

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

January 21, 2010

9:00 a.m.

MEMBERS PRESENT

Senator Linda Menard, Chair
Senator Kevin Meyer, Vice Chair
Senator Hollis French
Senator Albert Kookesh
Senator Joe Paskvan

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

OVERVIEW - DEPARTMENT OF CORRECTIONS

HEARD

PREVIOUS COMMITTEE ACTION

No Previous Action to Report

WITNESS REGISTER

JOE SCHMIDT, COMMISSIONER
Department of Corrections
Alaska State Capitol
Juneau, AK

POSITION STATEMENT: Presented an overview of the Department of Corrections.

DWAYNE PEEPLES, DEPUTY COMMISSIONER
Department of Corrections
Alaska State Capitol
Juneau, AK

POSITION STATEMENT: Presented an overview of the Department of Corrections.

ACTION NARRATIVE

[9:00:50 AM](#)

CHAIR LINDA MENARD called the Senate State Affairs Standing Committee meeting to order at 9:00 AM. Present at the call to order were Senators Menard, Meyer, French and Paskvan.

Overview - Department of Corrections

[9:00:51 AM](#)

CHAIR MENARD announced today's agenda to be an Overview from the Department of Corrections.

COMMISSIONER JOE SCHMIDT, of the Department of Corrections, introduced himself and Dwayne Peeples, Deputy Commissioner of the Department of Corrections.

[9:03:06 AM](#)

SENATOR KOOKESH joined the committee.

COMMISSIONER SCHMIDT, Department of Corrections (DOC), said he appreciated those who get involved in issues and care about what the department is doing. He said he would talk about the department's focus and the Goose Creek prison. If Alaska needs another prison, it makes sense to have it in Alaska.

COMMISSIONER SCHMIDT said there was a great deal of resistance from the legislature and community areas. However, once talk changed to focus on regionalization, getting some of the rural folk home to their communities and downsizing the main prison, it started to gain steam. He said the department's job is to figure out how to build fewer prisons over the long term. More focus is needed on reform and changing behavior. Commissioner Schmidt said Brian Brandenburg, a mental health clinician, was brought in to be Deputy Director and to architect a program plan; he used evidence based programs.

[9:06:35 AM](#)

COMMISSIONER SCHMIDT related that at the 2008 Crime Summit, Senator French brought Mr. Steve Aos from Washington [State Institute of Public Policy]. Mr. Aos spoke about the positive effects of evidence based programs. The Institute of Social and Economic Research (ISER) was hired to convert the numbers provided from Washington to Alaska's economy. The Criminal Justice Work Group was created that included the Department of Health and Social Services and the Court system. A program plan was funded and has been implemented; and the substance abuse program has been running since April. In three to five years, numbers from ISER or another entity will be used to expand the

it. In the meantime, The Department of Corrections is tracking numbers to see how the program is doing and where the problems are. The program started in April, so those who went through the three month program have been out for about six months now. More time must be allowed to see how it is going.

[9:09:26 AM](#)

COMMISSIONER SCHMIDT spoke about moving prisoners from Arizona to Hudson, Colorado, and how some prisons were closing due to the poor economy. This indicates that the value of a prison bed is changing. He had the deputy commissioner send out a letter of interest to prisons interested in taking Alaska's prisoners. It created competition and the price per prisoner dropped.

CHAIR MENARD asked if the cost per prisoner was \$6 per day.

COMMISSIONER SCHMIDT responded that it is \$4 per day. For 1,000 prisoners, that is a substantial amount of money. He said that Hudson, Colorado's prison came out the best financially; it is a brand new facility that has only Alaskan prisoners so far. Hudson also looks very much like Goose Creek is going to look and he hopes to build a daily schedule at Goose Creek that will be similar to Hudson's.

[9:12:06 AM](#)

CHAIR MENARD asked what the square footage or acreage is.

COMMISSIONER SCHMIDT answered that it is about 1,000 x 1,500 feet and is modeled as a community within a community. It's a medium custody facility with the capability of holding higher security prisoners when needed. It is similar to a maximum security facility but without a tower. Inside the tight perimeter is a functioning community. Commissioner Schmidt said prisoners adapt to prison, but it would be better if they stay adapted to a regular life within the confines of a micro society as this life is most effective for recidivism.

[9:13:59 AM](#)

COMMISSIONER SCHMIDT said the department looked at using the 25 - 30 empty beds at a halfway house in Bethel that has 130 beds for a sex offender program. He said they don't let prisoners out of jail early for this program; it's not a furlough program. He explained that typically after a prisoner has served his time, afterwards he or she was stuck in Anchorage to get the court ordered follow-up treatment, because it wasn't available in their village. All the people who would be willing to help them reenter their society were out in their rural communities -

which he found would welcome these people back. He hoped to get them at least to a "hub community" where they would be closer.

COMMISSIONER SCHMIDT said the department went straight to the community and asked if it would or would not work there. He stated that the new sex offender program is now functioning well in Bethel; it has the support of the women's resource center, and the community seems to embrace the idea.

[9:16:29 AM](#)

COMMISSIONER SCHMIDT explained a situation in which a person had served his jail time and was complying with all his condition, living in the program, got a job at the gas station, and they knew from his file that he does A, then he does B, then C is a sex offense. They found that a young girl was working somewhere close that he didn't tell them about; that would A. Then when he walks to work he diverted a little bit; that's B. So they "violate him" and put him back in jail for whatever condition of treatment. He learned something about himself that day. But did he fail? Commissioner Schmidt didn't think so. That is what the program should be doing.

He said the Department of Corrections is working very hard on reentry programs. A lot of community groups do different pieces of reentry. They are getting a list of who they are and where their money comes from. He foresees the department forming a task force and possibly qualifying for federal grant money. He stated that without good reentry, all other programs don't matter. The mission statement is secure confinement, reformative programming and supervised re-entry.

[9:18:37 AM](#)

COMMISSIONER SCHMIDT said Goose Creek is slated to open in March 2012, but bringing prisoners back to Alaska won't save tons of money - and he added that this was never promised. So there won't be a crushing pressure to fill it in a week; it may take six to eight months to ensure that everything works.

COMMISSIONER SCHMIDT said recruitment plan is working well. The correctional officer count was 689 in 2006, and last year the average for the year was 774.

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SENATOR MEYER suggested that the reason it took Goose Creek so long to get the green light to go forward is because it's cheaper to send prisoners Outside.

DWAYNE PEEPLES, Deputy Commissioner, Department of Corrections, said the actual cost for Red Rock facility in Arizona, under Corrections Corporation of America (CCA), was probably about \$75-\$76 per day. Colorado was about \$70 per day. Goose Creek's final calculations should be ready in two weeks and will include calculations for gas, electric, water and sewer. He was expecting it to run about \$35 million per year. He stated that it will probably still be cheaper to house prisoners outside the state.

SENATOR MEYER said when considering other factors such as prisoners having family members close by, being in Alaska when released, and the jobs and economic benefits to the whole state, it is OK that the cost of keeping them here is a little higher. The State's correction costs keep going up every year and while there is support for the Governor's plan for tougher sentences for sexual assault and domestic violence, that will add even more costs. Commissioner Schmidt's plan to reduce the folks who repeatedly return to prison should help a lot.

[9:23:50 AM](#)

COMMISSIONER SCHMIDT said while 5 percent of prisoners don't ever get out of prison, 95 percent do. He does not have information on whom and how many come back with him today, but two-thirds have been coming back without any kind of program plan or reentry plan. He doesn't know yet how many folks the Governor's new initiative will bring into the system and how many would have come in anyway.

SENATOR MEYER said he supports what Commissioner Schmidt is doing to eliminate repeat offenders, especially with sexual assault and domestic violence.

[9:26:22 AM](#)

At ease was announced at 9:26 a.m.

[9:30:00 AM](#)

CHAIR MENARD called the meeting back to order at 9:30 AM.

MR. PEEPLES said the DOC population has two components: managing the probation and parole group, about 6,000 people, and the incarcerated population, about 5,650 people. Of those 5,650, almost 900 are in out-of-state facilities and 3,800 are in in-state facilities. The rest are in electronic monitoring and community residential centers. A year ago the incarcerated population unexplainably dropped to 5,250 people. By April, it started climbing back up and he expected that it would hit 5,700

in the next month or so. This population will continue to grow by 150 to 175 a year for the next five to ten years. Recent statutory changes made third-time misdemeanor assaults a felony. This increases sentencing and adjudication to be sentenced numbers. Other adjustments to criminal statutes over the last four to five years will also cause this increase to continue. Goose Creek will have 1,536 beds for medium and lightweight prisoners. The impact of the statutes will be on the jails. Anchorage, Nome, Kotzebue, Bethel and Fairbanks will continue to be heavily hit and require additional expenditures and capital.

[9:32:46 AM](#)

MR. PEEPLES said he is going to produce a report on construction, renovation and growth factors in those areas for the ten-year plan. Goose Creek started construction a year ago and substantial completion is anticipated by November, 2011. The facility will start holding people in March of 2012 and be fully occupied by about June of 2012. Mr. Peeples said he expects no great delays in construction and to have reasonably good operational costs in the next two to three weeks. It will have close to 370 staff and the staffing schedule will be posted in the next couple weeks. Of that 370, 340 or 330 will be new state employees; others will be transferred in from other operational units.

Mr. PEEPLES referred to two handouts on Goose Creek. One was a December 2009 Project Status Report produced by Rise Alaska, the contractor managing the project for the Matsu Borough and the state. A quick breakout of the financing was on the third page.

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Mr. PEEPLES reported that \$67 million of the \$242 million bond has been spent or obligated to date. In addition to the bond, the state allocated \$6 million in state capital funds to put in infrastructure for gas, electric, communications and some roadwork; \$2.1 million of that has been spent. Steep costs for getting utilities out there were anticipated. Projected costs of \$8 to \$10 million ended up being \$1 million. Gas costs were reported at \$750,000.

CHAIR MENARD remarked that this was a huge savings.

MR. PEEPLES said a couple of analyses in accordance with legislative intent will be available in the next two weeks. One looks at the cost of Goose Creek and the possibility of privatization. The other one is a state-wide facility plan and consideration of where construction, renovation and repair costs

will be going and how the population will be managed in the future.

CHAIR MENARD asked about feeding the prisoners. She thought something in the statutes says they must be put to work growing food and Point MacKenzie has farms.

COMMISSIONER SCHMIDT said recent meetings between DNR, farm groups, and the DOC revealed that the problem was that they were not buying enough local products. The department is supposed to buy local if the cost is within 7 percent and the quality is good.

[9:39:06 AM](#)

CHAIR MENARD said she has had emails about this and said that the Valley is rich in agriculture.

COMMISSIONER SCHMIDT said he understands that and thinks Department of Corrections should buy local. He hoped that problem is rectified this year.

CHAIR MENARD asked for a refresher on state and regional prison locations.

COMMISSIONER SCHMIDT responded that the state has 12 facilities, 13 probation field offices and 15 community jails. The facilities are in Anchorage, Matsu in Palmer, Point MacKenzie, Sutton, the Highland Mountain Female Facility in Eagle River, Yukon Kuskokwim in Bethel, Anvil Mountain in Nome, Fairbanks, Lemon Creek in Juneau, Ketchikan, Spring Creek in Seward, and Wildwood in Kenai.

CHAIR MENARD asked if females are merged into Goose Creek.

COMMISSIONER JOE SCHMIDT replied no. He added that 10 percent of the prison population is female but 20 percent of growth is female. One day there will be a need to expand facilities for females.

[9:41:56 AM](#)

COMMISSIONER SCHMIDT said the best way to consider new problems is to go out and talk to the community. He gave an example of a community wanting a trail close to a prison fence; so a land swap is being arranged. Communities have to be kept safe and the DOC should be working with them. Goose Creek was named by the community council.

CHAIR MENARD asked what the 20 percent increase of female offenders is attributed to.

COMMISSIONER SCHMIDT replied the he would have to find out if the increase is alcohol, theft and/or drug-related. It's increasing more than it should be for its low numbers. Females make up 10 percent of prison population, 15 percent of the halfway house population and 20 percent of the probation caseload. He explained that when the prison population counts dropped by 250 in 2008, he knew it would go back up. A program plan was not in place yet, so it could not be attributed to recidivism. Some changes with population management were made such as using halfway houses and expanding electronic monitoring; he would like to think that a piece of the population responded to that.

[9:44:46 AM](#)

COMMISSIONER SCHMIDT said the percentage of Native Alaskans in the facilities has been 36 percent for years. In 2008, the year the prison population dropped by 250 people, the percentage of Alaska Natives went down to 34 percent. So it seemed that the Alaska Native population responded to something that year. Prison population statistics have many driving.

MR. PEEPLES said 390 females were incarcerated based on 2008 data; 34 women were there for alcohol related issues, 60 for drugs, and 104 for assault.

CHAIR MENARD asked who women are assaulting.

MR. PEEPLES replied that just meant assault across the board. Sixty-eight women were there for shoplifting or property crimes and 40 for public disorder.

SENATOR FRENCH asked who keeps prisoners in communities south of Juneau, such as Wrangell and Petersburg.

COMMISSIONER SCHMIDT replied that 15 communities have jails. These are generally short term holding facilities with 10 or 20 beds used for people who are getting adjudicated - then they migrate - usually to Juneau. Some communities like Sitka or Barrow have embraced electronic monitoring. It is nice to have that option if jail is not the right answer.

[9:48:16 AM](#)

CHAIR MENARD asked if the use of monitoring has increased in the last two years.

COMMISSIONER JOE SCHMIDT answered yes; about 250 people statewide are on electronic monitoring.

CHAIR MENARD asked if electronic monitoring uses any new technology.

COMMISSIONER SCHMIDT answered yes; improvements have been made in alcohol sniffing, bracelet monitoring, and on GPS. Electronic monitoring doesn't help recidivism, but it is very cheap and the program has a mid-90's success rate. For those who fail and return to jail, it is due to technical violations, not new crimes. He explained that the department is very careful about whom they put on monitoring; it has to be the right person.

COMMISSIONER SCHMIDT said an average of 190 people a month are being put back in jail for violating probation or parole and 49 percent of those coming back from probation and parole have new crimes. The right people are being put back in jail. However, he was trying to figure out why half of the ones who have new crimes, a quarter of the ones who come back, committed a new crime after some contact with the Court of Appeals.

[9:51:17 AM](#)

SENATOR FRENCH asked how long someone is in a Southeast community jail before being moved to Lemon Creek. He asked what the costs or guidelines are.

MR. PEEPLES replied that Ketchikan is a state facility, so people who are being adjudicated in Ketchikan stay there. The Department of Corrections has contracts with Wrangell, Petersburg, Sitka and Craig communities that have city jails. Term limits depend on the facility and its beds. The cities want to move people to where the courts will be serving them.

SENATOR FRENCH said he understood that people who commit misdemeanors stay in the community. If a person commits a felony, he or she will be transferred.

MR. PEEPLES replied that it depends on the classification of the misdemeanor and on the community.

SENATOR KOOKESH asked if all vacancies for probation officers have been filled.

[9:53:34 AM](#)

MR. PEEPLES replied that seven Parole Officer positions are vacant at this time.

SENATOR KOOKESH said the highest number of those on probation or parole, per capita, are Alaska Natives. He asked how many probation officers are Alaska Natives. He also asked what kind of steps the department is taking in terms of getting more Alaska Native probation officers.

COMMISSIONER SCHMIDT said the department has not specifically addressed probation officers, but about 7 percent of state correctional employees are Alaska Native. He believes about 16 percent of Alaska is Alaska Native, but that 36 percent of the prison population is Alaska Native. The department is below target for Alaska Native probation officers. The training academy director, who is in charge of recruitment, said the problem is a low number of Alaska Native applicants. The feeling is that Alaska Native applicants are not being turned away, but rather that they aren't applying for the position.

SENATOR KOOKESH asked if a college degree is still required to be a probation officer.

COMMISSIONER SCHMIDT said yes, a college degree or experience as a corrections officer is needed.

MR. PEEPLES said the requirements and specifications for probation officers were recently revised with greater allowance for substitutions for the education qualification. Several people have worked their way up through the ranks that way.

9:56:05 AM

SENATOR KOOKESH asked what is being done about the low number of Alaska Native parole officers. The recidivism rate in Alaska will not improve unless there are probation officers who can connect with those on parole.

COMMISSIONER SCHMIDT agreed and said that the degree requirement had been modified to consider work experience in its place. The Bethel field office has filled its positions by using Criminal Justice Technicians that started out in that office. It comes back to recruitment and enticing people to apply - for example, at a booth at the fair.

CHAIR MENARD asked if she heard correctly that Commissioner Schmidt said a booth at the fair.

COMMISSIONER SCHMIDT replied yes, a booth at the fair was started, but just for general applicants, not targeted to Alaska

Natives. The Kenai College has a corrections certification program now. None of these things focus on getting more Alaska Native applicants, but just focus on getting more applicants in general.

SENATOR KOOKESH suggested that maybe the Village Public Safety Officer (VPSO) Program should look at taking the next step into the probation field and that experience could count in lieu of a college degree. He hoped Commissioner Schmidt would look at suggestions from the Native community statewide to get Alaska Natives into the probation or officer programs.

SENATOR PASKVAN asked Commissioner Schmidt about the increasing sentencing functions over the next decade and what related costs the Legislature should think about. He also stated that he knows that the court system for the Interior Alaska Fourth Judicial District had a 20 percent increase in criminal case filings through December 1st and wanted to know if the Fourth Judicial District has something unique that has caused this increase.

[9:59:47 AM](#)

COMMISSIONER SCHMIDT responded that he was in Kenai recently and the probation officers have a caseload of 67 where previously they have had 100. The District Attorney changed and along him the philosophy of who gets charged and who doesn't. The department is working on formalizing a task force for a reentry plan and therefore possibly qualifying for some federal grant money. Secure confinement is the most expensive piece; it is the most effective for immediate protection but the least effective for recidivism.

SENATOR PASKVAN said the time between filing to sentencing can be long. If there is a 20 percent increase in criminal filings, this may result in a percent impact on the Department of Corrections. He is wondering if this is unique to the Fourth Judicial District and if Commissioner Schmidt coordinates with the court system.

[10:03:17 AM](#)

COMMISSIONER SCHMIDT responded that anything lengthening the adjudication period, any extra day served pre-trial, comes off of the other end and is one less day served after being sentenced. The overall time of incarceration may not change. It creates a population management situation but not necessarily a monetary situation. Pretrial beds are a little more expensive to run, but the department does not react too strongly to that.

He said that the 20 percent increase in criminal filings is not unique to the Fourth Judicial District and that they have connected well with the courts. The department was invited to the judicial conference and meets with judges routinely.

10:05:07 AM

CHAIR MENARD thanked everyone for their comments and finding no further business to come before the committee, she adjourned the Senate State Affairs Standing Committee at 10:05 a.m.