has volunteered to extend to continue treatment or aftercare.

MS. HENJUM directed attention to a chart reflecting gender differences in detention admissions over the last five years. She said that the girls who enter McLaughlin are committing more serious juvenile offenses, but the percentage has been

incredibly stable. Females represent 22-24 percent and males 76-78 percent.

The next chart indicates the percentage of juveniles that have a mental health diagnosis. Statewide 46 percent of the kids under juvenile justice jurisdiction have a DSM IV primary diagnosis. As Mr. McComb said earlier, 69 percent of juveniles who are institutionalized have a DSM IV diagnosis.

10:01:19 AM

SENATOR MCGUIRE asked how often schizophrenia is seen.

MR. WOOD said it is seen but he doesn't know the percentage. Over the last few years the nationwide trend is to diagnosis people as bipolar. "There's some concern that people are being over diagnosed."

CHAIR FRENCH asked Ms. Henjum to spend a few minutes talking about recidivism.

MS. HENJUM displayed a chart and said that recidivism rates at McLaughlin have been tracked for a long time. It's a measure of whether they really are changing kids' behavior so they don't continue to offend. She noted that between FY03 and FY04 the timeframe for tracking recidivism rates was changed from two years to one year. In FY04 research based programs were implemented including aggression replacement training and transitional services - the aftercare program. "Our measure of success is how well they do when they get out." Research shows that job preparedness, job training, and job placement make a big difference in whether or not the kids will be successful. MYC has some excellent examples of giving kids tangible skills and placing them in apprentice positions while they're still in the facility. This helps to place them in jobs once they leave the facility.

10:06:07 AM

SENATOR HUGGINS asked if many kids who "graduate" from MYC go into Job Corp.

MS. HENJUM explained that Job Corp has strict entry requirements for kids who are still involved in the juvenile justice system. It has worked well for the few kids who have gone there, she added.

SENATOR HUGGINS asked if GED instruction is part of the program.

MS. HENJUM explained that with "No Child Left Behind" the school district can't teach toward GED preparation. They work with Nine Star Education and Employment Services and GED testing is offered at McLaughlin.

[10:07:40 AM](#)

SENATOR WIELECHOWSKI recognized Nine Star for doing great work on GEDs. He asked if the drop in admissions at MYC in FY04 when the Kenai center opened impacted recidivism rates.

MS. HENJUM replied Kenai is a detention facility so when it opened MYC was no longer overcrowded in the detention facility. Program numbers didn't change.

SENATOR WIELECHOWSKI asked if there was more one-on-one time and if that had an impact on recidivism.

MS. HENJUM explained that the recidivism numbers in the chart reflect the number of kids who leave the long-term program, not detention. "The advantage that the Kenai and the MatSu facility have had is that as kids leave our long-term programs, we transition them out through those other facilities." For example, if they're from the MatSu Valley they'll go to the MatSu facility for 30-60 days before transitioning into the community. That's been helpful to the kids and their families.

CHAIR FRENCH asked if MYC tracks the kids it has touched to know if they go on to enter the adult system. He surmises that the public believes that troubled youths become troubled adults. "What can you tell the public about your analysis of that question?"

MS. HENJUM said it's a great question, but there isn't any data. That's one example of the many data gaps between the two systems.

CHAIR FRENCH said that's one reason for this meeting.

MR. WOOD told the committee that his master's thesis was about that issue. He learned that in Oregon, 85 percent of adult offenders had had contact with the juvenile system. But 85 percent of juvenile offenders never had an adult record. The numbers may be different now but they're probably within 10 percent. "You're right; it'd be nice to have that exact research," he added.

Recess from [10:10:35 AM](#) to [10:27:31 AM](#)

CHAIR FRENCH reconvened the meeting and recognized Commissioner Schmidt.

10:28:10 AM

JOE SCHMIDT, Commissioner, Department of Corrections (DOC), introduced himself, Sam Edwards who is in charge of population management, Bryan Brandenburg who has a background as a mental health clinician, and Dwayne Peeples who runs the budget in the medical department.

COMMISSIONER SCHMIDT said the DOC mission statement includes three core functions: secure confinement; reformative programs; and a process of supervisory integration. He said the system provides a confinement process that accommodates Alaska's most dangerous criminals and reformation opportunities for offenders preparing for release. Noting that the Governor recently said that 95 percent of Alaska prisoners go to release sometime in their life, he said it illustrates where a larger focus is needed.

COMMISSIONER SCHMIDT highlighted mental illness. Of the 38,000 people who were processed in and out of the system statewide last year, over 3,000 were Title 47 chronic inebriates. 43 percent of the prisoners are Mental Health Trust beneficiaries and 18 percent are chronically mentally ill. The mental health staff sees about 100 new patients each month and it had contact with 12,000 prisoners in 2006.

COMMISSIONER SCHMIDT referred to questions about the current state of criminal activity and how DOC gets along with other agencies and said he's pleased that law enforcement agencies use discretion in picking people up and sending them to jail. "We're not building prison beds in our expansion plan ... because we have too many prisoners ... I would argue that we're building prison beds to cause people to make a change," he said.

COMMISSIONER SCHMIDT said the female population is a noteworthy trend. About 10 percent of the prisoner population is female, but it accounts for 20 percent of the overall growth. The female facility at Highland Mountain is at capacity. It will either have to be moved or split into two facilities sometime in the future. An advantage in having all the females at Highland Mountain is that they have access to the "Inside and Out Program" that Chief Justice Dana Fabe oversees. It's harder to deliver various types of programs when prisoners are spread out into multiple facilities. "We're going to try to keep that group

as contained as we can." The same philosophy applies to the male population. Whenever possible, sex offenders are grouped and younger offenders are grouped. "The better we group them the better they are to manage," he said.

10:35:29 AM

COMMISSIONER SCHMIDT noted that the Alaska Judicial Counsel reported that 66 percent of "our people" have been in custody within 3 years. That raises the question of what is a first-time offender. 2007 data will show that 22 percent are actual true first-time offenders, he said.

CHAIR FRENCH asked if that means they had no contact with the juvenile system.

COMMISSIONER SCHMIDT said he doesn't know; it's worth review.

CHAIR FRENCH asked if he has access to juvenile system data.

COMMISSIONER SCHMIDT said the juvenile system is purposefully inaccessible, but if a separate entity were to run numbers for DOC, there might be a way it could retrieve the data in an anonymous fashion. He warned against indicting the juvenile system by overstating or understating the numbers.

10:37:14 AM

SENATOR WIELECHOWSKI referred to the statement that 22 percent of the people in the correctional system are first-time offenders and asked if that means that 78 percent are repeat offenders.

COMMISSIONER SCHMIDT said yes, but a repeat offender might not have been in jail for 15 or 20 years.

CHAIR FRENCH said the difference is that recidivism has a 3-year look back.

COMMISSIONER SCHMIDT agreed and added that most recidivism occurs within the first 6-12 months. He supports the judicial council's decision to look back 3 years, but it did raise the question about what is a first time offender.

COMMISSIONER SCHMIDT said a recent success is the correction officer vacancy issue. Through 2007 there were 737 funded correction officer positions and 736.6 of those were filled. There is an overtime issue. In particular, extra staff has to be brought in to maintain safety in pre-trial facilities.

CHAIR FRENCH remarked that budget hearings are upcoming.

SENATOR WIELECHOWSKI asked how many people are incarcerated in Alaska and how many are incarcerated outside the state.

COMMISSIONER SCHMIDT said today 853 prisoners are in prison in Arizona and 3,746 are in Alaska facilities.

CHAIR FRENCH recalled that the average experience for Troopers is 7.5 years. He asked if there is a similar number for correctional officers.

COMMISSIONER SCHMIDT said he doesn't have a statewide number, but he could look it up.

COMMISSIONER SCHMIDT explained that DOC relocated the training academy to the old Palmer Hospital. Now it's in the middle of four facilities and in a couple of years it'll be within 40 miles of five facilities. Now there's adequate space to accommodate recruitment for the new facility, he said.

COMMISSIONER SCHMIDT mentioned the expansion plan. Phase I uses existing capital or operating funds to expand current infrastructure. The first part is to fill all in-state beds. "Before we send money outside ... we owe it to Alaska to have our state at capacity."

10:41:08 AM

SENATOR WIELECHOWSKI asked the comparative cost per prisoner in Arizona and Alaska.

COMMISSIONER SCHMIDT said the cost per prisoner in Arizona is \$62 per day and the cost in-state differs according to the location of the facility. DOC charges the federal government \$121.60 per bed per day, but that number has building depreciation and other costs factored in. It makes sense to bring prisoners back from Arizona to fill empty beds because the incremental cost is small as long as the infrastructure is in place.

COMMISSIONER SCHMIDT explained that the Phase I expansion plan includes the 80-bed minimum custody/work release facility at the Wildwood Correctional Center in Kenai. The Palmer Correctional Center has 100 beds built under the prisoner apprentice program. Those are in moveable buildings and eventually will be relocated to Point MacKenzie. In Fairbanks the medical area is being moved

and 37 beds are being installed. Also a 20 bed prisoner-built unit will be put in at Spring Creek. "That's a total of 237 beds in hopefully the next 18 months or so."

COMMISSIONER SCHMIDT said Phase II implements SB 65 to increase beds by 1,995 by 2012. That includes a 144 bed expansion at the Seward Spring Creek facility; a 68 bed unit at the Bethel Yukon Kuskokwim Correctional Center, which will increase the ability to accommodate the inebriate population; and a new 1,530 bed facility at Point MacKenzie. The plan also calls for an 80 bed expansion at Fairbanks but the community hasn't agreed. The option is open until July 2009.

CHAIR FRENCH asked the estimated cost for the Point MacKenzie facility.

COMMISSIONER SCHMIDT replied it's \$257 million.

CHAIR FRENCH asked if that's in the DOC capital budget request.

COMMISSIONER SCHMIDT clarified that it will be funded through revenue bond sales in the MatSu Valley.

SENATOR HUGGINS asked when ground will be broken.

COMMISSIONER SCHMIDT replied it will be late summer or early fall. The projected opening is at the end of 2012.

CHAIR FRENCH asked about the bonding authority.

COMMISSIONER SCHMIDT explained that SB 65 provided the authorization and the MatSu Borough will sell the revenue bonds.

[10:46:12 AM](#)

COMMISSIONER SCHMIDT said currently there are 121 probation officers; 20 positions are vacant and 7 job offers are pending. To address the issue DOA is conducting a class study and will provide recommendations in about six months. Also, when it was difficult to fill a probation officer vacancy in Bethel, a criminal justice technician was hired under a one-year work study. That was a success and she is currently enrolled in the probation officer academy. Two more technicians have been hired.

SENATOR HUGGINS asked what the salary range is for probation officers and if most officers are educated in Alaska.

COMMISSIONER SCHMIDT replied the position is a Range 15 and he isn't sure where the officers come from.

SENATOR HUGGINS said, "That's important for us. If we have a demand in a vocation that we can't meet then we ought to look at where they're coming from and what we can do to assist that."

CHAIR FRENCH said it strikes him that the probation officer is the person who is best able to help prisoners appreciate the importance of controlling their actions so that they don't reoffend. His expectation is to have highly qualified, tough, fair probation officers and Range 15 seems fairly low. "I'll renew my desire to you to have that system be as vetted and tough as we can possibly do under the constraints of the system," he said.

10:50:10 AM

SENATOR WIELECHOWSKI noted that Mr. Aos said that ISP treatment had a larger impact on crime than surveillance after release.

COMMISSIONER SCHMIDT said reintegration comes after a safe clean secure facility is up and running. Continuing, he said inmate health care costs were \$29.3 million in '07 and the projected need in '09 is \$30.9 million.

COMMISSIONER SCHMIDT said when the new beds come on line he would like the police agencies to maintain status quo with regard to arrests so DOC can use the bed space to affect change. The idea is to get prisoners to think about their release and getting themselves into programming.

COMMISSIONER SCHMIDT said DOC would like help evaluating how different programs are working overall. "We don't care ... if it's program A or program B. I want the best numbers for it." It would be more credible if an outside entity were to grade DOC and report on how each program is doing, he said.

10:57:19 AM

SENATOR HUGGINS suggested that DOC spend more time working with the juvenile justice system to make sure that juveniles don't wind up in the adult penal system. Go and speak in the schools; it's important, he said.

SENATOR WIELECHOWSKI asked what policy makers can do to reduce the recidivism numbers.

COMMISSIONER SCHMIDT said there's not a set answer, but utilizing good time properly is very important. It's become an automatic for a three year sentence to be reduced to two, but it doesn't have to be that way. We know the prisoners who are exhibiting bad behavior and obviously aren't ready to reintegrate. "We live with them every day."

CHAIR FRENCH commented that one of the most shocking crimes that has been committed in his community recently was by folks who had not served their original sentences. If they had, they would have been under DOC care and not out committing crimes in Anchorage.

COMMISSIONER SCHMIDT said if there are plenty of prison beds, the prisoners who exhibit behavior that's not within the community norm should remain incarcerated. "They can do a lot of things when they want to. When they know we don't have the beds...they know they don't have to act to a certain level," he said.

[11:01:29 AM](#)

SENATOR WIELECHOWSKI asked if there are people in the system who shouldn't be there and if it's necessary to rethink prosecutions so more bed space is available for recidivists or more violent criminals.

COMMISSIONER SCHMIDT said he doesn't think so. "We find ourselves aligned tightly with the judges. When we're talking about different laws ... we have the same kind of direction. ... To be a judge and see the same person four or five times a year would be frustrating."

SENATOR WIELECHOWSKI asked if laws and sentences on recidivists need to be tightened.

[11:04:02 AM](#)

COMMISSIONER SCHMIDT said no; longer prison terms is not the answer. We're satisfied with the actions of the court as far as what's brought to us by the people, he said.

SENATOR WIELECHOWSKI cited the 66 percent recidivism rate and questioned why he doesn't think there's anything that needs to change.

COMMISSIONER SCHMIDT explained that DOC is reviewing how to use good time, furlough reintegration programs, programs inside, and programs that follow the prisoner outside through a seamless

integration. "There's a lot that we can do better, but it's internal, it's within our department." The police and the courts aren't causing that, they're reacting to the laws the people want. Once there are effective programs there will still be recidivism but perhaps there will be a better understanding of why people recidivate. "Right now I wouldn't feel comfortable saying something else is broken when we still have the work ... that we have to do in front of us. When we have our prison beds and we're using good time [and] people who misbehave are doing more time as they should be, programs are working and being tracked, then we might want to talk about longer sentences, shorter sentences. But right now I think there are too many variables out there and what is causing this."

SENATOR WIELECHOWSKI asked what those variables are.

COMMISSIONER SCHMIDT replied they could include: lack of treatment, lack of treatment ability, lack of supervision, not enough prison time, or too much prison time.

SENATOR WIELECHOWSKI said he's not happy with the 66 percent recidivism and he wants to know what legislators can do to fix that. "There's something we're not doing system wide that I think that we need to do. ... I'm just trying to get to the bottom of that," he said.

COMMISSIONER SCHMIDT responded the victims would probably say more prison time is the answer. You can't blame them, but that may not be the answer, he said.

[11:07:14 AM](#)

SENATOR HUGGINS asked how successful it's been to allow prisoners to attend events such as a funeral while under the supervision of their mother or another responsible party.

COMMISSIONER SCHMIDT said those requests are accommodated whenever possible.

CHAIR FRENCH noted that Representative Ramras had joined the committee.

[11:09:23 AM](#)

SAM EDWARDS, Deputy Commissioner, Department of Corrections, responded to a list of questions. He relayed that in 2007 the prison population included 3 percent Asian Pacific Islander, 10 percent Black, 50 percent White, 2 percent Hispanic, and 35 percent Native. 1 percent indicated they were Native American from the Lower 48 and 4 percent indicated Native American with

no further clarification. The average length of sentence for those entering the system in 2007 was 150 days. That includes misdemeanants and felons who are sentenced and unsentenced.

CHAIR FRENCH surmised that the public would be surprised to learn that the average criminal entering the system is incarcerated just 150 days.

MR. EDWARDS said the next question asked about incarceration rates. He has two numbers. The DOC 2006 offender profile, based on the combined system, indicates 510 incarcerated per 100,000 population. The PEW Charitable Trust projections for 2007 through 2011 indicate that in 2006 440 Alaskans were sentenced per 100,000 population. Nationwide the PEW incarceration rate for 2006 was 447 per 100,000 population so Alaska is in the middle.

[11:13:12 AM](#)

CHAIR FRENCH observed that according to PEW the data suggests that Alaska is essentially at the national average.

MR. EDWARDS agreed; 29 states had higher incarceration rates than Alaska and 20 were lower. However, the PEW projection also showed Alaska rates increasing 34 percent in that timeframe. It's one of just a handful of states that's showing such a significant increase. Obviously that would bump us higher nationally if that were to occur, he said.

CHAIR FRENCH said it's always dangerous to generalize from a few data points but as Senator Wielechowski said, if Alaska has higher than average national crime rates and is incarcerating at the national average, that suggests that Alaska needs to be incarcerating longer. Indications are that Alaska has an underserved criminal population that needs to be moved from the outside to the inside. "Maybe I'm missing something, but that's ... what pops into my mind as you give me those numbers," he said.

MR. EDWARDS responded that's part of the answer but he would hope that that isn't the only answer. Looking at why people return is part of it as well.

MR. EDWARDS referred to the question about recidivism rates for prisoners housed in Arizona versus those housed in Alaska and acknowledged that there isn't any data on that. "We possibly could if we just did a name search of every person that had been through Arizona." Basically it's the same population that's

housed in Alaska but they're all sentenced and have been for more than a year before they're sent to Arizona, he added.

[11:14:45 AM](#)

CHAIR FRENCH said the purpose of the question is to look at whether it's more advantageous for someone to be sentenced and incarcerated closer to their family and where they have a relationship to their community. "It sounds like we don't quite have the numbers on whether people held in Arizona commit more crimes when they get out than people held say in Nome or in Anchorage or in Seward," he said.

COMMISSIONER SCHMIDT said the next recidivism study might provide that information, but he isn't sure when that will be.

SENATOR WIELECHOWSKI said he'd be very interested in seeing that data because a number of his constituents have made the argument that it's better to house prisoners in the state. "Intuitively it sounds correct, but I'd like to see the data on it. It would be valuable," he said.

[11:15:54 AM](#)

MR. EDWARDS said the next question asked what percentage of prisoners have diagnosed mental health issues. He noted that that has been addressed several times. The DOC numbers indicate that 43 percent of the prison population have issues and 18 percent are chronic.

Referring to the question about the percentage of the prison population that have a GED Certificate [general educational development certificate], he said DOC doesn't track that. They do track the number of people who get a GED in a given year. For example, in 2007 185 GED Certificates were issued. Over the last 5 years that number has been increasing by 5 to 15 a year.

CHAIR FRENCH said it sounds as though you wouldn't be able to provide an answer to a question about how many have a high school diploma and how many don't.

MR. EDWARDS agreed he couldn't do that today.

The next question asks what percentage of the population have substance abuse issues. He said the number DOC is using is 92 percent. That number combines both drugs and alcohol.

SENATOR WIELECHOWSKI asked if he had a breakdown on the data.

MR. EDWARDS replied not on the 92 percent, but the number of people incarcerated for a crime related to alcohol is about the same as for drugs. That's about 7.5 percent.

SENATOR WIELECHOWSKI remarked that's an astonishing number.

11:18:03 AM

MR. EDWARDS said the next question asks what alcohol treatment is offered for incarcerated prisoners. The Residential Substance Abuse Treatment (RSAT) Program is offered in three locations; one is at Highland Mountain Correctional Center for Women, one is in Arizona, and one is at the Wildwood Correctional Center in Kenai. At this time no other substance abuse treatment is offered in the facilities.

CHAIR FRENCH asked how many beds the Wildwood program has.

COMMISSIONER SCHMIDT said 42.

CHAIR FRENCH asked if he's saying that of the 3,700 Alaska inmates that are in custody, 92 percent or 3,300 have substance abuse problems, and there are just 42 beds to serve them here in the state.

MR. EDWARDS said no; that does not include the Highland Mountain beds. But it would still be a small number, he added.

CHAIR FRENCH commented that it's an astonishingly small number for an astonishingly large problem.

COMMISSIONER SCHMIDT said they'd like to keep that program healthy, but they'd also like to focus on an outpatient approach - "a shorter version where we can run more people per year through it." If there were 20 beds in a 3-month program, it would be possible to run 80 to 100 people through a year. That would give better bang for the buck. Again, a follow-up study will show whether that's a good way to go. We want both so we can draw a comparison, he said.

MR. EDWARDS added that they're hearing that they'd be better off focusing on an outpatient program inside the facility rather than trying to increase the number of RSAT beds in the system.

CHAIR FRENCH asked him to elaborate on outpatient programs inside the facilities.

11:21:07 AM

MR. EDWARDS explained that RSAT [residential substance abuse treatment] is like a treatment community. Everyone lives in the same house and does everything together. The outpatient program is still in a correctional facility but the people don't all live together. They come together for treatment.

COMMISSIONER SCHMIDT added that prisoners would have better access to programs they might need such as GED. It's better than having them live in an enclosed unit where services have to be brought in.

SENATOR WIELECHOWSKI, noting that the state cut treatment for alcohol by \$1 million last year, asked if he thinks that spending for substance abuse treatment in the state needs to be increased.

COMMISSIONER SCHMIDT said, "We're going to be asking for more." This year the overall package for mental health, sex offender treatment, and substance abuse is \$3.1 million. More is coming next year but only so much can be implemented at any one time, he said.

SENATOR WIELECHOWSKI asked if he thinks it would be wise to increase spending for alcohol treatment outside of DOC.

COMMISSIONER SCHMIDT replied it wouldn't hurt. "Don't forget about mental health," he added. "If 43 percent of our people do have issues, more community resources for them will very likely result in less of them coming to jail."

11:22:50 AM

CHAIR FRENCH thanked Commissioner Schmidt and Mr. Edwards for the informative conversation. He said Mr. Cyr and Mr. Cox are next.

JOHN CYR, Executive Director, Public Safety Employees Association (PSEA), said the bargaining unit has 700 members statewide. He introduced Rob Cox and said he thinks it would be valuable for the committee to hear him talk about the reality of being out in the field every day. PSEA has a list of suggestions to potentially change the way the criminal justice system works in Alaska, he added.

CHAIR FRENCH again said he'd be happy to make all prepared remarks part of the record.

11:24:41 AM

ROB COX, Alaska State Trooper, Department of Public Safety, said his perspective is from 17 years "in the trenches" applying policies and available resources to real life incidents. As previously stated, recruitment and retention is a very real problem. He said he would go over some of the symptoms exhibited and borne by field officers as a result of a lack of ability to recruit and retain. Nationwide there's a serious manpower problem in law enforcement.

Currently people working in the field have 60 plus open investigations, which is half what it was 18 months ago. The local administration recognized that it wasn't possible to keep up so they authorized overtime to follow-up on investigations and write reports. "Some guys are working 20 plus hours a week overtime just to stay on top" and it's still a problem.

CHAIR FRENCH ask for clarification that line officers, like himself, are paid hourly so overtime is time and a half.

TROOPER COX said that's correct. In Palmer, which covers an area that's about the size of West Virginia, a three Trooper per shift minimum staffing policy was implemented recently. The Palmer and Wasilla police provide assistance, but working with just the minimum staff does create officer safety issues. "We're seldom ever working with more than the minimums ... and that causes the need for additional overtime in order to just stay current with new cases that are taken on a daily basis." The service to citizens suffers. Colonel Holloway said that Troopers are good at the immediate response, but he would suggest that's a relative perspective. "It's relatively good compared to everything else we do so poorly," he said.

TROOPER COX said that citizens have told him that they file false reports in the belief that Troopers only respond to cases where guns or knives are involved. When those reports come in all three on-duty Troopers respond. "The guys are tired and they're suffering as a result of the hours and the stress because every hour that they're working is a stressful hour." Their car is their office and it's not secure so they must be ever vigilant.

11:30:02 AM

TROOPER COX said that some local detachments have taken the desperate step of authorizing citizen report forms (CRF). Those were used a number of years ago and he continues to believe that they are a poor policy and a bad way of doing business. They're used when a citizen reports something in a remote location or

when a crime either has no leads or is unlikely to lead to a prosecution.

For example if a rock is thrown through a window, even in a populated area, there isn't any evidence and there may not be any leads. "There's nobody really to go after and question because there's just nothing there." Citizen report forms are authorized to give to the victim essentially telling them to conduct their own investigation, write their own report, and submit it to the Troopers. The use of CRFs doesn't improve the image of the Troopers and it denigrates the seriousness of the complaint, the incident, and the victim.

TROOPER COX explained that due to the recruitment and retention issues, junior Troopers are used to train new recruits. It used to be the exception to have a Trooper with a year's experience field training a new Trooper and now it's the rule. Ongoing training is lacking because manpower shortages don't allow people to be gone. We're just not getting training in those low frequency high risk things such as emergency vehicle operation, firearms, defensive tactics, and methods of arrest, he said. Population growth is a recognized challenge and that's exacerbated by the geographic area that Troopers have to cover.

[11:33:48 AM](#)

TROOPER COX said the only real difference between writing reports now and in the 1960s is that there's a keyboard and spell check so corrections are easier.

CHAIR FRENCH asked if his patrol car is equipped with a laptop. Six months ago when he did a ride along with APD officers he observed that during the course of a shift the officers spent every spare minute on their laptops trying to stay on top of their reports.

TROOPER COX explained that this administration is headed in that direction, but it's a huge and costly challenge to integrate every Trooper and agency in the state with wireless technology.

In an effort to smooth the workload some of the local detachments have become creative with the work schedules. For example, graveyard shifts start anywhere from 10:00 pm to 2:00 am and end from 6:00 am to 10:00 am. This is disruptive and families suffer, he said.

[11:37:12 AM](#)

CHAIR FRENCH asked what one or two things the Legislature might do to help.

TROOPER COX deferred to Mr. Cyr.

MR. CYR said there are things that can be done. It's a problem that there's been no commitment to drug or alcohol interdiction and there isn't a real port authority in this state. One drug dog works at the Fairbanks airport and it's owned by one of the officers. Security for the Port of Anchorage and the Anchorage airport is handled by private security firms and there's no port security in Dutch Harbor at all despite the fact that it's a major port of call. Again he said that we need to look at establishing real port authority in the state.

CHAIR FRENCH asked if Unalaska has a customs and immigration center.

MR. CYR explained that officials come out of Anchorage on an intermittent basis. He continued to say that the authority should be established under the Department of Public Safety. Currently airport safety is handled by the Department of Transportation. Our conversations indicate that it doesn't work, he said. "What we have here is a sieve." Nobody in Alaska grows cocaine; all if it comes from somewhere else. He suggested that putting drug dogs in all the international and regional hub airports to do drug and alcohol interdiction would cause a lot of the problems articulated today to go away. The other side that needs to happen is to establish regional drug and alcohol treatment centers. Those should be community based so folks could stay at home. A large percentage of the transient problems in Juneau, Anchorage, and Fairbanks are folks who came to town for treatment. They end up having trouble out on the street. We know those guys well, he said.

There aren't any real community service facilities in places like Bethel and Juneau and Ketchikan and they're needed so that officers aren't stuck dealing with the same inebriates day after day. That should be outside of what Rob has to do. It's not a wise use of our resource, he said.

MR. CYR suggested looking at regional low-risk offender facilities like halfway houses and job training centers for young offenders. The folks at juvenile justice are doing a good job but there aren't enough of them. "Take a look at the 2006 national report if you want to look at statistics about Alaska and where everybody else is and what's going on in the field of

juvenile justice." He spent 20 years in education and the same kids that had problems and were in the juvenile justice system went from his classroom to out of school to Commissioner Schmidt's shop.

11:42:46 AM

MR. CRY said increased law enforcement presence across the state is needed. Conservatively another 200 sets of boots on the ground is needed; a salary and benefit package that's commensurate with the responsibility is needed; increased supervision is needed; mentoring is needed; a deep support system is needed. Troopers have housing issues and it affects their families. There's also a need for holding cells in rural Alaska so that when Troopers go out and arrest somebody in Selawick, for example, and the weather goes down there's some place to put that prisoner.

CHAIR FRENCH thanked Mr. Cyr and Trooper Cox for their service and time in front of the committee.

11:44:30 AM

DIANE SCHENKER, Integrated Justice Project Manager, Alaska Court System, said part of her job is to chair MAJIC. This multi-agency justice integration consortium is comprised of 20 agencies and organizations that signed a memorandum of agreement to work together. Their mission is, "Helping agencies more efficiently share complete, accurate, timely information in order to enhance the performance of the criminal justice system as a whole." To do that MAJIC members meet regularly to educate each another about specific projects or needs that aren't being addressed. Sometimes information sharing problems are addressed on the spot and sometimes they get status reports and work together as a group to look at the areas where their interests intersect.

CHAIR FRENCH commented that he attended two meetings and found it refreshing to see 15 agencies meeting informally to work through problems. He was struck with how complex deep and intractable some of the communication issues are. For example, getting one computer system talk to another sounds simple but that's not the case at all. "I commend you for what you're doing," he said.

11:47:02 AM

MS. SCHENKER explained that membership in MAJIC is open to any agency or organization that does exchange or needs to exchange information with the criminal justice system. You see agencies

such as the Department of Transportation, the Department of Revenue and the Division of Elections that aren't typically thought of as criminal justice. The Division of Elections contacted MAJIC because it is charged with determining voter eligibility based on whether someone has a conviction for a crime of moral turpitude. They asked if that piece of information about various laws was in MAJIC's shared statewide uniform offense table. The Department of Transportation works with grant funds to help improve any kind of traffic record so there's interface between their records and law enforcement agencies that write traffic citations. The Department of Revenue looks at eligibility to receive a permanent fund dividend (PFD) based on certain criminal convictions combined with certain patterns of incarceration. That set of data comes from multiple sources in the criminal justice system. "We never run out of issues to discuss at our meetings," she said.

MS. SCHENKER said that MAJIC maintains a database about criminal justice exchanges. This includes who exchanges what information at what point, what triggers the exchange, what laws govern it, the volume of the exchange, and under what conditions the exchange is made. MAJIC received a free software tool and training to create that database when the group formed. One useful aspect of that is it can produce reports. For example, if you're thinking about changing an exchange from paper to electronic you can go into the database and see how many times the paper form is used, how many different agencies touch it, how many different events will be affected. It helps to ensure that something isn't accidentally eliminated when you're trying to improve something else, she said.

MS. SCHENKER said that MAJIC's main focus is to develop and promote the use of standards. The idea is to capture data just once at the source and exchange it electronically. It's a waste of time for multiple criminal justice employees to type the same information into different systems. When information is moved on paper it slows the process and increases the risk of data entry errors. MAJIC tries to endorse and adopt standards that have been vetted in other jurisdictions and are likely to improve efficiencies.

11:50:02 AM

CHAIR FRENCH asked who is leading the way, nationally or internationally, on data integration.

MS. SCHENKER said that the National Law Enforcement and Corrections Technology Center (NLECTC) is able to pull

information from across the country and has been a great help in all MAJIC's projects particularly the ALEISS project. The other organization that has provided lots of free technical assistance is called SEARCH. It is a consortium of nearly all 50 states that relies on federal funding to focus on the issues of data integration. That organization has provided the free training and software tool for maintaining the database about the exchanges. Members in that organization meet regularly and share information about project successes and lessons learned. MAJIC has used some of what's worked in other jurisdictions but has had to be careful because things that a county or large metropolitan area can do with lots of bandwidth and network infrastructure may not be a solution here. "We have to look at what other states have done but apply anything that's unique to Alaska when we try to do it here," she said.

11:52:15 AM

CHAIR FRENCH referred to an article in the New York Times about roving data centers in New York City and noted that sharing information between detective groups could really focus law enforcement efforts to get on top of crime problems. "I can't say enough about how badly we need to grab those methods and make them ours," he said.

MS. SCHENKER said she was asked to comment on some successes MAJIC has had and some have been in the area of adopting standards and promoting wider adherence to standards. Sometimes there's a regulation or court rule that recommends how to identify persons or events or offenses to help move information across agency boundaries, but compliance is a problem. "We've found that you can require something even by law and not get a high level of compliance." But when people are educated about why they need to put a tracking number on the top of a form, they're much more willing to comply with the standard.

MS. SCHENKER said there are standards for identifying persons that rely on multiple identifiers rather than a very tightly defined identification number that people have agreed to use according to certain rules. This brings more integrity to the numbers when counting people, she said. There's also been improvement in the rate of fingerprinting in Alaska over the last 10 years. Habitual offenders often weren't fingerprinted because everyone knew who they were, she said. What people throughout the system didn't realize is that if a fingerprint isn't attached to each criminal charge, it's never indexed at the FBI. Someone could be arrested and convicted of a sex offense in Alaska, serve 8 years and then go to Texas and apply

for a teaching position. When that person's fingerprints are run through the FBI database there wouldn't be a criminal history record. Without fingerprints that person is likely to slip through the cracks. "So we've done education projects and the rate has gone up from 50 percent to 70 percent." There are also standards for referencing offenses and tracking charges to avoid losing charges that should be on someone's criminal history record, she said.

[11:55:39 AM](#)

MS. SCHENKER responded to the question about specific project successes. She said ALEISS (Alaska Law Enforcement Information Sharing System) is a very successful project that NLECTC is responsible for. It's grown steadily and the agencies that participate are very satisfied. She referred to information in the packet that describes how member agencies have used the system to solve crimes that might otherwise not have been solved. The system relies on annual federal grant funding. Every time a new police agency joins and wants to add their records management system data to the pool there's an associated cost to migrate the data to the uniform format.

CHAIR FRENCH asked if there's any downside to a police agency joining ALIESS.

MS. SCHENKER replied she's not aware of any downside and the list of agencies that have joined is growing rapidly. "It's almost easier to say who isn't in there yet than who is." The grant funds are limited each year but they pay for as many new members as possible.

Another successful project that's been mentioned is the electronic filing of citations from APD to the court system. That change eliminated multiple data entry and paper processing for about 2,400 tickets a month. That will be expanded to all law enforcement agencies through another electronic citation project that DOT is funding with federal grants. The court adopted a rule to allow police officers to sign those tickets electronically so Alaska is ahead of other states or jurisdictions that create electronic citations but still require ink signatures on paper that has to be filed.

[11:58:31 AM](#)

MS. SCHENKER said the other project that's been mentioned makes bail conditions available to law enforcement officers. The Municipality of Anchorage got a grant to enter bail conditions in the electronic database for Anchorage cases involving

domestic violence. Three fulltime positions were allocated to capture and enter that information so that it's accessible for sharing. We've requested funding in the state capital budget to study the alternatives for entering bail conditions as efficiently as possible, she said. "Everybody in the entire criminal justice system I think agrees that that's one of the biggest gaps in information ... that prevents officers from being able to enforce those bail conditions."

The transfer of fines and other costs due for collections also have been automated thereby eliminating wasteful retyping of data. As Mr. Wooliver mentioned, the project to expand CourtView statewide is a huge timesaver for agencies that need court records. "Now instead of having to go over to the court physically or phone or have something faxed, they just go online and get the information that they need."

CHAIR FRENCH remarked that it's a big success.

MS. SCHENKER responded to the question about challenges MAJIC is facing. She said one project they hope to finish by the end of the year is the enhanced system-wide statewide table of offenses. That is a table of all the crimes listed in statute and regulation as well as all the local ordinances throughout the state. If the various crimes aren't listed in a table it's difficult to get good statistics on occurrence rates because descriptions of the same crime vary. It's also an efficient way to capture data. If there is a good identifier for a statute, it isn't necessary to pass every bit of information about that law every time the record moves through the system. The identifier is linked to a table that tells if it's a felony or something that makes a person ineligible to vote because it's a crime of moral turpitude or something that triggers DNA registration or something that triggers sex offender registration. Instead of rewriting every bit of the information at each step as the offense moves through the system, it's captured just once.

MS. SCHENKER said automating the way court dispositions are reported to the state central repository is close. Currently the Department of Public Safety has over 100,000 criminal charges that are more than two years old and have no disposition. Improving the way charges are tracked and identifiers are used will reduce backtracking that all agencies currently have to do.

[12:02:48 PM](#)

MS. SCHENKER said MAJIC is very pleased that the Criminal Justice Working Group has reconvened. They are thinking of

things to focus on and they're helping us prioritize, she said. They pointed out the importance of e-discovery and the delays that are caused when it's lacking so we know that that's a project that needs to be done sooner rather than later, she said.

MS. SCHENKER noted that Chief Long mentioned the role that pawn shop information plays in investigations and said that NLECTC has the resources available for a web based pawn reporting program. Several municipalities have adopted laws that require pawn records to be reported electronically, but there isn't a statewide reporting requirement.

MS. SCHENKER referred to the question about how the Legislature can assist and said it'd be helpful to work with a legislative liaison on the offense table project. The liaison could keep the Legislature informed and notify MAJIC in a timely manner when statutes change. Earlier this year MAJIC members reviewed the projects they had worked on and the laws that didn't seem to serve electronic information sharing. They prepared a list and asked the Department of Law to review the list and provide feedback about how to make changes.

CHAIR FRENCH asked Ms. Schenker to return after the noon recess.

Recess from [12:05:40 PM](#) to [1:38:25 PM](#).

CHAIR FRENCH reconvened the meeting and asked Ms. Schenker to continue.

MS. SCHENKER continued to explain that Audie Holloway from the Department of Public Safety worked with MAJIC to identify laws that might be improved to better support electronic information sharing. MAJIC prepared a list and asked the Department of Law to provide suggestions on whether legislation might be appropriate. One example that was identified relates to CourtView, which allows people to pay minor offence citations electronically. The problem is that the defendant has a deadline for paying the ticket, but the agency doesn't have a deadline for entering the ticket into the system. "You can't find your ticket online because it hasn't been filed with us," she said. So the defendant ends up writing a check and mailing it in. That minor sort of problem could easily be addressed, she said.

Referring to the previously mentioned electronic traffic citation project that DOT spearheaded, she explained that the Division of Motor Vehicles (DMV) puts a bar code on driver's

licenses and vehicle registrations. Now when officers create electronic traffic tickets they simply scan the barcode and all the identifying information automatically goes on the traffic ticket. That's an example of the benefit in capturing data once electronically. "The officers love it because they can write those tickets much much faster and they don't introduce as many errors by mistyping numbers."

[1:41:43 PM](#)

MS. SCHENKER said another tool that NLECTC is offering is the free web-based open source records management system. It's for police agencies that are so small that they don't have a records management system of their own.

CHAIR FRENCH observed that this would be an opportunity for a community that might have only a VPSO.

MS. SCHENKER said it would also benefit a very small police agency. The Alaska Railroad Police is a pilot; it doesn't have a lot of records but it still needs to manage them and do so efficiently.

The final question asked about how MAJIC gets along with other agencies. MAJIC has a very good strong model, she said. When experts come up to give training and when the group goes to other states for seminars, the experts in the field are always impressed at how often MAJIC members meet and how well members communicate. "They're always surprised at how tightly integrated we are with each other and how much communication we have."

CHAIR FRENCH thanked Ms. Schenker and Ms. Andrews, who is with ALEISS, for their work.

[1:43:24 PM](#)

CHAIR FRENCH said Diane Ingle would talk about the relationship between substance abuse and crime.

DIANE INGLE, Director, Municipality of Anchorage Department of Health and Human Services, said people don't often think about violent crime and public health together but there is a large nexus. Former Surgeon General Dr. Koop made a compelling statement about that. He said:

Identifying violence as a public health issue is a relatively new idea. Traditionally when confronted by the circumstance of violence, we have deferred to the criminal justice system. Over the years we have

tacitly, and I believe mistakenly, agreed that violence was the exclusive province of the police, the courts, and the penal system. To be sure those agents of public safety and justice have served us well but when we ask them to concentrate more on the prevention of violence and to provide additional services for victims we may begin to burden the criminal justice system beyond reason. At that point the professions of medicine, nursing and the health related social services must come forward and recognize violence as their issue and one that profoundly affects the public health.

MS. INGLE said that to explain why she's talking about public health at a crime summit she'd first talk about three murders that occurred in Anchorage and MatSu Valley on New Years Day 2007. She warned that although people have been charged with the murders they have not been adjudicated so there's a presumption of innocence.

The first defendant is charged with killing a 45-year-old man who came to the defendant's apartment with the mother of a 17 year-old who he is also charged with sexually assaulting. "She was passed out; he had been partying." The defendant has had multiple encounters with the criminal justice system, she said.

The second case involves a baby. When she was six months old her father was charged with her death. Her mother had previously been threatened with violence by the father and he had prior alcohol-related encounters with the criminal justice system. At the time of her death, health professionals reported that one in three toddler and infant deaths in the intensive care unit was at the hands of someone who hurt them.

The third case involves a woman who is charged with killing her eight-year-old daughter while she was intoxicated. The defendant had a prior conviction for child maltreatment while she was intoxicated and taking care of children. She also had DWI and assault convictions.

In 2007 there were 29 homicides in Anchorage and the MatSu Valley and at least 30 percent were alcohol related.

[1:47:50 PM](#)

MS. INGLE said the public health approach is to study disease and its determinates. Violent crime is the disease we're talking about, but what are its determinates? In the last two days many

people have talked about different predictors or determinates of violent crime including alcohol and drug use and being a youth offender. "We think about this a lot when we think about disease," she said. It's not uncommon to ask what puts a person at risk for diabetes or tuberculosis, for example. The same approach can be applied to violent crime. "What makes you at risk of being either a perpetrator or a victim of violent crime?" Although the victim should at no time be blamed, it is known that victims and perpetrators have high risk activities that may be predictors of violent crime. These are things on which we may want to intervene, she said.

MS. INGLE said she manages her department's sexual assault center in Anchorage. That nursing unit sees many women who should be able to wear whatever they want or go to a bar or safely ride home if someone offers them a ride, but who can't. They're homeless. "We see them for sexual assault; we see women more than one time." These women didn't deserve to be sexually assaulted, but there are risk behaviors that are associated with sexual assault, domestic violence, child sexual assault, and child abuse. We tell kids do not take a ride with a stranger and we tell people to participate in Neighborhood Watch. "We have to extend this more to violent crimes where people sometimes are repeat victims, where people have high-risk lifestyles. We should always enforce it on the perpetrators. It's never okay. We should look early and often and see what we can do to intervene there as well," she said. In her mind public health is connected to violent crime.

MS. INGLE called attention to alcohol and violent crime in Anchorage. Statistics for 2006 indicate that alcohol was involved in 28 percent of homicides, 64 percent of sexual assaults, 54 percent of other assaults, and 31 percent of robberies. Some people were arrested for driving under the influence of a substance other than alcohol, but most were DUIs. Work the Department of Health and Human Services has done in a 14-year analysis of domestic violence in Anchorage shows that almost half of the domestic violence cases are alcohol related. Alcohol is a large determinant in crime, she said. "How can we deal with the most high-risk folks?"

[1:51:07 PM](#)

MS. INGLE said Anchorage has problems with chronic public inebriates and rising issues with alcohol in the community. The resources aren't adequate to sustain services and this is a problem in Anchorage and other communities. Places are closing: Salvation Army closed all detox beds last year, Juneau Alliance

for Mental Health closed respite beds, and Fairbanks Community Behavioral Health is closing residential beds. And \$1 million was cut from the state operating budget for mental health and substance abuse services. "That doesn't help us with treatment, intervention, or prevention," she said. Resources aren't adequate to break the cycle of chronic alcoholism. There isn't a quick fix. "This is a part of public health that's in it for the long haul."

MS. INGLE reminded the committee that it used to be an unfortunate event for someone to kill another person by driving drunk and now it's a crime. Similarly, when she was an Anchorage high school student smoking areas were provided on campus. Now it's a crime for a high school student to smoke. When she was an infant coming home from the hospital her parents put her on the car seat and merrily drove her home. Now it would be a crime to do that with your infant. "These are public health interventions that save lives, that change things for the long haul, but they're not the quick fix," she said.

MS. INGLE said the Legislature's approach needs to address problems for the short term and the long term. For the short term: don't put people back into society without a reentry program; don't send people home from jail without adequate treatment; don't give short sentences to people who have committed violent crimes such that they don't have adequate time for rehabilitation. With regard to the long haul, she said she told Mayor Begich that some things that public health does don't get people elected. That's why some of them take a long time to institute. "But if we don't invest now for the future and have faith about things that might work, we'll always be 30 years from that solution." Somebody needs to stand up and say, "Let's be 30 years from that solution now, not in 10 years."

[1:53:36 PM](#)

MS. INGLE suggested the committee look at issues of title 47 - the issues related to helping very high risk folks. For example, there are about 100 public inebriates in Anchorage who use up 42 percent of the resources. "We have to look at ways of dealing with that," she said. That includes putting people into housing to meet some of their basic needs.

[1:54:02 PM](#)

CHAIR FRENCH said he'd be interested to see Mr. Aos's sort of analysis applied to a six month in-custody alcohol treatment program for chronic inebriates to see what benefit there might be from even a 10 percent reduction. These people cost the

public hundreds of thousands of dollars every year and create real discomfort to the community when they're panhandling and drinking in public.

MS. INGLE said she believes that the municipality would like to participate in that as a potential solution.

SENATOR WIELECHOWSKI asked the dollar amount expended on those 100 public inebriates who use 42 percent of the resources.

MS. INGLE said she believes it's in the \$500,000 range.

1:55:25 PM

MS. INGLE provided a call to action.

I think that you should provide adequate resources to fund strategies that work to either eliminate or reduce the problem. Things like that are treatment and secondary prevention. Perhaps if we found housing for people, jobs for people, reentry programs. I think you need to choose things that work, that are proven to work, but then I also caution you that you have to make sure that when we apply the model, we're staying faithful to the model. ... We know that programs like Weight Watchers work in helping people reduce weight, but the model includes going to the meeting and making behavior modifications. If I just go to the meeting, that's probably not going to work. So we have a model and we have to make sure that when we fund and implement, that we have some fidelity to the model.

Provide adequate funding for programs and services that develop protective factors. I can't stress enough how much I believe as the director of public health in Anchorage, that raising the general education level of our population would go to solving and making incremental change in a lot of areas. The more educated a person is, the less likely they are to live in poverty, to be homeless, to commit crimes, to binge drink, to smoke. ... Think about collateral damage, think about housing, think about mentoring, think about providing adequate childcare. We know from research that kids in their very little stages, that it matters what we see, what we do. We know that 42 percent of the domestic violence cases in Anchorage have child witnessing. We know that that impacts people. We know that people who need childcare

assistance are probably not able to afford the high-end quality childcare centers that we can provide if we're a double-income family or have more resources available to us. Yet that's a time in life where we really have a chance to make a difference. Work on parenting skills. Our department has worked on developing parenting booklets in English and the top five languages spoken in the Anchorage school district. Provide resources.

1:57:58 PM

MS. INGLE continued:

Work to build collaboration not competition between those entities engaged in solving the problem. Don't fund one system at the expense of another. Develop trainings that address problems from more than one perspective. This is something that's happened with the Anchorage domestic violence prevention project. That's the project where we record conditions of bail release. It's a labor-intensive project. It's nice to spur discussion of how we should do it statewide for all crimes, but it gives us a sense of what's working there. There's many partners in that - Anchorage Police Department, the Department of Law, [the municipal] Department of Law. But since the program started in 2006 there's been 218 compliance checks for conditions of release; 52 arrests were made - about 25 percent of going and having people do compliance checks. It's a program that's having impact.

We also partner with a way to provide victim service support to help women who have been victims of domestic violence get transitional housing, get legal services, to participate in the criminal justice system, to help them to take advantage of violent crimes compensation, to relocate.

The other thing that I would bring up here - and some of you visited the Anchorage sexual assault multidisciplinary center for child and adult sexual assault - that's a community collaboration as well. It looks at bringing the partners together - various disciplines. We don't all have to agree to find better solutions. And take the all-hazards approach. So much is interrelated. Take the opportunity to address core risk and protective factors that have a bigger payoff,

not just in criminal justice but things that have a payoff and your ability to have housing, to deal with substance abuse. Take the all-hazards approach.

MS. INGLE said that when she thinks about how to do these things she's reminded of a former boss who once said that a rising tide floats all boats. Now she sees the point. It may cost more to help people reenter society after they've been in the criminal justice system and it may cost more to raise education levels, but the benefit may be better.

[2:00:52 PM](#)

SENATOR ELLIS mentioned a bill he sponsored last year to update the substance abuse statutes. He said that one project that was pulled out for further discussion was money for an appellate project in Anchorage and Kotzebue. Those communities were chosen for a secure treatment pilot. He believes that Alaska judges would use title 47, the involuntary commitment statute, to send for treatment the people who are a danger to themselves and others. "The hardcore of the hardcore inebriates that you mentioned." It follows a successful model from the State of Washington for detox and treatment in a secure setting. There's a judge's review for taking freedom from those people. After detox most of the people are thankful for the intervention. "We save a lot of money on those folks, " he said. Those 100 hardcore chronic inebriates actually cost more than \$4 million when all costs to the Anchorage social safety network are counted. Most of those folks are from other places and have come to Anchorage as a social hub and service center.

SENATOR ELLIS said he's been working with the Begich Administration, the Palin Administration and the Legislature and the good news is that there is money in the governor's budget. The Legislature will have to put some capital money in for the urban and rural demonstration project in Anchorage and Kotzebue. There's great interest for this in the Legislature, he said. In fact, every person sitting at the finance table said they'd like to have the same project in their community because they're tired of doing the same old thing. "Look for a new approach and some very positive intervention in the next fiscal year." We'll need your help, he said.

MS. INGLE replied, "We'll be happy to help."

[2:03:05 PM](#)

SENATOR WIELECHOWSKI commented that a new approach is needed. 92 percent of the people who are incarcerated have substance abuse

problems, 80 percent of those who are arrested have substance abuse issues, and the DHSS substance abuse funding between 2002 and 2007 has been cut 55 percent. We need a new approach and we to look into an evidence-based program to see where it's best to allocate the money, he said.

SENATOR ELLIS responded that with passage of SB 100 last year there's a statutory requirement for the state to invest its dollars in evidenced-based substance abuse programs. Although some key legislatures were concerned that a 20 percent success rate isn't enough for the money invested, that isn't out of whack with reality in the treatment community. Evidence-based programming will give legislators confidence that the state is getting the best results for the dollars invested, he said.

[2:05:08 PM](#)

CHAIR FRENCH said Ms. Bachman asked to supplement the record on some of the statistics that were given earlier with respect to rape. He directed attention to page 14 of the handout from the Alaska Judicial Council titled, "Alaska Felony Process: 1999" comparing Alaska convictions to nationwide numbers. So the public doesn't misunderstand how Alaska district attorneys handle these most serious cases, she would provide some insight.

ADRIENNE BACHMAN, District Attorney, Department of Law, Anchorage, said there are about 500 reported sexual assaults in Alaska each year. About 350 of the reports are in Anchorage. Using the number from the table on page 14, that would calculate to about 35 convictions statewide. Mr. Fink looked at it another way. She suggested the committee ask him to explain how he looks at the statistics. "Because I know that we don't have just 35 convictions [per year] for this most serious crime throughout the State of Alaska." If there were just 35 there wouldn't be so many prosecutors dedicated to this area. There's one statewide prosecutor based out of Fairbanks and four prosecutors in Anchorage that deal with nothing but sex assaults, child abuse, and child pornography cases. "I'm going to look at the data that Mr. Cohn offered up and see where that mesh is because I know that that has to be a number that concerns you all if, in fact, that's a true number." She said she doesn't want to say the number isn't true, based on the criteria that was used and what was gathered. "But we aggressively prosecute reported sexual assaults in Alaska and we've only gotten more aggressive." In large part she has prosecuted these cases for 13 years.

CHAIR FRENCH said he spent a year in the same office doing nothing but those crimes. It was a huge focus of the office.

[2:08:52 PM](#)

MS. BACHMAN added that the caseloads are large. "In that unit back in our time the caseload was 70 or 80 cases." If this were reflective of dispositions, those 70 or 80 cases would result in just 1 or 2 convictions. "I'm confident that you didn't have [only] one or two convictions during your year and I certainly know that I did not."

MS. BACHMAN said that was a perspective she wanted to clarify in case it somehow reflected adversely on the criminal justice community as a whole.

CHAIR FRENCH asked Mr. Fink to provide his observations.

JOSH FINK, Director, Office of Public Advocacy, Department of Administration, said his comment to Ms. Bachman was that if that ratio is correct and there are just 7 convictions out of 100 reports, then there would be tens of thousands of reports. There aren't that many. "We have about 500 a year." Working backwards from the number of convictions, something seemed off.

CHAIR FRENCH asked Ms. Bachman and Mr. Fink to check the numbers and the committee would post any corrected statistics on the website.

He asked if anyone would like to come forward to correct or supplement the record.

[2:10:34 PM](#)

DAN HOFFMAN, Chief, Fairbanks Police Department, said he would address two issues briefly. First, he applauds and encourages the use of the judicial commitment process that Senator Ellis talked about to address the chronic inebriate issue. He said he's hopeful that the pilot will prove to be successful and can then be implemented in other communities.

CHAIR FRENCH clarified that it's the money for beds that was lacking and continues to be lacking. Senator Ellis was onto something, he said. "Where I live in West Anchorage there's a group of hardcore inebriates that hang out at the corners, they panhandle, they hold up signs, they're a disgrace to the community, but there's nothing to be done. They have chronic alcoholism."

CHIEF HOFFMAN agreed that needs attention. He said the second issue he'd like to address is the need and value of electronic

reporting for pawn shops and secondhand stores. Although the Legislature may not feel it is in a position to mandate what communities do in this regard, it could offer incentives to communities that require electronic reporting. When Fairbanks tried to institute this in the past, there was local resistance from pawn shops that didn't want to be bothered with that sort of rigmarole, he said.

CHIEF HOFFMAN said he wanted to speak to the chronic inebriate issue to raise the larger issue of tort reform. He's very concerned to see that the community service shelter in Anchorage is being sued over the death of an inebriate. That person was picked up from under a bridge and taken to a sleep-off center where he died. The fact that he died is tragic, but this is a high-risk population and concerns about liability keep some shelters from opening. He encouraged the Legislature to provide as much blanket liability protection as possible for these shelters and the people working in them. If somebody is willing to take a chronic inebriate off the street and out of a dangerous environment, they should not be held responsible if that person ends up dying.

[2:13:48 PM](#)

SENATOR ELLIS asked if Fairbanks has problems with illegal trade in prescription drugs.

CHIEF HOFFMAN replied it's a significant issue. More and more often the cases of misconduct involving a controlled substance involve prescription drugs.

SENATOR ELLIS mentioned that he co-sponsored legislation related to tracking prescription drugs and that there will likely be discussion of that this year.

[2:14:43 PM](#)

ROB HEUN, Chief, Anchorage Police Department, said the summit has been encouraging. He understands that Justice Fabe's committee is looking at the criminal justice system and he would like assurance that local voices will be heard because they are integral players in that system. Listening to the testimony of others in the criminal justice system, he's heard common threads. He looks forward to seeing those posted on the website and that they continue to be distilled and worked through. It's enlightening to hear the commonalities that the system as a whole faces. He looks forward to the next step although he isn't sure where it comes from. He isn't sure there's enough oversight of the system from an entity that's empowered to prioritize and

balance the system. "Don't forget there are locals who don't necessarily fall under the state umbrella who are an integral part of that system. But we want to play, we want to fix this thing," he said.

CHAIR FRENCH commented that a theme they've heard is that there isn't really a system; it's a series of disparate entities. Sometimes they work well together and sometimes they could stand better integration. How to coordinate those has been on his mind. There's need for an overarching apolitical entity to coordinate criminal justice matters, he said.

[2:17:41 PM](#)

CHIEF HEUN said he likes to hear the term apolitical. Looking at the system as a whole and diminishing the perspectives of the individual players regarding budgets and resources would result in a more balanced and effective criminal justice system, he said.

CHAIR FRENCH said he'll follow up on the idea of community oriented policing grants as a way to fund officers.

CHIEF HEUN clarified that the context he used it in wasn't to fund officers. It was for localized state level grants for the criminal justice system to ensure balanced resourcing in the system. "Without the balance in the criminal justice system, this is just an exercise that's making us all feel like we're making progress."

[2:19:19 PM](#)

JANET MCCABE, Chair, Partners for Progress, said the nonprofit supports therapeutic justice. She suggested that this is a good time to investigate a reentry program because the Anchorage federal courts have decided to do this. "Programs really should be state, local, and federal because it's a system for providing one-stop services and one-stop supervision to people that are leaving prison." There isn't any reason to separate programs between jurisdictions because these people all need jobs and housing. Generally they need treatment and a carefully supervised program of reentry. She suggested asking the criminal justice working group to establish a subcommittee that includes all the agencies and nonprofit representatives to develop a proposal.

[2:21:06 PM](#)

JEFF JESSE, Chief Executive Officer, Alaska Mental Health Trust Authority ("Trust"), said, "We're ready to get to work." Clearly

mental health and substance abuse are key drivers to some criminal justice issues. Nonetheless they are optimistic that Alaska can put together a good and effective program that can affect the corrections population and perhaps avoid major facilities and operating costs down the road. For example, using the same approach as the bring-the-kids-home program, a lot of issues can be addressed. Over a three-year period the number of kids housed out of state has dropped from 428 to 260. "We think that we can look at these target populations in corrections - people with chronic mental illness [and] substance abuse problems - we can invest in community programs using those evidence-based practices that were identified [and] we can set measurable targets for reducing recidivism rates for those target populations and over time turn the curve on at least our beneficiaries in the criminal justice system." He said that Trust resources can be used to help develop the infrastructure to accomplish this. "We're ready to be full partners."

MR. JESSE said that the current administration, with Commissioners Schmidt, Monegan, and Jackson, is a great team. "They get it." Commissioner Schmidt has been very supportive of core infrastructure pieces such as the housing trust. With interagency cooperation in the executive and similar support in the Legislature, the success in Washington is attainable in Alaska.

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CHAIR FRENCH thanked Mr. Jesse for the can-do spirit and reminded anyone who had electronically prepared testimony to submit it to his office so it could be made part of the record. He also thanked his staff member, Allison Biastock, for keeping things moving forward and making the summit happen.

CHAIR FRENCH said that over the last two days he kept a tally of things he was hearing and he put a green sticky note next to the ideas he wanted to implement. Those include expanding the use of electronic web-based information and information-sharing methods for citations, discovery, conditions of bail, probation and parole, and DUI forms. Getting laptops in patrol cars and pawn shop reporting is important as Chief Hoffman said. Recruitment and retention are obvious areas that need focus. It's a problem they heard about from the DAs, the PDs, the Troopers, and the probation officers. APD seems to be the only group that's not impinged, but they are recruiting aggressively. It's something to look hard at to determine whether the pay for the boots on the ground is sufficient to get the best and brightest out there on the front line. Also, statistics need to be reviewed to see

if the right data is being collected to get the information that's needed. "When I ask simple questions about whether juveniles wind up in the adult system we find out that we don't know." The average citizen would say that's important information to know.

CHAIR FRENCH said it sounds like the crime lab is a bottleneck and it will probably need to be expanded. That's where a huge amount of information can be processed so the guilty can be put in jail and the innocent can be kept out. DNA testing is enormously powerful and it's got to be available. Effective juvenile intervention is vital. Mr. Aos clearly demonstrated that pennies spent on juveniles produces thousands of dollars in results. Voluntary pre kindergarten, keeping kids in school, and having cops in schools all produce huge results. "I'm eager to keep working on all those things." He thanked everyone for attending and in particular he thanked the criminal justice professionals from across the state who came and helped inform legislators to make their jobs more productive and meaningful.

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SENATOR THERRIAULT asked if he envisions the committee helping to shape something or if he's working to add to legislation that's been introduced or if he's looking at how to integrate with the program the administration is working on, which might not be ready until next year.

CHAIR FRENCH replied it depends on whether it's an incremental task like pawnshop reporting or something that's overarching like finding an entity to take over the criminal justice integration to provide continuity from one administration to the next. Something definitely has to come out of this, he said.

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SENATOR WIELECHOWSKI said he sees things that clearly need to be done right away. Obviously there are good people in a lot of areas doing a good job, but there are gaps in the system. When the Legislature is deciding where to make an investment, there are things that aren't known. He appreciates that in substance abuse there will finally be evidence-based results so it will be known if the investments are working. He would like to see some organization do a study like was done in Washington to figure out where Alaska would get the best bang for the buck to cut crime. It would be a tremendous investment for Alaska. "That would be my suggestion of where we go with this," he said.

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CHAIR FRENCH said he intends to reach out to Mr. Aos and get a copy of the Washington enabling legislation so that legislative research, the judicial council or some other entity can do some number crunching to provide guidance.

SENATOR ELLIS said he appreciates bringing in the nexus of substance abuse with criminality and social dysfunction in Alaska. It's something that's not been recognized by enough legislators, but we're on the cusp of making a change for the better, he said.

There being no further business to come before the committee, Chair French adjourned the meeting at [2:32:53 PM](#).