

HOUSE FINANCE COMMITTEE
January 30, 2009
1:35 p.m.

CALL TO ORDER

Co-Chair Hawker called the House Finance Committee meeting to order at [1:35:31 PM](#).

MEMBERS PRESENT

Representative Mike Hawker, Co-Chair
Representative Bill Stoltze, Co-Chair
Representative Bill Thomas Jr., Vice-Chair
Representative Allan Austerman
Representative Harry Crawford
Representative Anna Fairclough
Representative Richard Foster
Representative Les Gara
Representative Reggie Joule
Representative Mike Kelly
Representative Woodie Salmon

MEMBERS ABSENT

None

ALSO PRESENT

Joseph Masters, Commissioner, Department of Public Safety;
Dan Spencer, Director, Division of Administrative Services,
Department of Public Safety; Joseph Schmidt, Commissioner,
Department of Corrections; Dwayne Peeples, Deputy
Commissioner, Department of Corrections

PRESENT VIA TELECONFERENCE

Audie Holloway, Colonel, Director, Division of Alaska State Troopers, Department of Public Safety

SUMMARY

^Department of Public Safety Overview
Department of Corrections Overview

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Co-Chair Hawker started the meeting.

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JOSEPH MASTERS, COMMISSIONER, DEPARTMENT OF PUBLIC SAFETY, introduced Dan Spencer, Director, Division of Administrative

Services and Leslie Houston, Division of Administrative Services to help answer questions.

Commissioner Masters provided a brief overview of the public safety department and programs. He reviewed the structure and employee chart of the Department of Public Safety, January 30, 2009 (copy on file).

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Commissioner Masters reviewed the Department of Public Safety, Selected 2008 Accomplishments(copy on file). His review included the Alaska State Troopers, Alaska Wildlife Troopers, Village Public Safety Officers, Fire and Life Safety, Statewide Services, and the Crime lab. He remarked that challenges still exist in the recruitment and retention of Village Public Safety Officers.

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Commissioner Masters indicated that within the Fire and Life Safety division additional facility expectations will be reviewed on a two year cycle. He indicated that Statewide Services are the backbone and structure of the department. He noted that within this division 60,000 fingerprints cards have been placed into the system.

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Commissioner Masters signified that the crime lab filled the ten lab vacancies making them fully staffed for the first time since 2002. The Commissioner observed that this has enabled them to reduce the case backlog by 24 percent, especially in the DNA area.

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Representative Fairclough asked how he envisioned the Council of Domestic Violence and Sexual Assault (CDVSA) fitting within the department's management stream. She also questioned if the crime lab was taking and processing DNA swabs from felons entering the corrections system.

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Commissioner Masters believed a cooperative relationship with the CDVSA is required if there was going to be any effective effort in reducing sexual assault and domestic violence.

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Representative Fairclough considered obtaining DNA samples important because low crimes offenses often enter the system

and escalate to more serious cases and the availability of DNA could help the system solve future or cold cases. She congratulated John Glass on his participation and exemplary performance in the domestic violence and sexual assault task force.

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Vice-Chair Thomas asked about an injured trooper from his district and requested a report before going over the budget process.

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Commissioner replied he would get back to Vice-Chair Thomas regarding the trooper.

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Representative Austerman noted in the governor's state-of-the-state address there was mention of a highway patrol issue and asked for more elaboration on the subject.

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Commissioner Masters reported that the governor referred to the newly formed Alaska Bureau of Highway Patrol within the Alaska State Troopers division. He noted that currently it is primarily federally funded and the goal is to bring it into a more centralized focused management structure that will allow the implementation of better highway safety.

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Representative Austerman referred to some year-old homicides in the community of Kodiak that prosecutors refused to move forward to the grand jury without the crime lab work. He questioned why the crime lab was so far behind in these cases.

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Commissioner Masters responded that he would get back to Representative Austerman on more specifics. The Commissioner revealed that most cases in the crime lab turn around in 30 days. He revealed that backlogged more serious cases are prioritized. Representative Austerman questioned how homicides were prioritized within the department.

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Commissioner Masters reiterated he would follow up on Representative Austerman's concerns.

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Co-Chair Hawker expressed the committee's concern on the level of services provided to the rural communities. He remarked that in studying the budget he wanted to know if the department was asking for sufficient resources to accomplish their mission statement across the entire state.

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Commissioner Masters replied that budget requests are looked at from many different points. He commented that the department looks at the mission statement and determines if there are adequate personnel to accomplish it. He noted that earlier vacancies made it difficult to determine the department's true capabilities. The Commissioner added that if the department asked for more staff money he was not sure if it would be possible to fill those positions. The Commissioner also noted that additional comprehensive studies were required to determine if more positions were needed and where. He believed that the FY10 request was reasonable.

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Co-Chair Hawker voiced his concern that the Commissioner wanted more time to research the needs of the department when he understood the department had moved far in determining the needs for a ten-year plan.

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Commissioner Masters replied that the department is considering work done by the previous administration but he believed it was important to know the capabilities of the current allotted positions. Co-Chair Hawker asked if the previous years had been so mismanaged that the Commissioner was not aware of the present needs of the department. Commissioner Masters believed that planning needed to be more extensive with more required information factors. Co-Chair Hawker asked what factors the Commissioner was referring to. Commissioner Masters replied factors such as crime and population trends, the current economic situation, and potential new projects such as the natural gas pipeline. Co-Chair Hawker could not believe the department had not considered such obvious aforementioned trends.

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Commissioner Masters emphasized that he came into the department with a forward looking attitude to assess needs and then move forward. He defended the capabilities and dedication of his staff. Co-Chair Hawker reiterated his skepticism of the department's staff capabilities if they

had neglected to consider such important trends. Co-Chair Stoltze supported and appreciated the Commissioner's approach to the department planning. He referred to the letter from the Department of Public Safety answering many of the questions put forth by the House Finance Public Safety subcommittee (copy on file).

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Representative Foster applauded the local public safety record in the rural communities.

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Co-Chair Hawker asked about the charts on perspective retirement within the department. Commissioner Masters presented an overview of the present recruitment vacancies. He noted that there were twenty two Alaska state trooper vacancies. He also noted the seven Alaska wildlife trooper vacancies and twelve Court Service officer vacancies. At present twenty three job offers had been made with new trooper recruits starting in the academy in February 2009. The Commissioner also noted that there is sufficient lateral hiring to fill any existing vacancies. He stressed that by FY 10 all the trooper and CSO positions would be filled.

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DAN SPENCER, DIRECTOR, DIVISION OF ADMINISTRATIVE SERVICES, DEPARTMENT OF PUBLIC SAFETY reported he did not have specific information regarding retirement.

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AUDIE HOLLOWAY, COLONEL, DIRECTOR, DIVISION OF ALASKA STATE TROOPERS, DEPARTMENT OF PUBLIC SAFETY testified via teleconference that there would be approximately three retirement vacancies per year for the next few years. He added that several instructors at the academy will reach their 20-year anniversary date in the next three years. Mr. Holloway pointed out that the normal attrition rate is 8 to 10 troopers per year. Co-Chair Hawker asked if this information was being factored into the personnel requirements. Commissioner Masters replied the department is monitoring the expected attrition rate year by year.

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Representative Fairclough asked about administration staffing. The Commissioner replied that vacancies did exist in all divisions of the civilian support staff but they are proceeding with recruitment.

Representative Fairclough stressed that the committee consider that unsupported troopers often end up performing administrative work costing the department more money in the long run.

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Commissioner Masters commented that the department is looking at how support personnel and technical advances can aid the troopers. He noted that troopers performing court services functions, especially in rural areas, have been a problem.

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Representative Joule asked about Village Public Safety Officer (VPSO) vacancy rates and if these positions are getting into new villages. He noted that last year there was a task force to deal with VPSO issues and he wondered if there had been any follow-up to these recommendations. He questioned if there was enough involvement in search and rescue in rural areas where costs of fuel was very high.

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Commissioner Masters responded that his department was looking at all the task force recommendations, including the VPSO funding and salary/wage structure. He noted that the department has been working with non-profits to add and fill recommended vacancies. The Commissioner mentioned that as of last year forty seven VPSO positions were filled and this year they expected to fill fifty nine positions. Commissioner Masters noted recruitment challenges within nonprofit corporations. The Commissioner mentioned the desire to implement a five and ten year plan with the non-profits. Representative Joule questioned the search and rescue budget. Commissioner Masters replied that fuel budget items were talked about before his present tenure but the intent is to support search and rescue efforts. He recognized that most search and rescue is performed by outside nonprofit volunteer organizations.

DAN SPENCER, DIRECTOR, DIVISION OF ADMINISTRATIVE SERVICES, DEPARTMENT OF PUBLIC SAFETY replied that fuel increase requests have been made to the governor's office but not specifically for search and rescue.

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Representative Gara questioned how many communities currently do not have VPSOs and the department's goal in implementing the task force recommendations.

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Commissioner Masters responded he would reply in writing to Representative Gara's requests on the VPSO figures.

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Representative Gara followed up with a question concerning the proposed development of a sexual assault unit in the state and the disagreement over it between the former commissioner and governor. He wondered what federal funds the department might seek for a sexual assault unit. Co-Chair Hawker remarked that he would like to add a white collar crime unit.

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Representative Joule wondered how committee members will receive the answers from the commissioners and agencies for questioned being asked.

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Co-Chair Hawker responded that any response from the Commissioner or his department will be copied to all member of the committee. Co-Chair Hawker remarked that of all the departments before the committee this department presented the emptiest plan. The Commissioner responded that the department has presented the most necessary present needs and he assured Co-Chair Hawker that the department takes the process very seriously. Commissioner Schmidt believed that the 10-year plan structure helps the department move forward in the way it needs. The Commissioner reminded the committee he was not around when this original input was made. He assured the committee that next year's plan would look very different. Co-Chair Hawker accepted that there would be a year to reevaluate the department's needs but he could not believe that more plans and visions had not been formulated.

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Representative Salmon remarked that in these times of expanded communication and computers there have been few changes in rural areas. He believed more effort was needed in rural areas to respond to emergency calls.

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Representative Foster applauded the department for their work in his community. Representative Kelly reminded the committee that the public is concerned about having more troopers on the streets and applauded the department's recruiting efforts and hoped for even more results.

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Co-Chair Stoltze responded that the subcommittee would be looking at rural issues, VPSOS, and meetings on the Council of Domestic Violence and Sexual Assault.

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Department of Corrections Budget Overview

JOSEPH SCHMIDT, COMMISSIONER, DEPARTMENT OF CORRECTIONS provided a brief overview for the department and department heads. He noted that the Department of Corrections is one of six states that oversees jails and prisons plus pre-trial and sentencing prisoners. The Commissioner remarked that the department has 12 correction institutions and 13 regional adult probation offices. At present there were 3604 general capacity beds with 3,715 maximum capacity beds (copy on file).

Representative Fairclough asked if this ratio was the standard for all prison facilities. Commissioner Schmidt responded he would get back to her with the answer. Commissioner Schmidt continued that the department has 13 regional adult probation offices supervising 5,940 probationers. He added that there are 15 contracted municipal jails with 153 beds and 6 community residential centers with 753 beds. The Commissioner referred to the change in 2007 of the department's mission statement to enhance the safety of the public through secure confinement, reform programs, and supervised re-entry.

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Commissioner Schmidt continued that electronic monitoring does not change recidivism but it is a cheaper alternative to incarceration. The Commissioner noted that there has been an effort to add halfway house beds to help the inmates reacclimatize to the community before being released.

Co-Chair Hawker asked if the trends being seen were favorable to the Commissioner's vision of population management. Commissioner Schmidt answered yes and remarked that projections have been up and down with the numbers of prisoners increasing and decreasing regularly from year to year. He stressed this made projections difficult.

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Commissioner Schmidt pointed out that arrests are down in the field because 30 more police officers have been added on the street.

Co-Chair Stoltze asked if there were trends in certain areas of the state that lead to bed shortages. Commissioner

Schmidt reported that the problem was mainly among medium security prisoners. He felt the inmates were not being released from maximum security to minimum security facilities in a timely enough manner.

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Commissioner Schmidt asserted that the division commits to working within the Results Delivery Units (RDE). He informed that the division is working on an Occupational Safety and Health Administration (OSHA) respiratory protection program. The Commissioner reported on Kenai building renovations.

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Commissioner Schmidt mentioned three housing units built at Palmer Camp and the gym in Fairbanks. He declared that 38 beds would be brought to Fairbanks. The Commissioner disclosed that aging facilities were still a challenge as well as training and procuring staff. He discussed present programs for staff members.

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Commissioner Schmidt continued with the subject of population management. He maintained the importance of halfway houses to make sure those beds were full.

Co-Chair Stoltze remarked he had visited almost every facility in the state and expressed his concern regarding the staffing levels at some facilities.

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Co-Chair Stoltze wondered if there was an issue of where to put different kinds of offenders. Commissioner Schmidt agreed it sometime happens. He reported that staff had been added to help address some of the problems. Co-Chair Stoltze remarked he would attend a subcommittee meeting on the subject.

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Representative Fairclough questioned if a specific issue for Highland Mountain Correctional center was in the department's capital projects budget. Mr. Peeples replied it was in the FY10 capital budget. Representative Fairclough questioned if the municipality was working cooperatively on the land swap. Mr. Peeples indicated there was positive cooperation on land swap. Representative Fairclough wondered if this will occur during the present legislative session. Mr. Peeples indicated they were trying to initiate the project now. Representative Fairclough requested a follow-up

to her inquiry. Mr. Peeples agreed to provide the information.

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Representative Salmon questioned the fire drill protection plans that were practiced at the prisons. Commissioner Schmidt replied that each facility had emergency plans for fire evacuations drills.

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Representative Salmon further questioned the physical fire systems. The Commissioner responded that water sprinkler systems are throughout the facilities. Representative Kelly asked if the number of correction officers mentioned earlier was a positive change. The Commissioner replied that it was. Representative Kelly referred to the intent to fill all vacancies in FY09 and asked if that was also a positive achievement.

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Co-Chair Stoltze responded that he had heard less from correctional officers on the subject of forced overtime. Commissioner Schmidt replied that the overtime issue is gone.

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Representative Salmon asked for more information on how the department plans to bring home prisoners at the Arizona facility. Commissioner Schmidt replied that the first draw down occurred when empty beds were found in Seward. He believed the new projection indicated that all those incarcerated in Arizona should be returning to Alaska. Representative Salmon asked when that would happen. The Commissioner replied by March 2012. Representative Kelly remarked that more inmates returning to Alaska would cause costs to rise. He requested the economic costs for putting inmates in Goose Creek as opposed to keeping them in Arizona.

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Representative Joule asked about the recommended increase in community center jails or halfway houses. Commissioner Schmidt replied that half-way houses were used as an integration tool for those completing longer sentences. Representative Joule thanked the Commissioner for the departments help and cooperation within his community.

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Representative Fairclough questioned the statistics of alcoholism and alcohol related cases in prison. Commissioner Schmidt responded that a 2003 study put alcohol related problems at 92 percent. Representative Fairclough asked if there were any alcohol or drug related programs in the prisons. Commissioner Schmidt responded that residential substance abuse programs were in Kenai, Eagle River and Arizona. He remarked that with most sentences averaging 120 days there was not enough time for prisoners to complete the programs. Representative Fairclough noted that anger management programs were difficult to house in rural areas. She wondered if anger management programs were available to help reintroduce inmates to the community. Representative Fairclough also wondered if there was any online way to record court ordered perpetrator accountability. Commissioner Schmidt replied he would have to return to Representative Fairclough with specifics.

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Representative Salmon asked if the Commissioner was familiar with HB9 on capital punishment and, if the bill passed, what additional facilities would need to be built. Commissioner Schmidt replied he was not sure at this time. Representative Salmon wondered how this would work. Commissioner Schmidt did not want to speculate at this time.

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Representative Kelly questioned if the use of polygraphs was working. Commissioner Schmidt replied no active study exists but evidence-based work indicates that sex offender programs can reduce recidivism by 8 percent. He added that it is an expensive program that is not always cost effective. Representative Kelly declared that results should be observed to justify the large amount of money being spent. He added that the number of non-compliance was not good.

Representative Kelly questioned if the probation officers were making frequent visits to oversee the progress of the offender. Commissioner Schmidt commented that probation officers do supervise the sex offenders in the community. Representative Kelly declared his interest in making the numbers in prison go down because probation progress was effective and parolees were not just left on the street unsupervised. He wondered if there was any reward for the private sector to hire people coming out of prison. Co-Chair Stoltze recounted success stories from businesses who hired former inmates.

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Mr. Peoples replied there were no tax credits for businesses who hire former inmates. Representative Kelly was interested

in knowing of successful programs that have been working in other areas of the country.

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Representative Gara questioned what sort of alcohol related issues exists in the prisons. Commissioner Schmidt replied that alcohol related issues do not necessarily refer to alcoholism. Representative Gara asked if numbers were available on those that had actual alcoholism problems. The Commissioner replied that more studies would be needed to review those statistics. Representative Joule wondered if there had been any success in recidivism among sex offenders.

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Commissioner Schmidt replied that evidence base numbers could be as much as 8 percent. Mr. Peeples interjected that there was a Colorado model that provided some statistics. Representative Joule questioned if there existed drugs that reduce the sex drive. The Commissioner replied that more research was needed on the subject.

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Representative Fairclough contended that rehabilitation of certain sex offenders had been approached at different levels but she believed that child sex offenders can not be rehabilitated. She agreed drugs existed that try to repress the urges of child sex offenders. She felt that some programs often help the offender learn how to avoid the court system.

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Co-Chair Stoltze requested that more information on the subject be sent to the committee. Commissioner Schmidt agreed with Representative Fairclough that it is just as important who is not treated as those who are.

Co-Chair Stoltze applauded Natalie Brooks who spent her life as an advocate in the prison system and hoped for some higher recognition for her.

ADJOURNMENT

The meeting was adjourned at 3:35 PM

