

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

February 9, 2011

1:34 p.m.

MEMBERS PRESENT

Senator Hollis French, Chair
Senator Bill Wielechowski, Vice Chair
Senator Joe Paskvan
Senator Lesil McGuire
Senator John Coghill

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 62

"An Act allowing appropriations to the civil legal services fund from court filing fees."

- MOVED SB 62 OUT OF COMMITTEE

COURT SYSTEM PRISONER REENTRY PROGRAM

- HEARD

BRIDGE HOME PROGRAM

- HEARD

MENTAL HEALTH TRUST AUTHORITY

- HEARD

PREVIOUS COMMITTEE ACTION

BILL: SB 62

SHORT TITLE: CIVIL LEGAL SERVICES FUND

SPONSOR(S): SENATOR(S) MCGUIRE

01/24/11	(S)	READ THE FIRST TIME - REFERRALS
01/24/11	(S)	JUD, FIN
02/07/11	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/07/11	(S)	Heard & Held

02/07/11 (S) MINUTE(JUD)
02/09/11 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

JEFF JESSEE, Chief Executive Officer
Alaska Mental Health Trust Authority
Department of Revenue
Anchorage, AK

POSITION STATEMENT: Discussed rehabilitation and recidivism from the perspective of the Alaska Mental Health Trust Authority.

DOUG WOOLIVER, Administrative Attorney
Alaska Court System
Anchorage, AK

POSITION STATEMENT: Delivered an overview of the therapeutic courts in Alaska.

CARMEN GUTIERREZ, Deputy Commissioner
Department of Corrections
Anchorage, AK

POSITION STATEMENT: Presented information on reentry and reducing recidivism.

STACY TONER, Deputy Director
Division of Behavioral Health
Department of Health and Social Services
Juneau, AK

POSITION STATEMENT: Delivered an overview of the Bridge Home Project.

ACTION NARRATIVE

1:34:28 PM

CHAIR HOLLIS FRENCH called the Senate Judiciary Standing Committee meeting to order at 1:34 p.m. Present at the call to order were Senators McGuire, Paskvan, Wielechowski, Coghill and French.

SB 62-CIVIL LEGAL SERVICES FUND

1:35:38 PM

CHAIR FRENCH announced the consideration of SB 62. It was heard previously. He noted that there was some concern about this being a dedicated fund, but it clearly is not dedicated. Recent letters of support were from the Governor's Council on

Disabilities and Special Education and the Alaska Mental Health Board Advisory Board on Alcoholism and Drug Abuse. He solicited a motion.

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SENATOR MCGUIRE moved to report SB 62 from committee with individual recommendations and attached fiscal note(s).

SENATOR COGHILL objected to state that while he agrees that there's a compelling reason to fund Alaska Legal Services, he isn't sure it's sufficiently compelling to put in statute. "I wanted to put it on the record that I feel that there's further conversation on this," he stated, and then removed his objection.

CHAIR FRENCH announced that without further objection, SB 62 moved from the Senate Judiciary Standing Committee.

At ease from 1:37 p.m. to 1:38 p.m.

Mental Health Trust Authority

[1:38:23 PM](#)

CHAIR FRENCH announced the committee would next hear presentations on the general theme of rehabilitation programs, starting with opening remarks from Jeff Jessee.

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JEFF JESSEE, Chief Executive Officer, Alaska Mental Health Trust Authority (AMHT), informed the committee that for many years the Alaska prison population consistently tracked prison populations in other states. However, by 2009 many states had taken steps to stem the unsustainable growth in their prison populations, and for the first time in 38 years the overall prison population in the U. S. declined. Alaska was not among these states. While 26 states saw a decline, Alaska was one of 8 states with the highest continued increase in its prison population.

MR. JESSEE said he applauds the committee's foresight in arranging this hearing because the states that have been successful in containing their prison populations did so through a multi-agency approach. To that end, the committee today would hear from the Court System about its successful therapeutic court programs; the Department of Corrections regarding reentry programs; and the Division of Behavioral Health regarding supportive programs and housing projects that help people coming from corrections to successfully reenter the community.

He noted that both the state of Washington and Texas have used these strategies to successfully control their prison populations.

Court System Prisoner Reentry Programs

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DOUG WOOLIVER, Administrative Attorney, Alaska Court System, said he would provide an overview of the therapeutic courts in Alaska. He explained that these were initially started by two district court judges in Anchorage. Judge Stephanie Rhodes started a mental health court in 1998 and Judge Jim Wannamaker started a wellness court focused on alcohol abusers in 1999. Judge Rhodes repeatedly saw the same defendants who had significant mental health problems come before her for relatively minor offenses, and Judge Wannamaker saw some of the same alcohol abusing defendants come before him again and again. These judges started therapeutic courts because they could see the obvious connection between the underlying problem that the defendants had and the crimes in which they engaged.

Therapeutic courts are now located in Anchorage, Barrow, Bethel, Fairbanks, Juneau, Ketchikan, and Palmer. The court system is looking to set up additional courts in Kenai, Tok, and Kodiak. In addition Anchorage has a veteran's court, which takes people who would probably qualify for one of the other courts, but because they're veterans they're entitled to benefits with the Veterans' Administration. The veteran's court gets the veteran reconnected or connected for the first time with the Veterans' Administration.

While there are different types of therapeutic courts for defendants with different problems, what they all have in common is reducing the recidivism rate. All therapeutic courts provide assistance, close supervision, regular court appearances, and swift sanctions for violations. Therapeutic courts provide a multi-agency approach. In a typical criminal case, there is a judge, a prosecutor, and a defense counsel. In the therapeutic courts the prosecutor and the defense attorney work as part of a team. The Alcohol Safety Action Program (ASAP) works with the therapeutic courts as does the Department of Corrections to provide case coordination services for the mental health courts. ASAP also provides case management supervision for other courts. The Division of Juvenile Justice (DJJ) is involved with the Fairbanks therapeutic court, which deals with minors who have mental health problems; the Veterans' Administration is involved

with the veteran's court; and the Mental Health Trust helps the entire system with funding and grants.

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MR. WOOLIVER further stated that therapeutic courts are effective and save money, sometimes a considerable amount. In 2005 and 2007 the Alaska Judicial Council (AJC) conducted studies of the Alaska therapeutic courts. A summary of the 2005 study states that defendants who graduated from the programs or were active in them spent fewer days incarcerated, had fewer remands to custody, and had fewer convictions compared to those who were not in the program. Defendants in the comparison group for each program had significantly more days of incarceration during the two year period after their convictions. The participants had drug-free babies, better jobs, better education, and reduced domestic violence. These are directly tied to lower costs. Mr. Wooliver noted a participant in the Anchorage felony drug court had been a user and abuser for many years, but she was clean and sober throughout her pregnancy when she was in that court and delivered a healthy baby. We know the cost of a drug-addicted baby at birth. It never ends; it goes on for the rest of that child's life. AJC also found that therapeutic courts serve a variety of defendants and the benefits were not limited to a narrow group of selected participants.

In the 2007 study AJC found that 13 percent of graduates were rearrested within one year as opposed to 32 percent in the comparison group. In 2008 the Urban Institute completed a long-term study of the Anchorage Wellness Court and found the following:

We find that the opt-in group had significantly lower likelihood of any rearrest and reconviction, significantly fewer opt-in group members were rearrested and reconvicted, and those in the opt-in group had large and significant benefits to the criminal justice system and crime victims, returning over \$3 in benefit to every \$1 the program cost.

Also in 2008 the Mental Health Trust Authority commissioned studies of the mental health courts in Anchorage and Palmer. These also showed reduced recidivism rates and significant savings. The Anchorage program realized a net one-year savings to the state of over \$400,000. The Palmer court showed over \$200,000 in savings. The average cost for a participant in the Anchorage Mental Health Court is just less than \$20 a day. In

the Palmer court it's just less than \$17 a day. At that time this compared to over \$120 a day for jail. These findings of reduced recidivism and cost-savings are consistent with studies nationwide.

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The National Association of Drug Court Professionals recently published a research update that stated, "We know that drug courts significantly reduce drug use and crime and do so with substantial savings." These programs work; they reduce recidivism, which reduces the likelihood of crime so there are fewer crime victims. While you can't measure a negative, what can be measured shows very good results. Even so, the therapeutic court movement is in its infancy. Last year in any given month there were only 400 participants in all the various crime-related therapeutic courts in Alaska. This compares to about 6,000 felony filings and over 32,000 misdemeanor filings in the state last year.

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CHAIR FRENCH asked if there are 400 participants in wellness courts statewide.

MR. WOOLIVER said that wellness court is one particular type of therapeutic court, and there are 400 participants in all the therapeutic courts in the state.

CHAIR FRENCH asked if that figure includes the alcohol courts, the veteran's courts, and the mental health courts.

MR. WOOLIVER answered yes.

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SENATOR MCGUIRE asked if there is a provision to put pregnant women at the head of the list.

MR. WOOLIVER said he isn't sure but he would find out.

CHAIR FRENCH questioned why there aren't more participants, given that two studies have demonstrated a fairly significant reduction in recidivism with these programs.

MR. WOOLIVER replied there's a lack of treatment infrastructure and there's a lack of available attorneys. Each defendant takes more time in a wellness court, so therapeutic court attorneys and prosecutors have fewer cases. Even though there are long-

term benefits, there is a lot of up-front work to get these started.

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CHAIR FRENCH asked about the cost of \$20 a day to keep a participant in the therapeutic court program, versus \$120 a day for jail. He asked if that \$20 a day includes the extra attorneys.

MR. WOOLIVER said he would have to look into that.

CHAIR FRENCH said he would like to know the answer.

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SENATOR MCGUIRE suggested that paralegals might help offset the workload for attorneys.

MR. WOOLIVER said he'd bring that up with the Department of Law (DOL) and the public defender.

CHAIR FRENCH said it's an interesting idea. When these courts started, one of the concerns was that attorneys would be spending a lot of time in court. But the presence of a prosecutor may not always be required.

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SENATOR PASKVAN asked about expanding the program over the next five years.

MR. WOOLIVER answered that it is mostly a lack of treatment facilities and a lack of staff that prevents expansion.

SENATOR PASKVAN asked what the Legislature can do.

MR. WOOLIVER responded additional funding is needed for those types of services.

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CHAIR FRENCH commented that as creative as you want to be, it often comes down to money.

SENATOR MCGUIRE asked how safe and sober housing is funded.

MR. WOOLIVER said he'd find out and follow up.

SENATOR COGHILL said granting is probably the primary way, along with fee for service under Medicaid. Sometimes the problem is

not enough money, but sometimes it's lack of people to deliver the service.

Department of Corrections Reentry Programs

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CARMEN GUTIERREZ, Deputy Commissioner, Department of Corrections (DOC) said she would focus on reentry and reducing recidivism. If we reduce recidivism there are fewer victims in the community. We have a tendency to objectify and dehumanize these people, but each is a person and they are a daughter, son, mother, employee, or employer. Some people are in prison because they are dangerous; the middle group could go either way, and the third will never go back. We are focused on the middle group to make them productive members of the community.

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MS. GUTIERREZ then discussed programs the DOC has in place for the mentally ill. She said 40 percent of the DOC population are mental health trust beneficiaries, meaning they have been identified as individuals who have mental health issues. That figure does not include chronic alcoholics. One program that has been in place since 2002 is called Institutional Discharge Project Plus (IDP+) is a program where DOC is focusing on felony offenders who have a psychotic disorder and who are being released to probation or parole. The program connects them to needed services in their community. The program has been successful. A sample study indicates that in 2008 those completing the program had 15 percent recidivism in one year after release as compared to a 38 percent recidivism rate for the general prison population three years out.

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MS. GUTIERREZ noted the IDP+ program has proven to be of such benefit that now each clinician has a case load of 77, when best study practices say case loads should be 30.

CHAIR FRENCH asked if the program begins before or after release.

MS. GUTIERREZ said DOC clinicians should receive notice a couple of weeks before release. In practice, however, the notice can be as short as 12 hours. They need to make sure that the person will receive mental health services, and especially housing. The housing issue is a barrier and is an issue for all Alaskans.

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The DOC also has a plan called Assess, Plan, Identify, and Coordinate (APIC) that works with felony and misdemeanor offenders with mental illnesses that don't rise to the level of a psychotic disorder. The idea is to link them with services and appropriate service providers.

SENATOR PASKVAN asked if she could distinguish between a mental health disorder and a psychotic disorder.

MS. GUTIERREZ deferred to a mental health provider, and then tried to differentiate. Psychotics have a severe mental illness requiring medication. People under APIC could be those who are severely depressed, or have other mental health issues, and before incarceration were eligible for disability benefits but they lost them while in custody. DOC has found it is worth the time to get these people reconnected with benefits before they are released from custody.

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CHAIR FRENCH asked how many participants are in each program.

MS. GUTIERREZ said she would provide those figures later.

SENATOR COGHILL asked about the difference in case loads between the two groups.

MS. GUTIERREZ said she understands that clinicians working with APIC are picking up some overflow cases from other programs, including IDP+. A person being released is either one or the other.

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SENATOR PASKVAN stated that one issue is the high rate of incarceration for the indigenous population, and asked what is being done to deal with them returning to an underserved area.

MS. GUTIERREZ agreed it's a problem; small communities have fewer resources. DOC is looking at the telemedicine model to attempt to address this problem. There is a partnership between the Village Public Safety Officer (VPSO) and the DOC, so the VPSO serves as a probation officer. But there isn't an educated workforce in the area of substance abuse and sex offender treatment. She said that DOC is partnering with the University of Alaska to emphasize these kinds of degrees.

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SENATOR PASKVAN asked about incentives to keep these people in larger communities so they can get services.

MS. GUTIERREZ replied an individual from a remote community could ask to be released into a larger community and the probation officer would try to comply with that request. She noted that institutional treatment programs have a success level that is dependent on services after the person leaves the institution.

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SENATOR PASKVAN asked if the system gives a bonus for staying in a larger community away from the home community if someone wanted further treatment.

MS. GUTIERREZ answered no, but a person who does so is setting himself up for early release from probation.

SENATOR PASKVAN asked if a prisoner knows that process prior to discharge.

MS. GUTIERREZ replied the conservative answer is no. She conceded that kind of information should be available.

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MS. GUTIERREZ said DOC also has the Discharge Incentive grant for housing and related supports. This is administered in combination with the Division of Behavioral Health to provide transitional housing for 53 individuals with complex mental health disorders. This program hasn't been evaluated formally but indications are that it is reducing the number of days this population is spending in jail.

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MS. GUTIERREZ stated that DOC just completed its reentry manual, which all individuals with six months or less to serve will complete. It is based on a bureau of prisons model

She said the Probationer Accountability Certain Enforcement (PACE) program employs swift, certain, and proportionate sanctions. It is not a therapeutic court. By reallocating existing resources DOC has been able to get 70 people into the program. This model is appropriate for courts throughout the state. DOC would like to use it for domestic violence misdemeanor offenders.

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MS. GUTIERREZ said the Alaska Prisoner Reentry Task Force is an example of collaborative efforts with agencies, non profits, local governments, and interested individuals. The task force will soon release its five year prisoner reentry plan. It has 11 recommendations and one more is coming. She offered to return and answer questions once the report is ready for release. She made special mention of Linda Mills, the nationally recognized expert who was hired to coordinate and write the plan.

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SENATOR PASKVAN asked where the reentry program is headed, especially for sex offenders.

MS. GUTIERREZ answered that about 700 convicted sex offenders are incarcerated either in Alaska or in Colorado. Twenty-four of these offenders are receiving treatment at Lemon Creek. All other convicted sex offenders who have court-ordered treatment are required to obtain that treatment in the community. Because most communities in Alaska don't have sex offender treatment, many of these newly released sex offenders are living alone in Anchorage and Fairbanks, and then they re-violate. This cycle continues until they have done all their time and then they're released into the community without having gotten any treatment.

The probation department uses a containment model, which consists of treatment, the polygraph examination, and probation. The polygraph is intended to identify risk behaviors. Probation officers monitor these probationers closely. If warning signs crop up they intervene immediately.

SENATOR PASKVAN asked what the Legislature can do to help find a solution.

MS. GUTIERREZ replied a big issue is safe, appropriate, and affordable housing. The DOC has a special probation officer to work with the sex offender who is being released to transition him back into his community. If the person has safe and appropriate family support in his home community, he can go home while waiting for sex offender treatment in Fairbanks. In more cases than not, the person will be required to live in Anchorage, which usually means living at the Brother Francis Shelter. The shelter is completely overwhelmed by this population. She said the system has made it so difficult for sex offenders to find housing that it's almost impossible. So they live under the bridge, in a homeless camp, or in a shelter.

CHAIR FRENCH asked, if resources were unlimited, how many people could be put to work to offer treatment to all that need it.

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MS. GUTIERREZ said she would provide the information in short order.

Bridge Home Project

[2:39:13 PM](#)

STACY TONER, Deputy Director, Division of Behavioral Health, Department of Health and Social Services (DHSS), said she would talk about the Bridge Home Project. She explained that it is intended to serve the most challenging people of those cycling through API and DOC.

Bridge Home is a replication of the Housing First model that serves homeless people with alcohol addiction. In Washington it saved \$12 million in a 12 month period; Medicaid services were reduced by 56 percent; sobering center services were reduced by 87 percent, and homeless shelter use was down. For the Seattle participants, drinking was reduced by 50 percent due to assistance with goal setting and stable housing. The Journal of Community Psychology reported that 84 percent of people participating in Housing First models stayed in the program once placed.

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The goal of the Bridge Home program in Anchorage is to teach clients self-sufficiency by combining community supports, stable housing, and effective treatment while they transition to independent living. The program maintains 50 active clients. All of the clients were housed during the year. Nine of them were able to move to independent or Section 8 voucher housing. More people met the criteria for that but vouchers were not available. Eleven were actually engaged in job training. Ten of them worked for pay. Of the 50 active clients, there were a total of six arrests with a total of 83 days spent in jail. A longer range study indicates significant reduction in jail and API use. The most significant impact for DOC is the 80 percent drop in jail days for the people participating in the program. During the year after services the same people had 241 days in jail, whereas the year prior to treatment they had 1,608 days in jail.

CHAIR FRENCH noted that was a 1,200 day reduction in jail time, which costs almost \$120 per day.

MS. TONER said that clients also have access to flexible funding, which wraps services around the client. These might include transportation to access services, and medication management.

The program in Sitka, called Jericho Road, houses chronic inebriates who have a history of homelessness. They are served with stable housing and meals, and are able to access services in the community. There have been fewer arrests, air ambulance services, and fewer hospitalizations. The total monetary impact for community resources in Sitka has been a decrease from \$183,000 six months prior to the program starting, down to \$21,000 for the six months after opening.

CHAIR FRENCH said he hopes city managers are listening to this.

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MS. TONER said she would get locations of housing. She noted that AHFC is the primary funding resource for special needs housing. Responding to a question by Senator Paskvan, she said rural area services are limited. There are tribal providers that get service to communities and some of the agencies stretch their clinical staff by using behavioral health aides and rural health services aides.

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Telehealth services are being expanded through API into remote communities. The Tanana Chiefs Council implemented a computer system to all of their clinics, so that anyone who is in that community and needs assistance can see a psychiatrist or a psychologist, have medication management, and have medication shipped to them in the village.

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SENATOR PASKVAN asked about the voucher system at AHFC.

MS. TONER replied the problem is that there are not enough vouchers for the special needs population.

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JEFF JESSEE, CEO, Alaska Mental Health Trust Authority, stated that it's clear that it's a different situation in Alaska now because there are agencies working together to develop strategies and the accompanying data. The Trust will continue to piecemeal a way to advance in these various areas. Honestly, he said, the decision the Legislature and the administration are

faced with relates to the data on corrections. At the rate of current corrections growth, the state will need to build another Goose Creek every seven years. That's \$380 million in capital costs and \$50 million in operating costs for correctional officers. He suggested the Legislature consider developing an alternative plan to figure out what it would take to scale up these types of strategies and interventions to flat-line the increase in the corrections population and avoid having to construct prisons in the future.

He noted you can compare the cost of what we do today versus the cost of what we could do if we invested resources in a different way. We did that with Bring the Kids Home. You could do the same thing in this area. You could look at projected costs and come up with an alternative plan and what it would cost. You will provide housing one way or another for these people, either in correctional institutions or in safe, affordable housing in the community. We have increased the resources to AHFC by about \$10 million per year. Imagine if we took the cost of the next prison, \$380 million, and invested that in vouchers and supported housing and affordable housing across the state. We have the technology and it makes sense to look at ways to construct an alternative vision to correct the curve on the increasing prison population. If you decide to implement a strategy then you must stay on top of it or it will drift.

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SENATOR MCGUIRE asked for a broader look at the state of the mentally ill in Alaska. She asked where those who aren't in the correctional system are. Now we wait until they commit a crime. We should be looking at the prevention side to treat those into wellness before they commit a crime.

MR. JESSEE said he couldn't agree more, but they aren't at a loss for strategies, it's the lack of resources to implement these strategies. There isn't a lot of money for highly paid professionals, but we've learned that people in recovery can support one another. Prevention is critical, but we need to find ways to match priorities. The Legislature likes to cut costs, but we need to do a better job of thinking through policy decisions.

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CHAIR FRENCH thanked the presenters.

[3:01:06 PM](#)

There being no further business to come before the committee,
Chair French adjourned the Senate Judiciary Standing Committee
hearing at 3:01 p.m.